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Papers relating to the foreign relations of the United States with the annual message of the president transmitted to Congress December 3, 1906. (In two parts). Part II 1906

United States Department of State

Washington, D.C.: U.S. Government Printing Office, 1906

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U.S. Department of State

| PAPERS RELATING TO
THE
FOREIGN RELATIONS
OF THE
UNITED STATES |

WITH
THE ANNUAL MESSAGE OF THE
PRESIDENT TRANSMITTED TO
CONGRESS DECEMBER 3, 1906

IN TWO PARTS
PART 2



WASHINGTON
GOVERNMENT PRINTING OFFICE
1909

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1546150

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HAITI.

No.	From and to whom.	Date.	Subject.	Page.
2	Mr. Furniss to Mr. Root.....	1906. Jan. 6	Licenses to American citizens of Syrian origin in Haiti. States that licenses have been granted Syrians of British nationality and that he will take up the matter relative to the licensing of American citizens of Syrian origin.	897
8	Mr. Bacon to Mr. Furniss...	Jan. 17	Same subject. Approves action reported in No. 2.	897
6	Mr. Furniss to Mr. Root.....	Feb. 2	Expulsion of foreigners. Reviews cases and requests instructions in the event that any American citizens should be similarly dealt with.	869
7	Same to same.....	Feb. 3	Licenses to American citizens of Syrian origin in Haiti. States that licenses to do business will be issued to Syrians whose naturalization is not in doubt. States that licenses will be granted to Abdo Assali and M. Ajamie, but that Michael J. Kouri has been refused a license. Reports interviews with the President and minister for foreign affairs and incloses correspondence with the latter.	898
8	Same to same.....	Feb. 9	Postage charges in Haiti. Incloses decree setting forth that postal rates will be collected in gold or its equivalent after Apr. 1, 1906.	894
9	Same to same.....	Feb. 10	Expulsion of foreigners. Reports final disposition of cases reported in No. 6.	870
11	Same to same.....	Feb. 16	Withdrawal of exequatur. Report withdrawal by the Haitian Government of exequatur of the American vice-consul at Cape Haitien on charge of assisting revolutionists. Incloses note from minister for foreign affairs and his reply expressing regret that the legation was not consulted in the matter. The consul has been instructed to appoint a new vice-consul and to make a report on the subject.	872
15	Same to same.....	Feb. 21	Citizenship of Porto Ricans. Incloses copy of correspondence with the American consular agent at Port de Paix in which the agent is informed that the settlement of the estate of Dr. J. R. Paradis should be a matter for the Haitian courts.	877
11	Mr. Root to Mr. Furniss.....	Feb. 24	Expulsion of foreigners. States that if it appears that the expulsion of an American citizen is groundless, the legation should call on the Haitian Government to show cause why the expulsion should not be set aside or why claim should not be pressed.	870
26	Mr. Furniss to Mr. Root.....	Mar. 2	Withdrawal of exequatur. Incloses copies of correspondence with the American consul at Cape Haitien, inclosing copy of letter to the vice-consul and the reply thereto denying the charges.	874
12	Mr. Bacon to Mr. Furniss...	Mar. 5	Same subject. States that the abrupt cancellation of the representative's exequatur without the customary communication to the Government whose agent he imports a degree of discourtesy which requires explanation.	873
33	Mr. Furniss to Mr. Root.....	Mar. 10	Temporary extension of French-Haitian commercial treaty. Reports that agreement to extend the treaty for six months, pending further negotiations, will be signed when authorized by the French Government.	901
17	Mr. Root to Mr. Furniss.....	Mar. 15	Citizenship of Porto Ricans. Approves action reported in No. 15.	878
40	Mr. Furniss to Mr. Root.....	Mar. 26	Withdrawal of exequatur. Incloses copy of correspondence with the foreign office disclaiming any idea of offending the Government of the United States.	875
46	Same to same.....	Apr. 2	Temporary extension of French-Haitian commercial treaty. Reports signing of the agreement referred to in No. 33.	902

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No.	From and to whom.	Date.	Subject.	Page.
24	Mr. Bacon to Mr. Furniss...	1906. Apr. 12	Withdrawal of exequatur. States that the disclaimer of the Haitian foreign office is satisfactory to this Government, and that the consul has been instructed to nominate a new vice-consul at Cape Haitien.	876
27	Mr. Root to Mr. Furniss....	May 4	Claim of Michael J. Kouri. States that as it appears that Kouri and his associate were acquitted on the technical ground that the crime of counterfeiting had not been consummated, the department will not present or press the claim.	871
61	Mr. Furniss to Mr. Root....	May 22	Appointment of Mr. Sannon as secretary for foreign affairs. Reports the, and gives brief biographical sketch.	878
90	Same to same.....	Aug. 24	Tariff law and customs duties in Haiti. Incloses copy of law, and states that in spite of legation's representations it will go into effect at once, only vessels arriving on the 23d and 24th of August being exempt. Incloses letter from E. & F. Mevs, protesting against the law as unconstitutional.	878
93	Same to same.....	Sept. 1	Same subject. Incloses copy of official notice correcting error in law transmitted with No. 90.	882
94	Same to same.....	Sept. 14	Same subject. Incloses copy of law establishing minimum and maximum tariffs.	882
95	Same to same.....	do....	Exhibits of Haitian products in Haitian consulates. Incloses copy of law relative to the exhibition of Haitian products at Haitian consular offices.	903
42	Mr. Adee to Mr. Furniss....	Sept. 22	Tariff law and customs duties in Haiti. Approves action reported in Nos. 90 and 93, states that he may use his personal offices in behalf of the American protestants. Informs him that the department does not see that there is ground for any legal claim against the Haitian Government.	883
99	Mr. Furniss to Mr. Root.....	do....	Same subject. Incloses decree reestablishing old duty on soap, which is about 75 per cent less than the present one.	884
101	Same to same.....	Sept. 26	Provision by law for payment of interest on Haitian bonds. Incloses copy of law providing for payment of interest on internal bonds.	891
105	Same to same.....	Oct. 4	Tariff law and customs duties in Haiti. Reports circumstances in regard to the detention of merchandise on which duties were paid by Mr. Nakhle Boutros, according to law, before arrival of goods. Incloses correspondence with foreign office, and gives reasons for diplomatic action.	885
108	Same to same.....	Oct. 10	Opening of Port Mole St. Nicholas. Incloses copy of decree.	893
109	Same to same.....	do....	Temporary extension of French-Haitian commercial treaty. Incloses protocol extending the treaty until Jan. 31, 1907.	902
111	Same to same.....	Oct. 16	Naturalization treaty between Great Britain and Haiti. Reports exchange of ratifications.	895
115	Same to same.....	Oct. 20	Tariff law and customs duties in Haiti. Incloses note from foreign office reporting decision of the Haitian Government to release goods referred to in No. 105, without payment of further duties.	890
46	Mr. Root to Mr. Furniss.....	Oct. 23	Same subject. Approves course reported in No. 105 and directs, if no fraud is apparent, continuance of good offices.	891
119	Mr. Furniss to Mr. Root.....	Oct. 25	Law for the establishment of a petroleum refinery. Incloses copy of law sanctioning a contract for the establishment and operation of a petroleum refinery. Recites advantages conferred by the law which will probably result in a practical monopoly of the kerosene trade.	904
121	Same to same.....	Nov. 1	Naturalization treaty between Great Britain and Haiti. Transmits text.	895
122	Same to same.....	Nov. 8	Tariff law and customs duties in Haiti. Acknowledges No. 146 and states that the case referred to therein was settled agreeable to his contention, as stated in his No. 115.	891

ITALY.

45	Mr. Root to Mr. White.....	1905. Oct. 17	Amendment to the extradition treaty between Greece and Italy. Incloses No. 319 from Greece in regard to an additional extradition treaty between Greece and Italy, providing for the extension of the period in which extradition can be granted, and instructs him to ascertain whether a similar amendment could be made in our treaty.	916
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No.	From and to whom.	Date.	Subject.	Page.
	Mr. Montagna to Mr. Root..	1905. Dec. 30	International institute of agriculture. Referring to previous interviews and correspondence, urges the appointment of plenipotentiaries empowered to sign the convention drafted at the conference of Rome.	942
96	Mr. White to Mr. Root.....	1906. Jan. 2	Same subject. States that the great desire of the Italian Government was expressed to him by the director-general of the foreign office during recent conversation. Incloses memorandum setting forth status of convention as regards its signing by other powers.	943
106	Same to same.....	Jan. 11	Amendment to the extradition treaty between Greece and Italy. Reports his repeated but unsuccessful efforts to obtain a response from the Italian Government in regard to amendment to treaty.	916
	Mr. Root to Mr. White (telegram).	Jan. 20	International institute of agriculture. Instructs him to sign convention, subject to the advice and consent of the Senate and enactment of legislation by Congress to give it effect, so far as concerns the United States.	944
64	Mr. Bacon to Mr. Hitt.....	Jan. 26	Issuance of passports. Lays down rule applicable in issuing passports to naturalized Americans whose names have been incorrectly written or distorted in their naturalization certificates.	910
66	Mr. Root to Mr. Hitt.....	Jan. 29	International institute of agriculture. Incloses full power authorizing Mr. White to sign the convention, subject to the advice and consent of the Senate and the enactment of legislation to give it effect, so far as concerns the United States.	944
119	Mr. Hitt to Mr. Root.....	Jan. 30	Amendment to the extradition treaty between Greece and Italy. Incloses memorandum from foreign office setting forth that the Italian Government has no objection to an amendment to the treaty, but remarks that in the treaty between Italy and Greece the extension referred to only applies to the time between the receipt of the papers and the surrender of the fugitive.	917
	Mr. Montagna to Mr. Root..	Feb. 27	Regulations regarding certificate of origin of importations into Italy. Communicates list of articles for which certificates must be produced upon their importation into Italy.	908
77	Mr. Bacon to Mr. Hitt.....	Mar. 3	Amendment to the extradition treaty between Greece and Italy. States that in view of the explanation of Italian Government this Government does not think it needful to propose any amendment to the extradition treaty with Italy.	918
	Mr. Montagna to Mr. Root..	Mar. 7	Regulations regarding certificate of origin of importations into Italy. Incloses communication from minister of foreign affairs relative to new measures taken in Italy.	909
	Mr. Bacon to Mr. Montagna..	do.....	Seamen deserting from foreign vessels in the Philippines. Incloses copy of enactment of the Philippine Commission.	941
140	Mr. Hitt to Mr. Root.....	Mar. 10	Commercial treaty between Austria-Hungary and Italy. Reports treaty signed on the 11th ultimo and proclaimed on the 28th ultimo.	910
	Mr. Montagna to Mr. Root..	Mar. 11	Reciprocal protection of trade-marks in China. States that Italian consuls in China have been furnished with instructions similar to those issued to the legation at Tangier and submitted to the department Dec. 19, 1903.	232
	Same to same.....	Mar. 23	Prohibition of food products. Requests use of good offices with the executive department of Ohio to obtain the withdrawal of an order, issued by the food commissioner of that State, prohibiting the sale of paste colored with saffron. States that the order is not justified by the provision of law on which it is based nor by the nature of the coloring matter.	965
	Same to same.....	Mar. 27	International institute of agriculture. Incloses decree organizing a royal commission to carry the convention of Rome into effect, and states that the king has turned over to the commission royal revenues in the amount of 300,000 lire per annum for the erection of a building.	945
348	Mr. Bacon to Mr. Montagna..	Mar. 31	Prohibition of food products. Informs him that the department has communicated with the governor of Ohio.	966

ITALY—Continued.

No.	From and to whom.	Date.	Subject.	Page.
	Mr. Bacon to Mr. Hitt (telegram).	1906. Apr. 6	Function in honor of Professor Baccelli. "In response to invitation just received from Italian embassy you are authorized to be present at royal function in honor of Prof. Guido Baccelli, Policlinico Humberto I, Apr. 8, to represent the department of education of this Government."	910
351	Mr. Bacon to Mr. Montagna..	Apr. 9	Prohibition of food products. Informs him that the governor of Ohio has replied that domestic manufacturers have complied with the statutes, and that he sees no hardship in requiring a similar compliance with the law on the part of foreign manufacturers.	966
	President Roosevelt to the King of Italy (telegram).	Apr. 10	The Mount Vesuvius eruption. "My countrymen are deeply impressed with awe and sorrow by the great calamity that afflicts the Italian people in the disastrous eruption of Vesuvius. In their name, and in my own, I tender to your Majesty and the sufferers heartfelt sympathy."	913
166	Mr. White to Mr. Root.....	Apr. 11	Issuance of passports. Quotes telegrams exchanged with the department in regard to the granting of a passport to infant.	912
167	Same to same.....	Apr. 12	International institute of agriculture. Reports signing of convention and incloses copy of "Pro Memoria" handed to the minister for foreign affairs.	946
	Mr. Montagna to Mr. Root..	Apr. 24	Prohibition of food products. Incloses petition of New York importers for delay in putting into effect the decision regarding coloring matter in Italian pastes.	967
180	Mr. White to Mr. Root.....	May 2	Issuance of passports. Recites the case of Giovanni Caprio, who returned to and remained in Italy for a period of nearly three years of the five that preceded his naturalization. Submits the question for the department's consideration.	911
370	Mr. Bacon to Mr. Montagna..	May 15	Prohibition of food products. Informs him that the Secretary of Agriculture regrets that his department is unable to grant delay requested in his note of the 24th ultimo.	967
925	Mr. Montagna to Mr. Root..	May 19	Death of Italians in United States. Complaints that the authorities of the States of Pennsylvania, Virginia, and West Virginia fail to comply with the provisions of the consular convention between Italy and the United States notwithstanding assurances given in department's note of June 30, 1893.	964
	Same to same.....	May 20	Regulations regarding certificate of origin of importations into Italy. Gives list of articles for which certificates are no longer required.	909
92	Mr. Bacon to Mr. White.....	May 25	Issuance of passports. Instructs him to obtain certain evidence and Caprio's certificate of naturalization for submission to the court at which the naturalization proceedings were held.	912
372	Mr. Root to Mr. Montagna..	May 26	Death of Italians in United States. Acknowledges note of the 19th instant and states that on July 14, 1893, this department in a circular letter called the matter to the attention of the governors of the States and Territories, and that another circular of the same character will now be addressed to them.	965
197	Mr. White to Mr. Root.....	June 2	The Mount Vesuvius eruption. Incloses receipt for \$6,300 contributed by the citizens of Boston, Massachusetts, to relief of sufferers.	913
204	Same to same.....	June 13	Counterfeiting the American consular seal. Recites case at Palermo, and states that under a recent decision of the court the offense was held not to be a criminal one, the law only contemplating seals that are valid in Italy. Incloses correspondence with the consul; states that the matter has been laid before the Italian Government and inquires what protection there may be in the United States against such counterfeiting.	934
1130	Mr. Montagna to Mr. Root..	June 20	Harsh treatment of Italian laborers. Incloses memorandum in regard to ill treatment of Italian laborers employed by the Spruce Pine Carolina Co. Asks that matter be investigated and measures taken to insure the safety and protection of his fellow-countrymen.	919
211	Mr. White to Mr. Root.....	do.....	Counterfeiting the American consular seal. Incloses copy of judgment rendered in the case and reports conversation with minister for foreign affairs urging prosecution of counterfeiters under other provisions of law.	937

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No.	From and to whom.	Date.	Subject.	Page.
213	Same to same.....	1906, June 21	The Mount Vesuvius eruption. Incloses receipt for \$1,151 contributed by the American Red Cross.	914
214	Same to same.....	do.....	Same subject. Reports sending of drafts for \$1,427.20 and \$2,252.60, respectively, to the Italian Red Cross from the American Red Cross as directed in department's telegrams.	914
1163	Mr. Montagna to Mr. Root..	June 26	Harsh treatment of Italian laborers. Refers to his note of June 20, calls attention to further instances of ill treatment, and reiterates request made in former note.	925
219	Mr. White to Mr. Root.....	June 27	The Mount Vesuvius eruption. Transmits copy of letter from Italian Red Cross expressing thanks for remittance of \$1,151 from the American Red Cross.	915
378	Mr. Root to Mr. Montagna..	June 30	Harsh treatment of Italian laborers. Informs him that his notes have been sent to the Attorney-General for his information and to the governors of Virginia and North Carolina for such action as in their opinion the facts seem to require.	926
	Mr. Montagna to Mr. Root..	July 5	Same subject. Incloses report of the New York City commissioner of licenses referring to the ill treatment of Italian laborers in North Carolina and asks that pending the result of promised investigation Italian laborers in construction camps be permitted to collect wages due them and leave.	926
106	Mr. Adee to Mr. White.....	July 7	Counterfeiting the American consular seal. States that the counterfeiting of a foreign consular seal as such is not a crime punishable under the statutes of the United States. Suggests agreement, by exchange of notes, if Italian law does not cover the offense, to use all proper efforts to secure legislation covering the subject. Incloses memorandum by the solicitor.	938
228	Mr. Hitt to Mr. Root.....	July 10	The Mount Vesuvius eruption. Transmits receipt for money referred to in No. 219.	915
109	Mr. Bacon to Mr. White.....	July 11	International institute of agriculture. Incloses instrument of ratification, asks to be informed of the date of deposit and of names of other governments making the deposits, quotes from the deficiency appropriation act of June 30, and states that Mr. David Lubin has been selected to represent this Government on the permanent committee.	946
	Mr. Bacon to Mr. Montagna.	July 14	Marriage of Italians to Americans in the United States. Inquires as to validity in Italy of marriages certified to by Italian consular officer, and requests information as to a nobleman marrying an American woman.	962
381	Same to same.....	do.....	Harsh treatment of Italian laborers. Incloses letter from the governor of Virginia in regard to alleged occurrences at Marion, Va.	927
1293	Mr. Montagna to Mr. Root..	July 17	Same subject. States that the ill treatment of Italians occurred at Marion, N. C., and not at Marion, Va., as previously stated by him.	928
383	Mr. Bacon to Mr. Montagna.	July 19	Same subject. Informs him that the governor of North Carolina has this day been communicated with.	929
114	Mr. Bacon to Mr. Hitt.....	July 20	Operation of the law regarding inspection of meat for exportation. Incloses copy of letter from the Department of Agriculture for communication to the Italian Government.	953
115	Mr. Bacon to Mr. White.....	July 21	Degree conferred on the King of Italy by the University of Pennsylvania. Incloses diploma for delivery to the King.	962
1325	Mr. Montagna to Mr. Root..	do.....	Harsh treatment of Italian laborers. States that the trial of certain Italian laborers will take place at Marion, N. C., on the 23d instant, and requests, in view of the conditions existing in that district, that this Government cause the competent judicial authorities to make a careful examination of the facts and to proceed where necessary to a severe punishment of the crimes perpetrated.	929
	Same to same.....	July 24	Marriage of Italians to Americans in the United States. States that marriage is valid in Italy if solemnized in accordance with the law of this country and that of Italy; that the certificate must be authenticated by an Italian consular officer and recorded in the home town of the husband; and that there is no distinction made on account of nobility.	963

ITALY—Continued.

No.	From and to whom.	Date.	Subject.	Page.
1367	Same to same.....	1906. July 25	Harsh treatment of Italian laborers. Complains of obstacles placed in the way of the attorney employed by the embassy in the matter and asks that the governor of North Carolina be requested to issue orders for the prompt investigation of the incidents complained of.	930
386	Mr. Adee to Mr. Montagna..	July 27	Same subject. Informs him that his notes of July 17 and 21 have been communicated to the Attorney-General and to the governor of North Carolina.	931
387	Mr. Bacon to Mr. Montagna.	July 30	Same subject. States that the governor of North Carolina has been requested to extend courteous consideration to the attorney employed by the embassy.	931
390	Same to same.....	Aug. 13	Operation of the law regarding inspection of meat for exportation. Informs him of instructions sent this day to Ambassador White.	955
121	Mr. Bacon to Mr. White.....	..do....	Same subject. Incloses copy of letter from Department of Agriculture in regard to the commencement of meat inspection and the marking of meat so inspected and directs him to make a formal notification thereof.	955
	Mr. White to Mr. Root (telegram).	..do....	Same subject. States that Italian consuls have been instructed to discontinue the examination of meat products and to confine themselves to authenticating certificates issued by the American Department of Agriculture under the new act.	956
241	Same to same.....	..do....	Degree conferred on the King of Italy by the University of Pennsylvania. States that at the request of the King the diploma will be presented in November, upon the return of the court to Rome.	962
246	Same to same.....	Aug. 14	Counterfeiting the American consular seal. States that case has been appealed to higher court, and that should it be found that the Italian law does not cover the case the suggestion as to an exchange of notes will be favorably received.	940
247	Same to same.....	..do....	Operation of the law regarding inspection of meat for exportation. Confirms and amplifies telegram of the 13th.	956
	Mr. Montagna to Mr. Adee (telegram).	Aug. 24	Harsh treatment of Italian laborers. "It gives me pleasure to inform you that a specified agreement has been reached between this embassy and the representatives of the Carolina company which settles all the questions arising from the known controversy in North Carolina. Accept my best thanks for the kind interest you took in the matter. High regards."	932
1617	Same to same.....	Aug. 25	Same subject. Recites details of settlement of the matter, which was effected with representatives of the Carolina company outside of court, and expresses thanks for active cooperation of the departments of State and Justice.	932
253	Mr. White to Mr. Root.....	Aug. 30	Operation of the law regarding inspection of meat for exportation. Incloses copy of note addressed to the foreign office relative to the inauguration of inspection of meat products.	957
130	Mr. Bacon to Mr. White.....	Sept. 11	Counterfeiting the American consular seal. Approves action reported in No. 106 and states that the department will await the decision of the Italian court of appeals before proceeding to an exchange of notes on the subject.	941
	Mr. Montagna to Mr. Root..	Sept. 13	Operation of the law regarding inspection of meat for exportation. States that hereafter the American certificate of microscopic inspection will be required with all shipments of pork to Italy and that other meats must continue to be accompanied by the certificate required by the Italian order of 1898.	957
	Mr. Adee to Mr. Montagna..	Sept. 20	Same subject. Informs him that his note of the 13th instant has been transmitted to the Secretary of Agriculture.	958
	Mr. Hitt to Mr. Root (telegram).	Oct. 25	Same subject. Reports that the Genoa agent of Swift & Co. complains that the customs authorities still require certificates of microscopic examination and gives information as to grounds upon which requirement is based.	958
2107	Mr. Montagna to Mr. Root..	Nov. 2	Same subject. Refers to his note of Sept. 13 and asks to be put in a position to issue instructions to the Italian consuls in the United States.	959

ITALY—Continued.

No.	From and to whom.	Date.	Subject.	Page.
410	Mr. Bacon to Mr. Montagna.	1906. Nov. 5	Same subject. Informs him that microscopic inspection has been abandoned by the Department of Agriculture and in lieu thereof white certificates are issued under the act of June, 1906, which is most rigid. Expresses hope that these certificates may be recognized and accepted by the Italian Government.	959
	Mr. Bacon to Mr. Hitt (telegram).	...do....	Same subject. Instructs him to explain to the Italian Government the situation as to American inspection certificates and to seek assurance that the new certificates will be accepted.	960
2278	Mr. Mayor to Mr. Root.....	Nov. 24	Exclusion of olive oil. Refers to recent regulations issued by this Government, incloses certificate stating that all Tuscany sweet oil is known to trade as Lucca oil and asks that the product of S. Rae & Co. of Leghorn, labeled Lucca oil, though it is neither made at nor exported from Lucca, be admitted into this country as heretofore.	907
2317	Same to same.....	Nov. 26	Operation of the law regarding inspection of meat for exportation. States that certificates of microscopic inspection will not be required by the Italian Government and that the Italian consuls in the United States have been instructed to comply with the decision.	960
	Mr. Hitt to Mr. Root (telegram).	Dec. 1	Same subject. States that the Italian Government will accept so-called white certificates and that it withdraws requirement for certificate attesting microscopic inspection of pork products. The Italian consuls will be so notified by the Italian ambassador at Washington.	961
2405	Mr. Mayor to Mr. Root.....	Dec. 6	Destruction of tobacco owned by Italian Government. Cites instances, and requests for such property the most constant protection and security guaranteed by the treaties.	949
2513	Same to same.....	Dec. 18	Same subject. Incloses extracts from the Western Tobacco Journal showing there is no improvement in the situation, and giving a list of factories working under the Italian monopoly.	951
423	Mr. Root to Mr. Mayor.....	Dec. 21	Same subject. Quotes from Article III of the treaty of Feb. 26, 1871, and states that inasmuch as native citizens seek and obtain redress for their injuries or threatened injuries to property by means of proceedings in courts of justice it would appear that the Italian Government or Italian subjects should in like manner seek redress in courts of justice. Adds that a copy of his note and the department's reply have, however, been transmitted to the governors of Kentucky and Tennessee.	952
425	Same to same.....	Dec. 27	Exclusion of olive oil. Incloses letter from the Department of Agriculture setting forth that department's views in the matter and stating that pending further inquiry no objection will be made to Tuscan olive oil branded as Lucca oil.	907
2684	Mr. Mayor to Mr. Root.....	Dec. 30	Operation of the law regarding inspection of meat for exportation. Informs the department of the decision of the Italian Government relative to the acceptance of inspection certificates and states that the Italian consular officers will be notified.	961

JAPAN.

335	Mr. Hay to Mr. Buck.....	1900. Dec. 31	Copyright convention. Incloses correspondence, directs him to study the matter, and states that no reason is seen why a reciprocal declaration, in the shape of a protocol, conforming to the laws of the United States and substantially on the lines of existing understandings, should not meet the case. Requests full report.	968
541	Mr. Wilson to Mr. Hay.....	1901. Feb. 20	Same subject. Makes full report called for in instruction No. 335.	970
545	Same to same.....	Mar. 12	Same subject. Incloses copy of note addressed to the foreign office requesting that the Japanese Government agree to make a convention securing to the United States and Japan national or most-favored-nation treatment in copyrights.	971

JAPAN—Continued.

No.	From and to whom.	Date.	Subject.	Page.
345	Mr. Hay to Mr. Wilson.....	1901. Apr. 15	Same subject. Incloses copy of a letter from the Librarian of Congress expressing his views on the subject.	973
563	Mr. Wilson to Mr. Hay.....	May 20	Same subject. Incloses copy of correspondence had with the foreign office.	974
589	Mr. Buck to Mr. Hay.....	Oct. 14	Same subject. Incloses copy of note from the minister for foreign affairs setting forth grounds upon which Japan would be justified in not agreeing to a convention.	978
	Mr. Griscom to Mr. Hay (telegram).	1905. Feb. 16	Same subject. States that Japan is willing to enter into a convention provided copyright does not apply to translations or to books published before the date of ratification of the convention.	980
	Mr. Adee to Mr. Griscom (telegram).	Mar. 24	Same subject. Instructs him to endeavor to have certain provisions made in convention, but authorizes him, should he fail, to agree to convention referred to in telegram of Feb. 16.	982
267	Mr. Griscom to Mr. Hay....	May 27	Same subject. Incloses draft submitted by the minister for foreign affairs, and reports conversations with Japanese officials.	980
333	Mr. Griscom to Mr. Root....	Nov. 10	Same subject. Reports signing of convention and incloses copy of notes exchanged with the foreign office relative to the meaning of the word "published."	982
340	Mr. Wilson to Mr. Root.....	Nov. 22	American property in Port Arthur and Dalny. Gives names of American owners of property left at Port Arthur and Dalny and reports that he has finally secured a promise that representatives of parties interested will be allowed in about a fortnight to visit both places and investigate.	1074
363	Same to same.....	1906. Jan. 2	Japanese administration of Korean affairs. Reports in regard to the organization of the residency general and residencies in Korea, and presents a brief statement of the powers and duties of the incumbents.	1022
364	Same to same.....	Jan. 3	Chinese students in Japanese schools. Incloses copy of regulations issued by the Japanese Government for controlling schools open to the Chinese, which, in view of the increasing number of students, the Japanese Government felt called upon to issue. Refers to certain provisions of the regulations which caused disturbance among the students until explained by the Japanese Government.	1072
369	Same to same.....	Jan. 9	Mutual raising of the legations of the United States and Japan to embassies. Reports that the appointment of Viscount Aoki as Japanese ambassador to the United States was made Jan. 7 and gazetted this day. Gives record of new ambassador.	1005
	Mr. Bacon to Mr. Hioki.....	Jan. 10	Famine in Japan. Incloses letter from Department of Agriculture, inclosing one from the Davenport Democrat relative to raising a subscription, and asks would such a subscription be accepted.	999
370	Mr. Wilson to Mr. Root.....	Jan. 12	Treaty and additional agreement between China and Japan. Incloses translation of and summarizes the provisions of treaty. States that certain protocols have been signed, but are kept secret.	995
	Mr. Hioki to Mr. Bacon.....	Jan. 16	Famine in Japan. States that outside contributions will be acceptable, but it is desired that the Japanese Government may have the disposal of it.	1000
372	Mr. Wilson to Mr. Root.....	Jan. 18	American property in Port Arthur and Dalny. States that arrangements are being perfected to permit owners to visit both places and investigate, and that permission has been exceptionally granted to the agent of the American Trading Company to visit Port Arthur, but only as an ordinary traveler. Incloses memorandum relative to steps taken by the legation in the matter and note requesting permits for Messrs. Nielson, Friede, and Toritch, together with note from the foreign office announcing the early removal of restrictions.	1075
373	Same to same.....	Jan. 19	Japanese administration of Korean affairs. Incloses note announcing the establishment of Japanese residencies in Korea and the closing of the legation and consulates on Feb. 1.	1023
4	Mr. Hioki to Mr. Root.....	do.....	Same subject. Announces that the Japanese residency-general and residencies will be formally established in Korea on Feb. 1.	1024
	Same to same.....	do.....	Same subject. Incloses translation of imperial ordinance establishing the residency-general and residencies in Korea.	1024

JAPAN—Continued.

No.	From and to whom.	Date.	Subject.	Page.
		1906.		
384	Mr. Bacon to Mr. Hioki.....	Jan. 31	Exchange of prisoners of war. Quotes telegram of Jan. 30 from the American ambassador to Russia.	1086
	Mr. Wilson to Mr. Root.....	Feb. 1	American property in Port Arthur and Dalny. States that owners of property will be allowed to visit both places for the purpose of examining and disposing of property. Incloses regulations and copies of correspondence with the foreign office granting permits to Messrs. Nielson, Toritch, and Dunn, of the American Trading Company, and to Mr. Friede, in whose case some difficulty was experienced because he could not furnish the required list of property.	1079
	Mr. Bacon to Mr. Hioki.....	Feb. 3	Exchange of prisoners of war. Quotes telegram of Feb. 2 from the American ambassador to Russia, giving information concerning certain Japanese prisoners.	1087
10	Mr. Hioki to Mr. Root.....	...do....	Resumption of diplomatic relations between Japan and Russia. Asks that the Russian Government be requested to grant temporary recognition of Mr. Motono as Japanese minister to Russia, pending the arrival of his credentials.	1087
12	Same to same.....	Feb. 5	Same subject. Requests that the American ambassador at St. Petersburg be instructed to turn the Japanese legation over to Mr. Tano, the third secretary.	1088
258	Mr. Root to Mr. Hioki.....	Feb. 7	Same subject. Informs him that instructions have been issued to the American ambassador at St. Petersburg as requested in his No. 12.	1088
259	Mr. Bacon to Mr. Hioki.....	Feb. 8	Same subject. Informs him that instructions have been issued to the American ambassador at St. Petersburg as requested in his No. 10.	1089
260	Same to same.....	Feb. 10	Same subject. Refers to his No. 10 and states that the American ambassador telegraphs that the Russian Government will not fail to recognize Mr. Motono upon his arrival at St. Petersburg and that it is entirely disposed to facilitate him in the exercise of his functions before the receipt of his official letters of credence.	1089
389	Mr. Wilson to Mr. Root.....	Feb. 13	Japanese administration of Korean affairs. Reports speeches made by Marquis Ito, outlining Japan's policy in Korea. Incloses newspaper articles.	1027
	Mr. Bacon to Mr. Wilson (telegram).	Feb. 15	Famine in Japan. Directs him to draw on the Secretary of State for \$10,000, and to pay the proceeds to the minister for foreign affairs as having been collected by the Red Cross, through the Christian Herald, for the relief of famine sufferers. The hope is expressed that it may be expended for food.	1000
	Mr. Root to Mr. Wilson (telegram).	Feb. 21	The open-door policy in Manchuria, establishment of custom-houses and opening of ports to international trade. Instructs him to inquire into alleged discrimination in favor of Japanese trade in Manchuria. Refers to representations made by American tobacco interests.	170
395	Mr. Wilson to Mr. Root.....	Feb. 23	Visit of Prince Arthur of Connaught to Japan. Reports the, to deliver the Order of the Garter to the Emperor, and also in regard to his visit to the American legation on Washington's birthday.	1022
399	Same to same.....	Mar. 2	Famine in Japan. Reports conversation with the minister for foreign affairs, who expressed gratification and appreciation of relief afforded. Makes suggestion as to form to be taken in future contributions.	1001
	Mr. Root to Mr. Wilson (telegram).	Mar. 8	Japanese administration of Korean affairs. Directs him to inquire if the Japanese Government would acquiesce in the American representative at Seoul being styled "agent and consul-general," thus following a usual precedent in the case of protected countries and facilitating business relations with the Japanese residents.	1033
19	Mr. Hioki to Mr. Root.....	Mar. 13	Exchange of prisoners of war. Expresses thanks for the services rendered by the American embassy at St. Petersburg and by Consul Smith.	1087
412	Mr. Wilson to Mr. Root.....	Mar. 15	The open-door policy in Manchuria, establishment of custom-houses and opening of ports to international trade. Acknowledges telegram of Feb. 25, and incloses copies of notes to foreign office, to which no reply has been received. Gives his reasons for policy of exclusion of foreigners.	171
	Mr. Root to Mr. Wilson (telegram).	Mar. 22	Earthquake in Formosa. Directs him to express in fitting terms the sorrow and sympathy of the President and American people for the awful calamity in Formosa.	1063

JAPAN—Continued.

No.	From and to whom.	Date.	Subject.	Page.
	Mr. Wilson to Mr. Root (telegram).	1906, Mar. 24	Japanese administration of Korean affairs. States that the Japanese Government is unwilling to have consul-general at Seoul styled, in addition, "agent," on the ground that under the agreement between Japan and Korea all diplomatic business concerning Korea is to be transacted at Tokyo, and the resident general will treat in regard to such foreign matters only as come within the scope of consular functions.	1033
	Mr. Root to Mr. Wilson (telegram).	...do....	The open-door policy in Manchuria, establishment of custom-houses and opening of ports to international trade. Instructs him to bring to the attention of the Japanese Government the fact that reports indicate that the action of Japanese authorities in Manchuria seems to be so directed to the promotion of Japanese interests as to leave no opening for other foreign trade by the time the territory is evacuated.	174
	Mr. Wilson to Mr. Root (telegram).	Mar. 28	Same subject. Reports that he has been strongly urging Japanese Government to give real effect to their avowed open-door policy in Manchuria and that he hopes soon to report a definite answer to his notes. States that present obstruction undoubtedly due to obstruction by military branch of government. Representations are being made by British Government.	174
418	Same to same.....	...do....	Same subject. Refers to his telegram of this date and incloses note to foreign office.	174
419	Same to same.....	...do....	Japanese administration of Korean affairs. Incloses copy of notes exchanged with the foreign office relative to the addition of "agent" to the style of the American consul-general at Seoul.	1034
420	Same to same.....	...do....	The open-door policy in Manchuria, establishment of custom-houses and opening of ports to international trade. Incloses newspaper editorial favoring open-door policy and laying stress upon need of a united policy on the part of the United States, Great Britain, and Japan for the maintenance of Chinese integrity and the principle of the "open-door."	175
	Mr. Root to Mr. Wilson (telegram).	Mar. 30	Same subject. Replies to telegram of 28th, and states that military exigencies do not justify situation that is rapidly developing in Manchuria, and will leave China, if continued, as the mere nominal sovereign of a territory where the material advantages shall have been appropriated by temporary occupants.	177
423	Mr. Wilson to Mr. Root.....	Apr. 1	Earthquake in Formosa. Incloses correspondence with foreign office expressing thanks for the President's message of condolence.	1063
21	Mr. Hioki to Mr. Root.....	Apr. 3	Reciprocal exemption of steamship inspection. Makes proposition for the consideration of the American Government.	990
	Mr. Wilson to Mr. Root (telegram).	Apr. 5	The open-door policy in Manchuria, establishment of custom-houses and opening of ports to international trade. Reports interview had with minister for foreign affairs, and assurances given by him. Minister stated that he would reply in writing within a few days to representations of the United States.	177
426	Same to same.....	...do....	Japanese administration of Korean affairs. Incloses bill relating to the judiciary in Korea, and refers to certain provisions thereof.	1035
427	Same to same.....	...do....	Famine in Japan. Reports in regard to contributions made by the Christian Herald and the Red Cross.	1001
428	Same to same.....	...do....	Same subject. Incloses report on famine conditions in northern Japan.	1002
429	Same to same.....	...do....	Purchase of railways by the Japanese Government. Reports relative to, and incloses copy of law.	986
432	Same to same.....	Apr. 9	Customs tariff law of Japan. States that the law goes into effect on October 1, and that American interests generally express satisfaction. Reviews items affecting the trade of the United States.	994
265	Mr. Bacon to Mr. Hioki.....	Apr. 10	Alleged violations of the Geneva and Hague conventions. Incloses dispatch from the American embassy at St. Petersburg inclosing answer of the Russian Government to the Japanese Government's notes of July 20 and July 29, 1905.	990

JAPAN—Continued.

No.	From and to whom.	Date.	Subject.	Page.
436	Mr. Wilson to Mr. Root.....	1906. Apr. 11	Diplomatic intervention in contentious matters. Incloses note from foreign office giving notice that the Japanese Government will not entertain diplomatic intervention in cases where a judicial remedy exists until that remedy has been exhausted, and a case justifying diplomatic intervention is presented.	1071
	Same to same .....	...do....	The open-door policy in Manchuria, establishment of custom-houses and opening of ports to international trade. States that he has received written reply from minister for foreign affairs confirming verbal assurances already given him, and emphasizing Japan's earnest adherence to the open-door policy in Manchuria.	178
437	Same to same	Apr. 12	Same subject. Incloses copy of note from minister for foreign affairs, confirming verbal assurances reported in his telegram of the 5th.	178
	Memorandum from the Japanese legation.	...do....	Same subject. Recites reasons which have prevented the admission of foreigners into Manchuria and points out that Japan has no thought of violating the principles of open door and equal opportunity for which it has been pledged. Names certain ports to which foreigners, and foreign consuls and vessels will be admitted in May and June.	180
	Mr. Root to Mr. Hioki.....	Apr. 13	Same subject. Incloses memorandum in reply to the memorandum left by him on April 12.	181
440	Mr. Wilson to Mr. Root.....	Apr. 16	Same subject. Reports visit of minister for foreign affairs to Manchuria.	183
266	Mr. Root to Mr. Hioki.....	Apr. 18	Reciprocal exemption of steamship inspection. Quotes letter from the Department of Commerce and Labor setting forth that orders will be issued by that department as soon as orders have been issued by the Japanese authorities.	991
182	Mr. Bacon to Mr. Wilson....	Apr. 20	The open-door policy in Manchuria, establishment of custom-houses and opening of ports to international trade. Incloses dispatch from the American consul-general at Newchwang submitting a report on the commercial exploitation of Manchuria and the withdrawal of the Japanese troops.	183
183	Same to same .....	...do....	Same subject. Refers to his No. 412 and expresses gratification at his keen appreciation of importance of the situation created by the exclusive policy of the Japanese Government and states that he should advert to the similar exclusiveness which the Japanese are effecting in Korea.	186
441	Mr. Wilson to Mr. Root.....	Apr. 25	Same subject. Japanese press editorial inclosed, comments on.	187
24	Mr. Hioki to Mr. Root.....	...do....	Mutual raising of the legations of the United States and Japan to embassies. Reports arrival in Washington of Viscount Aoki, and asks that a day and hour be fixed for the presentation of his credentials.	1006
	Mr. Bacon to Mr. Hioki.....	May 1	Same subject. States that Viscount Aoki will be received by the President on the 3d instant at 2.30 o'clock.	1006
187	Mr. Bacon to Mr. Wilson....	May 3	The open-door policy in Manchuria, establishment of custom-houses and opening of ports to international trade. Commends conduct reported in Nos. 418, 420, and 425.	188
446	Mr. Wilson to Mr. Root.....	...do....	Postbellum arrangements between the Japanese and Russian forces. Incloses translation of certain regulations governing a naval armistice arranged between the Japanese and Russian admirals last September, together with translation of the protocol of military armistice.	1085
447	Same to same	May 4	Same subject. Incloses translation of memorandum relating to the crossing of the neutral zone between the Japanese and Russian forces in Manchuria; together with translation of the protocol of the procedure in withdrawing troops of the Japanese and the Russian armies from Manchuria and transferring the railways.	1083
453	Same to same	May 15	Copyright convention. Incloses instrument of ratification.	985
	Proclamation by the President.	May 17	Same subject. Text of the copyright convention..	983
456	Mr. Wilson to Mr. Root.....	...do....	Famine in Japan. Reports in regard to further contributions.	1004

JAPAN—Continued.

No.	From and to whom.	Date.	Subject.	Page.
463	Same to same.....	1906. May 24	The open-door policy in Manchuria, establishment of custom-houses and opening of ports to international trade. States that at a council of statesmen held after the return of Marquis Saionji a more liberal policy was determined upon. Quotes outline published by Japanese press.	190
4	Mr. Wright to Mr. Root.....	May 27	Mutual raising of the legations of the United States and Japan to embassies. Reports presentation of credentials as American ambassador to Japan, and incloses text of his remarks, and of the Emperor's reply.	1007
8	Same to same.....	June 5	The open-door policy in Manchuria, establishment of custom-houses, and opening of ports to international trade. Reports that another deputation of high Japanese officials will soon visit Manchuria. Incloses clippings in regard to the commercial and industrial policy of Japan in that country.	192
11	Same to same.....	June 15	South Manchurian Railway Co. Incloses Imperial ordinance promulgating regulations for the organization of the, and comments on the provision that none but Japanese and Chinese will be admitted to the right of a shareholder.	1017
16	Same to same.....	June 16	Famine in Japan. Incloses letter from the head officials of the town of Miharu expressing thanks of the people of that district for the relief afforded.	1004
19	Same to same.....	June 22	The open-door policy in Manchuria, establishment of custom-houses, and opening of ports to international trade. Reports that Consul-General Jones will be allowed to proceed to Dalny in his personal capacity pending the issuance of his exequatur.	198
	President Roosevelt to the Emperor of Japan (telegram).	June 25	Opening of the cable between Japan and Guam. "I am glad to send Your Majesty, over the American cable, which has just been completed between Guam and Japan and thus unites our two countries across the Pacific, a message of sincere good will, and the assurance of the earnest wishes of the Government and people of the United States for the welfare and prosperity of Your Majesty and Your Majesty's Empire."	1021
	The Emperor of Japan to President Roosevelt.	June 26	Famine in Japan. Expresses appreciation for work done in behalf of the famine sufferers.	1005
	Same to same (telegram).....	do.....	Opening of the cable between Japan and Guam. "I have just received with great interest and appreciation the kind message sent by you over the cable which has recently been laid between Guam and Japan and which will shortly be open to the public. I am highly gratified to know that the first telegram by this new line which united our two countries should convey to me the assurances of the friendly sentiments of the Government and people of the United States for myself and my people. I most cordially reciprocate your expressions of good will and good wishes."	1021
23	Mr. Wright to Mr. Root.....	July 6	Japanese administration of Korean affairs. Incloses decrees relating to the organization, procedure, and powers of Japanese courts in Korea.	1036
24	Same to same.....	do.....	Same subject. Incloses newspaper clippings in regard to reported replacing of the Korean palace guards in Seoul by a force of constables largely consisting of Japanese under control of Japanese police adviser.	1041
29	Same to same.....	July 18	Mining law of Korea. Incloses full text of law promulgated July 12, and quotes articles relative to the interests of foreigners.	1046
	Mr. Bacon to Mr. Wright (telegram).	Aug. 1	The open-door policy in Manchuria, establishment of custom-houses, and opening of ports to international trade. Acknowledges No. 17 and instructs him to inform the Japanese Government that the Government of the United States would regard with lively satisfaction the speedy establishment in Manchuria of custom-houses as the best effective refutation of the criticism and complaint now frequently made, and as giving proof of the intention of Japan.	215
37	Mr. Wright to Mr. Root.....	Aug. 2	Status of the Japanese secretary and interpreter to the American embassy. Inquires whether, under diplomatic instructions, the Japanese secretary of embassy is authorized to perform notarial acts.	1064

JAPAN—Continued.

No.	From and to whom.	Date.	Subject.	Page.
	Same to same (telegram)....	1906. Aug. 9	The open-door policy in Manchuria, establishment of custom-houses, and opening of ports to international trade. Acknowledges telegram of Aug. 2 (17) and reports that the minister for foreign affairs reiterated that Dalny would be opened Sept. 1, and stated that Japan had requested China to establish a custom-house there and at the same time to establish custom-houses covering importations into Manchuria from Vladivostok and Russia. Mr. Wright stated that he thought the United States would cooperate in urging China to that end.	215
42	Same to same.....	do.....	Japanese administration of the Kwantung leased territory. Incloses copies of ordinances relating to the government-general of Kwantung.	1050
45	Same to same.....	Aug. 11	The open-door policy in Manchuria, establishment of custom-houses, and opening of ports to international trade. Expresses his belief that the policy of equal opportunity for all nations in the trade and commerce of Manchuria is fixed and will be adhered to by Japan. Ascribes the small volume of business to the effects of the recent war.	217
48	Same to same.....	Aug. 18	Japanese administration of Korean affairs. Reports that Russia has receded from her position and has agreed to apply to the Japanese Government for the recognition of Consul-General Plançon at Seoul. Incloses newspaper clippings.	1044
	Memorandum from the Japanese embassy.	Aug. 27	Japanese administration of the Kwantung leased territory. States that Dalny will be opened as a free port to foreign and domestic commerce on Sept. 1.	1059
27	Mr. Adee to Mr. Wright.....	Aug. 31	Status of the Japanese secretary and interpreter to the American embassy. States that the Japanese secretary of embassy is not a "secretary of legation" or a "consular officer" as contemplated by law, and can not perform notarial acts.	1065
53	Mr. Wright to Mr. Root....	Sept. 1	Japanese administration of the Kwantung leased territory. Reports the opening of Dalny as a free port, and states that the American consular officers at that port have been recognized. Incloses note from the foreign office.	1060
55	Same to same.....	Sept. 6	Same subject. Incloses regulations for the control of residents and vessels.	1060
31	Mr. Adee to Mr. Wright.....	Sept. 20	The open-door policy in Manchuria, establishment of custom-houses, and opening of ports to international trade. Acknowledges No. 45 and states that the department entertains the confident hope that the good disposition evidenced by Japan will tend actively to the early adjustment of all commercial questions in Manchuria.	223
61	Mr. Wright to Mr. Root.....	Sept. 22	Practice of medicine and dentistry in Japan. Incloses ordinances relating to the issuance of licenses.	1068
	Proclamation by the President.	Sept. 26	Supplementary convention for the extradition of criminals. Text of convention.	1069
32	Mr. Adee to Ambassador Wright.	Sept. 27	Restrictions upon the importation, growth and use of opium. (See No. 297, of this date, to Ambassador Reid.)	361
35	Same to same.....	Oct. 13	Same subject. (See No. 315, of this date, to Ambassador Reid.)	362
76	Mr. Wright to Mr. Root.....	Oct. 15	South Manchurian Railway Co. Incloses revised copy of translation of the government order relating to the organization of the South Manchurian Railway Co. and the articles of incorporation.	1009
82	Same to same.....	Oct. 23	Subordinate consular officers in Japan. States that the Japanese Government has decided to discontinue the issuance of certificates of recognition to subordinate consular officers. Incloses correspondence with the foreign office.	1065
96	Same to same.....	Nov. 8	Restrictions upon the importation, growth, and use of opium. Reports interview with minister for foreign affairs, during which the minister promised to bring the matter to the attention of the privy council.	363
	Same to same (telegram)....	Nov. 10	Recognition of the Cuban consul-general. Recognition refused by Japanese Government on the ground that Cuban interests are now represented by American consuls and that Cuba is under a government established by the United States.	1019

JAPAN—Continued.

No.	From and to whom.	Date.	Subject.	Page.
	Mr. Root to Mr. Wright (telegram.)	1906. Nov. 12	Same subject. Mr. Root instructs Ambassador Wright to explain to the Japanese Government that the provisional government of Cuba exists under the Cuban constitution and that it is so established pending the election of a President; that a commission given a Cuban consul by Mr. Palma prior to Sept. 29, 1906, is still valid; that authority for American consuls to act for Cuba was asked in 1902 only, subject to their being displaced by regularly appointed Cuban consuls; and that this Government, which itself treats the independent foreign relations of the people of Cuba as unimpaired, hopes that a consul who had been lawfully commissioned by the President of Cuba may be recognized.	1020
60	Viscount Aoki to Mr. Root..	Nov. 22	Reciprocal exemption of steamship inspection. Incloses ordinance exempting American vessels and asks for a similar exemption for Japanese vessels.	991
47	Mr. Bacon to Mr. Wright....	Nov. 23	The open-door policy in Manchuria, establishment of custom-houses, and opening of ports to international trade. Incloses copy of No. 683, Nov. 7, from Russia.	227
17	Mr. Bacon to Viscount Aoki.....do....	do	Reciprocal exemption of steamship inspection. Informs him that his note has been referred to the Department of Commerce and Labor.	992
101	Mr. Wright to Mr. Root.....do....	do	Recognition of the Cuban consul-general. Reports that exequatur will be issued on the strength of department's telegram of the 12th instant.	1020
103	Same to same.....	Nov. 24	Restrictions upon the importation, growth, and use of opium. Reports willingness of Japan to join international investigation, provided the assurance of China's bona fide cooperation be given.	364
106	Same to same.....	Nov. 26	Reciprocal exemption of steamship inspection. Incloses translation of order as it appeared in the official gazette.	992
18	Mr. Root to Mr. Takahira...	Nov. 30	Same subject. Incloses copy of letter from the Department of Commerce and Labor, stating that orders have been issued for the exemption of Japanese vessels.	994
	Viscount Aoki to Mr. Root..	Dec. 6	The Second Peace Conference. Quotes reply of the minister for foreign affairs in answer to a note from the Russian minister at Tokyo on the subject of the proposed conference.	1641
112	Mr. Wright to Mr. Root.....	Dec. 8	Recognition of the Cuban consul-general. Incloses copy of memorandum received from the foreign office stating that orders have been issued for the recognition of the Cuban consul-general at Yokohama.	1021

LIBERIA.

159	Mr. Lyon to Mr. Root.....	1906. May 24	Immigration joint resolution. Incloses text of joint resolution requiring all immigrants to take the oath of allegiance to Liberia immediately upon arrival and to remain five years in order to receive assistance and benefits.	1090
165	Same to same.....	June 13	Same subject. Incloses correspondence and suggests that information as to extent of assistance to immigration by the Liberian Government be given wide publicity.	1091

LUXEMBURG.

6	Mr. Hill to Mr. Root.....	1905. Dec. 15	Death of Grand Duke Adolphe. Incloses note announcing the death of His Royal Highness the Grand Duke Adolphe and the accession of the Grand Duke William to the throne of the Grand Duchy of Luxemburg.	1093
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LIST OF PAPERS.

XXI

MEXICO.

No.	From and to whom.	Date.	Subject.	Page.
171	Mr. McCreery to Mr. Root...	1906. Jan. 2	Depredations of Yaqui Indians. Incloses newspaper clipping reporting the deportation of 300 more Yaqui Indian prisoners.	1134
97	Mr. Bacon to Mr. McCreery..	Feb. 6	Bonds issued by the Mexican Empire. Incloses for inquiry and report letter, with inclosures, from Mr. G. T. Moeskes, who wishes to know if bonds issued by the Mexican Empire in 1864 are redeemable by the Mexican treasury.	1125
228	Mr. McCreery to Mr. Root...	Mar. 3	Depredations of Yaqui Indians. Incloses official reports published in El Diario Oficial setting forth that the death of Albert W. Sayles was not due to any want of assistance or protection from the Mexican authorities, and that the father of M. A. Call said that he was convinced that no blame attached to the authorities of Sonora for the murder of his son.	1134
2	Mr. Thompson to Mr. Root..	Mar. 9	Official reception of Ambassador Thompson. Gives full account of ceremonies on the occasion of the presentation of his credentials.	1131
103	Mr. Bacon to Mr. McCreery..	Mar. 10	Depredations of Yaqui Indians. Instructs him to ascertain whether the order of the Mexican Government directing that for the present no application by an alien for a mining claim be admitted, which this Government thinks is objectionable in its present form, is authentic.	1140
3	Mr. Thompson to Mr. Root..	Mar. 12	Same subject. Reports conversation with President Diaz in regard to measures taken by the Mexican Government for the suppression of disorders and in regard to the failure of foreigners traveling in the Indian country to provide themselves with a military escort, though the escort may be had for the mere asking.	1141
13	Mr. Thompson to Mr. Bacon	Mar. 20	Same subject. Reports further in regard to the exclusion of aliens from mining concessions in the disturbed districts of Sonora and Lower California. Incloses copies of orders issued.	1142
	Mr. Facont to Mr. Thompson (telegram).	Apr. 9	Same subject. "Your No. 13. Gist of instruction No. 103 should be made known to minister foreign affairs in course of conversation at some convenient opportunity."	1144
	Mr. Thompson to Mr. Root (telegram).	Apr. 10	Same subject. "Your telegram of yesterday. Minister for foreign affairs says conditions in Yaqui country considered much improved, but still unsafe for travelers without military escort; says Mexican Government doing best to make the Indian districts safe for all; also says military escort will on application be given all now located in the districts and to others on request, so far as is possible with available forces. There are now no restrictions of any character on those desiring to enter the Indian country except that of prudence. Please see inclosure 10, my No. 13."	1144
21	Same to same.....	do.....	Same subject. Reports interview with minister for foreign affairs and amplifies telegram of this date.	1145
12	Mr. Root to Mr. Thompson .	Apr. 18	Same subject. Incloses for a report inquiry of Apr. 5, from H. L. Clarke, regarding measures taken by the Mexican Government to suppress or control the lawlessness of the Yaqui Indians and to furnish escorts to persons asking for them.	1145
35	Mr. Thompson to Mr. Root .	May 2	Same subject. Replies to inquiry transmitted with instruction No. 12.	1145
26	Mr. Root to Mr. Thompson .	May 9	Recognition of United States meat-inspection labels. Incloses letter from the Department of Agriculture in regard to refusal of Mexican authorities to recognize American federal meat-inspection labels and directs him to take the matter up with the Mexican Government with a view to having the labels recognized.	1117
54	Mr. Thompson to Mr. Root .	May 17	Same subject. Incloses copy of note to minister of foreign affairs bringing the matter to the attention of the Mexican Government.	1117
30	Mr. Root to Mr. Thompson .	do.....	Bonds issued by the Mexican Empire. Incloses letter from Mr. G. T. Moeskes inclosing copy of correspondence which he has had with the Mexican treasury on the subject.	1126

MEXICO—Continued.

No.	From and to whom.	Date.	Subject.	Page.
32	Same to same.....	1906. May 18	Convention for the arbitration of pecuniary claims, signed at Mexico City in 1902. Refers to article 5 of the convention and asks whether any governments other than Guatemala, Salvador, Peru, Honduras, Mexico, and the United States have notified the Government of Mexico of their ratification of the convention or informed that Government of any reason why they have not done so.	1115
56	Mr. Thompson to Mr. Root .	May 19	Assistance rendered by the United States squadron in an epidemic of diphtheria at Magdalena. Incloses copy of note from the foreign office expressing thanks, together with copy of reply thereto.	1123
36	Mr. Bacon to Mr. Thompson.	May 23	Depredations of Yaqui Indians. Incloses letter from Mr. C. W. Burket.	1146
37	Mr. Root to Mr. Thompson .	May 24	Transit of merchandise from port to port of the United States through Mexico. Incloses, with a view to securing the consent of the Mexican Government, draft of regulations in Treasury Department's letter of May 16.	1107
67	Mr. Thompson to Mr. Root .	May 25	Bonds issued by the Mexican Empire. Requests further information on the subject and states that as a rule the Imperial debt is not recognized by the Republic.	1126
74	Same to same.....	May 31	Convention for the arbitration of pecuniary claims signed at Mexico City in 1902. Incloses note from the minister for foreign affairs saying that since the ratification by the United States and by Mexico no other country has communicated its ratification of the convention nor has any reason been given for not doing so.	1116
76	Same to same.....	do ..	Recognition of United States meat-inspection labels. Incloses note from the minister of foreign affairs stating that the matter has been referred to the Mexican treasury department.	1118
40	Mr. Root to Mr. Thompson .	.....	Depredations of Yaqui Indians. Refers to his No. 35 and incloses letter of May 24 from H. L. Clarke, making specific inquiries about protection afforded by the Mexican Government.	1146
80	Mr. Thompson to Mr. Root .	June 6	Same subject. Acknowledges No. 36 and reports further in regard to the measures taken by Mexico for the suppression of Indian depredations.	1147
159	Mr. Davalos to Mr. Root.....	June 11	Kidnaping of Antonio Martinez. Refers to the extradition of Antonio Felix, charged with the kidnaping of Martinez for surrender to American authorities for trial, and asks that the trial be dismissed and the prisoner be returned to Mexican territory.	1121
78	Mr. Bacon to Mr. Davalos ..	June 22	Same subject. Acknowledges No. 159, cites precedents in the Supreme Court and United States courts to the effect that the fact that the prisoner was improperly brought within the jurisdiction of the States was not a bar to prosecution for offenses, and states further that the trial is before the courts of the State of California, which are independent of the Federal Executive. For these reasons his request for the surrender of Martinez can not be complied with.	1121
111	Mr. Thompson to Mr. Root .	July 3	Recognition of United States meat-inspection labels. Incloses note from foreign office stating that the matter, being one of public health, has been referred to minister of government.	1118
119	Mr. Thompson to Mr. Bacon	July 10	Sanitary convention of 1905. Incloses note from foreign office stating that it is the opinion of the Mexican Government that each signatory power send notice of its adhesion to the Government of the United States, which would in turn notify all the other powers.	1127
	Mr. Bacon to Mr. Thompson (telegram).	July 11	War in Central America and mediation of the United States and Mexico. Quotes the recent correspondence with Guatemala and Salvador and adds that the Government of the United States is most anxious to do everything possible to preserve peace, but this is evidently impossible without active cooperation of Mexican Government. Directs him to say to President Diaz that the President earnestly wishing to help in avoiding war in Central America, desires to rely largely upon the advice of President Diaz. In response to Minister Merry's suggestion the <i>Marblehead</i> has been ordered to proceed to coast of Salvador.	836

MEXICO—Continued.

No.	From and to whom.	Date.	Subject.	Page.
	Mr. Thompson to Mr. Root (telegram).	1906. July 12	Same subject. Reports that the President says he will join in doing anything our President may desire to do in Salvador matter and to-morrow will send a telegram to Salvadorean President saying he thinks neutrality should be maintained, putting his telegram in strong terms. Suggests that our President send telegram along same lines. Object in holding his telegram until to-morrow is that both may reach destination about the same time. Adds that should our President care to suggest any specific action he thinks President Diaz would act on it.	836
121	Mr. Thompson to Mr. Bacon. ....do.....	.....do.....	Depredations of Yaqui Indians. Refers to various dispatches from the embassy showing that Americans who fell victims to the Indians had failed to apply for or refused the escort of Mexican soldiers. States that it would seem inexpedient to again take up the matter with the Mexican Government.	1148
	Mr. Bacon to Mr. Thompson (telegram).	July 13	War in Central America and mediation of the United States and Mexico. Informs Mr. Thompson that the President is gratified at the cordial assurance of the cooperation of the President of Mexico toward the maintenance of peace in Central America, and for his own part is desirous to back the President of Mexico in what he may do to that end. Also informs him of the sending of the telegrams of this date to the President of Salvador and the President of Guatemala.	838
	Mr. Thompson to Mr. Root (telegram).	July 18	Depredations of Yaqui Indians. States that President Diaz solicits the cooperation of the Government of the United States in preventing the sale of arms and ammunition to the Indians on American territory and their smuggling across the border. Suggests patrol of the Sonora frontier, as Mexico is now doing to the best of her ability.	1149
	Same to Same	July 19	War in Central America and mediation of the United States and Mexico. Quotes telegrams addressed to the President of Mexico by the Presidents of Guatemala and Salvador.	846
	Same to Same (telegram) .....	.....do.....	Same subject. Quotes telegrams exchanged between the President of Guatemala and Salvador and the President of Mexico, and also telegram from the President of Mexico to the Mexican minister to Guatemala.	847
71	Mr. Bacon to Mr. Thompson.	July 20	Sanitary convention of 1905. Acknowledges No. 119 and states that the procedure outlined therein is satisfactory to this Government.	1128
	Same to same (telegram).....	July 21	War in Central America and mediation of the United States and Mexico. Expresses President's gratification at outcome of peace negotiations on <i>Marblehead</i> and directs him to express to President Diaz the President's high appreciation of his cooperation and hopes that a better understanding and closer friendship may exist between all the nations of Central America.	849
	Same to same (telegram).....	.....do.....	Depredations of Yaqui Indians. Refers to his telegraph of the 18th and states that the President is "Deeply concerned that such an infamous practice as the sale and smuggling of arms and ammunition to the hostile Yaqui Indians should exist. He is taking every step within his power to stop it."	1149
	Same to same (telegram).....	July 22	Same subject. "Governor of Arizona replies promptly that he has issued proclamations which will be at once published through border counties."	1149
	Mr. Thompson to Mr. Root (telegram).	July 23	Same subject. "President Diaz is deeply appreciative for the early action in Sonora frontier gun and ammunition matter and cordially thanks President Roosevelt for this and his expressed sentiments on the subject."	1150
74	Mr. Bacon to Mr. Thompson.	July 24	Alleged antiforeign agitation in Mexico. Instructs him to invite the attention of the Mexican Government to the reported movement for the expulsion of foreign workmen.	1124
130	Mr. Thompson to Mr. Bacon. ....do.....	.....do.....	Depredations of Yaqui Indians. Reports substance of conversation had with President Diaz concerning the sale of arms and ammunition to the Yaqui Indians.	1150

MEXICO—Continued.

No.	From and to whom.	Date.	Subject.	Page.
80	Mr. Bacon to Mr. Thompson.	1906. July 30	Same subject. Acknowledges No. 121 and concurs in the views expressed therein.	1151
	Mr. Thompson to Mr. Root (telegram).	July 31	Alleged antiforeign agitation in Mexico. Reports that President Diaz assures him that he is unable to find cause for any of the alarming interviews and statements reported to have been given out by Americans returning to the United States from Mexico. Adds that Mexican Government because of the alarming stories put in circulation is, however, vigilant to the last degree, and should disturbances develop the offenders will be dealt with as their cases may merit.	1125
167	Same to same.....	Aug. 20	Removal of the bodies of deceased Americans from Mexico. Reports that the whole matter is governed by state laws and regulations and that the Federal Government would be powerless to bring about a uniform regulation. Refers to some of the regulations, costs, etc.	1114
	Mr. Bacon to Mr. Thompson (telegram).	Sept. 12	Seizure of American fishing vessels. Quotes telegram received from the Gulf Fisheries Co. in regard to the seizure of their schooner <i>Hatteras</i> by the Mexican gunboat <i>Aroclas</i> and directs him to make an investigation and report.	1094
	Mr. Thompson to Mr. Bacon (telegram).	Sept. 13	Same subject. "Yours 12th, relative to American schooner <i>Hatteras</i> , second paragraph, article 5, of Mexican law, issued Dec. 18, 1902, provides a maritime belt of 20 kilometers in which vessels of all nationalities can be inspected by Mexican men-of-war or coast patrol vessels. If the department thinks this law should be questioned, will you kindly give further instructions?"	1094
220	Mr. Thompson to Mr. Adee..	Sept. 20	Same subject. Reports in regard to the seizure of the <i>Aloha</i> and the preliminary proceedings relating thereto.	1094
	Mr. Adee to Mr. Thompson (telegram).	Sept. 21	Same subject. Quotes telegram from Gulf Fisheries Co. regarding report that orders have been issued to seize vessels under any and all conditions of weather if within the 3-mile limit. Directs him to investigate and report.	1095
	Mr. Thompson to Mr. Root (telegram).	Sept. 27	Same subject. "Your message 21st instant with quotation. The Mexican authorities have issued no such instructions as this quotation indicates. Their patrol vessels have instructions to take into custody within the 3-mile limit only such vessels as are fishing or known to have been fishing within this limit."	1096
233	Mr. Thompson to Mr. Adee..	...do....	Same subject. Refers to his telegram of this date and incloses correspondence with the minister for foreign affairs in regard to the seizure of vessels within the 3-mile limit.	1096
	Mr. Adee to Mr. Thompson (telegram).	Sept. 28	Same subject. Refers to his telegram relating to the seizure of the <i>Hatteras</i> and directs him to forward copy of paragraph 2, article 5, of the Mexican law of Dec. 18, 1902.	1097
	Mr. Thompson to Mr. Root (telegram).	Sept. 29	Same subject. Quotes article 5, paragraph 2, as follows: "The inspection and jurisdiction of the federal authorities may extend into the sea for fiscal purposes up to a distance of 20 kilometers, measured from the line marked by low tide on the coasts of the Republic."	1098
272	Same to same.....	Oct. 27	Same subject. Reports in regard to the release of the <i>Aloha</i> and incloses correspondence.	1099
313	Same to same.....	Nov. 15	Recognition of United States meat-inspection labels. Incloses note from foreign office together with communication from department of government stating that the Mexican Government will accept the regular official certificates viséed by the Mexican consul.	1119
320	Same to same.....	Nov. 20	Transit of merchandise from port to port of the United States through Mexico. Incloses correspondence with the foreign office, setting forth that the proposal in No. 37 will be accepted on condition of reciprocity.	1109
	Same to same (telegram)....	Nov. 30	Same subject. Communicates inquiry of the minister of finance as to whether the United States is disposed to enter into a form of convention.	1111
338	Same to same.....	Dec. 4	Seizure of American fishing vessels. Reports that the <i>Aloha</i> is at Veracruz awaiting such action on the part of her owners as Mexican law requires before she can be returned to them. Also reports steps taken in the matter of appraisalment of the other three vessels. Incloses correspondence with foreign office.	1103

MEXICO—Continued.

No.	From and to whom.	Date.	Subject.	Page.
	Mr. Adee to Mr. Thompson (telegram).	1906. Dec. 8	Transit of merchandise from port to port of the United States through Mexico. "Referring your telegram 30th November, Treasury Department states merchandise may now be shipped duty free through United States from port to port in Mexico under sec. 3005, Revised Statutes, as amended by act of May 21, 1900, and regulations similar to those proposed under sec. 3005 for goods from port to port in United States through Mexico."	1111
167	Mr. Bacon to Mr. Thompson.	Dec. 14	Same subject. Refers to telegram of 8th instant and incloses Treasury Department letter of the 12th instant, expressing views concerning the pending arrangement.	1111
	Mr. Adee to Mr. Thompson (telegram).	Dec. 15	Same subject. Instructs him not to commit the United States to acceptance of proposed arrangement, repeats substance of Treasury Department letter of the 12th instant, and refers to instruction No. 167.	1112
	Mr. Thompson to Mr. Root (telegram).	Dec. 18	Same subject. Quotes note from the minister of finance in regard to the right or privilege of the Mexican Government of sending inspectors to supervise the transit of merchandise.	1113
	Mr. Root to Mr. Thompson.	Dec. 20	Same subject. Refers to instruction No. 167 and incloses letter of the 15th instant from the Treasury Department relative to the publication of regulations.	1113
	Same to same (telegram)....	Dec. 21	Same subject. Refers to his telegram of the 18th and informs him that the Treasury Department states: "Transshipment of goods in transit from port to port in Mexico through United States may be supervised by Mexican inspectors under conditions similar to those for goods coming from port to port in the United States through Mexico."	1114
395	Mr. Thompson to Mr. Root.	1907. Jan. 16	Seizure of American fishing vessels. Incloses correspondence with the foreign office concerning the delivery of the <i>Silas Stearns</i> , <i>Lizzie B. Adams</i> , and <i>D. L. Trafton</i> , to the persons authorized by the companies to receive them.	1104
	Proclamation by the President.	...do....	Convention between the United States and Mexico providing for the equitable distribution of the waters of the Rio Grande for irrigation purposes. Text.	1128

MONTENEGRO.

30	Mr. Jackson to Mr. Root....	1906. Apr. 4	Emigration to the United States. Communicates inquiry of the minister for foreign affairs as to whether or not this Government is disposed to prohibit, upon a request from the Montenegrin Government, admission to the United States of any Montenegrins presenting themselves without passports, regularly viséed for the purpose of immigration to America. States that he has replied that in his opinion this Government would not be willing to comply with the request.	1152
11	Mr. Bacon to Mr. Jackson...	May 3	Same subject. Approves reply as communicated in No. 30 and adds that the administrative officers of the United States may exclude only the classes of persons whose entry is prohibited by law.	1152

MOROCCO.

87	Mr. Gummere to Mr. Root..	1906. May 21	Right of American owners of vessels purchased abroad to fly the flag of the United States. Reports in regard to the boarding of the steamship <i>Manolita</i> , flying an American flag, by natives of the Rif coast, who carried away three Moorish passengers and their effects.	1157
88	Same to same.....	May 22	Same subject. Reports that the <i>Manolita</i> is under strong suspicion of carrying contraband. Incloses letter from minister of foreign affairs and asks instructions in regard to the withdrawal of license to fly the American flag.	1158

No.	From and to whom.	Date.	Subject.	Page.
90	Same to same.....	1906. May 31	Murder of a French citizen at Tangier. Transmits report.	1160
91	Same to same.....	June 9	Same subject. Reports arrival of French cruisers at Tangier.	1160
	Same to same (telegram)....	June 22	Algeciras conference. States that the Italian minister announces the ratification by the Sultan of the general act, without reservation, on the 18th instant.	1495
42	Mr. Bacon to Mr. Gummere.	June 23	Right of American owners of vessels purchased abroad to fly the flag of the United States. Informs him that it is believed that no right to cancel the consular registration of the vessel exists, because the owner of the <i>Manolita</i> has been engaged in smuggling or has committed any other crime, but that it should appear that the boat is not a bona fide American vessel the right to cancel the consular registration and withdraw American protection exists.	1159
103	Mr. Philip to Mr. Root.....	July 4	Murder of a French citizen at Tangier. Reports that the Moorish Government has given entire acquiescence to the demands of France. Gives list of demands and adds that it may prove impossible to arrest and punish the assassins, as promised.	1160
	Mr. Gummere to Mr. Root..	Sept. 6	Extradition of Paul Stensland from Morocco. Transmits full report in regard to the detection, arrest, and detention of Stensland.	1161
47	Mr. Philip to Mr. Bacon.....	Sept. 12	Same subject. Reports the departure of Stensland for the United States.	1164
1	Mr. Gummere to Mr. Root..	Sept. 29	Mission of Minister Gummere to Fez. Transmits full report of his mission to Fez, and incloses copy of his remarks and the Sultan's reply thereto.	1153
60	Mr. Bacon to Mr. Gummere.	Nov. 6	Same subject. Acknowledges with gratification his No. 1, and expresses appreciation of sentiments conveyed therein.	1156

NETHERLANDS.

49	Mr. Hill to Mr. Root.....	1905. Dec. 12	Imprisonment for debt. Incloses copies of articles of the law of the Netherlands relating to the arrest and imprisonment for debt of residents and aliens.	1173
	Mr. Van Swinderen to Mr. Root.	1906. Jan. 3	Insane Americans confined in foreign asylums. States that Wybrand Feddema, an American citizen, is confined in a public insane asylum in the Netherlands and asks that his expenses be paid by this Government or that he be brought back to the United States.	1170
61	Mr. Hill to Mr. Root.....	Jan. 23	Fictitious estates in Holland. Refers to previous correspondence and suggests that in view of the numerous applications received in regard to the so-called "Metzger estate," that the public be warned against probable imposition.	1171
68	Mr. Root to Mr. Van Swinderen.	Feb. 12	Insane Americans confined in foreign asylums. Informs him that there is no provision of law, either for the maintenance of Feddema or for his return to the United States and states that his note has, however, been forwarded to the governor of New York for consideration. Incloses copy of the governor's reply stating that several natives of Holland, not American citizens, are confined in asylums in New York. Proposes an arrangement for the reciprocal exchange of patients.	1170
66	Mr. Hill to Mr. Root.....	Feb. 20	Ratification of arbitration treaty between the Netherlands and Portugal. Incloses copy of law ratifying and embodying the treaty.	1178
69	Same to same.....	Mar. 10	Arbitration treaty between the Netherlands and Denmark. Reports that ratifications were exchanged at The Hague on Mar. 8.	1178
173	Mr. Van Swinderen to Mr. Root.	Mar. 30	Citizenship of persons born in the United States of naturalized parents. Inquiries as to the citizenship of H. R. J. C. Van Hall, who was born at Helena, Mont., July 16, 1887, and who has been a resident of Holland since 1891.	1179
72	Mr. Bacon to Mr. Van Swinderen.	Apr. 5	Same subject. States that there is no law or executive authority to determine when or how citizenship of the United States is lost, and that Van Hall's right to change his nationality will not mature until he becomes of age.	1180

NETHERLANDS—Continued.

No.	From and to whom.	Date.	Subject.	Page.
	Mr. Van Swinderen to Mr. Root (memorandum).	1906. Apr. 13	The Second Peace Conference. States that the Government of the Netherlands is quite ready to receive the delegates the latter part of September, but suggests that, for physical reasons, the spring season would perhaps be more suitable.	1634
258	Same to same.....	May 4	Insane Americans confined in foreign asylums. Acknowledges No. 68 and states that his Government withdraws the proposition submitted in his note of Jan. 3.	1171
87	Mr. Hill to Mr. Root.....	June 12	The Second Peace Conference. Incloses translation of bill whereby the Netherlands Government seeks the sanction of the legislature to the conclusion of treaties which will facilitate the admission to the second conference of such powers as were not represented at the first conference.	1637
102	Same to same.....	July 24	Ratification of extradition treaty between the Netherlands and Greece. Reports the exchange of ratifications at Athens on July 20.	1178
116	Mr. Boutell to Mr. Root.....	Sept. 15	Consular convention of 1855. Reports the certificate of appointment of Mr. Schild, American consular agent at Padang, was sent directly to him; that the Dutch Government claims that under the treaty of 1855 the recognition of subordinate consular officers in Dutch colonies must be granted by the governor of the colony, and that there is doubt as to the treaty of 1855 between the United States and the Netherlands having been superseded by the treaty of 1878.	1165
43	Mr. Adee to Mr. Boutell....	Sept. 26	Emigration agents of South Carolina in Europe. Instructs him to facilitate the mission of George E. C. Bahncke, emigration agent.	68
46	Mr. Root to Mr. Boutell.....	Oct. 19	Consular convention of 1855. States that the department concurs in the opinion reported in No. 116, that the consular convention of 1855 is still in force and that it will be governed thereby.	1167
143	Mr. Hill to Mr. Root.....	Nov. 27	Same subject. Reports that the Netherlands Government claims, under article 7 of the convention of 1855, that vice-consuls in the colonies do not require an exequatur from the Netherlands Government.	1168
51	Mr. Root to Mr. Hill.....	Dec. 15	Same subject. Informs him that the department agrees with the position assumed by the Netherlands Government as reported in No. 143.	1169

NICARAGUA, COSTA RICA, AND SALVADOR.

1119	Mr. Merry to Mr. Root.....	1905. Dec. 21	Immigration law of Costa Rica. Reports the case of two Syrian-American merchants of New Orleans, who were permitted to land at Limon to await steamship connection only after representations by the legation and on the personal guarantee of the consul. Suggests that some arrangement be made by which traveling Syrians may be permitted to land in Costa Rica while in transit to other countries.	1186
683	Mr. Root to Mr. Merry.....	1906. Jan. 16	Same subject. Requests copies of the Costa Rican immigration law of Nov. 24, last.	1187
	Same to same (telegram)....	Jan. 27	Rights of American citizens in disputed territory. Refers to the concessions of the American Banana Company in the Sixola Territory which is in dispute between Costa Rica and Panama and instructs him to notify the Costa Rican Government that while this Government concedes the right of the disputants to make provisional agreement respecting the administration of the territory, pending the definite settlements of its ownership, it does not concede the power of the Provisional Administrator to execute judgments in the capacity of sovereign until the sovereignty of the territory is adjudicated and the courts of the sovereign have passed on the matters involved; nor does it concede the right of either to prejudice the ultimate rights of American citizens, all of said rights being strictly reserved. (Same mutatis mutandis to Panama.)	1184

NICARAGUA, COSTA RICA, AND SALVADOR.—Continued.

No.	From and to whom.	Date.	Subject.	Page.
1132	Mr. Merry to Mr. Root.....	1906. Jan. 30	Immigration law of Costa Rica. Incloses translation of Costa Rican laws referred to in No. 6C3 and repeats suggestion that some arrangement be made granting all American citizens with passports the right of transit.	1187
56	Mr. Root to Mr. Calvo.....	Feb. 8	Rights of American citizens in disputed territory. Communicates substance of telegram sent to the American ministers to Costa Rica and Panama on Jan. 27.	1185
1152	Mr. Merry to Mr. Root.....	Apr. 4	Election of the President of Costa Rica. Reports the election of Senor Cleto Gonzales Viquez as President of Costa Rica.	1186
	Mr. Bailey to Mr. Root (telegram).	May 9	Assassination of the Nicaraguan minister of foreign affairs. Reports the assassination of the minister of foreign affairs.	1183
	Mr. Root to Mr. Bailey (telegram).	May 10	Same subject. Directs him to express this Government's sympathy.	1184
1173	Mr. Bailey to Mr. Bacon....	July 5	Same subject. Incloses translation of the Nicaraguan Government's acknowledgment of the department's message of condolence.	1184
	Mr. Merry to Mr. Root (telegram).	July 6	War in Central America and mediation of the United States and Mexico. Reports that he has commenced arrangement to secure peace between the Government of Salvador and Guatemalan Government. Says he will advise by cable progress of the negotiations.	835
	Same to same (telegram)....	July 10	Same subject. Reports that all efforts for peace are useless. Salvadorean general commanding forced fight on Guatemalan territory; civil authorities favored peace. Suggests war vessel on the coast. Declaration of war not yet made.	835
	Mr. Bacon to Mr. Merry (telegram).	July 11	Same subject. Acknowledges the receipt of Mr. Merry's telegram of the 10th and directs him to continue to use his good offices to prevent war if possible. Informs Mr. Merry that a cablegram has been sent to Ambassador Thompson and hopes for the cooperation and moral support of the Government of Mexico. States that the <i>Marblehead</i> has been ordered to go to the coast of Salvador and communicate with Mr. Merry. Directs Mr. Merry to exercise great care so as not to encroach upon the sovereign rights in any way.	835
	Mr. Merry to Mr. Root (telegram).	July 12	Same subject. Reports that Regalado, former President of Salvador, commanding Salvadorean army in Guatemala, killed fighting, and that the result is uncertain in Salvador and Guatemala, but tending toward peace. Acknowledges cable of the 11th.	836
	Same to same (telegram)....	July 13	Same subject. Reports Guatemala invading and fighting Honduras and Salvador. Guatemala apparently retarding and Salvador anxious for peace. Asks to have <i>Marblehead</i> sent to Acajutla; says no other vessel necessary at present.	836
	President Roosevelt to President Escalon (telegram).	...do.....	Same subject. Appeals to Salvador to take immediate steps toward settling questions pending with Guatemala, either by agreement to arbitrate or by direct negotiations for a definite agreement between the two countries. Offers use of the American ship of war <i>Marblehead</i> as a neutral place where representatives of Guatemala and Salvador may meet to consider terms of agreement, an armistice between the contestants being meanwhile effected. States that he is telegraphing in the same sense to the President of Guatemala and that his action has the full concurrence of the President of Mexico.	837
	Mr. Bacon to Mr. Merry (telegram).	...do.....	Same subject. Quotes telegram the President to-day sent to the President of Salvador and to the President of Guatemala. Instructs him to use best endeavors with the Government of Salvador to the same end.	838
	President Escalon to President Roosevelt (telegram).	July 14	Same subject. Accepts proposition submitted in telegram of 13th and suggests that the minister of the United States to Guatemala and Salvador and the Mexican minister to Central America take part in the conference.	839
	Mr. Bacon to Mr. Merry (telegram).	...do.....	Same subject. Informs Mr. Merry that Guatemala accepts proposal of peace in principle, but requires assurances. Directs Mr. Merry to ascertain if Salvador will give President of the United States a satisfactory pledge that Salvador will agree to disarm and negotiate if like pledge is given by Guatemala.	840

NICARAGUA, COSTA RICA, AND SALVADOR—Continued.

No.	From and to whom.	Date.	Subject.	Page.
	Mr. Bailey to Mr. Root (telegram).	1906. July 14	Same subject. Reports that the Costa Rican minister for foreign affairs has requested him to inform Mr. Root that his Government desires to offer its good offices, conjointly with the Government of the United States, in favor of peace in Central America, by delegating authority to our minister in Salvador or sending representative to confer and act with him.	840
	Mr. Bacon to Mr. Bailey (telegram).	July 15	Same subject. States that he is much gratified at Costa Rica's good disposition toward peace in Central America; also that both Guatemala and Salvador have accepted the proposal of the President to negotiate, suspending their hostilities meanwhile. Mr. Merry has been advised and is cooperating with Mr. Combs to bring about agreement as to details. Directs Mr. Bailey to inform Mr. Merry of the friendly attitude of Costa Rica.	840
	Mr. Merry to Mr. Root (telegram).	...do....	Same subject. Reports that the Government of Salvador will accept the same terms as the Guatemalan Government for armistice retirement and disarmament of troops, and that the Government of Honduras desires to join the Government of Salvador in negotiating the same terms. Adds that the <i>Marblehead</i> is expected to-morrow, and requests instructions for the above-mentioned programme.	841
	Mr. Bacon to Mr. Merry (telegram).	...do....	Same subject. Informs Mr. Merry that telegrams of acceptance have been received from the President of Guatemala and the President of Salvador, and that it now only remains to bring the parties together, and that it is the President's wish that Mr. Merry, Mr. Combs, and the Mexican minister to Central America may act in unison in every way toward a successful negotiation, and all three will attend on the <i>Marblehead</i> .	841
	Mr. Merry to Mr. Root (telegram).	July 17	Same subject. Reports that arrangement of armistice for Wednesday—to-morrow morning—is made and that the <i>Marblehead</i> is expected to arrive at San Jose de Guatemala from Acajutla Thursday morning to receive all commissioners. Inquires whether he shall represent Costa Rica and Nicaragua, as requested, Combs being absent, Brown to substitute.	844
	Mr. Bacon to Mr. Merry (telegram).	...do....	Same subject. Congratulates Mr. Merry and all concerned on the armistice arranged for Wednesday and instructs him as to the attitude to be assumed at the conference.	844
	Mr. Merry to Mr. Root (telegram).	July 18	Same subject. States that the instructions in Mr. Bacon's telegram of the 17th have been carefully noted, and that the Nicaraguan Government has appointed a native representative. Also states that his representation of Costa Rica is pro forma, and that he will telegraph from San Jose and Guatemala on conclusion.	845
	Mr. Bacon to Mr. Merry (telegram).	...do....	Same subject. Instructs him as to the scope of negotiations which must be made only between the actual belligerents and confined to the terms of the President's message to Salvador and Guatemala, with the addition of Honduras, which is now one of the belligerents in alliance with Salvador. States that the American and Mexican ministers are to attend in a purely friendly and advisory capacity.	845
	Mr. Merry to Mr. Root (telegram).	July 20	Same subject. Remarks that Nicaraguan and Costa Rican representation is entirely complimentary, without votes or influence. Nicaragua was invited by Salvador without advising Mr. Merry. The belligerents are fully controlling the discussion, in accordance with the President's message. Conference results in a treaty of peace, as has been duly advised in joint telegram with Minister Combs.	848
	Mr. Bacon to Mr. Merry (telegram).	July 21	Same subject. States that the President has received a cablegram expressing congratulations and thanks of the delegates of the peace conference, and wishes him to express to the delegates his sincere thanks and congratulations upon the outcome of their efforts. The President expresses hope that the treaty will lead to a better understanding and continued friendship among the peoples of Central America, to which end he pledges his earnest and friendly cooperation in full reliance upon the continued support of President Diaz, to whom the success of this negotiation is largely due.	849

NICARAGUA, COSTA RICA, AND SALVADOR—Continued.

No.	From and to whom.	Date.	Subject.	Page.
	Mr. Merry to Mr. Root (telegram).	1906. July 22	Same subject. States that he has received a telegram from the President of Honduras requesting him to present to the President of the United States the gratitude of the Government and people of Honduras for his friendly and efficient mediation in obtaining peace between Guatemala, Salvador, and Honduras.	849
	Mr. Bacon to Mr. Merry (telegram).	July 24	Same subject. Informs Mr. Merry that the President has received with much gratification his messages from the President and people of Honduras, and that it has been a great pleasure to him to offer his friendly mediation and that keener satisfaction can be felt by no one at the successful outcome of the conference, bringing an honorable, and, as he hopes, a lasting peace to the people of Salvador, Honduras, and Guatemala, in whose welfare he feels the deepest interest.	850
	Mr. Merry to Mr. Adee.....	July 28	Same subject. Incloses note from the minister of foreign affairs of Salvador, transmitting communication which has been addressed to Guatemala and Honduras accepting the <i>Marblehead</i> peace conference. States that the military forces of the Republic, except the 3,000 men fixed by law as the peace establishment, have disbanded and returned to their homes.	853
1180	Mr. Merry to Mr. Root.....	Aug. 18	Same subject. States that invitation has been issued by Costa Rica to Guatemala, Honduras, and Salvador to hold the meeting of peace commissioners in San Jose on September 15. Salvador has already accepted.	854
1186	Mr. Merry to Mr. Bacon.....	Sept. 8	Same subject. States that Nicaragua will not be represented at the peace conference.	855
5	Mr. Wilson to Mr. Wallace..	Oct. 6	Treaties between Great Britain and Nicaragua. Directs him to furnish the department with a full text of the treaties between Great Britain and Nicaragua relative to the Mosquito reservation and the abolishment of the free port of San Juan del Norte.	1181
	Mr. Calvo to Mr. Root.....	Oct. 27	War in Central America and mediation of the United States and Mexico. Incloses texts of the several treaties, conventions, and protocols signed at San Jose.	856
13	Mr. Olivares to Mr. Bacon...	Nov. 15	Treaties between Great Britain and Nicaragua. Incloses translation of treaties requested in No. 5.	1181

NORWAY.

	Mr. Hauge to Mr. Root.....	1906. May 5	Coronation of the King. States that the coronation will take place June 22 next.	1189
11	Mr. Root to Mr. Hauge.....	June 1	Same subject. Announces the appointment of Mr. Charles H. Graves as special ambassador to represent this Government at the ceremonies attending the coronation.	1189
44	Mr. Root to Mr. Graves.....	do do	Same subject. Incloses commission as special ambassador, together with ceremonial letters.	1190
13	Mr. Root to Mr. Hauge.....	June 7	Same subject. Informs him of the selection of Maj. Wm. W. Gibson, U. S. Army, and Lieut. Commander John H. Gibbons, U. S. Navy, as military and naval assistants, respectively.	1189
46	Mr. Root to Mr. Graves.....	June 11	Same subject. Incloses certificate of appointment for delivery to the military and naval assistants.	1190
63	Mr. Graves to Mr. Root.....	June 13	Same subject. Reports that departure for Trondhjem will be made on June 19.	1191
65	Same to same.....	July 2	Same subject. Makes report on his mission as special ambassador.	1191
15	Mr. Root to Mr. Peirce.....	Oct. 9	Emigration agents of South Carolina in Europe. Instructs him to facilitate mission of Messrs. Geo. E. C. Bahncke and S. Davidsee, agents.	69
37	Mr. Peirce to Mr. Root.....	Dec. 12	Award of the Nobel peace prize to President Roosevelt. Makes full report.	1191

PANAMA.

No.	From and to whom.	Date.	Subject	Page.
		1906.		
	Mr. Root to Mr. Sands (telegram).	Jan. 27	Rights of American citizens in disputed territory. (See under Nicaragua, Costa Rica, and Salvador, same date.)	1184
31	Mr. Root to Mr. Sands.....	Feb. 26	Treaty right of the United States to maintain public peace and order in Panama. Incloses copy of a letter to the Secretary of War in regard to the right of the United States provided for in the constitution of Panama and stipulated in the treaty of Nov. 18, 1903.	1203
37	Mr. Root to Mr. Magoon....	Apr. 16	Rights of American citizens in disputed territory. Confirms and explains telegram of Mar. 19 in regard to the concessions of the American Banana Company, by drawing the distinction between the powers and duty of a de facto and de jure government based on the assumption that in spite of the Loubet award Panama has agreed to leave to Costa Rica the jurisdiction of the disputed territory until the signing of a final treaty. This does not prejudice the rights of other American companies interested in these concessions.	1201
	Mr. Magoon to Mr. Guardia..	May 9	Treaty right of the United States to maintain public peace and order in Panama. Transmits copy of letter addressed to him by the Secretary of War.	1206
12	Mr. de Obaldia to Mr. Root..	May 12	Same subject. Expresses thanks of his Government for the letters written by the Secretary of State to the Secretary of War.	1207
28	Same to same.....	June 4	Visit of Secretary Root. Incloses letter of invitation from the minister of foreign affairs.	1197
	Mr. Root to Mr. de Obaldia..	June 7	Same subject. Accepts invitation transmitted in note of the 4th instant.	1197
179	Mr. Shanklin to Mr. Bacon..	Sept. 24	Same subject. Reports ceremonies attending the visit and transmits copies of speeches.	1198
7	Mr. Squiers to Mr. Root.....	Nov. 20	Visit of President Roosevelt. Transmits full report, together with programme of ceremonies and texts of speeches.	1194

PERSIA.

	Mr. Pearson to Mr. Root (telegram).	1906. Jan. 8	Murder of Rev. Benjamin W. Labaree. Reports that the Persian Government has ordered an expedition 1,500 strong to recapture the Kurd accomplices. States that he has declined request of missionaries to make terms with the tribe through the British consul-general, independent of Persian authorities. Believes that force is the only effective measure and that the expedition will have a good effect.	1208
	Mr. Root to Mr. Pearson (telegram).	...do.....	Same subject. Approves refusal to initiate direct negotiations with Kurd accomplices.	1208
126	Mr. Pearson to Mr. Root....	Jan. 19	Same subject. States that time agreed upon for the capture and punishment of accomplices will expire Mar. 9; quotes part of the agreement; reviews correspondence as to this particular point and asks instruction as to whether the money indemnity shall be accepted in lieu of punishment, and if not, what action shall be taken by the legation.	1208
	Gen. Morteza to Mr. Bacon..	Feb. 8	Same subject. Gives reasons for requesting an extension of at least ten months for the completion of the investigation.	1209
	Mr. Root to Mr. Pearson (telegram).	Feb. 12	Same subject. Advises him of the Persian minister's request for extension of time and requests views as to whether a popular uprising might not defeat or indefinitely postpone the demanded just settlement, besides endangering Americans and other foreigners in Urumia district. Suggests consultation with the British minister.	1210
	Mr. Pearson to Mr. Root (telegram).	Feb. 15	Same subject. States that the Shah, through the Persian minister for foreign affairs, has given emphatic opinion that the accomplices shall be punished before next January. After full conference with Mr. Pearson, the British minister withdrew the British Consul-General from Urumia. They do not understand any disorder, but believe that the Kurds will not be recaptured except by force.	1211

PERSIA—Continued.

No.	From and to whom.	Date.	Subject.	Page.
	Mr. Root to Mr. Pearson (telegram).	1906. Feb. 17	Same subject. Approves his note Oct. 4, refusing money as substitute for punishment, and adds that the lapse of fifteen months without effective action has sorely tried the patience of the Government of the United States, but for the sake of humanity and to avert the apprehended revolt and bloodshed a delay of ten months will be granted if Persia will engage solemnly to fulfill her pledge within that time. Directs him to make it clear that no money payment will be admitted in lieu of faithful performance of the clear duty of the Persian Government.	1211
6	Mr. Bacon to General Mor-teza.	Feb. 19	Same subject. Gives substance of instructions tele-graphed to Minister Pearson.	1211
	Mr. Pearson to Mr. Root (telegram).	Feb. 20	Same subject. Reports that he has complied with telegraphic instructions of Feb. 17.	1212
131	Same to same.....	Feb. 22	Same subject. Incloses note to foreign office, showing manner and form in which telegraphic instructions of the 17th instant were carried out, together with copies of the replies of the minister for foreign affairs thereto.	1212
132	Same to same.....	Feb. 23	Same subject. Gives a review of the case.....	1213
	Same to same (telegram)....	Aug. 12	Political reforms in Persia. States that popular agi-tation similar to that in Russia demanding constitu-tional reform, but less violent, has triumphed in Persia. Shah has yielded and conceded constitu-tional forms of government, including national legisla-tive and elective assembly. The grand vizier, uncle of the Shah, deposed. The Persian minister for foreign affairs, a self-made liberal, was appointed to succeed him and to execute reforms.	1216
137	Same to same.....	Aug. 22	Same subject. Incloses Shah's decree conceding a constitutional government to his subjects, and comments thereon.	1216
138	Same to same.....	Sept. 12	Murder of Rev. Benjamin W. Labaree. Reports the rejection by the legation of the offer of the Per-sian Government to pay \$20,000 in gold in lieu of recapture of Kurd murderers, and states that the Persian minister at Washington will be directed by his Government to make the offer directly to the Secretary of State.	1215
70	Mr. Root to Mr. Pearson....	Oct. 20	Same subject. Informs him that further discussion of the case will take place with the Persian Lega-tion at Washington, and that the Persian Govern-ment may be informed that no money pay-ment will be admitted in lieu of the faithful per-formance of the clear duty to which the Persian Government stands pledged.	1215

PERU.

375	Mr. Root to Mr. Dudley.....	1905. Dec. 27	Consular administration of estates in Peru. In-closes copy of correspondence with the American consul-general at Callao in regard to taking charge of the estates of Americans who may die within his jurisdiction and directs him to request the fore-ign office to cause each of the Peruvian local offi-cials concerned to be instructed to notify the ap-propriate consul of any death of an American that may occur within his jurisdiction.	1236
1241	Mr. Dudley to Mr. Root.....	1906. Jan. 24	Commercial treaty between Peru and Bolivia. Re-ports ratification while approving Congress on Jan. 23.	1220
1244	Same to same.....	Jan. 26	Consular administration of estates in Peru. In-closes copy of note directed to the minister for fore-ign affairs, in accordance with instruction No. 375.	1237
1253	Same to same.....	Mar. 6	Same subject. Incloses note from minister for fore-ign affairs setting forth that the Peruvian Govern-ment is without authority to concede the privileges requested.	1238
	Mr. Pardo to Mr. Root.....	Mar. 23	Visit of Secretary Root. Extends invitation.....	1227
	Mr. Root to Mr. Pardo.....	Mar. 31	Same subject. Accepts invitation extended in note of the 23d instant, and states that he expects to reach Lima about the second or third week of September.	1228

PERU—Continued.

No.	From and to whom.	Date.	Subject.	Page.
1273	Mr. Dudley to Mr. Root.....	1906. July 29	Boundary dispute between Peru and Colombia. Transmits translation of <i>modus vivendi</i> signed July 6, pending ratification of arbitration treaties signed Sept. 12, 1905.	1219
1275	Same to same.....	Aug. 3	Annual message of the President of Peru. Incloses translation of the salient parts of the message.	1222
1278	Mr. Dudley to Mr. Bacon...	Aug. 14	Encouragement of immigration. Incloses decree providing for the payment of passage money under certain conditions to immigrants.	1221
	Mr. Barrios to Mr. Fairbanks (telegram).	Sept. 14	Visit of Secretary Root. Sends greetings, and expresses the peculiar gratification with which the Peruvian Senate has received in its midst the Secretary of State.	1235
	President Pardo to President Roosevelt (telegram).	Sept. 16	Same subject. "His excellency Mr. Root leaves to-day, leaving with the Peruvian Government and people a never-to-be-forgotten memory and a feeling of sympathy that quickens the sentiments of close friendship which unites Peru with the United States of America."	1235
1287	Mr. Dudley to Mr. Root.....	Sept. 20	Same subject. States that a pamphlet giving a full account of the visit and texts of speeches is being prepared by the Peruvian Government. Incloses translation of speeches.	1228
	President Roosevelt to President Pardo (telegram).	...do.....	Same subject. "I am glad to receive your telegram in regard to the good effect of Secretary Root's visit, and trust that not only this pleasing occasion, but all that concerns the intercourse of the two countries, may tend to their mutual friendship and esteem."	1235

PORTUGAL.

232	Mr. Bryan to Mr. Root.....	1906. May 21	Political conditions. Reports the sudden resignation of the Regenerador ministry and the formation of a new ministry. Incloses newspaper clipping.	1240
235	Same to same.....	June 5	Same subject. Incloses translation of the King's speech delivered at the opening of the Cortes.	1241
237	Same to same.....	June 12	Same subject. Reports that the Cortes was dissolved on June 5 and that general elections have been called for Sept. 29. States that the new ministry has promised free and fair elections.	1243
244	Mr. Fletcher to Mr. Root....	July 16	Alien regulations in Portuguese colonies. Transmits regulations governing the entry, residence, etc., of foreigners in the colonial possessions in Portugal, which were promulgated by decree of July 4 last.	1244
252	Same to same.....	Oct. 1	Political conditions. Reports the opening of the Cortes on Sept. 29, and gives substance of the King's speech.	1243

ROUMANIA.

14	Mr. Riddle to Mr. Root.....	1906. Mar. 1	Relations between Greece and Roumania. Reports that the relations between the two countries have been further strained by the recent expulsion of 7 prominent Greek residents and a mob attack on the Greek Church in Bucharest.	1246
18	Same to same.....	Apr. 7	Commercial treaties of Roumania with Great Britain and Russia. Transmits copy of commercial treaty between Great Britain and Roumania which went into effect Mar. 1.	1247
21	Same to same.....	Apr. 18	Patent law of Roumania. Reports that the new Roumanian patent law was promulgated and went into effect on Jan. 30.	1249
23	Same to same.....	June 18	Relations between Greece and Roumania. Reports that the severing of relations between the two countries has been officially announced.	1246
24	Same to same.....	June 20	Commercial treaties of Roumania with Great Britain and Russia. Transmits official text of commercial treaty between Roumania and Russia which went into effect Apr. 4.	1247
	Proclamation by the President.	June 25	Convention for the reciprocal protection of trademarks. Text.	1247
25	Mr. Riddle to Mr. Root.....	June 30	Patent law of Roumania. Incloses translation of the rules to be followed in applying for patents.	1249

ROUMANIA—Continued.

No.	From and to whom.	Date.	Subject.	Page.
26	Same to same.....	1906. July 2	Jews in Roumania. Reports that during the last parliamentary session 27 Roumanian Jews were naturalized and admitted to all the rights enjoyed by Roumanian subjects.	1248

RUSSIA.

	Memorandum from the Russian embassy.	1905. Dec. 4	Geneva (Red Cross) Conference. Refers to failure of the Swiss Government to call the conference, and requests views of the United States as to the propriety of taking up the questions at the Second Peace Conference at The Hague.	1534
	Mr. Root to Count Cassini....	Dec. 13	Same subject. Incloses memorandum setting forth views of the United States relative to subject-matter communicated in his note of the 4th instant.	1536
	Mr. Meyer to Mr. Root (telegram).	1906. Jan. 1	Strikes, riots, and political disturbances. "Consul Smith in Moscow reports to-day by telephone that everything is quieting down; barricades being removed; streets regaining normal condition. American consulate has not been disturbed."	1274
391	Same to same.....	Jan. 4	Same subject. Reports publication of ukase providing that in case of mutinies or strikes on Russian railroads the managers of the lines may proclaim martial law over all the property belonging to their division, and enacting measures for enforcing this provision.	1274
	Same to same (telegram).....	do.....	Same subject. Following telegram, dated Jan. 3, just received from consulate, Warsaw: "Workmen's union ordered resumption work; factories reopening; extreme socialists' influence weakened; no great trouble anticipated."	1275
395	Same to same.....	Jan. 5	Same subject. Reports in regard to the safety of the works of the New York Air Brake Co. and the conditions at St. Petersburg.	1278
397	Same to same.....	do.....	Same subject. Incloses copy of report from the American consul at Moscow, giving detailed report of disturbances from Dec. 20 to 31, inclusive.	1275
	Same to same (telegram).....	Jan. 11	Inauguration of the Parliament (Douma) of Russia. "Official messenger announces, owing to the last ukase increasing number of voters enormously, will take not less than two months to revise and publish voting lists. All possible efforts being made by Government to hasten work. Announces Douma probably convene not before end of April."	1251
108	Mr. Bacon to Mr. Meyer.....	Jan. 17	American citizens resident in Russia. Refers to the passport application of Mordiros Sevoian and states that an attempt to procure a passport under false pretenses is not by itself sufficient reason for sequestering a certificate of naturalization. Adds that the paper should not be taken up unless there is good reason to believe that it was improperly issued, fraudulently obtained, or is in the unlawful possession of a person to whom it was not issued.	1286
430	Mr. Meyer to Mr. Root.....	Jan. 29	Strikes, riots, and political disturbances. Reports the failure of the revolutionary movement and its effect in retarding the inauguration of reforms, and refers to the attitude of the various parties toward the elections to the Douma.	1279
	Same to same (telegram).....	Feb. 2	Exchange of prisoners of war. States that the report of the general staff is that the Japanese prisoners of war who were in the rear have been sent forward for exchange to Gunjulin; on Dec. 22, Russian style, there were 4 superior officers and 100 men, and on the 16th of December, Russian style, 34 men. There are still about 40 more Japanese prisoners in the hospitals or in the rear, who will be brought, as soon as their health permits, to Harbkra and from there sent in parties to the south of Gunjulin.	1336

RUSSIA—Continued.

No.	From and to whom.	Date.	Subject.	Page.
	Same to same (telegram).....	1906. Feb. 9	Same subject. States that he has just been informed by the minister for foreign affairs that General Linevitch had notified Marshal Oyama, by a direct official communication on the 15th (28th) December, of the number and arrangements of the mines placed in the waters of Sak-jalin by the imperial fleet and in Korea.	1336
	Same to same (telegram).....	...do....	Resumption of diplomatic relations between Russia and Japan. States that the Government of Russia will certainly recognize Mr. Motona as Japanese minister when he arrives at St. Petersburg, and that it is willing to make it easy for him to exercise his functions before his official letters of credence arrive.	1335
435	Same to same.....	...do....	Exchange of prisoners of war. Incloses copy of note from foreign office.	1335
445	Same to same.....	Feb. 15	American citizens resident in Russia. Transmits passport application of one Von Mertenfeld, a naturalized citizen of the United States, who has resided in Russia since 1856. Reviews case and requests instructions.	1286
116	Mr. Bacon to Mr. Meyer.....	Feb. 17	Protection of the Nestorian Church in Persia. States that the matter is one in which no American interest is involved, but would appear to be one between Persia as protector of the church and Russia as responsible for the various trespasses committed by Russians in the territory of Persia.	1285
	Mr. Meyer to Mr. Root (telegram).	Feb. 27	Inauguration of the Parliament (Douma) of Russia. "Mr. Meyer states that it has been officially announced that the Douma will convene on the 10th of May."	1251
463	Same to same.....	Mar. 14	Same subject. Gives substance of an imperial manifesto, issued on Mar. 6, relative to the reorganization of the Council of the Empire.	1251
464	Same to same.....	...do....	American citizens resident in Russia. Reports the compilation of a tentative directory of American citizens in Russia, which shows that only a small number are known to hold passports, while the others are likely to be availing themselves of expired passports. Suggests propriety of advising Russian authorities that such passports are invalid.	1287
	Baron Rosen to Mr. Root....	Mar. 16	Prohibition of firearms. Asks that steps be taken to check the exportation of prohibited arms and ammunition to Russia.	1316
467	Mr. Meyer to Mr. Root.....	Mar. 17	Alleged violation of the Geneva and The Hague conventions. Incloses reply of the Russian staff to charges made by the Japanese and transmitted with instructions Nos. 57 and 62.	1334
468	Same to same.....	Mar. 19	Inauguration of the Parliament (Douma) of Russia. Gives detailed explanations concerning the machinery of elections to the Douma or National Assembly of Russia and incloses tables showing the delegations from the several provinces and cities.	1252
125	Mr. Root to Mr. Meyer.....	Mar. 20	American citizens resident in Russia. Acknowledges No. 445 and states that the passport referred to therein should not be granted and that Von Mertenfeld should be informed that his continued use of old passports is improper and that they should be surrendered.	1289
17	Mr. Root to Baron Rosen....	...do....	Prohibition of firearms. Informs him that his note has been communicated to the Secretary of the Treasury and to the Secretary of Commerce and Labor and that it will be published.	1316
	Same to same.....	Mar. 21	The Second Peace Conference. Refers to his note of Oct. 5 last, and expresses desire to be furnished with the names of the American countries that have received and accepted invitations to the conference.	1625
	Baron Rosen to Mr. Root....	...do....	Same subject. Communicates information requested in note of this date.	1625
	Note from the Russian minister at Berne to the Swiss Federal Council.	Mar. 22	Geneva (Red Cross) Conference. Suggests that the subjects be placed before the Second Peace Conference; or, if the call has already been made, that the conference meet not later than the second half of May.	1537
	Baron Rosen to Mr. Root....	Apr. 3	The Second Peace Conference. States that the Russian and Dutch Governments propose to call the conference during the first half of July. Incloses tentative programme and requests views of the United States.	1626

RUSSIA—Continued.

No.	From and to whom.	Date.	Subject.	Page.
20	Mr. Root to Baron Rosen...	1906. Apr. 6	Same subject. Informs him that the President is in deep sympathy with the proposed conference and will appoint delegates, but he deems the early date mentioned in the embassy's note of Apr. 3 inconvenient and apprehends embarrassment for the conferences at Rio de Janeiro and Geneva, which are to be held in June and July. States that the adherence of nonsignatory powers to the conventions of the previous conference and their attendance at the second conference is highly favored by the United States. Adds that due note has been taken of the tentative programme and that the United States reserves consideration thereof.	1627
	Baron Rosen to Mr. Root...	...do....	Same subject. States that the date of meeting is the second, not the first half, of July. Quotes telegram from the minister for foreign affairs showing that the date was proposed in deference to the wish of Holland.	1628
479	Mr. Meyer to Mr. Root.....	Apr. 7	Inauguration of the Parliament (Douma) of Russia. Reports in regard to the impression made on the Government by the success of the constitutional democrats.	1256
	Mr. Bacon to Mr. Meyer (telegram.)	...do....	Treatment and condition of Jews in Russia. States that grave fears are felt in this country by relatives of the Jews in Russia, who believe that mob disturbances and unlawful attacks are planned for Easter, and wants to know what information Mr. Meyer has as to the precautions which have been taken to avert the dreadful events of former years.	1296
	Mr. Meyer to Mr. Root (telegram.)	Apr. 9	Same subject. States that he has been assured by M. Witte that there will not be any disturbances, and that the minister of the interior sent out a circular to all the governors saying that they must hold the police responsible, and that this has reassured the chairman of the Jewish committee. He thinks that disturbances will occur in isolated places on account of the ill feeling of some subordinates.	1296
	Baron Rosen to Mr. Root...	Apr. 9- 22	The Second Peace Conference. Quotes telegram from the minister for foreign affairs to the effect that it is Russia's intention to arrange so that the participation of merely invited powers will be assured upon their declaration of adhesion to the conventions of the first conference.	1635
	Same to same.....	Apr. 12	Same subject. Recites points which it is desired to bring before the conference and requests adhesion of the United States to this tentative programme.	1629
	Same to same.....	...do....	Same subject. Incloses list of governments invited to the second conference; suggests form of protocol providing for the adhesion of States which were not parties to the first conference to the conventions thereof.	1631
	Same to same.....	...do....	Same subject. States that the Russian Government is quite ready to postpone the conference until such time as will be acceptable to all the powers interested.	1633
22	Mr. Root to Baron Rosen...	Apr. 13	Same subject. Expresses thanks for note of the 12th instant in regard to the change of time of meeting and informs him that any date after Sept. 20 will be acceptable to the United States.	1633
132	Mr. Bacon to Mr. Meyer.....	Apr. 14	American citizens resident in Russia. Acknowledges No. 464 and states that while the department disapproves of the use of expired passports it is not prepared to authorize consular officers to notify the police that such passports are invalid, as such a course would probably lead to the molestation of the holder who might really be an American citizen. Cases of imposition should be dealt with according to their merits and notification made only when the circumstances surrounding the case warrant such action.	1290
24	Mr. Root to Baron Rosen...	Apr. 19	The Second Peace Conference. Gives assent to course proposed in note of the 12th instant for permitting adhesion of nonsignatory powers to the conventions of the first conference, on understanding that the assent of the other signatory powers is obtained.	1634

RUSSIA—Continued.

No.	From and to whom.	Date.	Subject.	Page.
		1906.		
503	Mr. Meyer to Mr. Root.....	May 2	Capture and destruction of the steamship <i>Knight Commander</i> . Incloses translation of the proceedings and decision of the supreme court in St. Petersburg in the case of the <i>Knight Commander</i> , together with copy of Mr. Berline's protest as regards neutral goods.	1318
507	Same to same.....	May 10	Inauguration of the Parliament (Douma) of Russia. Gives description of the ceremony attending the opening of the Douma this morning and incloses text of the Emperor's speech.	1257
509	Same to same.....	May 11	Same subject. Reports the election of Professor Muromtsoff, a constitutional democrat, as president of the Douma, and refers to speech made by Ivan Petrunkevich.	1259
511	Same to same.....	May 15	Resignation of Count Witte. Gives names and antecedents of members of new cabinet.	1336
142	Mr. Root to Mr. Meyer.....	May 19	Prohibition of firearms. Incloses letter from the Savage Arms Co. requesting the same relaxation as is claimed to have been granted Belgian makers of small target and sporting rifles. Directs him to look into the matter and see whether there is any discrimination against Americans.	1317
	Memorandum from the Russian embassy.	May 21	Murder of American Vice-Consul Stuart. Text of telegram from the Russian minister for foreign affairs announcing the murder.	1290
	Mr. Meyer to Mr. Root (telegram).	...do....	Same subject. States that the British consul has reported to him that Stuart, American vice-consul at Batum, was murdered last night and that the murderers are unknown.	1291
	Mr. Bacon to Mr. Meyer (telegram).	...do....	Same subject. Directs him to urge authorities to identify and punish murderers and to ask the British consul to take charge of American interests and the American consulate at Batum. States that the British Government has been asked to give permission.	1291
519	Mr. Meyer to Mr. Root.....	May 24	Same subject. Confirms telegram of May 21 and incloses copy of note to British embassy. Reports measures taken by the Russian Government for the apprehension of the murderers.	1291
	Memorandum to the Russian embassy.	...do....	Same subject. Acknowledges memorandum of the 21st and expresses confidence that the Russian Government will use its best endeavors to bring those who have committed the crime to justice.	1292
	Mr. Meyer to Mr. Root (telegram).	May 31	Same subject. "Minister for foreign affairs informs me that Kassim Didjavadgé and Ali Porkhall Ohgly have been arrested under the charge of having assassinated Stuart and that the former has already admitted his participation in the crime. He adds that it appears from the communication of His Majesty's lieutenant in the Caucasus that the investigation is being actively followed up and that he expects to advise me as soon as possible of its final result."	1294
532	Same to same.....	June 5	Same subject. Incloses copy of letter from the British consul at Batoum, reporting in regard to the circumstances of the crime.	1294
27	Mr. Root to Baron Rosen...	June 7	The Second Peace Conference. Acknowledges note of the 12th of April in regard to the programme which should be adopted for consideration and discussion at the conference, and outlines views of the United States relative thereto.	1635
537	Mr. Meyer to Mr. Root.....	June 11	Inauguration of the Parliament (Douma) of Russia. Reports in regard to the political differences between the Douma and the governor over the land and death penalty question. States that the peasant members are not, however, yielding to socialist pressure and adds that the workmen are rallying to the support of the Douma.	1260
538	Same to same.....	...do....	Strikes, riots, and political disturbances. States that a general strike is threatened unless the Government gives way to the Douma and that agrarian troubles are feared in Poland, where strikes continue off and on.	1279
150	Mr. Bacon to Mr. Meyer.....	June 13	Murder of American Vice-Consul Stuart. Approves note in No. 519.	1295
544	Mr. Meyer to Mr. Root.....	June 16	Treatment and condition of Jews in Russia. States that it is believed that the massacre of Jews at Bielostok was started by Jewish anarchists firing into a Russian religious procession. Adds that investigating committee has been appointed by the Douma.	1296

No.	From and to whom.	Date.	Subject.	Page.
	Same to same (telegram)....	1906. June 23	Same subject. States that he has been advised by a responsible party who has just returned from investigating the massacre of the Jews last week that 100 were killed and nearly 100 wounded; that there were several cases of mutilation, but none of ravishing, and that the rioters plundered considerable of the property of the Jews. He adds that evidence points to the work and enmity of the lower local military and police officials, who acted without instructions from St. Petersburg.	1297
552	Same to same.....	June 27	Inauguration of the Parliament (Douma) of Russia. Reports debate in the Douma on the question of massacres instigated if not committed by certain police and high authorities. Gives substance of the speech of the Minister of Interior Stolypin, and incloses text of speech of Prince Urussoff advocating a liberal ministry.	1261
566	Same to same.....	July 10	Patent law of Russia. Incloses correspondence with foreign office, in which it appears that patent rights in Russia must be exercised within five years, but in exceptional cases petition for extension may be presented to the Emperor.	1314
574	Mr. Meyer to Mr. Bacon.....	July 13	Treatment and condition of Jews in Russia. Incloses an official communication in regard to the disorders at Bielostock.	1297
585	Same to same.....	July 24	Strikes, riots, and political disturbances. Quotes circular issued to governors throughout Russia, setting forth the policy of the Stolypin government towards disturbances and revolutionary movements.	1280
588	Same to same.....	July 26	Inauguration of the Parliament (Douma) of Russia. Incloses translation of proclamation issued by the members of the Douma that assembled at Viborg on July 23, the day after the Douma was dissolved.	1265
589	Same to same.....	July 27	Same subject. Incloses manifesto vindicating dissolution of the Douma and calling new Douma for Mar. 5, 1907.	1266
608	Same to same.....	Aug. 6	Strikes, riots, and political disturbances. Reports in regard to the plan that insurrection should take place simultaneously at Sveaborg, Kronstadt, Libau, Odessa, and Sebastopol.	1280
609	Same to same.....	do.....	Same subject. Reports that the strikes on steam railways, river boats, and factories commenced on Monday but is not expected that they will last long.	1281
	Mr. Meyer to Mr. Root (telegram).	Aug. 8	Same subject. "General committee which ordered a general strike has now declared it off, main cause of failure nonparticipation of the railroads and universal reluctance of workmen."	1282
613	Same to same.....	Aug. 10	Prohibition of firearms. Acknowledges No. 142 and reports that investigation discloses no discrimination against American firms.	1317
246	Baron Rosen to Mr. Bacon.....	do.....	Same subject. Refers to his note of Mar. 16 and states that war vessels will cooperate with revenue cutters in endeavoring to prevent smuggling of firearms.	1317
634	Mr. Eddy to Mr. Root.....	Aug. 23	Strikes, riots, and political disturbances. Confirms telegram stating all strikes concluded, Reval, and that factories have resumed work.	1282
	Same to same (telegram)....	Aug. 26	Same subject. "Three men dressed as officers entered the house of prime minister and attempted his life by throwing a bomb into the room where he usually works. He was not there and escaped harm; his son and daughter hurt; 15 killed and 15 injured; also 1 of the murderers dead. The embassy called on the minister and I wrote the usual letter to minister for foreign affairs. City quiet."	1282
	Same to same (telegram)....	Aug. 28	Amelioration of the condition of the peasant class in Russia. Reports that the Emperor ordered on Aug. 12-25 crown land in the governments of Archangel and Vologda to be placed at the disposal of a peasant's bank, to be sold to the peasants.	1267
638	Same to same.....	Aug. 29	Same subject. Incloses copy of order referred to in his telegram of yesterday.	1268
644	Same to same.....	Sept. 15	Treatment and condition of Jews in Russia. Makes an exhaustive report on the social and political conditions of Jews in Russia.	1300
649	Same to same.....	Sept. 19	Same subject. Incloses official account published in St. Petersburg of the massacre of Jews at Siedletz, together with a report from the American vice-consul at Warsaw.	1311

RUSSIA—Continued.

No.	From and to whom.	Date.	Subject.	Page.
174	Mr. Adee to Mr. Meyer.....	1906, Sept. 20	The open-door policy in Manchuria, establishment of custom-houses, and opening of ports to international trade. Incloses copy of No. 45 from Japan and instructs him to represent to the Russian Government the importance the United States attaches to the early establishment of Chinese custom-houses on the Chinese Eastern Railway.	223
651	Mr. Meyer to Mr. Root.....	Sept. 22	Treatment and condition of Jews in Russia. Reports interview between Baron Gunzburg, representing the Siedletz Jews, and Premier Stolypin.	1312
665	Same to same.....	Oct. 13	Strikes, riots, and political disturbances. Incloses copy of dispatch from the American vice-consul at Warsaw relating to the general strike in Lodz.	1282
677	Same to same.....	Oct. 31	Same subject. Reports in regard to the robbery of the treasury wagon on the streets of St. Petersburg.	1283
679	Same to same.....	Nov. 1	Treatment and condition of Jews in Russia. States that the council of state has decided by vote to regard the question of granting political rights to Jews as forming part of the general question of granting equal political rights to all nationalities in Russia.	1313
680	Same to same.....	do	Strikes, riots, and political disturbances. Reports impressions of his trip in southern Russia.	1283
683	Same to same.....	Nov. 7	The open-door policy in Manchuria, establishment of custom-houses, and opening of ports to international trade. Reports substance of conversation had with the Russian minister for foreign affairs respecting the establishment of Chinese custom-houses in Manchuria.	227
687	Same to same.....	Nov. 10	Amelioration of the condition of the peasant class in Russia. Incloses translation of ukase granting new privileges to the peasants and modifying their relations to their village communes.	1268
	Memorandum from the Russian embassy.	Nov. 12	The Second Peace Conference. Refers to the department's note of June 7, discusses and requests further information in regard to the reservations made therein.	1640
705	Mr. Meyer to Mr. Root.....	Dec. 1	Treatment and condition of Jews in Russia. Reports removal of certain restrictions on the Jews in anticipation of final action by the Douma.	1313
718	Same to same.....	Dec. 15	Strikes, riots, and political disturbances. Reports attempted assassination of former governor of Moscow.	1285
719	Same to same.....	do	Amelioration of the condition of the peasant class in Russia. Incloses ukase granting peasants the right to withdraw from the communal land system and become personal owners of the land they cultivate.	1270
	Mr. Root to Baron Rosen (memorandum).	Dec. 20	The Second Peace Conference. Explains purpose of reservations mentioned in note of June 7.	1642
728	Mr. Meyer to Mr. Root.....	Dec. 24	Inauguration of the Parliament (Douma) of Russia. Incloses translation of an imperial ukase published Dec. 22, fixing the date of the elections for the new Douma for Feb. 19.	1267
729	Same to same.....	Dec. 28	Strikes, riots, and political disturbances. Reports assassination of Count Alexei Ignatiev.	1285
732	Same to same.....	Dec. 31	Treatment and condition of Jews in Russia. States that the Emperor has decided not to affix his signature to the bill granting certain privileges to Jews, referred to in No. 105, as he prefers that action should be taken by the Douma.	1313

SERVIA.

12	Mr. Root to Mr. Riddle.....	1906, May 10	Military tax on naturalized Americans of Servian birth. Incloses for inquiry and report letter of Apr. 25 from M. J. Pavlovitch.	1338
13	Mr. Schuyler to Mr. Root...	Oct. 12	Same subject. States that under the stated requirements of the Servian law governing expatriation, the Servian Government would undoubtedly refuse to recognize Pavlovitch's citizenship. Outlines course to be followed by Servian subjects seeking naturalization in a foreign country.	1338

SIAM.

No.	From and to whom.	Date.	Subject.	Page
259	Mr. King to Mr. Root.....	1906. Feb. 7	American missionary school at Chiengmai. Reports a visit of the crown prince to the Presbyterian Mission at Chiengmai, where he laid the corner stone and named a new school building. Incloses copy of the address made by the crown prince, together with a copy of his note to the missionaries.	1339

SPAIN.

34	Mr. Bacon to Mr. Collier....	1906. Jan. 30	Status of non-Catholic religious denominations in Spain. Refers to an inquiry made to the department and directs him to report as to the present status of the non-Catholic religious denominations in Spain in the matter of the exercise of their forms of faith.	1351
71 B	Mr. Collier to Mr. Root.....	Feb. 17	Same subject. Acknowledges No. 34 and makes report called for therein.	1351
72	Same to same.....	Mar. 13	Marriage of the King. States that official announcement of the King's engagement has been made and incloses copy of his note to the minister of state expressing congratulations.	1343
	Mr. Pastor to Mr. Root.....	Mar. 28	Same subject. States that the marriage of the King has been arranged and that the delegates of the friendly countries should be at Madrid on May 28.	1344
	Same to same.....	Apr. 6	Same subject. States that the foreign envoys extraordinary to the forthcoming wedding of the King will be guests of the Spanish Government.	1344
	Mr. Bacon to Mr. Collier (telegram).	Apr. 20	Same subject. States that the following are names of special embassy and suite: Ambassador Frederick Wallingford Whitridge, Mrs. Whitridge, Miss Whitridge; William H. Buckley, secretary; Lieut. Ulysses S. Grant, military attaché; Lieut. C. Palmer, naval attaché.	1344
44	Mr. Root to Mr. Collier.....	May 4	Algeciras conference. Quotes art. 56 of the Morocco act relative to the initial capital of the State Bank of Morocco and quotes declaration which he is to make on behalf of the United States, which declines to avail itself of the privilege of taking shares.	1494
	Mr. Collier to Mr. Root (telegram).	May 31	Attempt on the life of the King and Queen of Spain. "Bomb thrown at King and Queen while returning to palace after wedding. Their Majesties escaped uninjured. Royal carriage wrecked. Many of escort killed."	1348
108	Same to same.....	June 5	Same subject. Quotes text of note of sympathy and congratulation and gives full account of the outrage.	1348
109	Same to same.....	June 8	Marriage of the King. Gives a full account of the festivities tending the wedding.	1345
112	Same to same.....	June 11	Attempt on the life of the King and Queen of Spain. Incloses note from minister of state acknowledging note of sympathy.	1350
55	Mr. Root to Mr. Collier.....	June 29	Marriage of the King. Directs him to make suitable expression of this Government's thanks for the courtesies paid to the special ambassador and suite, and express appreciation of the consideration shown by Senor Don Jaime de Ojeda, who acted as aid and escort to the ambassador.	1341
152	Mr. Collier to Mr. Root.....	Aug. 23	Arbitration treaty between Spain and Honduras. Reports exchange of ratifications of treaty signed Mar. 13, 1905, and quotes principal features and provisions.	1353
	Proclamation by the President.	Aug. 27	Reciprocity agreement. Text.....	1341
162	Mr. Collier to Mr. Root.....	Sept. 3	Commercial treaty between Spain and Switzerland. Reports signing of the treaty on Sept. 1, and states that a modus vivendi is to go into effect on Sept. 5, pending ratification of the treaty.	1354
164	Same to same.....	Sept. 5	Same subject. States that the new royal decree putting the modus vivendi into effect is in all respects like the one putting into effect the United States agreement.	1354
198	Mr. Winthrop to Mr. Root..	Nov. 15	Same subject. States that the convention was presented to the Cortes on Nov. 10 for ratification. Gives substance of treaty and accompanying report.	1355
200	Same to same.....	Nov. 20	Same subject. Reports promulgation of the treaty on Nov. 19, and notes several articles of American manufacture which will enjoy the rates fixed thereby.	1356

LIST OF PAPERS.

XLI

SWEDEN.

No.	From and to whom.	Date.	Subject.	Page.
46	Mr. Graves to Mr. Root.....	1906. Jan. 16	King Oscar's speech to the Riksdag. Quotes extracts from speech delivered at the formal opening of the Riksdag on Jan. 15.	1357
60	Same to same.....	May 15	Commercial treaty between Sweden and Germany. States treaty has been signed and submitted to the Riksdag.	1358
61	Same to same.....	do.....	Passports of American citizens of Swedish birth. States that in order to avoid misunderstanding and prevent the frequent arrest of naturalized American citizens for military or naval service, a printed slip giving a translation of text of passports and of naturalization treaties between Sweden and United States is attached to all passports issued by the legation.	1360
	Same to same.....	May 21	Reorganization of the diplomatic and consular service of Sweden. Transmits abstracts from report of Swedish royal commission on reorganization of the Swedish diplomatic and consular service, 1906.	1362
45	Mr. Bacon to Mr. Graves....	June 4	Passports of American citizens of Swedish birth. Acknowledges No. 61; points out objections to the printed slips referred to therein and states that it would seem that difficulty may be overcome by the Swedish Government issuing instructions to the local authorities which will enable them to recognize the passports of this Government.	1360
	Mr. Graves to Mr. Root.....	Oct. 12	Commercial agreement between Sweden and Russia. France submits text.	1359

SWITZERLAND.

	Mr. Pioda to Mr. Hay.....	1901. Apr. 4	Geneva (Red Cross) conference. Requests to be informed of this Government's opinion as to whether it is thought that the time has arrived for a revision of the Geneva convention of 1864. Incloses "statement of some ideas to be examined for the revision of the Geneva convention."	1528
293	Mr. Hill to Mr. Pioda.....	May 13	Same subject. Informs him that the United States will gladly be represented at a congress which the Swiss Confederation may call for the purpose stated in his note of the 4th ultimo.	1529
	Mr. Lardy to Mr. Hill.....	Aug. 12	Same subject. States that in view of the replies so far received from other governments the Swiss Government has decided to put off the meeting of the conference until next year.	1529
	Mr. du Martheray to Mr. Hay.	1903. Mar. 11	Same subject. States that it is the purpose of the Swiss Government to have the conference meet at Geneva on Sept. 14 next. Invites delegates and incloses programme and note of the British Legation at Berne.	1530
4	Mr. Hay to Mr. du Martheray.	Mar. 30	Same subject. States that the War Department has named Brig. Gen. George B. Davis as delegate, and that the Navy Department will later on nominate an officer for this duty.	1532
7	Same to same.....	May 9	Same subject. States that the Navy Department has named Commander Nathan Sargent as delegate.	1533
	Mr. du Martheray to Mr. Hay.	July 24	Same subject. States that owing to the failure of various States to respond to the note of the Federal Council, it has been decided to indefinitely postpone the conference.	1533
	Same to same.....	1904. Feb. 8	Same subject. States that all obstacles having been removed, the Federal Council has determined to invite the conference for May 16, next, at Geneva. Invites participation.	1533
	Same to same.....	Mar. 2	Same subject. States that by reason of the outbreak of the war between Russia and Japan the Federal Council has decided to postpone the conference. Adds that his Government hopes to convene the conference in the near future.	1534

SWITZERLAND—Continued.

No.	From and to whom.	Date.	Subject.	Page.
		1905.		
	Proclamation by the President.	Jan. 1	Reciprocity with Switzerland. Text.	1368
39	Mr. Clay to Mr. Root.....	Jan. 8	Status of the American widow of a foreign subject. Requests instructions in regard to the issuance of a passport to the American widow of a German subject, whose application and sworn declaration of intention to return to the United States within two years are inclosed.	1370
	Mr. Vogel to Mr. Root.....	Jan. 16	Reciprocity with Switzerland. Inquires whether absinthe, kirsch-wasser, and bitters are included under the proclamation of Jan. 1.	1369
19	Mr. Bacon to Mr. Clay.....	Jan. 23	Status of the American widow of a foreign subject. States that the department is of the opinion that during Mrs. Bartning's coverture she was not entitled to be protected as a citizen of the United States; but, her husband having died, if her residence abroad (which is not in the country of which her husband was a subject) is only temporary, and she entertains in good faith an intention of returning to the United States to reside, she is entitled to receive a passport.	1371
6	Mr. Bacon to Mr. Vogel.....	Jan. 27	Reciprocity with Switzerland. States that absinthe, kirsch-wasser, and other merchandise specified in paragraph 292 of the tariff act of 1897 will be entitled to the benefits of the proclamation.	1369
	Mr. Vogel to Mr. Root.....	Mar. 22	Geneva (Red Cross) conference. States that it has been decided to hold the conference at Geneva on June 11 next. Incloses programme and extends invitation to send delegates.	1538
9	Mr. Root to Mr. Vogel.....	Apr. 28	Same subject. Accepts invitation and names American delegates.	1540
	Mr. Vogel to Mr. Root.....	May 1	Exclusion of the divorced insane wife of an American citizen. Refers to correspondence had in 1902 in regard to Mrs. Elizabeth Abeldt-Fricke, divorced wife of an American citizen, and asks that she be permitted to return to the United States and that provision be made for the care of herself and child.	1364
12	Mr. Root to Mr. Vogel.....	June 2	Same subject. States that Mrs. Abeldt-Fricke would seem under the laws of the United States and the Continental codes to have resumed her original nationality by returning to her native country after divorce from her American husband and that as the statutes of the United States prohibit the landing of insane aliens it would seem to be impossible to allow her to land in this country. Adds that the conclusions reached in regard to the matter would not apply to the child, as the latter was born in the United States, and is, therefore, an American citizen.	1365
	Mr. de Pury to Mr. Root.....	June 28	Same subject. Acknowledges note of June 2 and states that the woman was insane at the time she was sent back to Switzerland by her husband, and that the divorce decree had not gone into effect when the legation submitted its first request on May 1.	1366
14	Mr. Adee to Mr. de Pury....	July 16	Same subject. States that the department is unable to acquiesce in the arguments advanced in note of the 28th ultimo, and informs him that the question being in the main one of citizenship can be decided only by the courts.	1366

TURKEY.

936	Mr. Root to Mr. Leishman..	1905. Nov. 15	Equal treatment for American institutions. Incloses dispatch from consul-general at Beirut, directs him to press most urgently for the irades that will secure to American institutions the immunities now denied them, and states that he should meanwhile demand for American schools, whose applications are pending, the same treatment as is accorded to other foreign schools in like cases.	1372
	Same to same (telegram)....	Nov. 27	Same subject. Refers to instruction of Nov. 15. Informs him of the President's displeasure at the little attention paid by the Sultan to his personal request presented two years ago and directs him to endeavor to impress the Porte and, if need be, the Sultan himself with the earnestness of our representations.	1376

TURKEY—Continued.

No.	From and to whom.	Date.	Subject.	Page.
1218	Mr. Leishman to Mr. Root..	1905. Dec. 2	Same subject. States that while the question of equality of treatment for American charitable institutions was satisfactorily settled, in principle, by the Porte's note of Aug. 14, 1904, the matter of putting the decree into practical execution has been dragging along, despite the constant and earnest efforts of the legation to force the Porte to accomplish the necessary formalities of transferring the title of the different properties into the names of the several institutions, etc.	1376
953	Mr. Root to Mr. Leishman..	Dec. 14	Same subject. Directs him to report whether claims for back duties collected on missionaries' supplies are being presented by other foreign religious institutions.	1377
960	Same to same.....	Dec. 23	Same subject. Refers to additional claim by the Syrian Protestant College for repayment of duties illegally collected on articles imported by the college.	1377
967	Same to same.....	1906. Jan. 6	Restrictions upon the sale of the Bible. Incloses copy of letter from the American Bible Society pointing out obstacles that still exist in several places in Turkey to the free and unrestricted distribution of the Bible.	1414
979	Same to same.....	Jan. 18	Equal treatment for American institutions. Refers to previous correspondence tending to show that the United States confidently expects that American institutions shall be treated on an equal footing of benefit with those of other States.	1378
996	Mr. Bacon to Mr. Leishman.	Jan. 30	Intervention in behalf of the Armenians. Incloses copy of letter addressed to Oscar S. Straus, answering one addressed by him to the President in which the hope was expressed that the President might find it possible to exercise his good offices in behalf of the oppressed people of Armenia.	1417
998	Same to same.....	Jan. 31	Increase of storage tax on petroleum. Refers to dispatch from the consul-general at Beirut reporting in relation to new regulations increasing the tax on the storage of petroleum and directs him to investigate and take such action as circumstances may call for.	1400
1269	Mr. Leishman to Mr. Root..	Feb. 2	Equal treatment for American institutions. Incloses copy of recent correspondence exchanged with the consul-general at Beirut, showing that the trouble complained of has been partially settled. States that the greatest difficulty encountered has been on account of the dispute over the list furnished by the Presbyterian mission which the Porte claims included a number of native schools and a number of schools which have been closed for some time.	1378
1275	Same to same.....	Feb. 7	Same subject. Reports that the delay does not lie entirely with the Porte, as the missionary boards have been equally slow in furnishing data concerning the properties. Adds that he has notified the minister for foreign affairs that he must decline to accept the proposed increase of 3 per cent in customs dues until such time as all our matters were definitely adjusted.	1380
1280	Same to same.....	Feb 10	Petition for release from personal taxation. Incloses copy of a note from the minister for foreign affairs stating that Moses B. Harutun is expected to pay outstanding taxes before his petition for exemption from taxation may be considered, and that he should address himself to the Turkish legation at Washington.	1403
1283	Mr. Leishman to Mr. Root..	Feb 15	Intervention in behalf of the Armenians. States that the action of the President, as communicated in No. 996, in declining to offer any interference, will no doubt prove a great relief to the Turkish and European Governments, who find the Turkish question a most difficult one to solve. Adds that the mere suggestion of a conference was sufficient to cause considerable worry and anxiety.	1418
1286	Same to same.....	.....do.....	Increase of storage tax on petroleum. Reports there is no evidence of discrimination and that there is no evidence to show that the regulations would prove especially injurious to American petroleum traders. States that the complainants referred to in No. 998 are not American citizens, and that they have been advised to await instructions from the German ambassador, who, it is understood, has taken the matter up actively.	1401

TURKEY—Continued.

No.	From and to whom.	Date.	Subject.	Page.
1290	Same to same.....	1906. Feb 16	Restrictions upon the sale of the Bible. Reports that restrictions would probably be removed if none but Europeans or Americans were employed for the work, and if they confined themselves to the distribution of the Bible and approved religious books.	1415
1019	Mr. Bacon to Mr. Leishman.	Feb 21	Equal treatment for American institutions. Incloses copy of dispatch from consul-general at Beirut in regard to the customs immunities for American institutions.	1381
1020	Mr. Root to Mr. Leishman...	Feb 24	Immunity for postal matter mailed by a consul. Refers to previous correspondence in regard to consular immunities as relates to mail matter, informs him of the receipt of report from the consul-general at Beirut from which it appears that the book which was stopped by the postal authorities was a popular novel and the property of the consul-general. States that the department inclines to the view that the privilege of immunity is the official prerogative of the Government and not a personal prerogative of the officer.	1416
1023	Same to same.....	Feb 27	Alleged taxation of property in the United States by the Turkish Government. Reviews case of the four Garabedian brothers, naturalized citizens of Ottoman origin, now residing at Worcester, Mass., to the effect that the Turkish Government is endeavoring to collect taxes on real estate owned by them in Worcester, and is holding a relative in Harput responsible for the payment thereof. States that while the Turkish Government may, with a certain degree of fairness, claim personal taxes of a former Turkish subject whose naturalization was not consented to by the Turkish authorities, this Government can not consent to the levying of taxes directly or indirectly on real estate in this country. Directs him to take the matter up with the Turkish authorities with a view to the cancellation of the order in question, and with a view to preventing similar cases in the future.	1408
1300	Mr. Leishman to Mr. Root...do.....	do.....	Equal treatment for American institutions. Transmits correspondence in regard to the filing of an application in accordance with the Mytilene agreement, for the erection of a woman's hospital for the American college at Beirut. States that in the event of the Porte failing to take action within the period fixed in the French settlement, the legation will be in a position to claim the right by default, as was done in similar cases at Cesarea and Salonica.	1383
1308	Same to same.....	Mar. 3	Same subject. Reports that the first batch of institutions submitted for formal ratification and transfer of title into the name of the several institutions has been approved by the council of ministers and now awaits the Sultan's approval.	1384
1030	Mr. Bacon to Mr. Leishman.	Mar. 5	Intervention in behalf of the Armenians. Quotes passage in No. 1283 relative to the satisfaction given by the President's action as indicated in letter to Mr. Straus; defines the position of the United States which does not oppose a conference of the Berlin treaty powers, as it is simply without the right or opportunity to move toward bringing about such a conference, but such inability to act does not affect the powers or duties pertaining to the signatories under the Berlin treaty. The United States could not assume to announce any opinion concerning the obligations imposed by the treaty, except if the interests or rights of the United States were clearly affected. Adds that it should be understood that this Government can not renounce in advance its right to protect any legal and equitable interest.	1419
1310	Mr. Leishman to Mr. Root...	Mar. 6	Stamp tax law. Incloses copy of circular note issued by the Sublime Porte preparatory to the promulgation of the new stamp law, together with copy of his reply, notifying the minister for foreign affairs that the legation was not in a position to recommend its acceptance on account of the failure of the Sublime Porte to put its numerous promises and agreements into practical execution.	1398

TURKEY—Continued.

No.	From and to whom.	Date.	Subject.	Page.
1321	Same to same.....	1906. Mar. 12	Equal treatment for American institutions. States that inquiries have been made of other foreign representatives in regard to the refund of customs duties illegally collected from religious institutions.	1385
1043	Mr. Root to Mr. Leishman.....	do.....	Removal of bodies to Turkey for burial. Directs him to inquire if the body of a person who died in the United States will be permitted to enter Syria for burial there and, if so, on what conditions.	1405
1328	Mr. Jay to Mr. Root.....	Mar. 15	Alleged taxation of property in the United States by the Turkish Government. States that he finds the matter reported in No. 1023 difficult to believe, and expresses fear that the relatives of the Messrs. Garabedian at Harput have been grossly misleading him. Adds that the consul has, however, been directed to report, and should the matter prove to be correctly reported he will bring it vigorously to the attention of the Porte.	1408
1046	Mr. Root to Mr. Leishman.....	do.....	Holding of real estate in Turkey by subjects of Ottoman birth who have changed their nationality. Refers to previous correspondence in regard to the right of naturalized citizens of Ottoman origin to hold real estate in Turkey and inquires whether the special law therein referred to has been put into force, and if so, to send a copy to the department.	1410
1346	Mr. Jay to Mr. Root.....	Mar. 30	Equal treatment for American institutions. Incloses copy of correspondence had with the consul-general at Beirut in regard to closing of the American school at Mahardeh on the ground that it had no permit. States that the matter has been taken up with the Porte, and adds that it may develop that the school is one of the purely native institutions referred to in previous correspondence.	1385
1347	Same to same.....	Apr. 3	Removal of bodies to Turkey for burial. Incloses translation of letter from the Ottoman board of health giving the rules governing the matter referred to in instruction No. 1043.	1405
1065	Mr. Bacon to Mr. Jay.....	Apr. 9	Stamp-tax law. Directs him to report what indications there may be of the Turkish Government taking Mr. Leishman's hint that we can hardly be expected to grant a substantial favor while substantial compliance with our just demands is withheld and while the repeated promises of the Porte in that regard remain unfulfilled.	1400
1070	Mr. Root to Mr. Jay.....	Apr. 17	Equal treatment for American institutions. States that even though it should develop that the school referred to in his No. 1346 is one of the wrongly listed institutions, the Porte should consult the legation and adduce proof before taking steps to close a listed American school.	1387
1360	Mr. Jay to Mr. Root.....	Apr. 19	Same subject. Incloses copy of note from the Porte stating that permission requested by the legation in August, 1905, for the erection of two new buildings at the Salonica Industrial School can not be granted, and reports that the work of putting up buildings for the American missionary schools at Cesarea has been stopped by the local authorities. Incloses copy of his note to the Porte stating that he could not discuss any objection raised at this late date, in view of the fact that as no objection had been raised by the Porte during the six months provided by the Mytilene agreement, it was considered that the permission had been granted.	1387
1361	Same to same.....	do.....	Alleged taxation of property in the United States by the Turkish Government. Incloses report from the consul at Harput which clearly shows that taxation such as that referred to in instruction 1023 does not exist on the part of the Turkish Government, and that the complaint probably comes from the fact that the Garabedians were assessed by the chief of their community for the payment of the military tax, the working of which is explained at length.	1409
1370	Same to same.....	Apr. 25	Holding of real estate in Turkey by subjects of Ottoman birth who have changed their nationality. Incloses translation of the law in regard to tenure of landed property by former Ottoman subjects.	1411
1081	Mr. Bacon to Mr. Jay.....	May 5	Equal treatment for American institutions. Approves reply made to the Porte as communicated in his No. 1360 and directs him to insist upon the point therein made.	1390

TURKEY—Continued.

No.	From and to whom.	Date.	Subject.	Page.
1393	Mr. Jay to Mr. Root.....	1906. May 17	Same subject. Reports threat of local authorities to seize school property at Cesarea. Incloses copy of note addressed to the foreign office.	1391
	Chekib Bey to Mr. Root....	June 4	Authentication of letters of attorney in Turkey. Asks that powers of attorney issued by missionaries in Turkey be not recognized if presented in the United States, and adds that these instruments can be drawn up and authenticated in the Ottoman Empire only by the courts of the "sheir" and notaries.	1406
1098	Mr. Root to Mr. Jay.....	June 8	Equal treatment for American institutions. Acknowledges No. 1393 and refers to instruction 1081, which evidently had not reached him when his dispatch was written.	1392
1099	Mr. Bacon to Mr. Jay.....	June 9	Authentication of letters of attorney in Turkey. Quotes substance of note of the 4th instant from the Turkish minister and requests an expression of views on the matter.	1406
1417	Mr. Jay to Mr. Root.....	July 2	Same subject. Reports rules and practice in regard to the authentication of documents to be produced in Turkish courts.	1407
16	Mr. Bacon to Chekib Bey...	July 24	Same subject. Informs him that the contents of his note of the 4th ultimo have been brought to the notice of the American embassy at Constantinople.	1407
31	Mr. Leishman to Mr. Root..	Sept. 14	Equal treatment for American institutions. Reports that under instructions from him, the consul at Trebizond has secured the settlement, without the necessity of referring the matter to the Central Government at Constantinople, of a dispute regarding the levying of duty at Trebizond on goods imported for American missionaries in the interior. Expresses gratification with the outcome of the incident. Incloses correspondence with Consul Jewett.	1392
	Mr. Root to Mr. Leishman..	Oct. 8	Same subject. States that the department joins with him in gratification at the successful termination of the incident referred to in No. 31.	1395
58	Mr. Leishman to Mr. Root..	Oct. 16	Proposed increase of customs duties. Incloses list of demands put by the Powers as a condition to their assent to the increase. States that the embassy has refrained from joining the other representatives in their demands and that it will be governed by the department's telegram of Sept. 13.	1412
63	Same to same.....	Oct. 18	Missionaries' right to travel in Turkey. Reports in regard to the restrictions placed on American missionaries traveling in Asia Minor. Outlines action taken and efforts made to obtain travel permits for American missionaries. Refers to the cases of Messrs. Fowle and McDowell.	1396
68	Same to same.....	Oct. 23	Same subject. Refers to No. 63 and reports the granting of a travel permit to Mr. Fowle.	1397
80	Same to same.....	Nov. 2	Petitions for release from personal taxation. States that the Porte prefers that petitions from naturalized citizens of Turkish birth praying the Sultan to permit them to become American citizens and to release them from assessment for personal taxes in Turkey be handed to the Turkish minister at Washington. Explains the working of the military tax system in Turkey.	1403
72	Mr. Bacon to Mr. Leishman.	Nov. 12	Missionaries' right to travel in Turkey. Commends efforts reported in No. 63 and states that he should continue to remonstrate urgently against placing all American missionaries under a ban, thus implying a national discrimination in which this Government can not acquiesce.	1397
93	Same to same.....	Dec. 11	Petitions for release from personal taxation. Refers to his No. 80 and incloses copy of a circular to be sent by the department to persons requesting its good offices to obtain the Sultan's permission for them to become American citizens and to release them from assessment for personal taxes in Turkey.	1404

URUGUAY AND PARAGUAY.

No.	From and to whom.	Date.	Subject.	Page.
98	Mr. O'Brien to Mr. Root....	1906. Mar. 16	Governments of the Republic of Uruguay. Transmits chronological record of the different administrations of government of the Republic of Uruguay from November, 1828, when the general constitutional and legislative assembly was installed, to March 1, 1906.	1429
99	Same to same.....	do.....	Visit of Secretary Root. Incloses note from the minister for foreign affairs, announcing Secretary Root's acceptance of invitation to visit Uruguay.	1420
126	Same to same.....	Apr. 26	Annual message of the President of Uruguay. Incloses extracts.	1427
	President Ordenez to President Roosevelt (telegram).	Aug. 10	Visit of Secretary Root. "I have just given the first hand shaking to Secretary of State Elihu Root. I salute you with lively sentiments of American brotherhood."	1420
169B	Mr. O'Brien to Mr. Root....	Aug. 23	Same subject. Incloses newspaper accounts of ceremonies, gives text of speeches, and comments on good effects of the visit.	1420
	Mr. Root to Mr. O'Brien (telegram).	Oct. 1	Same subject. "Advise Government of Uruguay of safe arrival of myself and family at Washington and convey my salutations and sincere good wishes."	1427

VENEZUELA.

	Mr. Bacon to Mr. Russell (telegram).	1906. Jan. 9	Protection of French interests in Venezuela and of Venezuelan interests in France. Instructs him to take charge of the protection of French interests in Venezuela.	1432
	Mr. Russell to Mr. Root (telegram).	Jan. 10	Same subject. Reports that he has advised the Venezuelan Government that France has severed diplomatic relations with it, and that after the departure of the French chargé he will take charge of the French interests and archives.	1432
	Mr. Root to Mr. Russell (telegram).	Jan. 20	Relations between Colombia and Venezuela—good offices of the United States. Quotes telegram from Colombia communicating propositions from the Colombian minister for foreign affairs for a settlement of the difficulty between the two countries and directs him to do what courtesy, friendship, and good offices permit toward resumption of friendly relations.	1438
48	Mr. Russell to Mr. Root.....	Jan. 21	Immunities of a retiring diplomatic officer. Makes full report of the action of the Venezuelan Government in preventing the landing of the French chargé from the French steamer <i>Martinique</i> . States that the diplomatic corps took up the question with the minister for foreign affairs, who assumed the position that the Venezuelan Government having been officially notified of the rupture of relations the chargé's diplomatic status ceased and became merely that of a French citizen. Incloses correspondence and report of the American consul.	1448
	Same to same (telegram)....	Jan. 22	Relations between Colombia and Venezuela—good offices of the United States. Reports that the minister for foreign affairs informed him that plenipotentiaries would be named simultaneously by both Governments on the 1st of February and that diplomatic relations would then be resumed.	1438
	Same to same (telegram)....	Feb. 1	Protection of French interests in Venezuela and of Venezuelan interests in France. Reports that the Venezuelan Government wishes to know if the American consuls in Paris, Marseilles, and Bordeaux, etc., can take charge of the archives of the Venezuelan consulates in said towns.	1433
	Same to same (telegram)....	do.....	Same subject. States that it is reported that France has forbidden entrance to Venezuelan imports, and that merchants are shipping by vessels of other nationalities to Havre, as no French vessel can touch at Venezuelan ports. Asks if American consuls can certify to such invoices from Venezuelan to French ports.	1433

VENEZUELA—Continued.

No.	From and to whom.	Date.	Subject.	Page.
51	Same to same.....	1906. Feb. 4	Immunities of a retiring diplomatic officer. Incloses translation of a reply from the minister for foreign affairs to the note sent him by the dean of the Diplomatic Corps stating that the matter is one for presentation by the offended Government, and holding that after notice of rupture of relations the status of the French chargé was merely that of a French citizen.	1454
53	Same to same.....	do.....	Protection of French interests in Venezuela and of Venezuelan interests in France. Incloses translation of a note from the French vice-consul in regard to the retiring of the exequaturs of the French consular offices in Venezuela.	1433
	Mr. Root to Mr. Russell (telegram).	Feb. 5	Same subject. Refers to legation's telegram of the 27th, in which it is stated that as there are no French consuls in Venezuela nor Venezuelan consuls in France, French vessels will not be allowed to enter nor to be cleared from Venezuelan ports. Inquires whether this is a statement of something which will happen in the future, or if such a rule has already been adopted by Venezuela and is not actually in force. States that such action on the part of Venezuela would terminate her commercial convention with France and make French general tariff applicable to Venezuelan ports, including the practically prohibitory duty on coffee. Adds that France accordingly desires to know, and that a speedy answer is desired.	1434
	Mr. Russell to Mr. Root (telegram).	Feb. 6	Relations between Colombia and Venezuela—good office of the United States. Reports that on Feb. 1 Venezuela named a plenipotentiary to Colombia.	1439
	Mr. Root to Mr. Russell (telegram).	Feb. 7	Protection of French interests in Venezuela and of Venezuelan interests in France. Informs him that the American embassy at Paris has been cabled to instruct consuls to take charge of archives of Venezuelan consulates, if agreeable to the Government of France.	1434
	Mr. Russell to Mr. Root (telegram).	Feb. 13	Same subject. States that in an interview with the minister for foreign affairs the minister made an official statement to the effect that the question of vessels clearing from France to Venezuelan ports is the same as that of vessels formerly from Curacao to Venezuela—that is, if said vessels do not have their papers duly signed by Venezuelan consuls they can not enter Venezuelan ports, according to the consular regulations.	1435
	Mr. Root to Mr. Russell (telegram).	Feb. 19	Same subject. Informs him that the French Government has consented to allow American consuls in France to take charge of the papers and archives of Venezuela without performing consular functions.	1436
65	Mr. Russell to Mr. Root.....	Mar. 18	Immunities of a retiring diplomatic officer. Reports that the note addressed by the minister for foreign affairs to the dean of the Diplomatic Corps was sent by all of the diplomatic representatives in Venezuela to their respective governments and states that he has been advised that the representatives of Great Britain, Holland, and Italy have been instructed to protest against the position taken by the Venezuelan Government.	1455
35	Mr. Root to Mr. Russell.....	Apr. 2	Same subject. Informs him that this Government concurs in the position that diplomatic immunities attach to the representative of a foreign power, even though his powers may be suspended or terminated, so long as he remains within the jurisdiction of the state to which he has been accredited, a reasonable time for his withdrawal therefrom being accorded.	1456
	Mr. Bacon to Mr. Russell (telegram).	Apr. 10	Protection of French interests in Venezuela and of Venezuelan interests in France. Directs him to ascertain whether the Venezuelan Government has decided to allow French vessels sailing direct from French ports to discharge passengers and cargo in Venezuelan ports and whether consuls of a third power in France will be allowed to visit the necessary documents for French ships and merchandise proceeding from French ports to Venezuela.	1436

VENEZUELA—Continued.

No.	From and to whom.	Date.	Subject.	Page.
	Mr. Russell to Mr. Root (telegram).	1906. Apr. 10	Temporary retirement of President Castro. Reports that General Castro has retired temporarily from office and turned it over to First Vice-President Gomez yesterday. Mr. Russell says that the President states that his health is impaired and he needs rest; supposed to be going to Victoria. No political significance is apparent at present to this move. States that second Vice-President is said to be leaving shortly for the United States on a financial mission.	1440
69	Same to same.....	Apr. 15	Same subject. Incloses translation of the proclamation issued by President Castro upon his retirement. States that all cabinet officers have resigned and that the departments are in charge of under secretaries.	1441
	Same to same (telegram)....	Apr. 17	Immunities of a retiring diplomatic officer. Asks to be informed if he is to join his colleagues in note to the Venezuelan Government embodying the department's views as stated in instruction No. 35.	1456
	Same to same (telegram)....	Apr. 21	Protection of French interests in Venezuela and of Venezuelan interests in France. Quotes note from minister for foreign affairs in regard to the entry of French vessels sailing direct from French ports into Venezuelan ports, in which it is set forth that the laws of Venezuela will not allow consuls, other than those authorized by that country, to issue clearance papers to vessels sailing from Venezuelan ports. Adds that passengers will always be received provided they comply with the requisites prescribed by law.	1437
	Mr. Bacon to Mr. Russell (telegram).	Apr. 23	Immunities of a retiring diplomatic officer. Informs him that the department prefers, if agreeable to the diplomatic corps, that he should state its views in a separate note coincidentally with the presentation of the joint note of his colleagues, in the language of instruction No. 35.	1456
	Mr. Russell to Mr. Root (telegram).	Apr. 27	Relations between Colombia and Venezuela—good offices of the United States. Reports that the plenipotentiary appointed by Colombia to arrange with Venezuelan plenipotentiary a treaty of navigation frontiers and frontier and transit commerce arrived about three weeks ago, and requested to be received by the acting President in a formal audience. Mr. Russell states that the Government replied that the Colombian plenipotentiary could not be received in accordance with the terms of the protocol of last December until the treaty had been signed and put into execution. The Colombian plenipotentiary insisted until finally the Government of Venezuela stated that it could have no further relations with him and that Colombian Government must send some one else.	1439
73	Same to same.....	Apr. 29	Protection of French interests in Venezuela and of Venezuelan interests in France. Refers to his cable of the 21st and incloses translation of note from the Venezuelan Government in regard to French vessels sailing from French ports direct to Venezuela.	1437
74	Same to same.....	do.....	Relations between Colombia and Venezuela—good offices of the United States. Reports details of the incident telegraphed on the 27th instant and incloses translation of the protocol of Dec. 8, renewing diplomatic relations between the two countries.	1439
	Same to same (telegram)....	May 24	Temporary retirement of President Castro. Reports that General Castro has issued a proclamation stating that he has decided to retire absolutely from the public eye and that he will present his resignation at the next session of Congress in accordance with the statement of the proclamation.	1442
77	Same to same.....	May 27	Same subject. Gives names and antecedents of new cabinet as announced by acting President Gomez.	1442
80	Same to same.....	do.....	Same subject. Incloses copy of proclamation referred to in telegram of the 24th, which was issued on the anniversary of the day General Castro left the place of his exile on the Colombian frontier at the head of the revolutionary movement that placed him in power.	1443

VENEZUELA—Continued.

No.	From and to whom.	Date.	Subject.	Page.
	Same to same (telegram)....	1906. May 29	Same subject. Reports an open rupture between Castro and Gomez seems imminent. Recites repeated efforts of Gomez to have Castro assume the presidency. States that Gomez has threatened to resign and has so informed Castro, who has replied, telling him to go ahead and do what his friends might suggest to him.	1444
83	Same to same.....	June 10	Same subject. Reports adjustment of difficulty between General Castro and General Gomez; gives list of new cabinet, and incloses translation of proclamation issued by General Gomez.	1445
84	Same to same.....	June 24	Same subject. Reports that General Castro will return to power on July 5, which will be made the occasion for a great celebration.	1446
89	Same to same.....	July 8	Same subject. Reports that General Castro's return to power took place on July 5, and that on that day he issued a decree pardoning all political prisoners except "traitors." He announced that for the present no change was to be made in the cabinet.	1447
95	Same to same.....	July 22	Same subject. Reports that on the 16th instant General Castro named the new cabinet. Gives names and antecedents of new members.	1447
	Mr. Bacon to Mr. Russell...	Nov. 21	Address by Secretary Root before the Trans-Mississippi Commercial Congress. Transmits for his use copies of an address delivered by Secretary Root on November 20, 1906, before the Trans-Mississippi Commercial Congress.	1456

INTERNATIONAL DIPLOMATIC CONFERENCES.

1	Messrs. White and Gummeré to Mr. Root.	1906. Jan. 25	Algeciras conference. Report in regard to the organization and deliberations of the conference.	1470
2	Mr. White to Mr. Root.....	Jan. 30	Same subject. Incloses report of Secretary Einstein on the restrictions of Jews in Morocco, which it is thought disproves most of the alleged Jewish disabilities. Incloses suggestion of A. Pimienta, a prominent Jew of Tangier, as to the form of American intervention in behalf of the Jews.	1471
4	Same to same.....	Feb. 5	Same subject. Incloses copy of letter from the Grand Rabbi of Tangier, stating that the Jews in Morocco have been well treated since the beginning of the reign of the late Sultan; "have absolutely no reason for complaint," and suggesting that the American delegation make a declaration to that effect before the conference.	1477
5	Messrs. White and Gummeré to Mr. Root.	Feb. 12	Same subject. Report of proceedings from January 25 to date.	1477
7	Same to same.....	Mar. 2	Same subject. Report of proceedings from February 12 to date.	1480
8	Same to same.....	Mar. 27	Same subject. Report of proceedings from March 2 to date.	1483
	Mr. White to Mr. Root (telegram).	Mar. 28	Same subject. Refers to dispatches (Nos. 2 and 7), and asks the department's views on the Jewish question.	1487
	Mr. Root to Mr. White (telegram).	...do....	Same subject. Informs him that in view of dispatch of January 30 the Jewish question need not be presented to the conference, but leaves it to his discretion to act in conformity with the views of Mr. Pimienta in dispatch of January 30.	1487
10	Messrs. White and Gummeré to Mr. Root.	Apr. 3	Same subject. Report of proceedings from March 27 to date.	1487
	Mr. Root to Mr. White (telegram).	Apr. 5	Same subject. Outlines reservations under which Delegates White and Gummeré are authorized to sign the general act of the conference.	1491
11	Messrs. White and Gummeré to Mr. Root.	Apr. 7	Same subject. Quotes text of declaration made before the conference by Mr. White, in accordance with the department's telegram of the 5th instant.	1492
	.....	...do....	Same subject. Text of the general act of the International Conference of Algeciras.	1495
12	Mr. White to Mr. Root.....	Apr. 8	Same subject. Incloses text of declaration introduced by Mr. White in regard to the equitable treatment of the Jews, and states that it was supported by all, except the Moorish, delegates.	1493
178	Same to same.....	Apr. 26	Same subject. Transmits copy of letter of thanks received from the Alliance Israélite Universelle for his action taken at the conference relative to the treatment of Jews.	1494

INTERNATIONAL DIPLOMATIC CONFERENCES—Continued.

No.	From and to whom.	Date.	Subject.	Page.
		1906.		
	Mr. Root to the American delegation.	May 16	Geneva (Red Cross) conference. Text of instructions.	1541
	Mr. Root to Mr. White.....	June 2	Algeiras conference. Congratulates him on the work performed by himself and colleague at the conference.	1495
	General Davis to the Third International American Conference.	June 15	Third International Conference of American States at Rio de Janeiro. Transmits report of the Permanent Pan-American Railway Committee.	1615
	Mr. Root to American delegation.	June 18	Same subject. Text of instructions.....	1566
	Mr. Bacon to the American delegates.	June 22	International wireless telegraph convention. Instructions.	1514
	The President of the American delegation.	July 10	Geneva (Red Cross) conference. Transmits report of the delegation.	1547
	.....	Nov. 3	International wireless telegraph convention. Text of convention.	1519
		1907.		
	The American delegation to Mr. Root.	Jan. 10	Third International Conference of American States at Rio de Janeiro. Text of report.	1576
	.....		Same subject. Text of conventions, and resolutions.	1594

HAITI.

EXPULSION OF FOREIGNERS.

Minister Furniss to the Secretary of State.

[Extracts.]

No. 6.]

AMERICAN LEGATION,
Port au Prince, February 2, 1906.

SIR: I have to inform you that I have it on good authority that at the meeting of the Haitian cabinet on the 22d instant a list consisting of twenty-five names was submitted for discussion, with a view to expulsion of the parties from Haitian territory. The list, which contained only names of foreigners, had many of prominence, including one who is a very large holder of Haitian securities. At the meeting mentioned final action was taken upon five, who, in accord with the decree dated the 22d and published in *Le Moniteur*, the official paper, on the 24th, must leave Haitian territory by the first available boat.

I have made inquiries and have gathered the following information relative to the parties who are ordered to leave:

Paul Sinai, French; has lived in Haiti some years, and was dealer in provisions until about four years ago.

W. Katsch, Austrian; has lived in Haiti some years. Twelve years ago was photographer in Port au Prince.

Herrmann Breneke, German; at one time German consular agent at Jeremie.

G. Marchard, French; for some years clerk in National Bank of Haiti.

—— Tomei, French; formerly of Port de Paix.

The French, German, and Austrian representatives have used every endeavor to delay the expulsion, but to the moment without avail. They have likewise insisted that, since some of the parties are entirely without means, the Haitian Government should supply the same.

They have requested that the different parties be allowed to embark for their respective countries or for points of their own choosing, but this has also been denied by the Government's insisting that they leave by first boat, and that will sail for New York direct tomorrow, and is taking this dispatch.

They also mentioned the fact that our Government requires all aliens to have a fixed sum of money before permitting entrance, and that as some of these parties lack that sum the steamships will be forced to return them. To this no reply was made, as once on board a steamer they will not be allowed to land in Haiti again. It will be for the steamship company to provide ways and means.

So far as I can ascertain, no reason has been assigned by the Haitian Government for its action other than the fact that the parties to be expelled are said to be a menace to the Government.

I have made most careful inquiry as to each of the persons to be expelled. All agree that, while they may have from time to time spoken harshly of this Government, yet, having no following and being of such little importance, any one or all of them could not constitute a menace to any government. Be that as it may, it would seem at least that they should be informed for what reason, real or imaginary, they are to be expelled, instead of hiding behind the vague term of "foreigners who are prejudicial."

In view of the fact that rumor has it that expulsion of the other seventeen of the original list is only held in abeyance until it can be seen what action, if any, the foreign powers will take as to the five now doomed to expulsion, and that the original list contained the name of at least one American, I now respectfully ask the department for instructions in case one of our citizens should be so summarily and arbitrarily dealt with.

I have, etc.,

H. W. FURNISS.

Minister Furniss to the Secretary of State.

No. 9.]

AMERICAN LEGATION,
Port au Prince, February 10, 1906.

SIR: In continuance of my dispatch No. 6, of February 2, 1906, I have to inform the department that the following has been the disposition made of the five foreigners ordered to be deported: Katsch, Austrian, and Breneke, German, had their passages paid to some Colombian port by the Haitian Government, embarking on February 3, 1906, on the German S. S. *Alene*. In addition thereto the Government gave them a sum of money, amount unknown.

Marchard, Sinai, and Tomei, all French, refused to go to Colombia and were given asylum, on February 3, at the French legation, where they remained until to-day, when the first two embarked on the French steamer for Cuba, and the last named for Santo Domingo city.

Sinai and Tomei refused to accept any passage money from the Haitian Government, and only asked that they be paid their long-pending claims, which was refused, while Marchard was given \$100 gold for passage and expenses.

I have, etc.,

H. W. FURNISS.

The Secretary of State to Minister Furniss.

No. 11.]

DEPARTMENT OF STATE,
Washington, February 24, 1906.

SIR: I have to acknowledge the receipt of your No. 6 of the 2d and your No. 9 of the 10th instant, reporting regarding the expulsion of certain foreigners from Haiti.

You ask what action you should take in case a like treatment should be accorded to an American citizen.

In reply I have to say that, when the antecedent facts and the character of the person ordered to be expelled, so far as known to you, suggest that the expulsion is groundless, you should call on the Haitian Government to show cause why the expulsion should not be set aside, or, if persisted in, why this Government should not press a claim for indemnity.

I am, etc.,

ELIHU ROOT.

CLAIM OF MICHAEL J. KOURI.

The Secretary of State to Minister Furniss.

No. 27.]

DEPARTMENT OF STATE,
Washington, May 4, 1906.

SIR: I have to acknowledge the receipt of your No. 50,^a of the 12th ultimo, forwarding the claim of Michael J. Kouri against the Government of Haiti.

The department has read and carefully considered this claim, which is for alleged false imprisonment; for injury to business resulting from such false imprisonment; for injury to his character as a result of prosecution alleged to be unfounded; and injury to property, duly specified in the various documents submitted to this department.

It will be observed that these various claims arise as the direct or indirect consequence of Mr. Kouri's prosecution during the course of 1905 upon the charge of counterfeiting Haitian currency.

Mr. Kouri states, and his statement is borne out by the documents submitted, that he was acquitted on appeal; but a careful examination of the evidence, of the defense, and the judgment of the court of ultimate resort shows clearly that Mr. Kouri was acquitted not because he was wholly innocent of the charge, but solely because the preparations for the commission of the crime of counterfeiting had not proceeded so far as to constitute the crime of counterfeiting.

His codefendants, the Puzo brothers, would seem to have been engaged in the active work of preparation. It was notorious that they were men of questionable antecedents; that they had previously been convicted of counterfeiting, or forgery, and that they had been pardoned. A contract entered into with them by Kouri, in which the Puzo brothers were placed in charge of the Tropical Soap and Candle Company, was, to say the least, indiscreet, inasmuch as it opened up unlimited possibilities to the Puzo brothers, and Mr. Kouri must have known that they were not the men to let an opportunity slip.

The ultimate acquittal of principal or accomplice did not establish the innocence of the various parties; it merely established the fact that the statutory crime of counterfeiting was not completed. The defense, therefore, was technical and is consistent with complicity in the preparation, falling short of the completed crime.

^a Not printed on account of its great length.

From this point of view the department is unable to see any equity in the claim, as submitted, of Mr. Kouri, and must, therefore, decline either to bring it to the notice of, or to press it upon, the Haitian Government.

I am, etc.,

ELIHU ROOT.

WITHDRAWAL OF EXEQUATUR.

Minister Furniss to the Secretary of State.

No. 11.]

AMERICAN LEGATION,
Port au Prince, February 16, 1906.

SIR: I beg leave to inclose herewith a note under the date of February 13, 1906, from Secretary Férère, wherein I am informed that in view of the action of Mr. Theodore Behrmann, our vice-consul at Cape Haitien, the Haitian Government has decided to withdraw his exequatur.

There is also inclosed my reply wherein I inform Secretary Férère that in view of the friendly relations existing between our Governments, I would have preferred to have had him call to the attention of this legation the discourtesy of Mr. Behrmann before such summary action was taken.

I have to advise the department that in view of the fact that the exequatur of Mr. Behrmann has been withdrawn, I have instructed Consul Livingston, at Cape Haitien, to nominate another vice-consul, make a thorough investigation of the charges against Mr. Behrmann, and report the result thereof to this legation.

I have, etc.,

H. W. FURNISS.

[Inclosure J.—Translation.]

The Secretary of Foreign Relations to Minister Furniss.

DEPARTMENT OF FOREIGN RELATIONS,
Port au Prince, February 13, 1906.

MR. MINISTER: This department has just been informed of a measure which the chief of state finds himself under the necessity of taking relative to Mr. Theodore Behrmann, vice-consul of the United States of America at Cape Haitien, and desirous of maintaining the relations which this department so happily entertains with the American legation in this city, I hasten to make known the same to your excellency.

Mr. Theodore Behrmann, notwithstanding the warnings which authority has had to address to him on account of his attitude, has not ceased to pursue toward the Government of the Republic a manner of doing positively annoying to its internal peace.

In fact, sheltering himself with his privileges as a foreign resident, Mr. Behrmann has made himself the most active agent of the enemies of the Government. He in no wise hesitates to serve as the intermediary between the exiles and those who work in their favor; he distributes their letters, forwards to them money and exerts himself to make partisans for them.

Under these conditions it is evident that far from working to strengthen the bonds of friendship existing between the American Government and the Government of Gen. Nord Alexis, Mr. Theodore Behrmann does nothing more than destroy the good name of the American agents in Haiti. It is now necessary to put an end to the regrettable actions of Mr. Behrmann. For this reason the Government is forced to withdraw from Mr. Behrmann the exequatur which

was delivered for the purpose of exercising his functions of vice-consul of the United States of America at Cape Haitien.

I hope that your excellency, who is not ignorant of the care we take to keep up the good relations that exist between Haiti and the Federal Republic, will only see in this measure the wise necessity under which the Haitian Government finds itself to maintain in its territory that order which is indispensable for every nation to establish; that peace beneath which only it is possible to work for its development and prosperity.

It is therefore, etc.,

M. FÉRÈRE.

[Inclosure 2.]

Minister Furniss to the Secretary of Foreign Relations.

AMERICAN LEGATION,
Port au Prince, February 16, 1906.

SIR: I am in receipt of your note of the 13th instant wherein I am informed that in view of the actions of Mr. Theodore Behrmann, American vice-consul at Cape Haitien, that this exequatur has been withdrawn by your Government.

It is not only the desire but order of my Government that its representatives shall abstain from participating in any manner in the political affairs of the countries to which accredited, and any infraction would not be countenanced.

I very much regret that Mr. Behrmann, while an official of my Government, has committed an offense thought to be so serious to the peace and welfare of your Government that it became necessary to peremptorily withdraw his exequatur.

In view of the cordial relations which exist between our Governments, I would have preferred your Government to have informed this legation when its attention was first called to the discourtesy of Mr. Behrmann, that action might have been taken by this legation.

I take, etc.,

H. W. FURNISS.

The Acting Secretary of State to Minister Furniss.

No. 12.]

DEPARTMENT OF STATE,
Washington, March 5, 1906.

SIR: I have to acknowledge the receipt of your No. 11, of the 16th ultimo, inclosing copy of a note from the Haitian minister of foreign affairs, announcing the withdrawal by his Government of the exequatur of Mr. Theodore Behrmann, vice-consul of the United States at Cape Haitien, on the alleged ground of political activity on behalf of the enemies of the Government; also a copy of your reply.

The department thinks you might have expressed even more strongly the desirability of following the custom which has grown up in the intercourse of nations of making known to a friendly government the reasons which may have caused its representative to become persona non grata and asking his recall. The nature of the reasons assigned in the present case, especially as the vice-consul is not a citizen of the United States, would have invited ready acquiescence in the request for a change. Abrupt cancellation of the representative's exequatur, without the customary communication to the Government whose agent he is, imports a degree of discourtesy which this Government would be reluctant to deem intentional. You will bring this aspect of the matter to Mr. Férére's attention and invite appropriate explanation.

I am, sir, etc.,

ROBERT BACON,
Acting Secretary.

Minister Furniss to the Secretary of State.

No. 26.]

AMERICAN LEGATION,
Port au Prince, March 2, 1906.

SIR: In further reference to my No. 11 of February 16, 1906, relative to the Government of Haiti withdrawing the exequatur of our vice-consul at Cape Haitien, I beg leave to inclose for the information of the department the correspondence between this legation and Consul Livingston.

I have, etc.,

H. W. FURNISS.

[Inclosure 1.]

*Minister Furniss to Consul Livingston.*AMERICAN LEGATION,
Port au Prince, Haiti, February 17, 1906.

SIR: I inclose herewith copies of the correspondence between this legation and the Haitian Government relative to Mr. Behrmann, your vice-consul.

For the information of this legation I would thank you to make a thorough investigation of the charges made against Mr. Behrmann, and ascertain if it is true that he was warned that his actions were objectionable to the Haitian Government.

In view of the fact that the Haitian Government has withdrawn Mr. Behrmann's exequatur as vice-consul, you have no alternative but to nominate another in his stead.

I am, etc.,

H. W. FURNISS.

[Inclosure 2.]

*Consul Livingston to Minister Furniss.*CAPE HAITIEN, HAITI, *February 27, 1906.*

SIR: Replying to your letter of the 17th instant, inclosing copy and translation of a communication from the minister of foreign relations of Haiti, making charges of political activity on the part of Mr. Th. Behrmann, American vice-consul here, against the present Haitian Government and withdrawing his exequatur as vice-consul, I have the honor to inclose herewith copy of a letter from this consulate to Mr. Behrmann and his reply, making a sweeping general denial of all charges. Although the sympathies of Mr. Behrmann are generally supposed to be in favor of the opposition to the Government, I have not been able to verify any specific overt act of interference on his part.

It is proper for me to add that, inasmuch as the consular regulations require that the appointment of his successor be approved by the department and that the reasons for a change be stated, I have asked the Department of State for instructions as to whether the withdrawal of an exequatur on general charges of political activity may be considered as sufficient cause for making the change.

I am, etc.,

LEMUEL W. LIVINGSTON.

[Inclosure 3.]

*Consul Livingston to Vice-Consul Behrmann.** CAPE HAITIEN, HAITI, *February 21, 1906.*

SIR: It becomes my duty to call your attention to the inclosed copy and translation of a communication from the minister of foreign relations of Haiti to the American minister at Port au Prince and referred to this consulate by

the American minister, making charges of political activity on your part against the present Haitian Government and withdrawing your exequatur.

You are requested to make reply to these charges without delay and forward the same to this consulate.

Respectfully, yours,

LEMUEL W. LIVINGSTON.

[Inclosure 4.]

Vice-Consul Behrmann to Consul Livingston.

CAPE HAITIEN, HAITI, *February 21, 1906.*

SIR: I have the honor to acknowledge reception of your letter of to-day, inclosing copy and translation of a communication from the minister of foreign relations of Haiti to the American minister, making charges of political activity on my part against the present Haitian Government, and withdrawing my exequatur as vice-consul at the residence of Cape Haitien.

Having carefully gone over this communication, I emphatically and earnestly deny said charges against me. Since the thirty years that I have lived in Haiti, I have always conformed myself to its laws and have never meddled in political affairs. The actual President, Gen. Nord Alexis, can personally give the best information of it. During the number of years while his excellency was délégué in this department, he never had any cause to complain against me and while in active service, representing the United States of America, from 1889 to 1893 in Port de Paix and from 1895 to 1898 in Cape Haitien, there were the most cordial relations between the délégué and myself, in charge of the consulate.

I positively deny the possibility of bringing any tangible proof against me to sustain said complaint and declare it a villainous conspiracy of some unknown enemy of mine.

I sincerely hope that the Government of the United States of America will demand from the Haitian Government the proofs of the facts advanced against me before admitting the withdrawal of my exequatur as vice-consul.

I have, etc.,

TH. BEHRMANN.

Minister Furniss to the Secretary of State.

No. 40.]

AMERICAN LEGATION,
Port au Prince, March 26, 1906.

SIR: I am in receipt of department's No. 12, of the 5th instant, and agreeable thereto, at once addressed a note to Secretary Férère, informing him of the department's views on the subject.

Under date of the 23d instant I received reply from Secretary Férère in which he disclaims any idea of wishing to offend our Government, with which Haiti has always endeavored to entertain the most frank and sincere relations.

There is inclosed herewith the correspondence between this legation and Secretary Férère.

I have, etc.,

H. W. FURNISS.

[Inclosure 1.]

Minister Furniss to the Haitian Secretary of Foreign Relations.

AMERICAN LEGATION,
Port au Prince, March 16, 1906.

SIR: In further reference to my No. 21, of February 16, 1906, I have to inform you that I am in receipt of a communication from my Government wherein I am advised that it does not look friendly upon the action of your

Government in peremptorily withdrawing the exequatur of Mr. Behrmann, our vice-consul at Cape Haitien.

It has been the custom for so long as to verge on to an obligation, in the intercourse of nations, to make known to a friendly government the reasons which have caused its representative to be persona non grata and then ask for his recall. The reasons which you give in your note of the 13th ultimo would have invited ready compliance with such a request, particularly so as the vice-consul in question is not even an American citizen.

However, in reviewing the case, it would seem that something further than the mere cancellation of the vice-consul's exequatur was intended. Otherwise, conditions were such that there could be no just reason for summary action. At the time Consul Livingston was at his post. Mr. Behrmann, as vice-consul, only had authority to act in his principal's absence and no such absence was contemplated. No act of the vice-consul under such circumstances could be considered as official, and anything done in his private capacity could not have been sufficiently grave to warrant offending a friendly nation by cancelling his exequatur before first bringing the matter to the attention of the Government whose agent he was.

I am instructed, therefore, to inform you that the act of your Government in so abruptly withdrawing Mr. Behrmann's exequatur without the customary communication to my Government, whose agent he was, imports a degree of discourtesy which my Government would be reluctant to deem intentional, and in view of which I have to request further explanation.

I take, etc.,

H. W. FURNISS.

[Inclosure 2.—Translation.]

The Secretary of Foreign Relations to Minister Furniss.

PORT AU PRINCE, *March 23, 1906.*

MR. MINISTER: By your dispatch No. 35, of March 16, you have kindly made known to me that your Government does not consider the withdrawal by my Government of the exequatur of Mr. Behrmann as a friendly act.

In acknowledging the receipt of that communication I beg you to believe that this Government, in taking against the American vice-consul at Cape Haitien the measure that forms the subject of your above-mentioned letter, had no wise the idea of offending a friendly nation with which it has always endeavored to entertain the most frank and sincere relations.

Convinced that you will not fail to transmit to the Government of the United States of America this faithful expression of our sentiments toward it.

I take, etc.,

M. FÉRÈRE.

The Acting Secretary of State to Minister Furniss.

No. 24.]

DEPARTMENT OF STATE,
Washington, April 12, 1906.

SIR: I have to acknowledge the receipt of your No. 40, on the 26th ultimo, inclosing copy of a note from the Haitian foreign office, disclaiming any intention of offending the susceptibilities of this Government in the matter of the cancellation of the exequatur of the American vice-consul at Cape Haitien.

The disclaimer is satisfactory to this Government.

The consul was instructed on March 16 last to nominate another person for the post.

I am, etc.,

ROBERT BACON.

CITIZENSHIP OF PORTO RICANS.

(Continuation of correspondence in Foreign Relations, 1905, p. 542 et seq.)

Minister Furniss to the Secretary of State.

No. 15.]

AMERICAN LEGATION,
Port au Prince, February 21, 1906.

SIR: I beg leave to inclose herewith the correspondence between this legation and our consular agent at Port de Paix, wherein I informed him that in view of the ruling of the State Department relative to the citizenship of Dr. J. R. Paradis (see department's dispatch No. 693,^a of April 26, 1905) the settlement of his estate should be a matter for the Haitian courts.

I have, etc.,

H. W. FURNISS.

[Inclosure 1.]

Consular Agent Abegg to Minister Furniss.

CONSULAR SERVICE, UNITED STATES OF AMERICA,
Port de Paix, January 31, 1906.

SIR:

* * * * *

I profit by this opportunity to submit to your kind judgment the following case which has lately come to my official notice.

The late Dr. J. R. Paradis, who died last October, has left certain personal property and values which, in the absence of any heirs, have been deposited in the office of a reliable foreign merchant here. Doctor Paradis having been a citizen of Porto Rico, I have several times been requested to take charge of the estate of the deceased, which I have declined to do for the following reasons:

Before his death Mr. Paradis, in virtue of his American passport, signed by the honorable Secretary of State, had applied to the American legation for protection in a financial dispute between himself and the Haitian Government, concerning the payment of titles amounting to several thousand dollars. The legation informed Doctor Paradis in June, 1905, that, according to a decision of the Department of State, he could not be considered an American citizen, having been absent from Porto Rico over thirty years.

The question arises now, Which consulate will have to take charge of the estate? Mr. Paradis had been obliged to leave his native land, Porto Rico, as a young man on account of political difficulties with the Spanish Government, and has up to his death remained a citizen of Porto Rico, inasmuch as he has not become a citizen of any other country.

I shall be very thankful to you if you will kindly give me your appreciation of the case, and remain, sir,

Your most obedient servant,

C. ABEGG,
American Consular Agent, Port de Paix, Haiti.

[Inclosure 2.]

Minister Furniss to Consular Agent Abegg.

AMERICAN LEGATION,
Port au Prince, Haiti, February 20, 1906.

SIR: I regret that through an oversight that portion of your letter of January 31, 1906, which referred to the late Dr. J. R. Paradis has remained unanswered.

^a Foreign Relations, 1905, p. 544.

In reply thereto I have to inform you that in view of the State Department's dispatch No. 693, of April 26, 1905, copy inclosed, I shall have to rule that as American consular agent you have no official right to take charge of the estate of the deceased.

The question as to who shall look after it will be a matter for the Haitian courts.

Respectfully, yours,

H. W. FURNISS,
American Minister.

The Secretary of State to Minister Furniss.

No. 17.]

DEPARTMENT OF STATE,
Washington, March 15, 1906.

SIR: I have to acknowledge the receipt of your No. 15, of the 21st ultimo, inclosing copy of your instruction to the American consular agent at Port de Paix, pointing out that he had no right to take official charge of the estate of the late Dr. J. R. Paradis, a Porto Rican who had been absent from the island for thirty years.

Your action is approved.

I am, etc.,

ELIHU ROOT.

APPOINTMENT OF MR. SANNON AS SECRETARY FOR FOREIGN AFFAIRS.

Minister Furniss to the Secretary of State.

No. 61.]

AMERICAN LEGATION,
Port au Prince, May 22, 1906.

SIR: I have to report that President Nord Alexis yesterday nominated Mr. Pauléus Sannon secretary of foreign relations, vice Mr. Murville Férére, resigned.

Mr. Sannon was born April 7, 1870, at Aux Cayes. He was educated in Haiti and Paris, having spent seven years at the latter place.

He is said to be an author of importance, his principal works being *Haiti et le Régime Parlementaire*, 1898; *Boisrond-Tonnerre et son Temps*, 1904; *Essai Historique sur la Révolution de 1843*, 1905.

The only public offices held by him have been chief of bureau of Aux Cayes custom-house from 1900 to 1905, and from that date until his nomination as secretary of foreign relations he was head official of the department of finance of the Jacmel district.

I have, etc.,

H. W. FURNISS.

TARIFF LAW AND CUSTOMS DUTIES IN HAITI.

Minister Furniss to the Secretary of State.

No. 90.]

AMERICAN LEGATION,
Port au Prince, August 24, 1906.

SIR: I inclose herewith copy and translation, in duplicate, of the tariff law which was promulgated on yesterday, and relative to which on that date I cabled the department.

This law passed the chamber of deputies on the 17th, and the opposition of the public, as well as that of some of the cabinet, was so

great that it was thought that it would be withdrawn, at least I was so informed by the secretary of foreign relations. It seems, however, that the influence of the secretary of finance prevailed, and the law was hurriedly and unexpectedly passed by the Senate upon the close of business on the 21st and was signed by the President on the same day, though the following day confirmation of this fact could not be obtained at the palace.

It was published in the official paper on the 23d, and in accord with the civil code all laws become effective twenty-four hours after publication.

At the request of several of our merchants who had cargo on the boats arriving yesterday and to-day, as well as other boats at sea bound here, I yesterday called upon the secretary of foreign relations to ascertain the Government's intention as to the date when the law would become effective and to suggest that goods on ships bound here on the date of the law's promulgation should be allowed to enter at the old rates. I stated that this seemed no more than fair in view of the fact that many of our merchants had ordered goods which at the time of the promulgation of the law were afloat and had been ordered without any idea that there was to be an increase in duty. If they had known it in time, they would have countermanded their orders, as they feel that they will not be able for some time to sell goods imported under the new tariff, nor will they be able to arrange the cash to pay the extra duties which will now be collected. I have since learned that the British and German representatives made like statements.

The secretary stated that the Government would allow goods on the boats to arrive yesterday and to-day—the latter because the boat had already touched a Haitian port—to be entered on the old tariff, but all subsequent goods on boats, whenever and wherever loaded, would have to enter under the new tariff.

He stated that while he was not in sympathy with the law, yet he thought it well to try it, as the condition of the country is such that there is need for more revenue, that the Haitian minister at Washington had used every endeavor to float in the United States a loan for the Government and without success, so recourse had to be had to the law enacted. He further stated that the Government desired to get on a gold basis, if possible. With the new law it is thought that four or five million gourdes in paper would be retired in a year, and two years would wipe out the paper.

No thought seems to have been taken of the drop in value in imports which will follow increased duty, to say nothing of the still greater drop which will be entailed as the paper currency increases in value, while the farmers will be getting less and less in paper for their products and have correspondingly less money to spend.

There is one article in the law, article 5, which seems to give too great discretion to the executive power. In its present form it is possible for the Government at any time to change back and forth the laws under which the duties are to be collected. This, if done, could not help but demoralize business.

My attention has been called by an American merchant to the fact that, as he claims, in reality the law is unconstitutional, and he has

lodged complaint with the legation. I inclose herewith copy of his letter, together with my reply to same, for the department's information and such instruction as may be deemed necessary.

I have, etc.,

H. W. FURNISS.

[Inclosure 1.—Translation.]

Project of law.

Nord Alexis, President of the Republic, in view of article 69 of the constitution;

Considering that a criminal speculation exploits to the detriment of the people and the amount of paper money at present in circulation;

Considering that to foil that combination the law on the withdrawal of the paper money has up to this day been powerless;

Considering that the State has for its duty to combat and conquer all the elements of social disorganization;

That it is therefore necessary, in order to protect the well-being of the families, to change as soon as possible the economic situation of the country;

On the proposal of the secretary of state for finances, and the advice of the council of the secretaries of state, has proposed and the legislative corps has voted the following law:

ART. I. Dating from the promulgation of the present law, all import duties whatsoever shall be payable in American gold, or in paper money at the rate of 300 per cent.

ART. II. One-half of the whole amount of a bill for importation duties, to wit: Fifty per cent paid in paper money at 300 per cent shall be paid over directly to the withdrawal funds, and in the other cities to the public treasury service for the account of the withdrawal.

This half of all bills for import duties shall be burned within eight days at the furthest.

The greatest publicity shall be given to the operations of the withdrawal.

ART. III. All taxes whatsoever appropriated at present to (withdrawal of) paper money shall be paid henceforth into the public funds and consecrated to the current expenses.

However, when exchange shall fall below 300 per cent the said taxes shall return to the withdrawal service.

ART. IV. The surtax of 25 per cent gold in import duties is and remains suppressed.

ART. V. If the Government shall feel the necessity thereof it is authorized by a simple decree to reestablish on the foodstuffs the old duties as they were prior to the present law.

In that case the 4/8 of import duties appropriated to (withdrawal of) paper money, paid in gold, shall be paid over to the withdrawal fund and in other cities to the treasury service for the account of the withdrawal.

These amounts shall be sold for paper and the proceeds burned, in conformity with the provisions of the law of August 11, 1903, on paper money.

ART. VI. The present law repeals all laws or provisions of laws that are contrary thereto. It shall be executed under the supervision of the secretary of state for finance.

Given at the house of representatives of Port au Prince, August 17, 1906, year 103 of the independence.

S. ARCHER,
President of the House.

G. DESROSIERS,
LOUIS BRUTUS,
Secretaries.

Given at the national house at Port au Prince, August 21, 1906, year 103 of the independence.

T. A. DUPITON,
President of the Senate.

R. DAVID,
DIOGENE LEREBOURS,
Secretaries.

In the name of the Republic.

The President of Haiti orders that the above law of the legislative corps be vested with the seal of the Republic, printed, published, and executed.

Given at the national Palace at Port au Prince, the 21st of August, 1906, year 103 of the independence.

NORD ALEXIS.

By the President:

F. MARCELIN,

The Secretary of State for Finance and Commerce.

[Inclosure 2.]

Messrs. E. & F. Mevs to Minister Furniss.

PORT AU PRINCE, August 24, 1906.

MR. MINISTER: According to the Haitian tariff which is constitutionally in force up to the 30th of September next, we in good faith ordered from abroad quite an important lot of goods since several months and expect same to arrive shortly.

Now the Haitian Government has made a new law, which contrary to the constitution is immediately put in vigor instead of waiting the expiration of the fiscal year ending September 30th next.

This is an arbitrary way of applying the law and will cause us severe losses.

The following extracts will enlighten you on the subject in question:

Article 159 of the constitution says: "The imposts for the profit of the State are voted annually, and the laws that establish them have force but for one year."

The last paragraph of article 164 adds: "The fiscal year commences October 1 and ends September 30 of the next year."

It results from these texts that the new impost should be collected during the fiscal year, whose duration can neither be shortened or lengthened without violating the constitution.

It is in vain that a law would try to say the contrary, for article 32 of the constitution says: "The law can neither add to or detract from the constitution. The letter of the constitution must always prevail."

Independently from the constitutional rules, there is another principle that governs the question. The laws become obligatory only after the promulgation made in the forms and conditions stipulated by law.

"The law," says article 82 of the constitution, "takes its date from the day it has been definitely adopted by both chambers; but becomes obligatory only after the promulgation is made in conformity with the law."

Now article, 1, third paragraph, of the civil code, regulating the matter, disposes that the promulgation, necessary to render the law obligatory, is supposed to be known in all the Republic one month after the promulgation made by the President of Haiti.

The constitution forbidding all privileges and all exceptions in matter of imposts (article 160) it is evident that the law in question can not be at once applied at Port au Prince, whilst in the other Communes of the Republic it would be but one month later.

Besides these considerations of a purely legal order, it would not be amiss to take in account universally recognized considerations of equity and of justice.

The merchants who, under good faith of the budget law in course, have ordered foreign goods, can not be imposed for the said orders by a law voted while these are in execution or actually at sea.

Justice and usages demand that an effective delay should be accorded to these merchants before application of the new law, which application, as we have just seen, can not commence before the 1st of October next.

In consequence, we beg of you, Mr. Minister, to kindly advise us what to do in the matter, and would thank you to kindly use your good offices in protecting our interest.

We beg, etc.,

E. & F. MEVS.

[Inclosure 3.]

*Minister Furniss to Messrs. E. & F. Mevs.*AMERICAN LEGATION,
Port au Prince, August 24, 1906.

SIR: I am in receipt of your letter of this date, and in reply thereto have to state that it is beyond the province of this legation to take up the constitutionality of the tariff law just enacted. I would suggest that, if you are convinced of the facts as detailed, a test case should be made relative to the payment of duties on such merchandise as you may have arrive before September 30 next.

Meantime, I have forwarded a copy of your letter to the Department of State at Washington for its information and such instructions as may be required.

Very respectfully, yours,

H. W. FURNISS.

Minister Furniss to the Secretary of State.

No. 93.]

AMERICAN LEGATION,
Port au Prince, September 1, 1906.

SIR: In further reference to my No. 90, of August 24, I inclose herewith clipping and translation thereto from to-day's *Le Moniteur*, the official paper, making certain corrections in the tariff law of August 21, 1906, as published in *Le Moniteur* of the 22d ultimo.

I have, etc.,

H. W. FURNISS.

[Inclosure.—Translation.]

A material error has slipped in the law of August 21, concerning the importation duties, published in the *Moniteur* of August 22 of this year.

ART. 5, second paragraph, should read: "Law of June 28, 1905," and not "of August 11, 1903."

In fact, the 4/8 of the gold surtax on importation have been applied to the withdrawal of the paper money by the law of June 28, 1905.

Minister Furniss to the Secretary of State.

No. 94.]

AMERICAN LEGATION,
Port au Prince, September 14, 1906.

SIR: I beg leave to inclose herewith copy, with duplicate, of a law recently passed by the Haitian Government, relative to customs duties.

I am, etc.,

H. W. FURNISS.

[Inclosure.—Translation.]

Law.

Nord Alexis, President of the Republic, in view of article 69 of the constitution;

Considering that it is necessary not to leave the Government without means of action in the presence of the overincrease of the taxes that are or may be applied to the products of the country in foreign markets placing them, in a sense, in a state of inferiority to similar products coming from other parts;

On the report of the secretary of state for finance and commerce and the advice of the council of the secretaries of state, has proposed and the legislative corps has voted the following law:

ARTICLE I. The tariff of import duties annexed to the law of September 4, 1905, regulating the customs of the Republic, with the duties for wharfage, weighing, consular visé, tonnage, signaling, pilotage on entrance, sanitary visit, the surtaxes of 50, 33 $\frac{1}{2}$ per cent in national money, and 25 per cent gold on the total of these duties and surtaxes, or as they may be modified by future laws, is the minimum tariff.

ART. II. There is established a minimum tariff composed of the present tariff or as it may be modified by future laws, augmented by 50 per cent to be collected on the total amount of these duties and surtaxes.

ART. III. The maximum shall not be applied to statistic duties applicable to specie moneys.

ART. IV. The Government is authorized to enforce the maximum tariff, by a decree, on the countries that apply heavy duties on our commodities and produce. It is equally authorized to repeal the decrees that it shall have issued when the reasons that may have caused it to issue them shall have ceased.

ART. V. The present law, which repeals all laws and provisions of laws that may be contrary thereto, shall be executed under the supervision of the secretary of state for finance and commerce.

Given at the house of representatives, September 3, 1906, year 103 of the independence.

S. ARCHER,
President of the House.

G. DESROSIERS,
LOUIS BRUTUS,
Secretaries.

Given at the national house at Port au Prince, September 6, 1906, year 103 of the independence.

T. A. DUPITON,
President of the Senate.

R. DAVID,
DIOGENES LEREBOURS,
Secretaries.

In the name of the Republic.

The President of Haiti orders that the above law of the legislative corps be vested with the seal of the Republic, printed, published, and executed.

Given at the national palace at Port au Prince, September 10, 1906, year 103 of the independence.

By the President :

NORD ALEXIS.

F. MARCELIN,
The Secretary of State for Finance and Commerce.

The Acting Secretary of State to Minister Furniss.

No. 42.]

DEPARTMENT OF STATE,
Washington, September 22, 1906.

SIR: I have to acknowledge the receipt of your No. 90, of the 24th ultimo, and your No. 93, of the 1st instant, regarding the new tariff law of Haiti.

The department approves your suggestion to the Haitian Government that goods on ships bound to Haiti at the date of promulgation of the law should be allowed to enter at the old rates.

In your discretion you may use your personal offices in behalf of the American protestants. The department does not, however, see that they have any legal claim against the Haitian Government.

I am, etc.,

ALVEY A. ADEE.

Minister Furniss to the Secretary of State.

No. 99.]

AMERICAN LEGATION,
Port au Prince, September 22, 1906.

SIR: I inclose herewith copy of a decree of the Haitian Government wherein it is stated that on and after November 1, 1906, the old import duties will be reestablished on soap.

The decree states that the law of August 21, 1906, copy of which was transmitted in my No. 90 of August 24, 1906, "permits the Government to take all measures necessary to prevent the augmentation of the prices of produce destined for consumption," but a careful reading shows that the law explicitly grants this right of decree only in so far as foodstuffs is concerned (Art. V, law of August 21, 1906), and soap could not be so included.

As anticipated in my No. 90, of August 24, 1906, this decree is demoralizing all business in soap. Already some of our American firms are protesting to this legation against the reduction contemplated, as they anticipate having in hand on November 1, 1906, a stock of soap on which they have paid the gold duties under the law of August 21, 1906, while their competitors may import under the decree and pay duties which will be about one-half of the gold duties to be collected until then.

So far as can be ascertained, and I have spoken with a number of the larger importers, there has been no marked advance in the retail price of soap since the law of August 21, 1906, became effective, and the true reason for the decree is not evident, unless it is, as suggested by some, to punish some of the local soap factory concessioners who are granted free entry of all raw material, and under the law of August 21, 1906, would be able to obtain a better price for their products.

The change in classification from the gold duties, effective since August 21, 1906, to the paper currency duties in force prior to that time reduces the duties about 75 per cent, in view of the fact that under the old law soap was exempt from the additional 25 per cent in gold tax.

This change in duty will enable the United States to keep the trade in soap heretofore enjoyed and which would have been considerably cut down by the extra margin which the gold duties gave the Haitian factories.

I have, etc.,

H. W. FURNISS.

[Inclosure.—Translation.]

Decree.

Nord Alexis, President of the Republic, using the initiative granted to him by article 69 of the constitution.

In view of the different petitions addressed to the Government;

Considering that the law of August 21, 1906, permits the Government to take all measures necessary to prevent the augmentation of the prices of produce destined for consumption, and that there is occasion to reestablish the old import duties on soap;

On the report of the secretary of state for finance and commerce, and the advice of the council of secretaries of state, decrees that which follows:

ARTICLE I. Dating from November 1 next the old duties on soap, such as were collected on that article prior to the law of August 21, 1906, are re-established.

ART. II. The proceeds of these duties is entirely appropriated to the current service. They shall form the subject of a special account.

ART. III. The present decree shall be executed under the supervision of the secretary of state for finance and commerce.

Given at the national palace at Port au Prince, September 21, 1906, year 103 of the independence.

NORD ALEXIS.

By the President :

F. MARCELIN,

The Secretary of State for Finance and Commerce.

Minister Furniss to the Secretary of State.

[Extract.]

No. 105.]

AMERICAN LEGATION,
Port au Prince, October 4, 1906.

SIR: I inclose herewith the correspondence which has been exchanged between this office and Secretary of Foreign Relations Sannon relative to some merchandise which recently arrived for an American merchant and about which there has been some trouble.

The facts of the case are these: Mr. Boutros had a large shipment of merchandise to arrive here on August 24, 1906, from New York on the steamship *Prins Maurits*. All of the merchandise included on his bill of lading and consular invoice, and also included on the ship manifest, was delivered except 75 small boxes of soap and 8 barrels of tobacco, which were evidently left behind on the wharf in New York.

In accord with article 60, page 12, of the Haitian tariff, copy of which was sent in my unnumbered dispatch of July 7, a merchant must enter his goods at the custom-house within twenty-four hours after the arrival of a steamer or the merchandise will be subject to exportation. The same section explicitly states that all goods appearing on the bill of lading, whether landed or not, must be entered.

Article 56 of the same law states that all packages upon the manifest and not landed must pay the duties, and makes provision that if the said goods should be landed within a month thereafter they will be delivered, otherwise the duties so paid will escheat to the state.

Mr. Boutros complied with all the requirements of the law, paid his duty on all the merchandise borne upon his bill of lading and the ship's manifest, and withdrew from the custom-house that which had been landed. The first subsequent boat of the same company, arriving here two weeks later, brought the balance of the goods, but when he attempted to withdraw it he was stopped on the ground that then the duties were payable in gold. He was also told that he would forfeit the duties already paid and would have to pay again in gold on the same merchandise, as since he had paid the duties the new gold duties had become effective. He referred the matter to our consul, who referred him to me for an opinion.

After a careful examination of the facts in the case, I found that Mr. Boutros was in the right, and referred the matter to Secretary Sannon in my No. 84 of September 10, copy inclosed herewith. Failing to get an answer within a reasonable time, I called upon Secretary Sannon on September 22, 1906, and discussed the matter with

him. He agreed with my contention and said that from his long experience as a chief inspector in the custom-house he could not see on what grounds the merchandise could be held by the Port au Prince custom-house, and that he would again call the matter to the attention of the secretary of finance for his speedy settlement. Failing to hear before September 26, I again called Secretary Sannon's attention to the necessity of a prompt reply, copy of letter inclosed, and subsequently received the letter from him, copy of which is inclosed.

With these statements, my letter of the 4th to Secretary Sannon, copy inclosed, gives full information as to the case and should be enough to cause the Haitian Government to release the goods, but from past experience I am inclined to believe that even yet there may be a desire to discuss facts which have no bearing on the case, and for that reason I have decided to refer the matter to the department in its incomplete state, with the request that I be given instructions to insist on my demand for the release of the goods without further delay or further payment.

I have, etc.,

H. W. FURNISS.

[Inclosure 1.]

Minister Furniss to the Secretary of Foreign Relations.

No. 84.]

PORT AU PRINCE, September 10, 1906.

SIR: My attention has been called by Mr. Nakhle Boutros, an American merchant of this city, to the fact that a part of a consignment of goods addressed to him, and for which Haitian consular invoice and steamship bill of lading were issued at New York for shipment by the steamship *Prins Maurits*, was through error left on the New York dock by the said vessel.

The rest of the cargo consigned to Mr. Boutros and included in the said invoice arrived by the *Prins Maurits*, and when he attempted to withdraw the merchandise from the custom-house he was forced to pay duty not only on that which arrived but that left in New York, as it was included on the same bill of lading and consular invoice. This was in accord with article 56, page 12, of the Haitian customs laws, which says: "All merchandise carried on the manifest and not landed shall pay the duties, etc. ("Tout colis porté sur le manifeste et non débarqué paiera les droits," etc.)

The merchandise short shipped, consisting of 7 barrels of tobacco and 75 cases of soap, arrived by the first subsequent boat of the same company, the *Prins der Nederlanden*, and within the month allowed by the law, which explicitly states: "* * * when the agent proves that the merchandise has not been landed and agrees to have it brought within one month and to identify the goods. (* * * si l'agent prouve que le colis n'a pas été débarqué et prend l'engagement de le faire venir dans un mois et en établissant l'identité.)"

When Mr. Boutros attempted to clear the said merchandise, for which he had paid duty in full some two weeks before, the collector of customs of Port au Prince refused to allow him to withdraw it unless he would pay duties in full in accord with the new law which has gone into effect since he had paid the duties on the whole shipment.

This is a case that admits of no argument. I am sure that you will agree with me that the collector of customs must release the said goods without further payment. The full payment made was forced payment, made in conformity with the Haitian law, as already quoted, and the amount would not have been refunded had the goods not subsequently arrived even with the new law in effect, as the law states: "After this delay the duties paid shall be forfeited to the state. (Passé ce délai, les droits payés seront acquis à l'Etat.)" The goods did arrive within the limit established by law, and the new law makes absolutely no provision to exclude articles which have been short shipped and for which duty has been paid in accord with the then existing laws, and a reassessment of duties, therefore, appears both to be unjust and illegal.

I desire to have you call these facts to the attention of your honorable col-

league of the department of finance, to the end that orders may be issued for the release of the merchandise without further embarrassment to Mr. Boutros.

I take, etc.,

H. W. FURNISS.

[Inclosure 2.]

Minister Furniss to the Secretary of Foreign Relations.

No. 86.]

PORT AU PRINCE, *September 26, 1906.*

SIR: When at your office on the 21st I called your attention to the fact that I had received no reply as to the investigation of your colleague of the department of justice relative to the case of Mr. Backer, as submitted in my No. 80, of August 29, and also that neither had I received reply from your colleague, the secretary of finance, relative to the merchandise of Mr. Boutros, which I considered as being wrongly held, as pointed out in my No. 84, of September 10, 1906, nor had he, up to yesterday, been able to withdraw it from the custom-house.

I have further to state that until this date I have received no reply to either communication, and as particularly in the case of Mr. Boutros's goods he is being put to considerable inconvenience and expense, I would thank you to again call these facts to the attention of your honorable colleagues, to the end that these matters may be settled without further delay.

Please accept, etc.,

H. W. FURNISS.

[Inclosure 3.—Translation.]

The Secretary of Foreign Relations to Minister Furniss.

PORT AU PRINCE, *September 27, 1906.*

MR. MINISTER: In reply to your letter No. 86, of yesterday's date, and conformable to my dispatch of September 13 instant, acknowledging receipt of your No. 84 of the 10th of the same month relative to the claim of Mr. Nakhle Boutros, I have the honor to transmit the reply made to me on the subject by my colleague of the department of commerce.

My colleague, for reasons deduced below, regrets not being able to comply with your wish to have delivered to Mr. Boutros the goods that he has at present in the custom-house of this port, and for which he says he has already paid the regulation duties.

These goods, which arrived after the going into effect of the law of August 21, 1906, are subject to the duties foreseen by that law, and if Mr. Boutros has not been able up to the present to take them from the custom-house it is because he thinks that they are regulated by our preceding customs laws, at present repealed in so far as the duties to be paid.

These duties, as you know, should be paid now in gold or in its equivalent value in currency at the rate of 300 per cent. It has come to our knowledge that the greater part of the merchants of this place, and notably the merchants of Syrian origin, learning that the new law was to go into effect as soon as voted, planned, for the purpose of evading its provisions, to have entered in their name on the steamers' manifests stocks of goods which they have declared short shipped, but which were in reality not yet even bought, since the captains would not have been able to take them on board. They hoped in that way to escape the payment of the duties on these goods that the law of August 21, 1906, imposed, by invoking article 56 of the law of September 4, 1905.

But this article 56 has not the interpretation that has been given it. It well permits that for a package carried on the manifest and which, through unforeseen circumstances duly proved, the captain may not have had the time to take on board of his vessel, the duties are paid in advance, and not then as a fine. In this case it is necessary for the agent to prove that the package has not been landed, and he takes the engagement to produce it within one month and to prove its identity. But such is not the meaning of article 56, when from a succession of facts it follows that the packages have not been landed, although carried on the manifest, because they were only entered on

the manifest for the purpose of invoking the benefit of article 56 of the law of September 4, 1905, in their favor.

In fact, it is not one or two packages consigned to the address of Mr. Boutros and entered on the manifest of the steamship *Prins Maurits* that have been declared short shipped. It is a whole stock of various merchandise, in regards to which Mr. Boutros had no other object in view, from the information that has reached us, than to elude the provisions of the law of August 21, 1906; that is to say, not to pay the duties on these goods in gold.

Under such a condition, the duties claimed for the packages entered on the manifest and not landed is a fine against the consignee and remains forfeited to the State.

Besides, I beg your excellency to be persuaded that if Mr. Nakhle Boutros found himself in the condition that he says he is in the customs administration of Port au Prince would not have failed to especially please your excellency by taking his claim under consideration. But as I have already said above, from what has come to our knowledge and that which follows, and, moreover, from a succession of facts that your excellency may appreciate through the documents that I send you, Mr. Boutros had only in view, in the circumstance, the evasion of the provisions of the law of August 21, 1906.

Therefore I wish to believe that your excellency, appreciating the reasons that I have just submitted to his high spirit of justice and equity, will not hesitate to agree with me that the claim of Mr. Boutros wants entirely foundation, and that under the circumstance Boutros should pay the duties imposed on the goods that he has at present in the custom-house.

It is with these sentiments that I beg you, Mr. Minister, to kindly return to me the documents communicated and to accept, etc.,

H. PAULÉUS SANNON.

[Inclosure 4.]

Minister Furniss to the Secretary of Foreign Relations.

No. 90.]

PORT AU PRINCE, *October 4, 1906.*

SIR: I am in receipt of your note of the 27th ultimo, inclosing letter from the honorable secretary of finance and various documents submitted by him, on which you comment, and I have to state that after a careful study of the same I find greater reason to insist that the goods of Mr. Nakhle Boutros be delivered without further embarrassment.

I fear your excellency is in error when you state that it was notably the merchants of Syrian origin who attempted to rush goods in prior to the promulgation of the law of August 21, 1906, as a careful study of the ship manifests will show, and as was also mentioned at one of our recent interviews. However, I do not wish to discuss the matter on a line of race prejudice, but on the broad principle of right and wrong. On this line I wish to again call your attention to the unfair ruling (shall I say unjust discrimination?) made against an American merchant doing business in Haiti.

The facts were pointed out in my No. 84 of September 10, 1906, and to me they are so plain that I can not understand how they admit of discussion. They are these: Mr. Boutros has bills of lading showing that his merchandise was delivered at the wharf of the steamship *Prins Maurits* and on which his shipper had paid full freight—at least delivery can be implied, since his bills of lading are clean, i. e., without the usual indorsement placed on bills of lading when the party embarking fails to deliver all goods alongside. His Haitian consular invoice is in due form and contains the articles mentioned.

The very manifest of the steamship *Prins Maurits*, which your colleague of the department of finance submits, shows that when the said manifest was viséed by the Haitian consul, which is usually a short time before sailing or at least when all cargo to be embarked is alongside, the goods must have been alongside, and it was the intention of the captain to embark them, or why did not the captain note either that they had not arrived or that he could not take them, as your colleague of the department of finance so aptly calls to my attention as having been done by the captain of the German steamship *Alleghany*, which entered here from New York on the same day with the other-mentioned boat. Indeed, the director of the Port au Prince custom-house mentions in his letter No. 140, of September 21, which you inclose, that there was no note on

the manifest showing that the merchandise was not on the steamer and gives this to his chief, your colleague of the department of finance, as his excuse for allowing the importers to pay the duty.

The facts stated by your colleague of the department of finance that there were cases of soap invoiced and manifested by the steamship *Alleghany* and which were not delivered to that ship, as per the captain's statement before the Haitian consul at New York, is no reason why soap sent by altogether a different merchant in New York, by a vessel sailing three days later to an altogether different importer in Haiti, must be made to suffer on the supposition that it was a like case, any more so than the fact that one American caught stealing would be reason to imprison all Americans on supposition for the same thing.

Again, as to this matter of fraudulent intent mentioned in both your excellency's letter and that of your colleague, I have to say that as already stated the bills of lading, manifest, etc., give no grounds for such thoughts. I am loath to believe that the firm of Kouri Brothers, of New York, which recently came recommended to this legation by high officials of my Government, would be guilty of fraudulent practices, nor does careful inquiry show that any such accusation has ever been brought up against the firm of Boutros here. I have further to say that this legation regrets that they have been condemned on heresy evidence or supposition. At the same time, with such evidence I could not consent to protracted investigation, with a view to establishing fraud, unless it is your Government's custom to pursue such investigation in all cases where goods manifested to arrive by one steamer arrive by a subsequent one of the same line. This, I know, has never been the practice. The certificate of the local agent of the line that the goods had failed to arrive by the steamer on which they were manifested and the certificate from him when they arrived by a subsequent steamer, has been all the formality required by the Haitian custom-house, and that has been the procedure in this case.

Your colleague of the department of finance says that article 56 of the tariff only applies in cases in which one or two packages fail to be delivered. He had doubtless been misinformed as to this, as I have been shown manifests of steamers which have entered here without landing a greater number of packages for one importer and which when they subsequently arrived were delivered without further trouble to the importers who had paid the duties. Indeed, I have been informed by the agents of the only lines of steamers calling here that many has been the time when quantities as large and more valuable than those now in question have been "short shipped," or more properly "short embarked," and subsequently arrived and were drawn from the custom-house under the section of the law above stated.

As to the law of August 21, 1906, I am perfectly conversant with all its provisions, and have already discussed them with your excellency. In the law is no mention of sections 56 and 60 of the law of September 4, 1905, having been repealed. In fact, both are still judged by the custom-house to be effective, only that now the duty on the missing cases is payable in gold, or paper at 300 per cent, which was the new law's only provision.

The law of August 21, 1906, was promulgated on August 23, 1906, and became effective twenty-four hours afterwards, or virtually after the close of business on August 24, 1906. The duties in question were paid by Mr. Boutros on August 24, 1906, under the old law and prior to the going into effect of the new law.

In virtue of these facts I maintain that both legally and morally the custom-house had no further disposition in the matter other than to see that the goods arrived within the limit and to verify them when they arrived to see that they were as had been stated. The duties once paid under the old law, the new law can have no more authority than it could have on merchandise already landed and on the shelf of the merchant. For this reason I must continue to insist that the goods be delivered as per my No. 84 of September 10, 1906.

In reference to the decree of the director of the Port au Prince custom-house, said to have been posted on the door of the custom-house on the morning of the 24th, it would be establishing a strange precedent to admit that a part of the old law was in force on the day and another part was not, i. e., that for goods in the custom-house the old duties would be accepted and that sections 56 and 60 of the same law would be ignored. Further, by careful reading nowhere can I find, either in the Haitian constitution or in your laws, that the director of the custom-house is more than an executive officer; neither can I find that he or any other executive officer has any power by decree to set aside any law or part thereof which has been enacted by your Congress, signed and promulgated by your President.

As the whole law of September 4, 1905, was legally effective the whole of the business day of August 24, 1906, I would have had to ignore the decree of your custom-house director and to have insisted that he accept the duties from Mr. Boutros in accord with sections 56 and 60 of the law of September 4, 1905, for the goods which did not arrive, had not the director spared me the trouble by his acceptance of the said duties, even though, as he says, by mistake.

Further, from your excellency's note I would judge that not only is it the intention of your Government to keep the money already paid by Mr. Boutros as duties under the old law, but to insist on the apparently unlawful forced payment of the new gold duties enacted in the law of August 21, 1906. To this I can assure you that my Government will never consent.

In closing I would thank you to call your colleague's attention to the fact that Mr. Boutros's merchandise is rapidly deteriorating in the custom-house; that already it has been necessary to remove the soap some five times because of the rains leaking into the custom-house and running under the door, and an early compliance with my request would be much appreciated.

I return herewith the document kindly submitted for my perusal.

I take, etc.,

H. W. FURNISS.

Minister Furniss to the Secretary of State.

No. 115.]

AMERICAN LEGATION,
Port au Prince, October 20, 1906.

SIR: In further reference to my No. 105 of October 4, 1906, I have to inform the department that I have to-day been notified by Secretary Sannon that orders have been given to release the goods of Mr. Boutros from the custom-house without the payment of further duties.

As this is agreeable to my contention, the incident may be considered as closed.

I inclose herewith the subsequent correspondence on the subject.

I have, etc.,

H. W. FURNISS.

[Inclosure 1.—Translation.]

The Secretary of Foreign Relations to Minister Furniss.

PORT AU PRINCE, *October 19, 1906.*

MR. MINISTER: Referring to your preceding communications, as well as to the different interviews that we have had relative to the N. Boutros affair, in the course of said interviews you have given me the formal assurance that if a solution from your point of view was given to the Boutros claim you would consider the affair as definitely settled, I have the honor to inform you that the council of the secretaries of state, wishing to again show our desire to maintain, by binding them, the excellent relations that exist between our two countries, has decided, after a most careful examination of the question, to regulate the matter according to your request.

My colleague of the department of finance has therefore been authorized to do what is necessary.

Please accept, etc.,

H. PAULÉUS SANNON.

[Inclosure 2.]

Minister Furniss to the Secretary of Foreign Relations.

No. 94.]

OCTOBER 20, 1906.

SIR: I am in receipt of your note of yesterday's date and take this occasion to thank you for your efforts in bringing about an amicable settlement of the Boutros case.

Please accept, Mr. Secretary, the assurances of my distinguished consideration.

H. W. FURNISS, *American Minister.*

The Secretary of State to Minister Furniss.

No. 46.]

DEPARTMENT OF STATE,
Washington, October 23, 1906.

SIR: I have to acknowledge the receipt of your No. 105, of the 4th instant, in which you state that an American merchant, Mr. Makhlé Boutros, imported a large shipment of merchandise from New York by the steamship *Prins Maurits*. Of the merchandise listed on the bill of lading, all was delivered except 75 boxes of soap and 8 barrels of tobacco, which you state were evidently left behind on the wharf at New York.

Under the Haitian law, Mr. Boutros was compelled to pay the duties on the missing as well as the delivered goods. The missing goods were brought by the next steamer of the line, arriving about two weeks after the first consignment. On attempting to withdraw them, Mr. Boutros was informed that the new gold duties having come into force, he must forfeit the duties already paid and pay the new duties.

He appealed to you and you report that while the minister of foreign affairs had admitted the justice of Mr. Boutros's complaint, you deem it necessary to obtain instructions from this department in order to bring about favorable action on the part of the Haitian authorities.

The department approves your course. Should it appear as the result of your careful investigation that the goods included in the manifest were accidentally left on the wharf at New York, and that there is an absence of fraud on the part of the claimant, you may continue to use your good offices in his behalf.

I am, etc.,

E. Root.

Minister Furniss to the Secretary of State.

No. 122.]

AMERICAN LEGATION,
Port au Prince, November 8, 1906.

SIR: I am in receipt of department's No. 46 of October 23, 1906, and am pleased to state that the case therein mentioned was settled agreeable to my contentions, as stated in my No. 115 of October 30, 1906.

I am, etc.,

H. W. FURNISS.

PROVISION BY LAW FOR PAYMENT OF INTEREST ON HAITIAN BONDS.*Minister Furniss to the Secretary of State.*

No. 101.]

AMERICAN LEGATION,
Port au Prince, September 26, 1906.

SIR: I inclose herewith copy and translation of a law which has this day been promulgated in *Le Moniteur*, the official paper, and which makes provision for the payment of that part of the interest

due on the various internal bonds, the interest on which was scaled down by the law of June 23, 1905, which became effective July 1, 1905.

This law is virtually the same as I gave in my No. 52 of April 19, 1906,^a as having the sanction of the Government. By its provisions 10 cents of the export duty on every 100 pounds of coffee is set aside for this purpose and it is estimated that this will be sufficient to meet the outstanding interest indebtedness which was due July 1, 1905, \$230,127.70 gold, in about three years, after which time the revenue derived by the law is to be applied to liquidating the principal of the said debt.

Attention is called to the fact that no provision is made for payment of interest on the interest now due over a year; neither is provision made for the deferred payments.

The amount to be collected will not be available until the close of the coffee crop, which is just coming in. This will occasion a delay of not less than six months before the first payment is made, and then payment will be made on only such bonds as have accepted the 50 per cent scaling down of the law of June 23, 1905.

The facts above stated are of particular interest to Americans, as not only is this legation trustee for \$70,200 of these bonds, but there are many more in private hands throughout the United States.

I have, etc.,

H. W. FURNISS.

[Inclosure.—Translation.]

Law.

Nord Alexis, President of the Republic, using the prerogative granted to him by article 69 of the constitution;

Considering that the proceeds of the appropriations destined for the service of the interior debt have not permitted the payment of the interests and amortizements due on that debt up to the 1st of July last, and that it is necessary to adopt relative thereto a method of settlement that assures the liquidation with as little delay as possible;

On the report of the secretary of state for finance and commerce and the advice of the council of the secretaries of state, has proposed and the legislative corps has voted the following law:

ARTICLE I. Dating from October 1, 1906, there shall be set aside ten cents (of the export duty) on each one hundred pounds of coffee exported, for the payment of the amounts due up to the first of July, 1905, for the interests and amortizements of the interior debt, as follows:

Consolidated 6 per cent reduced to 3 per cent, interests due.....	\$12, 714. 78
Consolidated 12 per cent reduced to 6 per cent, interests due.....	80, 178. 40
Unified loans	3, 758. 40
Blue titles, coupons of July, 1905.....	57, 428. 38
Rose titles, coupons of July, 1905.....	76, 047. 74

230, 127. 70

ART. II. Every three months there shall be divided among those having right thereto the amount in hand and collected by virtue of this appropriation up to the amount of \$230,127.70.

On the liquidation of this debt the ten cents shall be added to the appropriation which at present guarantees reimbursement of the obligations of the interior debt.

^a Not printed.

ART. III. The present law repeals all laws and provisions of laws that are contrary thereto. It shall be executed under the supervision of the secretary of state for finance and commerce.

Given at the palace of the House of Representatives September 3, 1906, year 103 of the independence.

S. ARCHER,
President of the Chamber.
G. DESROSNIERS,
LOUIS BRUTUS,
Secretaries.

Given at the national house at Port au Prince, September 10, 1906, year 103 of the independence.

T. A. DUPITON,
President of the Senate.
R. DAVID,
DIOGENE LEREBOURS,
Secretaries.

In the name of the Republic.

The President of Haiti orders that the above law of the legislative corps be vested with the seal of the Republic, printed, published, and executed.

Given at the national palace at Port au Prince, September 11, 1906, year 103 of the independence.

NORD ALEXIS.

By the President:

F. MARCELIN,
Secretary of State for Finance and Commerce.

OPENING OF PORT MOLE ST. NICHOLAS.

Minister Furniss to the Secretary of State.

No. 108.]

AMERICAN LEGATION,
Port au Prince, Haiti, October 10, 1906.

SIR: I beg leave to inclose herewith copy of a decree as published in *Le Moniteur* of October 6, 1906, opening the port of Mole St. Nicholas to foreign commerce.

Mr. Powell, in his No. 1851, of October 21, 1905,^a stated that a law had been promulgated making the Mole St. Nicholas an open port, and by the present decree it may be seen that, the formalities of the law having been complied with by the appointment by the President of the various administrative officials necessary for the work, the port has been opened to all foreign commerce.

I have, etc.,

H. W. FURNISS.

[Inclosure.—Translation.]

By the advice of the department of finance, dated September 27, 1905, published in the *Moniteurs* Nos. 7 and 11 in October of the same year, the public and commerce were informed that the council of secretaries of state had decided that the law authorizing the opening of the port of the Mole St. Nicholas to all foreign commerce would be executed after the formation of the administrative force of the above-named place.

The public and commerce are advised that the said port is open to all foreign commerce, His Excellency the President of the Republic having named the administrative force for the offices of the finance department and the customs service.

PORT AU PRINCE, *October 4, 1906.*

POSTAGE CHARGES IN HAITI.

Minister Furniss to Secretary of State.

No. 8.]

AMERICAN LEGATION,
Port au Prince, February 9, 1906.

SIR: I have to inform you that agreeable to notice to-day, published in *Le Moniteur*, the official paper of the Haitian Government, commencing April 1, 1906, it is the intention of this Government to collect postage for correspondence, etc., destined for foreign countries, on a gold basis instead of in the fluctuating currency as heretofore.

As shown by the notice herewith inclosed, the postal rates will be in accord with those adopted by the Universal Postal Union Congress at Washington in 1897, but in view of the fact that to-day gold is at a premium of 490, the rate will be practically treble the present charges for foreign postage, but the same rate as that charged by the United States for like service.

The postal rates within the country will remain unaltered and stamps now in circulation will be used for this service. The foreign rate, being payable in gold, will necessitate a special stamp, which it is the intention of the Government to have ready upon the inauguration of the new rates.

I have, etc.,

H. W. FURNISS.

[Inclosure.—Translation.]

Department of State for finances.

Agreeable to the provisions of article 10 of the regulations of the Convention of the Universal Postal Union Congress, as adopted at Washington at the session of June 15, 1897, the franc is considered by the Republic of Haiti as the monetary unit in the transaction of business with the countries of the union.

The department of finances notifies the public, as well as commerce, that, dating from the 1st of April next the postage on letters and other objects of correspondence for foreign countries, will be collected at the post-office of the Republic in gold or silver money, or the equivalent, according to the rate of exchange, in national money, in conformity with the following tariff:

Country of destination.	Nature of correspondence.	Tax to be collected for each piece of correspondence.	Terms of the postage.
All of the countries of the Postal Union.	Ordinary letters	5 cents of a piaster or 25 cents of a franc per 15 grams or fraction of 15 grams.	Optional.
	Postal cards	2 cents of a piaster or 10 cents of a franc	Do.
	Commercial papers.	3 cents of a piaster or 15 cents of a franc, up to 50 grams and 1 cent of a piaster for every 50 grams over, or fraction of 50 grams.	Obligatory.
	Samples of merchandises.	2 cents of a piaster per 50 grams or 10 cents of a franc and 1 cent of a piaster per 50 grams over, or fraction of 50 grams up to 250 grams.	Do.
	Newspapers and printed matter.	1 cent of a piaster or 5 cents of a franc per 50 grams or fraction of 50 grams.	Do.

NOTE OF TRANSLATOR.—The piaster, as used in the above table, is the equivalent of the American gold dollar.

Unpaid letters (receipt).—Ten cents of a piaster per 15 grams or fraction of 15 grams. Request for notice of receipt: Three cents of a piaster or 15 cents of a franc.

Registration tax: Five cents of a piaster or 25 cents of a franc for letters of all other objects of correspondence.

NATURALIZATION TREATY BETWEEN GREAT BRITAIN AND HAITI.

Minister Furniss to the Secretary of State.

No. 111.]

AMERICAN LEGATION,
Port au Prince, October 16, 1906.

SIR: I have to inform the department that to-day the British consul and the Haitian Government exchanged ratifications of a treaty which has recently been made relative to naturalization.

I am unable to furnish copy of the text of the treaty at this writing, but hope to do so by next mail. However, I understand that the chief feature of the treaty is the surrender of Great Britain of the right to consider as British subjects children born in Haiti of British parents either one of whom has negro blood.

I have, etc.,

H. W. FURNISS.

Minister Furniss to the Secretary of State.

No. 121.]

AMERICAN LEGATION,
Port au Prince, November 1, 1906.

SIR: Agreeable to my dispatch No. 111, of October 18, 1906, to the department, I beg leave to inclose herewith copy of the text of the Anglo-Haitian naturalization treaty, as published in *Le Moniteur* of yesterday.

I am, etc.,

H. W. FURNISS.

[Inclosure.]

TEXT OF THE TREATY.

His Excellency the President of the Republic of Haiti and His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor or India, being desirous of concluding a convention in order to regulate the question of the nationality of British subjects and Haytian citizens in the territories of either country, respectively, have named as their plenipotentiaries for this purpose, namely:

His Excellency the President of the State Republic of Hayti, Mr. Murville Fèrère, secretary of state for foreign relations of the Republic of Hayti;

And His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India, Arthur George Vansittart, esq., His Majesty's consul-general at Port au Prince;

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

ARTICLE I. Persons of British origin who have been born in Hayti since the coming into force of constitution of 1889, and whose nationality is fixed by

article 3, paragraph 3, of that constitution, shall be regarded as Haytian citizens while resident in the Republic.

ART. II. Persons of Haitian origin born in the British possessions shall be regarded as British subjects while resident in the British possessions.

ART. III. The Government of His Britannic Majesty agree not to extend diplomatic protection to British subjects of Haitian origin resident in the Republic, provided that they are Haitian citizens under the laws in force in the Republic for the time being.

ART. IV. Haitian citizens duly naturalized in the United Kingdom or in the British colonies or possessions according to the respective laws thereof shall be recognized by the Republic as British subjects.

ART. V. British subjects duly naturalized in Haiti shall be recognized by His Majesty's Government as Haitian citizens.

ART. VI. The names of the British subjects now resident in Haiti shall be communicated by His Britannic Majesty's consul-general to the Haitian Government, and, provided that they have hitherto been regarded as foreigners in Haiti, all such persons shall receive diplomatic protection from His Majesty's Government. In view of the difficulty of framing a complete list of the British subjects now resident in the Republic immediately, the consul-general shall be at liberty to communicate from time to time such supplementary lists as may be necessary, and the first paragraph of this article shall apply to all persons mentioned in such lists.

ART. VII. A list of the persons registered in the future as British subjects at the British consulates in Haiti shall be communicated by His Britannic Majesty's consul-general to the Haitian Government at intervals of six months. The Haitian Government may, on receipt of any such list, address representations to the consul-general in respect of any person named therein whom it may claim to be a Haitian citizen, and if after inquiry by the Haitian Government and His Britannic Majesty's consul-general it is agreed that the person is a Haitian citizen, he shall not receive in the Republic diplomatic protection from His Majesty's Government.

ART. VIII. The present convention shall be ratified and the ratifications shall be exchanged at Port au Prince as soon as possible.

In witness whereof respective plenipotentiaries have signed the present convention, and have affixed thereto their seals.

Done in duplicate at Port au Prince the sixth day of April, one thousand nine hundred and six.

ARTHUR GEORGE VANSITTART.
M. FÉRÈRE.

The British Consul-General to the Secretary of Foreign Relations.

BRITISH CONSULATE-GENERAL,
Port au Prince, June 19, 1906.

MONSIEUR LE SECRÉTAIRE D'ÉTAT: In reply to the note of the 16th instant, which I have had the honor to receive from you on the subject of the word "étrangers," in the first paragraph of Article VI of the treaty which I signed with Mr. Fèrère on the 6th April last regulating the question of nationality of British subjects and Haitian citizens in the territories of either country, respectively, I have now the honor to inform you that I have been authorized by His Majesty's Government to state that the term "étrangers" (foreigners), as mentioned in Article VI of the treaty in question, is understood to apply only to British subjects. I trust that this explanation on my part will make the interpretation of the word "étrangers" quite clear, and that the term as expressed in the treaty will, consequently, only apply to British subjects.

In your above-mentioned note, Monsieur le Secrétaire d'Etat, you call my attention "sur l'opportunité de préciser davantage le sens et la portée de la convention intervenue entre vous et mon prédécesseur le 6 avril dernier, en remplaçant, dans le premier paragraphe de l'Article VI, le mot 'étrangers' par la désignation moins générale de sujets britanniques."

I need scarcely observe that the treaty, having been accepted by Monsieur Fèrère, and signed by him, the text of Article VI, containing the word "étrangers" can not be altered and must stand exactly as the convention was signed, but I sincerely trust, Monsieur le Secrétaire d'Etat, that, after our recent conversations on the subject, the explanation I have now been author-

ized on the part of my Government to give you in writing as regards the word "étrangers" being intended only to apply to British subjects will be ample to prevent any doubtful reading of the text of the treaty as was signed by me and Monsieur Fère on the 6th April last.

I avail myself of this occasion to renew to you, Monsieur le Secrétaire d'Etat, the assurances of my highest consideration.

A. G. VANSITTART.

Certificate of exchange of ratifications.

The undersigned having met together for the purpose of exchanging the ratifications of the "Convention in order to regulate the question of the nationality of British subjects and Haitian citizens in the territories of either country, respectively," between His Excellency the President of the Republic of Haiti and His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India, signed at Port au Prince on the 6th day of April, 1906; and the respective ratifications of the said convention having been carefully compared, and found to be exactly conformable to each other, the said exchange took place this day in the usual form.

In witness whereof they have signed the present certificate and have affixed thereto the seal of their arms.

Done at Port au Prince, the 16th day of October, 1906.

H. PAULÉUS SANNON.

ARTHUR GEORGE VANSITTART.

LICENSES TO AMERICAN CITIZENS OF SYRIAN ORIGIN IN HAITI.

(Continuation of correspondence in Foreign Relations 1905, p. 545 et seq.)

Minister Furniss to the Secretary of State.

No. 2.]

AMERICAN LEGATION,
Port au Prince, January 6, 1906.

SIR: I am in receipt of dispatch No. 3,^a of December 1, 1905, in which the department makes certain suggestions relative to the license fee of American merchants of Syrian origin established in Haiti.

In reply I beg leave to state that in view of the fact that I have been assured that all Syrians of British naturalization have been granted licenses, I have deemed it proper to take the matter up with the Haitian Government relative to the licensing of our citizens and hope for a favorable settlement of the same.

I have, etc.,

H. W. FURNISS.

The Acting Secretary of State to Minister Furniss.

No. 8.]

DEPARTMENT OF STATE,
Washington, January 17, 1906.

SIR: I have to acknowledge the receipt of your No. 2, of the 6th instant, stating that having learned that licenses had been issued to

^a Printed in Foreign Relations, 1905, p. 550.

British subjects of Syrian origin, you have taken up the question of obtaining an equal privilege for American citizens of the same origin.

Your action is approved.

I am, etc.,

ROBERT BACON.

Minister Furniss to the Secretary of State.

[Extract.]

No. 7.]

AMERICAN LEGATION,
Port au Prince, February 3, 1906.

SIR: I have to advise you that agreeable to my dispatch No. 2, of January 6, 1906, I have with success taken up with the Haitian Government the cases of those Americans of Syrian origin who had not been granted licenses to do business in Haiti for the year 1906.

I inclose herewith my dispatch under date of January 8, 1906, to Honorable Férère and his reply to the same, under date of the 13th of the same month.

After waiting until January 26 without receiving further reply, I went to see Secretary Férère, called his attention to the delay, and requested that inasmuch as the matter was entirely in the hands of the President that he arrange for me an audience with the President. I was more or less informed by the secretary that such a course would be useless, as the fact that the parties had failed to receive their licenses, which would have been delivered in November had they been granted, showed that action had been adverse, and that it would not be possible to ascertain the reason for the refusal. I told him that though, as he said, both the laws and the customs of Haiti might grant to the President the right to refuse license without giving reason, yet I felt sure that the President would realize that courtesy to a friendly nation necessitated that just reasons for refusal be furnished.

Minister Férère appointed the 24th at 10 a. m. for the hour of audience with the President.

Arriving at the palace on the 24th, I was met by Secretary Férère, and the President soon joined us. I discussed the matter with him, stated my contention that some good reason should be given for refusal of licenses to Americans of Syrian origin, in view of the fact that not only all the British Syrians had been granted licenses, but many who were still of Syrian nationality, and finally was informed by him that in view of the circumstances licenses would be issued to John Stambouly at Cape Haitien, E. Lahame Frères and Faris Antonn, of Port au Prince.

The President also finally stated that licenses had not been granted to M. Ajamie and A. Ashcar at Cape Haitien, and Abdo Assali at Aux Cayes, because he had been informed that they had been naturalized subsequent to the Haitian law of August 13, 1903, prohibiting the further entrance of Syrians, but promised that if I could show that they had been naturalized prior to that date, thus proving that they were not attempting to evade the said law, he would grant them licenses.

In the case of Michel Kouri he refused license on the ground of his complication in a counterfeiting case,^a mention of which has been made in Mr. Powell's dispatches Nos. 1719 and 1723, of April 9, 1905, and which will be treated of in a subsequent dispatch as soon as evidence in course of preparation can be procured.

Under date of January 25, 1905, I again addressed Secretary Férère, copy inclosed, reminding him of the President's promise, clearing up the contention in so far as Abdo Assali, of Aux Cayes, and M. Ajamie, of Cape Haitien, were concerned, and asking that in view of the evidence submitted that their licenses be granted.

I received under date of January 30, 1906, reply, copy inclosed, from Secretary Férère, informing me that he was in accord with me and would communicate the facts to the proper authorities that the licenses might be issued, and promising like treatment to the remaining ones as soon as the desired information is furnished.

I have, etc.,

H. W. FURNISS.

[Inclosure 1.]

Minister Furniss to the Secretary of Foreign Relations.

AMERICAN LEGATION,
Port au Prince, January 8, 1906.

SIR: I am informed by American Consul Livingston at Cape Haitien that on October 2, 1905, M. N. Ajamie and Antoine M. Ashcar, and on October 6, 1905, John Stambouly, all American citizens and doing business at that place, deposited in the branch National Bank of Haiti on the dates named the fee required by the Haitian laws and sent the certificate of deposit, together with their applications for licenses, to your colleague, the honorable secretary of finance and commerce.

I am also informed that Mr. Aldo Assali, of Aux Cayes, complied with the Haitian law and sent his certificate of deposit, together with application, on October 3, 1905; that E. Lahame Frères, of Port au Prince, complied with the requirements on October 17, 1905, and Faris Antonn complied with the requirements on the 9th of October, 1905.

In view of the fact that Honorable Jerome, His Britannic Majesty's representative at this capital, has informed me that your Government has issued licenses to all British subjects of Syrian origin doing business in this country, I am loath to believe that any discrimination is intended toward American citizens, but rather that there has been some delay in the office of issue of licenses.

I would therefore thank you to call the cases to the attention of your colleague, the honorable secretary of finance and commerce, and impress upon him the inconvenience as well as the financial loss occasioned these Americans by their not having their licenses in hand. A favorable action, at his earliest convenience, would be much appreciated by this legation.

In reference to Mr. Assali, of Aux Cayes, I have been shown a telegram wherein the inspector of customs at Aux Cayes refused on December 23, 1905, to allow him to withdraw certain goods consigned to him because of his not having his license for this year, and thereby causing him both inconvenience and loss. I have to request that pending the issuing of the proper license to Mr. Assali that the inspector at Aux Cayes be instructed to release the said goods.

I take, etc.,

H. W. FURNISS.

^a See p. 871.

[Inclosure 2.]

*Minister Furniss to the Secretary of Foreign Relations.*AMERICAN LEGATION,
Port au Prince, January 12, 1906.

SIR: In my dispatch No. 3, dated January 8, 1906, I failed to mention the name of Mr. Michel Kouri among those of American citizens desirous of procuring licenses.

I would thank you to call the attention of the honorable secretary of finance to Mr. Kouri's case.

Please accept, etc.,

H. W. FURNISS.

[Inclosure 3.—Translation.]

*The Secretary of Foreign Relations to Minister Furniss.*DEPARTMENT OF FOREIGN RELATIONS,
Port au Prince, January 13, 1906.

MR. MINISTER: I have had the honor of receiving your dispatch No. 3 of the 8th of this month.

Its contents have been the object of my very serious attention, and I have not failed to make a communication thereof to my Government.

While waiting to advise you as to what will be the decision relative to Mr. Abdo Assali, I am now able to inform you relative to the Americans of Syrian origin who complain that, notwithstanding they have requested them, they have failed until now to receive their licenses.

Your excellency, I think, is not unaware that not only our laws but our customs do not make it an obligation for the chief of state to grant licenses to all those who make application without examining the requests and the persons. They may be granted or refused as he may see fit, and without being forced to explain the motive for his decision.

Thus there may have been licenses delivered to two English, of Syrian origin, without creating the obligation to do as much for all solicitors. The more so as Americans of Syrian origin have been likewise benefited at the hands of His Excellency the President of the Republic to such an extent that Dominicans, also of Syrian origin, have thought themselves justified to request like favor, and complain of their having been refused.

Your Excellency may therefore be set at ease as to the intention of the Haitian Government toward the generality of American citizens residing in Haiti.

If licenses should not be granted to Messrs. N. Ajamie, Antoine H. Ashcar, John Stambouly, Abdo Assali, E. Lahame Brothers, and Faris Antonn it will not be because of their American nationality, but certainly for other motives, i. e. their own individuality, the same as any other foreigner, English, French, German, Dominican, etc.

Believing that these explanations will suffice to enlighten your excellency on the question,

I take, etc.,

M. FÉRÈRE.

[Inclosure 4.]

*Minister Furniss to the Secretary of Foreign Relations.*AMERICAN LEGATION,
Port au Prince, January 25, 1906.

SIR: Referring to my interview yesterday with His Excellency President Nord Alexis, at which you were present, you will recollect that his excellency informed me relative to the American citizens refused licenses because of Syrian origin that if it could be proven that they were naturalized Americans prior to the Haitian law of August 13, 1903, that license would be granted.

I have, therefore, to inform you that I have the naturalization papers of Abdo Assali, American merchant doing business at Aux Cayes, and that these papers show that he was granted full citizenship on August 6, 1903, at St. Paul,

Minn., by the circuit court of the United States of America, district of Minnesota, third division.

The American laws make it necessary that aliens to be admitted to citizenship of the United States shall declare on oath, before a circuit or district court of the United States, or a district or supreme court of the Territories, or a court of record of any of the States having common-law jurisdiction and a seal and clerk, two years, at least, prior to his admission, that it is bona fide his intention to become a citizen of the United States." Therefore, Mr. Assali must have declared his intention to become an American citizen at least two years prior to the granting of his full papers on August 6, 1903. From the facts stated it is evident that naturalization could not have been with intent to evade the Haitian law above referred to, and I have therefore to request that you communicate these facts to His Excellency the President, that the license may be issued.

Relative to Mr. Ajamie, of Cape Haitien, I have to inform you that I have ascertained from the records of this office that he is the holder of American passport No. 60197, issued on July 1, 1902, by the State Department. Passports are only issued to fully recognized American citizens, as supported by proofs. Mr. Ajamie's naturalization must have taken place at least more than a year prior to the enactment of the law of 1903, and I have to request that his license be issued on this evidence.

I would thank you to advise me the date on which these licenses above referred to are issued.

Relative to the other Americans who were granted or refused licenses, I have to inform you that I have written each one of them for their naturalization papers and as soon as they are in hand I shall be pleased to supply you with full information.

I take, etc.,

H. W. FURNISS.

[Inclosure 5.—Translation.]

The Secretary of Foreign Relations to Minister Furniss.

DEPARTMENT OF FOREIGN RELATIONS,
Port au Prince, January 30, 1906.

MR. MINISTER: You have taken occasion by your dispatch of January 25 to remind me of the result of the interview which you had in my presence with His Excellency the President of the Republic, and in the course of which it was decided, in so far as regards the American citizens to whom licenses had been refused because of their Syrian origin, that if it could be proven that their naturalization was prior to the law of August 13, 1903, the license would be granted them. And after having the kindness to set forth the laws of your country, in conformity with which Messrs. Abdo Assali and Ajamie have acquired American nationality, you express the desire to have delivered to them, by the chief of state, the license necessary to permit them to carry on commerce.

In acknowledging the receipt of the communication, with which I am entirely in accord with your legation, I have the honor to inform you that I will hasten to transmit to the department of finances the necessary information with a view of granting your request.

As to your other fellow-citizens, as soon as you shall have furnished me their names and the information concerning them, I will not fail to examine, without delay, their status and to comply with your request as near as possible.

I take, etc.,

M. FÉRÈRE.

TEMPORARY EXTENSION OF FRENCH-HAITIAN COMMERCIAL TREATY.

Minister Furniss to the Secretary of State.

No. 33.]

AMERICAN LEGATION,
Port au Prince, March 10, 1906.

SIR: I have to report that I to-day ascertained from the French chargé d'affaires that he had come to an agreement with the Haitian Government, whereby the French-Haitian treaty, which had been

denounced by Haiti and was to expire April 30, is to be extended for six months, to give opportunity for further negotiation looking to a permanent treaty.

The agreement has been written, and only awaits authorization from the French Government for the formal signing.

I have, etc.,

H. W. FURNISS.

Minister Furniss to the Secretary of State.

No. 46.]

AMERICAN LEGATION,
Port au Prince, April 2, 1906.

SIR: In further reference to my No. 33, of March 12, I have to inform the department that the convention between France and Haiti for the prolongation of the treaty therein mentioned was signed on the 31st ultimo by Minister Bezaure and Secretary Férére.

I have, etc.,

H. W. FURNISS.

Minister Furniss to the Secretary of State.

No. 109.]

AMERICAN LEGATION,
Port au Prince, October 10, 1906.

SIR: I beg leave to inclose herewith copy of a protocol signed by the French minister and the Haitian secretary of foreign relations, published in the official paper of to-day, by which the commercial treaty existing between the Governments of France and Haiti, and which would have expired October 31, 1906, will be extended until January 31, 1907.

I have, etc.,

H. W. FURNISS.

[Inclosure.—Translation.]

PROTOCOL.

The Government of the Republic of Haiti and the Government of the French Republic, to put an end to the state of uncertainty in which the two countries find themselves concerning their commercial and maritime relations, and animated with an equal and sincere desire to negotiate and conclude a new convention to replace the one that was signed between the two countries July 31, 1900, have come to an agreement to again prorogue, provisionally, the commercial convention made July 31, 1900, between Haiti and France.

The undersigned, duly authorized to that effect, have in consequence agreed to the following:

The commercial convention signed July 31, 1900, between the Republics of Haiti and France, is maintained in force for another period of three months, from October 31, 1906, to January 31, 1907.

In witness whereof the undersigned have drawn up the present protocol and have thereto affixed their seals.

Done in duplicate at Port au Prince, October 6, 1906.

H. PAULEUS SANNON.
BEZAURE.

EXHIBITS OF HAITIAN PRODUCTS IN HAITIAN CONSULATES.

Minister Furniss to the Secretary of State.

No. 95.]

AMERICAN LEGATION,
Port au Prince, September 14, 1906.

SIR: I inclose herewith copy of a law relative to creating exhibits, etc., of Haitian products at Haitian consulates and agencies, as published in the official paper of September 12, 1906.

I am, etc.,

H. W. FURNISS.

[Inclosure.—Translation.]

LAW.

Nord Alexis, President of the Republic, in view of article 69 of the Constitution;

Considering that great publicity in the world's markets is necessary to produce an outlet for our commodities;

Considering that it is necessary that the consuls and consular agents of the Republic should lend their assistance to that publicity in an efficacious manner;

That the state owes to this means of outlet and the sale of our products in foreign countries its greatest support;

On the report of the secretary of state for finance and commerce, and the advice of the council of the secretaries of state, has proposed and the legislative corps has voted the following law:

ARTICLE I. It is obligatory on all consuls and consular agents of Haiti to reserve a place in their offices for exhibiting various samples that shall be sent to them from Haiti, and particularly by the chamber of commerce.

ART. II. The aforesaid agents are required to transmit to the secretary of state for commerce, and to the chamber of commerce, all communications, requests for information, etc., that may be made to them relative to these samples.

ART. III. The present law shall be published and executed under the supervision of the secretary of state for finance and commerce.

Given at the House of Representatives, August, 13, 1906, year 103 of the independence.

The President of the House,
S. ARCHER.

The Secretaries,
G. DESROSIERS,
LOUIS BRUTUS.

Given at the National House at Port au Prince, August 28, 1906, year 103 of the independence.

The President of the Senate,
T. A. DUPITON.

The Secretaries,
R. DAVID,
DIOGÈNE LEREBOURS.

In the name of the Republic, the President of Haiti orders that the above law of the legislative corps be vested with the seal of the Republic, printed, published, and executed.

Given at the national palace at Port au Prince, August 28, year 103 of the independence.

NORD ALEXIS.

By the President.

The Secretary of State for Finance and Commerce,

F. MARCELIN.

LAW FOR THE ESTABLISHMENT OF A PETROLEUM REFINERY.

Minister Furniss to the Secretary of State.

No. 119.]

AMERICAN LEGATION,
Port au Prince, October 25, 1906.

SIR: I inclose herewith copy and translation of a law passed by the last session of Haitian Congress and signed by the President on September 20, 1906, but which did not become a law until its promulgation on the 20th instant.

This law is of importance in that it grants to a Haitian, or a company to be formed by him, the right to establish and operate a petroleum refinery. By the terms of the law the machinery, fuel, materials, etc., necessary for the establishment of the refinery, as well as such articles as are necessary for the proper operation of such a plant, are to be admitted free of all duty.

The Government virtually grants the concessionaire a monopoly in the kerosene oil trade, for, as soon as the refinery is ready to start, the duty on refined oil is increased to such a figure that imported kerosene can not compete with that locally refined.

In return, the concessionaire is required to pay into the Haitian treasury the equivalent of what would be the duty charges on the quantity of kerosene put on sale by the refinery, and the refinery is required to sell its product cheaper than like quality could be imported, as shown by the market price abroad.

Provision is made for the refining of such crude oil as may be found here, but I understand that crude oil has never been found in workable quantities, so recourse will have to be had to importing crude oil from the States.

I understand that agreement has been entered into with American capital and that it is the intention to commence the mounting of the refinery plant here in early December, and refining will begin as soon thereafter as possible.

I have, etc.,

H. W. FURNISS.

[Inclosure.—Translation.]

LAW.

Nord Alexis, President of the Republic,

By virtue of article 69 of the constitution,

Considering that it is the duty of the state authorities to give the greatest encouragement and protection to enterprises which shall furnish employment and means of existence to a number of our fellow-citizens;

Considering, moreover, that the enterprise which is the subject of the present act will have, as a consequence, the improvement of an article of daily consumption, and the augmentation of the revenues of the State,

Upon the report of the secretary of state for finance and commerce.

Has proposed, and the legislative corps has voted, the following law:

ARTICLE I. The Government accords to Mr. Edmond Roumain, in his own and proper name, the right to refine petroleum, and to construct upon the littoral, or in the interior, tanks for crude petroleum and its products.

ART. II. In case that concessions may be accorded in future for sources of petroleum which could be found in the country, and in case that the future concessionaires may not desire to contract a refinery, Mr. Edmond Roumain shall be obliged:

(1) To receive the crude petroleum that the concessionaire would have delivered to him;

(2) To store in tanks destined for the purpose the crude petroleum in question, in consideration of a tax of 1 cent American gold per month per 50 gallons, and this for all expenses generally whatsoever of receipt into tanks, of depot, and delivery to ships or car tanks;

(3) To deliver to the parties concerned certificates of depot, warrants, negotiable either here or abroad;

(4) To purchase, upon the request of the depositors, their certificates of depot, according to the market price of petroleum.

ART. III. In case that the yield of the sources of national petroleum, and that the obligatory purchase of the above-mentioned certificates of depot give only an insufficient quantity for his refinery, Mr. Edmond Roumain shall have the right and exclusive privilege to import crude petroleum or its unfinished products for refining in Haiti, and he may use this right during the deep borings and the construction of pipe lines to carry to the littoral the national petroleum which might be found.

ART. IV. The concessionaire, in the interest of the State as well as in his own, as soon as he shall commence the construction of the refinery in question, must push with great activity the deep borings under the inspection of the state's engineers, except in case of "force majeure," which he shall have verified, and must cease the importation provided for in the preceding Article III when the sources of national petroleum shall be sufficiently abundant. This importation can be recommenced only in case of the insufficiency provided for in Article III.

ART. V. As the petroleum refined in the country is to be put on sale in our market cheaper than the illuminating oil that could be imported, according to the figure of the foreign markets, which will cause the importation of kerosene to cease and deprive the State of the duties on that article, Mr. Edmond Roumain agrees to pay to the State, in payments to be made each three months, and according to the present tax, the equivalent of the duties upon all the quantity of illuminating oil put on sale in the country by the refinery.

ART. VI. As the conditions of cheapness which petroleum refined in Haiti shall have, together with certain commercial advantages which shall be given to consumers, ought to augment the consumption in a little time, the concessionaire agrees also to pay to the State the equivalent of the duties at the present tax upon all the quantity coming from the refinery, which will be consumed more than at present, thus allowing to the State a share of the profits in the development and increase of the affairs of the refinery.

ART. VII. An agent appointed by the department of finances shall control, by the books of the refinery, the quantity of illumination petroleum delivered for the interior consumption of the country, and upon which the equivalent of duties provided for in Articles V and VI shall be paid each three months. The department may, besides, adopt any other system of control which it might deem necessary.

ART. VIII. The degree of inflammability of the petroleum in the present tariff, viz, 38° centigrade or 100° Fahrenheit, having been found much too low to insure the consumer against all danger, it is forbidden to put on sale in our markets any illuminating oil under 48.8° centigrade or 120° Fahrenheit. The state officials shall see that this prohibition is firmly carried out.

ART. IX. The present duties on kerosene oil having been found to be much too low, and the state authorities wishing effectively to protect a new industry which has found so much protection in other countries, the duties on illumination kerosene shall in future be paid as follows:

	P.
Kerosene illuminating oil at 48.8° centigrade or 120° Fahrenheit, per gallon.....	0.20
Wharfage:	
Case of 10 gallons in 2 cans.....	.25
Barrel of 50 gallons, the barrel.....	1.25

The new duties named above shall be applied when the petroleum refined in our country is put on sale in our markets. The beginning of this sale shall be notified by the concessionaire to the department of finances, which shall apply the above-mentioned new duties from that moment.

ART. X. The stock and stores, tools, chemical products, the crude petroleum and its products for refining, fuel, materials necessary for the construction, exploitation, and maintenance of the refinery, or accessories for the sale of the

refined products shall be admitted free of all duties and customs taxes, and the products of the refinery which may not find a sale in our interior markets may be exported free of duties; also all the overplus of the national crude petroleum. At each importation of the articles above indicated a list shall be submitted by the concessionaire to the department of finances in order to obtain their free entry.

ART. XI. The persons employed in this new industry under whatever appellation shall be composed of at least two-thirds Haitians.

ART. XII. If difficulties or contestations shall arise concerning the interpretation or execution of one or more clauses of the present law, they shall be settled by the competent courts.

ART. XIII. The concessionaire may constitute a joint-stock company after the forms and according to the regulations established by law upon the subject.

ART. XIV. By reason, first, of the proportional dues to be paid to the State for the exploitation of the national petroleum; second, of the annuity to be paid to the Government in virtue of Article V above mentioned; and third, by reason of the participation of the profits reserved to the State by Article VI of the present law the refinery, shares, and bonds of the company provided for in Article XIII preceding, will be free of all taxes and future taxes.

ART. XV. The present law revokes all law and dispositions of law which are contrary to it, especially the law of August 9, 1896, and will be executed under the supervision of the secretary of state for finance and commerce.

Given at the Chamber of Representatives, Port au Prince, September 7, 1906, one hundred and third year of the independence.

The President of the Chamber,
S. ARCHER.

The secretaries,
G. DESROSIERS.
LOUIS BRUTUS.

Given at the national house, Port au Prince, September 13, 1906, one hundred and third year of the independence.

The President of the Senate,
T. A. DUPITON.

The secretaries,
R. DAVID.
DIOGENE LEREBOURS.

In the name of the Republic, the President of the Republic orders that the above law of the legislative corps be vested with the seal of the Republic, printed, published, and executed.

Given at the national palace, Port au Prince, September 20, 1906, one hundred and third year of the independence.

NORD ALEXIS.

By the President.

The secretary of state for finance and commerce.

F. MARCELIN.

ITALY.

EXCLUSION OF OLIVE OIL.

The Italian Ambassador to the Secretary of State.

[Translation.]

No. 2278.]

ROYAL EMBASSY OF ITALY,
Washington, D. C., November 24, 1906.

MR. SECRETARY OF STATE: The firm of S. Rae & Co., of Leghorn (Tuscany), has addressed to my Government a protest against the action of the federal Department of Agriculture in prohibiting the importation into the United States of olive oil that the said firm had, for over thirty years, been importing into the United States. It seems that the cause of this prohibition is that the said product is sold as "Lucca oil," while it appears to be neither made in or exported from the province of Lucca.

It would seem that the recent regulations issued by the Federal Government in regard to the place of origin of the merchandise being indicated on the label should not apply to this case, inasmuch as the sweet olive oil of Tuscany has, according to a certificate of the Chamber of Commerce of Leghorn, copy of which I have the honor to inclose herewith, been designated and known, from time immemorial, by the name of "Lucca oil," both in Italy and abroad.

I shall be thankful to your excellency if you will courteously move your most excellent colleague of the Agriculture Department to give a favorable reception to the protest of the firm of S. Rae & Co. and permit its oil to be admitted into this country as heretofore.

Accept, etc.

MAYOR.

[Inclosure.—Translation.]

PROVINCE OF LEGHORN,
CHAMBER OF COMMERCE AND ARTS.

It is hereby certified, for the sake of truth, that from time immemorial, the sweet olive oil of Tuscany has always been designated and known—both in Italy and abroad—by the name of "Lucca oil," and that the reputable firm of Samuel Rae & Co., established here in 1836, leads in the trade, exporting nothing but the best olive oil of Tuscany under the customary name of "Lucca oil."

F. ARDIZZONE, *President.*
G. BARSANTI, *Secretary.*

LEGHORN, *September 29, 1906.*

The Secretary of State to the Italian Ambassador.

No. 425.]

DEPARTMENT OF STATE,
Washington, December 27, 1906.

EXCELLENCY: In reply to your note of the 24th ultimo, in the matter of the protest of S. Rae & Co., of Leghorn, against the alleged

refusal of this Government to admit Tuscan olive oil labeled as Lucca oil unless made in or exported from Lucca, I have the honor to inclose a copy of a letter from the Secretary of Agriculture stating the views of his department.

Accept, etc.,

ELIHU ROOT.

[Inclosure.]

The Secretary of Agriculture to the Secretary of State.

DEPARTMENT OF AGRICULTURE,
Washington, December 17, 1896.

SIR: I have the honor to acknowledge the receipt of your communication of the 30th ultimo, inclosing a copy of a protest from the Leghorn Chamber of Commerce and Arts transmitted through the Italian ambassador. In reply, I beg to say that the notice which was given out by our Boston laboratory relative to a shipment of oil designated as Lucca oil and not manufactured in the immediate neighborhood of Lucca was based on information which the department had received that the Lucca oil was understood to be that manufactured in the locality mentioned.

The statement of S. Rae & Co., in a pamphlet circulated by this firm, marked "Prima arborum," on page 24, is as follows:

No olive oil produced elsewhere in Italy, or in any part of France, can compare with the best Tuscan oil, which it is the privilege of the neighboring provinces of Lucca and Pisa to produce. The other sections of Tuscany, namely, Florence, Siena, and Grosseto, produce good qualities, but not equal to the oils of Lucca and Pisa.

From the information recently received through your department from various consular officers it appears that the present contention of S. Rae & Co. is correct and that the statement taken from their advertising matter is untrue. As far as practicable it is the desire of this department to restrict the use of geographical names to their proper meaning. It is not intended, however, that an unfair decision shall be made, and pending further inquiry in the matter, no objection will be made to Tuscan olive oil branded as Lucca oil.

I have, etc.,

JAMES WILSON.

REGULATIONS REGARDING CERTIFICATE OF ORIGIN OF IMPORTATIONS INTO ITALY.

The Italian Chargé to the Secretary of State.

[Translation.]

ROYAL EMBASSY OF ITALY,
Washington, D. C., February 27, 1906.

MR. SECRETARY OF STATE: The ministry of foreign affairs advises me that while there is no change in the former regulations concerning the issuance and authentication of the certificates of origin that have been heretofore required for the admission of certain goods to the benefits of the conventional tariff on their importation into the Kingdom, the requirement of a certificate of origin to be produced upon entry in Italy has been extended to other merchandise.

In order to enable your excellency to bring this provision to the knowledge of those who may be interested therein, I have deemed it expedient to acquaint you with the foregoing and to hasten at the same time to submit herein a complete list of the merchandise for which the aforesaid document is required.

Silks, wines in casks and bottles, olive oil, oil of turpentine, compounded medicine (exclusive of propriety medicines in original packages and wrappers bearing the name and residence of the maker), velveteens, utensils and other manufactures of common wood in the rough, prunes, beans, peas, mushrooms and asparagus in vinegar, salt and oil, salted fish (sardines and anchovies, inclusive of "Salacchini, boiane," "scoranze," mackerel, "langaroli," "angusigole," "aride," "bobi," and "suri"), fish pickled and in oil (exclusive of tunny), cheese, manufactures of horn and bone (exclusive of combs and hair-pins), musical instruments (exclusive of organs, pianos, and harmoniums), fans.

Accept, etc.

G. C. MONTAGNA.

The Italian Chargé to the Secretary of State.

[Translation.]

ROYAL EMBASSY OF ITALY,
Washington, D. C., March 7, 1906.

MR. SECRETARY OF STATE: In continuation of my note No. 378 of the 27th of February last, I have the honor to transmit herewith to your excellency a copy of the essential part of a communication from the royal ministry of foreign affairs relative to the new measures taken in the Kingdom in regard to certificates of origin.

Accept, etc.,

G. C. MONTAGNA.

[Inclosure.—Translation.]

I hasten to advise you, in accordance with a further communication received from the royal ministry of finance, that, regards cheese, the certificate of origin is required in our custom-house only when it is imported by sea. Further, in regard to silk fabrics, the requirement of a certificate of origin does not apply to mixed goods in which there is not more than 50 per cent or less than 12 per cent of silk and silk waste, nor to mixed linen, cotton, or woolen trimmings with less than 12 per cent of silk in the visible part.

Finally, cognac is to be added to the list, already communicated with the aforesaid circular, of the products for which a certificate of origin is required.

The Italian Chargé to the Secretary of State.

[Translation.]

ROYAL EMBASSY OF ITALY,
Washington, D. C., May 20, 1906.

MR. SECRETARY OF STATE: In continuation of my notes Nos. 378 and 407, dated, respectively, February 27 and March 7 last, respecting certificates of origin, I have the honor to inform your excellency that on the 1st of March last, upon the inauguration of the customs administration flowing from the enforcement of the new treaties of commerce, the olive oils and kinds of salt fish named in the first of the said circulars came under the general tariff. These products, therefore, need no longer be accompanied by a certificate of origin, since they will not hereafter enjoy any conventional treatment.

The various existing provisions governing certificates of origin remain nevertheless in force, among others that which stipulates that in the case of merchandise coming from non-European countries beyond the canal of Suez and the Straits of Gibraltar the presentation of the original through bills of lading for Italy will be accepted in lieu of certificates of origin.

Accept, etc.,

G. C. MONTAGNA.

FUNCTION IN HONOR OF PROFESSOR BACCELLI.

The Acting Secretary of State to Chargé Hitt.

[Telegram.]

DEPARTMENT OF STATE,
Washington, April 6, 1906.

In response to invitation just received from Italian embassy you are authorized to be present at royal function in honor of Prof. Guido Baccelli, Policlinico Humberto I, April 8, to represent the department of education this Government.

BACON.

COMMERCIAL TREATY BETWEEN AUSTRIA-HUNGARY AND ITALY.

Chargé Hitt to the Secretary of State.

No. 140.]

AMERICAN EMBASSY,
Rome, March 10, 1906.

SIR: I have the honor to transmit herewith a copy of the new commercial treaty^a between this country and Austria-Hungary, signed at Rome on the 11th ultimo and proclaimed by the King on the 28th ultimo. Although the "Bollettino Ufficiale del Ministero d'Agricoltura, Industria e Commercio," Anno V. vol. 11, fasc. 1, in which it is contained bears date of the 3d instant, the copies were not distributed until to-day.

I have, etc.,

R. S. REYNOLDS HITT.

ISSUANCE OF PASSPORTS.

ANGLICIZING FOREIGN NAMES IN NATURALIZATION CERTIFICATES.

The Acting Secretary of State to Chargé Hitt.

No. 64.]

DEPARTMENT OF STATE.
Washington, January 26, 1906.

SIR: I have to acknowledge the receipt of Mr. White's No. 90, of the 23d ultimo,^b requesting instructions as to the issue of a passport

^a Not printed. Filed in the Department of State.

^b Not printed.

to a person where a discrepancy exists, as is often the case with naturalized American citizens of Italian origin, between the original Italian name and an Anglicized form thereof under which the person has been naturalized.

You cite as instances Antonio Bartoletta, who became by naturalization Anthony Bartlett, and Giovanni Ventimiglia, who endeavored to be naturalized as John Twentymiles, but who became in the certificate John Twontymill.

In reply I have to say that the rule is (rule 6): "The signature to the application should conform in orthography to the applicant's name as written in his certificate of naturalization, or an explanation of the difference should be submitted." If the identity of the applicant is well established and there is no reason to suspect attempted fraud, there would seem to be no objection to giving him a passport in the name by which he is known, if his name has merely undergone a colloquial modification without being absolutely changed. It would manifestly be unjust to make naturalized citizens who are so situated that they can not find relief by going to the naturalizing courts suffer because courts have naturalized them under incorrectly written names; nor is the Anglicizing of foreign names in naturalization certificates by itself sufficient ground for refusing passports to naturalized citizens.

I am, etc.,

ROBERT BACON.

INTERRUPTION OF 5 YEARS RESIDENCE PRIOR TO NATURALIZATION.

Ambassador White to the Secretary of State.

No. 180.]

AMERICAN EMBASSY,
Rome, May 2, 1906.

SIR: I have the honor to submit for your consideration the application for a passport of one Giovanni Caprio, and to request your instructions relative thereto.

The material facts of the case are as follows:

The applicant was born in Italy on November 29, 1877, and emigrated to the United States about April 15, 1895, while still several months under the age of 18 years. He was admitted to citizenship by the circuit court of the United States for the district of Massachusetts on November 14, 1904, as an alien who had arrived in the United States under the age of 18 years. In his application he claims an uninterrupted residence in the United States of nine years and seven months.

It is with respect to this last-mentioned point that I have the honor to request your instructions, as it appears from a certificate of identity issued by the mayor of Caprio's native town, which accompanied his application and which may be considered as worthy of credit, that the applicant produced four persons with a view to proving the period of his residence outside of Italy, and that these persons affirmed that Caprio emigrated from Italy, bound for Boston, Mass., in 1895; that he returned to Italy for the first time in 1898; that he emigrated a second time for the same designation, Boston, Mass., in April, 1901, and returned to Italy in 1904.

Under these circumstances I have the honor to inquire whether Caprio should be considered to have resided uninterruptedly in the United States for the required period of five years next preceding his admission to citizenship, or whether his absence of over two years in the country of his birth, especially in view of the fact that no declaration of intention to become an American citizen was made prior to actual admission, would operate to break the continuity of his legal residence in the United States within the meaning of the words "continued term" in section 2170 of the Revised Statutes.

I have, etc.,

HENRY WHITE.

The Acting Secretary of State to Ambassador White.

No. 92.]

DEPARTMENT OF STATE,
Washington, May 25, 1906.

SIR: The department has received your No. 180, of May 2, submitting the case of Giovanni Caprio, who came to the United States on April 15, 1895, when under the age of 18 years, returned to Italy in 1898 and there remained for more than two years, when he came back to the United States and was naturalized by the circuit court of the United States at Boston on November 14, 1904. You ask whether the continuousness of his residence before naturalization was not interrupted by his return to Italy.

The question is one properly falling within the purview of the court in which the naturalization proceedings were held, but the department is disposed to think that absence of more than two years would be considered as interrupting the residence, and that such absence was probably not known to the court which naturalized Caprio.

You are instructed to secure a sworn statement from him relative to his absence, supporting evidence from the mayor of his native town, and his certificate of naturalization. The case will then be brought to the attention of the court.

I am, etc.,

ROBERT BACON.

PASSPORT MAY BE GRANTED TO AN INFANT.

Ambassador White to the Secretary of State.

No. 166.]

AMERICAN EMBASSY,
Rome, April 11, 1906.

SIR: I have the honor to confirm Mr. Hitt's telegram of the 21st ultimo, reading:

Native-born infant, 2 years 8 months, naturalized father requires passport to return to United States. Request instructions.

and to acknowledge the receipt by Mr. Hitt on the 22d ultimo of your reply thereto, reading:

Passport may issue to infant upon application by parent or guardian.

The case with respect to which these telegrams were exchanged was the passport application, made by his grandfather, of one Francesco Paolo Gatti, and Mr. Hitt informs me that the only doubt which he felt was in regard to the propriety of granting a passport to an infant of such tender years.

The application, after correction, has been again received to-day, and being in due form I have issued passport No. 1194 to Gatti.

I have, etc.,

HENRY WHITE.

THE MOUNT VESUVIUS ERUPTION.

The President to the King of Italy.

[Telegram.]

WASHINGTON, April 10, 1906.

My countrymen are deeply impressed with awe and sorrow by the great calamity that afflicts the Italian people in the disastrous eruption of Vesuvius. In their name, and in my own, I tender to Your Majesty and the sufferers heartfelt sympathy.

THEODORE ROOSEVELT.

Ambassador White to the Secretary of State.

No. 197.]

AMERICAN EMBASSY,
Rome, June 2, 1906.

SIR: Referring to the department's telegram of the 8th ultimo, informing me that the American Red Cross Society had contributed \$6,300, offered by the citizens of Boston and Massachusetts, for the relief of the sufferers in the vicinity of Mount Vesuvius, and to my dispatch No. 188, of May 16, in which I reported that I had drawn on the Secretary of State for that amount, I have now the honor to inform you that the foreign office has acknowledged the receipt, with thanks, of the contribution in question.

A copy, with translation, of this note, and the receipt from the Italian Red Cross Society, are inclosed herewith.

I have, etc.,

HENRY WHITE.

[Inclosure.—Translation.]

Signor Malvano to Ambassador White.

MINISTRY FOR FOREIGN AFFAIRS,
Rome, May 29, 1906.

MR. AMBASSADOR: Replying to your esteemed note of May 8, I have the honor to transmit to your excellency the inclosed receipt sent by the president of the Italian Red Cross for your excellency's check of \$6,300, which amount was collected by the Red Cross Association in Boston for the relief of those suffering from the eruption of Vesuvius.

I should be much obliged if your excellency would make known to the Association the lively gratefulness inspired by its having been pleased to contribute, with such philanthropic initiative, for the relief of a population so heavily afflicted.

I have, etc.,

MALVANO
(For the minister.)

Ambassador White to the Secretary of State.

No. 213.]

AMERICAN EMBASSY,
Rome, June 21, 1906.

SIR: Referring to your telegraphic instruction in cipher received on the 7th instant and reading as follows:

Eleven hundred fifty-one dollars additional received from American Red Cross for transfer of Italian Red Cross account relief sufferers eruption Mouth Vesuvius. Draw on Secretary of State as before and forward receipt Italian Red Cross.

BACON.

and to my dispatch No. 203, of the 12th instant, acknowledging the same, I have now the honor to inclose herewith a copy with translation, of a note received from the minister of foreign affairs expressing the gratification of the Italian Government for this additional contribution and informing me that the amount in question has been duly transmitted to the president of the Italian Red Cross. The receipt from that association will be immediately forwarded to you upon its receipt.

I have, etc.,

HENRY WHITE.

[Inclosure.—Translation.]

Signor Malvano to Ambassador White.

No. 32856/49.]

MINISTRY FOR FOREIGN AFFAIRS,
Rome, June 19, 1906.

MR. AMBASSADOR: I have the honor to acknowledge the receipt of your excellency's check for \$1,151, inclosed in your esteemed note, No. 171, of the 9th instant, as a contribution toward the relief of the sufferers from the eruption of Vesuvius, which sum I hastened to transmit to the president of the Italian Red Cross.

While awaiting the receipt from the above-mentioned association, I desire to thank your excellency for the amount so courteously sent, and I beg you to kindly assure the American Red Cross of the lively gratitude of the Royal Government for this additional and generous contribution.

I have, etc.,

MALVANO.

Ambassador White to the Secretary of State.

No. 214.]

AMERICAN EMBASSY,
Rome, June 21, 1906.

SIR: I have the honor to acknowledge the receipt of your telegraphic instructions, received on the 19th and 20th instants, respectively, and reading as follows:

Fourteen hundred twenty-seven dollars twenty cents additional received from American Red Cross for transfer Italian Red Cross account relief sufferers from Vesuvius disaster. Draw Secretary of State, pay as before, and forward receipt Italian Red Cross.

and

Twenty-two hundred fifty-two dollars sixty cents additional received from American Red Cross for transfer Italian Red Cross account sufferers Vesuvius disaster. Draw Secretary State and pay as before.

BACON.

In pursuance to these instructions, I drew on the Secretary of State, on the 19th instant, for \$1,427.20, and on the 20th instant for \$2,252.60. These drafts were immediately sent to the minister for foreign affairs, with the request that he transmit them to the Italian Red Cross and obtain for me the receipts from that association, which will be duly forwarded to you as soon as they are received.

I have, etc.,

HENRY WHITE.

Ambassador White to the Secretary of State.

No. 219.]

AMERICAN EMBASSY,
Rome, June 27, 1906.

SIR: With reference to my dispatch numbered 213, of June 21, 1906, I have the honor to inclose herewith the copy, with translation of a letter which I have received from the president of the Italian Red Cross Society expressing his thanks for the remittance of \$1,151 which he had received from the American Red Cross Society.

You will observe that the formal receipt for this amount, as doubtless those for the amounts since transmitted by me, as in accordance with your telegraphic instructions, will be forwarded to me through the foreign office.

I have, etc.,

HENRY WHITE.

[Inclosure.—Translation.]

The President of the Italian Red Cross Society to Ambassador White.

ROME, June 22, 1906.

EXCELLENCY: I have received from the royal ministry of foreign affairs a check for \$1,151 which was transmitted to me through your embassy and represents an amount collected by the American Red Cross Association for the relief of the sufferers from the eruption of Vesuvius.

I shall not fail to send to the royal ministry of foreign affairs a receipt for the amount in question, but meanwhile I desire to thank your excellency directly and deeply for having so courteously transmitted this contribution and I beg you to kindly assure the American Red Cross of the sentiments of profound and affectionate gratitude of the Italian Red Cross for such generous assistance rendered in aiding the poor people affected by the Vesuvian calamity.

I have, etc.,

TAVERNA.

Chargé Hitt to the Secretary of State.

No. 228.]

AMERICAN EMBASSY,
Rome, July 10, 1906.

SIR: With reference to the ambassador's dispatch No. 219 of the 29th ultimo, I have the honor to transmit herewith the formal receipt, received to-day from the Italian foreign office, of the president of the Italian Red Cross Society for the sum of \$1,151 received from the American Red Cross Society for the relief of the sufferers from the recent eruption of Mount Vesuvius.

I have, etc.,

R. S. REYNOLDS HITT.

**AMENDMENT TO THE EXTRADITION TREATY BETWEEN GREECE
AND ITALY.**

The Secretary of State to Ambassador White.

No. 45.]

DEPARTMENT OF STATE,
Washington, October 17, 1905.

SIR: I inclose a copy of a dispatch^a from the American chargé d'affaires ad interim at Athens, forwarding a copy of a declaration signed by the governments of Greece and Italy, amending their extradition treaty so as to allow a period of three months from the date of the arrest before the person whose extradition is requested can be discharged because of the failure to extradite him.

You will make informal inquiry whether this amendment was made to the Greek treaty in pursuance of any general policy of the Italian Government to extend the period within which extradition shall take place, and if so whether it is contemplated to invite amendment of the Italo-American treaty in the same sense. You may say that, while no case has so far arisen where the forty-day limit of our treaty has proved insufficient, yet in view of the distance of many of our States from the capital and the time necessarily consumed in perfecting the requisitions of the state governors, it is conceived that a longer period might be convenient to both parties and avert the remote possibility of a miscarriage of justice.

I am, etc.,

ELIHU ROOT.

Ambassador White to the Secretary of State.

No. 106.]

AMERICAN EMBASSY,
Rome, January 11, 1906.

SIR: With respect to your instruction No. 45, of October 17 last, which reached me on the 7th of November, I have the honor to inform you that on the 11th of that month I asked the late minister for foreign affairs, Signor Tittoni, whether the amendment to the Italo-Greek extradition treaty, to which you refer, was made in pursuance of any general policy of this Government to extend the period in which extradition shall take place; and if so, whether it is proposed to invite a similar amendment to our treaty with Italy, which I intimated might not be unwelcome to us for the reasons set forth in your instruction.

Signor Tittoni made a note of what I said, promised to give the matter his attention, and let me know the result. I again mentioned the matter to him on the 22d of November, and he replied that he had ordered a written statement to be prepared for my information, which he would shortly send me.

Twice during the month of December he made a similar statement in reply to my inquiries, and when I went to wish him good-by, upon his departure from the foreign office, I again spoke to him on the subject, and he said that he had decided to hand it on to his successor.

^a Printed under Greece, p. 815.

When I paid my first visit to the latter, the Marquis di San Giuliano, on the 30th ultimo, I brought up the subject, and he asked me to send him a memorandum, which I did, and I inclose a copy of the same. Two days later he said to me that he had not had time to study the subject and would therefore not be able to give me the verbal answer which I had suggested in my note that he might give me on the occasion of my next visit to the foreign office.

I must now leave the matter in Mr. Hitt's hands and hope that he will be able to obtain the views of the Italian Government on the subject during my absence at Algeciras.

I have, etc.,

HENRY WHITE.

[Inclosure.—Memorandum.]

On the 16th of March last a declaration was signed at Athens between the representatives of the Italian and Greek Governments amending the extradition treaty between this country and Greece in such a manner as to allow a period of three months from the date of arrest before the person whose extradition is requested can be discharged because of the failure to extradite him.

The American ambassador has been asked by his Government to inquire informally whether this amendment to the extradition treaty with Greece was made in pursuance of any general policy on the part of His Majesty's Government to extend in extradition treaties the period within which extradition shall take place, and if so, whether it is proposed to suggest a similar amendment of the treaty now in force between the United States of America and Italy.

The ambassador deems it proper to add that, while no case has so far arisen in which the limit of forty days, as now provided in the Italo-American treaty, has proved insufficient, yet in view of the distance of many of the States of the American Union from Washington, and of the time necessarily consumed in perfecting the requisitions of the governors of the different States, it is conceived that a longer period might be convenient to both parties and might avert the remote possibility of a miscarriage of justice.

Rome, January 4, 1906.

Chargé Hitt to the Secretary of State.

No. 119.]

AMERICAN EMBASSY,
Rome, January 30, 1906.

SIR: With reference to your instruction No. 45 of October 17, 1905, and the ambassador's dispatch No. 106 of the 11th instant, in regard to the desire of the department to ascertain whether the declaration amending the Italo-Greek extradition treaty was in pursuance of any general policy of this Government to extend the period within which extradition shall take place, and if so whether it is contemplated to invite amendment to the Italo-American treaty in the same sense, I have the honor to inform you that I did not fail to recall the matter to the attention of the minister for foreign affairs upon the occasion of my first interview with him, on the 17th instant, when he replied to me that it was a question falling without his province and one which the judicial authorities must decide. He added that he expected a communication on the subject from the ministry of grace and justice, which he would communicate to me immediately, but although I have twice since referred to the matter when visiting the

foreign office I have only just received, under date of the 26th instant, the Italian reply to the ambassador's note of the 4th of this month.

Of this note from the foreign office I have the honor to transmit herewith a copy, with translation, and respectfully invite attention to the observation therein made as to separating the period within which the evidence offered must be produced after a provisional arrest has taken place and that within which the fugitive criminal must be surrendered.

I have, etc..

R. S. REYNOLDS HITT.

[Inclosure.—Translation.]

The ministry for foreign affairs to the American embassy.

ROME, January 26, 1906.

In the memorandum of January 4, 1906, the embassy of the United States asked if it was the intention of the Royal Government to apply to all its extradition treaties, and in particular those existing between the United States and Italy, the extension of the period within which extradition shall take place, as is the case in the treaty recently amended with Greece. The Royal Government is in no way opposed to a similar amendment as regards article 2 of the supplementary convention of June 11, 1884, now in force between the two countries; but it would be pleased, however, if the aim and scope of the proposed modifications were fully defined as they are in the Italian-Greek treaty of 1877, and as other countries have defined them in their agreements with Italy, viz, two separate periods, one concerning the presentation of the request in the usual way with the necessary documents, in the case of the provisional arrest of a person whose extradition is desired (art. 12); the other in regard to the making over of the person in question (art. 13). This latter period, however, remains as in the treaty—that is to say, it is of one month's duration.

The period of forty days, as it exists in the convention with the United States, is similar to the latter, and has nothing to do with the final surrender of the original.

The Royal Government, however, would be pleased to know precisely if the American Government wishes to prolong the period in question or else to extend it as article 13 of the Italian-Greek convention provides.

The Acting Secretary of State to Chargé Hitt.

No. 77.]

DEPARTMENT OF STATE,
Washington, March 3, 1906.

SIR: I have to acknowledge the receipt of your No. 119, of the 30th [January], inclosing copy of the Italian Government's reply to the inquiry made by this department, as to whether it desired to extend the period for extradition in the treaty between the United States and Italy.

The memorandum of the foreign office explains that the purpose of the supplementary treaty between Italy and Greece was to lengthen from one month to three months the entire term (including both the period of provisional detention and the time occupied by the subsequent proceedings up to the surrender) during which the fugitive might be held in custody before he could be set at liberty.

In view of this explanation, this Government does not think it needful to propose any amendment to the extradition treaty with Italy.

I am, etc.,

ROBERT BACON.

HARSH TREATMENT OF ITALIAN LABORERS.*The Italian Chargé to the Secretary of State.*

[Translation.]

No. 1130.]

ROYAL EMBASSY OF ITALY,
Washington, D. C., June 20, 1906.

MR. SECRETARY OF STATE: In fulfillment of the promise made to your excellency last Thursday, the 14th instant, I have the honor to transmit to you herewith a memorandum concerning the facts which I already briefly stated to you in person regarding the relations between the "Spruce Pine-Carolina Company" and the Italian laborers employed in its extensive railroad constructions.

In résumé I have hastened to make known to your excellency by this means the following:

For about three months the Royal embassy has been learning from the verbal accounts of numerous laborers coming from the South that they themselves have been and many others now in the employ of the said company are the victims of abuses and maltreatments of every kind. Being impressed by the concordance and by the details of the declarations made by these laborers, it caused investigations to be made on the spot by three different bureaus. The result of these investigations fully substantiates the complaints. There is a large construction company which, having procured, through recruiters who are mostly unscrupulous, hundreds of laborers in New York and elsewhere, assigns them to the various fields of labor; deprives them of their liberty either by unjust systems of payment of wages or by direct coercive measures; allows its agents to become, through methods and treatments which are certainly not commendable, the excessively rigorous enforcers of their rules; and permits the laborers to be subjected to abuses of every kind.

On the one hand, dissatisfaction calls forth protests from the oppressed laborers who wish to quit the place and demand payment for work performed, and, on the other, the company, through its agents, refuses this request in its determination to safeguard its own interests by every means, even though it be contrary to law. A condition is created which is likely to bring about occurrences of serious consequences. A misunderstanding, a mistake, or an error of any kind may furnish the motive. This explains why there occurred on May 14 last at Marion, Va., a bloody row in which, according to the account of the Italian consular agent who investigated the matter, among a group of 60 peaceful Italian citizens 2 were killed and 5 seriously wounded, while 9 more who were unhurt were put in jail, but being afterwards found innocent, were discharged. Mr. Alfred T. Holton, United States district attorney, who proceeded thither at the same time as the Italian official, instituted a thorough investigation regarding the tragic event and the facts leading thereto on his own account and in the interests of justice. He gives assurance that he will report on the matter to the Attorney-General at Washington. Meanwhile the abnormal and dangerous situation continues within the sphere of influence of the Spruce Pine Company.

Recognizing the gravity of the bad state of affairs thus ascertained, as well as the serious aspect of the consequences which have occurred

or may occur, and the necessity of applying a prompt remedy and averting the worst that threatens, I have deemed it proper to enter into details in my memorandum. I take the liberty of calling your excellency's special attention to the contents of the document in order that the Federal Government may be informed of the state of affairs at least at the beginning.

If, as it appears, an official of the American Department of Justice has proceeded to inform himself of the occurrences and taken the first steps toward a preparation of the case for trial, and if (provided he has not already done so) he intends to inform the superior authorities so that he may be given the proper orders, there is no doubt but that every point of the question will be made clear, and that the guilty ones or those responsible, wherever or whoever they may be, will be tried and punished in accordance with the law. If this should not prove to be the case, I trust that the Federal Government, with that spirit of righteousness and equanimity which dictates all its acts will cause measures to be taken commensurate with the case for the purpose above mentioned. In either case it is my earnest hope that the action of the magistrate may be of a general character, and that the apparently casual causes of the lamentable incident of May 14 be investigated to their real sources, and that the responsibility be determined and the violators of the law in regard to the relations between the company and the laborers be punished; and consequently that, with the assistance of the State authorities, the most effective remedies be devised of having the supremacy of right fully and surely reestablished there where it seems to be at present ignored and disregarded.

Meantime I express to your excellency my sincere thanks in advance for whatever may be done in the above-indicated sense, and I take pleasure in availing myself of the opportunity of renewing, etc.

G. C. MONTAGNA.

[Inclosure.—Translation.]

MEMORANDUM.

From the middle of the month of March, and for several weeks, there appeared at the consulate attached to this embassy, in groups of three, five, eight, etc., Italian laborer refugees from North Carolina claiming the assistance and protection of the Italian authorities. As shown from the numerous affidavits which I took care to have made out in support of their statements, they agreed in declaring that they had been at different times enlisted in New York by well-known employment agents on account of the Spruce Pine Carolina Company. Being then sent to their destination, they soon found that they had (in most cases) been deceived regarding the locality (which was much farther than indicated), regarding the kind of work (which was harder than announced), regarding the price for the journey, which was charged against them (being higher than had been declared to them), and being sent to the various regions to perform their work, they became discontented at these abuses and were subjected to ill treatment of every kind, being badly fed and at high prices, being lodged in unhealthy dwellings, being obliged to work constantly and by compulsion twelve hours a day, being bound down to the place owing to the system of payments at long intervals, and, if they decided to leave, sacrificing all that was due them, being threatened with retaliation, which actually occurred when, having fled, they were arrested by armed guards of the company and forced to return to work. In short, they were deprived of their liberty and reduced to a state of peonage. The condition in which they appeared was the most pitiful, their bodies being broken down by the hardships of the long journey made in

great part on foot and by lack of food, and they being stripped of their goods and demoralized.

At first caution was had in giving credence to such reports, but the details being carefully confirmed the embassy could not help being impressed by the gravity of the facts stated to it, and having taken due measures to afford the unfortunates adequate material assistance it deemed proper, through the offices under it, to institute inquiries and order them at the same time to take measures to prevent the repetition of the abuses on the part of the dishonest recruiters and to devise the most effective means of putting an end to the lamentable state of things at the place of occupation, for if about 200 laborers, sacrificing their goods, had succeeded in escaping by flight 1,500 more of them still remained in the service of the Spruce Pine Carolina Company.

It was thus that, at the instance of the proper Italian office, grave complaints were made to the commissioner of licenses of New York, who, in turn, did not fail to adopt the measures demanded by the case, which were of course restricted in their effectiveness by the limits of the means at his disposal, which are inadequate to furnish the remedy which the circumstances require. And in the same manner three different investigations were begun at the place where the railroad construction company carries on its operations through the Italian consulate general at New York, through the labor information office for Italians of the same city, which is an American protective institution, and finally through the Italian consular agent at Charleston, S. C.

The reports, drawn up by three different persons, and on investigations conducted without limitation as to place, throughout the sphere of influence of the Carolina company, agree in confirming with a wealth of details systematically set forth the serious denunciations made for the last three months to the royal embassy and the consular authorities subordinate thereto. If the length of these reports did not forbid, it would be well to reproduce them in full in order to show still better the enormity of the abuses which are committed in defiance of the laws of liberty of the great American nation and in violation of human rights. A few extracts will serve to give an idea of the result of the inquiries, it being left to the proper ones to judge their scope and consequences and to devise the most appropriate means of putting an end to such an abnormal state of affairs.

After stating that the Carolina Company is engaged in extending the tracks of the South and Western Railway Company S. S. to northwest within the radius of three sections known as the spruce pine section (camps 1-7) in North Carolina, the Marion section, (camps 8-9) near Marion, Va., and the Clinch Port section (camps 1-9) in Virginia, it is proper to note that ever since April 17 last the Italian consular agent at Charleston had been addressing letters to the governor of North Carolina, to the United States district attorney, and to the director of the company, denouncing to them the abuses of which the Italian laborers were the victims and demanding prompt action in order to put a stop to it. In the report addressed to the Royal Embassy the principal points of those communications were repeated, and they may be summed up in the following lines:

"The treatment all these Italians received was practically that of slaves. They were, as I have said, guarded day and night by armed guards, and not allowed to leave the premises. They were compelled to do underground work when they had contracted to work above ground, leveling ground. When they refused to do this work, which under the contract they could not be compelled to do, they were whipped and suffered other abuses."

"They were compelled to buy all their supplies at the companies' stores at rates higher than those they could obtain elsewhere in the neighborhood, and which were so high that they took all the earnings of the laborers. In this way the company got their work and then got back all the wages paid these people."

"The letters from their families were withheld at the pleasure of the employing company."

"They were unable, on account of the guards, to seek any vindication of their rights or to withdraw when the employing company broke its contracts. The four men making the complaint had to escape secretly and were compelled to leave all their belongings behind them."

On his part the agent of the labor information office for Italians, having proceeded to the spot during the first days of last May, carefully visited many labor camps in which Italian laborers are employed, and ascertained that there

did in fact exist there abuses and objectionable conditions, some of a general and permanent nature and others accidental and temporary.

In reference to the former the report says:

"Unjust is the system adopted by the company for the payment of salaries, which are paid at the end of the month on a certain day. It thus happens that a workman who desires to quit the work at the middle of the month is compelled to wait fifteen days before being paid for his work. Some are thus prevented from moving about with freedom and according to their interests and aspirations. Others are obliged to sue, through the consul or lawyers, for the payment of their wages when they have quit work before pay day. Others, finally, resign themselves to the loss of the product of their toil. Some consular agents have affirmed that the sums thus given up and forfeited by the Italian laborers amount annually to a considerable sum."

"Deplorable is the absence of honest, conscientious, and intelligent persons to serve as interpreters in the labor camps between the workmen and the company. Thence arise many misunderstandings and errors, which generally give rise to ill humor, diffidence, ill treatment, and the flight of laborers as well as the diffusion of alarming reports and complaints to the Italian authorities."

"Worthy of censure is the circumstance that many workmen are subject to a tax in order to insure themselves compulsorily against accidents during work, but when an accident occurs it is very rare that the person receives the insurance premium, either because the receipt for his premium has been lost or owing to the ignorance of the laborer who sells the receipt for a few cents."

Among the numerous abuses and objectionable conditions which are accidental and temporary the agent of the above-mentioned American protective institution noted "the fact that in some labor camps brutal and wicked bosses often indulge in ill treatment and violence toward the workmen, thus causing them to complain to the authorities."

Still more impressive is the report of the person charged with inquiry (made in May) by the Italian consulate-general in New York. The author is an American citizen, a well-known lawyer in that metropolis, and a learned publicist who knows by experience the problems connected with immigration in this country. His report is very sober and has the merit of bringing out clearly the defects ascertained, the recital thereof being accompanied by logical reasoning showing the causes and the consequences.

After having hastily enumerated the objectionable features connected with the insufficiency of the quarters assigned for the lodgings of the workmen, the not always good quality of the food furnished at a high price by the company or by persons authorized by it to sell it, the deceptions imposed on the immigrants by the unscrupulous recruiters, etc., he presents and sifts his remarks as follows:

"Far more important, because affecting not only the complainants, but many laborers brought to work in the South, are the complaints regarding certain systems pursued by the company in getting and keeping its men.

"These may be divided into three main heads—

"First. The false or fraudulent promises or statements made by laborer agents to laborers to induce them to go to the said camps.

"The agents involved are (———).

"In employment contracts like this to be carried on in distant and isolated places, companies, in their own interest, should insist that their agents be very specific and exact, even though the law may not require it. For the misrepresentation or the silence of the agents in this regard the company may not be liable, although it is morally responsible. But if the company will continue to employ such agents after their methods have been shown it will cease to be entitled to the present opinion that it did not counsel such deception.

"On one item of information furnished the laborers by agents the company ought to make good. The employment contract issued by the agents to the laborer states that 'transportation is \$9 advanced.' As a matter of fact the transportation charged by the company is \$13, and only if men remain three months is the transportation charged reduced to \$9. In the fifty-odd cases represented by me in the collection of wages the company deducted \$13, although advised that the written contract furnished the men by the company's agent stated the amount would be \$9.

"I think, therefore, that the company, as an evidence of its good intentions to right things, should either pay the difference between \$13 and \$9 and deduct it from whatever it owes the agent or compel the agent to refund it to the men.

"Second. A general class of complaints is the system in force at the paymaster's office. This, briefly, is that wages earned in any given month are paid on the first Friday or Saturday after the 20th of the month following. Thus, if a man begins working on May 25 he will receive nothing until after June 29, and then only the amount due for six days' work in May.

"This system is, I believe, in force in most 'camps' in the South. The officers of the Carolina company say that such a system is necessary on account of the many men employed and their being scattered in different places. I fail to see the necessity of such a system. I believe, instead, the real reason of its use is as a means of holding the men, for no matter how responsible an employer is no employee likes to leave without getting all the money that is due him. But there is what may be called an 'ugly' side of the system. It extends the time during which the laborer is technically in debt to the company for transportation and maintenance. In the example given above the company owes the man on May 20 (if he works at \$1.50 a day) six days for May, or \$9. But he owes the company a sum much in excess of this for transportation, shanty, doctor, and supplies, although he has worked twenty days additional in June. The 'ugly' side to this is that while there is such a 'debt' the laborer may be arrested under the 'boarding-house act' if he attempts to leave. And here we find the first evidence of that unexpressed but generally present tendency to forced labor, which I fear is common in southern camps, and which is the third general complaint.

"Third. It is constantly said that the South needs men for its farms. I think it needs them still more urgently for its construction work, for developing its timber and coal lands. The tremendous efforts to get men and the evident lack of the supply speak for themselves. With a constant market for the laborers in the North, the South can only get the 'second best,' and by paying the transportation of the men. By advancing the transportation instead of paying it, it opens wide the door for abuse.

"When a company advances \$10 apiece to transport 100 men from New York to North Carolina, it has invested \$1,000. It is just and reasonable that it should endeavor to protect such investment. It is natural that the company should dislike (to use a phrase in vogue with the officers of the company) to see \$1,000 walk out of the camp. But so impressed is the company with the necessity of protecting its investment that it overlooks the fact that it can not prevent the violation of a civil contract by enforcing it through its unlawful act. If I am hired to go to work and my transportation is paid me, and when I reach the camp I quit, I am civilly liable for the breach of my contract, but I am nevertheless a free man. And if in the exercise of that right of personal liberty I am in any way restrained, then whoever restrains me commits a crime. It matters not whether that restraint is by physical force, or by the threat of the use of the physical force, or by creating in me the fear of physical force; it matters nothing whether I am threatened with a pistol (and I believe such threats were made to laborers), or whether I am followed by a man who stops me when I attempt to move (and I believe such attempts were proven), or whether I am put in a shanty with a guard outside (and this has been admitted), or whether I am given the choice of going back or being arrested; in any case my right to freedom is invaded.

"I find upon all the evidence (including what officers and employees of the corporation have admitted) that the Carolina company did prevent divers Italian laborers from exercising their clear right of personal liberty by some or all of the above methods, and I charge that in such cases it did it without even the color of law, there having been no warrant of arrest issued. While the Carolina company might invoke the aid of the law to keep some of the men under the guise of a debt contract, under the boarding-house act there is no provision of the law granting the right of arrest for failure to pay railroad transportation advanced. Hence, where the company attempted to hold men on arrival when they wished to go and before they had become indebted for board, the violation of the law was especially serious.

"It will be said by the company that these laborers try to 'beat' the company out of its transportation, and they have no sense of contractual responsibility. The answer to this is that if the object of the men who run away was to get free passage and to go to work elsewhere in the neighborhood, 90 per cent of them would not, at their own expense, have returned immediately to New York, and some of them have undergone the hardship of walking a long part of the distance. Nor need much be said on the point of contractual re-

sponsibility in view of the fact that evidence produced before the commissioner of licenses at New York against the labor agent who sent the men to the company shows clearly that they were deceived in at least one important particular.

"We can well understand the position of the company and its desire not to lose money, and we certainly must regret any loss it may sustain, but you, sir, or any officer charged with the duty of enforcing the law or seeing to it that it is enforced, can not allow that any 'business necessity' or 'business expediency' justifies the violation of a personal right. If the protection of an investment of a thousand dollars advanced for transportation justifies false imprisonment, where shall we draw the line between right and wrong, law and lawlessness, in the presence of 'business necessity'?"

"The depositions of the laborers are, therefore, fully confirmed and are in unison with the results of the three investigations, the agreement of which also precludes the possibility of the facts related being exaggerated. Under such conditions, so favorable to discontentment, disagreements, protests, and repressions, it was no wonder that unpleasant occurrences should take place. In reality the fear was fully justified by an incident at once serious and deplorable, and which it becomes opportune to set forth, both for the purpose of still better depicting the situation and in order that serious measures may be adopted in order to prevent a repetition of similar events.

Being urged by the insistent complaints made to him by the Italian laborers employed by the Spruce Pine Carolina Company, and having learned of a shocking occurrence of bloodshed which took place at Marion, Va., in which some of his countrymen had lost their lives and others had been seriously wounded, and being authorized by his superior Italian authority, the Italian consular agent at Charleston, S. C., repaired about the first of the present month to the spot mentioned, and having met by previous agreement Mr. Alfred T. Holton, United States district attorney, he began an investigation, of which he gave a detailed report to the Royal embassy. In short, this Italian official, after having ascertained that almost all of the officials of McDowell County are employed by the Carolina company, in whose interest they naturally act, reported that on May 14 last a group of Italian laborers in the employ of the company, numbering about 60, being tired and demoralized by the abuses of the company's agents, and also because they had been without bread for a week, decided to quit work and in a proper manner and by gestures asked to be paid (for they did not speak English). A certain Mr. Cross, the walking boss to whom they addressed their demand, becoming irritated, replied that he had asked instructions by telephone of the central office of the Spruce Pine Company, and would inform them accordingly. Shortly afterwards he assured them that about 7 o'clock in the evening he would go personally to their shanties and pay them all. Having thus reassured the Italians, Cross went to a deputy sheriff (who also appears to have been employed by the company) and told him that about 60 of these laborers had asked for their wages, and, with one Vincenzo Martone at the head, had given him to understand by signs and threats that if they were not paid by evening of that same day they would certainly kill him, and that the central office of the Spruce Pine Company had instructed him that no laborer should be paid his money before June 20.

Mr. Cross, because of the risk he was running (in his own imagination), requested the deputy sheriff to gather a sufficient number of citizens (most being in the employ of the company), all armed with rifles and revolvers, and at the head of them he appeared about 7 o'clock at the shanties where the peaceful laborers were engaged in cooking something to eat. Having walked up to the place with revolver in hand, he called "Jim" (Giuseppe Marzone) by name, took hold of him by the arm and threatened to fire, when the assaulted man succeeded in wresting himself away and in fleeing. At that same moment the group of persons who had accompanied Mr. Cross, among them being the deputy sheriff, fired a volley of shots at the unfortunate laborers, who were guilty only of having demanded their pay and expressed their desire to go elsewhere. Meanwhile, Giuseppe Testa, 49 years of age, fell dead, and 4 or 5 others were wounded, one dying two days afterwards, while a third is still in a serious condition. Nine of the unhurt, having sought refuge in the woods, were arrested, put in jail, and charged by the justice of the peace (also employed by the company) with "assault, battery, and conspiracy." Both the United States district attorney and the Italian consular agent learned of various irregularities in the procedure against these prisoners, against whom no valid proof could be adduced to justify the charge and the proceedings begun. The fact is that, upon the formal de-

mand of these two officials and on the formal declaration of the arrested men that the signs made by some of them to Cross were not threats of death, but made merely to explain their pitiful situation of being unable to either obtain food or recuperate themselves without their pay, the order to release them from jail was issued and soon carried out.

This is the essential part of the report of the Italian consular agent, who terminates it by informing the Royal embassy that the district attorney has assured him that he will make a detailed report on all he has learned to his excellency the Attorney-General at Washington, in order that, according to the orders and instructions which he shall receive from the latter, he may fulfill his duty of proceeding rigorously against the persons guilty of the abuses complained of and of the bloodshed which occurred.

Finally, this very day, two Italian laborers who were witnesses of the deplorable event of May 14 last appeared at the royal consulate in Washington. They also confirmed the particulars noted, making appropriate depositions, in which are repeated the complaints of ill treatment of which the laborers employed by the Spruce Pine Carolina Company are victims, both regarding individual freedom and the absolutely inequitable systems of payment employed.

The situation within the sphere of influence of the Spruce Pine Carolina Company still remains unchanged, and there is reason to fear that unless energetic measures are adopted by the authorities in order to restore there the supremacy of the law and the guaranty of personal rights, not to speak of the condition in which these unfortunate laborers ought not to be left, more painful incidents will inevitably occur.

WASHINGTON, D. C., June 18, 1906.

The Italian Chargé to the Secretary of State.

[Translation.]

No. 1163.]

ROYAL EMBASSY OF ITALY,
Washington, D. C., June 26, 1906.

MR. SECRETARY OF STATE: In continuation of my note No. 1130, of the 20th instant, I have the honor to inform your excellency that according to a report of the Royal consular agent at Charleston, S. C., who obtained his information from the United States district attorney, the nine Italians arrested in connection with the Marion, Va., incident have not yet been released, in spite of assurances to the contrary given by the local authorities in the presence of the said judicial federal officer.

The Royal consul at Philadelphia, for his part, writes to me as follows: "Fresh earnest protests have this day come to me from other camps of the Spruce Pine Carolina Company, to which they were sent through deception and where they receive no salary whatever. Strong measures, therefore, seem to me to be imperative to secure justice for those who are held in jail without warrant, or even to prevent further conflicts that the state of exasperation in which our laborers have been put by the nonpayment of their salaries and the ill treatment to which they are subjected makes very likely."

In submitting the foregoing, I again beg that your excellency, with a view to avoid the repetition of painful incidents, will draw the attention of the state authorities to the deplorable situation prevailing at Spruce Pine and see that justice may take its course without delay, in view of the critical condition of my fellow-countrymen.

While thanking you in advance for the answer you may be pleased to return to this and my earlier note, I embrace this opportunity to renew to you, etc.,

G. C. MONTAGNA.

The Secretary of State to the Italian Chargé.

No. 378.]

DEPARTMENT OF STATE,
Washington, June 30, 1906.

SIR: I have the honor to acknowledge the receipt of your notes of the 20th and 26th instant, complaining of the treatment of Italian laborers by the Spruce Pine Carolina Company, which is said to be constructing a railroad in the States of Virginia and North Carolina.

I have the honor to say in reply that copies of your notes have been sent to the Attorney-General for his information and to the governors of Virginia and North Carolina for such action as in their opinion the facts seem to require.

Accept, etc.,

ELIHU ROOT.

The Italian Chargé to the Secretary of State.

[Translation.]

ROYAL EMBASSY OF ITALY,
Washington, D. C., July 5, 1906.

MR. SECRETARY OF STATE: I have the honor to acknowledge the receipt of and to extend to your excellency my best thanks for your note No. 378, of the 30th of June last, relative to the steps taken by this embassy toward the adoption of strong measures for the purpose of bringing to an end the ill treatment to which Italian laborers employed in the construction of railways in the States of Virginia and North Carolina have been and are still subjected. I am further and especially thankful for your having called, with courteous promptness, the attention of his excellency the Attorney-General and of the proper state authorities to the subject of the complaint.

I confidently cherish the hope that your action will achieve the desired result, all the more as the complaints that come almost daily to the royal diplomatic and consular officers from many of those laborers who call for assistance warrant the belief that the situation at Spruce Pine is still serious.

In addition to and further evidence of the statement I submitted to your excellency in my note No. 1130, of the 20th of June last, and its accompaniment, I venture to send you herewith a copy of the annual report of the commissioner of licenses of New York, who, on page 9 of his publication, explicitly adverts to the abuses practised on Italian laborers in North Carolina. The authoritative word of the American public official carries all the more weight in the case, as it comes in confirmation of an anomalous condition of things to which the earliest possible remedy should be applied in order to prevent further painful incidents in the mutual interest of the enterprise and of the laborers.

Pending the full completion by the federal and state authorities of the investigations into all the objectionable particulars complained of, the royal embassy would be infinitely obliged to your excellency if, as the most effective means of doing away with the most grave complaint that repeatedly comes to it from its nationals, privation of personal liberty, prompt measures were taken to enable anyone who

would so desire to leave the construction camps after receiving the amount of wages earned for the work done until the time of his departure.

With great reliance upon the kindly interest ever evinced by the Federal Government in all cases when appeal is made to its sense of justice and of the protection due to the foreigners so liberally admitted into this country, I embrace this opportunity to renew to you, Mr. Secretary of State, the assurances of my highest consideration.

G. C. MONTAGNA.

The Acting Secretary of State to the Italian Chargé.

No. 381.]

DEPARTMENT OF STATE,
Washington, July 14, 1906.

SIR: I have the honor to acknowledge the receipt of your note of the 5th instant, referring further to the wrongs alleged to have been inflicted on certain Italian laborers by their employing company in North Carolina.

In reply I have the honor to say that the department will transmit to your embassy any information in regard to the steps which may be taken in the premises looking toward the abatement of the alleged evils in question, and any new information it receives in regard to the treatment of Italian laborers. In this connection, and in further reply to your notes of June 20 and June 26 last, I forward a copy of a letter from the governor of Virginia in regard to alleged occurrences at Marion, Va.

Accept, etc.,

ROBERT BACON.

[Inclosure.]

The Governor of Virginia to the Secretary of State.

COMMONWEALTH OF VIRGINIA, GOVERNOR'S OFFICE,
Richmond, July 10, 1906.

SIR: Replying further to your communication of June 30 in regard to the two notes from the Italian chargé d'affaires at Washington, complaining of the treatment of Italian laborers by the Spruce Pine Carolina Company, etc., I beg leave to inform you that I communicated at once with Hon. F. B. Hutton, judge of the circuit in which Marion, Va., is located, and I herewith inclose you a copy of Judge Hutton's letter to me. Possibly the matter complained of may have occurred at Marion, N. C., instead of Marion, Va. If such is the case, then it is a matter for consideration by the authorities of the State of North Carolina and not by the authorities of the State of Virginia.

With consideration of high esteem, I am, respectfully, yours,

CLAUDE A. SWANSON,
Governor of Virginia.

[Subinclosure.]

Mr. Hutton to the Governor of Virginia.

ABINGDON, VA., *July 9, 1906.*

MY DEAR GOVERNOR: Yours inclosing a letter from the Secretary of State, Hon. Elihu Root, with two notes from the Italian chargé d'affaires at Washington, requesting that I investigate and report to you an alleged killing of

two Italians, the wounding of five others at or near Marion, Smyth County, Va., and the imprisonment in jail at Marion of nine more Italians, has been received.

I was greatly surprised to learn from the inclosure that a bloody row had occurred at Marion on the 14th day of last May, in which two Italians were killed, five wounded, and nine additional ones imprisoned. I held a special term of court in Marion on June 11, and while there asked the commonwealth's attorney if he desired a special grand jury for any purpose, to which he replied that he did not, as there was no one in jail in that county at that time; that all persons who were charged with any offense were on bail. I therefore was of the opinion that no such occurrence as is described in the notes of the Italian chargé d'affaires took place; but upon the receipt of your letter, I immediately phoned the sheriff of Smyth County, W. M. McGee, esq., and asked him in reference to it, and he replied that there was no person in jail at all in Smyth County, except one negro, who had been recently committed by a magistrate to await the action of the grand jury on a charge of larceny, and that no Italians had ever been killed, wounded, or imprisoned in his county since he had been sheriff. I therefore am pleased to report to you that no such transaction took place in Smyth County, or at any other point in my circuit. The whole thing seems to be a mistake as to locality.

There is no such company as the Spruce Pine Carolina Company constructing a railroad at any point within my circuit. The South and Western Railroad does not touch the county of Smyth at any point, and there was no bloody row at or near Marion, Va., of any kind, much less of the character described in the notes inclosed me by you.

The South and Western Railroad comes into Virginia west of my circuit, and the Clinchport section is in Scott County, now in the circuit of Judge William E. Burns, of Lebanon, Va. I have, however, heard nothing of any killing of Italians at that point. There certainly has been none in my circuit, either on the 14th day of May or at any other time since I have been on the bench.

I assure you that I am as anxious as you are that "the laws of Virginia should be fully respected, both of Americans and Italians, and each accorded justice and their rights respected."

I phoned the sheriff, as stated, with the view of calling a special grand jury at once to investigate the matter, had there been any foundation in fact for the allegations in the communications inclosed by you. It may be Marion, N. C., instead of Marion, Va., to which the notes refer. I herewith return to you the letter of the Secretary of State and the notes of the Italian chargé d'affaires at Washington.

Yours, respectfully,

F. B. HUTTON,
Judge of the Twenty-third Circuit.

The Italian Chargé to the Secretary of State.

[Translation.]

No. 1293.]

ROYAL EMBASSY OF ITALY,
Manchester, Mass., July 17, 1906.

MR. SECRETARY OF STATE: By your note No. 381, of the 14th instant, your excellency was pleased to assure me that the Department of State would transmit to the Royal embassy all the information reaching it in regard to the steps taken to the end of removing the evils caused by the relations between the Italian laborers and the Spruce Pine Carolina Company. You forwarded at the same time a copy of a letter from his excellency the governor of the State of Virginia in regard to the sad incident that took place on the 14th of May last at Marion, Va.

While hastening to express my thanks for your courteous communication, I have the honor to inform your excellency that upon examination of the papers in the case I find that the note of the Royal em-

bassy erroneously ascribes the incident of the 14th of May to Marion, Va. The place bearing the same name is in the State of North Carolina. In view of the urgency of the case, I thought it best to correct the error by a telegram ^a sent you to-day.

I avail myself of this opportunity to renew with greater earnestness my urgent request to your excellency that nothing be omitted to bring about the measures called for, in the name of law and equity, in connection with the sad occurrence at Marion, N. C. Two months and more have now passed since two Italians were killed, several injured, and others arrested without apparent cause, and this Royal embassy has no knowledge of any step taken by the proper judicial authority in the action demanded by the circumstances. The reports received at this embassy, extracts from which I already have had occasion to transmit to your excellency, make it appear that the Italians were attacked by armed citizens, for the greater part employees of the Carolina company, led—an even more grave circumstance—by a sheriff or one of his deputies. There is thus far no record of any legal action, and in the meanwhile a number of Italians—so at least say the investigating officials—are detained in jail, with no offense charged against them.

Trusting that your excellency will take to heart the wish expressed anew in this note, and awaiting an early and favorable answer, I avail myself of this opportunity to tender to you, Mr. Secretary of State, the assurances, etc.,

G. C. MONTAGNA.

The Acting Secretary of State to the Italian Chargé.

No. 383.]

DEPARTMENT OF STATE,
Washington, July 19, 1906.

SIR: I have the honor to acknowledge the receipt of your telegram^a of the 17th instant, stating that the place where the recent troubles have occurred with regard to Italian laborers is Marion, N. C., and not Marion, Va.

In reply I beg to say that this information has to-day been communicated to the governor of North Carolina.

Accept, etc.,

ROBERT BACON.

The Italian Chargé to the Secretary of State.

[Translation.]

No. 1325. Urgent.]

ROYAL ITALIAN EMBASSY,
Manchester, Mass., July 21, 1906.

MR. SECRETARY OF STATE: As a sequence to my previous communications and lastly to the note which I addressed to you the 17th instant, I have the honor to inform your excellency that the royal consul in Philadelphia, Pa., reports to me that a short time after the doleful occurrence which took place at Marion, N. C., on May 14 last, the local justice of the peace (who I am informed is also in the

^a Not printed.

employ of the Carolina company) acquitted the aggressors and the murderers of the Italians, while on the other hand, in confirming the arrest of nine of those unfortunate laborers suspected of the murder, an indictment was brought against them for the crime of conspiracy. The trial will take place at Marion, N. C., the 23d instant.

Judging from what has been repeatedly written by the Italian agents to this embassy, by the voice of public opinion, of which the Sunday News of Charleston, N. C., made itself the interpreter, in the article which appeared in its issue of June 10 last and of which I send you a copy herewith, and by the opinion expressed by the United States district attorney himself, Mr. Holton, to the Italian consular agent at Charleston, N. C., regarding the abnormal condition of affairs which reigns in that district, there is naturally entertained some doubt as to the manner in which the judicial authority of the place took into consideration and still regards the criminal acts on which it has been called upon to give judgment.

While I hasten to recall your excellency's attention to the circumstances here set forth I again appeal to the high sense of equity and right which animates the United States Government in all its acts, in order that, in the names of sacred rights which apparently are not being respected, it may cause the competent judicial authorities to make a careful examination of the facts and to proceed where necessary to a severe punishment of the crimes perpetrated.

I shall, moreover, be greatly obliged to your excellency if you will have the kindness to procure for me all the reports which may have been made on the question at the instance of the Federal Government, as well as, if possible, a copy of the judicial decrees by which the aggressors were acquitted and the victims of the aggression were indicted.

Meanwhile, I avail myself, etc.,

G. C. MONTAGNA.

The Italian Chargé to the Secretary of State.

[Translation.]

No. 1367. Urgent.]

ROYAL EMBASSY OF ITALY,
Manchester, Mass., July 25, 1906.

MR. SECRETARY OF STATE: In continuation of my note No. 1325 of the 21st instant, and with reference to the conversation I had with your excellency on the subject at the Department of State on Monday last, the 25th instant, I have the honor to inform you that, according to a report of the royal consul at Philadelphia, Attorney Guio Speranza, for whom you were so good as to furnish me with letters of introduction to the United States district attorney, Mr. Holton, for which I am greatly obliged to you, experiences in the district of North Carolina, whither he has been sent by the royal embassy, great difficulty in discharging the duties intrusted to him. It appears that very strong local influences are opposing his efforts, to the end that justice may take its course. Voicing, therefore, an urgent request from our above-mentioned agent, I address to your

excellency an earnest request that, without prejudice to the official action already taken by your department in the matter of the differences between the Italians and the "Carolina company," and of the occurrence of the 14th of May last, at Marion, you will, if possible, be so good as to address officially his excellency the governor of North Carolina and urge him to send positive instructions to the local authorities of Marion, N. C., requesting them to proceed without further delay with the inquiry into the occurrences heretofore related by the embassy and particularly the lamentable incident that culminated in the killing and wounding of several of my fellow-countrymen and in the imprisonment of others.

I embrace this opportunity to thank you in advance for whatever you may find it in your power to do in compliance with the wish above expressed, and renew to you, etc.,

G. C. MONTAGNA.

The Acting Secretary of State to the Italian Chargé.

No. 386.]

DEPARTMENT OF STATE,
Washington, July 27, 1906.

SIR: I have the honor to acknowledge the receipt of your two notes, of the 17th and 21st instant, respectively, in further relation to the treatment of Italian laborers employed by the Spruce Pine Carolina Company in railroad construction at Marion, N. C.

In reply I have the honor to inform you that the department has communicated your said notes to the Attorney-General and to the governor of North Carolina, and will continue to transmit to the proper authorities, as heretofore, any information concerning this unfortunate incident. The department will likewise transmit to the royal Italian embassy any replies or other information which may be of sufficient importance to justify communication.

I am, etc.,

ALVEY A. ADEE.

The Acting Secretary of State to the Italian Chargé.

No. 387.]

DEPARTMENT OF STATE,
Washington, July 30, 1906.

SIR: I have the honor to acknowledge the receipt of your note of the 25th instant, stating that Mr. Gino Speranza, an attorney representing your embassy, has met with great difficulty at Marion, N. C., in his endeavor to investigate the trouble which occurred in April last between certain Italian laborers and the Carolina company.

In compliance with the request which you make, I have to-day addressed a letter to the governor of North Carolina asking him to be so good as to direct the local authorities to extend to Mr. Speranza the courteous consideration to which he is entitled as the representative of your embassy.

Accept, etc.,

ROBERT BACON.

The Italian Chargé to the Acting Secretary of State.

[Telegram.]

MANCHESTER, MASS., *August 24, 1906.*

It gives me pleasure to inform you that a specified agreement has been reached between this embassy and the representatives of the Carolina company which settles all the questions arising from the known controversy in North Carolina. Accept my best thanks for the kind interest you took in the matter. High regards.

MONTAGNA,
R. Italian Chargé d'Affaires.

The Italian Chargé to the Secretary of State.

[Translation.]

No. 1617.]

ROYAL EMBASSY OF ITALY,
Manchester, Mass., August 25, 1906.

MR. SECRETARY OF STATE: With reference to my telegram of yesterday and to the correspondence exchanged between the Department of State and the royal embassy in regard to the well-known events that took place in North Carolina, I have the honor to inform your excellency that the regular proceedings conducted by the competent judicial authorities resulted in the acquittal and discharge of seven of the nine Italians arrested in connection with the sad occurrence at Marion, N. C.; the jury having disagreed in the case of the other two, they were remanded for a new trial. The leaders of the assailants on that occasion were further indicted for manslaughter, and warrants of arrest and subpoenas were issued against some of the agents of the Carolina company, who, on the strength of pertinent testimony, were found by the local federal magistrate to be amenable to law.

At this stage of the controversy your courteous telegram of the 9th instant, by which your excellency was pleased to advise me of the arrival of the representatives of the South and Western Railroad Company, in the event of my wishing to enter into direct relation with them, came to hand. I answered immediately and accepted the suggestion. I should have returned to Washington had not Messrs. Norment Powell and Caples been so good as to forestall my journey by coming over the next day to see me here at Manchester. Having thus come into immediate contact, they intimated that they had called on me to see about the possibility of effecting out of court a satisfactory settlement of all the questions between the Italians and the company then pending before the courts. I cheerfully tendered my good offices, and we parted on that day with the intention of meeting again shortly in New York after we should have respectively obtained from the parties concerned authority to proceed upon this new course so as to act in consequence. After putting off several appointments at the request of Mr. Powell, I had with him and Mr. Caples, general manager of the Carolina company, several confer-

ences, which culminated in the conclusion of a peaceable compromise between myself as representative of the Italians and them in the name of their corporation. According to the agreement thus formally entered into, the Carolina company has set apart equitable pecuniary indemnities for the heirs of the dead and all the Italians who were, as shown in the course of legal proceeding, the innocent victims of the sad occurrence of the 14th of May at Marion, when they were imprisoned or suffered bodily injuries. It has further reimbursed the costs thus far paid on account of the said sufferers in the administration of justice, and, lastly, has given ample guaranties which, if observed—as there is no reason to doubt they will be—afford full moral satisfaction to the parties injured and assurances that there will be no recurrence in the future of the deplored unpleasantness in the relations between the company and the Italian laborers. Indeed, the company among its many stipulations has promised to dismiss and never again to employ those agents whom the judicial proceedings thus far have shown to be guilty of misdemeanors, ill-treatment and abuse of the laborers, to adopt administrative reforms, and take such measures as will remove the cause of the more serious complaints, availing itself in this of the cooperation of the Royal Italian authorities, and, finally, to visit with effective punishment any abuse that may hereafter come to the knowledge of its manager's office.

The royal embassy, fully satisfied with these conditions, has promised for its part to withdraw and cause its nationals to withdraw any further judicial or other action against the Carolina company and its employees, and, on the other hand, has declared its readiness to aid, as far as it can, in the performance of the equitable and fair moral obligations assumed by the company. The royal embassy has no reason, under the circumstances, to doubt the honesty of purpose with which these obligations have been entered into, and therefore refrains from insisting upon the requests heretofore made of the Department of State in connection with the controversy in North Carolina.

While I feel confident that your excellency will receive the foregoing information with pleasure, I cherish the hope that you may, for your part, with the special intent of promoting the complete appeasement of feeling and the spirit of harmony so auspiciously inaugurated, shape the action of the Federal Government by means of advice or suitable instructions to whom it may concern in consonance with the characteristics of this new and final phase of the question.

Lastly, may I be permitted to express to your excellency and your most excellent colleague, the Attorney-General, my most sincere thanks for the interest and zeal displayed in the cause of law and justice on this occasion as well as my admiration of the attitude taken by the several subordinate authorities, and especially by Mr. Holton, to whom I wish this token of my gratitude could be made known, all of which have had a part in bringing about the happy result it is my good fortune to record hereby

Accept, etc.,

G. C. MONTAGNA.

COUNTERFEITING THE AMERICAN CONSULAR SEAL.

Ambassador White to the Secretary of State.

No. 204.]

AMERICAN EMBASSY,
Rome, June 13, 1906.

SIR: I have the honor to transmit herewith the copy of a letter which I have received from the consul-general inclosing a communication from our consul at Palermo, stating that his consular seal had been counterfeited under circumstances therein set forth, and that although the two men by whom the counterfeiting is supposed to have been done were arrested and brought to trial the court held that the provisions of the Italian criminal code (Titolo VI, Chapter II, articles 264 to 274), translations of which I inclose, apply only to the counterfeiting of seals, papers, etc., having validity in this country. The public prosecutor, moreover, who concurred in this decision, would seem, from the consul's letter, to have held that the protection afforded to notarial seals and acts by article 265 applies only to those notarial seals and acts having validity in this country, whereas our consuls are only notaries as to documents pertaining to the United States.

As soon as the consul-general's letter reached me I requested him to ask the consul at Palermo to forward to me a full report of the proceedings in the case, which, however, I have not yet received. Meanwhile, I have thought it advisable to address a note to the minister of foreign affairs, asking him whether it be a fact that the laws of Italy contain no provision against the counterfeiting of the official seals of foreign embassies and consulates. I inclose a copy of this note, which I handed myself to Signor Tittoni, and I asked him at the same time whether such a condition of things be possible. He replied that he could hardly believe it, but that the question had never arisen before in so far as he was aware, and, not being a lawyer, that he was unable to give a positive answer; but he promised to cause prompt inquiry to be made and to send a reply to my note as soon as possible.

In the absence of the text of the judgment of the court of Palermo it is difficult for me to express a decided opinion in the matter, but it may be well to mention, for your information, that Article VIII of the consular convention, dated July 26, 1862, between Italy and France, and Article XVI of the consular convention between this country and Switzerland, dated July 22, 1868, the provisions of both of which are, I imagine, applicable to us under the most-favored nation clause (Article XXIV) of the commercial treaty with Italy, define the notarial capacity of consuls, and would seem to give validity to acts legalized by such consuls in a notarial capacity in the countries in which they reside.

I shall be glad to know, in the event of its turning out to be true that there is no penalty in this country for the counterfeiting of official seals of embassies and consulates, whether you desire that I call the attention of the Italian Government further to the matter, possibly with the suggestion that legislation be enacted to meet the situation. I should also be glad to know what protection there be, if any, in the United States against such counterfeiting.

I have, etc.,

HENRY WHITE.

[Inclosure 1.]

*Consul-General De Castro to Ambassador White.*AMERICAN CONSULATE-GENERAL,
Rome, June 2, 1906.

SIR: I have the honor to transmit herewith for your consideration copy of a letter received by this office from the consul at Palermo in regard to the counterfeiting of the consular seal of that consulate.

I am, etc.,

HECTOR DE CASTRO.

[Subinclosure.]

*Consul Bishop to Consul-General de Castro.*AMERICAN CONSULATE,
Palermo, May 19, 1906.

SIR: I beg to report, for the information of our embassy, the decision and ruling made this day by the criminal court of Palermo in a case involving the forgery of the consular seal.

I had caused the arrest, on December 11 last, of two would-be emigrants, Francesco Dolce and Francesco Sorano, who, after having been rejected by the American doctor, presented themselves on board the Austro-American steamship *Giulia*, furnished with inspection cards to which the seal of this consulate had been forged. They stated that they had been furnished with these fraudulent inspection cards by Carisio Giacomelli and Vincenzo Badalamenti. The two latter were then found and arrested. Criminal complaint was made against all four.

The case came to trial to-day. It was adjudged that the counterfeiting the seal of a foreign consulate is not an offense under the laws of Italy, the provisions of the Criminal Code, Chapter II, articles 264 to 274, referring only to seals, papers, etc., made to be valid in this country. The two first-named defendants were therefore set free. The other two were condemned to one month's imprisonment each and a fine of 100 lire; this, however, not for the forgery in question, but for contravention to the emigration law in acting as enlisters of emigrants without a license.

The public prosecutor, although he thought well to claim protection in his argument for the seal, on the ground that I am a notary only as to instruments to be used in America, concurred with the entire ruling, and declines to appeal from it, as he might do within three days.

The result is that anybody is now free to counterfeit our consular seal, or to use any papers stamped with such counterfeit as much as he pleases. It hardly seems possible that Italian consuls in America are left equally unprotected in this respect. I find nothing in the treaty with Italy bearing upon the subject, but if there is no provision of law, it seems as if one should be promptly devised to prevent this dangerous abuse.

Meanwhile I have had two new seals made, by the use of which alternating with the old one, all at irregular times, and by other precautions, I shall hold in check as much as possible the evil of this new opportunity of fraud in the business of overseeing the emigrant departures, which, owing to its great magnitude, is already of such a complicated and laborious nature.

I inclose copies of all three of our seals.

I am, etc.,

WM. HENRY BISHOP,
Consul.

[Inclosure 2.—Translation of articles 264 to 274 of the Italian Penal Code.]

CHAPTER II.—COUNTERFEITING OF SEALS, PUBLIC STAMPS, AND THEIR IMPRESSIONS.

264. Whoever counterfeits the Government's seal, which is designated to be affixed to government acts, or who makes use of a seal counterfeited, even though it be counterfeited by other persons, is punished by an imprisonment of from three to six years and by a fine.

265. Whoever counterfeits the seal of an official of the Government, or that of an official of a Province or of a Commune, or of an institution which by law is under the protection of the Government, the Province, or the commune, or the seal of a notary, or whoever makes use of such seals counterfeited, even though they be counterfeited by other persons, is punished by an imprisonment of from one month to two years and by a fine not exceeding 1,500 lire.

266. Whoever counterfeits stamps, dies, prints, or other instruments used in the publication of laws or in an act of certification of the Government, or whoever makes use of such instruments counterfeited, even though they be counterfeited by other persons, is punished by an imprisonment of from one to five years and by a fine of from 50 to 3,000 lire.

The same punishments apply to those who have not actually taken part in the counterfeiting, but who offer for sale objects upon which the said counterfeited instruments have been used.

267. Whoever counterfeits single impressions of the instruments mentioned in the foregoing articles, without the intention of reproducing them and in a manner differing from the use of the instruments counterfeited, is punished by an imprisonment of from six months to three years, in the case of article 264; of from one month to one year in the case of articles 265 and 266, and always by a fine not exceeding 1,000 lire.

268. Whoever counterfeits stamped paper, paper stamps or the impression of a government stamp, is punished by an imprisonment of from two to five years and by a fine of from 1,000 to 3,000 lire.

269. Whoever counterfeits stamps used for stamped paper, for paper stamps, or for stamped impressions, or filigreed paper used to receive the impressions of such stamps, is punished by an imprisonment of from six to thirty months and by a fine of from 50 to 1,000 lire.

270. Whoever makes use of counterfeited stamped paper, of stamped impressions or of paper stamps, or whoever offers them for sale or has them put in circulation in other ways, is punished by an imprisonment not exceeding thirty months and by a fine of not over 500 lire.

291. Whoever has not actually been involved in any of the offenses as mentioned in the foregoing articles, but who possesses counterfeit seals or stamps or the instruments used exclusively for counterfeiting, is punished by an imprisonment of from one month to two years and by a fine of from 50 to 500 lire.

272. Whoever having obtained real seals, stamps, dies or impressions as mentioned in this chapter, and who makes use of them to the disadvantage of others or to his own profit or to the profit of others, is subjected to the punishments mentioned in the foregoing articles lessened by from one-third to one-half.

273. Whoever counterfeits or alters railway tickets or the tickets of any other public transport service, or who makes use of such tickets counterfeited or altered, even though they be counterfeited by other persons, is punished by an imprisonment not exceeding one year and by a fine of from 50 to 1,000 lire.

274. Whoever cancels or causes to lose value in any way whatever the indications employed to show the proper use made of stamps, paper stamps, stamp dies, railway tickets or the tickets of any other public transport service, or whoever makes use of such subjects so altered, is punished by an imprisonment not exceeding three months and by a fine of not over 500 lire.

[Inclosure 3.]

Ambassador White to the Minister for Foreign Affairs.

F. O. No. 172.]

AMERICAN EMBASSY,
Rome, June 9, 1906.

EXCELLENCY: I have the honor to inclose herewith an extract from a letter which I received from the American consul at Palermo, and from which you will see that two men, who had been arrested at his instance and who were tried on the 19th ultimo for forging the seal of the American consulate at that city, were discharged by the tribunal on the ground that articles 264 to 274, Chapter II, of the Criminal Code, have reference only to forgeries of Italian seals, papers, etc.; a decision in which the public prosecutor appears to have concurred, and to have declined thereupon to appeal to a higher tribunal.

I have requested the consul to obtain and transmit to me a full report of the proceedings in this case, which I have not yet received. Meanwhile I have the honor to ask your excellency to be so good as to let me know, at your early convenience, whether it be a fact that the laws of this country contain no penalties for counterfeiting the official seals of foreign embassies and consulates.

I avail, etc.,

HENRY WHITE.

Ambassador White to the Secretary of State.

No. 211.]

AMERICAN EMBASSY,
Rome, June 20, 1906.

SIR: With reference to my dispatch No. 204, of the 13th instant, relative to the counterfeiting of the seal of our consulate at Palermo, I have the honor to inclose herewith a copy of the official copy,^a which I have received from the consul at Palermo, of the "Sentenza," or judgment, of the fifth section of the penal tribunal of Palermo in the case in question.

You will observe therefrom that in the view of the court, article 266 of the penal code only protects seals, marks, etc., "destinati per disposizione di legge o del Governo ad una pubblica certificazione" (destined by provisions of law or of the Government to public attestation), and that our consular seal, not having received such recognition from the laws of the Government of this country, is not protected by the article in question. Consequently the men accused of the violation of that article of the Penal Code were adjudged not guilty of having done so, however much they may have counterfeited our consular seal.

This morning I called upon the minister of foreign affairs and asked him whether he were yet in a position to answer the inquiry contained in the second paragraph of my note of the 9th instant or whether he had received any information relative to the case in question. He replied that he had written at once to Palermo for information on the subject, but had so far heard nothing.

I thereupon handed him the official copy of the inclosed "sentenza" and pointed out to him that even if the men who were accused of counterfeiting our seal could not be convicted under article 266 of the Penal Code, as to which I expressed considerable doubt, wherein he seemed disposed to concur without, of course, committing himself to a positive statement upon such a cursory perusal of the document, they should nevertheless, in my opinion, not have been discharged, but that they might have been punished under article 413 of the Penal Code and article 424 of the Mercantile Marine Code, copies of which I handed to Signor Titoni and I also inclose herewith.

I added that in view of the fraudulent attempts constantly made, especially at Naples, Messina, and Palermo, and which seem to be on the increase, to violate our emigration laws and regulations, I felt strongly that every effort should be made by the Italian authorities to punish any offenders who could be discovered, and that in this instance a failure of justice had, I thought, certainly occurred, which I hoped the Government would endeavor to rectify. The minister, who did not appear at all to like the look of the case himself, said he would at

^a Not printed, the document in the Italian language being too lengthy.

once communicate with the minister of justice in the matter and let me know the result as soon as possible. I concluded my remarks by renewing the request contained in my note of the 9th for information, which I said that I intended to transmit to you, as to the penalties, if any, contained in the laws of this country against the counterfeiting of the official seals of foreign embassies and consulates.

I have, etc.,

HENRY WHITE.

The Acting Secretary of State to Ambassador White.

No. 106.]

DEPARTMENT OF STATE,
Washington, July 7, 1906.

SIR: I have to acknowledge the receipt of your No. 204, of the 13th ultimo, in regard to the counterfeiting of the American consular seal at Palermo, and I have to say that, as will more fully appear from the accompanying memorandum prepared by the department, the laws of the United States declare no penalties against counterfeiting a foreign consular seal as such, although the act of counterfeiting of foreign consular seals might, in certain events, prove to be one of the elements of a common-law crime against one of the States, or of certain statutory crimes against the United States. If it should be determined by the Italian Government and courts that the laws of Italy likewise contain no provision on the subject, it would seem that it would be a proper subject for consideration by the department with a view to a possible exchange of notes leading to an agreement on the part of both Governments to use all proper efforts to secure legislation covering the subject.

I am, etc.,

ALVEY A. ADEE.

[Inclosure.]

MEMORANDUM ON THE QUESTION WHETHER THERE IS ANY CRIMINAL LIABILITY ATTACHED TO THE COUNTERFEITING OF THE OFFICIAL SEAL OF A FOREIGN CONSUL IN THE UNITED STATES, AND WHETHER THE STATE OF THE LAW ON THIS SUBJECT IS SATISFACTORY.

DEPARTMENT OF STATE,
JUNE 30, 1906.

The American ambassador at Rome informs the department that according to advices received from the American consul at Palermo, Italy, it has just been held by the court of first instance that the penal code of Italy declares no penalty against the counterfeiting of the official seal of an American consul in Italy, the court holding that the articles of the penal code bearing on the general subject apply only to the counterfeiting of seals, papers, etc., having validity in Italy. The matter has been brought to the attention of the Italian Government by the American ambassador, and the minister of foreign affairs has agreed to examine into the question and inform our ambassador officially as to whether or not the Italian law is as declared by the lower court. Meanwhile, the American ambassador asks "what protection there be, if any, in the United States against such counterfeiting," and whether or not it is the wish of the department that the matter be further pursued, "possibly with the suggestion that legislation be enacted to meet the situation."

First, as to the actual status of the law of the United States upon the point in question at the present time, counterfeiting a consular seal, as such, would of course not be criminal at common law, but it goes without saying that such counterfeiting might form a part of some common law crime, such as obtaining money under false pretenses, punishable in a state court.

The Constitution having confided our international relations to the Federal Government, if there be any penalty attached to the act of counterfeiting a consular seal as such, it must be of federal cognizance and statutory origin. A careful search of the federal statutes under all headings which can be supposed to have any bearing on the point in question fails to show any provision carrying a penalty against the act in question. That this immunity is the result rather of inadvertence on the part of the legislature, due to the fact that the question has never been called to the attention of Congress, rather than any lack of power on the part of Congress, or any lack of appreciation of the desirability of giving all necessary protection to the official acts of representatives of foreign governments, or any settled belief that the public policy of the United States renders it inexpedient to attach a criminal liability to such acts as the one in question, may be made to appear conclusively from the examination of the congressional legislation in regard to similar matters, and the rulings of the federal courts in upholding such legislation.

The act of May 16, 1884 (p. 52, sec. 1, 23 Stat., 22), denounces penalties against those who "with intent to defraud * * * forge, or counterfeit any bond, certificate, obligation, or other security, * * * of any foreign government, or any treasury note, bill, or promise to pay, issued by such foreign government." Section 2 provides a penalty for uttering any of the forgeries or counterfeitings described in section 1. Section 3 punishes the counterfeiting of foreign bank notes, section 4 the uttering of such bank notes, and section 5 the having in possession with intent to utter any such forged or counterfeit certificate, obligation, security, treasury note, bill, promise to pay, bank note, or bill issued by a bank or corporation as described in the preceding sections, while section 6 covers the having in possession of plates for forging foreign governments' securities or bank notes.

Revised Statutes, section 5457, provides for the punishment of every person who counterfeits any coin "in resemblance or similitude of the gold or silver coins * * * counted or stamped at the mints or assay offices of the United States, or in resemblance or similitude of any foreign gold or silver coin which by law is, or hereafter may be, current in the United States or is in actual use and circulation as money within the United States." The section also covers uttering, selling, attempting to pass or bring into the United States from any foreign place, with guilty knowledge, the coins above described. Section 5459, Revised Statutes, prohibits the mutilating of "any foreign gold or silver coins which are by law made current or are in actual use or circulation as money within the United States," or the passing, or attempting to pass, of any coins intended for use as money, "whether in the resemblance of coins of the United States or of foreign countries or of original design."

The act of February 10, 1891 (p. 127, sec. 2, 742), provides a penalty for counterfeiting dies for foreign coins. Section 3 prohibits the making, importing, or having in possession, tokens similar to coins of the United States or any foreign nation; section 4 provides for the forfeiture of such counterfeit securities and coins; and section 5 provides for search warrants to aid in the discovery of such counterfeit moneys, securities, dies, or plates.

Section 5463, Revised Statutes, provides a penalty for forging or counterfeiting "a money order or postal note issued by or under the direction of the Post-Office Department of the United States, or of any foreign country, and payable in the United States." Section 5465, Revised Statutes, denounces a penalty against all "who forge or counterfeit, or knowingly utter or use, any forged or counterfeited postage stamp of any foreign government."

Sections 5421 and 5422, Revised Statutes, denounce penalties against every persons who forges or counterfeits any "deed, power of attorney, order, certificate, receipt, or other writing, for the purpose of receiving * * * from the United States or any of their officers * * * any sum of money;" or utters or transmits or presents at any office or to any officer of the Government of the United States any of the aforesaid writings knowing the same to be false, or who "knowingly and with intent to defraud the United States has any of the aforesaid writings in his possession for the purpose of obtaining money from the United States or any of their officers."

Section 5479 deals with the forging or counterfeiting of any "bond, deed, proposal, guarantee, security, official bond, public record, or other writing, for the purpose of defrauding the United States."

It is clear that under these last three sections the counterfeiting of an official seal of a foreign consul, at least if attached to any writing, might, under some circumstances, namely, when done for the purpose of obtaining money from the

United States or for the purpose of presenting the same at any office or to any officer of the United States Government, come within the prohibitions of the criminal law, but the gravamen of the offense would in this case be the defrauding of the United States and not the forging or counterfeiting of an official seal.

In fact, the only provision in the Federal statutes providing a penalty for counterfeiting any seal, domestic or foreign, as such, appears to be section 5419, Revised Statutes, which reads as follows:

"Every person who forges the signature of any judge, register, or other officer of any court of the United States, or of any Territory thereof, or forges or counterfeits the seal of any such court, or knowingly concurs in using any such forged or counterfeit signature or seal, for the purpose of authenticating any proceeding or document, or tenders in evidence any such proceeding or document with a false or counterfeit signature of any such judge, register, or other officer, or a false or counterfeit seal of the court, subscribed or attached thereto, knowing such signature or seal to be false or counterfeit, shall be fined not less than five hundred dollars and not more than five thousand dollars, and be imprisoned not more than five years."

It will be observed that this section merely covers the crime of counterfeiting the seal of any court and does not cover the seals of the various executive officers of the United States or even the great seal of the United States itself.

It seems very clear, therefore, that the absence of federal legislation penalizing the counterfeiting of the seals of foreign consular officers is simply due to the fact that the necessity for providing for the counterfeiting of seals in general, whether of officers of the United States or of foreign governments, has never been brought to the attention of Congress. The power of Congress to protect such consular seals rests on the same basis as its power to prevent the counterfeiting of foreign coins or securities; that is to say, it rests upon the right and duty of the United States Government to which, under the Constitution, all the national affairs have been confided, to perform its international obligation of using "due diligence to prevent a wrong being done within its own dominion to another nation with which it is at peace.—United States *v.* Arjona, 1887, 129 U. S., 479; United States *v.* White, 1886, 27 Fed. Rep., 200.)"

The expediency exercised in this power is of course a matter of policy for the determination of Congress, but in considering whether any steps should be taken on the part of the department to secure reciprocal legislation upon the subject it would seem to be worth noting; that such legislation would be in entire harmony with the general policy of the United States as exhibited in the legislation referred to in the memorandum; that it would certainly do no harm and would be likely to cause very little trouble to the prosecuting officers and courts of the United States, while, on the other hand, the securing of such legislation in Italy, in view of the large immigration from that country and the grave danger demonstrated by the incidents which have raised the present question (that the seal of American consular officers in Italy will be counterfeited) and the damage which may result therefrom, seem to indicate that the United States, in entering into an arrangement looking toward reciprocal legislation for the protection of consular seals, would be gaining a substantial advantage in return for a harmless concession.

J. B. S.

Ambassador White to the Secretary of State.

No. 246.]

AMERICAN EMBASSY,
Rome, August 14, 1906.

SIR: With reference to your instruction No. 106, of 7th ultimo, I have the honor to inform you that Mr. Hitt had a conversation on the 28th ultimo relative to the counterfeiting of our consular seal at Palermo with the under secretary of foreign affairs, who said that the procurator-general had appealed the case, and that he quite concurred in your suggestion that if it should turn out that the laws of Italy contain no provision on the subject, an exchange of notes between that Government and ours with a view to

an agreement on the part of both Governments to use all proper efforts to secure legislation would be desirable. He added that a note would shortly be sent to Mr. Hitt in reply to mine of the 9th of June, but so far it has not been received.

Yesterday, in the course of an interview with the under secretary, I mentioned the matter and he repeated substantially what he had said to Mr. Hitt on the 28th ultimo, adding, however, that as it is quite possible that the court of appeals may discover some law of this country bearing upon the subject, he thought it better that the suggested exchange of notes between the two Governments should not take place until after the judgment of that court had been pronounced.

Signor Pompilj said that the note of which he had spoken to Mr. Hitt as about to be sent had been delayed owing to the necessity of its passage through several departments, but that it would contain nothing beyond what he had already said to Mr. Hitt and to me.

I have read with interest the memorandum which accompanied your instruction No. 106 and I entirely agree with the views set forth in its final paragraph.

I have, etc.,

HENRY WHITE.

The Acting Secretary of State to Ambassador White.

No. 130.]

DEPARTMENT OF STATE,
Washington, September 11, 1906.

SIR: I have to acknowledge the receipt of your No. 246, of the 14th ultimo, in which with reference to the counterfeiting of the United States consular seal at Palermo you report that the case has been appealed by the Italian attorney-general.

The department approves your action in the matter.

In accordance with the suggestion of the foreign office, the department will await the decision of the Italian court of appeals before proceeding to an exchange of notes on the subject.

I am, etc.,

ROBERT BACON.

SEAMEN DESERTING FROM FOREIGN VESSELS IN THE PHILIPPINES.

The Acting Secretary of State to the Italian Chargé.^a

DEPARTMENT OF STATE,
Washington, March 7, 1906.

SIR: I have the honor to inclose herewith, for the information of your Government, a copy of an enactment by the Philippine Commission providing for the arrest, examination, and return of seamen deserting from foreign vessels.

Accept, etc.,

ROBERT BACON.

^aA like note was sent to all the representatives of foreign maritime countries at Washington.

[Inclosure.]

[No. 1439.]

AN ACT Providing a method of enabling masters of ships in certain cases to secure the return to their ships of seamen who have deserted therefrom in the Philippine Islands.

By authority of the United States, be it enacted by the Philippine Commission that:

SECTION 1. On application of a consul or vice-consul of any foreign government having a treaty with the United States stipulating for the restoration of seamen deserting, made in writing, stating that the person therein named has deserted from a vessel of any such government while in any port of the Philippine Islands, and on proof, by the exhibition of the register of the vessel, ship's roll, or other official document, that the person named belonged at the time of desertion to the crew of such vessel, it shall be the duty of the supreme court, or of any court of first instance, or of any judge thereof, or of any judge of a municipal court lawfully established in the Philippine Islands, to issue warrants to cause such person to be arrested for examination. If, on examination, the facts stated are found to be true, the person arrested, not being a citizen of the United States, or of the Philippine Islands, shall be delivered up to the consul or vice-consul, to be sent back to the dominions of any such government, or, on the request and at the expense of the consul or vice-consul, shall be detained until the consul or vice-consul finds an opportunity to send him back to the dominions of any such government. No persons so arrested shall be detained more than two months after his arrest, but at the end of that time shall be set at liberty, and shall not be again molested for the same cause. If any such deserter shall be found to have committed any crime or offense, his surrender may be delayed until the tribunal before which the case shall be pending, or may be cognizable, shall have pronounced its sentence, and such sentence shall have been carried into effect.

SEC. 2. The public good requiring the speedy enactment of this bill, the passage of the same is hereby expedited in accordance with section two of "An act prescribing the order of procedure by the Commission in the enactment of laws," passed September twenty-sixth, nineteen hundred.

SEC. 3. This act shall take effect on its passage.

Enacted January 16, 1906.

INTERNATIONAL INSTITUTE OF AGRICULTURE.

The Italian Chargé to the Secretary of State.

[Translation.]

ROYAL EMBASSY OF ITALY,
Washington, D. C., December 30, 1905.

MR. SECRETARY OF STATE:

I have received from His Majesty's Government, which has it greatly at heart not to delay too long the actual organization of the International Agricultural Institute, main object of the conference that was held at Rome between the end of May and beginning of June of this year, further earnest and urgent instructions which impel me again to have recourse to your excellency's well-known courtesy to the end that you may be pleased to obtain for me the cooperation of the Government of the United States in that part of the execution of the declared purpose which immediately concerns it.

Although I have already had the honor to lay this matter before your excellency orally at the last two weekly visits made to the department on the 21st and 28th instant, I beg you to pardon my complying with my instructions by asking to state in precise terms

the exact desire of the Royal Government and by so doing in the present communication written for that purpose.

While begging your excellency kindly to take into consideration the note No. 2101 addressed to you under date of August 9 last by Baron Mayor des Planches, I venture to observe that it was not a binding convention that was signed at the conference of Rome, but merely a "final act" embodying a draft of convention, to which the signature of plenipotentiaries appointed by the respective governments is now requested. The said powers can subsequently call upon the organs designated by the Constitution of each one of the high contracting parties to ratify the said convention.

By your note No. 299, of the 23rd of August,^a and your letter of the 24th of November last, your excellency was so good as to inform the royal ambassador and repeat to me that your most excellent colleague of the Agricultural Department had, after examination of the question, decided to call it to the attention of the proper committees of Congress upon the reconvening of that body in the current month of December. This part of the legislative procedure requisite for the ratification of the convention, and in respect of which I again most earnestly entreat your excellency will, through your good offices and favorable advice, bring about such a result as that achieved by His Majesty's Government, does not stand in the way or dispose of that part of administrative action which consists in merely affixing a signature to the convention in the name of the Federal Government as a signatory to the act itself. I, therefore, voice the wishes of my Government in coming to your excellency with a request that you will, in the meanwhile, and with such promptness as you may think my request merits, take steps toward the designation of the plenipotentiary whom the Federal Government will entrust with the duty of signing the convention of June 7th.

I shall be greatly obliged to your excellency for such answer as you may be pleased to return, and embrace the opportunity to renew, etc.

G. C. MONTAGNA.

Ambassador White to the Secretary of State.

No. 96.]

AMERICAN EMBASSY,
Rome, January 2, 1906.

SIR: I have the honor to inform you that when calling at the foreign office recently on other business, I was asked by the director general, Senator Melvano, whether I had heard anything from my Government as to its probable action with respect to the convention for the proposed international institute of agriculture. He said that nineteen powers—among them Russia, Italy, Belgium, Switzerland, Spain, France, and Denmark—have already signed the convention; that six others, of which Germany is one, have notified to the Italian Government their intention to do likewise—the German ambassador having been actually notified of the approaching arrival of his authorization to sign the convention—and that fifteen countries, our own among them, have not yet been heard from.

^a Not printed.

Senator Malvano added that as the creation of the international institute of agriculture is a subject in which the King takes a deep interest, as well as this Government, the foreign office would be glad to hear at as early a date as practicable from those powers whose views and intentions had not yet been announced, especially from the United States, who, he hoped, would not fail to join the convention.

I replied that I had as yet heard nothing from you on the subject, but that I should report to you what he had said, and I suggested his sending me, for your information, a memorandum, of which I inclose a copy and translation, setting forth the names of the powers which have joined the convention, of those which have expressed their intention to do so, and of those which have yet to be heard from on the subject.

I have, etc.,

HENRY WHITE.

[Inclosure.—Translation.]

MEMORANDUM—CONVENTION FOR THE INTERNATIONAL INSTITUTE OF AGRICULTURE.

(a) States that have signed: Italy, Montenegro, Russia, Argentina, Roumania, Servia, Belgium, Salvador, Portugal, Mexico, Luxemburg, Switzerland, Persia, Japan, Ecuador, Bulgaria, Spain, France, Denmark.

(b) States which have notified their adhesion and have also designated their respective plenipotentiaries for the signature of the convention: Greece, Santo Domingo, Netherlands, Peru, Germany,^a Egypt.

(c) State which has announced its adhesion, but from which the official notification has not yet arrived: Chile.

(d) States which have given no reply: Austria-Hungary, Brazil, China, Costa Rica, Cuba, United States of America, Ethiopia, Great Britain, Guatemala, Nicaragua, Norway, Paraguay, Sweden, Turkey, Uruguay.

^a Ambassador Monte has already received the advice of full powers.

The Secretary of State to Ambassador White.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, January 20, 1906.

(Mr. Root instructs Mr. White upon his return to Rome to sign agricultural convention, subject to advice and the consent of Senate and enactment of legislation by Congress to give it effect so far as concerns the United States.)

The Secretary of State to Chargé Hitt.

No. 66.]

DEPARTMENT OF STATE,
Washington, January 29, 1906.

SIR: Referring to Mr. White's No. 96, of the 2d instant, in regard to the adhesion of the United States to the convention establishing the international institute of agriculture, I inclose a full power

authorizing Mr. White to sign the convention, subject to the advice and consent of the Senate and the enactment of legislation to give it effect so far as concerns the United States.

I am, etc.,

ELIHU ROOT.

The Italian Chargé to the Secretary of State.

[Translation.]

ROYAL EMBASSY OF ITALY,
Washington, March 27, 1906.

MR. SECRETARY OF STATE:

The States which were represented at the conference of last year at Rome for the creation of an international institute of agriculture have now all sanctioned by the signature of their plenipotentiaries the convention drafted at that conference and approved by its unanimous vote. His Majesty the King at the council of January 28 last signed a decree, a few copies of which I have the honor to inclose, by which a royal commission is established, and whose precise duty is to carry into effect, as soon as it becomes operative, the convention which will soon be referred to the several contracting governments for ratification.

His Majesty the King, desiring again to prove how much he has at heart the contemplated international institute, has ordered that the net income of the royal domains of Tombelo and Coltano, amounting yearly to 300,000 lire, shall be turned over to the above-mentioned royal commission from the 1st of July next until the day when, the international institute of agriculture being legally constituted, the administration and usufruct of the said domains shall, in accordance with the announcement made to the international conference at its session of June 6, 1905, be transferred to the institute itself.

In obedience to His Majesty's interest, the royal commission has decided to apply the sum graciously placed at its disposal for the aforesaid period to the construction of a palace, where the international institute will have its headquarters, and which will therefore be solely due to the munificence of the sovereign.

The new building that is to stand on the village Umberto I, near the Porta Pinciana, and will cover 10,000 square meters of public property, will, it is fully expected, be completed about the end of next year, which is the time when the permanent committee of the institute will likely be convened at Rome.

This munificent act of His Majesty the King, whereby the erection of quarters worthy of the international institute of agriculture is provided for, thus begins the execution of the convention of June 7, 1905.

While acquainting your excellency with the foregoing,

I gladly avail, etc.,

G. C. MONTAGNA.

Ambassador White to the Secretary of State.

No. 167.]

AMERICAN EMBASSY,
Rome, April 12, 1906.

SIR: Referring to your telegraphic instruction of January 20 last, I have the honor to inclose copies thereof and of my reply of this date stating that I yesterday signed, in behalf of the United States, the convention for the creation of an international institute of agriculture.

I also inclose a copy of the "Pro Memoria,"^a which I handed Count Guicciardini, the minister for foreign affairs, stating that our Government adheres to the convention subject to the advice and consent of the Senate and to the enactment of legislation by Congress to give the convention effect in so far as concerns the United States.

In this connection I have the honor to inclose a printed document^a which I have to-day received from the Marquis Cappelli, one of the Italian delegates at the agricultural conference last year, which speaks for itself.

I have, etc.,

HENRY WHITE.

The Acting Secretary of State to Ambassador White.

No. 109.]

DEPARTMENT OF STATE,
Washington, July 11, 1906.

SIR: I transmit in the pouch with this, for deposit with the Italian Government, the President's ratification of the convention signed at Rome on June 7, 1905, providing for the creation of an international institute of agriculture.

You will inform the department of the date of the deposit. The department would be pleased to be informed also of the names of the other governments which have deposited their ratifications. It is presumed that the Italian Government will, in due time, furnish to each of the signatory governments a proces-verbal of ratification.

The deficiency appropriation act, approved June 30, 1906, contains the following provision:

For the payment of the quota of the United States for the support of the International Institute of Agriculture at Rome, Italy, for the fiscal year nineteen hundred and seven, four thousand eight hundred dollars; for the salary of one member of the permanent committee, and for the actual and necessary traveling expenses of delegates to be appointed to the grand assembly of the institute of agriculture, eight thousand dollars. In all, thirteen thousand four hundred dollars, the said amount to be expended under the direction of the Secretary of State.

In pursuance of the authority thus conferred, Mr. David Lubin, of Sacramento, Cal., has been selected to represent this Government on the permanent committee, it being understood that he is willing to serve without salary. The appointment of delegates to the general assembly of the institute will be considered in due time.

In transmitting to the minister for foreign affairs the President's instrument of ratification you will inform him of the selection of Mr. Lubin, and say that the Government of the United States elects, under Article X of the convention, to be classed in the first group of

^a Not printed.

nations, and that it is prepared to pay its quota of \$4,800 for the support of the institute for the fiscal year 1907 as soon as it is informed by the Italian Government that the institute has been organized.

I am, etc.,

ROBERT BACON.

TEXT OF THE CONVENTION FOR THE CREATION OF AN INTERNATIONAL INSTITUTE OF AGRICULTURE.

[Translation.]

In a series of meetings held at Rome, from May 29 to June 6, 1905, the delegates of the powers convened at the conference for the creation of an International Institute of Agriculture, having agreed upon the text of a convention to be dated June 7, 1905, and this text having been submitted for approval to the Governments which took part in the said conference, the undersigned, having been furnished with full powers found in good and due form, have agreed, in the names of their respective Governments, on what follows:

ARTICLE 1.

There is hereby created a permanent international institute of agriculture, having its seat at Rome.

ARTICLE 2.

The international institute of agriculture is to be a government institution, in which each adhering power shall be represented by delegates of its choice.

The institute shall be composed of a general assembly and a permanent committee, the composition and duties of which are defined in the ensuing articles.

ARTICLE 3.

The general assembly of the institute shall be composed of the representatives of the adhering governments. Each nation, whatever be the number of its delegates, shall be entitled to a number of votes in the assembly which shall be determined according to the group to which it belongs, and to which reference will be made in article 10.

ARTICLE 4.

The general assembly shall elect for each session from among its members a president and two vice-presidents.

The sessions shall take place on dates fixed by the last general assembly and according to a programme proposed by the permanent committee and adopted by the adhering governments.

ARTICLE 5.

The general assembly shall exercise supreme control over the international institute of agriculture.

It shall approve the projects prepared by the permanent committee regarding the organization and internal workings of the institute. It shall fix the total amount of expenditures and audit and approve the accounts.

It shall submit to the approval of the adhering governments modifications of any nature involving an increase in expenditure or an enlargement of the functions of the institute. It shall set the date for holding the sessions. It shall prepare its regulations.

The presence at the general assemblies of delegates representing two-thirds of the adhering nations shall be required in order to render the deliberations valid.

ARTICLE 6.

The executive power of the institute is intrusted to the permanent committee, which, under the direction and control of the general assembly, shall carry out the decisions of the latter and prepare propositions to submit to it.

ARTICLE 7.

The permanent committee shall be composed of members designated by the respective governments. Each adhering nation shall be represented in the permanent committee by one member. However, the representation of one nation may be intrusted to a delegate of another adhering nation, provided that the actual number of members shall not be less than fifteen.

The conditions of voting in the permanent committee shall be the same as those indicated in article 3 for the general assemblies.

ARTICLE 8.

The permanent committee shall elect from among its members for a period of three years a president and a vice-president, who may be reelected. It shall prepare its internal regulations, vote the budget of the institute within the limits of the funds placed at its disposal by the general assembly, and appoint and remove the officials and employees of its office.

The general secretary of the permanent committee shall act as secretary of the assembly.

ARTICLE 9.

The institute, confining its operations within an international sphere, shall—

(a) Collect, study, and publish as promptly as possible statistical, technical, or economic information concerning farming, both vegetable and animal products, the commerce in agricultural products, and the prices prevailing in the various markets;

(b) Communicate to parties interested, also as promptly as possible, all the information just referred to;

(c) Indicate the wages paid for farm work;

(d) Make known the new diseases of vegetables which may appear in any part of the world, showing the territories infected, the progress of the disease, and, if possible, the remedies which are effective in combating them;

(e) Study questions concerning agricultural cooperation, insurance, and credit in all their aspects; collect and publish information which might be useful in the various countries in the organization of works connected with agricultural cooperation, insurance, and credit;

(f) Submit to the approval of the governments, if there is occasion for it, measures for the protection of the common interests of farmers and for the improvement of their condition, after having utilized all the necessary sources of information, such as the wishes expressed by international or other agricultural congresses or congresses of sciences applied to agriculture, agricultural societies, academies, learned bodies, etc.

All questions concerning the economic interests, the legislation, and the administration of a particular nation shall be excluded from the consideration of the institute.

ARTICLE 10.

The nations adhering to the institute shall be classed in five groups, according to the place which each of them thinks it ought to occupy.

The number of votes which each nation shall have and the number of units of assessment shall be established according to the following gradations:

Groups of nations.	Numbers of votes.	Units of assessment.
I.....	5	16
II.....	4	8
III.....	3	4
IV.....	2	2
V.....	1	1

In any event the contribution due per unit of assessment shall never exceed a maximum of 2,500 francs.

As a temporary provision the assessment for the first two years shall not exceed 1,500 francs per unit.

Colonies may, at the request of the nations to which they belong, be admitted to form part of the institute on the same conditions as the independent nations.

ARTICLE 11.

The present convention shall be ratified and the ratifications exchanged as soon as possible by depositing them with the Italian Government.

In faith whereof the respective plenipotentiaries have signed the present convention and have hereunto affixed their seals.

Done at Rome the 7th of June one thousand nine hundred and five, in a single original, deposited with the ministry of foreign affairs of Italy, of which certified copies shall be sent through the diplomatic channel to the contracting States,

For Italy :	TITTONI.
For Montenegro :	GENERAL MITAR MARTINOVICH.
For Russia :	KROUPENSKY.
For Argentine Republic :	BALD. ° M. FONSECA.
For Roumania :	NICOLAS FLÉVA.
For Servia :	M. MILOVANOVITCH.
For Belgium :	L. VERHAEGHE DE NAEYER.
For Salvador :	J. GUSTAVO GUERRERO.
For Portugal :	M. DE CARVALHO E VASCONCELLOS.
For United States of Mexico :	G. A. ESTEVA.
For Luxemburg :	L. VERHAEGHE DE NAEYER.
For Switzerland :	J. B. PIDDA.
For Persia :	N. MALCOLM.
For Japan :	T. OHYAMA.
For Ecuador :	J. T. MERA.
For Bulgaria :	D. MINTCHOVITCH.
For Denmark :	CTE MOLTKE.
For Spain :	DUC DE ARCOS.
For France :	CAMILLE BARRÈRE.
For Sweden :	BILDT.
For the Netherlands :	JONKHEER VAN DER GOES.
For Greece :	CHRIST. MIZZOPOULOS.
For Uruguay :	JEAN CUESTAS.
For Germany :	A. MONTS.
For Cuba :	CARLOS DE PEDROSO.
For Austria-Hungary :	H. LÜTZOW.
For Norway :	CARL LÖVENSKIOLD.
For Egypt :	AZIZ IZZET.
For Great Britain :	EDWIN H. EGERTON.
For Guatemala :	THOMAS SEGARINI.
For Ethiopia :	GIUSEPPE CUBONI.
For Nicaragua :	JEAN GIORDANO DUC DE ORATINO.
For United States of America :	HENRY WHITE.
For Brazil :	BARROS MOREIRA.
For Costa Rica :	RAFAEL MONTEALEGRE.
For Chile :	VICTOR GREZ.
For Peru :	ANDRÉS A. CACERES.
For China :	HOUANG KAO.
For Paraguay :	F. S. BENUCCI.
For Turkey :	M. RECHID.

DESTRUCTION OF TOBACCO OWNED BY THE ITALIAN GOVERNMENT.

The Italian Ambassador to the Secretary of State.

[Translation.]

No. 2405.]

ROYAL EMBASSY OF ITALY,
Washington, December 6, 1906.

MR. SECRETARY OF STATE: Your excellency knows that the Italian Government buys every year in the United States, in Kentucky and

Tennessee, to be precise, large quantities of tobacco leaf, viz, about 34,000,000 pounds for the needs of the tobacco monopoly. The purchases are made by agents who operate in 20 sections of the country, and in some of which they have established, at convenient places, "factories" where the tobacco purchased in the vicinity is received and cured; this tobacco, acquired through lawful contracts and duly paid to the growers, becomes Italian property.

The dissensions and competition prevailing between the Dark District Tobacco Planters' Association and the growers who had remained independent have already been the cause, about this time last year, of serious breaches of the peace. The members of the association, or a number of them, first used abjuration and intimidation with the independents; then organized bands of "night riders," armed and masked, who, threatening death and destruction of property, demanded their promise to withdraw from their contracts and to enter into no other. On the night of December 8 two factories of the agents of the Italian Government at Trenton, Ky., managed by Mr. Joseph P. Russell, were set on fire and completely destroyed, with all the tobacco they contained. Other acts of violence were committed, to the prejudice of the American Tobacco Company and others, at Elkton, Ky., Adairville, Ky., Cadiz, Ky., Olmstead, Ky., Russellville, Ky.

The situation this year appears from reports that have reached this embassy to be no less, if not more threatening. Since the middle of November the "night riders" have resumed their performances in Caldwell and Lyon counties and elsewhere. During the night of November 30-December 1 the town of Princeton, Ky., was held in sway for over an hour by a gang of 300 masked men, who destroyed "stemmeries" and the tobacco therein stored, worth from seventy-five to one hundred thousand dollars. A plantation at Hopkinsville, Ky., was threatened at about the same time.

These disturbances may not only lead, as they did last year, to the destruction of supplies of tobacco already purchased by the agents of the Italian Government, which made them Italian property, but also prevent the seriously threatened planters from fulfilling their obligations or entering into new contracts of sale. If such a condition of affairs were to repeat itself or endure, the Italian Government might be constrained to seek elsewhere the whole or a part of the tobacco it requires every year. This embassy is therefore confident that the local authorities will, for the common good, see that the above-mentioned rivalries will not lapse into criminal acts, and that commerce shall not be hampered in its freedom or stripped of its guaranties. The Royal embassy ventures, with this end in view, to appeal in behalf of the Italian agents and of all with whom they deal, as well as of the goods purchased by them, for that "most constant protection and security" that is guaranteed by the treaties.

Trusting that an answer from your excellency will bring me this assurance,

I have, etc.,

MAYOR.

The Italian Ambassador to the Secretary of State.

[Translation.]

No. 2513.]

ROYAL EMBASSY OF ITALY,
Washington, December 18, 1906.

MR. SECRETARY OF STATE: In continuation of my note, No. 2405, of the 6th instant, I have the honor to transmit herewith (inclosure No. 1) copies of extracts from the Western Tobacco Journal of the 10th instant, which show that the situation in the districts where tobacco is purchased for the Italian Government has not in the least improved.

In explanation of the interests in these occurrences evinced by this royal embassy, I take pleasure in also sending herewith (inclosure No. 2) a complete list of the tobacco-packing factories in the States of Kentucky and Tennessee working under the Italian monopoly during the present season.

Accept, etc.,

MAYOR.

[Inclosure 1.]

[From the Western Tobacco Journal, December 10, 1906.]

INCENDIARY OUTRAGES IN WESTERN KENTUCKY HAVE DEMORALIZING EFFECT—EFFORTS BEING MADE TO APPREHEND GUILTY PARTIES—OTHER BARNs BURNED.

The burning and dynamiting of the two tobacco factories at Princeton, Ky., Saturday morning, December 1, was closely followed on Monday night by the burning of a large and valuable barn belonging to James Wilson, near Owensboro, Ky. Wilson is not a member of the Society of Equity and has refused to pledge his tobacco to it. It has been pointed out in the press of Owensboro and other parts of Kentucky that a barn close by the one which was destroyed and containing 150,000 pounds of tobacco belonging to tenants who sympathized with the society was not molested. While the work was not done by an organized mob, as in the former instances in the dark-tobacco district of western Kentucky, there seems to be a strong evidence that all the deeds originated at the same source. J. A. Everitt, national president of the American Society of Equity, has deplored the use of the torch, and has stated that he does not think it the work of members, who would necessarily defeat their own purposes by resorting to such measures.

DENOUNCE OUTRAGES.

At the meeting of the Burley Tobacco Growers' Society, held in Winchester, Ky., December 4, strong resolutions of denunciation of the outrages were passed.

The Dark Tobacco Growers' Association met in Clarkesville, Tenn., the same day and adopted similar resolutions.

Residents of Princeton and throughout the entire dark-tobacco belt have been thrown into the most feverish excitement, and farmers are hastening to sell their tobacco, fearing future outbreaks. The civil authorities of Princeton are exerting every effort to apprehend the guilty parties, but witnesses summoned have almost invariably failed to give any tangible evidence that would prove of benefit to the authorities.

PLEDGE TO SHED BLOOD.

The most important testimony so far brought out was given by Price Morse, a lad of 18 years, who is a member of the association. He claims to have heard Dr. Dave Amoss say in a secret meeting of the planters: "I want all those who will pledge themselves to take up arms and shed blood for the association to stand up." Morse said that many of the men stood up and that all those who refused to do so were excluded from the meeting. He gave the names of the

men whom he said were present at the meeting, and they will be summoned to give testimony. Other evidence of an important nature is being sifted down. In the meantime affairs in western Kentucky remain in a state of unrest. Insurance companies have canceled existing policies, business in general suffers, and everybody is afraid to move. There is some likelihood that the United States Government will be forced to take the matter up indirectly, as it is said that during the past week a number of threatening letters have been sent through the mails to tobacco growers.

THREATENING LETTERS SENT TO PROMINENT TOBACCO MEN IN CRITTENDEN COUNTY
BY THE LAWLESS BAND OF NIGHT RIDERS.

MARION, KY., December 8.

Threatening letters, signed "D. T. P., or Night Riders," have been received here by owners of two of the largest tobacco concerns in this vicinity. Mr. R. L. Moore and Mr. Arthur B. Jarvis have been advised by these so-called "night riders" not to buy any more tobacco, the letters in each case being mailed from Princeton, where the recent riots occurred, and threatening to destroy their property in a similar manner if they failed to heed the warning. Both men have decided to comply, for the present at least, realizing the desperate character of the men with whom they have to deal.

The city here is in a state of excitement, and preparations are being made to give the raiders a warm reception if they make their appearance in the neighborhood.

[Inclosure 2.]

Locality.	Firm.
Kentucky—	
Fulton (Fulton County).....	Fields, Hamlett & Co.
Mayfield (Graves County).....	Gardner & Walker.
Murray (Calloway County).....	Griffin & Pitt.
Paducah (McCracken County).....	T. J. Stahl & Co.
Hopkinsville (Christian County).....	Tandy & Fairleigh Tobacco Company.
Henderson (Henderson County).....	J. H. Hodge.
Sebree (Webster County).....	Do.
Slaughterville (Webster County).....	Do.
Madisonville (Hopkins County).....	Do.
Tennessee—	
Clarksville (Montgomery County).....	Clarksville Tobacco Company.
Springfield (Robertson County).....	Robertson Tobacco Company.
Martin (Weakley County).....	Lewis & Moss.

The Secretary of State to the Italian Ambassador.

No. 423.]

DEPARTMENT OF STATE,
Washington, December 21, 1906.

EXCELLENCY: I have the honor to acknowledge the receipt of your notes of December 6 and 18 advising the department that in the State of Kentucky an organization known as the "night riders" has burned tobacco purchased by the agents of the Italian Government and threatens further depredations.

You ask in behalf of the Italian agents and the property purchased by them the protection and security granted by the existing treaties between Italy and the United States.

I have the honor to say in reply that while Article III of the treaty between the United States and Italy, dated February 26, 1871, guarantees Italian subjects temporarily residing within the United States "the most constant protection and security for their persons and property," it is specifically stated that these rights and privileges are

to be enjoyed "on their submitting themselves to the conditions imposed upon the natives."

Inasmuch as native citizens seek and obtain redress for their injuries or threatened injuries to property by means of proceedings in courts of justice, it would appear that Italian subjects should in like cases seek their redress in courts of justice.

If the tobacco when purchased by the agents of the Italian Government becomes the property of the Government, as may be inferred from your note, it would seem to belong to the Government in its private capacity rather than as sovereign. In such a case the Italian Government might seek redress in our courts of justice, because it is a settled law of this country that courts of justice are open to sovereigns upon the same terms as to private individuals, for the protection of property rights.

A copy of your note and the department's reply have, however, been transmitted to the governors of Kentucky and Tennessee for their information and such action as they may deem appropriate in the premises.

Accept, etc.,

ELIHU ROOT.

OPERATION OF THE LAW REGARDING INSPECTION OF MEAT FOR EXPORTATION.

The Acting Secretary of State to Chargé Hitt.

No. 114.]

DEPARTMENT OF STATE,

Washington, July 20, 1906.

SIR: I inclose herewith a copy of a letter from the Secretary of Agriculture, transmitting correspondence between Messrs. Armour & Co., of Chicago, and the Italian consulate in that city, in regard to the inspection of meat and meat products shipped to Italy, by examiners appointed by the Italian consulate-general at New York, at the expense of the exporters.

You are requested to convey to the Italian Government the information contained in the letter of the Secretary of Agriculture.

I am, sir, etc.,

ROBERT BACON.

[Inclosure.]

The Acting Secretary of Agriculture to the Secretary of State.

DEPARTMENT OF AGRICULTURE,

Washington, July 14, 1906.

SIR: I have the honor to inclose herewith for your consideration and such action as you may deem necessary, copy of a letter received from Armour & Co., Chicago, Ill. It has not yet been possible to completely inaugurate the inspection service as provided for by the act of Congress of June 30 last, but when this inspection is installed it would seem that this Government would be justified in expecting foreign governments to receive without qualification the official certificate of the United States.

I have, etc.,

W. M. HAY.

[Subinclosure 1.]

Armour & Co. to the Secretary of Agriculture.

CHICAGO, ILL., July 11, 1906.

SIR: We beg to call your attention to the attached memorandum from the acting consul-general of Italy, situated in this city, also the attached memorandum from the Italian Chamber of Commerce, New York.

The consul-general here appointed a commissioner some time ago to inspect the stock yards and packing houses, and made a report to his Government, the contents of which we are not familiar with.

He stated in an interview that the writer had with him that he had received instructions from his home Government to satisfy himself as to the healthfulness of all food products shipped from his territory to Italy, and, under no circumstances, to legalize invoices or health certificates until he had so satisfied himself. His method of satisfying himself as to the healthfulness of food products shipped from our packing houses is to appoint a medical man, or some other person whom he considers to be an expert, and have him present at the time of packing, or have a number of the packages of each shipment opened and examined by him. For this inspection he has notified us that fees will be charged.

We have had one shipment inspected as a test, and he notifies us that his fee for this service will be \$5, and declined to legalize the certificate of the Department of Agriculture until that fee is paid.

As the instructions from his Government are apparently a measure for the protection of the health of the Italian people, it does not seem to us proper that the shipper should be called upon to pay any tax or fees for the inspection of the product by the Italian consul's representatives; such fee should either be paid by the Italian Government or collected from the receiver of the goods at the port of entry.

You will notice that the consulate-general in New York has appointed as his official examiners Messrs. Thomas Goulard & Co., licensed inspectors, and it is our understanding that these inspectors are also expected to collect their fees from the shipper.

We shall be grateful if you will lay this matter before the Department of State with the request that they represent to the Italian embassy the impropriety of collecting from American shippers fees for certificates of healthfulness given under regulations made for the benefit of Italian consumers.

It is important that prompt action be taken upon this matter, as we have made a number of shipments which have been inspected by the consul, but upon which he refuses to legalize the certificates on account of our declining to pay the fees, and we have a number of contracts open that should, in the course of business, be shipped within the next few days. It is our understanding that other packers in Chicago and other cities are affected in a similar manner.

Very respectfully,

ARMOUR & Co.

[Subinclosure 2.]

The Acting Consul-General of Italy to Messrs. Armour & Co.

R. CONSOLATO D'ITALIA,
Chicago, Ill., June 22, 1906.

DEAR SIR: I thank you for your kind letter of the 20th instant. A commission of physicians representing me and exhibiting a document signed by me will visit your establishments. You can now send for the certificates presented some time ago at this R. office, referring to shipments already sent to Italy. I must also notify you that by stringent orders of my Government, I will from now on and till contrary dispositions, before legalize certificates for meats or all other products of animal industry to be shipped to Italy, have them inspected by a personal delegate of mine who will report to me its purity and healthfulness. I ask you therefore to notify this royal office before you make shipments of any kind for Italy, as to enable me to proceed without delay to such inspections. All expenses to such inspections will be at your charge.

Very truly, yours,

ALDRUNANDI.

[Subinclosure 3.]

NOTICE TO EXPORTERS AND SHIPPERS OF MEAT PRODUCTS (FRESH, CANNED, SALTED, OR PICKLED, AND OTHERWISE CURED) FROM THE UNITED STATES OF AMERICA TO PORTS OF ITALY.

ITALIAN CHAMBER OF COMMERCE,
35 Broadway, New York, June 29, 1906.

The Italian Government has notified all customs districts of the Kingdom to refuse admittance to any shipment of meat products coming from United States ports, unless it be accompanied by a certificate of soundness.

According to this new rule the Italian consulate-general in New York has appointed official examiners Messrs. Thomas Goulard & Co., licensed inspectors, 36 and 38 Whitehall street, New York, who will deliver to parties interested in sworn certificates, to be legalized by the Italian consulate-general in New York, in order to fulfill the requirements of the Italian Government.

For any further information apply to the

ITALIAN CHAMBER OF COMMERCE,
235 Broadway, New York.

The Acting Secretary of State to the Italian Chargé.

No. 390.]

DEPARTMENT OF STATE,
Washington, August 13, 1906.

SIR: I have the honor to inform you that the Secretary of Agriculture has transmitted to this department correspondence between the Italian consulate in Chicago and Messrs. Armour & Co., of that city, in regard to the inspection by examiners appointed by the Italian consulate-general in New York, at the expense of the exporters, of meat and meat products shipped in Italy.

The Secretary of Agriculture has advised me, under date of the 7th instant, that the inauguration of inspection by this Government of meat and meat products, under the law approved June 30, 1906, will probably begin in some establishments next week, and that there would appear to be no necessity for any foreign government to require an inspection of shipments bearing the certificates which will be attached to all exports of meat and meat products after the commencement of such inspection.

The ambassador at Rome has accordingly been instructed to make formal notification in the above sense, emphasizing the statement of the Secretary of Agriculture that all products which leave an establishment for interstate or foreign commerce, after the inauguration of inspection, will be so marked as to indicate that they have been inspected and passed according to the recent law.

Accept, etc.,

ROBERT BACON.

The Acting Secretary of State to Ambassador White.

No. 121.]

DEPARTMENT OF STATE,
Washington, August 13, 1906.

SIR: Referring to the department's No. 114 of the 20th ultimo, transmitting correspondence between the Secretary of Agriculture and Messrs. Armour & Co., concerning the inspection of meat and meat products exported from this country, I inclose herewith a copy

of a letter from the Secretary of Agriculture^a by which he advises the department that inspection under the law approved June 30, 1906, will probably commence in some establishments next week.

You will make formal notification in the sense of the letter of the Secretary of Agriculture, emphasizing his statement that all products which leave an establishment for interstate or foreign shipment, after the inauguration of inspection, will be so marked as to indicate that they have been inspected and passed according to this recent law.

I am, etc.,

ROBERT BACON.

Ambassador White to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN EMBASSY,
Rome, August 13, 1906.

(Mr. White, referring to instruction No. 114, reports that he has just ascertained from the under secretary for foreign affairs that Italian consuls have been instructed to discontinue the examination of meat products and to confine themselves in future to authenticating certificates issued by our Agricultural Department under new act, and that the instructions now revoked were issued by the chief of the public health department, a branch of the ministry of interior, without consultation with or knowledge of foreign office.)

Ambassador White to the Secretary of State.

No. 247.]

AMERICAN EMBASSY,
Rome, August 14, 1906.

SIR: With reference to your instruction No. 114, of the 20th ultimo, I have the honor to inform you that I found upon my return to Italy from a recent brief visit to England and Austria that the question of the inspection by examiners appointed by Italian consuls in the United States of meat and meat products to be shipped to this country had been thoroughly and—as it turned out yesterday when I went to the foreign office—effectively dealt with by Mr. Hitt, who had been in constant correspondence with Messrs. H. Kuehn & Co., of Genoa, the representatives at that port of several of our leading packing firms, and has several times represented to the foreign office the hardships and impropriety of the inspection in question.

Yesterday I called there with the intention of making it quite clear that as soon as our inspection service should be completely organized, under the act of Congress of June 30 last, we should expect this and other foreign governments to receive without qualification our Government's official certificate. The under secretary of foreign affairs informed me, however, the moment I mentioned the subject, that the matter had been arranged satisfactorily, Italian consuls in the United States having been instructed to confine their efforts in

^a Not printed.

future to the authentication of our Government's official certificate of examination. He added that the orders for the inspection by representatives of the consuls, which have caused so much inconvenience, were issued by the chief of the public health department, a branch of the ministry of the interior, without the knowledge of or any communication with the foreign office.

I thereupon sent you a cipher telegram of which the translation is inclosed.

I explained to the under secretary the elaborate provisions contained in our new act of Congress for the inspection, in all its stages, of the meat-packing industry, and he said that our official certificate of inspection, duly authenticated by Italian consuls in the United States, will be entirely satisfactory to this Government, without any other examination or inspection in its behalf in the United States.

I have, etc.,

HENRY WHITE.

Ambassador White to the Secretary of State.

No. 253.]

AMERICAN EMBASSY,
Rome, August 30, 1906.

SIR: Referring to your instruction numbered 121 of the 13th ultimo, I have the honor to inclose herewith the copy of a note which I have addressed to the foreign office relative to the inauguration of the inspection of meat products under the law of June 30, 1906.

I have, etc.,

HENRY WHITE.

[Inclosure.]

Ambassador White to the Minister for Foreign Affairs.

EXCELLENCY: I have the honor, in accordance with instructions from my Government, to inform you that on the 7th ultimo the Secretary of Agriculture of the United States notified the Secretary of State that the official inspection of American meat products under the act of Congress approved June 30th last would shortly go into effect, and that all such products which leave an establishment for interstate or foreign shipment after the inauguration of the inspection will be accompanied by a certificate stating that the products covered by such certificate have been inspected and passed according to the law aforesaid.

I avail, etc.,

HENRY WHITE.

The Italian Chargé to the Secretary of State.

[Translation.]

ROYAL EMBASSY OF ITALY,
Manchester, Mass., September 13, 1906.

MR. SECRETARY OF STATE: Pursuant to instructions received from my Government, I have the honor to inform your excellency that henceforth with the shipment of preserved American pork there shall be required the certificate of the federal inspector attesting the microscopic inspection, which is made in favor of other foreign

countries in like cases, as provided by the regulations governing the matter in this country. I shall be very thankful if your excellency will be so good as to take the necessary steps to have this measure complied with on the part of the federal authorities, and take this opportunity to remind you that in the case of shipments of other meats the usual sanitary certificate prescribed by the Italian ministerial order of March 31, 1898, will be required as heretofore.

I have advised the royal consulates in the United States of the foregoing directions of the Royal Government and of this communication to your excellency so that they may be prepared to follow, as far as they are concerned, the course to be observed in the matter.

Accept, etc.

G. C. MONTAGNA.

The Acting Secretary of State to the Italian Chargé.

DEPARTMENT OF STATE,
Washington, September 20, 1906.

SIR: I have the honor to acknowledge the receipt of your note of the 13th instant, in which, under instructions of your Government, you advise me that hereafter the American certificate of microscopic inspection will be required with all shipments of pork to Italy and that other meats must continue to be accompanied by the certificate required by the Italian order of 1898.

In reply I have the honor to say that translation of your note has been sent to the Secretary of Agriculture for his information.

Accept, etc.,

ALVEY A. ADEE,
Acting Secretary.

Chargé Hitt to the Secretary of State.

[Telegram.]

AMERICAN EMBASSY,
Rome, October 25, 1906.

Genoa agent, Swift & Co., Chicago, complain that Italian consul there exacts certificate of microscopic inspection of pork for export to Italy, which can not be furnished, and that contracts are affected thereby. I have ascertained that this action is under instructions from public health bureau here as a result of the consul's report that the Department of Agriculture issues such certificates when required by the country of destination, and also the understanding that other countries, notably Germany, now require such certificates. No copy of the regulations of the Secretary of Agriculture under the act of June 30 has been received. Is the Italian Government correctly informed? If so, and the microscopic inspection is not yet completely organized, shall endeavor to secure temporary arrangement.

HITT.

The Italian Chargé to the Secretary of State.

[Translation.]

No. 2107.]

ROYAL EMBASSY OF ITALY,
Washington, D. C., November 2, 1906.

MR. SECRETARY OF STATE: I wish to forward to the royal consulates in the United States a confirmation of the instructions already issued to them and to acquaint the Government of His Majesty with the answer of the competent federal department to the request for the microscopic examination of pork meats intended for export to Italy, and venture to call your excellency's attention to my note, No. 1775, of September last, begging that you will kindly put me in position to comply with the duties I thus propose to discharge.

Thanking you earnestly in advance for the favor I expect of your known courtesy, I gladly embrace the opportunity to renew, etc.

G. C. MONTAGNA.

The Acting Secretary of State to the Italian Chargé.

No. 410.]

DEPARTMENT OF STATE,
Washington, November 5, 1906.

SIR: Your note of the 2d instant, requesting a reply to your embassy's communication of the 13th of September last has just been received and I have the pleasure to inform you that a reply to the note of the 13th of September was at the moment under course of preparation and is now transmitted.

In your note of September 13th you state that "henceforth with the shipment of preserved American pork there shall be required the certificate of the federal inspector attesting the *microscopic inspection* as provided by the regulations governing the matter in this country, *which is made in favor of other foreign countries in like cases.*" You ask that the necessary steps be taken on the part of the federal authorities to have this measure complied with.

With regard to the underscored part of the quotation it would seem that there may be some slight misunderstanding on the part of your Government which I shall endeavor to clear by the following explanation.

The Department of Agriculture has discontinued microscopic inspection of pork for all countries, and no longer issues the so-called "purple certificate" attesting the fact of such microscopic inspection. These certificates were issued under the act of Congress of March 3, 1891, and the Department of Agriculture is not prepared, under existing regulations, to resume their issuance.

The Department of Agriculture is, however, prepared to issue upon request of the exporters uniform certificates—so-called "white certificates"—contemplated by the new inspection law of 1906. The present form of the white certificate attests that the products "have been inspected and marked in conformity with the requirements of the act of Congress approved June 30, 1906, that the animals from which said products came were free from disease, and that the meat and meat-food products thereof are sound, healthful, and whole-

some, and were prepared and handled according to the sanitary regulations of the department."

The existing unsettled conditions regarding the Italian requirements for inspection of pork seriously threaten the large meat contracts for the present season and imperil future trade. Our new inspection law of 1906 is extremely rigid, perhaps the most so of any in the world, and it is earnestly hoped that the Italian Government will, in the light of the foregoing explanations, admit American pork products accompanied by the white certificates above described. To insist upon additional inspection would constitute a burdensome, and, it is believed, unnecessary restriction on export trade, and an expense which might not be justified by trade conditions.

Be pleased to accept, etc.

ROBERT BACON,
Acting Secretary.

The Italian Ambassador to the Secretary of State.

[Translation.]

No. 2317.]

ROYAL EMBASSY OF ITALY,
Washington, November 26, 1906.

MR. SECRETARY OF STATE: With reference to previous correspondence and to your latest note No. 410 of the 3d instant, I have the honor to inform your excellency that the royal ministry of the interior having, as you were doubtless advised by the embassy of the United States at Rome, removed the requirement of presenting a certificate attesting that pork products of America intended for import into the Kingdom has been microscopically examined, I instructed by telegraph on yesterday, according to directions received by me, the consuls under the embassy to comply with the recent decision in so far as they were concerned.

I am glad that the Government of the King accepted the guaranty offered by the federal law of June 30, 1906, as sufficient, and was in position to comply with the wishes of the Federal Government.

I renew, etc.,

MAYOR.

The Acting Secretary of State to the American Embassy.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, November 5, 1906.

(Mr. Bacon acknowledges embassy's telegram of October 25 and says that the Italian embassy notified department on September 13th that thenceforth preserved American pork must be accompanied by certificates attesting microscopic inspection. Informs the embassy that Department of Agriculture has discontinued all microscopic inspections and is not prepared under present regulations to resume such inspections or to issue so-called purple certificates attesting the fact of microscopic examination, and that Germany no longer requires

American microscopic inspection. Adds that the Department of Agriculture is prepared to issue upon request of the exporters uniform certificates, so-called white certificates, contemplated by inspection law of 1906, attesting that "the animals from which said products came were free from disease, and that the meat and meat-food products thereof are sound, healthful, and wholesome, and were prepared and handled according to the sanitary regulations of the department." In view of peril to large meat contracts and future trade, instructs to explain situation to Italian Government and seek assurance that American pork products accompanied by new certificates as above described will be admitted, and to report decision by cable.)

Chargé Hitt to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN LEGATION,
Rome, December 1, 1906.

(Referring to department's telegram of November 5, Mr. Hitt states that the foreign office informs him that this Government will accept so-called white certificates and withdraws requirement for certificate attesting microscopic inspection of pork products, and that this decision has been telegraphed to Italian ambassador at Washington with instructions to advise all Italian consular officers in the United States accordingly.)

The Italian Ambassador to the Secretary of State.

[Translation.]

No. 2684.]

ROYAL EMBASSY OF ITALY,
Washington, December 30, 1906.

MR. SECRETARY OF STATE: AS I had the honor of informing your excellency, the Italian Government no longer requires the certificate of microscopical examination of American pork products imported into the Kingdom.

This concession was brought about by a communication of the American embassy at Rome which made it known at the proper time that the microscopical examination of cured meats for export had been discontinued, and that in consequence the "purple certificate" was no longer in use and had been superseded by the "white certificate," in which, while the soundness of the animals and the constant observance of the rules laid down for the preparation of their meats are attested, no reference is made to microscopical examination.

This guaranty being deemed sufficient, the ministry of the interior has directed that the visé of the royal consular agents, mentioned in the royal decree of March 31, 1898, shall be affixed, henceforth, to the new certificates (white certificates) that are to be issued, in every case of shipment, by the federal inspector in the form and manner indicated in the American act of June 30, 1906, and the administration regulations relative thereto.

Accept, etc.,

MAYOR.

DEGREE CONFERRED ON THE KING OF ITALY BY THE UNIVERSITY OF PENNSYLVANIA.

The Acting Secretary of State to Ambassador White.

No. 115.]

DEPARTMENT OF STATE,
Washington, July 21, 1906.

SIR: Mr. Charles C. Harrison, the provost of the University of Pennsylvania, called at this department on the 17th instant and handed to me two letters (copies of which I inclose) from the Italian ambassador, Baron Mayor des Planches, accepting on behalf of his Sovereign, the King of Italy, the degree of doctor of laws conferred by the University of Pennsylvania, by authority previously communicated to the university by His Majesty through his ambassador on commencement day, June 13, 1906.

In one of these letters the ambassador states that the etiquette of the Italian court is that the diploma indicative of the degree should be handed to His Majesty by the American ambassador at Rome.

You will therefore ask for an audience with His Majesty the King of Italy and will deliver to him, on behalf of the University of Pennsylvania, the diploma and hood indicative of the degree, which will be sent to you in the same pouch that carries this instruction.

I am, etc.,

ROBERT BACON.

Ambassador White to the Secretary of State.

No. 241.]

AMERICAN EMBASSY,
Rome, August 13, 1906.

SIR: Referring to your instruction numbered 115 of the 21st ultimo I have the honor to acknowledge the receipt of the diploma and hood indicative of the degree of doctor of laws which has been conferred by the University of Pennsylvania upon the King of Italy, and to inform you in reply that His Majesty, with whom I have just been staying at one of his hunting seats in the Piedmontese Alps, has asked me to defer presenting the aforesaid insignia to him until the return of the court to Rome—probably in the month of November—when he proposes receiving me at an audience especially arranged for the purpose, with a view to indicating his high appreciation of the honor conferred upon him by the university.

I shall not fail to inform you when I shall have discharged the mission with which you have intrusted me in behalf of the University of Pennsylvania.

I have, etc.,

HENRY WHITE.

MARRIAGE OF ITALIANS TO AMERICANS IN THE UNITED STATES.

The Acting Secretary of State to the Italian Chargé.

DEPARTMENT OF STATE,
Washington, July 14, 1906.

MY DEAR MR. CHARGÉ: The department has been asked by an American whose daughter is about to marry an Italian nobleman as to the legal effect of the certification by an Italian consular agent

in the United States of an American marriage, and whether or not the marriage so certified is in all respects exactly equivalent, according to Italian law, to a marriage celebrated in Italy.

Inasmuch as the parties interested appear to be of unquestioned standing in the community and are naturally anxious to have absolute certainty upon the point, the department would greatly appreciate a statement as to the Italian law upon the subject by the embassy which may be forwarded to the gentleman in question for his information.

The information above requested is all that is asked for, but it has occurred to this department that there might be, according to Italian law, certain regulations affecting the personal status of an Italian marchese and his right to marry in a foreign jurisdiction which, even if they did not affect the legality of the marriage, might, if not complied with, give trouble at some later time. If there are any conditions precedent which should be complied with or other legal restrictions affecting the personal status of an Italian nobleman entering into such an alliance, the department would appreciate any information which the embassy could give in regard to them.

I am, etc.,

ROBERT BACON.

The Italian Chargé to the Secretary of State.

[Translation.]

ROYAL EMBASSY OF ITALY,
Manchester, Mass., July 24, 1906.

MR. SECRETARY OF STATE: In reply to your letter of the 14th instant, I hasten to inform you that a marriage solemnized in America between an Italian subject and an American citizen is absolutely valid in Italy, provided the "forms" required by the *lex loci* have been complied with and the provisions of articles 25 to 69 of the Italian civil code have not been infringed (those articles determine the personal capacity of the parties to the marriage). The Italian subject must, within the three following months, cause the certificate of marriage to be recorded in the register of births, deaths, and marriages of the township in the Kingdom where he usually resides. The certificate must be authenticated by the proper Italian consular authorities.

The laws of Italy make no distinction between the noblemen and the common people; the right of entail has been abolished and nobiliary titles confer no privilege, not even that of precedence, at court or at any public function. For the same reason, all the children hold equal rights to the father's estate.

Titles of nobility are nevertheless still recognized, and the non-noble woman who marries a nobleman has the right to bear her husband's title.

Be pleased to accept, etc.,

G. C. MONTAGNA.

DEATHS OF ITALIANS IN UNITED STATES.

OBSERVANCE OF THE CONSULAR CONVENTION BETWEEN THE UNITED STATES AND ITALY.

The Italian Chargé to the Secretary of State.

[Translation.]

No. 925.]

ROYAL EMBASSY OF ITALY,
Washington, May 19, 1906.

MR. SECRETARY OF STATE: By its note No. 409, of June 30, 1893, this royal embassy called the attention of the Federal Government to the nonobservance, on the part of the competent American authorities, of article 16 of the consular convention between Italy and the United States, which requires the local authorities to give prompt notice of the deaths and opening of the succession to the consuls and consular agents of the country to which the decedent belongs. The Department of State then courteously answered that everything possible would be done to remedy the situation complained of. The royal consuls in the United States have nevertheless successively complained on several occasions of the inexecution of the provisions of article 16 of the above-mentioned convention.

Count Naselli, late royal consul at Philadelphia, recently addressed the governors of the States embraced in his consular district on the subject and received the following answer:

Mr. Bromley Wharton, secretary to the governor of the State of Pennsylvania, wrote: "So far as I am at present informed, the governor of the Commonwealth has received no notification from the Government of the United States as to the terms of any consular convention between Italy and the United States which require the intervention of the Commonwealth. If you were to make your request to the proper authorities of the United States they would probably give such notification."

Mr. A. J. Montague, governor of the State of Virginia, answered: "I desire to express my regret at the absence of legal authorities empowering me to give the notice essential to effect the stipulation expressed in the convention between the United States and the Kingdom of Italy."

Mr. C. W. May, attorney-general of the State of West Virginia, answered: "The treaty-making power is, by the Constitution of the United States, vested in the Federal Government, and article 16 of the consular convention, referred to by you, in which it is stated that the 'competent local authorities shall give notice, etc.,' evidently refers to the local federal authorities over which the state government would have no control. I beg, therefore, to refer you to the authority which entered into the consular convention for carrying out the provisions of the same."

Count Naselli, having further asked of the coroner of Harrisburg, Pa., on the 2d of April last, a notice of the death of an Italian of the name of Liborio Luciani, which notice the said coroner ought to have furnished of his own motion, under the aforesaid article 16, was told in answer that he would have to pay the sum of \$2 for such a notice.

I therefore venture to draw your excellency's attention to this fact and to the injury thereby caused to the heirs of Italian citizens dying in this country, and to observe at the same time that the authorities of the Kingdom have invariably complied and will regularly comply, for their part, with the obligations placed upon them by the said article 16 of the convention repeatedly referred to. I have, in consequence, the honor to bespeak of the Federal Government such measures and provisions as will seem to its high judgment most expedient to cause the local competent authorities to carry out the provisions ordained by the said article, the enforcement of which is a particular subject of solicitude for the Government of the King.

Tendering in advance to your excellency my best thanks for whatever you may be pleased to do in regard to the request here presented, I gladly avail, etc..

G. C. MONTAGNA.

The Secretary of State to the Italian Chargé.

No. 372.]

DEPARTMENT OF STATE,
Washington, May 26, 1906.

SIR: I have the honor to acknowledge the receipt of your note of the 19th instant, in which you point out that the local authorities of some of the States fail to comply with Article XVI of the consular convention between the United States and Italy, which provides that in the case of the death of an American citizen in Italy or of an Italian subject in the United States who has no heir or testamentary executor designated by him the competent local authorities shall give notice of the facts to the consuls or consular agents of the nation of the deceased, in order that the information may be at once transmitted to the parties interested.

I have the honor to say in reply that on July 14, 1893, this department in a circular letter called this matter to the attention of the governors of the States and Territories.

Another circular of the same character will now be addressed to them.

Accept, etc.,

ELIHU ROOT.

PROHIBITION OF FOOD PRODUCTS.

The Italian Chargé to the Secretary of State.

[Translation.]

ROYAL EMBASSY OF ITALY,
Washington, D. C., March 23, 1906.

MR. SECRETARY OF STATE: The food commissioner of the State of Ohio, by an order dated June 6, 1905, has prohibited the sale of paste colored with saffron, basing his action on the wording of No. 6 B of section 3 of the "general pure-food law of Ohio."

That article states that a food product must be, among other things, considered to be adulterated "if it is colored, coated, polished, or powdered, whereby damage or inferiority is concealed, or if

by any means it is made to appear better or of greater value than it really is." Now, if it be borne in mind that the sellers are disposed to affix, as they have always done, labels on the goods showing them to be "pasta gialla" (that is, colored with saffron), so that they can not be mistaken for the egg paste ("pasta all'uovo") of better quality; if it be further borne in mind that saffron is not a drug in the least noxious to the article, which seems to be the opinion of the federal authorities, which admit the said paste into the United States, and the authorities of the several States which have never interfered with its sale, it is hard to understand how the above-mentioned food commissioner could have given such a broad interpretation to the above-quoted article of the law.

I therefore have the honor to have recourse to your excellency's wonted courtesy and to beg that you will use your good offices with the governor of the State of Ohio to obtain from him the repeal of the the order issued by the food commissioner, which no provision of the existing law of that State warrants, and which, on the other hand, works serious hardship on the large Italian population residing in the State.

And tendering to your excellency my best thanks for the reception you may be pleased to give to this, my request, I am glad to avail myself of this opportunity, etc.,

G. C. MONTAGNA.

The Acting Secretary of State to the Italian Chargé.

No. 348.]

DEPARTMENT OF STATE,
Washington, March 31, 1906.

SIR: I have the honor to acknowledge the receipt of your note of the 23d instant, asking this department to use its good offices with the executive department of the State of Ohio to obtain the withdrawal of an order, issued by the food commissioner of that State, prohibiting the sale of paste colored with saffron, the order, in your opinion, not being justified by the provision of law on which it is based nor by the nature of the coloring matter.

I have the honor to say in reply that the department has at once communicated with the governor of Ohio on the subject.

Accept, etc.,

ROBERT BACON.

The Acting Secretary of State to the Italian Chargé.

No. 351.]

DEPARTMENT OF STATE,
Washington, April 9, 1906.

SIR: In further reply to your note of the 23d ultimo, protesting against the decision of the dairy and food commissioner of the State of Ohio, prohibiting the sale in that State of paste colored with saffron, I have the honor to say that the department has received a letter from that officer, to whom your note was referred by the governor of Ohio, in which he points out that the domestic manufac-

turers of egg noodles and similar products in that State have complied with the statutes, using no coloring whatever, except such as is imparted by the eggs themselves, and adds that he sees no hardship in requiring a similar compliance with the law on the part of foreign manufacturers.

Accept, etc.,

ROBERT BACON.

The Italian Chargé to the Secretary of State.

[Translation.]

ROYAL EMBASSY OF ITALY,
Washington, April 24, 1906.

MR. SECRETARY OF STATE: I appeal to your excellency's tried courtesy to the end that you may be pleased to transmit to his excellency the Secretary of Agriculture the inclosed petition addressed to him by some importers of Italian paste in New York. At the same time I would be very thankful if you would point out to your most excellent colleague the special object of the request made of him. The Italian importers want nothing more than a short postponement of the enforcement of the new regulations so as to enable the paste manufacturers to comply with its requirements.

If their request were denied, they would be subjected to serious loss, which this embassy would be glad to spare them. I permit myself to commend this matter in a special way, finding encouragement to do so in the fact, admitted by the proper federal authorities themselves, that the Italian products generally are among those that infringe the law less frequently.

Expressing my thanks in advance for all that your excellency and the Department of Agriculture may possibly do to gratify the wish here presented,

I embrace, etc.,

G. C. MONTAGNA.

The Acting Secretary of State to the Italian Chargé.

No. 370.]

DEPARTMENT OF STATE,
Washington, May 15, 1906.

SIR: In further reply to your note of the 24th ultimo, I have the honor to inclose a copy of a letter from the Secretary of Agriculture regretting that his department is unable to grant a longer period than that fixed by F. I. D. 39, May 1, for the importation, without the label "Artificially colored," of Italian colored pastes.

Accept, etc.,

ROBERT BACON.

JAPAN.

COPYRIGHT CONVENTION.

The Secretary of State to Minister Buck.

No. 335.]

DEPARTMENT OF STATE,
Washington, December 31, 1900.

SIR: Referring to previous correspondence on the subject of negotiating a copyright agreement between the United States and Japan, I inclose herewith for your information copies^a of letters from the American Copyright League and others, urging the early conclusion of such an agreement.

You will study the matter in the light of the reported copyright agreement between Japan and Germany, and see if the way may not be open for a conventional understanding between the United States and Japan which shall equally protect American copyright in the Empire.

No reason is seen why a reciprocal declaration, in the shape of a protocol, if preferred, conforming to the existing copyright law of the United States, and substantially on the lines of the understandings reached with other nations, should not meet the case, by giving to the declaration such form and scope as may harmonize with the Japanese law on the subject.

Your full report on the subject will be awaited with interest, in the hope that means may be found to terminate a condition as inequitable as it is injurious.

Two copies each of the department's circular of July 25, 1899, and of the President's proclamations of the conclusion of copyright conventions with Belgium, France, Great Britain, Switzerland,^b Germany, Italy, Denmark, Portugal, Spain, Mexico, Chile, Costa Rica, and the Netherlands are herewith inclosed for your information.

I am, sir, etc.,

JOHN HAY.

[Inclosure.—Circular.]

COPYRIGHTS.

DEPARTMENT OF STATE,
Washington, July 25, 1899.

SIR: On May 7, 1891, by a circular instruction, your predecessor was directed to communicate to the government to which he was accredited a copy of the act of Congress approved March 3, 1891, entitled "An act to amend title 60, chapter 3, of the Revised Statutes of the United States, relating to copyrights," and to call attention to the fact that the benefits of the statute are extended to the citizens of foreign states only after a proclamation of the President, to be issued under the conditions specified in section 13.

^a Not printed.

^b Printed in *Foreign Relations for 1892*, p. 265.

A similar notification was made to the other governments with which the United States maintained relations. As the result of correspondence and negotiations on the subject, the President has from time to time issued proclamations, extending the provisions of the act of March 3, 1891, to the citizens or subjects of those foreign states or nations which permit to citizens of the United States of America the benefit of copyright on substantially the same basis as their own citizens, in accordance with the ascertainment of the existence of this, the first, condition specified in the statute.

No proclamation has issued under the second condition expressed in the statute, to wit, that the foreign state or nation be a party to an international agreement which provides for reciprocity in the granting of copyright, by the terms of which agreement the United States of America may at its pleasure become a party to such agreement, and, indeed, the greater convenience and simplicity of the first condition seems to make its ascertainment preferable as the basis of an international understanding.

The proclamations so far issued under the first condition are as follows:

Belgium, July 1, 1891.

France, July 1, 1891.

Great Britain and the British possessions, July 1, 1891.

Switzerland, July 1, 1891.

German Empire, April 15, 1892.

Italy, October 31, 1892.

Denmark, May 8, 1893.

Portugal, July 20, 1893.

Spain, July 10, 1895.

Mexico, February 27, 1896.

Chile, May 25, 1896.

No similar agreement has been reached with the government to which you are accredited, although the matter was recalled to attention by the department's circulars of May 23, 1893, and February 21, 1896. It is possible that the subject may have been considered without a definite result, and that an understanding in this regard remains in abeyance. It may also be that the Government to which you are accredited had regarded the matter unfavorably, owing to some misapprehension of the intent of the United States statute and the scope and operation of the arrangement proposed. In some instances, as in the case of the Spanish negotiation, an agreement was only reached by removing the impression which existed that the statute contemplated a reciprocal identity of the provisions of copyright legislation in the two countries, and by showing that the first of the alternative conditions prescribed by the act of Congress merely required the ascertainment of the fact that citizens of the United States stand in the foreign state on substantially the same footing in regard to the privileges of copyright registration as the citizens or subjects of such state. This being determined to the President's satisfaction, his proclamation issues, giving to the citizen or subject of such foreign state the same privileges of copyright in the United States as are enjoyed by citizens of the United States.

The arrangement provided by the act of March 3, 1891, having been found to work satisfactorily with the several states above scheduled, it seems desirable to extend its beneficent operation to embrace, as far as may be possible, the remaining countries which have not yet come to an understanding with the United States in this regard.

You are therefore directed to bring anew the provisions of the act of March 3, 1891, to the attention of the Government to which you are accredited and invite a fresh consideration of the offer of the United States.

To enable you to explain the matter fully to his excellency the minister of foreign affairs, I inclose for your convenient use a copy of the act of March 3, 1891,^a and a copy of each of the subsequent acts of March 2, 1895,^a and January 6, 1897;^a the full text of title 60, chapter 3, of the Revised Statutes, as amended and supplemented by these three acts,^b thus showing the existing legislation of the United States in regard to copyrights; a report made to the President by the Third Assistant Secretary of State June 27, 1891,^a showing the intentment and scope of the offered arrangement, and the text of the President's proclamation of July 1, 1891,^a whereby the general form of promulgation will be seen.

^a Not printed.

^b Printed in volume of Foreign Relations for 1892, p. 261 et seq.

In executing this instrument you will express the hope that the Government to which you are accredited will give the proposal that early and, if possible, favorable consideration which is due to the friendly spirit which prompts it, and to the benefits which may naturally be expected to spring from the mutual enjoyment of the privileges of copyright by the citizens and subjects of either country in the territory of the other.

I am, sir, etc.,

JOHN HAY.

Chargé Wilson to the Secretary of State.

[Extracts.]

No. 541.]

AMERICAN LEGATION,
Tokio, Japan, February 20, 1901.

SIR: Instruction No. 335, dated December 31, 1900, with copies of correspondence from publishers, of the President's proclamations, and of the department's circular of July 25, 1899, on the subject of copyright, reached here on the 7th instant.

I immediately investigated the subject, with a view to securing this Government's consent to making a conventional copyright agreement with the United States according to reciprocal national treatment.

Article XXVIII of the copyright law of Japan, quoted in Mr. Buck's No. 336, of July 20, 1899,^a contains the only obstacle to an immediate arrangement by the method of the President's issuing a proclamation extending the protection of our copyright law to the citizens or subjects of any country the laws of which afford to Americans substantially national treatment in copyright. But Article XXVIII makes the enjoyment of national treatment by foreigners whose copyright privileges are not specially determined by treaty conditional upon first publication of their work in Japan, their treatment thus differing from national treatment.

By article 3 of the protocol of 1894 with Great Britain and by section 4 of the protocol of April 4, 1896, with Germany, the Japanese Government agreed to join the Berne convention covering copyright before consular jurisdiction should cease.

Then, too, Article XI of the Japan-Switzerland treaty secures, irrespective of the Berne convention, reciprocal national treatment in copyright. So that favored nation includes national treatment.

Indicated above is the only mention of copyright which occurs in Japan's treaties and conventions now in force.

On the 15th instant, in presenting the matter to the minister for foreign affairs, I remarked that the United States Government had taken a leading part in facilitating and hastening treaty revision, and that their consequent willingness to sign their treaty so early showed clearly their confident expectation that they would receive at least as favorable treatment as any other nation; that the spirit of Article XIV, and, indeed, of the whole treaty, justified such an expectation.

I mentioned that we had reciprocal agreements with most countries, and intimated that, since Japan had, by the Berne convention as well as by the Swiss treaty, afforded copyright protection to the citizens or subjects of practically all the treaty powers, it was im-

^a Not printed.

possible to anticipate a refusal to afford to citizens of the United States, whose Government offered a corresponding return, equally favorable treatment.

Mr. Kato desired to look at the laws and treaties, after which he would be prepared within a few days for further discussion of the subject. He said that he would do all in his power to meet the views of the Government of the United States.

For the foregoing reasons I regard the present as an especially opportune time for attempting to secure the desired convention—an opinion I ventured to indicate in the telegram confirmed above.

I have, etc.,

HUNTINGTON WILSON.

Chargé Wilson to the Secretary of State.

[Extracts.]

No. 545.]

AMERICAN LEGATION,
Tokyo, Japan, March 12, 1901.

SIR: Referring to my dispatch, No. 541, of February 20, during the interval until the minister for foreign affairs should be prepared fully to discuss the subject, I continued, by means of three interviews with the vice-minister, to advocate a copyright arrangement.

On the 7th instant, the minister for foreign affairs at length stating his preparedness to enter more fully into the discussion of copyright, I had with him a long conversation.

Finding evidence of a disposition to continue, as formerly, on behalf of the department of education, under which copyright matters are said to be, to deny to Americans the protection of copyright to which justice entitles them, I deemed it necessary more strongly to present the matter.

Herewith I have the honor to inclose a copy of my note No. 267, dated March 11, formally requesting, on behalf of the United States Government, that the Japanese Government agree to make a convention securing to both nations national or most-favored-nation treatment in copyright.

I have, etc.,

HUNTINGTON WILSON.

[Inclosure.]

Chargé Wilson to the Minister for Foreign Affairs.

No. 267.]

LEGATION OF THE UNITED STATES,
Tokio, March 11, 1901.

The undersigned, chargé d'affaires of the United States, had the honor last month to state to his excellency His Imperial Japanese Majesty's minister for foreign affairs the proposition of the United States Government that a copyright convention be concluded between the United States and Japan. Since then he has had three conversations with Mr. Uchida, the vice-minister. On the 7th instant he had the honor more fully to discuss the subject with his excellency the minister. Referring to those conversations, from which the undersigned entertains the expectation that the wishes of his Government will be met in this matter, and deeming it now advisable to set down in writing the

considerations to which he has had the honor to draw his excellency's attention, the undersigned chargé d'affaires of the United States has the honor to invite the attention of his excellency His Imperial Japanese Majesty's minister for foreign affairs to the following:

The Government of the United States of America desire to make with the Government of His Majesty the Emperor of Japan a reciprocal arrangement by which citizens of the United States and subjects of His Majesty the Emperor of Japan shall enjoy in both countries full protection for their literary and artistic property.

The Government of the United States has copyright arrangements according reciprocal national treatment with France, Great Britain, Germany, Switzerland, Italy, Denmark, Portugal, Spain, Mexico, Chile, Costa Rica, the Netherlands, and others.

The Imperial Japanese Government have, by joining the Berne convention of 1886, extended full copyright protection to all the signatory powers of that convention.

Moreover, quite irrespective of the Berne convention by Article XI of their treaty with Switzerland, the Imperial Japanese Government have extended national treatment in copyright, reciprocally, to Swiss citizens.

From these facts it is evident that the two Governments hold in common that high principle of justice upon which it is their aim to protect writers and authors in the enjoyment of their literary and artistic property.

In that Article XXVIII of the copyright law of Japan provides that foreigners, if their copyright protection be not specially determined by a treaty, shall enjoy the protection of the law only upon the condition of first publication in Japan, the circumstances for reciprocal national treatment between the United States and Japan do not immediately exist.

Happily, however, Article XXVIII, above referred to, clearly contemplates the removal of any nationality from the category to which the condition of first publication in Japan applies, by means of a treaty or convention between Japan and the Government of that nationality, the conclusion of which, ipso facto, makes that condition inapplicable—as it is also in the case of Japanese subjects, and of the citizens or subjects of the very great number of powers to which the full protection of the Japanese copyright law is now extended by treaty or convention.

It may be mentioned that the German copyright law extends its protection to foreigners upon the condition of their works being published by editors having their commercial residence in German territory, and thus presented a similar and corresponding obstacle to immediate reciprocal national treatment between the United States and the German Empire. The German Government readily obviated the difficulty by concluding with the United States the convention of 1896, securing reciprocal national treatment in copyright to the citizens and subjects of the United States and of the German Empire.

It is evident that such a convention between the United States and Japan would remove the difficulty in this case. And it can not be doubted that the desirability of terminating the present inequitable situation by concluding such a convention will at once appeal to the recognized high sense of justice of the Government of His Majesty the Emperor of Japan.

It is hoped that the arrangement suggested will be considered on broad principles of international justice, although its equity can equally be maintained from other points of view.

If any question of the equivalence of the quid pro quo should possibly suggest itself, it may be noticed as a significant fact that all the above powers, many of them signatories of the Berne convention, and some of them having vast literary interests in America, have considered as satisfactory in return for national treatment in their dominions the treatment now offered to Japan by the United States.

Further, in touching upon the general matter of quid pro quo, Japan's convention of April 26, 1900, with Great Britain may, among other conventional arrangements, be noted. That convention, in reciprocally providing for the administration by British consular officers of the estates of British subjects deceased in Japan, changes the application of Japanese law to British subjects in important matters of property. It is evident that, owing to the comparatively very large number of British subjects resident in Japan, in this case the actual value of the convention to the two countries is far from equal. The same may be said to a greater or less degree of the corresponding arrangements reached with Germany, Belgium, and others.

Again, by the convention which has just been concluded, Japan is to extend to Spain most-favored-nation treatment as to the tariff, thus modifying the revenue laws (certainly laws of the highest authority) in favor of that country.

Further, it is observed that the fact that Germany is not a party to the convention of 1883, to which Japan is a signatory power, has not been permitted to deprive German industrial property of protection in Japan, such protection having been amply afforded by section 4 of the protocol signed at Berlin on April 4, 1896. Thus such differentiation as is now complained of by the United States in the matter of copyright was removed in the case of Germany in a matter of equal importance to that country.

That the Government of the United States took a foremost part in facilitating and hastening treaty revision is no doubt remembered. Their evident motives in pursuing that course and in signing their treaty—a treaty without a tariff—at so early a date were of course such as to preclude the possibility of delaying to provide for every detail. These circumstances, as also Articles I and XIV, and, indeed, the whole spirit of the treaty of 1894, show beyond a doubt and amply justify the American Government's confident expectation that they could rely upon the Imperial Japanese Government to extend to them, at the least, no less favorable treatment than might be extended to any other power. And it would be a source of great regret and disappointment to the Government of the United States should it be found that the United States, alone among all the powers, is the only power to which copyright protection is refused by the Imperial Japanese Government.

The undersigned *chargé d'affaires* has the honor to request, in the name of the Government of the United States of America, that the Government of His Majesty the Emperor of Japan agree to conclude a convention securing to the citizens and subjects of the two countries reciprocal national or most-favored-nation treatment in copyright.

Having indicated above some of the facts which lead him to transmit this very just request of his Government's in the fullest expectation that it can not but be willingly granted, the *chargé d'affaires* of the United States avails himself of this occasion to renew to his excellency, His Imperial Japanese Majesty's minister for foreign affairs the assurances of his highest consideration.

HUNTINGTON WILSON.

The Secretary of State to Chargé Wilson.

No. 345.]

DEPARTMENT OF STATE,
Washington, April 15, 1901.

SIR: Referring to your dispatch No. 545, of the 12th ultimo, reporting the status of the negotiations for a copyright convention between the United States and Japan, I inclose herewith for your information a copy of a letter from the Librarian of Congress expressing his views on the subject.

I am, sir, etc.,

JOHN HAY.

[Inclosure.]

The Librarian of Congress to the Secretary of State.

[Extracts.]

THE LIBRARY OF CONGRESS, WASHINGTON,
The Librarian's Office, April 9, 1901.

SIR: On April 5 I received from the Assistant Secretary a communication inclosing copies of memoranda from the legation to Japan, "No. 545, March 12, 1901, etc." The Assistant Secretary requested an expression of my "views on the subject."

The probable advantage to the American author and publisher of a copyright convention with Japan, could such a convention be secured, fully justifies the efforts of the legation in its behalf. The need of protection for the American author and publisher has become more obvious, I am informed, from the

fact that certain American text-books introduced at considerable cost into Japan, have been there reprinted in facsimile. The reprints being offered at a much lower price than the American editions, have, in certain instances, driven these out of the market. These facts were, I believe, set before the State Department in a communication from the American Publishers' Copyright League in October last.

The arguments for such an arrangement appear to be substantially such as the legation has set forth in its representations to the Japanese Government: in particular the precedents already established. There is as little likelihood of the piracy of Japanese texts in Great Britain, France, or Germany as there is in the United States, yet Japan has placed itself in reciprocity with those countries by accepting the obligations of the convention of Berne.

In view of the business interests involved, as well as in the furtherance of international ethics in matters of literary property, it is earnestly to be hoped that the legation will succeed in its efforts to secure a modification of the position of the Japanese Government which will admit of the application of the law of 1891 to our relations with Japan.

Very respectfully,

HERBERT PUTNAM,
Librarian of Congress.

Chargé Wilson to the Secretary of State.

[Extract.]

No. 563.]

AMERICAN LEGATION,
Tokio, Japan, May 20, 1901.

SIR: Referring to previous correspondence on the subject of copyright, I have the honor to inclose a copy of a letter dated March 25, by which the minister for foreign affairs acknowledged the receipt of my note of the 11th.

On April 6, in the hope of hastening the consummation of the desired copyright convention, I addressed a letter to Mr. Kato, emphasizing the importance of the matter, and requesting that it receive attention with as little delay as the convenience of his Government would permit. A copy of the letter is inclosed.

A copy of Mr. Kato's letter of the 13th ultimo, in acknowledgment of mine, is sent herewith.

On the 17th instant Mr. Kato replied unfavorably to my note. A copy of his communication is inclosed.

I have the honor to forward herewith, also, a copy of a note which I to-day addressed to the minister for foreign affairs, again presenting the request of the American Government.

During the interval since March 11 I have had a great many conversations on this subject with the minister and the vice-minister for foreign affairs.

In this connection I beg to acknowledge the receipt of your instruction No. 345 of the 15th ultimo, inclosing a copy of a letter from the Librarian of Congress, in which he expresses his views on the subject of copyright relations between America and Japan.

I have, etc.,

HUNTINGTON WILSON.

[Inclosure 1.—Translation.]

The Minister for Foreign Affairs to Chargé Wilson.

DEPARTMENT OF FOREIGN AFFAIRS,
Tokyo, March 25, 1901.

Sir: I beg to acknowledge the receipt of your note dated the 11th instant, expressing in full the desires of the Government of the United States to conclude

with the Imperial Government of Japan a convention securing to the citizens and subjects of the two countries reciprocal national or most-favored-nation treatment in copyright. I hasten to state in reply that the matter has at once been referred to the authorities concerned.

KATO TAKAAKI,
Minister for Foreign Affairs.

[Inclosure 2.]

Chargé Wilson to the Minister for Foreign Affairs.

AMERICAN LEGATION,
Tokyo, April 6, 1901.

MONSIEUR LE MINISTRE: After careful verbal representations made to your excellency in person, as also through the vice-minister, during the month ended March 11, I had the honor, in my note of that date, again fully to present the request of the American Government that the Imperial Japanese Government consent to conclude with them a copyright convention according reciprocal national or most-favored-nation treatment to both nations.

The very important question which arises from a consideration of this request of the American Government—namely, that of the relative position in which the United States are to be placed, or, in other words, of whether they are to be discriminated against—would seem to be a simple one certainly, and, I trust, one very easy of solution.

Again, the subject of copyright does not appear to be so broad a one as to lead one to expect that more than a very short time indeed would be necessary for the consideration of such—in this case—comparatively vastly subordinate questions as might arise from it.

In view of the grave importance of the principle involved, it is greatly to be desired that I be enabled, with as little further delay as may be, to telegraph to the Secretary of State the answer of your excellency's Government.

I therefore have the honor earnestly to request that your excellency be good enough to take what steps may be necessary in order that the favorable reply which can not but be anticipated to this request of my Government may be sent me at as early a date as the convenience of your excellency's Government may possibly permit.

I avail myself, etc.,

HUNTINGTON WILSON.

[Inclosure 3.—Translation.]

The Minister for Foreign Affairs to Chargé Wilson.

DEPARTMENT OF FOREIGN AFFAIRS,
Tokyo, April 13, 1901.

SIR: I beg to acknowledge the receipt of your note dated the 6th instant in which, referring to your note of the 11th ultimo relative to the protection of copyright, the receipt of which was acknowledged in my note of the 25th of the same month, you desire to be informed as early as possible whether the Imperial Government are disposed to comply with the request of the Government of the United States to conclude a copyright convention.

While in deference to your wishes I have communicated your request to the authorities concerned, it will be understood that in regard to the matter full investigations have to be carried out according as are deemed necessary in the judgment of the Imperial Government, and I regret to state that they are not in a position to unduly precipitate such investigations which will naturally require a reasonable length of time. In your note under reply it seems to be assumed that the citizens of the United States are now receiving in Japan a discriminatory treatment in regard to copyright protection. On this point I beg to say that, setting aside the question of the protection accorded under the Berne convention to the subjects and citizens of the powers that have signified their adhesion to that convention, the protection afforded by the Imperial Government, independently of that convention, to the copyright of foreigners is provided for in Article XXVIII of the copyright law and no wise varies with the nationality of the copyright holders.

Accept, sir, etc.,

KATO TAKAAKI,
Minister for Foreign Affairs.

[Inclosure 4.—Translation.]

*The Minister for Foreign Affairs to Chargé Wilson.*DEPARTMENT OF FOREIGN AFFAIRS,
Tokyo, May 17, 1901.

SIR: In your note of the 11th March last you refer to Article XXVIII of the copyright law of Japan, which provides that the subjects or citizens of the powers having no special convention with the Empire in respect to copyright shall enjoy the protection of the law only upon the condition of first publication in Japan. Consequently the citizens of the United States not being placed in an equal position with the subjects of Japan in regard to the protection of copyright, it is desired by the Government of the United States to conclude with the Imperial Government a convention securing to the subjects and citizens of the two countries reciprocal national or most-favored-nation treatment in respect to copyright.

The matter was at once referred to the authorities concerned, as stated in my note of the 25th March last, and being now in receipt of a reply from them, I beg to acquaint you with the views of the Imperial Government respecting the proposal of the United States Government.

Section 3 of the act of Congress of the United States, approved March 3, 1891, relating to copyrights, makes it a condition precedent to the enjoyment of copyright protection that the works for which copyright is desired be printed from type set within the limits of the United States, or by reproductive arrangement prepared therefrom within the limits of that country. Accordingly if a convention were to be concluded on the lines suggested by your Government, the subjects of Japan would have to carry out the entire process of production within the limits of the United States in order to enjoy copyright protection, while the citizens of the United States would be enabled to enjoy protection for their works printed without the limits of the Empire of Japan. It will consequently be seen that such a convention, although having as its object reciprocal protection of copyright, would, nevertheless, wholly disregard the principle of equal treatment. Section 3 of the American act relating to copyright and Article XXVIII of the existing copyright law of Japan are framed on nearly identical lines, and therefore, should the desired convention be concluded between the two countries, the copyright protection which the subjects of Japan would then enjoy in the United States would, practically speaking, accord with the copyright protection which the citizens of the United States now enjoy under the existing laws of Japan.

Article XI of the treaty of amity, establishment, and commerce between Japan and Switzerland having, independently of the Berne convention, reciprocally extended national treatment with regard to the protection of literary and artistic works, you refer to that article in support of the proposal of the Government of the United States. It is desired, you intimate, that, as a special arrangement already exists between Japan and Switzerland, so in the same way a special arrangement may be concluded between Japan and the United States, although the latter have not adhered to the convention of Berne. It may, however, be observed that the stipulation in Article XI of that treaty has been framed having in view the position held by the Government of Switzerland with respect to the Berne convention and having in contemplation the decision of the Imperial Government to join that convention. It has, therefore, created no special treatment in favor of any state that has not joined the said convention.

While I regret to have to inform you that the Imperial Government are not prepared to enter into any special agreement beside the international convention above referred to, I trust it will be understood that the inability on the part of the Imperial Government to meet the wishes of the United States arises not from any disinclination to extend to the citizens of the United States whatever advantages that may have been granted to the subjects or citizens of any other power, but results solely from the limitations imposed by the laws of the United States.

Accept, sir, etc.,

KATO TAKAOKI,
Minister for Foreign Affairs.

[Inclosure 5.]

Chargé Wilson to the Minister for Foreign Affairs.

UNITED STATES LEGATION,

Tokyo, Japan, May 20, 1901.

The undersigned chargé d'affaires of the United States has the honor to acknowledge the receipt of the letter which his excellency His Imperial Japanese Majesty's minister for foreign affairs was good enough to address to him on the 17th instant.

Having received a statement from the department especially concerned with the subject of copyright, his excellency therein communicated to the undersigned the Imperial Japanese Government's views with regard to some of the considerations cited in support of the proposal which he had the honor to make on behalf of his Government in his note of March 11th—that is, that a copyright convention mutually according national or most-favored-nation treatment be made between the United States and Japan.

It can not be but with great surprise that the Government of the United States will learn that the Imperial Japanese Government have any hesitation in consenting to the convention.

While the undersigned will forward to the Secretary of State a copy of his excellency's letter under reply, he must at the same time assure his excellency that he can not regard the views therein expressed as diminishing the force of the representations which he has already had the honor to make, and that there is no doubt but that the present reply can not possibly be acceptable to the United States.

In deference to the wishes expressed by the minister for foreign affairs in the conversation which the American chargé d'affaires had the honor to hold with his excellency on the 25th ultimo—when the undersigned verbally expressed his inability to agree with the statements contained in his excellency's letter of April 13—he has continued to postpone further discussion of the subject until his excellency should have replied to his note.

That time having now arrived, the undersigned must hasten again earnestly to invite his excellency's attention to this very important matter.

His excellency states that the Imperial Japanese Government's objections to the desired convention rest solely upon the limitations imposed by the copyright law of the United States, thus basing them upon the ground that the American law would be unfavorable to Japanese literary and artistic interests in America.

The undersigned is confident that, from the following considerations among others, his excellency will not fail to agree with him that, in practice, such would not be the case.

In order to be in danger of "piracy" in the United States—which danger alone gives rise to the need of copyright protection—Japanese literary and artistic property must, necessarily, have a very large market in America.

In all such cases, then, since the American import duty is 25 per cent on books, and correspondingly high on prints, et cetera, it is evident that Japanese subjects interested in such properties would for economical reasons comply of their own accord with the provisions of the American law, which would thus inflict no hardship.

Owing to the striking difference in the principles of their application, it can not be admitted that section 3 of the American act of 1891 and Article XXVIII of the copyright law of Japan are framed on nearly identical lines.

The treatment offered, under the American act, to Japanese subjects, if the convention be made, is the same that is offered to Americans, and the same, too, that is offered to, and has been found acceptable by, practically all the other powers.

Japan now offers to the United States treatment not only less favorable than national treatment, but treatment less favorable than that offered by her to the other powers.

The undersigned had the honor to mention Article XI of the Japan-Switzerland treaty (as having to do with copyright)—among the number of special arrangements by which various advantages have been given to different powers other than the United States—all of which cases are parallel, so far as concerns considerations of relative quid pro quo, to the case of the convention desired by America.

The undersigned can by no means perceive that Article XI above referred to has not created a special treatment independently of the Berne convention, since that article stands alone in a treaty which makes no reference to the convention, and would evidently remain effective should either or both of the signatories withdraw from the convention.

In his note of March 11 the undersigned had the honor to call his excellency's attention to the evident and very natural expectation of the United States that they would receive from the Imperial Japanese Government, in copyright as in other matters, at least as favorable treatment as any other power.

The generous tone of all the communications on this and kindred subjects which his excellency's distinguished predecessors, Count Inouye, Count Okuma, and others addressed to this legation during the years of treaty revision, show plainly that the Imperial Japanese Government shared that expectation.

In the correspondence during those years, from 1885 forward, his excellency's predecessors were unanimous in deprecating as objectionable the practice of unauthorized reprinting.

The Imperial Japanese Government did not fail to exert every means then at their command, by instructions to the local authorities and in other ways, to discourage and restrain the infringement of American copyrights—always looking forward to the time when treaty revision, by removing the obstacle then arising from the matter of jurisdiction, would make it possible for them to afford full protection.

Count Okuma, for example, in writing to Mr. Hubbard on March 24, 1888, spoke of the impossibility of the Imperial Japanese Government's providing full copyright protection by law "until they should, availing themselves of a future opportunity, conclude a formal convention on the subject with the United States and other treaty powers."

It is clear that the Imperial Japanese Government have considered, as the Government of the United States have always done, that the extension by Japan of copyright protection to foreigners was to be one of the numerous innovations which were to accompany and be complementary to treaty revision.

In connection with treaty revision, after as well as before the signature of the treaty between America and Japan, a solicitude to give American interests favorable treatment was invariably emphasized by his excellency's predecessors.

Under the circumstances, the undersigned can not for a moment permit himself to believe that the Imperial Japanese Government would wish to leave the United States, in the matter of copyright protection, in the present isolated and unfavorable position.

He can not, moreover, entertain any doubt but that, when they shall have considered the matter in all its broad phases, the Imperial Japanese Government will be convinced of the desirability, from every point of view of justice, of acceding to the request of the American Government, which the undersigned now has the honor again to present.

The undersigned chargé d'affaires of the United States avails himself of this occasion to renew to his excellency His Imperial Japanese Majesty's minister for foreign affairs the assurances of his most distinguished consideration.

HUNTINGTON WILSON.

Minister Buck to the Secretary of State.

No. 589.]

AMERICAN LEGATION,
Tokio, October 14, 1901.

SIR: I have the honor to report that in an interview on the 10th instant with Mr. Komura, the Japanese minister for foreign affairs, upon the subject of a copyright convention between the two countries, concerning which several notes were passed between this legation and the Japanese foreign office during the early part of this year, copies of which accompanied the dispatch of Mr. Wilson, then in charge of the legation, No. 563 of date of May 20 last, the minister stated some reasons why a convention had not been agreed upon by his Government. He also remarked that the last note of his predecessor on the

subject—date of May last (copy of Mr. Wilson's dispatch above mentioned)—was based on technical grounds. I suggested that he put in writing the substance of what he had said to me as sufficient ground upon which Japan, in his opinion, would be justified in not agreeing to a convention. He consented to do so and on the 12th instant I received a personal letter from him covering substantially the points he had made. Understanding that the mark "Private" upon the letter only meant that it should be considered wholly unofficial, I take the liberty to inclose a copy herewith.

In several interviews with Mr. Sone, the last minister of foreign affairs, temporarily in office, I was unable to get any definite expression in respect of a copyright convention. Having received this unofficial expression of Minister Komura, I presume no official reply to Mr. Wilson's note of May 20 may be expected until it is known here how the State Department views the position taken by the minister. In fact it seems that he implies as much in the closing paragraph of his letter.

I have the honor, etc.,

A. E. BUCK.

[Inclosure.]

The Minister for Foreign Affairs to Minister Buck.

Private.]

FOREIGN OFFICE,
Tokio, October 12, 1901.

MY DEAR COLONEL BUCK: Referring to the conversation we had on Thursday the 10th instant, in regard to the proposal of the United States to conclude a copyright convention with Japan, I have to inform you that this department, upon receipt of Mr. Wilson's note dated May 20, 1901, has not deemed it necessary to give immediate reply to the observations therein contained. It is true, Mr. Wilson expressed his belief that Mr. Kato's reply of the 17th of May could not possibly be acceptable to the United States Government and fully explained the reasons upon which that belief was founded—at the same time, however, he stated that he will not fail to forward a copy of Mr. Kato's reply to the Secretary of State, so that it was naturally thought at this department that the discussion of this subject might appropriately be postponed until the receipt of a further expression of views of your Government.

While the correspondence on this important question rests at this stage I am inclined to believe that a frank explanation of the higher interests involved on the part of Japan would be conducive to a clearer understanding of the attitude taken by the Imperial Government. In the first place, I may state that Japan's adhesion to the convention of Berne as a condition of treaty revision has been received with great dissatisfaction by the Japanese public. It is therefore not unnatural that Japan should, for the present at least, be averse to the conclusion of any further convention for the protection of literary and artistic property. Turning, then, to the educational system of Japan you will find that books published in the English language are extensively used in the ordinary middle schools, in the education of young men preparing for admission to the universities, and in all the technical schools and commercial colleges. You will realize the importance of the question from an educational point of view when I state that even in primary schools, where children of both sexes receive their elementary education, some lesson in the English language forms part of the regular curriculum, at least in the higher classes. It will be seen that the interest involved, as far as Japan is concerned, is not merely a commercial one, but one closely connected with the vital question of the education of boys and girls and young men and women.

I therefore venture to hope that you will be good enough to present to your Government in an appropriate manner this aspect of the question, to which I have briefly referred in the course of our conversation on Thursday.

Believe me, yours, very sincerely,

JUTARO KOMURA.

Minister Griscom to the Secretary of State.

[Telegram—Paraphrase.]

TOKYO, *February 16, 1905.*

(Mr. Griscom reports that the minister for foreign affairs informs him that the Japanese Government is willing to enter into a copyright convention with the United States provided the copyright does not apply to translations or to books published before the date of ratification of the convention.)

Minister Griscom to the Secretary of State.

[Extracts.]

No. 267.]

AMERICAN LEGATION,
Tokio, May 27, 1905.

SIR: On the subject of the desire of the United States Government to enter into an agreement with the Government of Japan in regard to copyright, I have the honor to report that after repeated interviews with Baron Komura, the minister for foreign affairs, he finally on February 16th, gave me an assurance that his Government would be willing to enter into a copyright agreement with the United States on two conditions: First, that it would not apply to translations, and second, that it would apply only to books published after the date of ratification of the convention. He also stated that his Government would prefer a convention of a nature requiring ratification.

Immediately upon receipt of this information I sent you a telegram, which I now have the honor to confirm, reading as follows. [Supra.]

On the 24th of March I received your telegram reading as follows:

Endeavor to have provision made in copyright convention for protection of all books from the day of its going into effect, and stipulating, on behalf of the Japanese publishers, that stock on hand at such date shall be allowed to be disposed of, with the understanding that no further reproductions shall be printed.

On March 28th, in the absence of Baron Komura, I called upon Mr. Chinda, the vice-minister for foreign affairs, and informed him that our Government was willing to accept the condition that the copyright should not apply to translations, but that we desired a provision made in the convention for the protection of all books from the day of its going into effect, and stipulating on behalf of the Japanese publishers, that stock on hand at such date should be allowed to be disposed of, with the understanding that no further reproductions should be printed. I supported this proposition with all the available arguments and rehearsed the history of our efforts to bring about a copyright agreement and recounted anew the hardships which had been inflicted upon American publishers. Mr. Chinda argued the matter at considerable length and seemed to be convinced that his Government would be unable to accede to such a modification of the second condition proposed by them. He stated, however, that the matter would be taken under advisement and an answer given me as quickly as possible.

The Japanese Government held the matter under advisement for a period of one month, and on April 27 Baron Komura informed me

that his Government had carefully considered the suggestion that the second condition be modified as explained by me to Mr. Chinda, but that it was impossible for them to consent to such modification, and that if any copyright agreement be entered into between Japan and the United States it must be subject to the conditions explained to me on February 16, namely, that the copyright must not apply to translations or to books published before the ratification of the convention.

On the 11th instant I called upon Baron Komura and asked him to give me in writing the articles which the Japanese Government desired inserted in a copyright convention to cover the two conditions upon which they insisted with regard to translations and books published before the ratification of the treaty. Baron Komura expressed his readiness to put the articles in writing, and promised that he would send them to me as soon as possible.

On the same occasion I also informed Baron Komura that there had been many complaints that the Japanese reproductions of American copyrighted books had been exported from Japan and sold in China, Korea, and even in Hawaii and California. I asked him if, in the event that our Government agreed to a convention on the lines proposed by Japan, the Japanese Government would on their part agree to prohibit hereafter the export from Japan of reproductions of American works which, by reason of previous publication, would not come under the proposed convention. He replied that he felt sure the Japanese Government would consider favorably such a prohibition, but that it would be necessary to change the tariff law of Japan, and for this purpose a law would have to be passed by the Diet, but he assured me that the Japanese Government would be disposed upon the signing of the convention to take the matter up with a view to bring about the enactment of such a prohibition.

On May 15 I received from the minister for foreign affairs a typewritten memorandum, copy of which I transmit to you herewith inclosed, containing three articles proposed by the Japanese Government to be inserted in a copyright convention. It will be seen that the proposed articles provide for the exchange of national treatment on the subject of copyright, subject to the condition that subjects or citizens of one of the two high contracting parties may, without authorization, translate books, pamphlets, or any other writings, dramatic works, and musical compositions published in the dominions of the other by the subjects or citizens of the latter, and print and publish such translations.

Article 3 provides for the ratification and taking effect of the convention, and states that it shall be applicable only to such works as shall be published after it shall have come into operation.

I may suggest to the department that article 2 as proposed fails to specify that it refers only to translations from the Japanese into the English language and from the English into the Japanese language. Also, it is difficult to see why the convention should not go into operation immediately upon the exchange of ratifications rather than at the expiration of six months, as suggested.

A convention such as proposed by Japan would seem to grant copyright in the United States to Japanese subjects irrespective of section 13 of the act of Congress, March 3, 1891.

Owing to the slight error in transmission which crept into my telegram to you of February 16, as reported above, I have refrained from definitely accepting the Japanese proposals until in receipt of your further instructions.

I have the honor, etc.,

LLOYD C. GRISCOM.

[Inclosure.]

PROPOSED ARTICLES OF THE CONVENTION.

ARTICLE I. The subjects or citizens of one of the high contracting parties shall enjoy in the dominion of the other the protection of copyright for their works of literature and art, as well as photographs, against illegal reproduction, on the same basis on which protection is granted to the subjects or citizens of the other, subject, however, to the provisions of Article II of the present convention.

ART. II. The subjects or citizens of one of the two high contracting parties may without authorization translate books, pamphlets, or any other writings, dramatic works, and musical compositions published in the dominions of the other by the subjects or citizens of the latter, and print and publish such translations.

ART. III. The present convention shall be ratified, and the ratifications thereof shall be exchanged at Tokyo as soon as possible. It shall come into operation at the expiration of six months from the date of the exchange of its ratifications, and shall be applicable to such works only as shall be published after it shall have come into operation. Either of the contracting parties shall have the right at any time to give notice to the other of its intention to terminate the present convention, and at the expiration of three months after such notice is given this convention shall wholly cease and determine.

The Acting Secretary of State to Minister Griscom.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, March 24, 1906.

(Mr. Adee instructs Mr. Griscom to endeavor to have provision made in the copyright convention for the protection of all books from the day of the going into effect of the convention, and stipulating, on behalf of the Japanese publishers, that stock on hand at such date shall be allowed to be disposed of, with the understanding that no further reproductions shall be printed, but authorizes him, if this can not be procured, to agree to convention as proposed by Japanese Government, referred to in his telegram of February 16.)

Minister Griscom to the Secretary of State.

No. 333.]

AMERICAN LEGATION,
Tokyo, November 10, 1905.

SIR: I have the honor to confirm the following telegram sent you this afternoon:

Tenth. Copyright convention signed to-day.

GRISCOM.

At 4 o'clock this afternoon, at the foreign office, the copyright convention between the United States and Japan was signed by

Count Katsura, as minister for foreign affairs, and by me. The English and Japanese texts are inclosed herewith. At the request of the Japanese Government, who foresaw possible doubt as to the meaning of the word "published" as used in Article III, I exchanged notes with Count Katsura, concurring in the interpretation "published for the first time." Copies of the notes exchanged are also transmitted herewith.

I have, etc.,

LLOYD C. GRISCOM.

[Inclosure 1.—Translation.]

The Minister for Foreign Affairs to Minister Griscom.

No. 8. Confidential.]

DEPARTMENT OF FOREIGN AFFAIRS,
Tokyo, November 10, 1905.

MR. MINISTER: With reference to Article III of the copyright convention signed this day between Japan and the United States of America, I have the honor, in order to avoid any possible misunderstanding in future, to declare that the Imperial Government take the word "published" used in the said article as intended to mean the word "published for the first time," and consequently that the convention shall not be applicable to any reproduction in future in one of the two contracting countries of works published in the other country prior to the exchange of ratifications. The Imperial Government should be much gratified to be assured that your excellency's Government concur in the interpretation above given.

I avail myself, etc.,

COUNT KATSURA TARO.

[Inclosure 2.]

Minister Griscom to the Minister for Foreign Affairs.

No. 189.]

AMERICAN LEGATION,
Tokyo, November 10, 1905.

MONSIEUR LE MINISTRE: In reply to your excellency's note of to-day, regarding the meaning of the word "published" used in Article III of the copyright convention signed this day between the United States of America and Japan, I have the honor to state that the American Government entirely concurs in the interpretation given by the Imperial Japanese Government to the said word "published," and that the said convention shall not be applicable to any reproduction in future in one of the two contracting countries of works published in the other country prior to the exchange of ratifications.

I avail, etc.,

LLOYD C. GRISCOM.

TEXT OF THE COPYRIGHT CONVENTION.

Signed at Tokio November 10, 1905.

Ratification advised by the Senate February 28, 1906.

Ratified by the President March 7, 1906.

Ratified by Japan April 28, 1906.

Ratifications exchanged at Tokio May 10, 1906.

Proclaimed May 17, 1906.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas a Convention between the United States of America and the Empire of Japan, providing for legal protection in both countries in regard to copyright, was concluded and signed by their respective Plenipotentiaries at

Tokio on the tenth day of November, one thousand nine hundred and five, the original of which Convention being in the English and Japanese languages is word for word as follows:

The President of the United States of America and His Majesty the Emperor of Japan being equally desirous to extend to their subjects and citizens the benefit of legal protection in both countries in regard to copyright, have, to this end, decided to conclude a Convention, and have appointed as their respective Plenipotentiaries:

The President of the United States of America, Lloyd C. Griscom, Envoy Extraordinary and Minister Plenipotentiary of the United States of America to Japan; and

His Majesty the Emperor of Japan, General Count Taro Katsura, Junii, First Class of the Imperial Order of the Rising Sun, Third Class of the Imperial Order of the Golden Kite, His Imperial Majesty's Minister of State for Foreign Affairs;

Who, having reciprocally communicated their full powers, found in good and due form, have agreed as follows:

ARTICLE I.

The subjects or citizens of each of the two High Contracting Parties shall enjoy in the dominions of the other, the protection of copyright for their works of literature and art as well as photographs, against illegal reproduction, on the same basis on which protection is granted to the subjects or citizens of the other, subject however to the provisions of Article II of the present Convention.

ARTICLE II.

The subjects or citizens of each of the two High Contracting Parties may without authorization translate books, pamphlets or any other writings, dramatic works, and musical compositions, published in the dominions of the other by the subjects or citizens of the latter, and print and publish such translations.

ARTICLE III.

The present Convention shall be ratified, and the ratifications thereof shall be exchanged at Tokio as soon as possible. It shall come into operation from the date of the exchange of ratifications, and shall be applicable to such works only as shall be published after it shall have come into operation. Either of the Contracting Parties shall have the right at any time, to give notice to the other of its intention to terminate the present Convention, and at the expiration of three months after such notice is given this Convention shall wholly cease and determine.

In witness whereof the above mentioned Plenipotentiaries have signed the present Convention and have affixed thereto their seals.

Done in duplicate at Tokio, in the English and Japanese languages, this 10th day of November, of year one thousand nine hundred and five, corresponding to the 10th day of the 11th month of the 38th year of Meiji.

[SEAL.]
[SEAL.]

LLOYD C. GRISCOM.
TARO KATSURA.

And whereas the said Convention has been duly ratified on both parts, and the ratifications of the two governments were exchanged in the City of Tokio on the tenth day of May, one thousand nine hundred and six;

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

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

Done at the City of Washington, this seventeenth day of May, in the year of our Lord one thousand nine hundred and six, and of the Independence of the United States of America the one hundred and thirtieth.

[SEAL.]

THEODORE ROOSEVELT.

By the President:
ELIHU ROOT,

Secretary of State.

(Japanese text not printed.)

Chargé Wilson to the Secretary of State.

[Extracts.]

No. 453.]

AMERICAN LEGATION,
Tokyo, May 15, 1906.

SIR: I have the honor to confirm the legation's cipher telegram of the 3d instant and to acknowledge the receipt of your instructions by cable received on the 5th, as follows:

[Telegram sent May 3, 1906.]

SEC. STATE, *Washington:*

Am I authorized to acknowledge in writing that the President's ratification of the copyright convention applies equally to the Japanese text, which is not included in our instrument of ratification, and that the texts have equal force? The ratification prepared by the Japanese Government covers both texts.

WILSON

[Telegram received May 5, 1906.]

AM. LEGATION, *Tokyo:*

Copyright convention. You are authorized to make in writing statement in your telegram May 3. Would be well also to include statement in protocol of exchange. Department was unable to reproduce Japanese text and followed precedents.

Root.

Upon the receipt of the department's instruction No. 173, of March 9, wherewith were transmitted the President's ratification of the copyright convention of November 10, his authorization empowering me to effect the exchange of ratifications, and a form of protocol for such exchange, I at once informed the minister for foreign affairs that I was prepared to carry out the exchange of ratifications so soon as should be convenient to the Japanese Government.

The delay which followed was due to the treaty's being still under consideration by the privy council; and finally a difficulty arose from the fact that the Japanese text was not ratified by the President. From the first discussions of this point it was apparent that the minister for foreign affairs would be satisfied with a formal assurance that the intention was the same as if the Japanese text had been included in the instrument of ratification.

It is only recently, as you are aware, that the Japanese Government has made treaties wherein the Japanese version is not a mere translation but an authoritative text.

The protocol, which I have the honor to forward herewith, was drawn up and signed on the 10th instant, when the exchange of ratifications took place, as was reported in the following telegram of that date:

SEC. STATE, *Washington:*

Tenth. Ratifications copyright convention exchanged to-day.

WILSON.

I have the honor to transmit under separate cover the instrument whereby the Emperor of Japan has ratified the convention.

I have, etc.,

HUNTINGTON WILSON.

[Inclosure.]

PROTOCOL OF EXCHANGE OF RATIFICATIONS.

The undersigned met together for the purpose of exchanging the ratifications of the convention between the President of the United States of America and His Majesty the Emperor of Japan regarding the protection of copyright in both countries, concluded and signed at Tokyo on the 10th day of November, 1905 (the 10th day of the 11th month of the 38th year of Meiji) ;

Before proceeding to that act, the undersigned, *chargé d'affaires ad interim* of the United States of America, duly authorized by his Government, declared that, although owing to an inadvertent omission to forward from the American legation at Tokyo an extra copy of the Japanese text and because of the impossibility of reproducing the said text at the Department of State, the ratification by the president of the said convention is made only to the English text, the said ratification will be considered by the Government of the United States valid in all respects as if the Japanese text had also been ratified ;

The undersigned, His Imperial Japanese Majesty's minister of state for education, having accepted the foregoing declaration, and the respective ratifications of the said convention having thereupon been carefully compared and found to be exactly conformable to each other, the said exchange took place this day in the usual form.

In witness whereof the undersigned have signed the present protocol of exchange and have affixed thereto their seals.

Done in duplicate at Tokyo, this 10th day of May, 1906 (the 10th day of the 5th month of the 39th year of Meiji).

HUNTINGTON WILSON,
Chargé d'Affaires ad interim of the United States of America.

N. MAKINO,
His Imperial Japanese Majesty's Minister of State for Education.

PURCHASE OF RAILWAYS BY THE JAPANESE GOVERNMENT.

Chargé Wilson to the Secretary of State.

No. 429.]

AMERICAN LEGATION,
Tokyo, April 5, 1906.

SIR: I have the honor to confirm the legation's cipher telegram of the 27th ultimo, reading as follows:

MARCH 27, 10 P. M.

SEC. STATE, *Washington:*

To-night the Japanese Parliament has passed a bill for the government purchase of all the principal railways. The cost is estimated at about 300,000,000 yen, payable in 5 per cent government bonds. A tariff bill, moderately tending toward protection, was also passed. Consultation with American merchants has confirmed my opinion that American trade is not materially affected. Parliament formally closes to-morrow.

WILSON.

The railway purchase bill had been considerably amended by the House of Peers, who struck out 15 small railways, mostly branch lines, from those private lines to be purchased by the Government; extended the period for the completion of the purchase from five to ten years, and that for payment from two to five years; and introduced a provision for appeal to the ministries concerned in case of dissatisfaction on the part of a company with the terms fixed upon by the commission.

The minister president of state appeared on the floor of the house when this bill was taken up on the evening of the 27th ultimo and voiced the Government's recommendation that the amendments be accepted.

The closing scene of the twenty-second session of the Japanese Diet which then followed is said to have been the most tumultuous so far witnessed in that body. When the leader of the Constitutional party in the House of Representatives moved that the railway purchase bill should be put to a vote without discussion as it had been sent back, amended by the House of Peers, and the chairman said that the motion had the approval of the House, there was much uproar and a personal encounter occurred between a group of government supporters and opposition members, which had finally to be quelled by the police. After this scene the opposition members withdrew or abstained from voting and the bill was passed unopposed.

The railway state ownership law, as it was passed, a translation of which I have the honor to forward herewith, shows the following salient features:

All of the principal private railways are to be purchased by the State between the years 1906 and 1915.

The prices to be paid are based, first, upon the average rates of profit, with reference to the cost of construction, during the six semi-annual business terms between the second half of 1902 and the first half of 1905, multiplied by the cost of construction on the day of purchase and also by 20. For example, the cost of construction of a road at the time of purchase being \$5,000,000, and the average rates of profit during said periods being 6 per cent thereof, the price that the government would be required to pay would be \$6,000,000 ($5,000,000 \times .06 \times 20$). In addition the government will be obliged to purchase material in stock and not yet used, paying for its actual cost by means of government loan bonds at their average current market value during six months preceding the purchase of the road.

The purchase price of any road shall be paid within five years from the date of purchase with 5 per cent government loan bonds at face value, and from the date of purchase until delivery of the bonds the government shall pay interest on the purchase price at the rate of 5 per cent.

Seventeen private railways are named in the law as subject to purchase and the cost is estimated at about 430,000,000 yen (\$215,000,000.)

The estimate of 350,000,000 yen, which I had directly from the minister for finance, and which was given in the legation's telegram, seems to fall short of the probable price to be paid by the Government.

On March 30 there was also promulgated a law, passed at the session just closed, for the purchase by the Japanese Government during the current year of the Seoul-Fusan Railway, in Korea. This company's property includes the line between Seoul and Chemulpo. The purchase price is to be calculated, as to the line between Seoul and Fusan, on the basis of 6 per cent of its paid-up capital, multiplied by 20, and as to the line between Seoul and Chemulpo, on the same basis as is provided for in purchasing private railways in Japan. This price is to be paid within two years in government 5 per cent loan bonds at their face value. This issue of bonds, it is estimated, will amount to about 20,000,000 yen (\$10,000,000).

The tariff measure mentioned in the legation's telegram, confirmed above, will be reported in a separate dispatch when the correction of our translation is completed.

On the morning of March 28 the Diet was formally closed by imperial rescript.

I have, etc.,

HUNTINGTON WILSON.

[Inclosure.—Translation.]

RAILWAY STATE OWNERSHIP LAW.

ARTICLE I. All railways used for transportation in general shall be owned by the State; but those which are intended for communication within limited localities shall be exceptions hereto.

ART. II. Between 1906 and 1915 the Government shall purchase, in accordance with the provisions of this law, the railways belonging to the following private railway companies:

Hokkaido Colliery and Railway Joint Stock Company.
 Hokkaido Railway Joint Stock Company.
 Japan Railway Joint Stock Company.
 Gan-etsu Railway Joint Stock Company.
 Hoku-etsu Railway Joint Stock Company.
 Kobu Railway Joint Stock Company.
 Sobu Railway Joint Stock Company.
 Boso Railway Joint Stock Company.
 Nanao Railway Joint Stock Company.
 Kansai Railway Joint Stock Company.
 Sangu Railway Joint Stock Company.
 Kyoto Railway Joint Stock Company.
 Nishinari Railway Joint Stock Company.
 Hankaku Railway Joint Stock Company.
 Sanyo Railway Joint Stock Company.
 Tokushima Railway Joint Stock Company.
 Kyushu Railway Joint Stock Company.

The companies mentioned above shall neither combine with any other private railway company nor purchase railways of any other private railway company.

ART. III. The dates of purchasing the respective railways referred to in the preceding article shall be designated by the Government.

ART. IV. The rights and obligations which the company actually has on the day of purchase shall be transferred to the Government, excepting, however, those pertaining to any additional businesses the company may be engaged in.

However, the company's rights and obligations toward its stockholders, the balance of paid-up capital, the profit and loss account, the reserve fund, and the miscellaneous account, shall be exceptions hereto.

ART. V. The purchase price shall be calculated on the following basis:

(1) The average rates of profit with reference to the cost of construction during the six semiannual business terms between the second half of 1902 and the first half of 1905, multiplied by the cost of construction on the day of purchase and also by 20.

(2) The actual cost of articles in stock, except those bought with loans, calculated on the basis of the current price of government loan bonds.

By "profit" referred to in section 1 of this article is meant the surplus of gross income arising from business over and above business expenditures, bonuses to the staff, and interest on various accounts besides the profit and loss account. By the "average rates of profit" is meant the aggregate profit between the second half of 1902 and the first half of 1905, divided by the aggregate cost of construction during the same period and multiplied by 2.

ART. VI. Of the money borrowed, what has been spent for construction only shall be deducted from the purchase price by calculating on the current price of government-loan bonds.

In case the company should fail to repair its railway and accessories or should neglect to reconstruct or remake the same within the period designated in the regulations for railway construction, the amount of money required for

repair, reconstruction, or remaking shall be deducted from the purchase price in a manner similar to that which is provided for in the preceding clause.

ART. VII. The amount of money defrayed out of the capital, except that which has been paid with loans, shall be regarded as having gradually been used for construction and articles in stock.

Payments made from loans shall be regarded as having been made after the payment referred to in the preceding clause.

ART. VIII. In case the company should not possess lines that have been operated for six semiannual business terms at the end of the first half of 1905, or the amount obtained in the way specified in section 1 of Article V should be less than the cost of construction, the Government shall substitute the amount agreed upon, not to exceed the cost of construction, for the amount in section 1 of Article V.

ART. IX. The Government shall cause the committee on investigation to make decisions in the following cases:

(1) When there is an objection on the part of the company either as to the transference of rights and obligations or the settlement of accounts.

(2) When the parties concerned fail to come to agreement concerning the matter referred to in the preceding article.

In case the company should be dissatisfied with the decision of the committee on investigation, it may appeal to the minister of state concerned.

The regulations concerning the committee on investigation shall be fixed by an imperial ordinance.

ART. X. The execution of purchase shall not be suspended even during the examination by the committee on investigation.

ART. XI. When the company becomes disorganized owing to purchase by the Government, the minister of state concerned shall request the registration of disorganization at the registration office.

ART. XII. The purchase price shall be paid within five years from the date of purchase with 5 per cent government-loan bonds at face value. An amount less than 50 yen shall be regarded as 50 yen.

The distribution of the remainder of the company's property shall be effected by means of government-loan bonds as provided for in the preceding clause.

The expenditures incurred by the company in settling accounts subsequent to the purchase and pending the delivery of the government-loan bonds shall be borne by the Government in accordance with official orders to be issued.

ART. XIII. From the date of purchase until the date of delivery of the government-loan bonds, the Government shall pay the company interest at the rate of 5 per cent per annum on the purchase price at each regular time of settling accounts.

The money paid as provided for in the preceding clause may, on the approval of the minister of state concerned, be distributed to the stockholders even while the accounts are being settled.

ART. XIV. The Government shall issue loan bonds not to exceed the amount necessary for executing the purchase of the railways.

ART. XV. The Government may issue loan bonds not to exceed the amount necessary for consolidating the loan bonds issued in accordance with the preceding article and the debt transferred in accordance with Article IV.

Concerning the preceding clause, the interest, the method of floating the loan, agreements in regard thereto, the period of the loan, and of the redemption of the same, shall be fixed by an official order.

ART. XVI. Concerning the loans provided for in the two preceding articles, the regulations for the consolidation loan shall be applied unless otherwise specially provided for in this law.

ART. XVII. The current price of the loan bonds provided for in sections 1 and 2 of Article V and Article VI shall be calculated on the basis of the average price of the 5 per cent government-loan bonds during the six months preceding the date of purchase.

The average price referred to in the preceding clause shall be decided by the Government according to the certification of the Bank of Japan.

ART. XVIII. In case the company whose railway is to be purchased should be engaged in any additional business, the property belonging to such additional business may also be purchased.

Concerning the preceding clause, the purchase price shall be fixed by an agreement.

The provisions of this law from Article IX to Article XVI shall be applied to such cases as referred to in this article.

SUPPLEMENTARY LAW.

Concerning the purchase of articles in stock, measures that may increase or decrease the cost of construction, and the contracting of debts subsequent to the date of promulgation of this law, the companies whose names are mentioned in Article II shall apply to the minister of state concerned for approval.

In the case of the items mentioned in the preceding clause, even though the approval of the Government has not been obtained, the Government may appraise their value and take them over by receiving a reasonable reimbursement.

ALLEGED VIOLATIONS OF THE GENEVA AND HAGUE CONVENTIONS.

(Continued from Foreign Relations for 1905.)

The Acting Secretary of State to the Japanese Chargé.

No. 265.]

DEPARTMENT OF STATE,
Washington, April 10, 1906.

SIR: Referring to Mr. Takahira's note No. 39,^a and to your note No. 42,^b dated, respectively, July 20 and July 29, 1905, requesting that certain violations of the Geneva convention of 1864 and The Hague convention of 1899, by Russian troops, be brought to the attention of the Russian Government, I have the honor to inclose herewith, for your information, a copy of a dispatch ^c from the American ambassador to Russia inclosing a copy of a note from the Russian Government, in answer to both of the Japanese notes.

Accept, etc.,

ROBERT BACON.

RECIPROCAL EXEMPTION OF STEAMSHIP INSPECTION.

The Japanese Chargé to the Secretary of State.

No. 21.]

LEGATION OF JAPAN,
Washington, April 3, 1906.

SIR: I have the honor to inform you under instructions that the Japanese Government desires to establish a reciprocal exemption of steamboat inspection as between the vessels of Japan and the United States under the provisions of section 4400, United States Revised Statutes, and that the Japanese Government are prepared to issue orders exempting United States vessels from inspection upon the assurance that the United States Government will issue similar orders exempting Japanese vessels.

I inclose herewith a copy each of the English translation of "ship-inspection law" and "ship-inspection regulations" of Japan now in force.^d

It is desired that the above proposition may receive prompt and favorable consideration of the United States Government.

Accept, etc.,

EKI HIOKI.

^a Printed in Foreign Relations, 1905, p. 618.

^b Printed in Foreign Relations, 1905, p. 619.

^c Printed under Russia.

^d Not printed.

The Secretary of State to the Japanese Chargé.

No. 266.]

DEPARTMENT OF STATE,
Washington, April 18, 1906.

SIR: Referring to your note No. 21, of the 3d instant, stating that your Government desires to establish a reciprocal exemption of steamboat inspection as between the vessels of the United States and Japan, under the provisions of section 4400 of the Revised Statutes of the United States, and that the Japanese Government is prepared to issue orders exempting American vessels from inspection upon the assurance that the United States Government will issue similar orders exempting Japanese vessels, I have the honor to inform you that the department has received a letter, dated the 12th instant, from the Secretary of Commerce and Labor, in which he says:

I have the honor to give the assurance, under the terms of section 4400 of the Revised Statutes of the United States, that as soon as an order shall have been issued by the proper authorities of the Empire of Japan exempting steamers of this country in all ports of the Empire of Japan from inspection other than is necessary to establish the fact that the condition of the vessel and her boilers and life-saving equipment are as stated in her current certificate, this department, upon being informed in the usual manner of said action by the Japanese authorities, will at once issue an order granting similar exemption in the ports of the United States to steamers of the Empire of Japan.

Accept, etc.,

ELIHU ROOT.

The Japanese Ambassador to the Secretary of State.

No. 60.]

JAPANESE EMBASSY,
Washington, November 22, 1906.

SIR: With reference to your note, No. 266, of the 18th of April last, addressed to Mr. Eki Hioki, the chargé d'affaires of Japan, and the previous correspondence which passed between him and the Department of State on the subject of the proposed reciprocal arrangement between the Empire of Japan and the United States as to the inspection of steamships, I have the honor to communicate to you the accompanying translation of a departmental ordinance^a which has been issued by His Imperial Majesty's minister of state for communications exempting the United States vessels trading to Japan, from and after November 26, 1906, from any further survey as regards hull, boilers, machinery, and equipments than is necessary to satisfy the inspection officers that these matters are as stated in the vessel's current certificate of inspection. The exemption from inspection thus established in favor of United States vessels in the ports of Japan does not extend to the inspection required, for sanitary reasons, in respect to the accommodations provided for the passengers.

In behalf of the Imperial Government I have the honor to apply to the United States Government for similar exemption from inspection for Japanese vessels trading to United States ports upon the understanding that such reciprocal exemption would not interfere

^a See inclosure to dispatch No. 106, from the embassy to Japan, *infra*.

in any way with the operation of the act of Congress known as the "passenger act," approved August 2, 1882, the requirements of which are almost exclusively hygienic.

Accept, etc.,

VISCOUNT S. AOKI.

The Acting Secretary of State to the Japanese Ambassador.

No. 17.]

DEPARTMENT OF STATE,
Washington, November 23, 1906.

EXCELLENCY: I have the honor to acknowledge the receipt of your note, No. 60, of the 22d instant, inclosing the translation of an ordinance issued by the Japanese minister of state for communications exempting American vessels trading to Japan, from and after the 26th instant, from any further survey as regards hull, boilers, machinery, and equipments than is necessary to satisfy the inspection officers that these matters are as stated in the vessel's current certificate of inspection, on condition that such exemption is not to extend to the inspection required, for sanitary reasons, in respect to the accommodations provided for passengers.

In behalf of your Government you apply for similar exemption from inspection for Japanese vessels trading to the ports of the United States, upon the understanding that such exemption would not interfere in any way with the operation of the act of Congress, known as the "passenger act," approved August 2, 1882.

In reply I have the honor to say that copies of your note and of its inclosure have been sent to the Secretary of Commerce and Labor for his consideration and appropriate action.

Accept, etc.,

ROBERT BACON.

Ambassador Wright to the Secretary of State.

No. 106.]

AMERICAN EMBASSY,
Tokyo, November 26, 1906.

SIR: I have the honor to transmit herewith translation of order No. 49 of the department of communications, which was promulgated in to-day's Official Gazette, announcing that arrangements have been made by the Governments of Japan and the United States for the mutual recognition of shipping certificates issued by either Government.

I have, etc.,

LUKE E. WRIGHT.

[Inclosure.—Translation.]

ORDER NO. 49, DEPARTMENT OF COMMUNICATIONS.

The regulations relating to the inspection of vessels of the United States of America have been determined as follows, and the same shall take effect on November 26, 1906:

ISABURO YAMAGATA,
Minister of Communications.

NOVEMBER 21, 1906.

ARTICLE 1. A vessel of the United States of America in possession of a certificate of inspection issued by the Government of the said country may, only during the period of time during which the said certificate is valid, be navigated

without being subject to the inspection prescribed in the laws and regulations of the Empire of Japan.

ART. 2. When an owner or charterer of a vessel, a captain or any other agent desires to navigate his vessel in accordance with the provisions of the preceding article, he shall apply for permission to the competent authorities having jurisdiction over the place where the vessel is.

ART. 3. On receipt of the application mentioned in the preceding article, the competent authorities shall dispatch an inspector to the said vessel and cause him to investigate whether or not the actual condition of the hull, engine, and accessories agrees with the statement in the certificate of inspection.

ART. 4. When, after inspecting the vessel as prescribed in the preceding article, the competent authorities have found that the actual condition of the hull, engine, and accessories agrees with the statement in the certificate of inspection, a certificate similar in form to that which is attached herewith shall be issued to the said vessel.

The validity of the certificate to be issued in accordance with the provisions of the preceding paragraph shall be determined according to the period of time during which the certificate of inspection issued by the United States Government is valid.

ART. 5. Unless otherwise provided for, the certificate to be issued in accordance with the provisions of the preceding article shall be governed by the provisions of the detailed regulations for the operation of the law relating to the inspection of vessels.

Form of certificate.

(Length, 9 inches; breadth, 13 inches.)

Nationality.....	Port of registration.....
Name of vessel.....	Gross tonnage.....
Prescribed limit of route of navigation.....	
Name of owner.....	
Boats.....	Kind of engine.....
Prescribed maximum number of passengers, first class,; second class,; third class,	
Kind of boiler.....	Limit of steam pressure.....
Captain.....	

This certificate is hereby issued in accordance with article 4 of order No. 49 of the department of communications, November, 1906.

This certificate shall cease to be valid on _____.

(Name and seal of the official in charge.)

(Date of issue.)

The Secretary of State to the Japanese Ambassador.

No. 18.]

DEPARTMENT OF STATE,
Washington, November 30, 1906.

EXCELLENCY: Referring to the department's note No. 17, of the 23d instant, on the subject of the proposed arrangement between the Governments of the United States and Japan regarding the reciprocal exemption from inspection in either country of the merchant vessels of the other, I have the honor to inclose herewith, for your information, a copy of a letter from the Secretary of Commerce and Labor, inclosing a copy of an order, issued by him, exempting vessels of the Empire of Japan from all inspection made under the Steamboat-Inspection Service, except such as is necessary to satisfy the local inspectors that the condition of the vessel, her boilers, and life-

saving equipments are as stated in the current Japanese certificate of inspection, in accordance with the provisions of section 4400 of the Revised Statutes of the United States.

Accept, etc.,

ELIHU ROOT.

[Inclosure.]

The Secretary of Commerce and Labor to the Secretary of State.

DEPARTMENT OF COMMERCE AND LABOR,
Washington, November 24, 1906.

SIR: Receipt is acknowledged of your letter of November 23, 1906, relative to the proposed reciprocal arrangement between the United States and the Empire of Japan as to the inspection of steamships and of the accompanying copy of a note from the Japanese ambassador transmitting the translation of an ordinance issued by the Japanese minister of state for communications, exempting vessels of the United States from inspection as stated therein.

In response thereto I have the honor to state that necessary measures have been taken by this department to insure to vessels of Japan a similar exemption from the operation of the steamboat-inspection laws of the United States, and I inclose herewith copy of an order,^a in the usual form, to be issued by this department November 26, 1906, exempting vessels of the Empire of Japan from all inspection made under the Steamboat-Inspection Service, except such as is necessary to satisfy the local inspectors that the condition of the vessel, her boilers and life-saving equipments are as stated in the current Japanese certificate of inspection, in accordance with the provisions of section 4400 of the Revised Statutes of the United States.

I may add that telegraphic notice of this order will be sent to the officers of the Steamboat-Inspection Service on the Pacific coast simultaneously with the issuance of the order.

Very respectfully,

V. H. METCALF.

CUSTOMS TARIFF LAW OF JAPAN.

Chargé Wilson to the Secretary of State.

No. 432.]

AMERICAN LEGATION,
Tokyo, April 9, 1906.

SIR: Referring to my telegram of March 27, as confirmed in the legation's dispatch No. 429 of the 5th instant, I have the honor to transmit herewith this legation's translation in duplicate of the revised customs tariff law as passed at the recent session of the Japanese Parliament.^a For convenience of comparison I have added parallel columns showing the rates of duty under the old import tariff, which include the war taxes indefinitely continued and now in force. This new law was approved by the Emperor March 30, 1906, was published in the Official Gazette on the following day, and will go into effect on the 1st of next October. Its effects will of course be felt only by goods not now provided for in the conventional tariffs in force.

On March 7, having obtained an advance copy of the law as then proposed by the cabinet, I immediately communicated with the leading American business houses at Yokohama and with the executive committee of the American Asiatic Association of Japan, requesting from them an expression of their opinions as to the effect the proposed changes in duties would probably have upon American trade. I also requested promptness in advising me in the matter, in order that I

^a Not printed.

might report to you by telegraph if serious injury to our importations to Japan seemed threatened.

In answer to my inquiries I received numerous letters and had many interviews with our merchants. The general impression that I gather therefrom is that, while a considerable increase in duty will be levied upon our manufactures, yet, with a few exceptions, they are not of a character vitally to affect our commercial interests. Satisfaction was expressed that many of the new duties would be changed from ad valorem to specific, thus insuring greater uniformity in the levy of customs duties.

Changes in the rates on locomotives and railway supplies will, it is believed, make little difference in our sales, the largest purchaser of these products being the Japanese Government. The same comment is also applicable to leather, which is largely consumed in army and navy supplies. On printing paper, in consequence of the vigorous action of the newspaper and publishing interests, a reduction of the old duty has been made. Under the head of petroleum and its products no change has been made in the duty on illuminating oil. There is a 5 per cent increase on light oil, but this article is not largely imported from the United States. On lubricating oil there is an increase from 85 yen (\$0.4233) to 1.23 yen (\$0.61254) per 100 kin (132.51 pounds avoirdupois). The increase in the duty on higher grades of watches, it is believed, will give less expensive Swiss watches an advantage over the American articles. The increase in the duty on sewing machines, I am advised, should not seriously affect American sales. Manufactured tobacco remains subject to a duty of 250 per cent.

The duty on wheat flour is increased from 1.196 yen (\$0.595608) to 1.45 yen (\$0.7221) per 100 kin (132.51 pounds). This increase is the one that has caused most objection from our merchants, who apprehend that it will tend to check the demand for a food product that is rapidly coming into wide use in this country. It is expected that the protection to be given by this enhancement will result in the construction of flour mills in Japan or at Dalny to utilize the wheat of Manchuria, and that this may eventually enable the Japanese to obtain flour cheaper even than now. Of course, as a consequence, there would be an increased demand for American mill machinery.

The new tariff law is interesting, owing to its tendency in the direction of protection, from which one may draw some inferences as to Japan's probable tariff policy when, in 1911, the present conventional rates will be replaced.

I have, etc.,

HUNTINGTON WILSON.

TREATY AND ADDITIONAL AGREEMENT BETWEEN CHINA AND JAPAN.

Chargé Wilson to the Secretary of State.

No. 370.]

AMERICAN LEGATION,
Tokyo, January 12, 1906.

SIR: I have the honor to transmit herewith a copy of the foreign office's English translation of the treaty and additional agreement between Japan and China relative to Manchuria, which were signed at Peking on the 22d ultimo. This treaty and agreement were done

in the Chinese and Japanese languages only, and it is not provided which text shall govern. This is interesting as a departure from Japan's former practice in making treaties to have the governing text in a western language, rather than one in the relatively ambiguous Japanese or Chinese.

Yesterday Mr. Takaaki Kato, the minister for foreign affairs, told me that these documents were not to have been published until after the exchange of ratifications, but that since much of their contents had in some way become known, it had been decided to give them out informally. I was also informed that the treaty and agreement had already been communicated to you by telegraph through the Japanese legation at Washington. For that reason no telegram on the subject was dispatched by this legation.

It will be seen that the treaty itself deals only with China's transfer to Japan of territory in the Liaotung Peninsula which had been held under lease by Russia and the railway between Port Arthur and Changchung, with all its branches, together with all the rights, privileges, and accessories appertaining to the lease and to the railway concession.

The agreement is much longer. The first article secures the opening of 16 cities throughout Manchuria as places of international residence and trade, and is therefore of great commercial importance.

Under Article VI Japan acquires the right to perfect and build a railway line between Antung and Mukden, the term of the concession to expire in eighteen years from the present time. The Governments of Japan and China further agree to arrange by a separate convention for connecting services between railway lines in south Manchuria and all the other lines in China.

Under Article IX Japan is to have settlements at Yingkow, Antung, and Mukden.

Finally, Article X provides for the formation of a joint stock company composed of Chinese and Japanese subjects to work the timber lands on the right bank of the Yalu River. The profits are to be equally shared by the Chinese and Japanese shareholders, the details of the concession to be concluded later. It is expected that this will be an exceedingly lucrative undertaking since the forests of the Yalu are reputed to be immensely rich, being drawn upon for timber to be used in important constructions at Peking and other distant cities.

Certain protocols, containing further arrangements of no small importance, were drawn up in conjunction with the treaty and agreement; but, as I was informed at the foreign office, these protocols are being kept secret for the present in accordance with an understanding with China.

I have, etc.,

HUNTINGTON WILSON.

[Inclosure 1.—Translation.]

TEXT OF THE TREATY.

His Majesty the Emperor of Japan and His Majesty the Emperor of China, desiring to adjust certain matters of common concern growing out of the treaty of peace between Japan and Russia of September 5, 1905, have resolved to conclude a treaty with that object in view and have for that purpose named their plenipotentiaries—that is to say, His Majesty the Emperor of Japan: Baron Komura Jutarō, Jusammī, grand cordon of the Imperial Order of the

Rising Sun, minister for foreign affairs and special ambassador of His Majesty, and Uchida Yasuya, Jushii, second class of the Imperial Order of the Rising Sun, His Majesty's envoy extraordinary and minister plenipotentiary; and His Majesty the Emperor of China: Prince Ching, presiding minister of foreign affairs, councillor of state and plenipotentiary of His Majesty, Chu Hung-Chi, minister of foreign affairs, councillor of state and plenipotentiary of His Majesty, and Yuan Shih-kai, viceroy of the Province of Chihli, junior guardian of the heir apparent, minister superintendent of trade for the northern ports and plenipotentiary of His Majesty; who, after having exchanged their full powers were found to be in good and due form, have agreed upon and concluded the following articles:

ARTICLE I. The Imperial Chinese Government consent to all the transfers and assignments made by Russia to Japan by Articles V and VI of the treaty of peace above mentioned.

ART. II. The Imperial Japanese Government engage that in regard to the leased territory, as well as in the matter of railway construction and exploitation, they will, so far as circumstances permit, conform to the original agreements concluded between China and Russia. In case any question arises in the future on these subjects, the Japanese Government will decide it in consultation with the Chinese Government.

ART. III. The present treaty shall come into full force from the date of signature. It shall be ratified by Their Majesties the Emperor of Japan and the Emperor of China and the ratifications shall be exchanged at Peking as soon as possible, and not later than two months from the present date.

In witness whereof, the respective plenipotentiaries have signed this treaty in duplicate in the Japanese and Chinese languages and have thereto affixed their seals.

Done at Peking, this 22d day of the 12th month of the 38th year of Meiji, corresponding to the 26th day of the 11th moon of the 31st year of Kuang Hsu (December 22, 1905).

(Signed) BARON KOMURA JUTARO, [L. S.]

*Jusammi, Grand Cordon of the Imperial Order of the Rising Sun,
Minister for Foreign Affairs, and Special Ambassador of His Majesty
the Emperor of Japan.*

(Signed) UCHIDA YASUYA, [L. S.]

*Jushii, Second Class of the Imperial Order of the Rising Sun, Envoy
Extraordinary and Minister Plenipotentiary of His Majesty the
Emperor of Japan.*

(Signed) PRINCE CHING, [L. S.]

*Presiding Minister for Foreign Affairs, Councillor of State and
Plenipotentiary of His Majesty the Emperor of China.*

(Signed) CHU HUNG-CHI. [L. S.]

*Minister for Foreign Affairs, Councillor of State and Plenipotentiary of
His Majesty the Emperor of China.*

(Signed) YUAN SHIH-KAI, [L. S.]

*Viceroy of the Province of Chihli, Junior Guardian of the Heir-
Apparent, Minister Superintendent of Trade for the Northern Ports and
Plenipotentiary of His Majesty the Emperor of China.*

[Inclosure 2.—Translation.]

TEXT OF THE AGREEMENT.

The Governments of Japan and China, with a view to regulate, for their guidance, certain questions in which they are both interested in Manchuria, in addition to those provided for in the treaty signed this day, have agreed as follows:

ARTICLE I. The Imperial Chinese Government agree that as soon as possible after the evacuation of Manchuria by the Japanese and Russian forces, the following cities and towns in Manchuria will be opened by China herself as places of international residence and trade:

In the Province of Shingking: Fenghwangcheng, Liaoyang, Hsinmintun, Tiehling, Antung, Tungkiangtzu, and Fakumen. In the Province of Kirin: Changchun (Kuanchengtzu), Kirin, Harbin, Ninguta, Hunchun, and Sanhsing. In the Province of Heilungkiang: Tsitsihar, Hailar, Aihun, and Manchuli.

ART. II. In view of the earnest desire expressed by the Imperial Chinese Government to have the Japanese and Russian troops and railway guards in

Manchuria withdrawn as soon as possible, and in order to meet this desire, the Imperial Japanese Government, in the event of Russia agreeing to the withdrawal of her railway guards, or in case other proper measures are agreed to between China and Russia, consent to take similar steps accordingly. When tranquillity shall have been reestablished in Manchuria and China shall have become herself capable of affording full protection to the lives and property of foreigners, Japan will withdraw her railway guards simultaneously with Russia.

ART. III. The Imperial Japanese Government, immediately upon the withdrawal of their troops from any regions in Manchuria, shall notify the Imperial Chinese Government of the regions thus evacuated, and even within the period stipulated for the withdrawal of troops in the additional articles of the treaty of peace between Japan and Russia the Chinese Government may send necessary troops to the evacuated regions of which they have been already notified as above mentioned for the purpose of maintaining order and tranquillity in those regions. If, in the regions from which Japanese troops have not yet been withdrawn, any villages are disturbed or damaged by native bandits, the Chinese local authorities may also dispatch a suitable military force for the purpose of capturing or dispersing those bandits. Such troops, however, shall not proceed within twenty Chinese li from the boundary of the territory where Japanese troops are stationed.

ART. IV. The Imperial Government of Japan engage that Chinese public and private property in Manchuria, which they have occupied or expropriated on account of military necessity, shall be restored at the time the Japanese troops are withdrawn from Manchuria and that such property as is no longer required for military purposes shall be restored even before such withdrawal.

ART. V. The Imperial Chinese Government engage to take all necessary measures to protect fully and completely the grounds in Manchuria in which the tombs and monuments of the Japanese officers and soldiers who were killed in war are located.

ART. VI. The Imperial Chinese Government agree that Japan has the right to maintain and work the military railway line constructed between Antung and Mukden and to improve the said line so as to make it fit for the conveyance of commercial and industrial goods of all nations. The term for which such right is conceded is fifteen years from the date of the completion of the improvements above provided for. The work of such improvements is to be completed within two years, exclusive of a period of twelve months during which it will have to be delayed owing to the necessity of using the existing line for the withdrawal of troops. The term of the concession above mentioned is therefore to expire in the 49th year of Kuang Hsü. At the expiration of that term the said railway shall be sold to China at a price to be determined by appraisement of all its properties by a foreign expert, who will be selected by both parties. The conveyance by the railway of the troops and munitions of war of the Chinese Government prior to such sale shall be dealt with in accordance with the regulations of the Eastern Chinese Railway. Regarding the manner in which the improvements of the railway are to be effected, it is agreed that the person undertaking the work on behalf of Japan shall consult the commissioner dispatched for the purpose by China. The Chinese Government will also appoint a commissioner to look after the business relating to the railway, as is provided in the agreement relating to the Eastern Chinese Railway. It is further agreed that detailed regulations shall be concluded regarding the tariffs for the carriage by the railway of the public and private goods of China.

ART. VII. The Governments of Japan and China, with a view to promote and facilitate intercourse and traffic, will conclude, as soon as possible, a separate convention for the regulation of connecting services between the railway lines in South Manchuria and all the other railway lines in China.

ART. VIII. The Imperial Chinese Government engage that all materials required for the railways in South Manchuria shall be exempt from all duties, taxes, and likin.

ART. IX. The methods of laying out the Japanese settlement at Yingkou in the Province of Shingking, which has already been opened to trade, and at Antung and Mukden, in the same Province, which are still unopen although stipulated to be opened, shall be separately arranged and determined by officials of Japan and China.

ART. X. The Imperial Chinese Government agree that a joint stock company of forestry composed of Japanese and Chinese capitalists shall be organized for the exploitation of the forests of the regions on the right bank of the River Yalu and that a detailed arrangement shall be concluded in which the area and term of the concession as well as the organization of the company and

all regulations concerning the joint work of exploitation shall be provided for. The Japanese and Chinese shareholders shall share equally in the profits of the undertaking.

ART. XI. The Governments of Japan and China engage that in all that relates to frontier trade between Manchuria and Korea most-favored-nation treatment shall be reciprocally extended.

ART. XII. The Governments of Japan and China engage that in all matters dealt with in the treaty signed this day or in the present agreement the most favorable treatment shall be reciprocally extended.

The present agreement shall take effect from the date of signature. When the treaty signed this day is ratified, this agreement shall also be considered as approved.

In witness whereof the undersigned, duly authorized by their respective Governments, have signed the present agreement in duplicate in the Japanese and Chinese languages and have thereto affixed their seals.

Done at Peking, this 22d day of the 12th month of the 38th year of Meiji, corresponding to the 26th day of 11th moon of the 31st year of Kuang Hsüi.

(Signed) BARON KOMIRA JUTARO, [L. s.]
Jusammi, Grand Cordon of the Imperial Order of the Rising Sun, Minister for Foreign Affairs and Special Ambassador of His Majesty the Emperor of Japan.

(Signed) UCHIDA YASUYA, [L. s.]
Jushüi, Second Class of the Imperial Order of the Rising Sun, Envoy Extraordinary and Minister Plenipotentiary of His Majesty the Emperor of Japan.

(Signed) PRINCE CHING, [L. s.]
Presiding Minister for Foreign Affairs, Councillor of State and Plenipotentiary of His Majesty the Emperor of China.

(Signed) CHU HUNG-CHI, [L. s.]
Minister for Foreign Affairs, Councillor of State and Plenipotentiary of His Majesty the Emperor of China.

(Signed) YUAN SHIH-KAI, [L. s.]
Viceroy of the Province of Chihli, Junior Guardian of the Heir-Apparent, Minister Superintendent of Trade for the Northern Ports and Plenipotentiary of His Majesty the Emperor of China.

FAMINE IN JAPAN.

The Acting Secretary of State to the Japanese Chargé.

DEPARTMENT OF STATE,
Washington, January 10, 1906.

MY DEAR MR. HIOKI: I send you informally a copy of a letter ^a from the Secretary of Agriculture communicating one to him from Mr. B. F. Tillinghast, of Davenport, Iowa, stating that the Davenport Democrat would feel it a duty to invite subscriptions and apply them in such manner as your legation might authorize to relieve the suffering caused by famine in the northeastern provinces of Japan.

The department has no advices on the subject of the alleged famine, and I therefore beg to inquire whether the situation is, in fact, so serious that outside contributions would be acceptable.

I am, etc.,

ROBERT BACON.

The Japanese Chargé to the Acting Secretary of State.

LEGATION OF JAPAN,
Washington, January 16, 1906.

MY DEAR MR. BACON: On receipt of your personal note of the 10th instant, in which, inclosing copy of the note from the honorable the Secretary of Agriculture, you inquired of me whether the reported famine situation in the northeastern provinces of Japan is, in fact, so serious that outside contributions would be acceptable, I telegraphed at once to the foreign office for information and have received the following reply:

Further inquiry into the condition of famine in the northeastern provinces disclosed its extreme seriousness, and the suffering of the people is very great. The Government is contriving all means of relief, and although they are not at present counting upon outside aid, any voluntary contributions of charitable parties will be gladly accepted by them. It being the scheme of the Government, however, to establish works and give employment to the distressed population instead of promiscuously distributing money among them, so as to enable them to earn their own livelihood without depending upon charity, the Government would desire that the disposition of such relief funds may be entirely intrusted to them.

It affords me great pleasure to avail myself of this opportunity for expressing my deep appreciation of the sympathetic sentiment displayed on this occasion by your countrymen toward my people.

I am, etc.,

EKI HIOKI.

The Acting Secretary of State to Chargé Wilson.

[Telegram.—Extract.—Paraphrase.]^a

DEPARTMENT OF STATE,
Washington, February 15, 1906.

(Mr. Bacon authorizes a draft on the Secretary of State for \$10,000 and directs that proceeds be paid to the minister for foreign affairs as having been collected by Red Cross, through Christian Herald, for Japanese famine relief. The wish is expressed that it may be expended for food.)

^aAdditional sums were similarly remitted by cable on various dates, as follows:

Date.	Amount.	Donating institution.
February 22.....	\$10,000.00	Christian Herald.
February 28.....	5,000.00	Red Cross.
March 6.....	5,000.00	Do.
March 8.....	10,000.00	Christian Herald.
March 12.....	5,000.00	Red Cross.
March 16.....	50,000.00	Christian Herald.
March 16.....	5,000.00	Red Cross.
March 21.....	20,000.00	Christian Herald.
March 24.....	5,000.00	Red Cross.
March 27.....	5,000.00	Do.
March 30.....	25,000.00	Christian Herald.
April 3.....	5,000.00	Red Cross.
April 10.....	5,000.00	Do.
April 18.....	10,000.00	Do.
April 23.....	1,000.00	The Houston Post.
April 25.....	25,000.00	Christian Herald.
May 9.....	5,000.00	Red Cross.
May 10.....	25,000.00	Christian Herald.
May 21.....	255.42	The Houston Post.
June 6.....	10,855.67	Red Cross.

Chargé Wilson to the Secretary of State.

No. 399.]

AMERICAN LEGATION,
Tokyo, March 2, 1906.

SIR: I have the honor to acknowledge the receipt yesterday of the following telegraphic instruction:

Five thousand dollars additional received from Red Cross for transfer Japanese Red Cross relief famine sufferers. Draw for same on Secretary of State.
Room.

Accordingly, I have to-day drawn upon you for \$5,000 and sent the minister for foreign affairs a check for the proceeds, to be conveyed to the Japanese Red Cross Society, like the sums previously sent. The amount in yen, at the rate of $49\frac{3}{4}$, was 10,050.25.

When I was calling upon Mr. Kato yesterday, he took the opportunity to express thanks and appreciation of the generous contributions coming from America for the relief of the famine sufferers. Mr. Kato feared that the extent of the suffering might have been exaggerated in the reports appearing in the United States, expressing doubt whether there had been actual deaths except in the case of invalids or other weak members of the community, and said he hoped that the liberal contributions from America were not being obtained as the result of overstatements of the misery in the northern provinces.

In regard to American contributions, it has been suggested that if these took the form of a shipload of Indian corn or such cheap food-stuff a new market for our export might possibly result. Of course, the Japanese people are devoted to rice, but many of the poorest have to eat millet, and the experiment of corn might be thought worth trying.

I have pleasure in mentioning the excellent work which is being done by the American residents at Sendai. They have peculiarly happy relations with the local government and the people about them; and their energetic committee, headed by Doctor de Forest, is perhaps the speediest of all agencies for bringing relief to the sufferers.

I have the honor to report that the President's appeal for relief to be sent those afflicted by the famine in Japan was received here with many expressions of appreciation and admiration.

I have, etc.,

HUNTINGTON WILSON.

Chargé Wilson to the Secretary of State.

No. 427.]

AMERICAN LEGATION,
Tokyo, April 5, 1906.

SIR: I have the honor to acknowledge the receipt of six telegrams, transmitting further contributions for famine relief, received from the department on the 17th, 23d, 25th, 28th, and 31st ultimo, in sums of \$5,000, \$50,000, \$20,000, \$5,000, \$5,000, and \$25,000, respectively. These messages are confirmed as inclosures herewith.

Upon the receipt of each of these telegrams I have transmitted to the minister for foreign affairs, to be conveyed to the Japanese Red Cross Association, subject to the conditions governing the previous similar remittances, checks for 10,050.25 yen, 100,502.51 yen, 20,100.50 yen, 10,050.25 yen, 10,050.25 yen, and 50,251.26 yen, being the proceeds, respectively, of my successive drafts, excepting that made on March 23 in consequence of the telegram of that date, which produced 40,201.01 yen. This was divided, according to your instruction, between the minister for foreign affairs and the treasurer of the foreign committee of relief at Sendai, the Rev. C. S. Davison. The report on the actual conditions prevailing in the famine district asked for in the telegram conveying this remittance is made the subject of a separate dispatch, No. 428 of to-day's date.

I have received brief acknowledgments of all these contributions, the Japanese Government reserving for a later date a fuller acknowledgment and recognition of the generosity of the American people displayed in these gifts, and of the important part played by the Christian Herald in this work of charity.

There has been no loss by exchange on any of the drafts; the exact rates will be set forth in the final accounting.

I have the honor to inclose herewith a copy of a notice^a which I sent to various newspapers on March 19 in pursuance of the instruction to give general publicity to the fact that the contribution came from the Christian Herald, contained in the department's telegram above referred to, received on March 17. Items in this sense have appeared in all of the leading English and vernacular newspapers of Japan.

I have, etc.,

HUNTINGTON WILSON.

Chargé Wilson to the Secretary of State.

No. 428.]

AMERICAN LEGATION,
Tokyo, April 5, 1906.

SIR: In compliance with the department's telegraphic instruction received the 23d ultimo, wherein I am directed to make, at the request of the Christian Herald, a brief report upon the actual conditions of the famine, I have the honor to forward herewith a short statement which contains my conclusions based upon the statements of the Government and of residents of Sendai.

It is extremely difficult to secure accurate information; but apparently the famine has passed its worst stage and the Government is now fully able with the means at its disposal to meet all the needs of the situation.

Trusting that the inclosure will meet your requirements,

I have, etc.,

HUNTINGTON WILSON.

^a Not printed.

[Inclosure.]

THE FAMINE IN NORTHEASTERN JAPAN.

The following brief sketch of the actual conditions of the famine in the northeastern part of the main island of Japan is made after obtaining statements from the authorities of the central Government as well as from reliable eye witnesses within the famine district.

The Government states that deaths from actual starvation have not occurred. The death rate in the afflicted region has not been abnormal, except among the aged or infirm. Among these the hardship and exposure due to extreme poverty and the scant and bad food that the people in this normally poor district have had to resort to to keep body and soul together have, of course, caused the death of many. On the other hand, the hardihood and endurance of the average Japanese agricultural population is so great that the rank and file could sustain life even under the adverse conditions that have existed. There has been much suffering, but very slight mortality.

The government estimated the number of people in need at the end of March to be some 700,000. A gentleman who had been investigating the situation on the spot estimated, at the same date, that some 900,000 were in more or less distress, and that of these about 500,000 were really suffering, and some 250,000 in vital need and now receiving assistance.

The famine has now reached and probably passed its worst stage. The means of relief are improved. The severe winter is now breaking up, which will, with the melting of the snow, improve the means of communication and make more out-of-door work possible. As the spring and summer advance there will be work in planting for landowners, tending silkworms, picking mulberry leaves, etc. For these reasons the suffering should now steadily decrease. The need of assistance should also decline, as with the end of winter the ways in which the people can help themselves will increase. A measure of relief will be needed, however, until the autumn, when the local rice crop is harvested. Perhaps by the middle of June the number of those who must be given food will be reduced by about one-half, and so gradually fall off. The hope has been expressed that by July the prefectural governments will be able to leave the responsibility for local conditions to the city, town, and village government offices.

The following are the measures taken by the Japanese Government for the relief of the three afflicted prefectures—Miyagi, Fukushima, and Iwate: Exemption from the land tax; the sale of surplus military supplies at a fraction of their cost; arrangements for the reduction of freight charges for the carrying of commodities to the famine-stricken district; the sale of products of government forests; the advancing of money for developing farms and opening up uncultivated lands (thus giving work); the encouragement of emigration for Hokkaido (the northeastern and sparsely-populated island of Japan); government purchase of firewood and charcoal produced in that region; supplying seed rice for planting the fields; the employment of sufferers for the opening and repairing of roads and for other public works. The local governments are disbursing between one and two million in providing the destitute with work in improving the laying out of rice fields, making and repairing roads, planting trees, etc. The Government provides work as far as possible to avoid the pauperizing influence of giving outright. Every precaution is being taken to guard against the possible occurrence of epidemics.

Their Majesties the Emperor and Empress and the members of the imperial family have made donations, also the members of the cabinet.

Contributions by nonofficial Japanese subjects are said to have amounted to half a million yen or more. Several orphanages, especially that conducted by Mr. and Mrs. Ishii at Takenogawa, Oji, Tokyo, which is entirely dependent upon private support, have rendered valuable assistance in caring for destitute children. The Salvation Army is also doing good work in taking in young girls.

Americans may well feel pride in the splendid work done by the foreign committee at Sendai, of which the great majority, Doctor de Forest, Mr. W. E. Lampe, the Rev. C. S. Davison, Mr. M. B. Madden, and Mr. William Axling, are citizens of the United States. The work of these men, and the donations from the United States collected by the Christian Herald and through the Red Cross Society, are, like the President's humanitarian appeal, highly appreciated in Japan.

While the prompt assistance rendered has doubtless been of great value in alleviating suffering and as a fine example of humanitarianism, there is no doubt that the Japanese Government and people can now themselves readily cope with the needs of the final months of the famine.

HUNTINGTON WILSON.

APRIL 5, 1906.

Chargé Wilson to the Secretary of State.

No. 456.]

AMERICAN LEGATION,

Tokyo, May 17, 1906.

SIR: I have the honor to acknowledge the receipt of the department's two telegrams received the 10th and 11th instants, conveying further remittances for famine relief of \$5,000 and \$25,000, respectively, confirmations of the readings of which are appended on the overleaf.

Following your instructions, in the case of the former telegram I have transmitted to the acting minister for foreign affairs a check for 10,050.25 yen, being the proceeds of my draft for \$5,000 of the 10th instant, and in the case of the latter I forwarded to Count Matsukata, the president of the Japanese Red Cross Society, for transfer to the foreign committee of relief at Sendai, a check for 50,251.25 yen, being the proceeds of my draft for \$25,000 of the 12th instant.

I have, etc.,

HUNTINGTON WILSON.

Ambassador Wright to the Secretary of State.

No. 16.]

AMERICAN EMBASSY,

Tokyo, June 16, 1906.

SIR: I have the honor to transmit herewith inclosed a copy of a letter signed by Mr. Masataka Sakuma, head official of the town of Miharu, Fukushima Prefecture, and by the head officials of the number of neighboring villages, by which I am requested to convey to the President the grateful thanks of the people of that district, represented by their headmen, for the generous contributions for famine relief received from the people of the United States.

I have, etc.,

LUKE E. WRIGHT.

[Inclosure.]

Head officials of the towns and villages to Ambassador Wright.

MAY 11, 1906.

SIR: The famine which we had in this region last year was the greatest of its kind in recent years, and the terrible conditions which prevailed are beyond description. We, the humble head officials of the respective towns and villages, have been greatly concerned with the relief of the sufferers. Your country was quick to extend its profound sympathy to us on the occasion of the famine in the northeastern provinces. Our country has shared in the large contributions sent to this country from America, and with a profound sense of gratitude we wish to tell your excellency that the money given us has been profitably used in relieving the sufferers. We respectfully request that your

excellency kindly take the trouble to convey our gratitude to the President of the United States.

We avail ourselves of this opportunity respectfully to express our gratitude and to pay our respects to your excellency.

We have, etc.,

(Signed by thirty officials.)

The Emperor of Japan to the President of the United States.

[Translation.]

GREAT AND GOOD FRIEND: When I learned that you had, in great sympathy and good will, invited the American public to come to the aid and succor of the famine-stricken people of my northeastern provinces, I hastened to express to you, through my representative at Washington my deep sense of gratitude.

The very generous and substantial contributions subscribed and collected by different American individuals and organizations and especially by the American National Red Cross and the Christian Herald, were received by the local authorities concerned through the kindness of the State Department, and were, with great care, distributed among the distressed in such a manner as to faithfully carry out the noble intentions of those who so liberally responded to your appeal. I need hardly assure you that by this means the most serious effects of the calamity were greatly mitigated.

Now that the immediate danger has been removed, I wish to assure you that I have been very deeply touched and gratified by the high example of international good will and friendship displayed by the people of the United States and that the memory of it will always be warmly cherished by me.

I remain, Mr. President, with the best wishes for your continued well-being,

Your sincere friend,

MUTSUHITO.

IMPERIAL PALACE, TOKYO, *the fourth day of the seventh month of the thirty-ninth year of Meiji.*

MUTUAL RAISING OF THE LEGATIONS OF THE UNITED STATES AND JAPAN TO EMBASSIES.

Chargé Wilson to the Secretary of State.

No. 369.]

AMERICAN LEGATION,
Tokyo, January 9, 1906.

SIR: I have the honor to inform you that the appointment of Viscount Aoki as His Imperial Japanese Majesty's ambassador to the United States was made on the 7th instant and gazetted to-day.

The Viscount Aoki's official career was begun by his appointment as secretary of legation at Berlin in 1873. The following year he was accredited as envoy extraordinary and minister plenipotentiary at that capital, in which capacity he continued about eleven years. His next appointments were as vice minister for foreign affairs, and then

as minister for foreign affairs (1889-1891). From 1892 to 1895 he was again minister to Germany. Returning to Japan he became once more minister for foreign affairs, from 1898 to 1900. Upon retirement from the foreign office he was made a privy councillor. In the course of his missions to Germany he was accredited also, at different times, to Austria-Hungary, to Holland, to Belgium, and to Great Britain, and many of Japan's treaties now in force bear his signature.

Viscount Aoki is 62 years old. He speaks German perfectly and English pretty well. His wife is a German lady.

I have, etc.,

HUNTINGTON WILSON.

The Japanese Chargé to the Secretary of State.

No. 24.]

JAPANESE LEGATION,
Washington, April 25, 1906.

SIR: I have the honor to inform you that Viscount Siuzo Aoki, who has been appointed by His Majesty the Emperor of Japan to be his ambassador extraordinary and plenipotentiary near the Government of the United States, has arrived in Washington yesterday.

I beg leave to request that you will be so good as to appoint a time when he may call at the Department of State to pay his respects to you and to make arrangements with you for the presentation of his credentials to the President.

Accept, etc.,

EKI HIOKI.

The Acting Secretary of State to the Japanese Chargé.

DEPARTMENT OF STATE,
Washington, May 1, 1906.

DEAR MR. HIOKI: I have just received word from the White House that the President will be pleased to receive Viscount Aoki for the purpose of presenting his letter of credence as ambassador of Japan, on Thursday afternoon, the 3d instant, at 2.30 o'clock.

Colonel Bromwell will call for the ambassador in the President's landau and escort him to the White House

I am, etc.,

ROBERT BACON.

REMARKS OF VISCOUNT AOKI, JAPANESE AMBASSADOR, ON THE OCCASION OF THE PRESENTATION OF HIS LETTER OF CREDENCE.

WASHINGTON, May 3, 1906.

MR. PRESIDENT: Moved by the desire to give to the diplomatic relation so happily existing between Japan and the United States a more intimate character and to consecrate its growing importance, His Majesty the Emperor of Japan, my august sovereign, has resolved to raise the rank of his diplomatic mission at Washington to that of

an embassy, and I have been directed by His Majesty to deliver in to your hands the letter accrediting me to you in the capacity of his ambassador extraordinary and plenipotentiary, together with another letter relieving Mr. Kogoro Takahira of his duties as His Majesty's envoy extraordinary and minister plenipotentiary near the Government of the United States.

In entering upon the duties of the office with which I have been honored, I am commanded by His Majesty to convey to you, Mr. President, his wish for your personal health and happiness and for the prosperity and well-being of the people of the United States. While no effort shall be spared on my part to maintain and strengthen the relations of sincere friendship and good will between our two nations, which have proved to be so fruitful of beneficent results, I may be permitted to say that I feel the responsibility all the more keenly in having been chosen as the first ambassador from Japan to the United States. I should indeed be happy if my efforts in the direction referred to would be proved to be successful, for it is the earnest desire alike of my imperial master and of his people to further develop the bonds of friendship and good accord which unite the two countries. I trust that, in the execution of the high mission intrusted to me, I may rely upon the same benevolence and kindly assistance which it has been the good fortune of the representatives of the Imperial Government to receive at your hands.

REPLY OF THE PRESIDENT.

MR. AMBASSADOR: The friendship which has existed between the United States and Japan since the opening of your country to foreign commerce, the steadily increasing cordiality of intercourse between them, and the importance which they have assumed in the affairs of the world make it most meet that the diplomatic relations between them should have a more intimate character.

I am glad, therefore, to welcome you to Washington and to receive from your hands the letter whereby His Majesty the Emperor of Japan accredits you as his first ambassador extraordinary and plenipotentiary near this Government.

I have no doubt that the bonds of friendship and good accord which unite our two countries will be more firmly cemented by your endeavors. To this end you may rely upon my hearty cooperation.

I beg you will convey to His Majesty my thanks for his good wishes and assure him of the cordial sentiment which he has deservedly won among us.

Ambassador Wright to the Secretary of State.

No. 4.]

AMERICAN EMBASSY,
Tokyo, May 27, 1906.

SIR: I have the honor to inform you that I arrived in Yokohama on the 13th instant and immediately proceeded to Tokyo. On the 15th instant, accompanied by Mr. Huntington Wilson, chargé d'affaires,

I made an informal call upon the Marquis Saionji, prime minister and acting minister for foreign affairs, and presented to him copies of my letter of credence as ambassador, of Mr. Griscom's letter of recall, and of the remarks I proposed making to His Majesty the Emperor. I have the honor to transmit herewith inclosed a copy of my note of the 15th instant to the foreign office by which I requested that I might be received in audience by His Majesty.

On the 26th, accompanied by the staff of this embassy, I was received in audience by His Majesty the Emperor and formally presented my letter of credence, together with Mr. Griscom's letter of recall. At the same time I made a short address, a copy of which is herewith inclosed. His Majesty replied briefly, but in a very cordial way, asking with much interest as to the health of the President and his family. I herewith inclose a copy of his remarks as furnished by the grand master of ceremonies. Immediately following the audience with the Emperor, Mrs. Wright and myself were received in audience with Her Majesty the Empress, who was very gracious and kindly in her manner and expressions.

I have not yet had the opportunity of meeting a great many of the Japanese officials, but those I have met I have found agreeable and cordial. Altogether my experiences up to date have been very pleasant.

I have much pleasure in informing you that the Marquis Saionji expressed himself in the most complimentary terms, in which my own observation enables me fully to concur, as to Mr. Wilson's manner of conducting the affairs of the legation while acting as chargé d'affaires. I may say in this connection that he has been very attentive and helpful to me since my arrival, and, whilst I am glad of his deserved promotion, I shall part with him with genuine regret. I feel that I am also already in a position to say that Mr. Laughlin, Mr. Miller, and Mr. Scidmore have all been most efficient and diligent in the discharge of their respective duties and are aiding me in every way in arriving at a knowledge of the business of the embassy.

I have, etc.,

LUKE E. WRIGHT.

[Inclosure 1.]

Ambassador Wright to the Minister of Education, Acting Minister for Foreign Affairs.

AMERICAN EMBASSY,
Tokyo, May 15, 1906.

MONSIEUR LE MINISTRE: The President having appointed me ambassador extraordinary and plenipotentiary of the United States of America to reside near the person of His Majesty the Emperor of Japan, I have the honor to inform your excellency that I arrived in Tokyo on the 13th instant, and to request that at the convenience of His Imperial Majesty I may be received in audience for the purpose of presenting my letter of credence and my predecessor's letter of recall. At the same time I beg to hand your excellency copies of my letter of credence and of Mr. Griscom's letter of recall, and also a copy of the remarks which I look forward to the honor of addressing to His Majesty the Emperor on the occasion of my audience.

I have also the honor to request for Mrs. Wright and myself the honor of an audience with Her Majesty the Empress.

I avail myself, etc.,

LUKE E. WRIGHT.

[Inclosure 2.]

Address of Ambassador Wright.

YOUR IMPERIAL MAJESTY: I have the distinguished honor of presenting from the President of the United States the letters of recall of the Hon. Lloyd C. Griscom as envoy extraordinary and minister plenipotentiary of the United States, residing near Your Imperial Majesty, and from the same high source my letters of credence as ambassador extraordinary and plenipotentiary to Your Imperial Majesty. In doing so, I am directed by the President to assure Your Imperial Majesty of his warm personal regard and his earnest wishes for the well-being of the great nation of which Your Imperial Majesty is the head. The unbroken amity between the United States and Japan, now so long continued that it has become almost traditional, is a source of congratulation and of the greatest pleasure to the President and to the American people. Both he and they have marked with unvarying interest and generous sympathy the steady increase in power and prestige of the Empire of Japan, at once one of the oldest and most virile of modern nations. The appointment by him of an ambassador to Your Imperial Majesty is but a recognition of her advanced position among the great powers. The President has directed me to say further that he believes that no other one factor will be so important in determining the welfare of the peoples grouped around the great Pacific Ocean as the friendship and good understanding of Japan and the United States, which he hopes will grow ever closer.

Personally, I esteem myself most highly honored in being selected by the President to represent him and the American people at Your Imperial Majesty's court, and I venture to express the hope that my efforts to carry out the President's wishes may meet with Your Imperial Majesty's confidence and approval.

[Inclosure 3.—Translation.]

Reply of the Emperor.

We are pleased to receive the letter of credence from the President, informing us that the Hon. Lloyd C. Griscom has been relieved of his duties and that the President, having raised the legation to the rank of an embassy, has been pleased to appoint your excellency as his ambassador.

It is our firm conviction that the appointment of your excellency as ambassador will promote and strengthen the cordial relations that have always so happily existed between the two countries.

We trust that the President and his family are in the enjoyment of good health.

SOUTH MANCHURIAN RAILWAY COMPANY.*Ambassador Wright to the Secretary of State.*

No. 76.]

AMERICAN EMBASSY,
Tokyo, October 15, 1906.

SIR: I have the honor to inclose a revised copy of the translations of the government order relating to the organization of the South Manchurian Railway Company and the articles of incorporation which accompanied my dispatch No. 47, of August 18 last.

I have, etc.,

LUKE E. WRIGHT.

[Inclosure 1.—Translation.]

GOVERNMENT ORDER.

To Masatake Terauchi, chairman of the organizing commission of the South Manchurian Railway Joint Stock Company, and 80 other members of the commission:

The following orders are hereby given respecting the several matters relating to the organization of the South Manchurian Railway Joint Stock Company, all matters pertaining to the management of which have been intrusted to the commission.

August 1, 1906.

ISABURO YAMAGATA,
Minister of Communications.

YOSHIRO SAKATANI, LL. D.,
Minister of Finance.

VISCOUNT TADASU HAYASHI,
Minister for Foreign Affairs.

ARTICLE 1. In accordance with the additional agreement of the Japan-China treaty relating to Manchuria, signed on December 22, 1905, the company shall engage in the traffic of the following railways: Tairen-Changchun, Nankuanling-Port Arthur, Tafangshen-Liushutun, Tashichiao-Yinglow, Yentai-Yentai Coal Mine, Sukiatun-Fushun, Mukden-Antunghien.

ART. 2. The railways mentioned in the preceding article shall be changed to the 4 feet 8.5 inch gauge within three years, counting from the day on which the company commences its operations.

On the Tairen-Changchun Railway the tracks between Tairen and Sukiatun^a shall be doubled.

ART. 3. The company shall make the various arrangements necessary for the lodging and meals of the passengers, as well as for the storage of goods at the principal stations on the line.

At the points on the harbors and bays touched by the railways the necessary arrangements shall be made for connecting water and land transportation.

ART. 4. For the convenience and the profit of the railways, the company may engage the following accessory lines of business: Mining, especially the operation of the coal mines of Fushun and Yentai; water transportation; electrical enterprises; sale on commission of the principal goods carried by the railways; warehousing; business relating to the land and buildings on the land attached to the railways. In addition, any business for which government permission has been given.

ART. 5. The company shall, subject to the permission of the Government, make the necessary arrangements for engineering works, education, sanitation, etc., within the area of lands used for the railways and the necessary lines of business.

ART. 6. To defray the expenses necessary for the arrangements mentioned in the preceding article, the company may, subject to the permission of the Government, collect fees of those who live within the area of lands used for the railways and the necessary lines of business, or make any other assessment for necessary expenses.

ART. 7. The total amount of the company's capital stock shall be 200,000,000 yen, of which 100,000,000 yen shall be furnished by the Imperial^b Government.

ART. 8. The capital to be furnished by the Government mentioned in the preceding article shall consist of the following properties: The existing railways; all properties belonging to the railways, except those in the leased territory specially designated by the Government; the coal mines at Fushun and Yentai.

ART. 9. The rolling stock now being used by the Government and the rails, as well as the accessories, of the Mukden-Antunghien temporary railway shall be sold to the company at a reasonable price.

ART. 10. The shares not owned by the Government shall be open to subscription by Japanese and Chinese subjects.

ART. 11. When the dividend of the company for any business year is less than 6 per cent per annum on the paid amount for the shareholders other than the Governments of Japan and China (hereafter to be styled merely "the shareholders"), the Government shall supply the deficiency for a period of fifteen

^a Near Mukden.

^b Japanese.

years only (or for thirty business years if the calendar year be divided into two business years), commencing from the day of the registration of the company's establishment. However, the amount of money to be furnished by the Government to supply the deficiency referred to shall under no circumstances exceed 6 per cent per annum on the capital paid in by the shareholders.

ART. 12. When the dividend of the company for any business year does not exceed 6 per cent per annum on the capital paid in by the shareholders, the dividend on the shares owned by the Government need not be paid.

The shares owned by the Chinese Government shall be dealt with in a similar way to those owned by the Imperial Government.

The Government shall guarantee the payment of interest on the debentures which the company may issue for the reconstruction of the railways, or for the operation of the necessary business, and on those which the company may issue for consolidating or redeeming these debentures. The Government shall, if necessary, guarantee the repayment of the principal.

The amount of the face value of the debentures to be guaranteed by the Government should not exceed the amount remaining when the capital paid in by the shareholders other than the Government is subtracted from the total of the capital subscribed by them.^a

The debentures mentioned in the first paragraph shall be redeemed within twenty-five years, counting from the year of their issuance.

ART. 14. For the debentures issued in accordance with the provisions in the first paragraph of the preceding article, the Government shall supply the amount corresponding to the interest on the debentures.

When the dividend on the capital paid up by the shareholders exceeds 6 per cent per annum, the surplus shall first be applied to the payment of the interest on the debentures. However, in this case the amount of surplus shall be deducted.

ART. 15. When there is any surplus after paying the interest on the debentures, as mentioned in the preceding article, out of the profits of the company's business, the said surplus shall be apportioned to the shares owned by the Governments of Japan and China until the rate is equal on the respective amounts paid up by all the shareholders.

ART. 16. The money to be supplied by the Government, as provided for in articles 11 and 14, shall bear interest at 6 per cent per annum. The interest shall be added annually to the principal, and the total shall be the company's indebtedness to the Government.

When the dividends for all the shares exceed 10 per cent per annum, the surplus shall be devoted to the redemption of the company's debt mentioned in the preceding paragraph.

ART. 17. Any surplus of funds raised by means of the debentures mentioned in article 13 shall be deposited with the division of deposits in the department of finance.

ART. 18. The company shall determine estimates of the capital to be paid up and the debentures floated during each business year, their face value, issuing price, rate of interest, date of issuance, etc., and shall receive the Government's approval.

ART. 19. The company shall determine the regulations relating to its finances and business, and shall secure the Government's approval.

When the company desires to alter the regulations mentioned in the preceding paragraph and the articles of incorporation, similar steps shall be taken.

ART. 20. The plans of the company's business, the estimate of the cost of operation, the budget of income and expenditures connected with the company's business, the settlement of the same, and the rate of the dividend for each business year shall be submitted to the Government for approval. When the company desires to alter the foregoing items, similar steps shall be taken.

ART. 21. At the designation of the Government the company shall report on the following matters: The present condition of the cost of operation as well as the income and expenditures connected with the company's business. The actual condition of the company's work in general.

ART. 22. Without the permission of the Government the company shall not dispose of its principal rights and properties, nor give the same for security.

ART. 23. When the Government deems it necessary, it may order the freight charges to be reduced, but only under special conditions.

^a I. e., shall not exceed the difference between the capital subscribed and the amount paid in.

ART. 24. The Government may, when it deems necessary, order the company to make new works arrangements or modify the existing ones.

ART. 25. At the designation of the Government the company shall be under obligation at any time to place the railways, land, and any other articles at the service of the Government.

ART. 26. The articles and paragraphs relating to the funds to be supplied by the Government and the government guarantees mentioned in the present order shall be confirmed upon the approval of the Imperial Diet.

[Inclosure 2.—Translation.]

THE ARTICLES OF INCORPORATION OF THE SOUTH MANCHURIAN RAILWAY JOINT STOCK COMPANY.

CHAPTER I.—*General provisions.*

ARTICLE 1. This company shall be called the South Manchurian Railway Joint Stock Company and is established in accordance with imperial ordinance No. 142 of 1906 and in obedience to the order of the Imperial Japanese Government.^a

ART. 2. The liability of the shareholders of this company is limited to the value of the shares owned by them.

ART. 3. This company shall establish its head office at Tokyo and its branch office at Tairen.^a

ART 4. The objects of this company are as follows:

I. To engage in the transportation business of the following railways in Manchuria: Tairen-Chanchung Railway, Nankuanling-Port Arthur Railway, Tafangshin-Liushutun Railway, Tashichiao-Yingkow Railway, Yentai-Yentai Coal-Mine Railway, Sukiatun-Fushun Railway, Mukden-Antunghien Railway.

II. To engage in the following lines of accessory business for the benefit of the railways: Mining, especially the operation of the coal mines at Fushun and Yentai; water transportation; electrical enterprises; warehousing; business relating to the land and buildings on the land attached to the railways. Any other business for which the permission of the Government may be given.

ART. 5. The capital of this company shall be 200,000,000 yen. However, the amount of the first subscription of shares shall be 20,000,000 yen, not including the shares to be owned by the Imperial Japanese Government. The second and subsequent subscriptions shall be opened from time to time, as necessity may require, upon the resolution of a general meeting of the shareholders.

ART. 6. The public notices of this company shall be published in the newspapers in which the public notices of the court of law are published to whose jurisdiction the company is subject in Tokyo,^b and in the newspapers in which the public notices of the Government General of Kwantung are published at Tairen.

CHAPTER II.—*Shares.*

ART. 7. The share certificates of this company shall all be registered, and each share shall be 200 yen.

ART. 8. The certificates of shares of this company shall be of the following seven denominations: One share certificates, five share certificates, ten share certificates, fifty share certificates, one hundred share certificates, one thousand share certificates, ten thousand share certificates.

ART. 9. The certificates of shares of this company shall bear the name of the company, the date of registration, the total amount of capital, the amount of each share, the amount paid up, and the number of the certificate. They shall bear the signature and seal of the president.

ART. 10. As to the payments upon the shares, 20 yen per share shall be paid in at the first call. For the second and subsequent calls on the shares the president shall determine the amount to be paid in as well as the time of payment, and notices of the same shall be sent to each shareholder at least sixty days in advance. However, each call on the shares shall not exceed 20 yen per share.

^a Dalney.

^b The location of the head office.

ART. 11. If a shareholder fails to make payment by the date fixed for payment on the shares, delay interest shall be charged him at the rate of 4 sen per day per 100 yen on the amount due.

ART. 12. If a shareholder fails to make payment within fifteen days from the date fixed for the first payment on the shares, the company may demand that payment be made within thirty days; and if the money is not paid in by that time the company may notify him that his rights as a shareholder of this company shall be forfeited.

In the case mentioned in the previous paragraph, where rights are lost, the application money previously paid shall not be refunded.

ART. 13. If at the second and subsequent calls on the shares, a shareholder fails to make payment within fifteen days after the date fixed for payment, the company may notify such shareholder that payment must be made within thirty days, and that, in the case of failure to comply, his rights as a shareholder of this company shall be forfeited.

When in the case mentioned in the previous paragraph, a shareholder has forfeited his rights as such, the company shall notify each assignor^a of shares that payment must be made within fifteen days, and the assignor who first pays the amount in arrears shall acquire the shares. If no assignor pays, the company shall sell the shares at auction. If the amount realized by the auction is not sufficient to cover the amount in arrears, the previous shareholder shall be required to make good the deficit. If the previous shareholder does not make good within fourteen days, the company shall demand performance of the assignors.

ART. 14. The liability of the assignors mentioned in the preceding article is extinguished after two years from the time when the assignment was entered in the register of shareholders.

ART. 15. If a company or any other legal person, public or private, owns the shares of this company, it shall appoint its representative and have his name entered in the register of shareholders of this company. If shares are held by two or more persons in common, they are required to appoint one person to exercise their rights as shareholders. Persons holding shares in common are jointly and severally liable to the company for the payment upon the shares.

ART. 16. When shares are to be assigned, the parties concerned shall make a written statement in accordance with the form prescribed by this company and apply for the alteration of the certificate of shares. However, when a person inherits shares by virtue of succession, bequest, or any decision rendered by a court of law, such person is required to attach to the statement referred to a certificate of the census official or other documents as evidence that the company may deem necessary.

The assignment of any share shall not be valid unless the name and domicile of the assignee are entered in the register of shareholders and the name of the said assignee is entered on the share certificate in question.

ART. 17. Should any certificate of shares be destroyed, mutilated, or lost, the shareholder may apply for a new certificate of shares by presenting to the company a statement giving the facts in the case and signed by two or more persons as guarantors. However, in case of loss, a public notice to that effect shall be given at the expense of the applicant, and the new certificate of shares shall be issued only when no objection is raised within sixty days from the date of the said public notice.

ART. 18. If any shareholder wishes to change the denominations of his certificates of shares, the said certificates shall be presented to the company together with the application.

ART. 19. For the registration of a change of an owner's name on a certificate of shares, the issue of a new certificate of shares or the alteration of the denomination of a certificate of shares, the prescribed fees of the company shall be collected from the applicant.

ART. 20. During a period not exceeding thirty days immediately preceding each ordinary general meeting of shareholders, the company shall suspend the assignment of shares.

CHAPTER III.—*Shareholders.*

ART. 21. The shareholders of this company shall be limited to the Governments of Japan and China, and the subjects of Japan and China.

^a One who has previously held shares.

ART. 22. The Imperial Japanese Government shall furnish the following properties as capital, and the company shall deliver to the Government 500,000 shares, amounting to 100,000,000 yen, which is the value of the said properties: The existing railways (except the rolling stock now actually in use, as well as the rails and accessories of the Mukden-Antungghien Temporary Railway); all properties attached to the railways referred to, except such properties within the leased territory as may be designated by the Government; the coal mines at Fushun and Yentai.

ART. 23. Each shareholder shall have the right to one vote for each share owned by him.

ART. 24. The shareholders and their legal representatives shall report to the company their domiciles, names, and a copy of their legal seals when they acquire shares. When any alteration in the above facts has taken place, similar measure shall be taken.

CHAPTER IV.—*General meeting.*

ART. 25. An ordinary general meeting shall be called by the president twice every year, in the months of June and December. An extraordinary general meeting shall be called by the president when the president or the inspectors deem it necessary to do so, or when the shareholders owning at least one-tenth or more of the total number of shares have presented a request to that effect, stating the object of the general meeting and the reasons for calling the same. When the shareholders have requested a general meeting to be called, the president shall take steps for calling the same within fourteen days.

ART. 26. The discussion at a general meeting shall be confined to the subjects previously announced.

ART. 27. The date, time, and place of a general meeting shall be determined by the president, and a notice to that effect shall be sent out to the shareholders at least thirty days in advance of such meeting.

ART. 28. The president shall act as chairman of a general meeting.

ART. 29. The shareholders may appoint only shareholders of this company as their representatives, and their powers of attorney shall be presented to the company.

ART. 30. The chairman of the general meeting shall be allowed to exercise his right to vote as a shareholder.

ART. 31. Resolutions of a general meeting shall be adopted by a majority vote of the shareholders present. In case of a tie, the chairman shall have the casting vote.

ART. 32. The issuance of company debentures or amendments to the articles of incorporation shall be decided by a majority vote, with more than one-half of the total number of shareholders and also of shareholders representing a half or more of the capital stock present.

If, in the case mentioned in the preceding paragraph, the necessary quorum is not present, a provisional decision may be made by a majority of the shareholders present. A notification giving the essential details of the said provisional decision shall be sent to each shareholder, and another general meeting shall be called in not less than one month.

At the second general meeting the said provisional decision shall be confirmed or rejected by a majority vote of the shareholders present.

ART. 33. The minutes of a general meeting shall be recorded in the proceedings of the general meetings, and the same shall bear the signatures and seals of the president and chief officers present.

ART. 34. The chairman of the general meeting may adjourn the meeting or change the place of meeting. The discussion at an adjourned meeting shall be confined to the subjects on which no decision was made at the preceding meeting.

CHAPTER V.—*Chief officers.*

ART. 35. The chief officers of this company shall be as follows: President, 1; vice-president, 1; directors, 4 or more; inspectors, 3 to 5.

ART. 36. The term of office of the president and vice-president shall be five years, and they shall be appointed by the Government subject to the imperial sanction.

The term of office of the directors shall be four years, and they shall be appointed by the Government from among those who own 50 shares or more.

The term of office of the inspectors shall be three years, and they are to be elected by the shareholders at a general meeting of the shareholders.

ART. 37. The remunerations and allowances of the president, vice-president, and directors shall be determined by the government.

The remuneration of the inspectors shall be determined by a resolution of a general meeting of the shareholders.

ART. 38. The directors are required, during their term of office, to deposit with the inspectors 50 shares of the company owned by them. These shares shall not be returned to their owners even on their retirement from office until all affairs transacted during their term of office shall have been approved at a general meeting.

ART. 39. In the event of the office of any inspector becoming vacant, an extraordinary general meeting of the shareholders shall be called for the purpose of a by-election, and the new inspector shall hold office during the remainder of the term of office of his predecessor.

However, a by-election may be postponed until the next general meeting of the shareholders, except when the number of inspectors has decreased to two or less.

ART. 40. The president shall represent the company and have general control of all its affairs.

The vice-president shall represent the president when he is prevented from discharging his official duties, and shall act as president when that office is left vacant.

The vice-president and the directors shall assist the president, and each shall take charge of a part of the business of the company.

The inspectors shall inspect the affairs of the company.

ART. 41. During their respective terms of office the president, vice-president, and directors shall not engage in any other occupation or business under any name whatever without the permission of the government.

ART. 42. The president shall keep at the head office as well as the branch office copies of the articles of incorporation and of the record of resolutions of the general meetings of shareholders. He shall also keep at the head office the register of shareholders and the ledger of debentures.

ART. 43. The president shall submit the following documents to the inspectors seven days in advance of the date set for the ordinary general meeting of shareholders: (1) An inventory of the company's properties. (2) A balance sheet. (3) A report of the company's works. (4) An account of the profits and losses. (5) Proposals relating to the reserve funds and to the dividends.

ART. 44. The president shall have in readiness at the head office before the day of an ordinary general meeting of the shareholders the documents mentioned in the preceding article and the inspectors' report.

ART. 45. The president shall submit to an ordinary general meeting of the shareholders the documents mentioned in article 43 and obtain its approval.

The president shall publish the balance sheet when he has obtained the approval mentioned in the preceding paragraph.

ART. 46. The inspectors are required to examine the documents to be submitted by the president to a general meeting of shareholders and to report their views at the said meeting.

ART. 47. The inspectors may at any time demand the president to report on the business of the company, and may examine the management of its affairs and the condition of its properties.

CHAPTER VI.—*Supervisors.*

ART. 48. The supervisors of the South Manchurian Railway Joint Stock Company may at any time inspect the arrangements of the company's work, or examine the safes and books of the company, as well as the various documents and articles belonging to it.

The supervisors may, whenever they deem it necessary, order the company to report on the various business accounts and the condition of the company.

The supervisors may attend the general meetings of the shareholders or any other meetings and express their opinions, but they are not entitled to vote.

CHAPTER VII.—*Accounts.*

ART. 49. The account of this company shall be settled by dividing a year into two periods. From April to September of every year shall be the first half year and from October to the following March shall be the second half year.

ART. 50. This company shall set aside as a reserve fund one-twentieth or more of the profits, whenever they are apportioned, until the reserve fund amounts to one-fourth of the capital.

Special reserve funds other than that provided for in the preceding paragraph shall be determined by a resolution of a general meeting.

ART. 51. The dividends to the shareholders shall be paid according to the register of shareholders as it stands on June 1 and December 1.

ART. 52. When the dividend of the company for any business year is less than 6 per cent per annum on the paid-up capital for the shareholders other than the governments of Japan and China (hereafter to be styled merely "the shareholders"), the Imperial Japanese Government shall supply the deficiency for a period of fifteen years, commencing from the day of the registration of the company's establishment. However, the amount of money to be supplied by the Government shall, under no circumstances, exceed 6 per cent per annum on the capital paid in by the shareholders; the dividend on the shares owned by the Government need not be paid.

The shares owned by the Chinese Government shall be dealt with in a similar way to those owned by the Imperial Japanese Government.

ART. 54. The payment of interest on the debentures which the company may issue for the reconstruction of the railways, or for the operation of the accessory business, and on those which the company may issue for consolidating or redeeming old debentures, shall be guaranteed by the Imperial Japanese Government.

The reimbursement of the principal may also, if necessary, be guaranteed by the Imperial Japanese Government. The amount of the face value of the debentures to be guaranteed by the Imperial Japanese Government shall not exceed the amount remaining when the capital paid in by the shareholders other than the Imperial Japanese Government is subtracted from the total of the capital (100,000,000 yen) subscribed by them.

The debentures mentioned in the first paragraph of this article shall be redeemed within twenty-five years.

ART. 55. For the debentures issued in accordance with the provisions of the first paragraph of the preceding article the Government shall supply the amount corresponding to the interest on the debentures.

When the dividend on the capital paid up by the shareholders exceeds 6 per cent per annum the surplus shall first be applied to the payment of the interest on the debentures. However, in this case the amount of surplus shall be deducted from the money to be supplied by the Government mentioned in the preceding paragraph.

ART. 56. When there is any surplus after paying the interest on the debentures, as mentioned in the preceding article, out of the profits of the company's business the said surplus shall be apportioned to the shares owned by the Governments of Japan and China until the rate is equal on the respective amounts paid up by all shareholders.

ART. 57. The money to be supplied by the Imperial Japanese Government, as provided for in articles 52 and 55 shall bear interest at 6 per cent per annum. The interest shall be added annually to the principal, and the total shall be the company's indebtedness to the Imperial Japanese Government.

When the dividend for all shares exceed 10 per cent per annum, the surplus shall be devoted to the redemption of the company's debt mentioned in the preceding paragraph.

CHAPTER VIII.—*Expenses for organizing the company.*

ART. 58. The expenses for organizing the company shall not exceed 50,000 yen.

Of the amount mentioned in the preceding paragraph that advanced by the Government shall be reimbursed by the company.

SUPPLEMENTARY ARTICLE.

ART. 59. The provisions in articles 52 to 57 shall be confirmed upon being approved by the Imperial Diet.

Ambassador Wright to the Secretary of State.

[Extract.]

No. 11.]

AMERICAN EMBASSY,
Tokyo, June 15, 1906.

SIR: I have the honor to transmit herewith a translation of an imperial ordinance published on the 8th instant promulgating regulations for the establishment of the South Manchurian Railway Company, for the purpose of operating the railways and adjacent mines in southern Manchuria.

According to these regulations, the company's shares are to be held only by the Governments and subjects of Japan and China. The Japanese Government may put in its share of the capital in the form of the railways and mines that it now possesses in Manchuria—notably the southern section of the Chinese Eastern Railway Company and the coal mines. The shares may be divided into several issues, the first to be not less than one-fifth of the whole capital stock; and the first payment need not exceed one-tenth of the face value of the shares. The company is to have its head office in Tokyo and a branch office in Dalny. The regulations further provide for the appointment of a commission to take all necessary measures for the establishment of the company.

In an informal conversation recently it was stated to Mr. Miller, of this embassy, that the capital of the new company would at first be 15,000,000 yen, of which it was estimated that the Japanese Government would subscribe one-half in the shape of its Manchurian railways and mines. The remaining half will be divided among Japanese subjects and the Government and subjects of China, thus ensuring a prepondering proportion of the stock in Japanese hands. Mr. Miller's informant thought that the portion of the shares taken by the Chinese would be small.

It is evident from the foregoing and from a perusal of the regulations themselves that it is the policy and purpose of Japan to own a controlling interest in and direct the operations of all the railways in Manchuria in much the same way as the government roads in Japan.

I also inclose herewith translations of some interesting comment upon the new company by the Japanese press.^a The *Jiji Shimpō* points out that the restriction of the shares to the two nationalities was insisted upon by China in her negotiations with Japan at Peking following the Portsmouth peace treaty. The paper regrets that the new company has been compelled to organize upon the narrow lines of its Russian predecessor, which was so opposed to the principle of the "open door" and equal opportunity; but inasmuch as the new company is to operate not only the present line, but also the branch lines to be newly constructed, it will have to make use of foreign capital, thus giving foreign capitalists an interest in the company little short of owning the shares. Commenting upon the question of gauge, the *Jiji Shimpō* remarks that the most important thing for the South Manchurian Railway is to connect Japan with the various other lines of Korea and China, all of which have the standard 4 feet 8.5 inch gauge, rather than to connect with the Russian railway of the north.

I have, etc.,

LUKE E. WRIGHT.

^a Not printed.

[Inclosure—Translation.]

IMPERIAL ORDINANCE.

We hereby sanction the organization of the South Manchuria Railway Joint Stock Company and cause the following ordinance to be promulgated.

[SIGN MANUAL.]

[PRIVY SEAL.]

JUNE 7, 1906.

(Countersigned) MARQUIS KIMMOCHI SAIONJI,
Minister President of State.
 (Countersigned) ISABURO YAMAGATA,
Minister of State for Communications.

Imperial Ordinance No. 142, June 7, 1906.

ARTICLE I. The Government shall cause the organization of the South Manchuria Railway Joint Stock Company for the purpose of engaging in railway traffic in Manchuria.

ART. II. The shares of the company shall all be registered (signed) and may be owned only by the Japanese and Chinese Governments or by subjects of Japan and China.

ART. III. The Japanese Government may offer its Manchurian railways, and their appurtenances, and its coal mines in Manchuria, as the capital to be furnished by the Government.

ART. IV. The company may divide the new shares to be raised into several issues to be floated at different times, but the amount of the first issue shall not be less than one-fifth of the whole amount.

ART. V. The first payment upon the shares need not exceed one-tenth of the value of the shares.

ART. VI. The company shall establish its head office at Tokyo and a branch office at Dalny.

ART. VII. The company shall have a president, a vice-president, four or more directors, and from three to five inspectors.

ART. VIII. The president shall represent the company and manage its affairs.

The vice-president shall perform the president's duties when the latter is prevented from discharging them, and shall act as president when the latter post is vacant.

The vice-president and directors shall assist the president in his duties and shall take charge of various departments of the company's business. The inspectors shall examine the business of the company.

ART. IX. The Government, subject to the imperial sanction, shall appoint the president and vice-president, whose term of office shall be five years.

The Government shall appoint the directors from among those shareholders president and vice-president, whose terms of office shall be five years.

The inspectors shall be elected from among the shareholders at a general meeting of the latter. The term of office shall be three years.

ART. X. The amount of compensation and allowances of the president, vice-president, and directors shall be fixed by the Government.

ART. XI. The president, vice-president, and directors of the company shall not engage in any other business or trade, under any name whatsoever, during their terms of office except by special permission of the Government.

ART. XII. The Government shall appoint a superintendent (superintendents) for the South Manchuria Railway Joint Stock Company to supervise the business of the company.

The superintendent may at any time examine the company's business and inspect their safes, books, documents, and any other articles belonging to the company.

The superintendent, whenever he may deem it necessary, may order the company to report on the various accounts and the condition of the company's business.

The superintendent may attend the general meetings of the shareholders of the company, or any other meetings, and express his opinions, but shall not be entitled to vote.

ART. XIII. The Government may issue such orders as may be necessary to superintend the business of the company.

ART. XIV. In case the decisions of the company or the conduct of its officers are in violation of laws and regulations or of the object of the company, or are detrimental to the public welfare, or fail to carry out the orders of the government office under whose jurisdiction the company is, the Government may cancel the said decisions or dismiss the officers concerned.

ART. XV. When the Government deems it necessary, it may apply to the company the provisions of the law and regulations relating to railways in Japan.

In the case referred to in the preceding paragraph the Government shall inform the company in advance as to the laws and regulations to be so applied.

ART. XVI. When not otherwise provided for in this ordinance, the provisions of the commercial code and its supplementary laws and regulations shall be applied.

ART. XVII. The provisions of imperial ordinance No. 366 of 1900, relating to the construction of railways in foreign countries by Japanese companies, shall not be applied to the company that is to be organized in accordance with this ordinance.

SUPPLEMENTARY RULES.

ART. XVIII. The Government shall appoint a commission to transact all business relating to the organization of the South Manchuria Railway Joint Stock Company.

ART. XIX. The organizing commission shall draw up the company's articles of association, and after the said articles have been approved by the Government, shall open the subscription for the first issue of shares.

ART. XX. When the first issue of the company's shares has been subscribed, the commission shall present to the Government the subscription list and apply for permission to organize the company.

ART. XXI. When the permission referred to in the preceding article has been given, the organizing commission shall, without delay, call for the first installment upon each share.

When the first installment referred to in the preceding article has been paid in, the commission shall, without delay, call a general meeting for organization.

ART. XXII. At the close of the first general meeting the organizing commission shall turn over its business to the president of the South Manchuria Railway Joint Stock Company.

RECOGNITION OF THE CUBAN CONSUL-GENERAL.

Ambassador Wright to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN EMBASSY,
Tokyo, November 10, 1906.

(Ambassador Wright reports that Mr. Ramsden, Cuban consul-general at Yokohama, has applied to the Japanese Government for exequatur and that the latter replies setting forth that our Government in 1902, with the consent of the Japanese Government, authorized our consuls to represent Cuban interests in Japan until the appointment of Cuban consuls; that the President of Cuba, whose commission Ramsden bears, has resigned his office, and that Cuba is now under a provisional government, established by the United States, and that under the circumstances named the Japanese Government declines to recognize Cuban consuls until a permanent and independent government has been established in Cuba and the good offices now exercised by consuls have been formally dispensed with. He adds that Mr. Ramsden submitted to the Japanese Government with his application for exequatur the decree of Secretary Taft, confirming in their positions Cuban diplomatic agents and consuls, with

the result as already stated, and now asks Ambassador Wright to assist him in inducing the Japanese Government to grant exequatur to him. Before acting, Ambassador Wright requests instructions.)

The Secretary of State to Ambassador Wright.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, November 12, 1906.

(Mr. Root instructs Ambassador Wright to explain to the Japanese Government that the provisional Government of Cuba exists under the Cuban constitution and that it is so established pending the election of a President; that a commission given a Cuban consul by Mr. Palma prior to September 29, 1906, is still valid; that authority for American consuls to act for Cuba was asked in 1902 only, subject to their being displaced by regularly appointed Cuban consuls; and that this Government, which itself treats the independent foreign relations of the people of Cuba as unimpaired, hopes that a consul who had been lawfully commissioned by the President of Cuba may be recognized.)

Ambassador Wright to the Secretary of State.

No. 101.]

AMERICAN EMBASSY,
Tokyo, November 23, 1906.

SIR: I have the honor to confirm, as inclosed herewith, my telegram^a of November 10, 1906, to the department, concerning the refusal of the Japanese Government to issue an exequatur to Mr. Ramsden, Cuban vice-consul-general at Yokohama, and the department's telegram of November 12, 1906,^a stating the view of the Government of the United States as regards the validity of commissions given consuls by Mr. Palma prior to September 29, 1906, and instructing me to express the hope of my Government that a consul who had been lawfully commissioned by the President of Cuba might be recognized by the Japanese Government.

In accordance with this instruction, on November 17 I called at the foreign office. The Viscount Hayashi, minister for foreign affairs, was unwell, but I gave to Vice-Minister Chinda the substance of the department's telegram and left a paraphrase of it with him. He stated that his Government had hesitated to recognize Mr. Ramsden pending the receipt of some definite statement from our Government, but, this difficulty having been now obviated, the Japanese Government would act on the matter promptly. On November 22, in an interview with the Viscount Hayashi, I drew his attention to the matter, and he replied that in view of the telegram above referred to, the Japanese Government would issue the exequatur as requested.

I have, etc.,

LUKE E. WRIGHT.

^a Supra.

Ambassador Wright to the Secretary of State.

No. 112.]

AMERICAN EMBASSY,
Tokyo, December 8, 1906.

SIR: Referring to my dispatch No. 101, of the 23d ultimo, I have the honor to inform you that I have to-day received from the imperial foreign office a memorandum, of which a copy is inclosed, stating that "consistently with the telegram from the United States, dated November 17, 1906, a paraphrase of which his excellency Mr. Wright was good enough to hand to the Viscount Hayashi on the 22d instant, the Imperial Government have instructed the local authorities at Yokohama to recognize the Cuban consul-general recently appointed for that place."

I have, etc.,

LUKE E. WRIGHT.

[Inclosure.]

MEMORANDUM.

The department of foreign affairs has the honor to announce to the embassy of the United States that consistently with the telegram from the honorable the Secretary of the United States dated November 17, 1906, a paraphrase of which his excellency Mr. Wright was good enough to hand to Viscount Hayashi on the 22d instant, the Imperial Government have instructed the local authorities at Yokohama to recognize the Cuban consul-general recently appointed for that place.

DEPARTMENT OF FOREIGN AFFAIRS,
Tokyo, November 8, 1906.

OPENING OF THE CABLE BETWEEN JAPAN AND GUAM.

President Roosevelt to the Emperor of Japan.

[Telegram.]

THE WHITE HOUSE,
Washington, June 25, 1906.

I am glad to send Your Majesty, over the American cable, which has just been completed between Guam and Japan and thus unites our two countries across the Pacific, a message of sincere good will, and the assurance of the earnest wishes of the Government and people of the United States for the welfare and prosperity of Your Majesty and Your Majesty's Empire.

THEODORE ROOSEVELT.

The Emperor of Japan to President Roosevelt.

[Telegram.]

TOKYO, *June 26, 1906.*

I have just received with great interest and appreciation the kind message sent by you over the cable which has recently been laid between Guam and Japan and which will shortly be open to the public. I am highly gratified to know that the first telegram by this new

line which united our two countries should convey to me the assurances of the friendly sentiments of the Government and people of the United States for myself and my people. I most cordially reciprocate your expressions of good will and good wishes.

MUTSUHITO.

VISIT OF PRINCE ARTHUR OF CONNAUGHT TO JAPAN.

Chargé Wilson to the Secretary of State.

No. 395.]

AMERICAN LEGATION,
Tokyo, February 23, 1906.

SIR: I have the honor to report, as a graceful courtesy done the United States, that on the occasion of a reception at the legation on Washington's Birthday, to which were invited the American residents of Tokyo and Yokohama and many Japanese who had studied or resided in America, H. R. H. Prince Arthur of Connaught called formally to give his congratulations upon the day. The prince was accompanied by his suite, the British ambassador, and a number of Japanese officials and officers, including Admiral Togo and General Kuroki.

The reception the Japanese Government and people have given Prince Arthur, who has been in Tokyo as the representative of his sovereign to invest the Emperor of Japan with the Order of the Garter, has been characterized by the splendid demonstrations of welcome and the magnificent entertainments in which the Japanese excel, and has of course been the occasion for many allusions to the friendship between the allied nations.

I have, etc.,

HUNTINGTON WILSON.

JAPANESE ADMINISTRATION OF KOREAN AFFAIRS.

Chargé Wilson to the Secretary of State.

No. 363.]

AMERICAN LEGATION,
Tokyo, January 2, 1906.

SIR: I have the honor to transmit herewith clippings from the Japan Times of the 22d and the Japan Mail of the 25th ultimo containing translations of imperial ordinances Nos. 267, 268, and 273, of December 20, relating to the organization of the residency-general and the residencies in Korea.

Amid many details, these ordinances contain several articles which are of interest as indicating the position of the Japanese resident-general and the extensive powers with which he is clothed.

The resident-general is to communicate with the Emperor of Japan through the minister for foreign affairs and the prime minister regarding foreign relations, and through the prime minister on all other subjects. He will have charge of all matters touching foreigners and the foreign consulates in Korea, with the exception of whatever business may be in the hands of the legations in Tokyo. He will

attend also to all matters in respect to which the right of supervision belongs to Japan. The residencies will supplant the Japanese consulates and will take over the judicial functions hitherto exercised by their consular courts. The resident-general is authorized to issue ordinances with limited punitive provisions, and to call upon the Japanese garrison when he may deem it necessary. In case of his absence or disability his duties will devolve upon the commander of the garrison or the director-general, as he may designate.

The principal officials under the resident-general are to be a director-general; a director of agriculture, commercial, and industrial affairs; a director of communications, and a director of police affairs. There is added a large staff of secretaries, engineers, clerks, experts, and police. These are to be attached to the residency-general or detailed to the different residencies.

I have, etc.,

HUNTINGTON WILSON.

Chargé Wilson to the Secretary of State.

No. 373.]

AMERICAN LEGATION,
Tokyo, January 19, 1906.

SIR: I have the honor to transmit herewith a copy of a note addressed to me to-day by the Japanese minister for foreign affairs, announcing that the Japanese Government have decided to close their legation and consulate in Korea on the 1st of February next and to open the residency-general at Seoul and the residencies at the localities where the present consulates or their branch offices are situated; and that consequently after the date referred to all local affairs appertaining to the functions of foreign consuls, on account of which communications have hitherto been made at Seoul directly to the Korean Government, are to be communicated to the residency-general, while such matters as have hitherto been communicated by them to the Korean local authorities are to be referred to the residencies.

I have, etc.,

HUNTINGTON WILSON.

[Inclosure.—Translation.]

The Minister for Foreign Affairs to Chargé Wilson.

No. 41.]

DEPARTMENT OF FOREIGN AFFAIRS,
Tokyo, January 19, 1906.

SIR: I beg to inform you that whereas the affairs of the residency-general and residencies of this Empire in Korea have been provisionally transacted by the imperial legation and consulates in that country, the Imperial Government has decided to close the legation and consulates on the 1st of February next, and to open the residency-general at Seoul and the residencies at the localities, where the present consulates or their branch offices are situated, when the new functionaries will assume their duties in conformity with the agreements concluded between Japan and Korea as well as the regulations for the organization of residency-general and residencies, promulgated by the imperial ordinance No. 267 of the 20th day of the 12th month of last year; and that consequently after the date referred to all local affairs appertaining to the functions of foreign consuls, on account of which communications have hitherto been made at Seoul directly to the Korean Government, are to be communicated to

the residency-general, while such matters as have hitherto been communicated by them to the Korean local authorities are to be referred to the residencies.

Accept, etc.,

KATO TAKAAKI,
Minister for Foreign Affairs.

The Japanese Chargé to the Secretary of State.

No. 4.]

LEGATION OF JAPAN,
Washington, January 19, 1906.

SIR: I have the honor to inform you, under instructions, that on February 1, 1906, the Imperial Government will definitely abandon their legation and consulates which are now respectively administering the powers and functions of the residency-general and residencies in Korea and will formally open on that date the residency-general at Seoul and residencies at the places where the consulates and their branch offices are located; that the residency-general and residencies will administer their respective powers and functions according to the provisions of the agreements between Japan and Korea and the imperial ordinance No. 267,^a of December 20, 1905, relating to the organization of residency-general and residencies, and that in consequence of this arrangement all local affairs appertaining to consular functions which have heretofore been transacted at Seoul with the Korean Government and those which have heretofore been transacted with Korean local authorities at the open ports will thereafter be transacted respectively with the residency-general and the residencies.

Accept, etc.,

EKI HIOKI.

The Japanese Chargé to the Secretary of State.

LEGATION OF JAPAN,
Washington, January 19, 1906.

MY DEAR MR. SECRETARY:

Believing that you will find it convenient to have a copy of the English translation of the imperial ordinance No. 267, referred to in my official note of even date, I beg to send you one herewith, as appeared in Japan Times.

I have, etc.,

EKI HIOKI.

[Inclosure.—Translation.]

IMPERIAL ORDINANCE NO. 267.

We, with the advice of the privy council, hereby give our sanction to the imperial ordinance relating to the organization of the residency-general and residencies, and order to be promulgated.

[IMPERIAL SIGN MANUAL.]
[PRIVY SEAL]

Dated the 20th day of the 12th month of the 38th year of Meiji.

(Countersigned)

COUNT TARO KATSURA,
Minister President of State,
And Minister of State for Foreign Affairs.
MASAHIRO TERAUCHI,
Minister of State for War.

^a Attached to unofficial note of even date.

Organization of the residency-general and residencies.

ARTICLE I. The residency-general (tokan-fu) shall be established at Seoul, Korea.

ART. II. A resident-general (tokan) shall be appointed to the residency-general.

The resident-general shall be of the Shin-nin rank.

The resident-general shall be under the direct control of the Emperor. With regard to matters appertaining to foreign policy, he shall make representations to the Emperor and ask imperial sanction through the minister of state for foreign affairs and the minister president of state, and with regard to all other affairs, through the minister president of state.

ART. III. The resident-general shall be the representative of the Imperial Government in Korea. He shall have general control over matters relating to the foreign consulates and foreigners in Korea, with the exception of such matters as may pass through the foreign representatives accredited to this Empire. He shall also exercise supervision over such affairs of the Korean Government as may relate to foreigners.

The resident-general shall exercise supervision over all affairs in Korea, the charge of which is intrusted to the imperial authorities and offices by treaty or convention. He shall also have charge of all other matters of which the right of supervision has hitherto appertained to the imperial authorities.

ART. IV. The resident-general may, when he considers it necessary in order to maintain peace and order in Korea, order the commander of the imperial garrison in Korea to make use of the military forces.

ART. V. With regard to such administrative matters may be necessitated by obligations based on treaty, the resident-general shall make communication to the Korean Government and demand the carrying out of such matters. In case of urgent necessity, the resident-general shall address himself direct to the local authorities concerned and cause them to attend to such matters and render a report to the Korean Government afterward.

ART. VI. The resident-general shall exercise supervision over the imperial officials and others in the service of the Korean Government.

ART. VII. The resident-general shall have the power to issue ordinances of the residency-general, with punitive provisions of imprisonment for periods not exceeding one year, and fines not exceeding 200 yen.

ART. VIII. When the resident-general considers that any order or measure by any of the various government offices is contrary to treaty or law or regulations, or injurious to the public interests, or exceeds the authorized power of such offices, he may suspend or rescind such measure.

ART. IX. The resident-general shall have control of the functionaries under him. As to the appointment or dismissal of officials of sōnin rank, he shall make representations to the Emperor through the minister president of state. As for officials of hannin rank and below, he shall have the sole right to appoint or dismiss them.

ART. X. The resident-general shall make representations to the Emperor through the minister president of state concerning bestowal of court ranks and decorations.

ART. XI. Besides the resident-general there shall be appointed to the resident-general the following functionaries: Director-general, 1 (chokunin); director of agricultural, commercial, and industrial affairs, 1 (chokunin or sōnin); director of public affairs, 1 (chokunin or sōnin); private secretary, 1 (sōnin); secretaries, 7 (sōnin); police inspectors, 2 (sōnin); experts, 5 (gishi); interpreters, 10 (sōnin); clerks, police sergeants, assistant experts, assistant interpreter, 45 (hannin).

Such Koreans as may be appointed to the residency-general, or any other office under its control, may be accorded the rank of sōnin or hannin.

ART. XII. The director-general shall assist the resident-general in exercising general direction over the affairs of the residency-general.

ART. XIII. In case of the desirability of the resident-general, his duties shall be temporarily discharged by the commander of the imperial garrison in Korea, or by the director-general, as the resident-general may determine.

ART. XIV. The director of agricultural, commercial, and industrial affairs shall, under the direction of his superiors, have charge of matters relating to agriculture, commerce, manufactures, and all other industries.

ART. XV. The director of police affairs shall, under the direction of his superiors, have charge of police affairs.

ART. XVI. The private secretary shall, under the direction of his superiors, have charge of confidential matters.

ART. XVII. The secretaries shall, under the direction of their superiors, have charge of the business of the residency-general.

ART. XVIII. The experts shall, under the direction of their superiors, have charge of technical matters.

ART. XIX. The interpreters shall, under the direction of their superiors, have charge of the translation of documents and interpretation.

ART. XX. Assistant experts shall, under the direction of their superiors, attend to technical matters.

ART. XXI. The resident-general may attach any of the experts or assistant experts of the residency-general to any of the residencies.

Such experts or assistant experts shall be under the direction and supervision of the respective residents.

ART. XXII. The residencies shall be established at important places in Korea.

The location of the residencies and the extent of their jurisdiction shall be fixed by the resident-general.

ART. XXIII. Each residency shall have the following functionaries: Resident (sōnin), vice-resident (sōnin), clerks (hen-nin), police sergeants (hen-nin), interpreters (hen-nin).

In addition to the above functionaries, police inspectors of sonin rank shall be appointed to those residencies wherever the resident-general deems it necessary to have such offices.

In the residencies which have more than two vice-residents, one of the latter shall mainly deal with judicial affairs. The personnel of the residency shall be fixed by a separate regulation.

ART. XXIV. The resident, acting under the direction and superintendence of the resident-general, shall transact the business hitherto belonging to the imperial consuls in Korea, as well as the business which pertains specially to the residency according to the treaties and laws.

ART. XXV. The resident may ask the commander of the imperial forces stationed in his locality to dispatch troops, if he deems such measure necessary for preserving peace and order; provided that there is not time to ask the resident-general for instructions.

ART. XXVI. With regard to such Korean local administrative measures as may be necessitated by obligations based on the treaty, residents may, when they think the matter too urgent to allow time for reference to the resident-general for instructions, directly cause the respective local Korean authorities to carry out the required measures, and render their reports to the resident-general afterward.

ART. XXVII. Residents shall have the power to issue residency ordinances, with punitive provisions of fines (bak-kin) not exceeding 10 yen, of detention, and kwaryo (petty fines, smaller than bak-kin).

ART. XXVIII. Vice-residents shall, under the direction of the respective residents, have charge of the business of the respective residencies, and shall, in case of disability of the respective residents, temporarily discharge their duties.

ART. XXIX. The police inspectors of the residency-general and the residencies shall, under the direction of their superiors, have charge of police affairs.

ART. XXX. The clerks of the residency-general and the residencies shall, under the direction of their superiors, attend to general business.

ART. XXXI. The police sergeants of the residency-general and the residencies shall, under the direction of their superiors, attend to police affairs, and exercise control and direction over the policemen under them.

ART. XXXII. The assistant interpreters of the residency-general and the residencies shall, under the direction of their superiors, attend to the translation of documents and interpretation.

ART. XXXIII. A police force shall be attached to the residency-general and each residency. The policemen shall be of Hannin rank.

The number of policemen shall be fixed by the resident-general.

Chargé Wilson to the Secretary of State.

No. 389.]

AMERICAN LEGATION,
Tokyo, February 13, 1906.

SIR: I have the honor to inclose clippings from the Japan Mail reporting Marquis Ito's speech to the local editors in Seoul last November, after he had signed the Japan-Korea convention, and giving also the gist of the Marquis's address at the dinner given by him to the leading journalists of Tokyo, and a translation of his remarks to the members of the Constitutionalist party, both of which latter were delivered early this month on the eve of his excellency's departure from Tokyo for Korea.

Marquis Ito's speech was calculated to dispel the idea that Korea is to be considered fair prey for the Japanese, and to persuade the Koreans that although their foreign relations are taken over by Japan, yet the prestige of their court is upheld and the machinery of the Government is to remain under the direction of the Korean Emperor. The desire of Japan to restore to Korea the control of her foreign relations when that country's development might make possible such a course is also asserted. Along with these efforts to reassure the Koreans, the Marquis proceeded to enjoin upon the Japanese consideration and kindness toward the Korean people.

In his address to the Tokyo journalists, Marquis Ito mentions some of the specific tasks before him and then speaks of the corruption of Korean administration and the need of its reform, and the poverty of the people. The Marquis makes the point that, since Japan has undertaken the defense of Korea and must keep a garrison there, and the expense on behalf of Korea will grow quite considerable with the new order of things, there is imperative need of introducing improvements in agriculture, engineering, forestry, and such matters, in order to increase the wealth of the Koreans so that they may bear as far as possible the expense of all Korean enterprises, instead of leaving these to be borne by the Japanese. His excellency then looks forward to an increased Japanese immigration to Korea. In this connection he strongly condemns the harsh treatment of the Koreans by many of the bad sort of Japanese now in that country, and promises to take ample measures for dealing with that class of offenders, whom he blames for Korean dislike of the Japanese. In closing he invites the views of the press in regard to his policy thus outlined.

Marquis Ito's taking the press into his confidence and asking an expression of journalistic opinion was a great innovation in Japan, and was profoundly appreciated by the newspapers. This will no doubt go far to bring him public support in his work. To show how heartily the proposed policy of the resident-general is approved by the journals, I have the honor to inclose a clipping from the Japan Times containing an epitome of the comment of some of the principal newspapers.

In addressing the members of the Constitutionalist party, Marquis Ito emphasized the gravity of the Korean problem and charged his hearers with the duty of impressing the Koreans with the community of interests of the two countries, of dispelling their suspicions and

gaining their confidence. Before leaving the subject of Korea, his excellency said:

It is not with regard to Korea alone, but with regard to the whole problem of the Far East, that nothing opposed to the sentiment of the powers should be done. No strong country whatsoever can march forward independently and at its own arbitrary convenience. If Japan, puffed up by her victories in war, should forfeit the sympathy of the powers, she will be laying up for herself misfortune in the future.

At an informal interview which I had with the Marquis Ito on the 2d instant, his excellency gave the most satisfactory assurances along these same lines, and especially referred to the attention he would give to the open-door policy, as to which the United States, Great Britain, and Japan were in accord.

At the same interview the new resident general spoke in an exceedingly friendly manner of the American missionaries in Korea, the correctness of whose attitude toward the Koreans, in the delicate position in which they were placed during the excitement following the signature of the new treaty, is without doubt appreciated by the Japanese.

The tone of what the Marquis Ito has said on these occasions is very conservative, earnest, and sincere. His speeches are interesting as announcing the Japanese Government's Korean policy by the mouth of the greatest Japanese statesman and the man who is to undertake the very delicate and onerous labors of the first resident-general at Seoul. He goes to take up his post in Korea after giving to the world expressions of the most high-minded intentions of protecting and bettering the conditions of the Koreans, of improving and controlling the conduct of the Japanese immigrants, and of giving full consideration to the interests of other powers. With such explicit guaranties, there is every reason to expect that American interests in Korea will receive good treatment under the new régime.

I have, etc.,

HUNTINGTON WILSON.

[Inclosure 1.]

[From The Japan Daily Mail of Yokohama, Thursday, November 30, 1905.]

Marquis Ito has made an address to the various newspaper editors in Seoul, whom his excellency invited to luncheon for the purpose. He is reported to have said: "It is most desirable that newspaper editors, in conveying information about Korean affairs to Japan should exercise the utmost caution so as to avoid misleading the Japanese people. Some people in Japan seem to imagine that the new convention has placed Korea in the hollow of Japan's hand and has virtually contrived the overthrow of the empire. Such a view is as precipitate as that referred to in the Chinese proverb where the egg is mistaken for the crow of the full-grown cock. It is true that Japan has assumed the charge of Korea's foreign affairs, but, on the other hand, the Emperor of Japan has sent his special ambassador to convey to the Korean court a solemn assurance of the preservation of its safety and prestige. That is a point of the greatest importance. Further, it need scarcely be stated that the machinery of administration remains as before under the control and direction of His Majesty the Emperor. At a moment of such changes the Koreans themselves were likely to fall into greater errors than the Japanese. Therefore the policy to be hereafter pursued toward Korea would be informed by the utmost sincerity of act and intention. She would be assisted and led along the paths of gradual progress, and everything savoring of precipitate pressure would be avoided. When I had the honor of being received by His Majesty the Emperor of Korea with reference to the terms of the new treaty,

His Majesty expressed and seemed profoundly moved by the fact that even in the days when Korea used the Chinese almanac and was in effect a tributary of China she nevertheless retained the control of her own foreign affairs, whereas now in the reign of His Majesty, after his dynasty had continued for five hundred years, he was asked to sign a convention which would destroy his empire and render him guilty in the sight of his ancestors. I accordingly sought to resolve His Majesty's doubts by pointing out in the utmost detail that the vicissitudes of the time rendered this inevitable, and that so soon as Korea's development had become assured it was the earnest desire of the Japanese Government to restore to her forthwith the direction of her own foreign affairs. When the time came for signing the convention the prime minister, Mr. Han Kyuhwa, sobbed with emotion and seemed wholly overcome. These things render it imperative that Japan, being the pioneer in progress, should behave toward all classes in Korea with the utmost circumspection and sincerity, so that her true purpose may not be mistaken or her intentions doubted. A residency general will be established, but as to its personnel nothing will be known until after my return to Japan. There can, however, be no error in explicitly asserting that the policy of the resident general will not be in any sense revolutionary, but will be one of gradual progress. If the state of affairs in Korea be examined, it is found that the relations between sovereign and subject, government and governed, are of a very distant nature, and are by no means so close as those in Japan. Hence it becomes inevitable to adopt toward the Government measures of a more or less compulsory nature. The people, however, are eminently peaceful and quiet, and toward them, therefore, the policy pursued must be one of gentle persuasion. Those are points which have to be kept in view not merely by our officials, but also by all Japanese subjects residing in Korea. Such Japanese subjects must carefully refrain from all acts of violence to which their country's victories may prompt them, and must be guided by a spirit of kindness in their dealings with the Koreans. Already the United States representative in Seoul has received instructions from his Government for the removal of the legation, and it may be assumed that the other powers will similarly recognize Japan's convention. It will then be for Japan not to forget the duties that heaven has delegated to her, but to lead Korea gently and helpfully along the path of progress, for assuredly anything like arbitrary or coercive conduct will earn for Korea the sympathy of the nations, and will defeat the true and abiding policy of Japan.

[Inclosure 2.]

[From the Japan Daily Mail, of Yokohama, Saturday, February 3, 1906.]

The reports of Marquis Ito's speech at the dinner given by his excellency to the leading journalists of Tokyo are not at all as full as is desirable. The gist of what the distinguished statesman said, however, may be gathered pretty clearly:

"GENTLEMEN: AS I am starting soon for Korea I have invited you this evening for the purpose of laying before you a general statement of the hopes I entertain with regard to the affairs of that country and for the purpose of learning your views. On the 17th of last November the fundamental relations between this Empire and Korea were settled by treaty, but the provisions were very brief. They did not do more than fix foundations, leaving the superstructure of details and the consummation of purposes to depend upon the method of applying the covenant. For example, with regard to business arising out of discussions between the foreign consuls and the Korean local officials, it was arranged that our residents should discharge it, but concerning the relations between the latter and the local officials the details of procedure have still to be enacted. Thus it must be settled that there shall devolve on the Korean local officials the duty of immediately carrying out, on receipt of a communication in that sense from our residents, any business about which representations have been made by the foreign consuls, and again, in the event of the local officials failing or neglecting to discharge such duty, it must be decided that orders to discharge it forthwith shall be conveyed to them in the sequel of reports to the Emperor of Korea or of communications to the Korean Government. Among such matters there will be, on the one hand, some with regard

to which the Japanese Government must approach foreign Governments by way of preliminary, and, on the other hand, there will be some calling for the arrangement with the Korean Government of an accurate line of procedure. In the case of the former I hope that before I assume office they will have been disposed of, and in the case of the latter I hope to settle them myself after careful consultation with the Korean Government subsequently to my arrival in Seoul.

"As for the reform of the Korean Administration, it will be the duty of the Government of this Empire to take it upon itself in accordance with the protocol, but governmental corruption in Korea is of remote origin, and to reform it in a day is no easy task. Of course, to revise laws and thus effect superficial reforms is a matter presenting no difficulty, but such, I believe, is not by any means the way to achieve the object of administrative reform. What I hope with regard to this subject of Korean administrative reform is to give the matter the fullest thought and to accomplish it gradually, so that the people of Korea shall be made simultaneously to reap its blessings.

"The poverty of the Koreans is a matter of universal knowledge, and if it be neglected and no means devised for relieving it, this Empire will not only be violating its responsibility as protector of Korea, but will also itself have to suffer in the end.

"The Japanese Government has taken upon itself the burden of Korea's national defenses, and has accepted the duty of posting a certain force of troops in Korea. Looking at the expense of this alone, it is seen to be not inconsiderable. Further it would be by no means a wise arrangement that she should shoulder Korea's various expenditures which are destined to grow hereafter larger and larger, and that they should be imposed on our people. Therefore it is essential that we should make the Koreans gradually increase their financial strength and should devise means for getting the people of Korea themselves to bear, as far as possible, the expenses of all Korean undertakings. With regard to contriving an increase of their financial strength the first thing to be considered is agricultural improvements. But in the domains of engineering, and forestry also, there are not a few matters calling for reform and organization *pari passu* with agriculture. I hope to investigate all these matters fully and to carry them out gradually.

"The population of our country shows a very rapid rate of increase, and it is natural that this increment should overflow Korea. Above all, when the various enterprises in that country reach a stage of development it is quite evident that we shall witness a very great addition to the number of our people going there as compared with to-day. But there has been much to censure in the conduct of our nationals hitherto in Korea. The greatest indignities have been put upon the Koreans, and they have been obliged to suffer them with tears in their eyes. It is true that persons guilty of such conduct constitute only a small part of the Japanese residing in Korea, but now that this Empire has taken upon itself the protectorate of Korea this improper behavior calls for the utmost correction; especially inasmuch as, since the beginning of the Meiji era many difficulties have been eliminated from the relations of the two countries, and two great wars have taken place, the practical results of which are now for the first time displaying themselves. Yet because the conduct of our nationals toward the Koreans is not what it ought to be, they (the Koreans) pose abroad as sufferers, and entertain the keenest dislike for us at home, with the very regrettable result that much injury is done to the relations of the two countries. I am persuaded that when our nationals go to Korea hereafter in increasing number earnest steps must be taken to check this impropriety. It is needless to say that after I have assumed my duties such of my nationals as are engaged in legitimate enterprises in Korea will be protected, but I propose to take ample measures for dealing with all *mauvais* sujets.

"What I have now said conveys only the gist of the hopes I entertain. In realizing them there must, of course, be order and method, but I am resolved to follow, on the whole, the policy I have here indicated. As some of you gentlemen must be well versed in Korean affairs I trust that you will have no hesitation in expressing your views with regard to my intentions. I shall be most pleased to hear them, and if there be any reason to modify my policy I will not hesitate to do so."

[Inclosure 3.]

[From the Japan Times, of Tokyo, Saturday, February 3, 1906.]

Marquis Ito's recent speech on the line of policy he intends to adopt as resident general in Korea is receiving hearty indorsement from the Tokyo press. His speech, as reported in our columns, dealt with the necessity of negotiating with the foreign governments, on the one hand, and on the other with the Korean Government, to smooth the way for full discharge of Japan's duties as protecting power, since the Peninsular Empire's diplomatic affairs are now entirely intrusted to this country. In his discussion of administrative problems, the Marquis pointed out very sensibly that it is a comparatively easy matter to reform the laws, but it may be immeasurably difficult to secure the real confidence of the Koreans. How to proceed in the matter is still a knotty problem, in Marquis Ito's mind. The most important work is to elevate the low financial and economic status of that country; and this can only be done by developing the national resources, to the mutual benefit of Korea and Japan, since this Empire has taken upon itself the burden of the defense of the country, and has invested money heavily in improving her means of communication and other civilizing factors. To realize this end, the resident general will encourage, foremost among all other things, agriculture. There is room for great undertakings in engineering, forestry, and other material improvements of the country; these should be taken in hand in the order of their importance. And Marquis Ito's speech concluded with an assurance that the Koreans would be protected against arrogant or overbearing conduct of the "superior race," now such a frequent cause of complaint against the Japanese residents. Thus recapitulating the chief points of the speech, the *Nichi Nichi* compares this policy with that of the American Government in dealing with the Philippines; and the paper concludes that the enlightened policy outlined by Marquis Ito compares well with the most advanced colonial policy now practiced in the world. The *Nichi Nichi* is confident that the public will join in its appreciation of the Marquis's great service to the country.

The *Asahi* says that it feels now free from all anxiety about our relations with Korea since the appointment of Marquis Ito as resident general. It expresses appreciation of the candid manner in which he invited the press representatives to offer suggestions in regard to our Korean policy. In response, then, to his invitation, the paper wishes to draw his attention to two points. First, it is true, as Marquis Ito says, that there is urgent need to provide a remedy for the grievance of the Koreans as to the overbearing, not to say tyrannical, conduct of Japanese residents in the peninsula. The Marquis has duly recognized this need; but the *Asahi* says that there is another evil—the unpleasant and often underhand ways prevalent among the Japanese residents themselves. This also should receive his excellency's close attention. There is need to study the causes, deep rooted, as the paper believes them to be, and a way should be devised for reforming the low social tone of the Japanese settlers over there, by some means other than administrative. The paper prays for good government for the Japanese as well as the Koreans. It would place special emphasis upon the importance of giving fair and respectable treatment to the self-governing bodies in the settlements, for they have been the most important factor in developing and maintaining Japanese predominance in Korea.

The *Mainichi* regards the Marquis' speech before the press representatives as a public declaration of his policy to both Koreans and Japanese, and thinks his pledges should be kept in mind as a check on the future conduct of his Government in Korea. It has been the consistent practice of the *Mainichi*, in discussing our Korean policy, to ignore the existence of the incurably corrupt official world of Korea and to advocate trying to win the hearts of the people themselves. But this opinion, it says, has been ridiculed as too unpractical, and requiring too long a time; and the contrary principle—that of obtaining the acquiescence of the people by gentle but firm pressure or real force—has been accepted and used as a working principle of practical politics by our Government and by our diplomatic and consular representatives in Korea. The *Mainichi* therefore rejoices to see its own more liberal views practically embodied in Marquis Ito's declaration. It appreciates the caution shown by the resident-general in seeking to disarm criticism on one point; he sees that for sake of promoting confidence and good will among the Koreans, by really

studying their welfare and the principles of fair play, it may be necessary to deal summarily with certain "undesirables" among the Japanese residents; it may be even necessary to go so far as to deport them from Korea, and naturally in such cases there would result a crop of evil reports spread by these persons on returning to Japan—malicious slanders, most likely, which Marquis Ito wishes now to discount abundantly. The Mainichi praises his foresight, circumspection, and courage. But our contemporary warns Marquis Ito not to be over confident of succeeding with the Koreans, for Count Inouye went to Korea with just as high ideals and just as promising plans, but hardly a year passed before he was driven to utter despair at the hopeless and incorrigible worthlessness of most of the Koreans, and this his mission proved a failure. If Marquis Ito now goes earnestly resolved to make this mission a glorious climax to his long and useful career, the Mainichi will give him unstinted support. Finally, this frank appeal to the press is an excellent sign; it is the only such instance in Marquis Ito's life, not to mention any other statesman gifted with less ability, acumen, and enlightenment than he, says our contemporary, and it is an admirable example for the rising generation of would-be constitutional statesmen.

Marquis Ito's public expression of his political views before the press representatives draws praise from the Jinmin. It indorses the Marquis' policy, which aims at the regeneration of Korea on the "slow but sure" basis. As to his economic policy, the paper supports it entirely, for it is of paramount necessity in Korea to raise the intelligence and character of the people through modern education and development of industrial activities.

[Inclosure 4.]

[From the Japan Daily Mail, of Yokohama, Thursday, February 8, 1906.]

The speech made by Marquis Ito on the 5th instant to the parliamentary members of the Seiyu-kai was as follows:

"I am extremely gratified that you, gentlemen of the Seiyu-kai, remembering my old relations with you, have enabled me to meet you at this farewell party on the eve of my departure for Korea. It is still to me a source of great satisfaction to recall how you gentlemen formerly shared my political opinions, and how when, in spite of my very humble attainments and small abilities, I acted as your leader in my capacity of President, you made every allowance for my incompetence and deferred to my views. I am also profoundly pleased that in conjunction with Marquis Saionji you are to apply yourselves to the post-bellum enterprises. My intercourse during many years with Marquis Saionji has been a source of gratitude to me. I have learned not a little from him, and being entirely at one with his political opinions, I am persuaded that with him assuming an important position as to the post-bellum enterprises and you, gentlemen, standing by his side and sharing his responsibility in great affairs of state, not only will the advantages of the people be furthered, but also the security of the realm will owe much to your exertions. Concerning present-day problems of the legislature, you are making them, I am persuaded, an object of the fullest study, and therefore there does not appear to be any need to refer to them here. But inasmuch as any error with respect to the post-bellum undertakings would not only sacrifice the good results of the war, but also involve the state's future in peril, I earnestly hope that your attitude will be one of extreme circumspection.

"I turn now to the Korean problem, which for the past thirty or forty years has well nigh shaken the far eastern firmament. Japan's special geographical and political relations with the peninsula affected her relations with the powers also and plunged her into two wars which cost her heavily. To-day at length we have succeeded in obtaining a formal solution of the problem, but to solve it in practice still belongs to the future. This is the result of the sacrifices that Japan has made of life and treasure, and since, as I believe, it is a matter of serious import to the safety and independence of the Empire, I go to assume office in Korea with much trepidation and with full consciousness of my own inability. Nevertheless, though I can not certainly count on attainment, seeing that in all things failure is more frequent than success, I am resolved to labor to the utmost of my ability.

"From Japan's point of view we certainly have had a most painful experience with regard to Korea, yet from Korea's point of view she doubtless believes that she too has been subjected to great pressure, and she certainly does not submit to us willingly. That she feels reluctant is because, when there is question of forfeiting independence, it is much the same by what country one is deprived of it. Hence, if there be any to mislead her, she will at once break away from the Japanese bridle, and it follows that unless this country can win her sincere allegiance we may again beget for ourselves all the old troubles. We must consequently make her understand that Japan's protection is not for the purpose of harming her independence; that if the Japanese extend protection to her, it is because they are compelled to do so for the purpose of preserving their own independence, and that no injury of any kind is to be inflicted on her. Hence, while I myself will approach the Korean problem with all sincerity of purpose, I shall not confine myself to words in dealing with the pitiable condition of the people, but whether in matters of administration or of finance will give them practical proofs of sympathy.

"Thus since, as I have explained, Korea does not feel at all easy about our protectorate, it is to be hoped that you, gentlemen, will take care not to give cause of offense to the Koreans, but that by seeking to inspire them with sentiments of community of interests—in other words, to show them that we are fellow-passengers on the same boat—you will remove their feelings of doubt and umbrage. This is not merely my thought. It is what our fellow-countrymen universally hope and what our Sovereign desires. I take office with the firm resolve to carry out His Majesty's purpose, and therefore I pray that you also, gentlemen, will sympathize and take care that the lives of tens of thousands of our countrymen shall not have been sacrificed in vain.

"It is not with regard to Korea alone, but with regard to the whole problem of the Far East, that nothing opposed to the sentiment of the powers should be done. No strong country whatsoever can march forward independently and at its own arbitrary convenience. If Japan, puffed up by her victories in war, should forfeit the sympathy of the powers, she will be laying up for herself misfortune in the future.

"A great political party may be said to represent the country, yet it can not be guaranteed against erring against the country's interests, and thus much more than common diligence must be brought to the discharge of political duties. Let not the State be sacrificed by seeking to please the people only. That is what I declare with all earnestness. I believe, further, that any change of the Government's present financial policy would be injurious to the State, and it has been a source of great comfort to me to learn that the attitude of the Seiyu-kai toward this matter is settled. I most strongly hope, too, that you will go forward to the full realization of your aims.

"To-day's meeting is engraved upon my heart and will remain a perpetually agreeable memento which shall never fade from my mind."

The Secretary of State to Chargé Wilson.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, March 8, 1906.

(Mr. Root directs the embassy to inquire if Japanese Government would acquiesce in the American representative at Seoul being styled agent and consul-general, thus following a usual precedent in the case of protected countries and facilitating business relations with the Japanese resident.)

Chargé Wilson to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN LEGATION,
Tokyo, March 24, 1906.

(Mr. Wilson reports, in reply to the Department's telegram of March 8, that the Japanese Government is unwilling to have consul-general

at Seoul styled in addition agent, on the ground that under the agreement between Japan and Korea all diplomatic business concerning Korea is to be transacted at Tokyo, and the resident-general will treat in regard to such foreign matters only as come within the scope of consular functions.)

Chargé Wilson to the Secretary of State.

No. 419.]

AMERICAN LEGATION,
Tokyo, March 28, 1906.

SIR: I have the honor to acknowledge and confirm your instructions received on the 9th instant in a cipher telegram reading as follows: "

At an interview on the 9th instant I laid the above question before the minister for foreign affairs, who desired me to put it in writing. I accordingly addressed to his excellency on the same day a note whereof I have the honor to transmit a copy herewith. The Marquis Saionji replied, as shown by the inclosed copy of his note of the 23d instant, that the Japanese Government was averse to the addition of "agent" to the style of the consul-general of the United States at Seoul. As the ground for this objection his excellency states that the resident-general at Seoul will only deal with such matters touching foreign representatives in Korea as do not exceed the scope of ordinary consular functions, all diplomatic affairs being left for negotiation at Tokyo.

In communicating the response of the Japanese Government I had the honor on the 24th instant to dispatch to you a cipher telegram reading as follows: "

The inclosed statement of the minister for foreign affairs makes the division of foreign business with Korea between the foreign office in Tokyo and the residency-general in Seoul considerably clearer than did the articles of organization of the residency-general and residencies in Korea, a translation of which accompanied the legation's No. 363, of January 2.

I have, etc.,

HUNTINGTON WILSON.

[Inclosure 1.]

Chargé Wilson to the Minister for Foreign Affairs.

AMERICAN LEGATION,
Tokyo, March 9, 1906.

MONSIEUR LE MINISTRE: Acting under telegraphic instructions from the Secretary of State, I have the honor to inquire whether the Imperial Japanese Government would acquiesce in the American representative at Seoul's being styled "agent" and "consul-general," thus following a usual precedent in the case of protected countries, and at the same time facilitating official business relations with the resident-general.

I avail myself, etc.

HUNTINGTON WILSON.

^a Supra.

[Inclosure 2.—Translation.]

*The Minister for Foreign Affairs to Chargé Wilson.*DEPARTMENT OF FOREIGN AFFAIRS,
Tokyo, March 23, 1906.

SIR: I beg to acknowledge the receipt of your note No. 220, dated the 9th instant, asking whether the Imperial Government would acquiesce in the American representative at Seoul being styled agent and consul-general.

I have to say in reply that in view of the fact that all the diplomatic affairs concerning Korea are, according to the agreement between Japan and Korea, to be transacted through this department, and those matters relating to foreign countries, of which the resident-general at Seoul takes charge, are limited to such local affairs of Korea as would come within the scope of the functions exercised by the foreign consuls, it is believed that no inconvenience would be experienced by the United States official at Seoul in the way of maintaining official relations with the resident-general in the capacity of consul-general, and consequently the Imperial Government regret that they are unable to see their way to consent to the said official's adopting the special designation of agent besides that of consul-general.

Accept, etc.,

MARQUIS SAIONJI.

Chargé Wilson to the Secretary of State.

No. 426.]

AMERICAN LEGATION,
Tokyo, April 5, 1906.

SIR: Referring to the legation's dispatches Nos. 363, of January 2, and 373, of January 19, on the subject of the organization and the opening of the residency-general and residencies in Korea, I have the honor to transmit herewith a translation of the bill relating to the judicature in Korea, which was passed by the Japanese Diet at its last session.

This law prescribes in a general way the procedure in the courts of the residency-general and residencies, and provides for cooperation between them and the courts of Japan and Formosa in such matters, for instance, as the issuance of letters rogatory.

I have, etc.,

HUNTINGTON WILSON.

[Inclosure.—Translation.]

BILL FOR THE JUDICATURE IN KOREA.

[Introduced into the House of Peers by the Government.]

I. The residency shall conduct the preliminary examinations of lawsuits and perform duties connected with noncontentious procedure within its jurisdiction.

II. The resident-general may transfer the judicial business of one residency to another.

III. In the residency the resident of the vice-resident alone shall examine and pronounce judgment.

IV. The court of the residency-general shall examine appeals concerning decisions of the residents and give final judgment.

V. The court of the residency-general shall be composed of three judges, of whom the highest in rank shall be presiding judge.

VI. Only those who have been judges, prosecuting attorneys, professors of law in the Imperial University, residents, vice-residents, or attorneys at law for at least five years may be judges or prosecuting attorneys of the court of the residency-general.

VII. The resident shall cause the officials of the residency to act as prosecuting attorneys of the residency.

VIII. The prosecuting business of the court of the residency-general shall be dealt with by the prosecuting attorney.

IX. The provisions for legal cooperation in the judiciary law for courts (in Japan) and the Formosan court shall be applied respectively to the legal cooperation between the residencies and the residency general court on the one hand and the court (in Japan) on the other, and between the residences and the residency-general court on the one hand and the Formosan court on the other. The provisions for legal cooperation by request of foreign law courts shall be applied to legal assistance to be rendered in the residencies and the residency-general.

X. Concerning the laws to be applied to Korea with respect to judicial matters not provided for in this law, imperial ordinances may be issued.

Ambassador Wright to the Secretary of State.

No. 23.]

AMERICAN EMBASSY,
Tokyo, July 6, 1906.

SIR: I have the honor to inclose herewith translations of a number of imperial ordinances from the Official Gazette, relating to the organization, powers, and procedure of the Japanese courts in Korea.

It will be noted that the laws now promulgated provided for two classes of courts—courts of first instance and courts of appeal. The resident-general is invested with certain judicial power, such as are exercised by the respective ministers of state in Japan. The organization of the courts is determined and regulations relating to both criminal and civil procedure are set forth.

An editorial in the Asahi Shimbun raises the question as to the ultimate effect of the new judicial system upon the ex-territorial jurisdiction now exercised by the treaty powers in Korea. I have the honor to inclose a translation of the editorial for the department's information.

I have, etc.,

LUKE E. WRIGHT.

[Inclosure 1.—Translation.]

We hereby sanction the law relating to the judicature in Korea which was approved by the Diet and cause the same to be promulgated.

[SIGN MANUAL.]
[PRIVY SEAL.]

June 25, 1906.

(Countersigned)

MARQUIS KIMMOCHI SAIONJI, *Prime Minister*,
MASAHIRA MATSUDA, *Minister of Justice*.

Law No. 56.

LAW RELATING TO THE JUDICATURE IN KOREA.

I. The residency shall conduct the preliminary examinations of lawsuits and perform duties connected with noncontentious procedure within its jurisdiction.

II. The resident-general may transfer the judicial business of one residency to another.

III. In the residency the resident or the vice-resident alone shall examine and pronounce judgment.

IV. The court of the residency-general shall examine appeals concerning decisions of the residents and give final judgment.

V. The court of the residency-general shall be composed of three judges, of whom the highest in rank shall be presiding judge.

VI. Only those who have been judges, prosecuting attorneys, professors of law in the Imperial University, residents, vice-residents, or attorneys at law for at least five years may be judges or prosecuting attorneys of the court of the residency-general.

VII. The resident shall cause the officials of the residency to act as prosecuting attorneys of the residency.

VIII. The prosecuting business of the court of the residency-general shall be dealt with by the prosecuting attorney.

IX. The provisions for legal cooperation in the judiciary law for courts^a and the Formosan court shall be applied respectively to the legal cooperation between the residencies and the residency-general court on the one hand, and the court^a on the other, and between the residencies and the residency-general court on the one hand, and the Formosan court on the other. The provisions for legal cooperation by request of foreign law courts shall be applied to legal assistance to be rendered in the residencies and the residency-general.

X. Concerning the laws to be applied to Korea with respect to judicial matters not provided for in this law, Imperial ordinances may be issued.

SUPPLEMENTARY ARTICLES.

The date at which this law is to be put into force shall be determined by an Imperial ordinance.

The lawsuits and noncontentious cases filed prior to the date at which this law is put into force shall be dealt with as formerly.

We hereby sanction the ordinance relating to the date at which law No. 56 will be put into force, and cause the same to be promulgated.

[SIGN MANUAL.]

[PRIVY SEAL.]

June 25, 1906.

(Countersigned)

MARQUIS KIMMOCHI SAIONJI,

Prime Minister.

IMPERIAL ORDINANCE NO. 160.

Law No. 56 of 1906 shall be put into force on the 27th of June, 1906.

[Inclosure 2.—Translation.]

[From the Official Gazette, June 27, 1906.]

We hereby sanction the law relating to the authority of the resident-general in matters subject to the jurisdiction of the home^a authorities, for which the approval of the Diet has been obtained, and cause the same to be promulgated.

[SIGN MANUAL.]

[PRIVY SEAL.]

JUNE 26, 1906.

(Countersigned)

MARQUIS KIMMOCHI SAIONJI,

*Prime Minister.**Law No. 57.*

Matters such as pertain to the jurisdiction of the home^a authorities may be made to pertain to the authority of the resident-general by an imperial ordinance.

We hereby sanction the ordinance making such matters in Korea as pertain to the jurisdiction of the home^a authorities subject to the authority of the resident-general, and cause the same to be promulgated.

[SIGN MANUAL.]

[PRIVY SEAL.]

JUNE 26, 1906.

(Countersigned)

MARQUIS KIMMOCHI SAIONJI,

Prime Minister.^a In Japan.

Imperial ordinance No. 167.

The resident-general is to exercise his authority concerning such matters as pertain to the jurisdiction of the respective ministers of state in the laws relating to the organization of Japanese settlers, the control of Japanese residents in Korea, the census register, pensions for teachers of schools specially designated by the Government, and the fund in aid of their families, fishermen's guilds engaged in fishing abroad, posts, telegraphs, and the regulations for constructing telephone and telegraph wires.

SUPPLEMENTARY RULE.

This ordinance shall take effect from the day of putting in force law No. 57 of 1906.

[Inclosure 3.—Translation.]

We hereby sanction the organization of the residency-general court, and cause the same to be promulgated.

[SIGN MANUAL.]
[PRIVY SEAL.]

JUNE 25, 1906.

(Countersigned) MARQUIS KIMMOCHI SAIONJI,
Prime Minister.

Imperial ordinance No. 164.

THE ORGANIZATION OF THE RESIDENCY-GENERAL COURT.

ARTICLE 1. A court of justice shall be established at the residency-general.

ART. 2. The residency-general court is subject to the resident-general and shall deal with judicial affairs in Korea.

ART. 3. The residency-general court shall have the following personnel:^a President; judges (4), three of the sonin, one of the chokunin; public procurator (1), sonin; clerks (5), hannin.

ART. 4. The president shall be a judge of the chokunin rank, and shall control the affairs of the court, subject to the resident-general.

ART. 5. With reference to judicial affairs, the president of the residency-general court shall direct and control the residents.

ART. 6. The judges shall take charge of judicial matters.

In case the president should be prevented from fulfilling his duties, the senior judge shall act temporarily as president.

ART. 7. The public procurator shall act under the instructions of the president of the residency-general court and shall take charge of matters relating to prosecutions and prisons.

ART. 8. The clerks shall follow the directions of their superiors and attend to the miscellaneous business of the residency-general court.

SUPPLEMENTARY ARTICLE.

This imperial ordinance shall go into effect on the 27th of June, 1906.

[Inclosure 4.—Translation.]

We hereby sanction the regulations relating to the judicial procedure in Korea, and cause the same to be promulgated.

[SIGN MANUAL.]
[PRIVY SEAL.]

(Countersigned) MARQUIS KIMMOCHI SAIONJI,
Prime Minister.

^a Chokunin—appointed by the Emperor; sonin—appointed by the cabinet; hannin—appointed by the head of the department.

Imperial ordinance No. 166.

REGULATIONS RELATING TO JUDICIAL PROCEDURE IN KOREA.

Chapter I.—General rules.

ARTICLE 1. Those judicial functions^a which appertain to the minister concerned shall be performed by the resident-general.

ART. 2. In the residencies, matter pertaining to the duties of clerks shall be performed by the clerks of the residencies.

ART. 3. Matters pertaining to the duties of a bailiff shall be performed by the clerks of the residencies or police officials.

ART. 4. The provisions relating to testimony inadmissible on the ground of interest or relationship, or testimony excluded upon objection of a party or witness, shall not be applied to the officials of the residencies and the residency-general.

Chapter II.—Criminal procedure.

ART. 5. With reference to criminal cases, the provisions in the Code of Criminal Procedure^a relating to the district courts shall be applied to the residencies, while those relating to the courts of appeal in the Code of Criminal Procedure shall be applied to the residency-general court.

ART. 6. If, in the documents drawn up by the government or public officials, there is any variation from the forms provided for in articles 20, 21, etc., of the Code of Criminal Procedure, the residencies or the residency-general court may cause the officials concerned to make additions or corrections.

ART. 7. The officials acting as public procurators, if they deem it necessary to take prompt action, may, when a public action is to be brought, effect verification, attachment or search, or examine the defendant, witnesses or experts, or take any other measures that the judge who holds the preliminary examination is entitled to take.

In the cases mentioned in the preceding paragraph, the officials referred to are not allowed to issue a warrant of arrest, to pronounce sentence of fine or indemnification of expenses, or to cause an oath to be taken.

ART. 8. The provisions in paragraph 1 of article 78 and paragraph 2 of article 104 of the Code of Criminal Procedure relating to the presence of the head officials of cities, towns, or villages, shall not be applied, but in these cases the presence of two persons is required.

ART. 9. When it is necessary to take evidence, the residencies or the residency-general court may cause the police officials to effect verification, attachment or search, or examine witnesses, or cause expert testimony to be given.

In the cases mentioned in the preceding paragraph the police officials are not allowed to pronounce sentence of fine or indemnification of expenses, or cause an oath to be taken.

ART. 10. If the commissioned judge deems it necessary on the occasion of inspection, he may effect attachment or search, examine the defendant or witnesses, or cause expert testimony to be given without waiting for the decisions of the residencies or the residency-general court.

ART. 11. When a defendant, witness or expert presents a note stating that he will appear at the court on the appointed day, or when he receives a verbal order to appear at the court at its next sitting, it will have the same validity as a written summons; but when a verbal order is given it shall be stated in the record of examination or proceedings of public trial.

ART. 12. Even prior to the opening of the public trial the residencies or the residency-general court may effect verification, attachment or search, or decide to summon witnesses or experts.

ART. 13. The provisions in article 237 and paragraph 3 of article 264 of the Code of Criminal Procedure shall not be applied to major offenses, with the exception of those cases in which the sentence of exile or imprisonment with hard labor for an indefinite period of time, or capital punishment, is to be pronounced.

Without regard to the nature of offenses, major or minor, the residencies or the residency-general court may appoint advocates according to the circumstances of the case.

^a In Japan.

ART. 14. If there is no objection on the part of the parties concerned, a summarized report of the documents for evidence may be substituted for the reading of the same in the court.

If, in any case punishable by confinement not exceeding one year or a fine not exceeding 200 yen, the defendant voluntarily confesses his crime, further evidence need not be taken.

ART. 15. With reference to applications for new trial or extraordinary appeal, the residency-general court shall be a court of appeal.

In the cases mentioned in the preceding paragraph the provisions relating to them in the Code of Criminal Procedure shall be applied. But, even though the reasons in the applications for new trial may be admitted, judgment can not be given immediately without going through the form of rejecting or transferring the original decisions.

Chapter III.—Civil procedure.

ART. 16. With reference to civil cases, the provisions relating to the local courts in the Code of Criminal Procedure^a shall be applied to the residencies, while those relating to the courts of appeal in the same shall be applied to the residency-general court.

ART. 17. Even when a (professional) advocate might be engaged, the interested party may, with the permission of the residency or the residency-general court, appoint as his representative any person legally qualified to begin action.

The permission mentioned in the preceding paragraph may be canceled at any time.

ART. 18. When there is no advocate that can be engaged and when it is necessary to select some person as an agent in a lawsuit, one who is considered suitable by the residency or the residency-general court may be appointed.

ART. 19. If those who act as clerks deliver at their own offices any document to the addressee and receive in return his receipt, it shall be valid as a delivery.

ART. 20. Unless there are good reasons, a fixed date may not be altered or extended, even though the parties concerned are agreed.

ART. 21. If the persons concerned in any lawsuit present a note stating that they will appear at the court on an appointed day, the act shall have the same validity as a summons to appear at the court on the appointed day.

ART. 22. No protest may be lodged against the second judgment by default.

ART. 23. When the commissioned judge is to take evidence, either in accordance with the request of a party concerned or by virtue of his authority, he can examine a witness or cause expert testimony to be given concerning the matter for which evidence is to be taken without waiting for the decision of the residency or the residency-general court.

ART. 24. The testimony of a witness or expert can not be excluded on the ground of his being interested or related.

ART. 25. When the residency-general court sends a case back to the lower court concerned, the case may be argued immediately and the decision made thereon, if the parties concerned are agreed.

SUPPLEMENTARY ARTICLE.

This Imperial ordinance shall take effect on the 27th of June, 1906.

[Inclosure 5.—Translation.]

[From the Asahi, June 29, 1906.]

The laws relating to the judicature in Korea, which passed the Diet this spring, the organization of the residency-general court, and judicial procedure in Korea have been promulgated. In accordance with the provisions of these laws the residencies control the courts of first instance within their respective jurisdictions, while the residency-general court takes charge of appeals relating to the decisions of the residencies and render final judgments. The procedure is simple, and does not necessarily conform to that now in force in Japan. The judges are not regular judges (except the judges of the residency-general court

^a In Japan.

and the residents specially in charge of lawsuits); the procedure is colonial in its nature. Though, for these reasons, a perfect judicial system can not be expected, yet the new system is a remarkable improvement over the former system of consular courts. Though it is certainly to be regretted that the Japanese in Korea can not be accorded the same judicial treatment as at home, we have to be contented with the new system, as no further improvement can be made just at present owing to the peculiar conditions existing in Korea.

With the completion of the judicial system of the residency-general there arise the problems relating to the reforms of Korea's own judicial system and the extraterritoriality of foreigners in Korea. In Korea there is no judicial system in the sense understood in civilized countries. Needless to say, it is Japan's duty to reform Korea's present judicial system. But it should be remembered that there are many things that have to be reformed or improved, and that they differ with reference to the degree of urgency. The reform, or properly speaking the creation of the judicial system of Korea, can not be said to be of the most urgent necessity. Should the judicial system of Korea be perfected and compare favorably with that of any civilized country, foreigners would be willing to subject themselves to such a system, and the question of extraterritoriality would easily be settled. The fact that under the existing circumstances the judicial system of Korea can not be reformed very easily is a strong reason for settling the question of extraterritoriality first. In reviewing the conditions of various countries subject to the protection of more powerful countries we find that it is seldom the question of extraterritoriality does not arise between the protected country, the protector, and the powers having extraterritoriality. In order to maintain the protector's rights and interests to their full extent, it is extremely important from the political point of view that the protector should have full jurisdiction over the foreigners residing in the protected country. Japan is now in that position. Fortunately, the foreigners entitled to extraterritoriality are few in number, and no especially important commercial relations exist. For this reason the extraterritoriality in Korea is rather nominal, and there may be no harm in retaining the old system.

What must be done in the future is to abolish the extraterritoriality of the foreigners residing in Korea and to make them all subject to the jurisdiction of Japan. We believe that our judicial system in Korea just published is good enough to cause the foreigners who have hitherto been enjoying the benefits of extraterritoriality to be willing to subject themselves to the new system. Powers having some political object to accomplish in Korea may say that our new judicial system there is unsatisfactory and may object to it, but those having no special interests will accept our proposal. Since, of course, the new system is chiefly for the Japanese and not meant to be applied to foreigners, it may be that the system will have to be revised somewhat when extraterritoriality is abolished. What is important, however, is to abolish the old disagreeable system of extraterritorial jurisdiction in accordance with the new relation existing between Japan and Korea. But, as we have already said, the extraterritoriality of foreigners in Korea is merely nominal. It is, of course, another question whether or not it is advisable to make the powers abolish this jurisdiction against their will.

Ambassador Wright to the Secretary of State.

No. 24.]

AMERICAN EMBASSY,
Tokyo, July 6, 1906.

SIR: During the last few days there have been appearing in the columns of the local press reports, which I believe to be true, of energetic measures taken by the Japanese authorities in Seoul with reference to the Korean court. The reports state that Marquis Ito, in the course of several long interviews with the Emperor of Korea, pointed out the absolute necessity of clearing the court of the intriguers who continually infest the palace and whose machinations seriously imperil the friendship between Japan and Korea, and sug-

gested the advisability of replacing the Korean palace guards by a force of constables largely consisting of Japanese and under the control of the Japanese police adviser. Later reports indicate that these proposals have been strictly carried out.

I have telegraphed to Mr. Paddock for full information on the subject. Meanwhile I have the honor to inclose herewith notes from the local newspapers, English and Japanese, giving such information and comment as is at present available.

I have, etc.,

LUKE E. WRIGHT.

[Inclosure 1.]

[From the Japan Daily Mail of Yokohama, Friday, July 6, 1906.]

WEDNESDAY, *July 4.*

It would seem that a strong movement is on foot in official circles in Seoul to effect the apprehension of all the persons in the Imperial court who are connected with the disturbances. There have been long conferences at the palace between the Emperor and his chief ministers. The resident-general had a protracted audience on the 2d, and various consultations have taken place between him and the leading members of the cabinet. Meanwhile the duty of guarding the gates of the palace has been transferred from the Korean police to Japanese constables, and on the 2d Mr. Maruyama, adviser on police affairs, went into the palace accompanied by a body of police. The Asahi Shimbun says that the resident-general's first audience lasted fully two hours.

Three hundred and sixty policemen are expected soon to reach Korea. This is in accord with the programme recently described in our columns. Two hundred and fifty of the constables will be attached to the residency-general and the remaining 110 will be sent to the various residencies.

THURSDAY, *July 5.*

It is easy to foresee that there will now be a recrudescence of stories analogous to those circulated in connection with the signing of the November convention between Korea and Japan. The latter's very scrupulous critics in the Far East charged her roundly with securing the convention by force, and now a false rumor has been started that Marquis Ito, accompanied by 50 policemen and a detachment of soldiers, repaired to the palace at midnight on the 2d instant and did not leave it until 5 a. m. on the 3d, by which time he had secured three important concessions from the court. This exploit is now explicitly denied, but a denial will count for little with the gentry who sit in judgment. We may observe, en passant, that these critics are curiously reckless about consistency. For while charging Marquis Ito with obtaining the November convention by force, they lose no opportunity of encouraging the Koreans to fight by assuring them that Japan dare not exercise force.

The Japan Times, in its issue of the 4th instant, published the following telegram from Seoul:

“SEUL, *July 3.*

“Marquis Ito, the resident-general, had yesterday afternoon a two hours' audience with the Emperor and talked with His Majesty on subjects of the most vital importance. Among other things the marquis pointed out the absolute necessity of clearing the court of all sorts of evil characters, such as soothsayers, charmers, intriguers, etc., who daily and nightly infest the palace and whose unceasing machinations seriously imperil the friendship between Japan and Korea, and dangerously compromise the dignity and safety of the Korean Imperial house. In order to save the Emperor the annoyance and dangers caused by these persons, the resident-general suggested the advisability of replacing the incompetent palace guards by a more efficient force of constables under the Japanese police adviser, to which the Emperor readily consented.

"The resident-general summoned this morning the Korean ministers and gave them instructions regarding the purification to be made in the court circles."

Japanese journals supplement this by saying that the marquis asked His Majesty to take steps such as should prevent the dispatch of the Emperor's sympathy to the Wi Pyon and to the anti-Japanese parties in Shanghai, Vladivostok, and elsewhere. In other words, the resident-general required the Korean sovereign to refrain in future from using the Wi Pyon and the intriguers in Shanghai and Vladivostok as instruments for opposing Japan's reforms in Korea. His excellency further asked that greater attention should be paid to the engagement which pledges the court to communicate with the residency-general on each occasion of audience being granted to a foreign consul.

The Emperor has issued an edict calling for the purification of the court, which is now infested with literati, soothsayers, and other semiadventurers, whose intrigues are a constant menace to public peace. His Majesty alludes to previous edicts of the same character, all of which have proved futile in the enforcement, and he demands, with apparent sincerity, that on this occasion there shall be no paltering in giving effect to his clearly expressed wishes.

The first measure for the purpose of carrying out this edict and cleansing the court of objectionable characters has been the appointment of a committee consisting of Messrs. Li Chaikeuk, minister of the household; Li Chiyong, minister of home affairs; Maruyama, police adviser; Li Keung-ho, chief of the administrative bureau in the household; and Kokubu, a secretary. Further, the duty of guarding the palace has been placed in the hands of the Japanese police under Mr. Maruyama.

As illustrating the extraordinary changeableness of Korean policy, it is mentioned that on the morning of the 3d instant Messrs. Li Keung-ho—a member of the above committee—and Li Yong-tai, vice-minister of the household, called on Marquis Ito and begged that the arrangement for having the palace guarded by Japanese police should be abandoned. Marquis Ito gave a very emphatic refusal. He reminded his visitors that only a few hours had elapsed since the sovereign himself had sanctioned this arrangement, and he declared his opinion that no other step could secure the effectual carrying out of the Imperial edict for purifying the court. Such vacillation was at the root of nearly all past troubles. The two ministers could not choose but consent.

An interesting feature of the situation is that Mr. Kang Sak-ho, a high court official, said to be the chief instigator of the recent insurrection, is believed to have been hiding within the palace ever since the arrest of so many of his associates, and it is expected that his apprehension will speedily follow the posting of Japanese police as court guards. The household denies that Kang is in hiding there, but the denial is not credited.

[Inclosure 2.—Translation.]

[From the Jiji Shimpo of July 6, 1906. Seoul telegram, dated the afternoon of July 5.]

THE EFFECT OF THE RESIDENT GENERAL'S ADVICE TO THE EMPEROR OF KOREA.

Resident General Ito's audience with the Emperor of Korea is producing manifold effects. By issuing an edict, the Emperor has prohibited the coming of unqualified persons to the court. Courtier Cho has been arrested, while Mr. Li, minister of imperial household, has sent in his resignation. Each minister keeps watch every other night at the court, and the ministerial decision not to admit any but the court officials within the palace has received the Emperor's sanction, and the regulations have been published. The bureau of court police will be reorganized as the first step to the reforms of the Korean court.

It may be added that the step taken was not expected at all on the part of the Koreans, and the court was very much disturbed. The Emperor sent for Prince Wi-hwa on the night of the 3d instant, but His Highness did not come to the palace under pretext of indisposition.

There is a rumor current that Resident General Ito's advice to the Emperor was to make His Majesty abdicate in favor of Prince Wi-hwa. Many other conjectures are being circulated in order to bring about discord between Japan and Korea.

[Inclosure 3.—Translation.]

[From the Jiji Shimpō of July 6, 1906.]

THE PALACE POLICE OF KOREA.

As a measure of reforming the Imperial Court of Korea, Resident General Ito has added outside police forces to the regular palace police for guarding the palace. In this connection, the appointment as the palace guard commissioners of Lisaikoku, minister of imperial household; Lishiyo, minister of interior; Likonko, superintendent of palaces; Maruyama, Japanese police adviser to the Korean Government; and Kokubu, secretary to the residency general, must be regarded as a noteworthy reform. It has been a great evil of long standing that those vagrants who have no official connection whatever have had free access to the court, have won imperial favors for attaining their own selfish ends, and started various intrigues, both at home and abroad. The troubles of Korea's internal administration and diplomacy have mainly sprung from this source. But if the access of unqualified persons to the palace can be restricted by the enforcement of the new police system, with the addition of the Japanese police forces, the order of the Korean court will gradually be restored, while the welfare and dignity of the Korean imperial family will also be maintained.

THE MAINTENANCE OF THE WELFARE AND DIGNITY OF THE KOREAN IMPERIAL FAMILY.

The fact that those dangerous persons who start intrigues abroad or stay at home to disturb the peace of the country have hitherto had free access to the court demonstrates the utter incompetency of the native palace police of Korea. The reform just inaugurated by our resident general is, therefore, a measure perfectly in conformity with his functions.

Should, however, this state of things be left for a long time to come as it is now, the Korean imperial court will eventually become a hotbed of conspiracies and intrigues, whence spring all sorts of troubles, domestic as well as foreign. Then the sacred imperial palace will become a rendezvous of knaves and rascals, while at the same time nothing will remain of the welfare and dignity of the imperial family of Korea. It will therefore mean the gradual downfall of the imperial family. Japan can not keep silent without doing anything, according to the provisions article 5 of the Japan-Korean agreement, and it is probable that the Korean Emperor has become uneasy about the situation and has promptly accepted the advice of the resident general. The Korean Emperor can be an enlightened monarch if he be properly assisted and guided, but it should be remembered that the present reform is an extremely important one to the court. Since it is not improbable that the Korean people fail more or less to understand the significance of the situation, we hope that it may carefully be explained and specially that the Emperor may be reassured.

Ambassador Wright to the Secretary of State.

[Extract.]

No. 48.]

AMERICAN EMBASSY,
Tokyo, August 18, 1906.

SIR: I have the honor to transmit herewith inclosed two newspaper clippings in duplicate, taken from the Japan Times of August 8 and 14, in relation to the issuance for M. Plançon of an exequatur as Russian consul-general at Seoul.

The conflict between the Russian and Japanese Governments in regard to the form of M. Plançon's commission and the source of issuance of the exequatur has been settled by Russia's yielding to Japan's demand for the suppression in the one of the name of the Emperor of Korea, and that the request for the other be made to the Japanese Government.

I have, etc.,

LUKE E. WRIGHT.

[Inclosure 1.]

[From The Japan Times, of Tokyo, Wednesday, August 8, 1906.]

SATISFACTORY SOLUTION.

We reported some time ago that M. Plançon, the new Russian consul-general at Seoul, in proceeding to his post, had decided to yield to the Japanese proposal that, in view of the transfer of the control of the Korean diplomatic and consular affairs to the hands of our authorities, he should go to Seoul with the sanction of the Tokyo Government to exercise his duties in Korea. It was then yet alleged, however, that despite the Russian acknowledgment of our position in Korea as above, there still existed some point of disagreement between the Government in Tokyo and that in St. Petersburg with regard to the question relating to the credentials with which M. Plançon was going to Seoul. Russia insisted on her peculiar way of addressing the credentials given her consular agent to the sovereign of the state to which the agent was appointed, quite contrary to the general rules prevailing among the powers in this connection. Thus, inasmuch as the credentials carried by M. Plançon were addressed to the Korean Emperor, who had intrusted to the hands of the Imperial Government the entire control of the diplomatic and consular affairs in the peninsula, our authorities were unable to give M. Plançon sanction to exercise his new duties there. Now, it is stated that the Russian Government has signified its consent to change the form of the credentials, in accordance with the ordinary usage and satisfactory to our Government. No doubt that this change of attitude on the part of the St. Petersburg authorities was due to the efforts of M. Iswolsky, the new Russian foreign minister. In view of the satisfactory turn of the affair, and in consideration of the fact that the Russian Government willingly recognized the position of Mr. Motono as our minister in St. Petersburg prior to his presentation of his credentials, the Imperial Government is said to have given M. Plançon sanction to stay at Seoul as Russian consul-general, notwithstanding his inability as yet to present his credentials in the new form. This satisfactory solution of the much-talked-of question is a welcome sign for the promotion of the friendly relations between the two countries.

[Inclosure 2.]

[From The Japan Times, of Tokyo, Tuesday, August 14, 1906.]

STATEMENT BY THE RESIDENCY-GENERAL.

In connection with the Plançon affair, the amicable settlement of which was reported by us some days ago, the residency-general in Korea issued, on the 9th instant, a statement reviewing the affair substantially as follows:

The Japanese Government, in consideration of the fact that, by virtue of the Japan-Korea agreement of November, last year, it has been intrusted with the control of the diplomatic and consular affairs in Korea, believes that there is no room for doubt that the foreign consuls in Korea should present their credentials to the Japanese Government and receive from it sanction to exercise their duties, in accordance with the ordinary rules of international law. Yet Russia had a different view, and negotiations between the two countries ensued, in Tokyo between Viscount Hayashi, our minister of foreign affairs, and M. Bakhmetieff, Russian minister, and in St. Petersburg between Count Lamsdorff, the Russian foreign minister, afterwards succeeded by M. Iswolsky, and Mr. Motono, our minister to Russia, with regard to the questions relating to the right of giving sanction to foreign consuls and the form of credentials carried by them. After repeated interviews and exchanges of official communications, the Russian Government finally acknowledged Japan's right of controlling diplomatic and consular affairs in Korea, and consented to our proposal that the Russian consul in Korea should obtain from the Japanese Government sanction to exercise his functions. Thus the affair was brought to an amicable settlement. But M. Plançon was unable to present at once to our Government his new credentials, owing to their nonarrival as yet, and the Imperial Government, in compliance with the request of the Russian Government, consented to grant M. Plançon a provisional sanction pending the

arrival of the formal credentials in the new form. Thereupon M. Plançon, taking steamer from Kobe, came to Seoul. The granting of the provisional sanction is a matter of courtesy on the part of the Japanese Government, and it goes without saying that it can be revoked at any time. The new credentials of M. Plançon will, it is expected, arrive within four weeks.

It may be added that the right of the Japanese Government to give sanction to foreign consuls in Korea is fully recognized by the powers. The British and Chinese consuls in Seoul have also received the sanction from our Government.

MINING LAW OF KOREA.

Ambassador Wright to the Secretary of State.

No. 29.]

AMERICAN EMBASSY,
Tokyo, July 18, 1906.

SIR: I have the honor to transmit herewith, in duplicate, an official translation of the mining law of Korea, which was promulgated July 12, 1906.

It will be noted that the following articles thereof apply especially to the interests of foreigners in Korea, namely:

ART. 27. Inasmuch as the measures to be taken under the present law and the detailed regulations for carrying out the same will in many cases concern foreigners, no such measures shall be decided upon or executed without the previous consent of the resident-general. This stipulation shall also apply with regard to the mines belonging to the imperial household department.

ART. 30. Foreigners who have been granted mining rights and have begun operations in connection therewith before the promulgation of the present law and are still carrying on such operations shall observe the provisions hereof in so far as they do not conflict with the terms of the grants made to them.

I have, etc.,

LUKE E. WRIGHT.

[Inclosure.]

DETAILED REGULATIONS FOR ENFORCEMENT OF THE MINING LAW IN KOREA.

[Ordinance No. 43 of the department of agriculture, commerce, and industry, promulgated July 28, 1906. (Translated at H. I. J. M.'s residency-general.)]

ARTICLE 1. The minerals mentioned in the mining law shall comprise gold, silver, copper, lead, tin, antimony, mercury, zinc, iron, manganese, graphite, coal, petroleum, and sulphur. Placer minerals do not come within the scope of the said law.

ART. 2. When mining rights are sold, otherwise transferred, or inherited, the rights and obligations appertaining to the holder thereof under the mining law or the present ordinance shall pass with the mining rights.

With regard to any procedure or action taken under the mining law or the present ordinance by any holder of mining rights, or any owner of lands or any person having an interest in such lands, the responsibility for such procedure or action shall extend to the assigns of such holder, owner, or person.

ART. 3. Where there is a fixed form for applications, requests, reports, or drawings concerning mining, such form shall be complied with.

ART. 4. Applications, requests, reports, and all other documents and drawings concerning mining shall, in the case of Korean subjects, be presented to the mining bureau in the department of agriculture, commerce, and industry, and in the case of foreigners, to the residency-general.

The day on which such documents or drawings are received at the mining bureau in the department of agriculture, commerce, and industry or at the residency-general, shall be regarded as the date of their official receipt.

ART. 5. The payment of fees shall be made in revenue stamps. Postal orders issued by any post-office and bills of exchange issued by the bank intrusted with the custody of government funds may also be used for making such payments.

Fees paid shall not be returned.

ART. 6. When any document or drawing presented is imperfect, the minister of agriculture, commerce, and industry shall order the necessary correction or additions.

ART. 7. Any applicant for or any holder of mining rights or any representative of such holder or applicant, who does not possess a place of residence in Korea, shall establish a temporary place of residence and report it to the minister of agriculture, commerce, and industry.

In case any applicant for or any holder of mining rights or his representative is absent and there is nobody to receive official communications for him, the full text or substance of any documents to be forwarded to such party shall be published in the Official Gazette for three days, and on the lapse of fourteen days from the completion of such publication such documents shall be regarded as having been duly served. The same rule shall also apply in case the report mentioned in the foregoing clause has not been presented.

ART. 8. Any person wishing to engage in mining shall present, together with his application, a plan of the mining claims and an explanatory statement concerning the ore deposits he wishes to work. Specimens of the minerals for which the applicant intends to mine may be substituted for this explanatory statement, in which case such specimens must be forwarded so as to reach the proper authorities within ten days from the date on which the application was received.

Any person wishing to make alterations with regard to a mining claim he has applied for shall apply for permission to do so, presenting a statement of reasons and a plan accurately showing the connection between the original and new claims.

Applications for the amalgamation, division, or alteration of mining claims shall be accompanied by a statement of reasons, a plan clearly showing the connection between the different claims to be amalgamated, divided, or altered, and the mining permit. In case the mining rights are already mortgaged, the above-mentioned application shall be accompanied by the written consent of the mortgagee or some document of equal validity.

ART. 9. The applications mentioned in the foregoing article shall be forwarded as registered mail.

ART. 10. When, in accordance with the proviso of article 4 of the mining law, the area of a mining claim, whether only applied for or already granted, is to exceed the limit of 1,000,000 tsubo, the application for such excess shall be accompanied by a statement of reasons.

ART. 11. In case of application made through a representative, the application shall be accompanied by a power of attorney or some other document of authorization.

ART. 12. In case of joint application for or joint ownership of a mining claim by two or more persons, one of them shall be made the representative of the rest, and the fact reported to the minister of agriculture, commerce, and industry. In case no such report is presented, the selection of such representative shall be made by the minister of agriculture, commerce, and industry.

ART. 13. In case joint applicants for or joints owners of a mining claim authorize their representative to withdraw the application for mining rights or to present or withdraw the application mentioned in the second and third clauses of article 8 and in article 22, or to report the abandonment of mining operations, the application or report made by such representative shall be accompanied by the text of the resolution authorizing the same or some document of equal validity.

ART. 14. Any person who makes any of the applications mentioned in article 8 shall pay fees as follows:

	Yen.
1. Application for mining rights.....	100
2. Application for alterations of mining claims applied for, but not yet granted:	
Extension of such claims or alterations in the nature of extension in one direction and reduction in another.....	50
Reduction of such claims.....	20
3. Application for the amalgamation, division, or alterations of mining claims:	
Extension of the claims or extension in one direction and reduction in another.....	50
Amalgamation or division of mining claims.....	40
Reduction of mining claims.....	20

ART. 15. In case the location or configuration of any mining claim applied for under article 8 is considered to be injurious to public mining interests, the minister of agriculture, commerce, and industry shall order alterations to be made.

ART. 16. In case any mining claim applied for under article 8 is contiguous to a mining claim possessed by another person and the minister of agriculture, commerce, and industry considers it necessary, for the sake of proper supervision over mining operations, to preserve a proper distance between the respective claims, he may order the required reduction in the mining claim for which application is made.

ART. 17. When minerals other than those for which permission to mine have been obtained are discovered on a mining claim, the minister of agriculture, commerce, and industry may order the holder of the mining right to apply for the mining of the newly discovered minerals.

ART. 18. When any applicant for or any holder of mining rights has been ordered by the minister of agriculture, commerce, and industry to present any document or drawing, he shall do so within the specified period.

When any applicant for or any holder of mining rights has been ordered by the minister of agriculture, commerce, and industry to attend an investigation on the spot, he shall attend such investigations on the date named. In case he causes his representative to attend in his place, the latter shall be provided with a power of attorney or some other document of authorization.

ART. 19. When the minister of agriculture, commerce, and industry has decided to grant any application mentioned in article 8, he shall communicate the fact to the applicant.

On the receipt of the above-mentioned communication, the applicant shall, within thirty days, make a request to the minister of agriculture, commerce, and industry for registration.

Persons who make the above-mentioned request shall pay as registration fee a sum equivalent to that mentioned in No. 1 or No. 3 of article 14, according to the nature of the application.

When the fee mentioned in the foregoing clause has been paid, the minister of agriculture, commerce, and industry shall issue the mining permit or effect the alteration asked for.

ART. 20. No applications, requests, or reports shall be accepted in the following cases:

1. In case the application is not accompanied by the required plan, explanatory statement, statement of reasons or the written consent or some document of equal validity, or specimens have not been submitted within the specified period, as required by the provisions of article 8 and article 22.

2. In case applications are not forwarded as registered mail, as provided in article 9.

3. In case applications are not accompanied by a statement of reasons, as provided in article 10.

4. In case applications or reports are not accompanied by the text of the resolution or some document of equal validity, as provided in article 13.

5. In case fees have not been paid.

ART. 21. Applications, requests, and reports shall be rejected and returned in the following cases:

1. In case, on the occasion of investigations on the spot, the applicant for mining rights is unable to delimitate clearly the mining claims applied for, or in case, on the occasion of investigations concerning such claims, he is unable to give proper explanations.

2. In case the mining sites delimited by the applicant are widely different from the plans accompanying the application.

3. In case corrections or additions have not been made within the period specified by order issued by virtue of the provisions of article 6.

4. In case the plan of alterations has not been submitted within the period specified by order issued by virtue of the provisions of article 15.

5. In case the plan of alterations has not been submitted within the period specified by order issued by virtue of the provisions of article 16.

6. In case the applicant has not attended on the date specified by order issued by virtue of the provisions of the second clause of article 18.

7. In case the registration fee has not been paid within the period provided in article 19.

ART. 22. Person desiring to sell, assign, or mortgage mining rights shall submit an application accompanied by the mining permit. In case the said mining rights are already mortgaged the application shall be accompanied by the written consent of the mortgagee or some document of equal validity.

The applicant mentioned in the foregoing clause shall pay a fee of 100 yen.

The provisions of article 19 shall apply to the application mentioned in the present article, the registration fee required being 100 yen.

ART. 23. Any person who has inherited mining rights shall immediately report the fact to the minister of agriculture, commerce, and industry, such report to be accompanied by the mining permit.

When the above-mentioned report is made, a registration fee of 100 yen shall be paid.

The provision of the fourth clause of article 19 shall be applicable in the case mentioned in the foregoing clause.

ART. 24. Persons making the undermentioned requests concerning mining shall pay the respective fees:

1. Request for the renewal of a mining permit, 20 yen per item.
2. Request for a copy of the plan of a mining claim, 30 yen per item.
3. Request for the perusal of the mining register or plan of a mining claim, 1 yen per hour.
4. Request for a copy of the mining register, 2 yen per leaf of the copy.
5. Request for the perusal of local registers of mining claims granted or those applied for, 10 yen per hour per locality of the minimum size.

ART. 25. Holders of mining rights shall present in January and July every year a detailed statement for the preceding six months, giving the amount of the output, the amount sold, the price realized, the number of working days, and the number of laborers, calculated according to the number of actual working days.

The statement mentioned in the foregoing clause shall be presented immediately whenever mining rights have lapsed or have been transferred or whenever mining operations have been abandoned.

ART. 26. The value of the minerals mentioned in the second clause of article 19 of the mining law shall be determined by the minister of agriculture, commerce, and industry.

ART. 27. Every holder of mining rights shall prepare in December each year a plan of underground workings based on actual surveys and present it to the minister of agriculture, commerce, and industry not later than the end of February of the following year.

ART. 28. Every holder of mining rights shall establish a mining office at the place where his mining claim is located and keep at such office a plan of the mining claim and a plan of the underground workings based on actual surveys.

ART. 29. Where the holder of mining rights does not personally attend to the management of mining business, he shall appoint a representative and report the fact to the minister of agriculture, commerce, and industry, under their joint signatures.

The representative mentioned in the foregoing clause shall be considered as intrusted with full powers with regard to any procedure or action concerning the management of mining business which the holder of mining rights is required to perform under the provisions of the mining law and the present ordinance. Whenever the holder of mining rights restricts the power of his representative, he shall immediately report the fact.

ART. 30. When mining rights have been revoked or mining work has been abandoned, the possessor of mortgage right against the said mining rights may, except in the case mentioned in clauses A and D of article 12 of the mining law, succeed to the said mining rights by applying for permission to the minister of agriculture, commerce, and industry within sixty days.

The applicant mentioned in the foregoing clause shall pay a fee of 100 yen.

The provision of the fourth clause of article 19 shall apply as regards the case mentioned in the foregoing clause.

ART. 31. Whenever a mining right has lapsed by the abandonment of mining or any other reason, the holder of such mining right shall immediately report the fact to the minister of agriculture, commerce, and industry, at the same time returning his mining permit.

ART. 32. Any person who, under the provisions of article 14 of the mining law, wishes to enter land owned by another person for purpose of surveys or

investigations, shall present a request to the minister of agriculture, commerce, and industry, giving the name and classification of such land and stating the object he has in view.

In such cases a fee of 30 yen shall be paid.

ART. 33. Any person asking for the decision of the minister of agriculture, commerce, and industry, by virtue of the second clause of article 6 or article 17, of the mining law, shall submit a request clearly stating the reasons, together with detailed plans based on actual surveys and other documents bearing on the matter.

Any person asking for the decision of the minister of agriculture, commerce, and industry shall pay a fee of 50 yen.

On the receipt of the request mentioned in the first clause of the present article, the minister of agriculture, commerce, and industry shall communicate the fact to the other party and order the latter to submit an answer within a specified period.

When such communication can not be made owing to the fact that the recipient's address is not clearly known, the substance of such communication shall be published in the Official Gazette for three days, and on the lapse of fourteen days from the completion of such publication the communication shall be regarded as having been duly served.

In case the other party has failed to submit an answer, the minister of agriculture, commerce, and industry may give his decision solely on the strength of the request.

In case examinations on the spot are required, the minister of agriculture, commerce, and industry may order the person making the request or the other party to defray the actual cost of such examinations.

Copies of the decision, together with a statement of reasons, shall be given to the person making the request and the other party.

ART. 34. Any holder of mining rights who violates the provisions of article 18, article 25, article 27, article 28, the first clause of article 29, or article 31, shall be liable to a fine of not less than 5 yen nor more than 50 yen.

The measures required for carrying out the provisions of the foregoing clause shall be decided upon and executed by the minister of agriculture, commerce, and industry.

SUPPLEMENTARY RULE.

ART. 35. The present ordinance shall come into force on the same day.

JAPANESE ADMINISTRATION OF THE KWANTUNG LEASED TERRITORY.

Ambassador Wright to the Secretary of State.

No. 42.]

AMERICAN EMBASSY,
Tokyo, August 9, 1906.

SIR: I have the honor to transmit herewith translations of the ordinances relating to the government-general of Kwantung, together with some editorial comments ^a of the Japanese press.

These ordinances are to go into effect on September 1.

I have the honor, etc.,

LUKE E. WRIGHT.

^a Not printed.

[Inclosure 1.]

TRANSLATIONS OF ORDINANCES RELATING TO THE GOVERNMENT-GENERAL OF KWANTUNG.

[Official Gazette, August 1, 1906.]

We, after consultation with the privy council, hereby sanction the regulations relating to the organization of the government-general of Kwantung and cause the same to be promulgated.

[SIGN MANUAL.]
[PRIVY SEAL.]

July 31, 1906.

(Countersigned)	MARQUIS KIMMOCHI SAIONJI, <i>Prime Minister.</i>
(Countersigned)	MASATAKE TERAUCHI, <i>Minister of War.</i>
(Countersigned)	VISCOUNT TADASU HAYASHI, <i>Minister for Foreign Affairs.</i>

Imperial ordinance No. 196.—The organization of the government-general of Kwantung.

ARTICLE 1. In the Province of Kwantung there shall be established the government-general of Kwantung (Kwantung Totoku Fu).

ART. 2. For the government-general of Kwantung there shall be appointed a governor-general of (Kwantung Totoku).

The governor-general shall govern the Province of Kwantung and shall take charge of the protection and supervision of the railway lines in South Manchuria.

The governor-general shall supervise the affairs of the South Manchuria Railway Joint Stock Company.

ART. 3. The governor-general shall be of the shinnin^a rank and shall be a general or a lieutenant-general of the imperial army.

ART. 4. The governor-general shall command the troops under his jurisdiction and shall have control of various political matters under the supervision of the minister for foreign affairs.

ART. 5. By virtue of a special commission the governor-general shall take charge of the affairs to be negotiated with the Chinese provincial authorities.

ART. 6. The governor-general shall be subject to the minister of war with reference to matters of military administration and the personal affairs of the soldiers and of those connected with the army; to the chief of the general staff with reference to plans of operation and mobilization; to the superintendent of education in the army with reference to military education.

ART. 7. The governor-general may, by virtue of the authority invested in him ex officio or by special authorization, issue ordinances, including penal regulations for imprisonment not exceeding one year or fine not exceeding 200 yen.

ART. 8. For the maintenance of the public welfare and order, the governor-general may, on special occasions requiring urgent measures, issue ordinances including penal regulations exceeding the limitations mentioned in the preceding article.

The ordinances mentioned in the preceding paragraph shall, immediately after their promulgation, be reported to the Emperor, through the minister for foreign affairs, for the imperial sanction.

In case the said ordinances should not be sanctioned by the Emperor, the governor-general shall immediately give public notice that they are not valid thereafter.

ART. 9. The governor-general shall take charge of the defense of the territory within the limits of his jurisdiction.

ART. 10. When the governor-general deems it necessary for the maintenance of the welfare and order of the territory under his jurisdiction or for the protection or supervision of the railway lines he may employ military force.

In the case mentioned in the preceding paragraph, the fact shall be immediately reported to the minister for foreign affairs, the minister of war, and the chief of the general staff.

^a Appointed directly by the Emperor.

ART. 11. When the governor-general discovers that any order or measure of the government offices under his jurisdiction is contrary to the prescribed regulations, or is injurious to the public interests, or has transgressed the authority vested in them, he may suspend the said order or measure or annul it.

ART. 12. The governor-general shall control the officials under his jurisdiction. With reference to the promotion and dismissal of civil officials of the sonin^a rank, he shall report to the Emperor, through the minister for foreign affairs and the prime minister. With reference to the promotion or dismissal of civil officials of the hannin^b rank and those lower, the governor-general shall act entirely at his own discretion.

ART. 13. The governor-general shall report to the Emperor through the minister for foreign affairs and the prime minister matters relating to the conferring of court ranks and decorations, upon the civil officials under his jurisdiction.

ART. 14. The governor-general shall reprimand the civil officials under him. Matters relating to officials of the chokunin^c rank or to the dismissal of officials of the sonin rank shall be reported to the Emperor through the minister for foreign affairs and the prime minister.

ART. 15. A governor-general's secretariat shall be established in the government-general of Kwantung.

There shall be an adjutant and a private secretary in the governor-general's secretariat to take charge of confidential matters.

The adjutant shall be an army officer between the ranks of colonel and lieutenant.

The private secretary shall be of the sonin rank.

ART. 16. There shall be a civil administration department and a military department in the government-general of Kwantung.

The regulations for the military department shall be determined separately.

ART. 17. The civil administration department shall take charge of all administrative affairs except those pertaining to military administration.

ART. 18. The following four bureaus and one office shall be established in the civil administration department, and their respective functions shall be determined by the governor-general: Bureau of miscellaneous affairs, bureau of police, bureau of financial affairs, prison office.

ART. 19. The Province of Kwantung shall be divided into three districts, each having a civil administration office. The location, name, and jurisdiction of each office shall be determined by the governor-general.

ART. 20. Branches of the civil administration office and of the prison office shall be established in important places in order to divide the duties of the civil administration and prison offices. Their location, names, and jurisdiction must be determined by the governor-general.

ART. 21. The government-general of Kwantung shall have the following personnel:

One chief civil administrator, chokumin rank; 2 councilors, sonin rank; 6 secretaries, sonin rank; 3 chiefs of the civil administration offices, sonin rank; 18 experts, sonin rank; 6 police inspectors, sonin rank; 1 governor of prisons, sonin rank; 3 translators sonin rank; 220 clerks, police sergeants, assistant experts, jailers, prison physicians, and student translators, hannin rank.

ART. 22. The chief civil administrator shall assist the governor-general and have control of the affairs of the civil administration department.

ART. 23. The councilors shall, under the instructions of their superiors, engage in the discussion and making of plans, or assist in the work of the various bureaus.

ART. 24. The secretaries shall be either the chiefs of the bureaus or members of the same, and shall take charge of matters under the instruction of their superiors.

ART. 25. The chiefs of the civil administration offices shall, under the direction and control of the governor-general, enforce laws and ordinances, and control the administrative affairs within their respective districts.

ART. 26. With reference to the administrative affairs within their respective districts, the chiefs of the civil administration offices may, by virtue of the authority vested in them ex officio or by special authorization, issue ordinances

^a Appointed by the cabinet and reported to the Emperor.

^b Appointed by heads of departments.

^c Appointed by the Emperor.

applying to the whole or a part of their districts, including penal regulations, imposing fines not exceeding 10 yen, and detention.

ART. 27. When military force is needed for maintaining tranquillity within their respective districts, the chiefs of the civil administration offices shall report the fact to the governor-general. But for extraordinary emergencies they may immediately demand the dispatch of troops from the commanders of neighboring garrisons.

ART. 28. The chiefs of the civil administration offices shall supervise the officials under their jurisdictions and report to the governor-general matters relating to the promotion and dismissal of officials of the hannin rank.

ART. 29. The chiefs of the civil administration offices may issue detailed regulations for transacting the business of their respective offices.

ART. 30. When a chief of a civil administration office is prevented from discharging his duties, the official next highest in rank shall act as chief.

The chiefs of the civil administration offices may authorize their subordinate officials to act for them with reference to parts of their official duties.

ART. 31. The experts shall take charge of technical arts under the instructions of their superiors.

ART. 32. The police inspectors shall take charge of police affairs under the instructions of their superiors.

ART. 33. The governor of prisons shall, as the chief official of the prison office, take charge of prison affairs under the instructions of his superiors.

ART. 34. The translators shall take charge of translation and interpreting under the instructions of their superiors.

ART. 35. The clerks shall transact miscellaneous business under the instructions of their superiors.

ART. 36. The police sergeants shall engage in police affairs under the instructions of their superiors, and shall direct and supervise the police constables under them.

ART. 37. The assistant experts shall engage in technical arts under the instructions of their superiors.

ART. 38. The jailers shall belong to the prison office, and shall engage in the discipline, protection, and miscellaneous affairs of the prison under the instructions of their superiors. They shall also direct and supervise the prison guards.

ART. 39. The prison physicians shall belong to the prison and shall engage in medical affairs under the instructions of their superiors.

ART. 40. The student translators shall engage in translation and interpreting under the instructions of their superiors.

ART. 41. The chiefs of the branch civil administration offices shall be appointed from the police inspectors, clerks, or police sergeants, and the chiefs of the branch prison offices shall be appointed from the jailers.

ART. 42. When a chief of a branch civil administration office is prevented from discharging his official duties, the official next highest in rank shall act for him.

ART. 43. There shall be police constables and prison guards in the government of Kwantung; they shall be accorded the treatment due to the hannin rank.

The fixed number of police constables and prison guards shall be determined by the governor-general.

SUPPLEMENTARY ARTICLE.

This ordinance shall take effect on September 1, 1906.

[Inclosure 2.—Translation.]

We hereby sanction the regulations relating to the organization of the post and telegraph office of the government-general of Kwantung and cause the same to be promulgated.

[SIGN MANUAL.]
[PRIVY SEAL.]

JULY 31, 1906.

(Countersigned)

MARQUIS KIMMOCHI SAIONJI,
Prime Minister.
VISCOUNT TADASU HAYASHI,
Minister for Foreign Affairs.

Imperial ordinance No. 197.—The organization of the post and telegraph office of the government-general of Kwantung.

ARTICLE 1. The post and telegraph office of the government-general of Kwantung shall belong to the civil administration department of the government of Kwantung, and shall take charge of affairs relating to posts, telegraphs, and telephones.

ART. 2. The post and telegraph office shall have the following personnel:

One chief; 3 secretaries of communications, sonin rank; 18 assistant secretaries of communications, sonin rank; 4 experts (operators, engineers, etc.), sonin rank; 506 clerks of communications, assistant experts, and assistant clerks, hannin rank.

ART. 3. The chief of the post and telegraph office shall be a secretary, and he shall control the affairs of the office under the instructions of his superiors.

ART. 4. The secretaries of communications, except the one who is chief of the office, shall each take charge of a portion of the affairs of the office under the instructions of their superiors.

ART. 5. The assistant secretaries of communications shall take charge of the affairs of the office under the instructions of their superiors.

ART. 6. The experts of communications shall take charge of technical work under the instructions of their superiors.

ART. 7. The clerks and the assistant clerks of communications shall engage in the business of the office under the instructions of their superiors.

ART. 8. The assistant experts of communications shall engage in technical work under the instructions of their superiors.

ART. 9. Branches of the post and telegraph office shall be established in important places in order to take charge of a portion of the affairs of the post and telegraph office.

The location, names, and jurisdiction of the branch offices shall be determined by the governor-general of Kwantung.

ART. 10. The chiefs of the branch offices shall be officials of higher rank (kotokan)^a or of hannin rank.

SUPPLEMENTARY ARTICLE.

This ordinance shall take effect on September 1, 1906.

[Inclosure 3.—Translation.]

We hereby sanction the regulations relating to the courts of law of the government-general of Kwantung, and cause the same to be promulgated.

[SIGN MANUAL.]

[PRIVY SEAL.]

JULY 31, 1906.

(Countersigned)

MARQUIS KIMMOCHI SAIONJI,
Prime Minister.
VISCOUNT TADASU HAYASHI,
Minister for Foreign Affairs.

Imperial ordinance No. 198.—The regulations relating to the courts of law of the government-general of Kwantung.

ARTICLE 1. The courts of law of the government-general of Kwantung shall be directly subject to the governor-general, and shall take charge of the adjudication of civil and criminal cases.

ART. 2. The government-general courts shall be divided into two parts, viz, a district court and a higher court.

The governor-general of Kwantung may, if necessary, establish subordinate offices of the district court.

ART. 3. The district court shall take charge of civil and criminal cases of the first instance and noncontentious matters.

^a Kotokan includes both chokunin and sonin officials, but in this case those of sonin rank only are meant.

ART. 4. The higher court shall entertain appeals concerning the decisions of the lower court and give them final trial.

ART. 5. The lower and the higher courts shall have five judges each. The judges shall be of the sonin rank, but the presiding judge of the higher court may be of the chokunin rank.

ART. 6. Each court shall have its president, who is to be a judge of the highest rank.

The president shall direct all the affairs of the court and shall supervise its administration.

The president of the higher court shall supervise the administration of the district court.

When the president is prevented from discharging his official duties the judge next to him in rank shall act as president.

ART. 7. In the district court individual judges shall examine all cases.

ART. 8. In the higher court all cases shall be examined by a board consisting of three judges, and the judge of the highest rank shall be the presiding judge.

ART. 9. There shall be in each court a public procurator of the sonin rank.

The public procurator shall direct and supervise the police officers in charge of judicial matters, take action in criminal cases, and direct and supervise the adjudication of the same.

The public procurators of the higher court shall direct and supervise the public procurator of the district court. In the district court a police inspector or police sergeant may be ordered to act as public procurator.

ART. 10. There shall be an interpreter of the sonin rank in the higher court.

There shall be student interpreters of the hannin rank in each court, the prescribed number being five for each.

The interpreter and the student interpreters shall engage in interpreting.

Besides the work prescribed in the preceding paragraph, the interpreter and the student interpreters shall engage in translation under the instructions of their superiors.

ART. 11. There shall be clerks of the hannin rank in each court, the prescribed number being twenty for each.

The clerks shall make preparations relating to the trial of civil and criminal cases. They shall also prepare accounts of examinations, and shall arrange and preserve the records of all lawsuits.

Besides the work prescribed in the preceding paragraph, the clerks shall engage in miscellaneous work under the instruction of their superiors.

SUPPLEMENTARY ARTICLE.

This ordinance shall take effect September 1, 1906.

[Inclosure 4.—Translation.]

We hereby sanction the regulations relating to the official ranks and allowances of the officials of the government-general of Kwantung.

[SIGN MANUAL.]
[PRIVY SEAL.]

JULY 31, 1906.

(Countersigned)

MARQUIS KIMMOCHI SAIONJI,
Prime Minister.
VISCOUNT TADASU HAYASHI,
Minister for Foreign Affairs.

Imperial ordinance No. 199.—Regulations relating to the official ranks and allowances of the officials of the government-general of Kwantung.

ARTICLE 1. The ranks of the higher civil officials (of the sonin and chokunin ranks) are to be based on the accompanying scale.

ART. 2. The annual salary of the governor-general shall be 6,000 yen; that of the chief civil administrator, 3,500 or 4,000 yen; that of a judge of the chokunin rank, 3,000 or 3,500 yen. The salaries of the higher civil officials are to be based on the accompanying scale of salaries for higher civil officials.

ART. 3. Those who hold the same office but receive different salaries shall be paid in accordance with the salary scale of higher civil officials.

ART. 4. The engineers, experts, etc., may, according to the actual amount of their work, be paid less than the minimum amount of salary.

ART. 5. The civil officials of the government-general of Kwantung shall be paid additional salaries corresponding to three-tenths of their salaries.

Those who have served for full two years as civil officials of the government-general of Kwantung shall be paid additional salaries corresponding to one-twentieth of their salaries, besides that mentioned in the preceding paragraph. Those who have served more than two years shall be paid an extra one-twentieth for each additional year, the limit of the additional salary being five-tenths of the principal salary.

The additional salaries are to be paid in the same way as the principal salaries.

ART. 6. Except in cases specially provided for, those salaries that are not provided for in this ordinance shall be based on the regulations relating to the allowances of higher and hannin officials.

SUPPLEMENTARY ARTICLE.

This ordinance shall take effect on September 1, 1906.

Those civil officials who have been serving in Manchuria prior to the enforcement of this ordinance and are to serve in the government-general of Kwantung as civil officials shall have the period of their previous Manchurian service included in the additional years of service mentioned in article 5.

[Inclosure 5.—Translation.]

We, after consultation with the privy council, hereby sanction the special regulations relating to the appointment of officials of the government-general of Kwantung and cause the same to be promulgated.

[SIGN MANUAL.]

[PRIVY SEAL.]

JULY 31, 1906.

(Countersigned)

MARQUIS KIMMOCHI SAIONJI,
Prime Minister.

VISCOUNT TADASU HAYASHI,
Minister for Foreign Affairs.

Imperial ordinance No. 200.—Special regulations relating to the appointment of officials of the government-general of Kwantung.

ARTICLE 1. Those secretaries of the government-general of Kwantung who are to engage in matters relating to foreign affairs may be appointed from among the following classes, subject to the approval of the examiners of the higher civil service: (1) Diplomatic and consular officers or commercial agents; (2) those who may have the qualifications of diplomatic officers.

In case those who are appointed secretaries in accordance with the foregoing provisions should be transferred or should desire to be transferred to the department of foreign affairs as diplomatic or consular officers, commercial agents, or higher officials, their service in the government-general of Kwantung shall be regarded as service in government offices abroad (zaigai kokwan).^a

ART. 2. Only those who have been police officers for three full years or more and are actually holding offices with a salary corresponding to scale 4 or the higher of the hannin officials may be appointed police inspectors, subject to the approval of the examiners of the higher civil service.

ART. 3. In appointing the chief of prison and jailers of the government-general of Kwantung, the special regulations relating to the appointment of prison chiefs and chief prison guards shall be used as a basis. However, the method of investigation concerning the jailers and the subjects in which they are to be examined shall be determined by the government-general of Kwantung.

ART. 4. In appointing the police sergeants of the government-general of Kwantung, the special regulations relating to the appointment of police sergeants and

^a "Zaigai kokwan" includes embassies, legations, and consulates abroad.

directors of firemen shall be used as a basis. However, the investigators, examiners, method of investigation, and subjects of examination shall be determined by the governor-general of Kwantung.

ART. 5. In appointing secretaries and assistant secretaries of communications of the government-general of Kwantung, the special regulations relating to the appointment of secretaries and assistant secretaries of communications^a shall be used as a basis. In appointing clerks and assistant clerks of communications of the government-general of Kwantung, the special regulations relating to the appointment of clerks and assistant clerks of communications^a shall be used as a basis. However, the regulations relating to the examinations of the assistant clerks shall be determined by the governor of Kwantung.

SUPPLEMENTARY ARTICLE.

This ordinance shall take effect on September 1, 1906.

Only on the occasion of the initial enforcement of this ordinance, the police inspectors of the government-general of Kwantung may be appointed, subject to the approval of the examiners of the higher civil service, from among those who have been engaged in police affairs in the Province of Kwantung and are actually holding offices with salaries corresponding to scale 3 or of the higher of the hannin officials.

[Inclosure 6.—Translation.]

We, after consultation with the privy council, hereby sanction the regulations relating to the appointment of the judges and public procurators of the courts of law of the government-general of Kwantung, and cause the same to be promulgated.

[SIGN MANUAL.]
[PRIVY SEAL.]

JULY 31, 1906.

(Countersigned)

MARQUIS KIMMOCHI SAIONJI,
Prime Minister.

VISCOUNT TADASU HAYASHI,
Minister for Foreign Affairs.

Imperial ordinance No. 201.—Regulations relating to the appointment of the judges and public procurators of the courts of law of the government-general of Kwantung.

The judges and public procurators of the courts of law of the government-general of Kwantung shall be appointed from among those who are qualified to be judges and public procurators, according to the provisions of the law of the constitution of the courts of law.^a

SUPPLEMENTARY ARTICLE.

This ordinance shall take effect on September 1, 1906.

[Inclosure 7.—Translation.]

We, after consultation with the privy council, hereby sanction the regulations relating to the appointment and official rank of the private secretary to the governor-general of Kwantung, and cause the same to be promulgated.

[SIGN MANUAL.]
[PRIVY SEAL.]

JULY 31, 1906.

(Countersigned)

MARQUIS KIMMOCHI SAIONJI,
Prime Minister.

^a In Japan.

Imperial ordinance No. 202.

With reference to the appointment and official rank of the private secretary to the governor-general of Kwantung, the civil-service regulations and articles 7 and 8 of the regulations relating to the ranks and salaries of the higher civil service shall not apply.

SUPPLEMENTARY ARTICLE.

This ordinance shall take effect on September 1, 1906.

[Inclosure 8.—Translation.]

We hereby sanction the ordinance pertaining to various regulations in the Province of Kwantung, and cause the same to be promulgated.

[SIGN MANUAL.]

[PRIVY SEAL.]

JULY 31, 1906.

(Countersigned)

MARQUIS KIMMOCHI SAIONJI,
Prime Minister.
VISCOUNT TADASU HAYASHI,
Minister for Foreign Affairs.

Imperial ordinance No. 203.

With reference to various regulations in the Province of Kwantung, the existing precedents shall be followed for the time being until special provisions have been made. However, the collection of taxes, as well as other incomes and disbursements, shall be subject to the inspection of the board of audit.

SUPPLEMENTARY ARTICLE.

This ordinance shall take effect on September 1, 1906.

[Inclosure 9.—Translation.]

We hereby sanction the regulations relating to the military department of the government-general of Kwantung, and cause the same to be promulgated.

[SIGN MANUAL.]

[PRIVY SEAL.]

JULY 31, 1906.

(Countersigned)

MASATAKE TERAUCHI,
Minister of War.

Imperial ordinance No. 204.—Regulations relating to the military department of the government-general of Kwantung.

ARTICLE 1. The military department of the government-general of Kwantung shall take charge of all military affairs within the jurisdiction of the governor-general of Kwantung.

ART. 2. The military department of the government-general of Kwantung shall be composed of the following sections: Section of staff (sambo bu), section of adjutants (fukukwan bu)—these two sections constitute the "bakuryo;" section of judges (hokwan bu), section of administration (keiri bu), section of army surgeons (guni bu), section of veterinary surgeons (jui bu).

ART. 3. The chief of staff shall assist the governor-general of Kwantung, participate in important military affairs, supervise the promulgation and enforcement of orders, and take charge of the supervision of all affairs in the military department of the government-general of Kwantung.

ART. 4. The officers and those ranking as such in the sections of staff and adjutants (bakuryo) shall, under the direction of the chief of staff, take charge of the affairs assigned to them.

ART. 5. The chief judge shall be subject to the governor-general of Kwantung and shall take charge of judicial affairs in the army.

ART. 6. The chief of the section of administration shall be subject to the governor-general of Kwantung and shall supervise the finances and administration of the various detachments stationed in the Province of Kwantung. He shall control matters relating to constructions on land for the army (except national defenses and railways), as well as the personal affairs and education of the officers and those under them in the section of administration. They shall take special charge of the barracks and other new temporary works. However, with reference to the supervision of the financial affairs and the plans of constructions on land, he shall be directly subject to the minister of war. With reference to the personal affairs and education of the officers and those under them in the section of administration, he shall be subject to the chief of the bureau of administration in the department of war.

The chief of the section of administration shall control the finances and administration of the detachments not governed by the section of administration in the respective army divisions (shidan); but according to the location of the detachments stationed in the Province, these matters may be referred to the section of administration in the army divisions (shidan).

ART. 7. The chief of the section of army surgeons shall be subject to the governor-general of Kwantung and shall supervise the sanitary affairs of the detachments stationed in the Province. He shall also control the personal affairs and education of the officers and those under them in the section of sanitation, as well as matters relating to sanitary materials. However, he shall also be subject to the chief of the bureau of medical affairs in the department of war.

ART. 8. The chief of the section of veterinary surgeons shall be subject to the governor-general of Kwantung and shall supervise sanitary affairs relating to military horses. He shall control the personal affairs and education of the officers and those under them in the section of veterinary surgeons, as well as matters relating to veterinary surgeons' materials and farriery. However, he shall also be subject to the chief of the bureau of military affairs in the department of war.

ART. 9. Matters to be reported to the governor-general by the various chiefs of sections shall first be submitted to the chief of staff for approval.

ART. 10. The members of the sections of judges, administration, army surgeons and veterinary surgeons shall engage in the work assigned to them under the instructions of their respective chiefs.

ART. 11. The noncommissioned officers and civil officials of the hammin rank shall engage in their work under the instructions of their superiors.

SUPPLEMENTARY ARTICLE.

This ordinance shall take effect September 1, 1906.

The Japanese Chargé to Acting Secretary Adee.

MEMORANDUM.

JAPANESE EMBASSY,
Washington, August 27, 1906.

The Japanese Government will open the port of Tairen (Dalney) to the commerce of all nations on September 1. That port will be a "free port," and no import or export duty shall be levied on merchandise imported into or exported from Kwan-to-shu (Kwantung) through that port. From the same date foreign vessels, no less than Japanese-owned vessels, will be permitted to engage in traffic between Tairen and those ports of Japan that are open to foreign commerce.

Ambassador Wright to the Secretary of State.

No. 53.]

AMERICAN EMBASSY,
Tokyo, September 1, 1906.

SIR: I have the honor to inclose herewith copy of a note dated August 22 from the Viscount Hayashi, minister for foreign affairs, in which his excellency informs me that the Japanese Government have decided to open Dalny (Tairen) on and after the 1st of September, 1906, to the commerce of all nations, and to make the same a free port, levying no export or import duties on commodities exported from or imported into Kwantung through that port; and that from that date foreign merchant ships will be permitted to open traffic between Dalny and the open ports of the Japanese Empire.

In a subsequent note dated August 30 his excellency transmitted the exequatur of Mr. Jones as consul at Dalny, at the same time informing me that Mr. Tyssowsky had been formally recognized as vice-consul at that port and that the local Japanese authorities had been duly instructed. I have informed Mr. Jones of these results through the consul-general at Yokohama.

I have the honor, etc.

LUKE E. WRIGHT.

[Inclosure.—Translation.]

The Minister for Foreign Affairs to Ambassador Wright.

No. 56.]

DEPARTMENT OF FOREIGN AFFAIRS,
Tokyo, August 22, 1906.

MR. AMBASSADOR: I have the honor to inform your excellency that the Imperial Japanese Government have decided to open Tairen on and after the 1st of September, 1906, to the commerce of all nations and to make the same a free port, laying no export and import duties on commodities exported from and imported into Kwangtung through that port. I beg leave to add that after the 1st of September foreign merchant ships will be permitted to open traffic between Tairen and an open port in the Japanese Empire.

I avail, etc.,

VISCOUNT HAYASHI,
*Minister for Foreign Affairs.**Ambassador Wright to the Secretary of State.*

No. 55.]

AMERICAN EMBASSY,
Tokyo, September 6, 1906.

SIR: I have the honor to inclose herewith, in duplicate, translations furnished me to-day by the Japanese foreign office of regulations for the control of residents in Kwantung and of regulations relative to vessels sailing to and from the various ports in Kwantung.

I have, etc.,

LUKE E. WRIGHT.

[Inclosure 1.]

REGULATIONS FOR THE CONTROL OF RESIDENTS IN KWANGTUNG.

ARTICLE 1. The term "residents" in the present regulations signifies persons who visit or reside in Kwangtung.

ART. 2. Any person who establishes his residence in Kwangtung shall report the fact, within five days, to the civil administration office or its branch office concerned, stating his name, domicile (or nationality in the case of a foreigner),

status, calling, age, and whether he is the head or a member, inmate or employee, of a family, as well as the locality of his residence. A similar notice shall be given when a person has changed his residence.

The aforesaid notice shall be made in the case of a member or inmate of a family by the head of that family or household, and in the case of an employee by his employer.

ART. 3. Foreigners (excepting Chinese) shall be permitted until further notice to reside and lease or own real property only within the town limits of Tairen and Port Arthur.

ART. 4. When a birth or death or change in residence, or other matters relating to family register or in matters whereof notice is required to be made occurs in the family or household of a resident, notice shall be given within five days to the civil administration office or its branch office concerned by the head or a member of such family or household.

ART. 5. If any resident is deemed likely to injure public tranquillity or morals the chief of the civil administration office concerned may prohibit his residence within the jurisdiction limits of the government of Kwantung for a period of more than one year and not exceeding three years.

ART. 6. Any person who has been prohibited his residence in Kwantung shall leave, within five days, the jurisdiction limits of the government of Kwantung. If, however, proper reason be found to exist for his inability to leave within the prescribed period, the chief of the administration office concerned may grant him temporary suspension of the prohibition, receiving or not receiving from him a reasonable money security.

ART. 7. If any person to whom temporary suspension has been granted, as in the preceding article, again behaves, within the prescribed period, in such manner as to fall under article 5 the suspension granted shall be canceled and the security confiscated.

ART. 8. If any person who has been prohibited his residence in Kwantung is found to have remarkably ameliorated his conduct, the chief of the civil administration office concerned may at any time cancel his prohibition.

ART. 9. If any person who has been prohibited his residence in Kwantung has any objection to the prohibition, he may, within three days from the day on which he was so prohibited, apply to the governor-general, through the chief of the civil administration office concerned, for a countermand of the prohibition.

Even in such case the execution of the order of prohibition shall not be suspended.

ART. 10. Any person who violates articles 2 or 4 shall be liable to a fine not exceeding 30 yen or to detention or a police fine.

ART. 11. If any person does not leave within the period prescribed for his leaving or within the term of temporary suspension granted him, or returns before the prescribed period of prohibition expires, he shall be liable to imprisonment not exceeding six months or to a fine not exceeding 200 yen.

ART. 12. Necessary rules besides the provisions of the present regulations shall be established by the chief of civil administration office.

SUPPLEMENTARY RULES.

In regard to the residence and travel of Russian subjects, rules hitherto obtaining shall remain in force for the time being.

The present regulations shall take effect from the date of publication.

The regulations for the control of vessels sailing to and from Tairen Wan and of residents in Kwantung—military ordinances issued on the 7th of September, 1905, and the detailed rules for the operation of those regulations, ordinance No. 1 of the civil administration office of Kwantung—are hereby rescinded.

[Inclosure 2.]

REGULATIONS RELATIVE TO VESSELS SAILING TO AND FROM THE VARIOUS PORTS IN KWANTUNG.

ARTICLE I. Vessels are not permitted to sail to and from any port with the exception of the port of Tairen. This does not apply to Chinese junks and steamers and sailing vessels navigating along the coast of Kwantung.

ART. II. Vessels shall embark or land their passengers and crew and load or discharge their cargo at places designated by the chief administration office concerned.

ART. III. The master of a ship shall immediately on her entrance to a port report to the civil administration office, its branch office, or police authorities concerned of the fact, setting forth the following details:

1. Kind of the ship.
2. Ship's name and signal code.
3. Owner's name.
4. Port of registry.
5. Gross and registered tonnage or number of koku.
6. Fore and aft draft.
7. Names of the crew.
8. Description, quantity, and value of the goods and the place where they were freighted.
9. Passenger's name, domicile, residence, status, calling, and age.
10. Ports of departure and call and dates thereof.
11. When to sail and destination.
12. Accidents during the voyage.

ART. IV. Vessels entering the port of Tairen shall not communicate with other vessels or land their passengers, crew, or cargo before they have undergone health examination.

ART. V. If a vessel entering a port has any case of contagious disease on board during the voyage, or departed from or arrived via a place infected with such disease, or has any person on board who communicated with any vessel so infected, she shall hoist a quarantine signal before her entrance to the port (in the case of the port of Tairen, anchoring beyond $1\frac{1}{2}$ nautical miles from shore) and await directions of the authorities concerned.

The quarantine signal shall be a yellow flag hoisted at the fore of a vessel in the daytime and at night a red and a white light displayed together.

ART. VI. If a case of any contagious disease occurs on board a ship in port, she shall hoist the quarantine signal and report the fact to the quarantine or police authorities, and until the completion of quarantine or disinfection she shall not be permitted to leave the port, to communicate with another vessel, or to land her passengers or cargo.

ART. VII. If cases provided for in the two preceding articles occur at a port without a quarantine station, the vessel shall, when ordered by the police authorities, immediately proceed to a port having such station to be put under quarantine.

ART. VIII. The provisions of the three preceding articles do not apply to military ships.

ART. IX. Each vessel at anchor in a port shall fly her national flag in the daytime and at night shall display lights in accordance with the law for preventing collisions at sea.

ART. X. The master of a ship shall, five hours before her departure, report to the civil administration office, its branch office, or police authorities concerned of the fact, setting forth the following details:

1. Day and hour of departure.
2. Kind of the vessel.
3. Ship's name.
4. Description, quantity, value, and place of delivery of the cargo.
5. Passenger's name, domicile, residence, status, calling, and age.
6. Ports of destination and call and expected dates of arrival and call.

ART. XI. The chief of the civil administration office concerned may, when he deems it necessary, cause proper officers to inspect vessels or order the suspension of the embarkation and landing of their passengers and crews or the loading and discharging of their cargoes.

ART. XII. Any person violating any of Articles IV, V, VI, and VII shall be liable to a fine not exceeding 100 yen.

Any person violating Articles III, IX, or X, or refusing the inspection or disobeying the orders provided for in Article XI shall be liable to a fine not exceeding 50 yen.

ART. XIII. Necessary rules not provided for in the present regulations shall be established by the chief of civil administration office.

SUPPLEMENTARY RULES.

In regard to the sailing of Russian vessels, rules hitherto obtaining shall remain in force for the time being.

The present regulations shall take effect from the date of publication.

EARTHQUAKE IN FORMOSA.

The Secretary of State to the American Embassy at Tokyo.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, March 22, 1906.

(Mr. Root directs the embassy to express in fitting terms sorrow and sympathy of the President and American people for the awful calamity in Formosa.)

Chargé Wilson to the Secretary of State.

No. 423.]

AMERICAN LEGATION,
Tokyo, April 1, 1906.

SIR: In acknowledging the receipt of your telegram received the 22d ultimo, which is confirmed on the overleaf, and in which I am directed to express the condolences of the President and American people for the recent earthquake calamity in Formosa, I have the honor to report that on the day of its receipt I addressed a note conveying the sense of the instruction to the minister for foreign affairs.

On the 30th ultimo I received the reply of the Marquis Saionji, wherein is returned through him the Emperor's cordial expression of thanks to the President.

I have the honor to inclose herewith copies of this exchange of notes.

I have, etc.,

HUNTINGTON WILSON.

[Inclosure 1.]

Chargé Wilson to the Minister for Foreign Affairs.

AMERICAN LEGATION,
Tokyo, March 22, 1906.

MONSIEUR LE MINISTRE: I am directed by telegraph to convey through your excellency to His Majesty the Emperor, and at the same time to your excellency's Government, the profound sorrow and sympathy of the President and of the American people at the awful calamity by earthquake which has recently occurred in Formosa.

In communicating these expressions to your excellency's Government and requesting you to transmit them to their high destination, I embrace, etc.,

HUNTINGTON WILSON.

[Inclosure 2.—Translation.]

The Minister for Foreign Affairs to Chargé Wilson.

DEPARTMENT OF FOREIGN AFFAIRS,
Tokyo, March 30, 1906.

SIR: I beg to acknowledge the receipt of your note, No. 226, of the 22d instant, in which you were good enough, under telegraphic instructions, to convey to His Majesty the Emperor, as well as to our Government, the profound sorrow and sympathy of the President of the United States and of the American

people at the calamity caused by the earthquake which recently occurred in Taiwan.

I have to state in reply that upon my immediate submission of the message to its high destination, His Majesty has highly appreciated the courtesy and commanded me to return through you His Majesty's cordial expression of thanks to the President of the United States.

Accept, sir, etc.,

MARQUIS SAIONJI.

**STATUS OF THE JAPANESE SECRETARY AND INTERPRETER TO
THE AMERICAN EMBASSY.**

Ambassador Wright to the Secretary of State.

No. 37.]

AMERICAN EMBASSY,
Tokyo, August 2, 1906.

SIR: I have the honor to request instructions as to whether, under paragraph 33 of Instructions to Diplomatic Officers (R. S. 1750), the Japanese secretary of this embassy is authorized to perform notarial acts. It would be a great convenience if the instructions could be interpreted in that sense, such as applications for passports and similar services.

For convenience of reference I inclose copies of the paragraph and section mentioned.

I have, etc.,

LUKE E. WRIGHT.

[Inclosure 1.]

[Instructions to Diplomatic Officers, sec. 33.]

Notarial services.—The existing statute authorizes secretaries of embassy or legation to administer oaths, take depositions, and generally to perform notarial acts. (R. S., sec. 1750.) This statute is not construed by the Department of State as mandatory on a secretary of embassy or legation. He is at liberty to act or refuse to act, but it is thought that he will feel it his duty to accommodate persons desiring his services in a notarial capacity. When so acting he is entirely outside of his official duties, and his compensation, if he receives any, will belong to him personally.

[Inclosure 2.]

[Revised Statutes of the United States, sec. 1750.]

Every secretary of legation and consular officer is hereby authorized, whenever he is required or deems it necessary or proper so to do, at the post, port, place, or within the limits of his legation, consulate, or commercial agency, to administer to or take from any person an oath, affirmation, affidavit, or deposition, and to perform any notarial act which any notary public is required or authorized by law to do within the United States. Every such oath, affirmation, affidavit, deposition, and notarial act administered, sworn, affirmed, taken, had, or done by or before any such officer, when certified under his hand and seal of office, shall be as valid and of like force and effect within the United States, to all intents and purposes, as if administered, sworn, affirmed, taken, had, or done by or before any other person within the United States duly authorized and competent thereto. If any person shall willfully and corruptly commit perjury, or by any means procure any person to commit perjury in any such oath, affirmation, affidavit, or deposition, within the intent or meaning of any act of Congress now or hereafter made, such offender may be charged, proceeded against, tried, convicted, and dealt with in any district of the United States, in the same manner, in all respects as if such offense

had been committed in the United States before any officer duly authorized therein to administer or take such oath, affirmation, affidavit, or deposition, and shall be subject to the same punishment and disability therefor as are or shall be prescribed by any such act for such offense; and any document purporting to have affixed, impressed, or subscribed thereto or thereon the seal and signature of the officer administering or taking the same in testimony thereof, shall be admitted in evidence without proof of any such seal or signature being genuine or of the official character of such person; and if any person shall forge any such seal or signature, or shall tender in evidence any such document with a false or counterfeit seal or signature thereto, knowing the same to be false or counterfeit, he shall be deemed and taken to be guilty of misdemeanor, and on conviction shall be imprisoned not exceeding three years nor less than one year, and fined in a sum not to exceed \$3,000, and may be charged, proceeded against, tried, convicted, and dealt with therefor in the district where he may be arrested or in custody.

The Acting Secretary of State to Ambassador Wright.

No. 27.]

DEPARTMENT OF STATE,
Washington, August 31, 1906.

SIR: I have to acknowledge the receipt of your dispatch No. 37 of the 2d instant, inquiring whether the Japanese secretary of your embassy is authorized to perform notarial acts under Revised Statutes, 1750.

In reply, I have to inform you that the "Japanese secretary and interpreter to embassy to Japan," as he is officially designated, would not seem to be either a secretary of legation or a consular officer within the meaning of Revised Statutes, 1674, and is, therefore, apparently not empowered to act as a notary under Revised Statutes, 1750, which authorizes "every secretary of legation and consular officers" to perform any notarial act.

I am, etc.,

ALVEY A. ADEE,
Acting Secretary.

SUBORDINATE CONSULAR OFFICERS IN JAPAN.

Ambassador Wright to the Secretary of State.

No. 82.]

AMERICAN EMBASSY,
Tokyo, October 23, 1906.

SIR: I have the honor to report a change made by the Japanese Government in the manner of recognition of American subordinate consular officers, and to transmit inclosed herewith the correspondence on the subject which has passed between the Japanese foreign office and this embassy.

As the department is doubtless aware, the practice of the Japanese Government hitherto has been to issue to our vice-consular officers, upon the receipt of notification of such appointments, a certificate of recognition in some sense resembling the exequatur of a consul.

The foreign office has now decided that the possession of such a document by a subordinate consular officer is superfluous for his complete recognition in such capacity, and they now confine themselves, upon the receipt of notification of such an appointment, to

the taking of due note of the appointment and the issuance of appropriate instructions to the local authorities concerned.

When it may become necessary for such a subordinate officer to take charge of a consulate-general or of a consulate, he does so immediately, without further formality than to report his action to the diplomatic representative at Tokyo, who in turn informs the foreign office of the fact.

As this change in form in no way affects the powers of the officers concerned, I have accepted it, subject to the department's approval, as essentially the equivalent of the former prevailing method.

I have, etc.,

LUKE E. WRIGHT.

[Inclosure 1.]

Ambassador Wright to the Minister for Foreign Affairs.

No. 30.]

AMERICAN EMBASSY,
Tokyo, September 6, 1906.

MONSIEUR LE MINISTRE: I have the honor to inform your excellency that Mr. Elwood G. Babbitt has been appointed vice and deputy consul-general of the United States at Yokohama, and that he has arrived at his post.

I have the honor also to request that if convenient the Imperial Japanese Government now recognize Mr. Babbitt in his official capacity, in order to enable him to act pending the arrival of his certificate of appointment, which I shall then hasten to transmit for your excellency's inspection.

I embrace this opportunity, etc.,

LUKE E. WRIGHT.

[Inclosure 2.—Translation.]

The Minister for Foreign Affairs to Ambassador Wright.

DEPARTMENT OF FOREIGN AFFAIRS,
Tokyo, September 20, 1906.

MONSIEUR L'AMBASSADEUR: I have the honor to acknowledge the receipt of your excellency's note of the 6th instant, in reference to the appointment and recognition of Mr. Elwood J. Babbitt as vice and deputy consul-general of the United States at Yokohama.

The Imperial Government understand that in view of the United States consular organization, neither as vice nor deputy consul-general can Mr. Babbitt discharge the functions of principal consular officer so long as the consul-general in whose favor an exequatur has been granted remains at his post.

And, on the other hand, no recognition, in the sense that term is understood when used respecting the appointment of independent consular officers, is necessary in order to enable Mr. Babbitt to perform such duties, in subordination to the responsible principal consular officer, as may be assigned to him.

In these circumstances the Imperial Government content themselves with taking due note of the appointment, not doubting that this action will be regarded by your excellency's Government as quite sufficient.

I avail myself, etc.,

VISCOUNT HAYASHI,
Minister for Foreign Affairs.

[Inclosure 3.]

Ambassador Wright to the Minister for Foreign Affairs.

No. 34.]

AMERICAN EMBASSY,
Tokyo, September 21, 1906.

MONSIEUR LE MINISTRE: I have the honor to acknowledge the receipt of your excellency's note No. 64, of the 20th instant, in answer to mine of the

6th instant, in which you state that the Imperial Japanese Government contents itself with taking due note of the appointment of Mr. Elwood G. Babbitt as vice and deputy consul-general at Yokohama.

In reply I have the honor to inform your excellency that, acting upon the assumption that no further authority was necessary than that contained in your note, Mr. Babbitt has assumed charge of the consulate-general at Yokohama in the absence of Mr. Consul-General Miller, who, on the 20th instant, left Japan temporarily to return to the United States. If I am correct in this assumption, nothing more remains to be said.

If, on the other hand, I am to understand that before Mr. Babbitt is authorized to act under such circumstances a special permission must be obtained from the Japanese Government, then I beg to suggest that practical difficulties may, and doubtless will, arise which make such a course objectionable.

Under the laws and regulations of the United States, the vice-consul, in the absence or disability of his principal, is authorized to perform all the functions of the latter; but before doing so it is presupposed that he has been recognized in that capacity by the Government in whose jurisdiction he is to act. In the absence of such recognition it would become necessary, in every specific case where the chief was absent or disabled, to procure special permission for the vice-consul to act. As several of the American consulates in Japan are remote from the capital, and means of communication are not always speedy, it can be readily understood that several days might elapse between the arising of the contingency in which the vice-consul was authorized to act, and the granting of the permission to enable him to do so. In the meantime the consulate would be closed.

In this view of the case, I venture to suggest that, without desiring any specific form of recognition, it should at least be definitely understood between your excellency's Government and my own that the acknowledgment of notification of appointment, such as is contained in the note to which I now have the honor to reply, without further formalities, shall be sufficient authority for a vice-consul to act in all cases where he is directed to do so by the laws and regulations of the United States.

I take advantage, etc.,

LUKE E. WRIGHT.

[Inclosure 4.—Translation.]

The Minister for Foreign Affairs to Ambassador Wright.

No. 71.

DEPARTMENT OF STATE,
Tokyo, October 18, 1906.

MR. AMBASSADOR: I have had the honor to receive your excellency's note of the 21st ultimo, in continuation of the subject of the appointment and recognition of Mr. Elwood G. Babbitt as United States vice and deputy consul-general at Yokohama.

In my communication of the 20th ultimo I acquainted your excellency that no recognition of Mr. Babbitt's appointment as vice and deputy consul-general was necessary and consequently that the Imperial Government were content with taking note of the appointment. In the note under acknowledgment your excellency informs me that acting upon the assumption that no further authority was necessary than that contained in my communication, Mr. Babbitt had assumed charge of the consulate-general at Yokohama upon the departure of Mr. Consul-General Miller for the United States on the 20th ultimo, and your excellency suggests that unless your assumption is correct, difficulties are likely to arise in maintaining continuity in consular administration.

The Imperial Government do not deem it essential to accord formal recognition to subordinate consular officials, and they are unwilling to grant an exequatur or its equivalent to two principal consular officers for the same post at the same time, believing that that practice, if followed, would give rise to uncertainty and confusion. They had not imagined that any serious inconvenience would be experienced in adhering to the rule usually pursued in other countries in the matter of the designation of substitute consular officers.

But if your excellency's Government, as would seem from your excellency's note, prefer to appoint substitute consular officers before the occasion arises

for them to act as principal consular officers, the Imperial Government can have no objection to that procedure, and will be quite ready at all times to take due note of such appointments, provided that when such substitute officers are to assume charge of consulates, they, the Imperial Government, are duly informed of the fact, in order that they may give the necessary notice to the local authorities concerned.

I avail, etc.,

VISCOUNT HAYASHI,
Minister for Foreign Affairs.

PRACTICE OF MEDICINE AND DENTISTRY IN JAPAN.

Ambassador Wright to the Secretary of State.

No. 61.]

AMERICAN EMBASSY,
Tokyo, September 22, 1906.

SIR: I have the honor to transmit herewith translations of recent ordinances relating to licenses for the practice of medicine and dentistry in Japan.

I have, etc.,

LUKE E. WRIGHT.

[Inclosure 1.—Translation.]

ORDINANCE RELATING TO LICENSES GRANTED BY THE GOVERNMENT IN ACCORDANCE WITH SECTION 3, PARAGRAPH 1, ARTICLE 1, OF THE LAW RELATING TO THE PRACTICE OF MEDICINE.

We hereby sanction the ordinance relating to licenses granted by the Government in accordance with section 3,^a paragraph 1, of the law relating to the practice of medicine, and cause the same to be promulgated.

[SIGN MANUAL.]
[PRIVY SEAL.]

SEPTEMBER, 11, 1906.

(Countersigned) KEI HARA,
Minister of Home Affairs.

IMPERIAL ORDINANCE NO. 244.

ARTICLE 1. The Government will grant licenses in accordance with section 3, paragraph 1, article 1, of the law relating to the practice of medicine to the following persons:

(1) Those who are nationals of such foreign countries as may be designated by the minister of home affairs, who have obtained a license to practice medicine in their respective countries, and who possess such qualifications as the minister of home affairs may deem satisfactory.

(2) Those subjects of this Empire who are in possession of the diplomas of such foreign medical colleges, or the licenses to practice medicine issued by such foreign governments as the minister of home affairs may designate, and whom the minister of home affairs may deem otherwise duly qualified.

ART. 2. The foreign countries which the minister of home affairs is to designate in accordance with section 1 of the preceding article shall be those countries which grant to the physicians of this Empire licenses to practice medicine without examination.

^aThis section reads as follows: Graduates of foreign medical colleges, or those who have practiced medicine in foreign countries, who may satisfy the requirements determined by government order.

[Inclosure 2.—Translation.]

ORDINANCE RELATING TO LICENSES GRANTED BY THE GOVERNMENT TO PRACTICE
DENTISTRY IN ACCORDANCE WITH SECTION 3, ARTICLE 1, OF THE
LAW RELATING TO THE PRACTICE OF DENTISTRY.

We hereby sanction the ordinance relating to licenses granted by the Government to practice dentistry in accordance with section 3^a, article 1, of the law relating to the practice of dentistry and cause the same to be promulgated.

[SIGN MANUAL.]
[PRIVY SEAL.]

SEPTEMBER 11, 1906.

(Countersigned) KEI HARA,
Minister of Home Affairs.

IMPERIAL ORDINANCE NO. 245.

Licenses to be granted in accordance with section 3, article 1, of the law relating to the practice of dentistry shall be granted only to those who are in possession of diplomas of foreign dental colleges or licenses to practice dentistry issued by foreign governments, and whom the minister of home affairs may deem duly qualified.

SUPPLEMENTARY CONVENTION FOR THE EXTRADITION OF
CRIMINALS.

Signed at Tokyo, May 17, 1906.

Ratification advised by the Senate, June 22, 1906.

Ratified by the President, June 28, 1906.

Ratified by Japan, September 22, 1906.

Ratifications exchanged at Tokyo, September 25, 1906.

Proclaimed, September 26, 1906.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas a Supplementary Convention between the United States of America and His Majesty the Emperor of Japan providing for the addition of the crimes of embezzlement of private moneys or property and larceny to the list of crimes and offences on account of which extradition may be granted between the two countries, was concluded and signed by their respective Plenipotentiaries at Tokyo, on the seventeenth day of May, one thousand nine hundred and six, the original of which Supplementary Convention, being in the English and Japanese languages is word for word as follows:

The President of the United States of America and His Majesty the Emperor of Japan being desirous to add the crimes of embezzlement of private moneys or property and larceny to the list of crimes or offences on account of which extradition may be granted under the Treaty concluded between the two countries on the 29th day of April, 1886 (corresponding to the 29th day of the 4th month of the 19th year of Meiji), with a view to the better administration of

^a This section reads as follows: Those who desire to practice dentistry shall have the following qualifications and apply for license to the minister of home affairs. (3) Graduates of foreign dental colleges or those who have practiced dentistry in foreign countries who may satisfy the requirements determined by government order.

justice and the prevention of crime in their respective territories and jurisdictions, have resolved to conclude a Supplementary Convention, and, for this purpose, have appointed as their Plenipotentiaries, to wit:

The President of the United States of America, Huntington Wilson, Chargé d'Affaires ad interim of the United States of America at Tokio, and

His Majesty the Emperor of Japan, Marquis Kinmotsi Saionzi, Shonii, First Class of the Imperial Order of the Rising Sun, His Imperial Majesty's Minister of State for Foreign Affairs;

Who, after having communicated to each other their respective full powers, which were found to be in due and proper form, have agreed to and concluded the following

ARTICLE.

The following crimes are added to the list of crimes or offences numbered 1 to 13 in the second Article of the said Treaty of the 29th day of April, 1886 (corresponding to the 29th day of the 4th month of the 19th year of Meiji), on account of which extradition may be granted, that is to say:

Embezzlement by persons hired or salaried, to the detriment of their employers, where the amount of money or the value of the property embezzled is not less than \$200 or 400 Yen.

Larceny, where the offence is punishable by imprisonment for one year or more, or for which sentence of imprisonment for one year or more has been pronounced.

The present Convention shall be ratified and the ratifications shall be exchanged at Tokio as soon as possible.

It shall come into force ten days after the exchange of the ratifications, and it shall continue and terminate in the same manner as the said Treaty of the 29th day of April, 1886 (corresponding to the 29th day of the 4th month of the 19th year of Meiji).

In testimony whereof the respective Plenipotentiaries have signed the present Convention and have affixed thereto their seals.

Done in duplicate at Tokio, in the English and Japanese languages, this 17th day of May, one thousand nine hundred and six (corresponding to the 17th day of the 5th month of the 39th year of Meiji).

[SEAL]
[SEAL]

HUNTINGTON WILSON.
MARQUIS SAÏONZI.

And whereas the said Supplementary Convention has been duly ratified on both parts, and the ratifications of the two governments were exchanged in the City of Tokyo, on the twenty-fifth day of September, 1906.

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

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

Done at the City of Washington, this twenty-sixth day of September in the year of our Lord one thousand nine hundred and six, and of the Independence of the United States of America the one hundred and thirty-first.

[SEAL]

THEODORE ROOSEVELT

By the President:

ALVEY A. ADEE

Acting Secretary of State.

[Japanese text not printed.]

DIPLOMATIC INTERVENTION IN CONTENTIOUS MATTERS.

Chargé Wilson to the Secretary of State.

No. 436.]

AMERICAN LEGATION,
Tokyo, April 11, 1906.

SIR: I have the honor to inclose herewith a copy of a note, dated the 8th instant, whereby the minister for foreign affairs formally gives notice that the Japanese Government will not hereafter entertain diplomatic intervention in regard to contentious matters in respect to which a judicial remedy exists unless such remedy shall have been completely exhausted and a case justifying diplomatic intervention is presented.

This communication, I learn, is in the nature of a circular and has been sent to all the foreign representatives in Tokyo.

I have, etc.,

HUNTINGTON WILSON.

[Inclosure.—Translation.]

The Minister for Foreign Affairs to Chargé Wilson.

DEPARTMENT OF FOREIGN AFFAIRS,
Tokyo, April 8, 1906.

SIR: During the existence of consular jurisdiction, the Imperial Government were, not infrequently, called upon to consider in a diplomatic way questions in respect of which unexhausted judicial remedies existed. They had expected that this irregular and unusual practice would cease after the system which gave it birth had come to an end.

But that expectation has not been fully realized, and the experience of the last six years has satisfied the Imperial Government that, in order to bring their procedure into harmony with the rule on the subject which prevails in other countries, it is necessary for them to establish by formal notice the change in practice.

Accordingly, the undersigned, His Imperial Majesty's minister for foreign affairs, has the honor to acquaint you that the Imperial Government will be unable hereafter to regard any contentious matter in respect of which a judicial remedy exists as ripe for diplomatic intervention until such remedy has been completely exhausted and a case justifying such intervention is presented.

The undersigned, in requesting you to bring this notice to the attention of your Government, begs to renew, etc.,

MARQUIS SAIONJI.

CHINESE STUDENTS IN JAPANESE SCHOOLS.

Chargé Wilson to the Secretary of State.

No. 364.]

AMERICAN LEGATION,
Tokyo, January 3, 1906.

SIR: I have the honor to bring to your notice the education of Chinese in Japan, which is now on so large a scale as to promise to have some effect upon the relations of these two peoples, and also upon Chinese administration, now that the ancient official examinations have been abolished in China and men of modern education are beginning to be found in office.

During the past year Chinese students have come to this country in continually increasing numbers. Last summer the number was estimated at 5,000, of whom 2,000 had been sent at the expense of the Chinese Government. In November the number is said to have reached 8,000. In addition to the supervision of the Chinese legation the students are looked after by eight superintendents sent to reside here by their Government.

Until recently the Japanese authorities seem to have done nothing in this matter, but the magnitude of the number of Chinese students finally made a certain degree of supervision on their part seem wise. Accordingly, regulations for controlling schools open to the Chinese were promulgated by the minister for education on November 2, to go into effect from the 1st instant.

These regulations require each student to present with his application for admission to a school a letter of recommendation from the Chinese minister, consul, or other representative. The public and private schools which Chinese may attend are limited to those selected by the Japanese Government after an investigation of the teaching staff, curriculum, text-books, and buildings of each school. The regulations are not applicable to elementary (childrens') schools.

From among these schools allowed to admit Chinese, the Government will especially select certain ones and will report them to the Chinese Government as most suitable. The students of these chosen institutions will be required to live in lodging houses approved by the authorities; a careful detailed record of each student will be kept; students expelled from one school will not be allowed to become scholars at another; and an official of the ministry of education may be present at and supervise the examinations of the Chinese students.

The publication of these regulations was greeted by a storm of protest. Bodies of Chinese students passed indignant resolutions, saying that their liberty was being assailed and seemed to find in the new rules an indignity to their nationality. The restriction in choosing schools and lodgings and the need of a letter of recommendation annoyed them most. The agitation was so great that over a thousand students returned to China; and no more have been coming since the trouble.

In the middle of December an official explanation from the department of education was given currency through the schools and published in the newspapers. The statement points out that the object of the regulations is merely to protect the students themselves against attending inferior schools, and to insure their living in respectable surroundings.

In view of the fact that the Chinese students in Japan are generally young men of a very good class, it is surprising that this misunderstanding went so far as it did. Apparently the trouble was stirred up by a small group of agitators. As a phenomenon, it is interesting as a minor manifestation of the new spirit that is now observable among the Chinese people.

Since the governmental explanation, the trouble has to all appearances ceased, and the education of Chinese in Japanese schools will doubtless continue on an important scale. Some prominent educators interested in the Chinese are now proposing to form an association of Chinese and Japanese students, with the object of bringing about better understanding.

I have the honor to inclose a translation of the regulations in question.

I have, etc.,

HUNTINGTON WILSON.

[Inclosure.—Translation.]

REGULATIONS FOR CONTROLLING SCHOOLS OPEN TO THE CHINESE.

[Official Gazette, November 2, 1905.]

I. Public or private schools desiring to admit the Chinese shall require of the applicants to attach to their applications recommendations of any Chinese representative in Japan. (The phrase "Chinese representative" is a translation of the word "kokwan," which is intended by the authorities to mean the legation, consulate, and other authorized representative in Japan.)

II. Public or private schools having the Chinese may allow them to omit, at their own request, one or more courses in the prescribed curriculum.

III. Public or private schools open to the Chinese are required to keep in the office the books containing the names of the instructors and students, together with the record of the latter's attendance. Correspondence relating to the Chinese students shall also be kept. In the students' register mentioned above shall be entered every student's name, home address, age, present address, school record prior to admittance to the present school, the name of the Chinese representative recommending him, government or private student, punishment or reward, the date of admittance, transfer, or leaving, the date of graduation, etc.

IV. Public or private schools desiring to grant petitions of the Chinese students to have their credits transferred or to leave, shall require the petitioners to attach to their petitions recommendations of any Chinese representative in Japan.

V. Public or private schools open to the Chinese shall report to the minister of education twice a year, namely, in January and July, the number of the Chinese students admitted during the preceding half year.

VI. The Chinese students graduated or expelled shall be reported within one month to the Chinese representative in Japan who has recommended them. In case of dismissal the reason therefor shall also be stated.

VII. Those public or private schools open to the Chinese which the minister of education may deem suitable for the purpose will be specially selected and reported to the Chinese Government.

VIII. Those public or private schools which desire to be specially selected, as stated in the previous article, shall apply to the minister of education in the name of the principal or founder. The applicants are required to report on the following points:

1. The history of the education of the Chinese in their schools.
2. Regulations for educating the Chinese in their schools.
3. A brief account of the life of the principal or chief representative.
4. Names and qualifications of the instructors, together with the statements of their preparation for teaching and of the subject now taught.
5. The maximum number of students that can be admitted, as well as the actual number of them.

6. The method of supervising the Chinese students outside of the school.
 7. The conditions of the Chinese students after their graduation.
 8. The maps and diagrams of ground, buildings, and dormitories used for the education of the Chinese.
 9. The expenses for running the school, also stating how or by whom it is maintained.
 10. The list of text-books, instruments, machinery, and scientific specimens used in the school.
- IX. Public or private schools with the special license granted by the minister of education shall supervise the Chinese students by making them live in the dormitory or authorized boarding houses.
- X. Public or private schools with the special license shall not admit those Chinese students who have been expelled from other schools on account of objectionable conduct.
- XI. The minister of education may, whenever he deems it necessary, cause his subordinate official to be present at the examinations, or examine the questions and answers of the same. The official thus authorized may order alteration of the questions or of the method of examination in case he should find them unsuitable. The examination papers and students' records shall be kept in the office at least for five years.
- XII. Public or private schools with the special license shall report to the minister of education on the work accomplished of educating the Chinese within one month from the end of each academic year.
- XIII. The minister of education may annul the license whenever the licensed schools violate any of these regulations or whenever their work is unsatisfactory.
- XIV. The documents to be presented to the minister of education in accordance with these requirements shall be first filed in the office of the local governor.
- XV. All these provisions do not apply to elementary schools or those resembling the same.

SUPPLEMENTARY NOTICE.

These regulations shall go into effect on January 1, 1906.

AMERICAN PROPERTY IN PORT ARTHUR AND DALNY.

Chargé Wilson to the Secretary of State.

No. 340.]

AMERICAN LEGATION,
Tokyo, November 22, 1905.

SIR: I have the honor to report herein the situation in regard to American property left at Port Arthur and Dalny at the beginning of the war.

Ever since the fall of Port Arthur this legation has been in correspondence with Americans seeking information as to their properties abandoned there and at Dalny at the outbreak of the Russo-Japanese war.

The legation has brought each case to the attention of the Japanese foreign office, transmitting at the same time lists of the properties of the claimants and all obtainable data. As a result, the war department has caused the military authorities at those towns to make investigations, and their report on each case has later been transmitted to us. Owing to the confusion said to have existed at Port Arthur and Dalny and to this cumbrous method of attempting to locate the properties the military reports have necessarily failed to throw any sufficient light upon most of these cases.

The legation has therefore frequently urged upon the Japanese Government the necessity of providing means for more direct and

effective investigation. It was suggested that representatives or a representative of the American claimants should be permitted to go to Port Arthur to investigate in cooperation with some Japanese official authorized for the purpose. But this the authorities have steadily declined to do on the grounds of military reasons, while reiterating their promise of the fullest protection to all private property found at Port Arthur and Dalny at the time of the Japanese occupation.

It would seem that there can be no cogent reasons why, at this late date, the authorities should still decline to allow the interested parties to go and investigate their affairs on the spot. In the hope of obtaining permission to do so for the Americans affected, I had yesterday a long interview with Lieutenant-General Ishimoto, vice-minister for war, who has this subject in hand, and strongly represented the matter to him. In reply he said they were engaged in making the regulations and arrangements necessary to the investigations, and begged that we wait a little longer. Finally he agreed to expedite the matter as much as possible, and, when asked how much longer he thought the delay would be, gave me to understand that the interested parties might go to Port Arthur and Dalny in a fortnight.

The Americans concerned whose statements this legation has handed to the foreign office are: The American Trading Company; Clarkson & Co., of Vladivostok, Port Arthur, Dalny, Harbin, Shanghai, etc.; M. S. Friede & Co., of Shanghai and New York; W. Toritch; Henry Marco; the Boston Steamship Company (in re cargo of *Pleiades* landed at Port Arthur); Beatrice Bavanda; H. B. Campbell; Alberta Black; the American depositors in the Port Arthur branch of the Russo-Chinese Bank.

Not without reason those interested are becoming impatient at being still refused permission for the direct investigation of their affairs. The president of the American Trading Company called here a few days ago to renew the request that his agent be allowed to proceed to Port Arthur, and similar requests reach the legation from Shanghai, where most of the interested parties are represented.

As a result of my interview at the war department, I have to-day informed the American Trading Company and telegraphically requested our consul-general at Shanghai to inform the interested Americans there that I expect to secure within a fortnight permission for them to visit Port Arthur and Dalny to investigate their properties abandoned there.

I have, etc.,

HUNTINGTON WILSON.

Chargé Wilson to the Secretary of State.

No. 372.]

AMERICAN LEGATION,
Tokyo, January 18, 1906.

SIR: When I had the honor to report to you on November 22 the results of this legation's efforts to gain permission for Americans to investigate their properties temporarily abandoned at Port Arthur and Dalny at the outbreak of the war, there was ample ground for the expectation that the interested parties would be allowed to visit those places early in December.

At an interview which I had at that time with the vice-minister for war, he implied that an occasional traveler might be permitted to visit Port Arthur, but that the confusion there was still too great to admit of the coming of business men to look after their affairs. General Ishimoto finally gave permission, under date of November 25, for Mr. Dunn, the agent of the American Trading Company, to visit Port Arthur from December 1, but only in the quality of an ordinary traveler. In granting this permit the war office stipulated that no others of the sort would be allowed. Mr. Dunn's name was selected by me for the reason that his company's application was the one filed earliest at the legation. While the permit did not carry with it facilities for investigation, yet the opportunity for their agent at least to look over the ground was much valued by the American Trading Company.

Since the beginning of December the legation has frequently inquired as to when the Americans interested might proceed to Port Arthur, but on each occasion the date has been postponed, and the need of time for making regulations and arrangements has been put forward. On the 21st ultimo I represented the whole matter to Count Katsura, premier and acting minister for foreign affairs, with similar results. The same day I received an informal letter from the ministry of war asking for still more time, and wherein it was stated that a committee to take charge of the abandoned properties was about to be formed under the commanding general of the occupied districts, and that the owners of property would be allowed to go to Port Arthur before long.

No change having taken place in the situation, I verbally brought the matter to the attention of Mr. Kato on the 11th instant, and on the 13th instant addressed to his excellency a note on the subject, wherein the desired permits were specifically requested for Messrs. Nielson (representing Clarkson & Co.), Friede, and Toritch. I have the honor to inclose a copy of the above-mentioned note. Accompanying it will be found an informal memorandum of the communications on the question under discussion which passed between the legation and different officials of the Japanese Government during the past half year.

On the 17th instant I received an informal note from the minister for foreign affairs, a copy of which is herewith, whereby I was informed that it had been decided to give permission to visit Port Arthur and Dalny and that the restrictions would shortly be removed. The following morning I called at the foreign office and obtained these particulars: The military commander of the Kwantung would issue the new regulations in a day or two; he would then telegraph the war department, who would thereupon be ready to grant the long-sought permits, upon application made through the foreign office. The official whom I saw was of opinion that the permits would now be available within four days, and I am happy to be able to report that I am quite confident that the Americans interested may go to Port Arthur and Dalny next week.

I have, etc.,

HUNTINGTON WILSON.

[Inclosure No. 1.]

Chargé Wilson to the Minister for Foreign Affairs.

No. 204.]

AMERICAN LEGATION,

Tokyo, January 13, 1906.

MONSIEUR LE MINISTRE: I have the honor to request that at the earliest possible convenience of the Imperial Japanese Government permission may be granted Mr. C. Nielson, representing the American firm of Clarkson & Co., Mr. M. S. Fiede, and Mr. W. Toritch, American merchants, to visit Port Arthur and Dalny for the purpose of personally examining their properties left at those places at the outbreak of the war.

As I had the honor to point out to your excellency day before yesterday, there is great danger that by every day's postponement of such permission these gentlemen will be placed in a less favorable position for the ultimate recovery of their property or its value. Moreover, it is evident that they are suffering injury by being deprived during so long a time of the use of their property and by the tying up of their affairs in an indeterminate state which they are prevented from investigating. It will thus be seen that very considerable damage is being done American merchants.

It is beyond doubt that at the present extremely late date no plea of military necessity would be seriously advanced as a reason for further withholding the permission sought, and I most respectfully express to your excellency my disappointment that consideration for the American property rights involved should seem to weigh so lightly in the scale against what can now, so far as I know, be no more than the bare convenience of routine arrangements by the military authorities—arrangements for the completion of which many months have already been available.

So long ago as November 21, General Ishimoto, vice-minister for war, answered my inquiries by asking that we wait a little longer—about two weeks longer he thought. Naturally, much importance was attached by this legation to an estimate emanating from such a quarter, and my Government, as well as the interested parties, was accordingly given to understand that permission to visit Port Arthur might be expected early in the month of December. Inevitably, the long additional delay has caused surprise and disappointment.

I am informed that the continued delay is due to a change in the arrangements decided upon by the ministry of war. It is difficult, however, for a civilian to understand what embarrassment could result if a few men, whose material interests are at stake, were allowed to go into Port Arthur before the perfection of the last details of such arrangements.

In order that your excellency may see how continuously and since how many months this legation has been seeking the permission in question, and how much patience has been necessary on the part of those interested, I beg leave to hand you herewith an informal memorandum summarizing the communications between officials of your excellency's Government and this legation during the past half year. The earlier correspondence in regard to American property at Port Arthur was recapitulated in the legation's memorandum dated July 15.

If your excellency will permit me to repeat what I had the honor to say to you on the 11th instant, let me once more earnestly request that your excellency spare no effort to have the desired permits for the above-mentioned gentlemen to visit Port Arthur and Dalny issued with the least possible delay.

I embrace this opportunity to renew to your excellency, etc.

HUNTINGTON WILSON.

[Subinclosure.]

MEMORANDUM IN RELATION TO THE PROPERTY OF CERTAIN AMERICAN CITIZENS AT PORT ARTHUR.

August 3, 1905.—Mr. Griscom called upon Mr. Chinda and handed him a memorandum summarizing the correspondence between this legation and the minister for foreign affairs in relation to the protection of the property of American citizens at Port Arthur and their desire to visit the city to look into the condition of their affairs. Mr. Chinda promised that he would take up the question with the military authorities.

October 5, 1905.—Mr. Griscom asked Mr. Chinda if it were then permissible for Americans owning property at Port Arthur to go there. Mr. Chinda said the military authorities still objected, and suggested that the question be deferred until after the ratification of the treaty of peace, when he would take it up with the military authorities.

October 24, 1905.—Mr. Griscom spoke again on the subject to Mr. Chinda, who replied that the foreign office could see no objection to the merchant's entering Port Arthur, but that the military authorities still refused permission. He added that the matter would be brought up again to see if the military authorities could not be induced to change their views.

November 1, 1905.—Mr. Griscom again asked permission for Americans owning property at Port Arthur to go there to investigate. Mr. Chinda said that the military authorities still objected. Mr. Griscom said that he could see no possible ground for objection in time of peace. Mr. Griscom mentioned that there was a great deal of property at stake and hoped that permission would be granted at the earliest possible moment. Mr. Chinda promised to take the matter up with the military authorities and let Mr. Griscom know the result.

November 3, 1905.—General Ishimoto and General Murata intimated to Mr. Wilson that permission might be given to American travelers to visit Dalny and Port Arthur.

November 21, 1905.—Mr. Wilson called upon General Ishimoto and reminded him of the above matter, asking that permission be given the three or four Americans chiefly interested to investigate the condition of their properties. General Ishimoto said that travelers for curiosity's sake would be permitted to go, but begged Mr. Wilson to wait a little longer as to the merchants, saying, in effect, that the military authorities were preparing regulations, etc., and that after "two weeks or so" matters would be in such condition as to permit the entry of merchants. Mr. Wilson suggested that the merchants might be permitted to go there at once as tourists in order to be on the ground at the moment of the removal of restrictions, since the two weeks to elapse before their removal would be consumed in transmitting the news of such permission to the merchants and their transit to Port Arthur.

November 24, 1905.—Mr. Laughlin called on Major Yoshida in regard to the desire of certain American travelers to visit Port Arthur and Dalny and reminded him of General Ishimoto's intimation to Mr. Wilson that arrangements for unrestricted travel would be completed in about two weeks from November 21. Major Yoshida said that the permission requested November 21 for Mr. W. E. Dunn to visit Port Arthur and Dalny would be granted and that "in a very short time" travel would be generally unrestricted.

November 25, 1905.—Mr. Wilson spoke to Mr. Ishii and Mr. Matsui at the foreign office on this question, telling them of General Ishimoto's assurance that American business men having property at Port Arthur or Dalny would be able to visit those places in about two weeks from November 21. Mr. Matsui said he had been present at the recent meeting of war office general staff and Port Arthur officers, when it had been agreed upon that foreign merchants were to be allowed to enter those ports. It remained for the completed arrangements to be approved, but it was implied that the delay would not be long.

December 11, 1905.—Mr. Wilson saw Mr. Chinda, who promised to give directions for a communication on the subject to the war office.

December 14, 1905.—Mr. Wilson saw Mr. Matsui, who promised that the war office should be again urged on the subject.

December 19, 1905.—Mr. Wilson saw Major Yoshida at the war office. He promised to communicate his remarks to General Terauchi and General Ishimoto, who were absent, and to let him know the results.

December 21, 1905.—Mr. Wilson had an interview with Count Katsura, who promised to speak about the matter to General Terauchi and have Mr. Chinda give an answer.

December 21, 1905.—Major Yoshida replied in writing to Mr. Wilson's representations made on December 19, to the effect that the towners of property at Port Arthur would be allowed to go there before long.

January 11, 1906.—Mr. Wilson requested his excellency Mr. Kato kindly to bring this subject again to the attention of the military authorities.

[Inclosure No. 2.—Translation.]

The Minister for Foreign Affairs to Chargé Wilson.

Tokyo, January 17, 1906.

SIR: Referring to the applications for the permission to visit Port Arthur, Dalny, etc., by the foreigners who left their private properties in those places, or by their representatives, for the purpose of settling or carrying them away, we have hitherto not granted any application for military and other reasons. The restriction is, however, shortly to be removed, and it has been unofficially decided to give permission to visit those places. I write in haste this note to your excellency, as I am informed by the authorities concerned that the department of war is soon to give notice to that effect.

I have, etc.,

KATO,
Minister for Foreign Affairs.

Chargé Wilson to the Secretary of State.

No. 384.]

AMERICAN LEGATION,
Tokyo, February 1, 1906.

SIR: Referring to the legation's dispatch No. 372, of the 18th ultimo, I have the honor to forward herewith a copy of the minister for foreign affairs' note of the 23d, informing me of an ordinance issued the 21st by the governor-general of the Kwantung, under the terms of which foreigners may proceed to Port Arthur and Dalny to examine their properties temporarily abandoned there. A translation of the regulations as they appeared in full in the Official Gazette of January 23 is likewise inclosed. Besides prescribing the obligations of foreigners after their arrival within the jurisdiction of the Kwantung government office, the regulations provide that each application on the part of a foreigner for a permit to visit Port Arthur or Dalny shall be made through the diplomatic representative of his Government at Tokyo, and shall be accompanied by a detailed list of the properties he wishes to investigate.

I have the honor to inclose also a copy of my note of January 24, renewing the request for permits for Messrs. Friede, Nielsen, and Toritch to visit the Kwantung, and adding the name of Mr. Dunn, of the American Trading Company. The required data in regard to the properties to be investigated by these gentlemen had long since been furnished by the legation, with the exception of a list of the property of Mr. Friede, a proportion of whose interest consisted in important business papers, and in whose case a list was not available.

On the 25th ultimo the legation made further inquiries at the foreign office; and on the following day the minister for foreign affairs wrote to state that, in order to save time, the War Department would issue telegraphic instructions to the Kwantung authorities simultaneously with the issuance of the permits, whereby the applicants would be admitted pending their receipt of the permits by mail. A copy of Mr. Kato's communication is inclosed. On the same day informal inquiries as to when the permits might be expected were made at the war office.

Major Yoshida telephoned to me on the 29th to say that the permits had been issued and would reach the legation through the foreign office that day. I thereupon telegraphically informed the applicants, through our consul-general at Shanghai, that they might

proceed at once to Port Arthur and Dalny. Late in the afternoon I received from the minister for foreign affairs three permits, with a letter, as inclosed, to the effect that Mr. Friede's could not be issued because no itemized statement of property had been submitted with his application. It was then evident that there had been a mistake in the above-mentioned message telephoned to the legation, and the matter was thus left in a very awkward position, since Mr. Friede had already been notified that he might set out for Port Arthur.

It was extremely disappointing that an imperfection in his application to the legation should render fruitless in the case of Mr. Friede, the efforts of many months; so that evening at a dinner at the Chinese legation I took the opportunity to speak to his excellency, Mr. Kato, on the subject, and also to the chief of the political bureau, under whose charge these vexed matters have been. I was sorry to find discouragement in that quarter. The minister for war being present, I then stated Mr. Friede's case fully to his excellency, and General Terauchi was kind enough to interest himself and to promise to see what could be done.

On the 31st of January I visited the war office, and was later informed by telephone that the military authorities had overcome the technical difficulty and had issued Mr. Friede's permit, which reached this legation to-day, with a note from Mr. Kato, as inclosed. The notification given Mr. Friede on the 29th thus becomes effective, and since that date all the Americans now desiring to visit the Kwantung are at liberty to go there.

Telegrams from the American merchants concerned have continued to show anxiety in regard to their interests, and I have had the honor to report this matter very exhaustively, as it may interest you to know what efforts have been required to obtain permission for them to revisit the ports of the Liaotung Peninsula even at the present very late date, in view of the bearing of the subject upon foreign commercial interests in Manchuria and upon the attitude which the Japanese are disposed to assume toward them.

I have, etc.,

HUNTINGTON WILSON.

[Inclosure 1.—Translation.]

The Minister for Foreign Affairs to Chargé Wilson.

DEPARTMENT OF FOREIGN AFFAIRS,
Tokyo, January 23, 1906.

SIR: In compliance with the request of the minister of war, I have the honor to inform you that, while the sailing of foreigners to Port Arthur, Tairen, and other places within the jurisdiction of the governor-general of Kwantung has hitherto been prohibited, in consequence of military necessity of the imperial forces during the war, the governor-general of Kwantung issued an ordinance under date of the 21st instant (vide to-day's Official Gazette), stating that such foreigners as left behind their private property when they withdrew from those places, or their agents, who will sail there, shall be permitted to examine, dispose of, or take away such property. Therefore, the minister of war will grant permits to sail to those places to owners of such property, or their agents, if application is made through the diplomatic representative resident in this country, under the following conditions:

1. No persons other than the owners of the private property left behind in the various places under the jurisdiction of the governor-general of Kwan-

tung at the time of their withdrawal from those places, or their agents, who will sail with the object of examining, disposing of, or taking away such property, shall be permitted to sail.

2. The applicants shall send in at the time of application a paper stating in full the dates of withdrawal from the various places and the locations, names, quantities, and values of the property left behind.

3. Only one agent shall be permitted for each owner of said property; in case any such property is owned in common by several persons, one of such persons shall be permitted to sail.

4. The person who is permitted to sail may take three employees with him. 5. The person who is permitted to sail shall be required, during their stay in any places under the jurisdiction of the governor-general of Kwantung, to comply with the regulations and orders issued by the military authorities having jurisdiction.

Accept, etc.,

KATO TAKAAKI,
Minister for Foreign Affairs.

[Inclosure 2.—Translation.]

REGULATIONS FOR CONTROLLING TRAVELERS GOING TO DALNY, PORT ARTHUR, ETC., FOR THE PURPOSE OF EXAMINING PROPERTIES LEFT IN THOSE PLACES.

[Issued by the governor-general of Kwantung, January 21, 1906.]

I. If the owners of private properties left by them at the time of withdrawal in the Province of Kwantung or within the jurisdiction of the governor-general of Kwantung, or the representatives of those property owners, proceed to Dalny or Port Arthur, bearing the permits issued by the war department, they may examine, settle, or carry away their properties in accordance with these regulations.

II. The travelers to those places who formerly left their properties at Port Arthur and other places shall respectively report in writing to the branch office of the civil governor at Port Arthur and to the civil governor's office at Dalny. In the said report the travelers and their companions shall state their nationality, names, ages, occupations, home addresses, present addresses, and the reasons for coming thither. A copy each of their permits issued by the war department shall be attached to the report.

III. The travelers shall stay in the city of Dalny or Port Arthur. In case of necessity for going out of the city limit for the purpose of examining their properties, they shall apply for permission to the civil governor's office or the branch office of the same.

IV. Those private properties which are left in those places without any trustees appointed and are in the custody of the military authorities shall be returned to the owners on application by the owners or their representatives for the recovery of their properties only within eight months from the date of the promulgation of these regulations.

V. In the application referred to in the previous article shall be stated in Japanese the names, nature, number, quantity, and value, as well as the place and time of leaving properties.

VI. Concerning the examination, settlement, and carrying away of properties left in the places mentioned in these regulations, the directions and orders of the military authorities shall be observed and obeyed.

VII. The period of sojourn for the purpose of examining, settling, and carrying away the properties referred to in these regulations shall not be longer than a month.

The civil governor may, however, shorten or prolong the period according to expediency.

VIII. Besides all these regulations, the travelers shall observe and obey the regulations and orders in force within the jurisdiction of the governor-general of Kwantung.

(Official Gazette, January 23, 1906.)

[Inclosure 3.]

Chargé Wilson to the Minister for Foreign Affairs.

No. 208.]

AMERICAN LEGATION,
Tokyo, January 24, 1906.

MONSIEUR LE MINISTRE: In reiterating the request contained in this legation's note No. 204, of the 13th instant, that permits to visit Port Arthur and Dalny be issued to Mr. C. Neilsen, representing the American firm of Clarkson & Co., and to Messrs. S. Friede and W. Toritch, with the minimum possible delay, I have the honor to add the request that such a permit be similarly issued to Mr. W. E. Dunn, representing the American Trading Company.

Your excellency's note No. 6, of yesterday, the receipt of which I now have the honor to acknowledge, mentions certain data required by the war department as a preliminary to the issuance of such permits. With regard to these particulars I have the honor to refer your excellency to this legation's notes Nos. 116, of February 21, 1905; 122, of March 3, 1905; 160, 161, 162, and 163, of August 3, 1905; and to a memorandum of the last-mentioned date, with which were transmitted lists of properties belonging to Messrs. Clarkson & Co., the American Trading Company, and Mr. Toritch.

In the case of Mr. Friede, his property left at Port Arthur consists in large measure of valuable documents and private papers, a detailed list of which is not available.

I seize this opportunity, etc.,

HUNTINGTON WILSON.

[Inclosure 4.—Translation.]

The Minister for Foreign Affairs to Chargé Wilson.

Tokyo, January 26, 1906.

SIR: Concerning the regulations issued on the 21st instant by the governor-general of Kwantung for controlling travelers proceeding to Port Arthur and other places for the purpose of examining, carrying away, etc., their properties, I beg leave to refer you to Article I of the same, which reads, "Those who proceed to Dalny or Port Arthur bearing the permits issued by the war department," as a special arrangement has been made by this department with the military authorities for the sake of those who are now in distant places outside of Japan. In case any of those travelers should desire to proceed direct to Dalny or Port Arthur, without coming to Japan, on account of his staying in a distant place outside of Japan, the war department shall notify the civil governor of Kwantung by telegram as soon as a permit is issued for the applicant. For the sake of convenience the military authorities at Dalny or Port Arthur are to permit his landing on the strength of the telegraphic notification referred to. As to the copy of the permit required in connection with the application mentioned in Article II of these regulations, it shall be presented to the military authorities by the applicant upon its receipt. The above arrangement has been agreed upon by the war department and the governor-general of Kwantung, and I hereby have the honor to inform you of the result of consultations between the authorities concerned.

I have the honor, etc.,

KATO,
Minister for Foreign Affairs.

[Inclosure 5.—Translation.]

The Minister for Foreign Affairs to Chargé Wilson.

Tokyo, January 29, 1906.

SIR: I beg to acknowledge the receipt of your note No. 208, dated January 24, relating to the application for permitting Mr. C. Nielsen, representative of Clarkson & Co., and three other gentlemen to go to Port Arthur. The minister of war, to whom the matter was referred, has issued three permits for Messrs. C. Nielsen, E. Dunn, and W. Toritch, and I have the honor herewith to forward them to you. I also beg to inform you that Mr. Friede's application can not be granted unless he sends in an itemized statement for application, concerning

which I beg to refer you to my note No. 6, dated January 24, as he states that he intends merely to go to Port Arthur for the purpose of searching some important documents. As to Mr. Frie's case, I wish to say that I am repeating the statement of the authorities concerned.

I have, etc.,

KATO,
Minister for Foreign Affairs.

P. S.—The authorities concerned have sent a telegram to the civil governor's office at Dalny concerning the permission granted to the three gentlemen whose names are mentioned in the body of this note. It is therefore to be understood that there will be no trouble now for them to proceed to the places they wish to go to.

[Inclosure 6.—Translation.]

The Minister for Foreign Affairs to Chargé Wilson.

TOKYO, *January 31, 1906.*

SIR: In reply to your communication concerning the application for permitting Mr. W. S. Friede, a citizen of your country, to go to Port Arthur and Dalny, I addressed you an informal note dated the 29th instant. I have, however, received a permit for him from the war department, and I have the honor herewith to forward it to you. The minister of war states that in issuing the permit a special arrangement has been made for the present case, as you said that the documents for the application would be presented in accordance with the regulations. As to the documents in question, I wish to request you to present them as soon as possible, for the forms of which I beg to refer you to my note No. 6, dated January 23. The minister of war also states that the arrangement made by the authorities in dealing with the present case is due to a special favor, and it is to be understood that it shall not be regarded as a precedent for cases of similar nature.

I have, etc.,

KATO,
Minister for Foreign Affairs.

**POSTBELLUM ARRANGEMENTS BETWEEN THE JAPANESE AND
RUSSIAN FORCES.**

Chargé Wilson to the Secretary of State.

No. 447.]

AMERICAN LEGATION,
Tokyo, May 4, 1906.

SIR: For your information I have the honor to transmit herewith a translation of the memorandum relating to the crossing of the neutral zone between the Japanese and Russian forces in Manchuria, signed October 30, 1905, to which allusion was made in the legation's dispatch No. 437^a of the 12th ultimo.

A translation of the protocol of procedure for the withdrawal of troops from Manchuria and the transfer of railways, signed October 30, 1905, is likewise inclosed.

I have, etc.,

HUNTINGTON WILSON.

[Inclosure 1.—Translation.]

**MEMORANDUM RELATING TO THE CROSSING OF THE NEUTRAL ZONE BETWEEN THE
JAPANESE AND RUSSIAN ARMIES.**

In the signing this day the protocol concerning the procedure in withdrawing from Manchuria the troops of the respective armies, the representatives of the commander in chief of the Japanese and Russian armies in Manchuria have made the following agreement:

Owing to the inconvenience caused by the entrance within the localities where the respective armies are stationed of persons who are not connected

with either army, the passage from the locality of one army to that of the other, except by the inhabitants of the said districts, shall not be permitted without the mutual consent of the military authorities of the respective armies. In order to keep the respective armies in touch with each other respecting the permission referred to, each army shall designate a special headquarters for issuing permits for travelers within the locality of the other army. In granting the said permits the consent of the headquarters of the army to which the traveler is going must also be obtained in each individual case. For the present the headquarters referred to shall be located at the general headquarters of the respective armies. Any change of location that may hereafter take place shall be notified by each to the other.

YASUMASA FUKUSHIMA,
Major-General, of the Staff of the Japanese Army in Manchuria.
OLANOVSKY, *Major-General,*
Second in Command of the Staff of the Russian Army in Manchuria.

SZ-PING-KAI RAILWAY STATION,
October 30 (17), 1905.

[Inclosure 2.—Translation.]

PROTOCOL OF THE PROCEDURE IN WITHDRAWING TROOPS OF THE JAPANESE AND THE
RUSSIAN ARMIES FROM MANCHURIA AND TRANSFERRING THE RAILWAYS.

ARTICLE I.

The following agreement has been concluded in accordance with the supplementary agreement relating to Article III of the treaty of peace between Japan and Russia at Portsmouth on September 5 of this year (August 23).

1. The Japanese troops occupying the front positions in Manchuria shall be withdrawn within the zone of Fakumen, Chinchiatung, Changtu, Weiyannapomen, and Fushun by December 31 (18), 1905.

The Russian troops occupying the front positions in Manchuria shall be withdrawn within the zone of Itunchou, Yekhotienm Weitzukou, Pamiencheng, and Shanchengtzu by the same date.

2. By June 1 (May 19), 1906, the Japanese troops shall be withdrawn to the line of Fakumen, Tieling, and Fushun, and to the south thereof; and the Russian troops to the line of Shanchentzu, Kungchunglieng Railway Station, Itunchon, and to the north thereof.

3. By August 1 (July 19), 1906, the Japanese troops shall be withdrawn to the line of Hsinmintun, Mukden, and Fushun, and to the south thereof; and the Russian troops to the line of Shanhotun, Kuanchengtzu, and Palipu, and to the north thereof.

4. Neither of the two contracting powers shall have more than 250,000 combatants in Manchuria after April 15 (2), or 75,000 after October 15 (2), 1906. Both contracting powers are required to complete the withdrawal of their troops by April 15 (2), 1907.

5. In accordance with supplementary agreement 1 to the treaty of peace the number of guards to protect their respective railways in Manchuria shall be 15 per kilometer on the average.

ARTICLE II.

For the purpose of transferring the railways each of the two contracting powers shall appoint a commission consisting of three persons selected from officers and experts belonging to the section of military communication.

The said commission shall commence its work between April 10 and 20, 1906 (new calendar); and the place and time of meeting shall be determined later.

The transfer and receiving of railways south of Kuanchengtzu Station and those at Kuanchengtzu Station, as well as north thereof, shall be completed before June 1 (May 19), 1906, and August 1 (July 19), 1906, respectively.

The determination of the extreme northern point of the railways to be transferred to Japan shall be left to diplomatic negotiations.

The undersigned, having been duly empowered by the commander in chief of the Japanese and Russian armies, hereby certify that they have made this

protocol in duplicate in both the Japanese and the Russian languages, and that each side keeps a text each in the Japanese and the Russian languages.

Done at Sz-ping-gai Railway Station on October 30 (17), 1905.

YASUMASA FUKUSHIMA,
Major-General of the Staff of the Japanese Army in Manchuria.
OLANOVSKY,
*Major-General Second in Command
of the Staff of the Russian Army in Manchuria.*

Chargé Wilson to the Secretary of State.

[Extract.]

No. 446.]

AMERICAN LEGATION,
Tokyo, May 3, 1906.

SIR: I have the honor to acknowledge the receipt of the department's telegram^a received the 28th ultimo, directing me to forward a copy of certain regulations governing a naval armistice arranged between the Japanese and Russian admirals last September.

In order that the department might, if desired, immediately secure a translation^b of the protocol of naval armistice signed September 18, 1905, I have had the honor to call attention to the fact that a copy thereof was sent to the Navy Department in October. A translation made at the legation is submitted herewith.

At the same time I have the honor to forward with the present dispatch a translation of the protocol of military armistice, which was signed on September 14, 1905.

I have, etc.

HUNTINGTON WILSON.

[Inclosure 1.—Translation.]

PROTOCOL OF NAVAL ARMISTICE.

[From Official Gazette of September 22, 1905.]

In order to determine the terms of the armistice in accordance with Article V of the Japanese-Russian protocol of armistice, Rear-Admiral Shimamura, representative of Admiral Togo, commander in chief of the combined fleet, with a part of the fleet, met the squadron under Rear-Admiral Essen, representative of the Russian navy, outside the port of Rajinpho on the 18th of September and agreed upon the following sea areas of the naval armistice:

Agreement concerning the determination of the sea area of the naval armistice.

The undersigned, Rear-Admiral Shimamura and Rear-Admiral Essen, having been duly empowered by the commanders in chief of their respective squadrons, have concluded the following agreement:

Along the coasts of the belligerent powers the sea area shall be defined as follows, viz: The line of demarcation shall start at Rokeonaff Cape and shall run 30 nautical miles to southeast, connecting the points at north latitude 42° and east longitude 136°, north latitude 46° and east longitude 140°, north latitude 48° and east longitude 141° north latitude 50° and east longitude 141° 23', north latitude 51° 48' and east longitude 141° 23'. The narrowest part of Mamiya Strait—that is, from the last-named point to the point at north latitude 53° 27' and east longitude 141° 27.5'—shall be a neutral zone. The line of demarcation shall start again from the point at north latitude 53° 27' and east longitude 141° 27.5', and pass through the points at north latitude 56° and east longitude 142°, north latitude 56° and east longitude 148°, and the middle point of Shumushu Strai (Strait of La Perouse), joining the parallel of north latitude 50° 50'.

The narrowest part of Mamiya Strait shall be a neutral zone.

The navies of the belligerent powers shall not cross the lines of demarcation indicated above.

This agreement shall take effect from the day of its signature and shall be in force during the period of armistice.

In witness whereof the respective representatives have signed their names to this protocol.

SHIMAMURA, *Rear-Admiral.*
ESSEN, *Rear-Admiral.*

SEPTEMBER 18, 1905.

Apart from the above agreement, since the inhabitants of Kamchatka Peninsula are short of provisions and might starve to death on account of the closing of maritime communication two weeks hence, Rear-Admiral Shimamura has complied with the urgent request of Rear-Admiral Essen that permission be given to dispatch immediately from Vladivostok to Petropavlovsk a transport laden with foodstuffs and daily necessities for the purpose of relieving the inhabitants of Kamchatka in accordance with the dictates of humanity, and he has issued a special permit, as the time is extremely short.

[Inclosure 2.—Translation.]

PROTOCOL OF MILITARY ARMISTICE.

[From Official Gazette of September 15, 1905.]

The commander in chief of the Manchurian armies has issued an order to-day (September 14) concerning the armistice between the Japanese and Russian armies in Manchuria, the substance of which is as follows:

ORDER.

I. At 10 a. m. yesterday, September 13, the commissioners of the Japanese and Russian armies for determining the condition of armistice held a conference at Shahotsz (about 5 miles north of Changtu Railway Station), and at 7.20 p. m. of the same day signed the following protocol of armistice, consisting of five articles:

ARTICLE 1. Fighting shall be suspended throughout Manchuria.

ART. 2. The district, indicated on the accompanying maps exchanged together with this protocol, lying between the first lines of the Japanese and Russian armies shall be the dividing zone.

ART. 3. No persons having any relation with either army shall be allowed to enter the dividing zone on any pretense.

ART. 4. The road from Swangmiaotsz to Shahotsz shall be common to both armies.

ART. 5. This protocol shall take effect from noon of September 5 (Russian calendar), 1905, or the sixteenth day of the ninth month of the thirty-eighth year of Meiji.

II. The respective armies shall carry out the terms of the armistice in accordance with this protocol by noon of the 16th at latest.

EXCHANGE OF PRISONERS OF WAR.

[Continued from Foreign Relations, 1905, pp. 599-610.]

The Acting Secretary of State to the Japanese Chargé.

DEPARTMENT OF STATE,
Washington, January 31, 1906.

MY DEAR MR. CHARGÉ: On the 30th instant the department received the following telegram from the American ambassador to Russia:

In reference to your cable of 25th, chief of the staff repeated telegram to Linievitch on the 26th. Only since 27th have communications been received by telegram direct and uninterrupted from Vladivostok and Linievitch. Will see Count Lamsdorff again to-morrow.

This telegram is in answer to the department's telegram of the 25th instant, instructing the ambassador to endeavor to obtain from the Russian Government the information asked for by your Government relative to the exchange of prisoners and the location of Russian marine mines along the coast of Korea, Saghalien, and elsewhere.

I am, etc.,

ROBERT BACON.

The Acting Secretary of State to the Japanese Chargé.

DEPARTMENT OF STATE,
Washington, February 3, 1906.

MY DEAR MR. CHARGÉ: Referring to previous correspondence on the subject, I have to inform you that the American ambassador to Russia has sent to the department a telegram, dated the 2d instant, which reads as follows:

The General Staff reports that the Japanese prisoners of war, who were at the rear, have been sent forward to Gunjulin for exchange, on December 22, Russian style, 34 men. In the hospitals, at the rear, there are still about 40 Japanese prisoners of war who will be brought together at Harbkra as soon as their health will allow it and will be sent in parties to the south of Gunjulin.

I am, etc.,

ROBERT BACON.

The Japanese Chargé to the Secretary of State.

No. 19.]

LEGATION OF JAPAN,
Washington, March 13, 1906.

SIR: I have the honor to inform you that His Majesty's minister for foreign affairs instructed me by telegraph, at the instance of the minister of war, to tender to the United States Government the most cordial thanks of the Imperial Government for the part so kindly and satisfactorily played by the United States embassy at St. Petersburg in regard to the matters concerning the Japanese prisoners of war and persons otherwise detained and held in Russia, whose exchange has now almost been completed. The Imperial Government are especially appreciative of the extremely kind and indefatigable services so willingly and effectively rendered by Mr. Thomas Smith, United States consul, who has been most directly concerned in the matter.

The Imperial Government are further desirous that the United States Government be so good as to transmit the above expression of thanks to the American ambassador at St. Petersburg and other officials to whom it is due.

Accept, etc.,

EKI HIOKI.

RESUMPTION OF DIPLOMATIC RELATIONS BETWEEN JAPAN AND RUSSIA.

The Japanese Chargé to the Secretary of State.

No. 10.]

LEGATION OF JAPAN,
Washington, February 3, 1906.

SIR: I have the honor to inform you that I am in receipt of telegraphic instructions from His Majesty's minister for foreign affairs to the effect that the Imperial Government, desiring speedy re-

establishment of their diplomatic organ in Russia, have recently appointed Mr. Motono, now minister to France, minister to Russia, and instructed him to proceed to his new post at the earliest opportunity. In view of the fact, however, that the letters of credence, although they are to be dispatched from Tokyo with all expedition, can not possibly reach St. Petersburg before Mr. Motono's arrival there, the Imperial Government desire to have a previous understanding with the Russian Government that the latter will give temporary recognition of his official capacity and permit him to discharge the duties of his office in spite of nonpresentation of his credentials.

Prior to this, the Russian Government made proposition to at once appoint a chargé d'affaires to Tokyo without sending a minister, to which the Imperial Government gave consent, appreciating the sincere intention of the Russian Government to reestablish the diplomatic relations as quickly as possible, and such chargé d'affaires is now actually conducting diplomatic affairs at Tokyo.

Under these circumstances the Imperial Government deem it desirable that the Russian Government will likewise give consent to the proposition of the Imperial Government regarding the temporary recognition of Mr. Motono's official capacity.

I now beg leave to request you to be so good as to use your good offices in instructing the American ambassador at St. Petersburg to bring the above to the attention of the Russian Government and to obtain their consent to the proposition of the Imperial Government.

Accept, etc.,

EKI HIOKI.

The Japanese Chargé to the Secretary of State.

No. 12.]

LEGATION OF JAPAN,
Washington, February 5, 1906.

SIR: I have the honor to request you, under instructions, to be so good as to instruct by telegraph the American ambassador at St. Petersburg to hand over the Japanese legation, which is now under his kind care, to Mr. Tano, third secretary of legation, who has been ordered by Mr. Motono, newly appointed Japanese minister to Russia, to directly proceed to St. Petersburg on the 8th instant in order to make necessary preparation for the reopening of the imperial legation there.

Accept, etc.

EKI HIOKI.

The Secretary of State to the Japanese Chargé.

No. 258.]

DEPARTMENT OF STATE,
Washington, February 7, 1906.

SIR: In answer to your note No. 12, of the 5th instant, I have to inform you that the American ambassador to Russia was instructed by telegraph, on the 7th instant, to hand over the Japanese legation at St. Petersburg to Mr. Tano, third secretary of legation, who has been ordered by Mr. Motono, the new Japanese minister to Russia, to proceed directly to St. Petersburg on the 8th instant.

Accept, etc.,

ELIHU ROOT.

The Acting Secretary of State to the Japanese Chargé.

No. 259.]

DEPARTMENT OF STATE,
Washington, February 8, 1906.

SIR: In answer to your note No. 10, of the 3d instant, I have the honor to inform you that on the 6th instant the American ambassador at St. Petersburg was instructed by cable to request the Russian Government to grant temporary recognition to Mr. Motono, appointed Japanese minister to Russia, pending the presentation of his letters of credence.

Accept, etc.,

ROBERT BACON.

The Acting Secretary of State to the Japanese Chargé.

No. 260.]

DEPARTMENT OF STATE,
Washington, February 10, 1906.

SIR: In further answer to your note No. 10, of the 3d instant, I have the honor to inform you that the department is in receipt of a telegram, dated the 9th instant, from the American ambassador to Russia, in which he says that the Russian Government will not fail to recognize Mr. Motono as Japanese minister upon his arrival at St. Petersburg, and that the Russian Government is entirely disposed to facilitate Mr. Motono in the exercise of his functions before the receipt of his official letters of credence.

Accept, etc.,

ROBERT BACON.

LIBERIA.

IMMIGRATION JOINT RESOLUTION.

Minister Lyon to the Secretary of State.

No. 159.]

AMERICAN LEGATION,
Monrovia, Liberia, May 24, 1906.

SIR: I have the honor to transmit herewith a copy of the joint resolution, touching the subject of immigration, enacted by the Liberian Legislature at its recent session. This information is of vital importance to a class of American citizens in certain sections of the United States where the question of emigration to Liberia is being agitated. We are always receiving letters from individuals, as well as organizations, asking for information. Many go as far as to ask the American minister either to arrange or to assist in their transportation from the United States to Liberia, and seem quite annoyed when they are informed that this can not be done. Others have the idea that the American Legation was established to aid in the deportation of colored people from the United States to Liberia. Inability to cooperate in this direction begets the opposition of its promoters.

JOINT RESOLUTION Regulating immigrants' expenses.

It is resolved by the Senate and House of Representatives of the Republic of Liberia in Legislature assembled:

SECTION 1. That from and immediately after the passage of this joint resolution, any immigrant or immigrants coming into the Republic of Liberia must first take oath of allegiance to the Republic and abjuration of the sovereign of state whence he comes, after which he may receive aid from the Government as such. The immigrant agent or agents shall keep a true and correct account of all expenses incurred for the benefit of said immigrant or immigrants. He shall make a quarterly report in duplicate of all money or monies, goods, wares, and merchandise received for and on account of said immigrant or immigrants, stating specifically what he received and paid out. The original report shall be forwarded to the secretary of the treasury, and the duplicate to the superintendent of the county, territory, or district where said immigrant or immigrants reside, which report shall be entered in a book provided for that purpose.

SEC. 2. It is further resolved that any immigrant or immigrants remaining in the Republic of Liberia for a period of five years from the time of his, or her, or their arrival into said Republic, the benefit received from the Government by said immigrant or immigrants shall be gratis; but should any of them declare their intention to permanently leave the Republic before the expiration of five years after arriving into said Republic, the value of the benefits received from the Government by said immigrant or immigrants shall be estimated and considered a debt due the Government by said immigrant or immigrants, which shall be recoverable before any tribunal having competent jurisdiction.

Any law to the contrary notwithstanding.

Approved January 25, 1906.

I beg to request that a copy of this resolution be sent to the Detroit Informer, Detroit, Mich., and such other papers and organizations as are likely to be interested.

I have, etc.,

ERNEST LYON.

Minister Lyon to the Secretary of State.

No. 165.]

AMERICAN LEGATION,
Monrovia, Liberia, June 13, 1906.

SIR: I have the honor to transmit a copy of a communication from the editor of the Detroit Informer, which is self-explanatory.

THE "DETROIT INFORMER."

[Francis H. Warren, Editor and Manager.]

[The only representative colored journal in Michigan.]

DETROIT, MICH., *April 27, 1906.*

HON. ERNEST LYON,
*Minister to Liberia,
West Africa.*

MY DEAR MR. LYON. We understand that the Liberian Government has made, or is about to make, provision for the transportation of bona fide immigrants to the Hinterland of that country. Will you kindly transmit to me any information you may have upon the subject?

We have about 500 persons ready to emigrate to that portion of Liberia. Most of these can be self-sustaining for one year in that country, which ought to be ample to start them on a successful career in their new home, but it seems difficult for them to accumulate sufficient to pay for their passage at the same time. Anything you can do to aid our party in securing transportation will be greatly appreciated by them all.

I published in our Informer recently, and which you undoubtedly have received by this time, your address at the annual dinner in honor of the diplomatic corps by the President of Liberia last December, and congratulate you upon the sentiments contained therein.

Hoping for an early reply, believe me,

Yours, sincerely,

FRANCIS H. WARREN.

Upon the reception of this communication the attention of the Liberian minister of foreign affairs was called to it by us, and a copy of the letter furnished for his consideration, to which he made the following reply:

REPUBLIC OF LIBERIA,
DEPARTMENT OF STATE,
Monrovia, May 30, 1906.

SIR: I am directed by his excellency the secretary of state to say in reply to your communication of May 24 that the Liberian Government regret that in the absence of any plans previously prepared they are not at present able to give assistance to prospective immigrants.

I have the honor to be, sir,
Your obedient servant,

EDWIN J. BARCLAY.

Mr. Secretary ELLIS,
United States Legation, Monrovia.

We beg, for the further information of the Detroit Informer, to incorporate in this connection the joint resolution regulating immigrants' expenses, passed by the last legislature.^a

^a Supra.

We receive so many communications on the subject of emigration from different sections of the United States, that if it meets the approval of the department, we beg that a copy be not only sent to the Detroit Informer, Detroit, Mich., but that a copy be given out for others interested in the subject and the general information of the public.

I have, etc.,

ERNEST LYON.

LUXEMBURG.

DEATH OF GRAND DUKE ADOLPHE.

Minister Hill to the Secretary of State.

No. 6 (Luxemburg series).

AMERICAN LEGATION,
The Hague, The Netherlands, December 15, 1905.

SIR: I have the honor to inclose herewith a note ^a from His Royal Highness the Grand Duke of Luxemburg, together with office copy of the same, to the President announcing the death of His Royal Highness the Grand Duke Adolphe and the accession of the Grand Duke William to the Throne of the Grand Duchy of Luxemburg.

I have, etc.,

DAVID J. HILL.

^a Not printed.

MEXICO.

SEIZURE OF AMERICAN FISHING VESSELS.

The Acting Secretary of State to Ambassador Thompson.

[Telegram.]

DEPARTMENT OF STATE,
Washington, September 12, 1906.

Following telegram received from the Gulf Fisheries Company:

On August 21 Mexican gunboat *Aroctas* boarded our schooner *Hatteras* in open sea 7 miles from Triangle Reef, demanded to see papers and Mexican fishing license, compelled crew to take off hatches so they could examine cargo. Schooner was under way until compelled to heave to by gunboat.

The department desires that you investigate and report as to the facts in this case.

ROBERT BACON.

Ambassador Thompson to the Acting Secretary of State.

[Telegram.]

AMERICAN EMBASSY,
Mexico, September 13, 1906.

Yours 12th relative to American schooner *Hatteras*, second paragraph, article 5, of Mexican law, issued December 18, 1902, provides a maritime belt of 20 kilometers in which vessels of all nationalities can be inspected by Mexican men-of-war or coast patrol vessels. If the department thinks this law should be questioned, will you kindly give further instructions.

D. E. THOMPSON.

Ambassador Thompson to the Acting Secretary of State.

No. 220.]

AMERICAN EMBASSY,
Mexico, September 20, 1906.

SIR: Referring to my No. 198,^a of the 10th instant, relative to the seizure by a Mexican transport, on a charge of poaching, of the fishing vessel *Aloha*, belonging to the Gulf Fisheries Company, of Galveston, Texas, I have the honor to inclose copy and translation of a note from the foreign office and of the communication from the department of war and marine therewith transmitted, reporting the status of the case in the courts.

^a Not printed.

I have had no information relative to the case from the consul at Veracruz later than that contained in his report of the 7th instant (inclosure 7 in No. 198); but he will keep me advised as to any further developments.

I have, etc.,

D. E. THOMPSON.

[Inclosure.—Translation.]

The Minister for Foreign Affairs to Ambassador Thompson.

DEPARTMENT OF FOREIGN AFFAIRS,
Mexico, September 12, 1906.

MR. AMBASSADOR: Referring to your excellency's note, dated the 7th instant, relative to the capture of the schooner *Aloha* near Arcas Keys, I have the honor to inclose herewith a copy of a communication from the department of war and marine informing me upon the proceedings followed by the proper authorities in relation to the capture.

I renew, etc.,

IGNO. MARISCAL.

[Subinclosure.—Translation.]

The Secretary of War and Marine to the Secretary for Foreign Affairs.

DEPARTMENT OF WAR AND MARINE.

The transport *Progreso* having captured the American schooner *Aloha* on August 30 last, because the same was anchored at a mile and one-third from Arcas Keys, with its fishing tackle on the deck ready for fishing, and as the reasons given by the master of the schooner to the commander of the *Progreso* as to why she was at that place did not appear acceptable to the latter commander, the fishing schooner was consigned by the military commandant of Veracruz to the district judge of the same place, and the latter officer has said to the military commandant, under date of the 3d instant, the following:

"In reference to the case, No. 283,906, instituted on account of the capture of the American schooner *Aloha* by the transport *Progreso* on a charge of poaching within Mexican waters I have on this date pronounced a decision, reading as follows: Veracruz, September 3, 1906. Having taken cognizance of * * * action was at once taken to insure the vessel with all her appurtenances and objects found on board, depositing the same with the port master. Transmit this to the above-mentioned officer and to the military commandant of the city for proper effects with regard to the deposit. C. Suzarte Campos. A. Romero Velez. Which I have the honor to transmit to you for your information and legal effects, informing you that I have on this date addressed the port master with the same intention."

Which I have the honor to transmit to you for your information, with the understanding that all the documents relative to the capture of the vessel in question have been asked from the military commandant, and as soon as the same are received the same shall be reported to the department under your worthy charge.

I renew, etc.,

G. COSIO.

MEXICO, September 7, 1906.

The Acting Secretary of State to Ambassador Thompson.

[Telegram.]

DEPARTMENT OF STATE,
Washington, September 21, 1906.

Following telegram received from manager Gulf Fisheries Company:

It is reported on good authority that Mexican gunboats have orders to seize American fishing vessels under any and all conditions of weather if within

the three-mile limit. Mexico is the only country that I ever heard of that denies the right of a vessel to make any port in a storm. Fishermen have always made a harbor under the lee of the reefs during bad weather and if denied this right it is likely to cause loss of life and property. This is the hurricane season, so please advise me as soon as possible if our men are obliged to stay at sea and risk their lives and our property when there is probably a safe harbor within a few miles of them.

Please investigate and report to department.

ADEE.

Ambassador Thompson to the Secretary of State.

[Telegram.]

AMERICAN EMBASSY,
Mexico City, September 27, 1906.

Your message 21 instant with quotation. The Mexican authorities have issued no such instructions as this quotation indicates. Their patrol vessels have instructions to take into custody within the 3-mile limit only such vessels as are fishing or known to have been fishing within this limit.

THOMPSON.

Ambassador Thompson to the Acting Secretary of State.

No. 233.]

AMERICAN EMBASSY,
Mexico, September 27, 1906.

Sir: With reference to my dispatch No. 227^a, of the 21st instant, I confirm the embassy's telegram of this date to the Department of State on the subject of the supposed order of the Mexican Government that its gunboats seized American vessels under any and all conditions of weather if within the 3-mile limit. [Supra]

For the further information of the department, I inclose herewith copies and translations of Mr. Mariscal's note of the 25th instant and the note from the minister of war and marine therewith transmitted, containing the assertions of the Mexican Government upon which the above telegram was based.

I have, etc.

D. E. THOMPSON.

[Inclosure.—Translation.]

The Minister of Foreign Affairs to Ambassador Thompson.

DEPARTMENT OF FOREIGN AFFAIRS,
Mexico, September 25, 1906.

Mr. AMBASSADOR: Referring to previous correspondence, I have the honor to transmit to your excellency, herewith, a copy of a note I have just received from the secretary of war and marine, informing me that, as your excellency and I thought, the statement made by the Gulf Fisheries Company to the Department of State, that there was a provision passed by the Mexican

^a Not printed.

Government to capture American fishing vessels entering into Mexican territorial waters under any conditions of the weather, is unfounded; and that the only order issued refers to vessels, whether national or foreign, which may be caught fishing without the proper license, within the territorial waters of the Republic.

It affords me pleasure to renew to your excellency on this occasion the assurance of my high consideration.

IGNO. MARISCAL.

[Subinclosure.—Translation.]

The Mexican Secretary of War to the Secretary of Foreign Affairs.

Department of war and marine, Mexico. This department received the communication from that under your worthy charge, issued by the bureau of America, Asia and Oceanica, under No. 557, dated 22d instant, in which you were pleased to include the note addressed to you by the ambassador of the United States, at this capital, stating that Mexican gunboats are said to have been ordered to capture American fishing vessels under any conditions of the weather, when found within the territorial waters of Mexico, and asking for information upon the matter.

In reply, I have the honor to say to you that the order issued by this department upon the subject is, that the above-mentioned gunboats shall visit and arrest any vessels, whether national or foreign, when found fishing within the territorial waters without any license from the Mexican authorities with power to issue the same; and that no order has been issued to capture American fishing vessels under any conditions of the weather within the limit of 3 miles, as stated in said note, nor has any vessel been denied the right to take shelter in any port during a gale. If this assertion should have originated from the capture of American fishing vessels that have been effected, the same has no foundation, because the latter vessel was captured while fishing within territorial waters, and we have no information that the same took shelter into said waters by reason of bad weather as it has been proved that the same did not occur in the Gulf during that time. The above-mentioned gunboats have again been instructed that they must only visit national or foreign vessels which may be found fishing within territorial waters and to capture and place the same under the jurisdiction of the proper authority, if they do not have the proper license.

I renew to you the assurance of my distinguished consideration.

Mexico, September 25, 1906.

G. COSIS.

To the SECRETARY FOR FOREIGN AFFAIRS,
Mexico.

The Acting Secretary of State to Ambassador Thompson.

[Telegram.]

DEPARTMENT OF STATE,
Washington, September 28, 1906.

Referring to your telegram, 13th instant, case of the schooner *Hatteras*. Please forward to department copy of paragraph 2, article 5, of Mexican law of December 18, 1902. If paragraph is not too lengthy you may forward it by telegraph.

ADEE.

Ambassador Thompson to the Secretary of State.

[Telegram.]

AMERICAN EMBASSY,
Mexico, September 29, 1906.

Your telegram of yesterday. Article 5, paragraph 2, reads "The inspection and jurisdiction of the federal authorities may extend into the sea for fiscal purposes up to a distance of 20 kilometers, measured from the line marked by low tide on the coasts of the Republic."

D. E. THOMPSON.

[Inclosure 1, with Ambassador Thompson's No. 268, Oct. 22, 1906 [not printed]. Translation.]

The Minister for Foreign Affairs to Ambassador Thompson.

DEPARTMENT OF FOREIGN AFFAIRS,
Mexico, October 10, 1906.

Mr. AMBASSADOR: Referring to your excellency's note, dated September 21 last, I have the honor to inclose herewith copy of a communication addressed to me by the secretary of war and marine, relative to the lack of foundation of the report that orders had been issued for the capture of fishing vessels found within Mexican territorial waters, regardless of the conditions of the weather. At the same time, the inclosed communication shows the state of the weather, to which reference is made in the above-mentioned note.

I renew, etc.,

IGNO. MARISCAL.

[Subinclosure.—Translation.]

The Department of War and Marine to the Secretary for Foreign Affairs.

DEPARTMENT OF WAR AND MARINE OF MEXICO.

On the 29th of last month the general military commander of Veracruz informed this department as follows:

"I have the honor to refer to your communication No. 18588, issued by the bureau of maritime service, section of merchant vessels of that department, and as supplement to my note No. 934, of the day before yesterday, I beg to say that this office has never ordered the war vessels of this region to capture American fishing vessels, under any conditions of the weather, when found within our territorial waters; but only those which carry on the traffic of poaching within such area, that is, those which are found fishing without a legal permit from the proper national authorities. Besides, any vessel which on account of some accident seeks shelter in our ports on coasts or islands of refuge, has never been denied that right, of which they have availed themselves freely in accordance with the provisions of our laws; and on the contrary, whenever they have needed any assistance the same has been extended to them in accordance with Naval Regulations.

As it may have happened that some rumors may have reached the American ambassador similar to those which you have been pleased to mention, perhaps because some of the employees of the fishing vessels captured recently may have spread the same, I have requested the commanders of our war vessels, in order to clear the matter, to send me a detailed statement of the state of weather and meteorological conditions on the dates of the capture, and they have informed me that the weather has been generally favorable during the whole month of April last, the *Silas Stearns* having been captured on the 19th of said month, with good weather, eastern wind, force 1, smooth sea. That the *D. L. Trafton* was captured on the 21st, good weather, northwestern wind, force 2, sea wind. The *Lizzie B. Adams* was captured on the 23d, good weather, northwestern wind, force 2, sea wind.

As you will see from the above data, the weather could not be better and said vessels were found within our waters at a time when they were not exercising the right to seek shelter in our coast on account of a gale or accident, but in a deliberate manner. I beg to transmit to you a statement of the general run of the weather from the 1st to the 27th of April last, which was sent to me by the commander of the gunboat *Veracruz*, for such action as may be expedient.

Which I have the honor to transmit to you in reference to our communication No. 18588, transmitted to your department on September 25 last, inclosing copy of the state of weather mentioned in said note.

I renew, etc.,

G. COSIO.

MEXICO, October 1, 1906.

[Inclosure 2.]

Ambassador Thompson to the Minister for Foreign Affairs.

AMERICAN EMBASSY,
Mexico, October 15, 1906.

MR. MINISTER: I have the honor to acknowledge the receipt of your excellency's courteous note, dated the 10th instant, transmitting copy of a communication from the department of war and marine disproving the rumors that Mexican war vessels had been ordered to capture foreign fishing craft found within the territorial waters of this Republic, regardless of the conditions of the weather, and to thank you for this information.

DAVID E. THOMPSON.

Ambassador Thompson to the Secretary of State.

No. 272.]

AMERICAN EMBASSY,
Mexico, October 27, 1906.

SIR: I acknowledge the receipt of the department's instruction No. 131, of the 13th instant, relating to the seizure of the American fishing schooner *Aloha*, and inclose herewith a clipping from a Mexican daily, *El Imparcial*, and a translation thereof. The clipping contains, besides, a map showing the location of the *Aloha* at the time of her capture. I also transmit copy of my letter of September 17 to the American consul at Veracruz, approving the suggestion made in his letter of the 7th of said month (inclosure 8 in my dispatch 198) to have the case of the *Aloha* tried before the district court of Veracruz, instead of that of Campeche, said to be the one having jurisdiction in the matter. As both courts are of equal rank, this method of procedure seems to have been agreeable to the Mexican authorities, according to a note and its inclosure from the foreign office, copies and translations herewith transmitted, by which I am advised that the district court of Veracruz, after looking into the case of the *Aloha*, dismissed the same for want of evidence to prove the existence of the crime, and that the decision, favorable to the vessel, had been referred to the second circuit court for revision. This information caused me to send my telegram to the department reading as follows:

MEXICO, D. F., October 27, 1906.

SECSTATE, Washington.

My two hundred twenty, September twentieth. Foreign office advised that sentence of district court of Veracruz relative to schooner *Aloha* is for release, subject to confirmation of second circuit court.

D. E. THOMPSON.

It affords me pleasure to report that this case has had a favorable solution, as the decision of said court is final, so far as the *Aloha* is concerned, but owing to the fact that the above note from the foreign office did not state that said decision was of an executory character, and that it had been referred to the second circuit court for revision, I understood this latter proceeding as necessary to affirm the sentence of the district court; this, however, is not the case, judging from a second note and inclosure from the foreign office, copies and translations herewith transmitted, showing that the revision will have for a sole purpose to establish whether the officials of the lower instance who handled the case have incurred any responsibility, and I infer that whatever the result of this revision may be the release of the *Aloha* will in no way be affected.

I also inclose copy of my note to the foreign office requesting that I be furnished a copy of the decision of the district court and of the "toca" (record) of the circuit court, in order that I may have a complete history of the case, should the same require further action.

I have to-day received a note from Minister Mariscal advising me that the request for the above copies has been referred to the attorney-general for such action as may be proper.

As it sometimes occurs that the decisions of the class described are, notwithstanding their executory character, delayed for reasons of small importance, I have asked the American consul at Veracruz, by telegraph, as per copy inclosed, whether the *Aloha* has been released, and if so, on what date. So soon as I receive his reply I will transmit the same to the department.

I have, etc.,

DAVID E. THOMPSON.

[Inclosure 1.—Translation.]

[From *El Imparcial*, dated Mexico, September 27, 1906.]

POACHING VESSELS—THE PLACE WHERE THE ALOHA WAS RECENTLY CAPTURED.

* * * * *

The small maritime map we publish to-day shows Arcas Keys or Islands, where the schooner *Aloha* was captured, carrying American papers, but which was fishing within Mexican waters without permit from the Government.

The arrest was effected by the second commander of the transport *Progreso*, who went on board the *Aloha* in order to inspect the same. Upon the appearance of the master, Paul Cascone, the second commander asked him to produce the documents accrediting the nationality of the vessel. From the examination of the latter it was seen that the vessel was American, and then the commander asked Cascone to show the permit from Mexico allowing him to fish within its waters, which permit the master of the *Aloha* could not produce, because he did not have it.

In view of the latter, the second commander asked Cascone to state precisely the location of his vessel, and to that effect the former furnished Cascone a map such as the one we publish to-day, and the master of the fishing vessel, in order to determine the distance at which he was from Arcas Keys, selected the buoy tied on the western key and the eastern end of the eastern key, the point at which the *Aloha* was then said to be $1\frac{1}{2}$ miles from the middle northern key and over a draft of 24 fathoms.

Then the same second commander invited the crew of the *Aloha* to proceed to the *Progreso*, which they did on board the life-saving boat of the latter.

The *Aloha* was found to contain 500 kilograms of red snapper fish and with the fishing outfit spread on the deck. When on board the *Progreso*, the fisher-

men were notified by Commander Malpica that they were under arrest and that he had decided to carry the *Aloha* to Veracruz, which he did.

On the map we publish to-day the location of the *Aloha* at the time of the arrest can be easily determined.

[Inclosure 2.]

Ambassador Thompson to American Consul Canada.

AMERICAN EMBASSY,
Mexico, September 21, 1906.

SIR: I acknowledge the receipt of your communication of the 7th instant, which I regret was not answered sooner, relating to the capture of the American fishing vessel *Aloha*, belonging to the Gulf Fisheries Company, of Galveston, Tex.

I do not see that there is any impediment about following the course you suggest, since both district courts are equal rank.

I trust you will keep me informed of the progress of the suit, which by this time ought to be nearly complete in so far as the preliminary investigation is concerned.

Yours, truly,

D. E. THOMPSON.

[Inclosure 3.—Translation.]

The Minister for Foreign Affairs to Ambassador Thompson.

DEPARTMENT OF FOREIGN AFFAIRS,
Mexico, October 18, 1906.

MR. AMBASSADOR: Referring to previous correspondence upon the matter, I have the honor to transmit to your excellency herewith copy of a communication from the attorney-general of Mexico informing me that the proceedings relating to the capture and confiscation of the schooner *Aloha* were canceled on account of their showing that there was no crime upon which to base the indictment, the records having been sent to the second circuit court for revision.

When the result of the revision may be known to this department I will have the honor to advise your excellency of the same.

In the meantime it affords me pleasure to renew to your excellency the assurance of my high consideration.

IGNO. MARISCAL.

[Inclosure 4.]

The Attorney-General of the Republic to the Secretary for Foreign Affairs.

OFFICE OF THE ATTORNEY-GENERAL OF MEXICO.

The federal prosecuting attorney near the district court of Veracruz informs this office on the 13th instant as follows:

"The proceedings relating to the capture and confiscation of the American schooner *Aloha* were canceled because of the same falling to prove the existence of a crime to base the indictment, the records having been sent to the second circuit court for revision, since the 8th of this month. Which I have the honor to report to you in reply of your communication No. 4484-2, dated yesterday."

Which I have the honor to transmit to that department for your information, assuring you of my respectful and distinguished consideration.

RAFAEL REBOLLAR.

MEXICO, October 17, 1906.

[Inclosure 5.—Translation.]

*The Minister for Foreign Affairs to Ambassador Thompson.*DEPARTMENT OF FOREIGN AFFAIRS,
Mexico, October 24, 1906.

Mr. AMBASSADOR: Referring to my note of the 18th instant, by which I informed the embassy of the dismissal decreed by the district judge of Veracruz, with respect to the proceedings relative to the capture and confiscation of the schooner *Aloha*, I have the honor to transmit to your excellency, herewith, copy of a communication addressed to me by the attorney-general of Mexico, informing me that the dismissal has the character of an executory sentence and that the revision will have for an object to establish the responsibility in which the officials who interfered in the instance (lower court) may have incurred.

I renew to your excellency the assurance of my high consideration.

IGNO MARISCAL.

[Inclosure 6.—Translation.]

The Attorney-General of Mexico to the Secretary for Foreign Affairs.

OFFICE OF THE ATTORNEY-GENERAL OF MEXICO.

In reply to the courteous note of the department under your worthy charge, issued out of the bureau of America, Asia, and Oceania, under No. 716, dated the 18th instant, I have the honor to advise you:

That the dismissal or cancellation decreed by the district judge of Veracruz, in the proceedings relating to the capture and confiscation of the American schooner *Aloha* has the character of an executory sentence, since the above decision was not appealed from by any of the parties, and the revision of the process shall have for sole purpose to examine the responsibility in which the officials who handled the case in the lower instance may have incurred.

Which I transmit to you for your information and renewing the assurance of my respectful consideration.

RAFAEL REBOLLAR.

MEXICO, *October 22, 1906.*

[Inclosure 7.]

*Ambassador Thompson to the Minister for Foreign Affairs.*AMERICAN EMBASSY,
Mexico, October 20, 1906.

Mr. MINISTER: I have the pleasure to acknowledge the receipt of your excellency's note of the 18th instant transmitting to me a copy of a communication from the attorney-general of Mexico, informing you that the proceedings instituted in the district court of the State of Veracruz relative to the capture of the American fishing schooner *Aloha*, have been canceled, and that the decision for release has been submitted to the second circuit court for revision.

The above information is very pleasing to me, and in order that I may have a complete record of the case I would appreciate it very much if your excellency will kindly secure for me a copy of the decision of the district judge of Veracruz and of the "toca" of the circuit court when the latter, of course, has passed its decision upon the matter.

I avail, etc.,

DAVID E. THOMPSON.

[Inclosure 8.—Translation.]

*The Minister for Foreign Affairs to Ambassador Thompson.*DEPARTMENT OF FOREIGN AFFAIRS,
Mexico, October 26, 1906.

Mr. AMBASSADOR: I have received your excellency's note, dated the 20th instant, in which you have been pleased to request a copy of the sentence of the district court of Vera Cruz, who dismissed or cancelled the proceedings

relative to the capture of the schooner *Aloha*, as well as of the "toca" of the second circuit court, when the latter may have pronounced its sentence upon the matter.

In reply I have the honor to advise your excellency that I have transmitted said note to the attorney-general of Mexico for such action as may be proper.

I renew, etc.,

IGNO. MARISCAL.

[Inclosure 9.—Translation.]

Ambassador Thompson to American Consul Canada.

AMERICAN EMBASSY,
Mexico, October 27, 1906.

Has schooner *Aloha* been released? If so, on what date?

D. E. THOMPSON.

Ambassador Thompson to the Secretary of State.

No. 338.]

AMERICAN EMBASSY,
Mexico, December 4, 1906.

SIR: Referring to the matter of the American fishing vessel *Aloha*, captured by the Mexican federal authorities and now anchored in the harbor of Vera Cruz, awaiting such action on the part of her owners as Mexican law requires before she can be returned to them, I confirm my telegram of yesterday's date reading as follows:

MEXICO, *December 3, 1906.*

SEC. STATE, *Washington, D. C.*

Referring fishing schooner *Aloha*, please advise owners that Vera Cruz district court will surrender same to person properly authorized to appear before said court and pray for delivery.

D. E. THOMPSON.

The above was sent by me by reason of private information received from Minister Mariscal, as per copies and translations inclosed, from which the department will see that the district court of Vera Cruz is ready to make the return of the vessel to her owners; but the latter must send some properly authorized person to appear before said court and pray for the delivery of the vessel, in accordance with the practices provided for such cases by the laws of Mexico. Therefore, the person authorized by the owners must hold a power of attorney, with the right to delegate the same to some Mexican attorney at Vera Cruz, in order that the latter may prepare the petition addressed to the court asking for the delivery of the vessel. The owners, of course, need no recommendation from our part that they must send a sufficient crew to man the vessel out of the harbor.

I also beg to call the department's attention to the letter from the attorney-general to Mr. Mariscal, in which he states that certain dispositions relative to the appraisement of the other three vessels, that is, those which were captured last April off the coast of Campeche, were returned to the district court of Yucatan. These vessels were brought some time ago from Progreso to the harbor of Vera Cruz for safekeeping, this being, no doubt, the reason why the above dispositions were sent to the district court of Vera Cruz. At the same time, this seems to be an indication that the Yucatan court may be getting ready to release the vessels under bond, as I do not see that the appraisement of the vessels could have any other purpose.

I have, etc.,

D. E. THOMPSON.

[Inclosure 1.—Translation.]

The Minister for Foreign Affairs to Ambassador Thompson.

MEXICO, December 3, 1906.

MY DEAR MR. AMBASSADOR: Referring to our conversation last held upon the American fishing vessels, I have the pleasure to inclose copy of a letter I have received from the attorney-general of the Republic, and I take the liberty to call your attention to it.

Believe me, as ever, your affectionate and sincere servant,

IGNO MARISCAL.

[Subinclosure.—Translation.]

The Attorney-General of Mexico to the Minister for Foreign Affairs.

MEXICO, November 29, 1906.

MY DISTINGUISHED AND GOOD FRIEND: By my communication of the 27th instant I officially replied to yours of the 24th, with which you were pleased to accompany a note from the ambassador of the United States relative to the matter of the American vessels.

Privately, and understanding the spirit which guides the action of that department in the case in question, I have addressed Licentiate Pascual Evia, federal district attorney for Yucatan, the letter, copy of which I inclose, and which I trust will give good results toward attaining the end sought.

I received on this date a telegram from the federal district attorney for Veracruz advising me that certain dispositions relative to the appraisement of the vessels had already been returned to the district court of Yucatan, and that the surrender of the schooner *Aloha* has not been made to her owner because the latter has not appeared before the district court of Veracruz to pray for her delivery, and therefore there is no one with whom the matter can be taken up.

I also beg to advise that said telegram will be officially sent to you, and privately I take the liberty to suggest that it would be advisable for you to indicate to the ambassador, to whom the parties in interest have referred her case, that the only formality from which the surrender of the *Aloha* depends is such expedient action as said parties should bring before the district court of Veracruz to obtain their vessel.

Without anything further in the premises, I remain, as ever, your obedient servant and friend,

RAFAEL REBOLLAR.

Ambassador Thompson to the Secretary of State.

No. 395.]

AMERICAN EMBASSY,

Mexico, January 16, 1907.

SIR: As a complement of my dispatch No. 374, dated December 26 last,^a relative to the release of the American fishing vessels *Silas Stearns*, *Lizzie B. Adams*, and *D. L. Trafton*, I inclose herewith copies and translations of notes from the foreign office and copies of my replies thereto relative to the last proceedings had in the district courts for the States of Yucatan and Veracruz concerning the delivery of said vessels to the person authorized by the companies to receive them.

I also inclose copies and translations of a note from the foreign office and of its annexed interrogatories, prepared by the district court of Yucatan, proposed to be put to the masters of the vessels above referred to by such judicial authorities of the United States as the department may direct. In this connection I have informed

^a Not printed.

the foreign office that said interrogatories would be transmitted, so soon as translated into the English language, to the department, with the request that they be returned to the embassy when properly executed by the deponents.

As stated in my previous dispatch, the release of the vessels is practically the end of the suit, but before the records of the same can be closed by a definitive decision the above interrogatories should be, after proper execution, in possession of the district court of Yucatan.

I have, etc.,

D. E. THOMPSON.

[Inclosure 1.—Translation.]

The Minister for Foreign Affairs to Ambassador Thompson.

DEPARTMENT OF FOREIGN AFFAIRS,
Mexico, January 3, 1907.

Mr. AMBASSADOR: Referring to correspondence relative to the matter of the fishing vessels, I have the honor to transmit to your excellency herewith copy of a communication addressed to me by the attorney-general of the Republic, advising me of the coming delivery, under bond, of the captured vessels, as ordered by the proper judge.

I renew, etc.,

IGNO. MARISCAL.

[Subinclosure.—Translation.]

The Attorney-General of the Republic to the Secretary for Foreign Affairs.

(On the margin, a seal reading:) Attorney-General of Mexico.

The prosecuting attorney before the federal district court at Merida, Yucatan, informed this office by a telegram dated yesterday as follows:

“Respectfully advise you that by next mail the district court of Yucatan will address that of Veracruz in order that it authorize the delivery of the American fishing vessels to the person designated by the attorney of the owners of the same, which delivery was decided yesterday after Licentiate Elias Amabilis gave the proper bond, and under the responsibility of the companies owning said vessels.”

Which I have the honor to transmit to that department under your worthy charge, for your information and in reference to previous correspondence from this office relative to the same subject.

I assure you of my consideration.

Mexico, December 22, 1906.

RAFAEL REBOLLAR.

[Inclosure 2.]

Ambassador Thompson to the Minister for Foreign Affairs.

AMERICAN EMBASSY,
Mexico, January 8, 1907.

Mr. MINISTER: Permit me to thank your excellency for your kind note of the 3d instant, with which you have been pleased to accompany copy of a communication from the attorney-general of Mexico advising you that the delivery of the American fishing vessels captured off the coast of Campeche will soon be made, under bond, in accordance with the decision pronounced to that end by the judge who has the case in hand.

Renewing to you my deep appreciation for your excellency's good offices in this matter, it affords me pleasure to assure you of my high consideration.

D. E. THOMPSON.

[Inclosure 3.—Translation.]

*The Minister for Foreign Affairs to Ambassador Thompson.*DEPARTMENT OF FOREIGN AFFAIRS,
Mexico, January 8, 1907.

Mr. AMBASSADOR: Referring to my note of the 3d instant, relative to the delivery of the American fishing vessels captured within Mexican waters on account of poaching, I have the honor to inclose copy of a communication received from the attorney-general of the Republic, transmitting a telegram from the federal prosecuting attorney near the district court of Veracruz, in which he states that the port master of said place has already been directed to deliver the vessels to Mr. Frank P. Caballero.

I renew, etc.,

IGNO. MARISCAL.

[Subinclosure.—Translation.]

The Attorney-General of the Republic to the Secretary for Foreign Affairs.

Office of the attorney-general of the Republic of Mexico.

The federal prosecuting attorney near the district court of Veracruz informs this office by a telegram dated yesterday as follows:

"I have the honor to advise you that requisition was received from Yucatan relative to the delivery of fishing vessels, and under day before yesterday's date the port master was directed to deliver vessels to Frank P. Caballero. Port master advises me delivery will be made to-morrow agreeable with Frank P. Caballero."

Which I have the honor to transmit to you for the information of the department under your worthy charge, and as a result of the communication issued out of the bureau of America, Asia, and Oceanica, under No. 1191, of the 3d instant.

I renew, etc.,

RAFAEL REBOLLAR.

MEXICO, *January 7, 1907.*

[Inclosure 4.]

*Ambassador Thompson to the Minister for Foreign Affairs.*AMERICAN EMBASSY,
Mexico, January 10, 1907.

Mr. MINISTER: I have the pleasure to acknowledge the receipt of your excellency's courteous note, dated the 8th instant, relating to the delivery of the American fishing vessels captured within Mexican waters in the month of April, 1906, with which you were pleased to transmit to me copy of a communication from the attorney-general of Mexico advising you that he has received a telegram from the federal district attorney near the district court of the State of Veracruz, stating that the port master of Veracruz was directed to deliver said vessels to Mr. Frank P. Caballero.

This practically ends the above lamentable affair and affords me the opportunity to say to your excellency how sincerely I appreciate your good offices in the matter as well as the magnanimous attitude taken by all the officials of the Mexican Government who have been directly connected with the proceedings in the case.

I renew, etc.,

D. E. THOMPSON.

[Inclosure 5.—Translation.]

*The Minister for Foreign Affairs to Ambassador Thompson.*DEPARTMENT OF FOREIGN AFFAIRS,
Mexico, January 9, 1907.

Mr. AMBASSADOR: According to your excellency's desire I have the honor to inclose herewith the interrogatories ^a prepared by the district judge of Yuca-

^a Not printed.

tan, in conformity with which should be examined Alex Linoberry, Giovanni Malfitano, and Chas. Spahlding, masters, respectively, of the vessels *D. L. Trafton*, *Silas Stearns*, and *Lizzie B. Adams*.

I avail, etc.,

IGNO MARISCAL.

[Inclosure 6.]

Ambassador Thompson to the Minister for Foreign Affairs.

AMERICAN EMBASSY,
Mexico, January 11, 1907.

Mr. MINISTER: I have the honor to acknowledge the receipt of your excellency's courteous note of the 9th instant with which you have been pleased to transmit the interrogatories prepared by the district court of Yucatan to be answered by the masters of the American fishing vessels *Silas Stearns*, *Lizzie B. Adams*, and *D. L. Trafton*. So soon as the same are translated into the English language I will take pleasure in transmitting them to the Department of State at Washington, with the request that they be placed in the hands of such judicial authority for execution as the department may consider proper.

I avail, etc.,

D. E. THOMPSON.

[Inclosure 7.—Translation.]

The Minister for Foreign Affairs to Ambassador Thompson.

DEPARTMENT OF FOREIGN AFFAIRS,
Mexico, January 14, 1907.

Mr. AMBASSADOR: I have the honor to acknowledge the receipt of your excellency's note, dated the 11th instant, in which you have been pleased to advise me that so soon as the interrogatories relating to the examination of the masters of the fishing vessels *Silas Stearns*, *Lizzie B. Adams*, and *D. L. Trafton* are translated the same shall be sent, through the proper channels, to the respective judicial authorities of the United States.

I renew, etc.,

IGNO. MARISCAL.

TRANSIT OF MERCHANDISE FROM PORT TO PORT OF THE UNITED STATES THROUGH MEXICO.

The Secretary of State to Ambassador Thompson.

No. 37.]

DEPARTMENT OF STATE,
Washington, May 24, 1906.

SIR: I inclose herewith a copy of a letter from the Secretary of the Treasury inclosing a draft of proposed regulations for the transit of merchandise from port to port of the United States through Mexico.

Under section 3006 of the Revised Statutes of the United States the Secretary of the Treasury is authorized to issue such regulations, with the consent of the proper authorities of Mexico.

You will, therefore, bring the matter to the attention of the Mexican Government and request its consent to the issuing of the proposed regulations.

I am, etc.

ELIHU ROOT.

[Inclosure.]

The Secretary of the Treasury to the Secretary of State.

TREASURY DEPARTMENT,
OFFICE OF THE SECRETARY,
Washington, May 16, 1906.

SIR: I have the honor to transmit herewith a draft of proposed regulations for submission to the Mexican authorities under section 3006 of the Revised Statutes, which provides that:

“Imported merchandise in bond or duty paid, and products or manufactures of the United States, may, with the consent of the proper authorities of the British provinces or Republic of Mexico, be transported from one port in the United States to another port therein, over the territory of such provinces or Republic, by such routes, and under such rules, regulations, and conditions as the Secretary of the Treasury may prescribe; and the merchandise so transported shall, upon arrival in the United States from such provinces or Republic, be treated in regard to the liability to or exemption from duty or tax as if the transportation had taken place entirely within the limits of the United States.”

Respectfully,

L. M. SHAW.

[Subinclosure.]

REGULATIONS FOR THE TRANSIT OF MERCHANDISE FROM PORT TO PORT IN THE UNITED STATES THROUGH MEXICO.

Domestic merchandise and foreign merchandise upon which duty has been paid or foreign merchandise in bond regularly entered for that purpose may, with the consent of the proper authorities of the Republic of Mexico, be transported across the territory for that purpose partly by land and partly by water, and treated upon arrival at the port of destination as if such transportation had been wholly within the United States.

The owner or shipper of such merchandise shall, before the merchandise is laden, present to the collector of customs at the port of departure a manifest in triplicate subscribed by the proper agent of the transporting company, which shall be prepared by said company, and shall contain a particular description of the merchandise by packages, marks, numbers, and contents, and shall also state ports of destination, the names of the consignees, and the route over which the transportation is to be made, distinguishing articles that are domestic from those of foreign growth or production or manufacture, and those upon which duty has been paid from those under warehouse or other entry. Such manifest shall be in the following form:

Form No. ——. Special coastwise manifest of merchandise in transit through Mexico.

Marks and numbers.	Packages. :	Articles.	Domes- tic.	Foreign duty paid.	Foreign in bond.	Consignor.	Consignee.

Agents of Transportation Company.

I hereby certify that the above-described merchandise has been laden on S. S. _____ of the _____ line at _____ for transportation to _____ across the Mexican territory by way of _____; and that I have duly secured with cords and customs seals the packages compartments containing said goods.

holds
[L. S.]
_____, Collector.

_____, Inspector.

If the entire cargo of such vessel consists of goods under such special manifest, the hatches of the vessel may be secured by customs seals and no further cording or sealing of the goods at the port of departure need be done. If the entire cargo does not consist of such goods, the same must be stowed in separate compartments and all the entrances to such compartments secured by customs seals, or in lieu thereof each separate box, bale, case, or other package must be corded and sealed.

The inspector of customs charged with the supervision of the lading of such goods shall check off the goods as laden upon the manifest, shall affix the proper seals and certify all of the manifests, one of which he shall deliver to the master of the transporting vessel to accompany the goods, and the others shall be immediately returned to the custom-house, where one shall be filed, and the third copy shall be verified by the signature and seal of the collector and sent by first mail to the collector of customs at the port of destination.

On arrival of the goods at the port at which the same are to be transhipped from the vessel to the cars for transportation across Mexico, the master of the vessel shall deliver the copy of the special manifest accompanying said goods to the customs inspector at said port of transshipment, who will examine the seals, or cords and seals, as the case may be, and certify their condition upon the copy of the manifest delivered to him by the master of the vessel, and shall supervise the unloading and transshipment of such goods, checking the same upon the manifest and indicating thereon for the convenience of the inspector at the port of transshipment from the cars to the vessel the number of the car upon which each package is laden. Upon said merchandise being laden in the cars he shall so certify upon the carrier's manifest, noting any shortage or unusual condition of the package, and shall fasten the cars or compartments thereof containing such goods with customs seals, and thereupon shall deliver the carrier's copy of said manifest to the conductor of the train in which such goods are laden for delivery to the inspector at the port of transshipment from cars to vessels.

Upon the arrival at the port at which the goods are to be transhipped from the cars to the vessels for shipment to the United States the same examination and comparison shall be made by the customs inspector stationed at that port and similar certificate made upon the goods being laden and sealed. Said inspector shall thereupon deliver the carrier's manifest to the master of the vessel.

In case of packages secured by cords and seals it will not be necessary that the car, compartment, or hold containing the same be also secured by customs seals.

In case of the nonarrival of vessels or other inadvertent delay at either port of transshipment in Mexico the merchandise in transit may be stored in warehouse until transshipment under the supervision of the inspectors of customs stationed at such ports.

Such merchandise may also be transported from one port to another of the United States over the territory of the Republic of Mexico by routes wholly by land transportation in the same manner and under the same regulations as merchandise is transported across the Dominion of Canada under the provisions of articles 700 to 712, inclusive, of the Customs Regulations of 1899.

Ambassador Thompson to the Secretary of State.

No. 320.]

AMERICAN EMBASSY,
Mexico, November 20, 1906.

SIR: Referring to the department's instruction No. 37, dated May 24 last, and to my dispatch No. 93, of June 19 this year, relative to the regulations proposed by the United States for the transit of merchandise from port to port of our country through Mexico, I have the honor to transmit herewith copies and translations of correspondence from the Mexican Government, stating that by order of the President of this Republic the department of the treasury of Mexico will offer no impediment against the adoption of the above regulations provided the Government of the United States will, in

its turn, accept such measures as Mexico may enact for the transit of goods which, leaving a Mexican port or frontier, may pass over American territory, to be reimported into this country by some other port or frontier.

As the Mexican Government awaits such decision as the United States will pass upon the subject, I have advised Minister Mariscal, as per copy of my note herewith inclosed, that I have submitted to my Government the suggestion of that of Mexico for such action as may be expedient.

I have, etc., etc.,

DAVID E. THOMPSON.

[Inclosure 1.—Translation.]

The Minister of Foreign Affairs to Ambassador Thompson.

DEPARTMENT OF FOREIGN AFFAIRS,
Mexico, November 15, 1906.

MR. AMBASSADOR: Referring to my note of June 13 last, in which I advised your excellency that I had already transmitted to the department of the treasury, for such action as might be expedient, the regulations proposed by the Secretary of the Treasury of the United States of America for the transit of merchandise from port to port of the United States through Mexico, I have the honor to transmit to your excellency herewith copy of a communication from the secretary of the treasury relative to the matter in question.

I avail myself of this occasion to renew to your excellency the assurance of my high consideration.

IGNO. MARISCAL.

[Subinclosure.—Translation.]

The Secretary of the Treasury of Mexico to the Secretary of Foreign Affairs.

Department of the Treasury and Public Credit.—Mexico.—Office of the Director-General of Customs.—No. 1922.

This department received in due time your note dated June 13 last, in which you were pleased to include that of the 4th of the same month addressed to you by the ambassador of the United States of America, inclosing a draft of regulations proposed by the Secretary of the Treasury of said country for the transit of merchandise from port to port of the United States through Mexico.

In reply, and by order of the President of the Republic, I beg to say that this department has no impediment against adopting in principle the above-mentioned regulations, provided that the Government of the United States be willing, for its part, to accept those which the Mexican Government may enact for the transit of merchandise which, leaving a Mexican port or frontier, may pass over the territory of the United States to be reimported into Mexico by some other port or frontier.

Awaiting such early reply from the American Government as the ambassador of said country may transmit to you, I renew to you the assurance of my respectful consideration.

Mexico, November 13, 1906.

(Signed) LIMANTOUR.

[Inclosure 2.]

Ambassador Thompson to the Minister of Foreign Affairs.

AMERICAN EMBASSY,
Mexico, November 17, 1906.

MR. MINISTER: I have the pleasure to acknowledge the receipt of your excellency's note dated the 15th instant, relative to the transit of merchandise from port to port of the United States through Mexico, advising me that by

order of the President of this Republic the department of the treasury will adopt the regulations proposed by the United States upon the above traffic, provided the regulations enacted by Mexico for the transit of merchandise from port to port of this country through the United States will be accepted by the Government of the latter. I have therefore submitted the decision of the President of Mexico to my Government for such action as may be expedient.

I avail myself of this occasion to renew to your excellency the assurance of my high consideration.

D. E. THOMPSON.

Ambassador Thompson to the Secretary of State.

[Telegram.]

MEXICO CITY, MEXICO,
November 30, 1906.

Because of the intended early opening of the Tehuantepec Railway for general traffic, the desire of Finance Minister Limantour to arrange his organization to cover the demands that will be made upon it, he asks me if it is possible to know from the American Government, without delay, if it is its desire to enter into a convention under the proposition set forth in my dispatch No. 320 of November 20th. The minister mentioned in our conversation only one possible like arrangement for Mexico, such as is asked in the department's No. 37 of May 24th; this between Chihuahua and Sonora.

THOMPSON.

The Acting Secretary of State to Ambassador Thompson.

[Telegram.]

DEPARTMENT OF STATE,
Washington, December 8, 1906.

Referring your telegram 30th November, Treasury Department states merchandise may now be shipped duty free through United States from port to port in Mexico under section 3005, Revised Statutes, as amended by act of May 21, 1900, and regulations similar to those proposed under section 3005 for goods from port to port in United States through Mexico.

ADEE.

The Acting Secretary of State to Ambassador Thompson.

No. 167.]

DEPARTMENT OF STATE,
Washington, December 14, 1906.

SIR: Referring to the department's telegram of the 8th instant, regarding the proposed arrangement between the United States and Mexico for the regulation of the transit of merchandise from port to port of either country through the territory of the other, I inclose herewith a copy of a letter from the Acting Secretary of the Treasury expressing his views in the matter.

It may reasonably be assumed that the intention of the understanding is that each Government shall make known to the other any modifications of the transit regulations which may be made or con-

templated, thus affording opportunity to make appropriate representations against any change which may be found or deemed burdensome or calculated to impair the principle of reciprocal favor upon which the understanding rests.

I am, etc.,

ROBERT BACON.

[Inclosure.]

The Acting Secretary of the Treasury to the Secretary of State.

TREASURY DEPARTMENT,
Washington, December 12, 1906.

SIR: I have the honor to acknowledge the receipt of your letter of the 11th instant, in which you state that your department has repeated by telegraph to the United States ambassador at Mexico this department's telegram of the 8th instant, in regard to merchandise shipped duty free through the United States from port to port in Mexico.

I have to request the return of the draft of the regulations governing shipments from port to port in the United States through Mexico, transmitted to you with this department's letter of May 16 last.

In your letter of the 3d instant you state that the Mexican treasury department will offer no impediment to the adoption of said regulations, provided the Government of the United States will, in its turn, accept such measures as Mexico may enact for the transit of goods which, leaving Mexican port or frontier, may pass over American territory to be reimported into Mexico by some other port or frontier.

I am of the opinion that the acceptance by this Government of such measures as Mexico may enact for the transit of goods from port to port in Mexico, through the United States, under section 3005 of the Revised Statutes, as amended, should not be made a condition precedent to the adoption by Mexico of the regulations proposed by this Government, under section 3006. As you were informed on the 8th instant, merchandise may be shipped free of duty through the United States from port to port in Mexico, under regulations made pursuant to section 3005 of the Revised Statutes, as amended by the act of May 21, 1900. Any modification of these regulations which the Mexican Government shall at any time propose will have due consideration by this department and will be adopted if compatible with the purpose of the law, but I do not feel that the Government should be committed to the acceptance of any changes without knowledge of what they are.

Respectfully,

C. H. KEEP.

The Acting Secretary of State to Ambassador Thompson.

[Telegram.]

DEPARTMENT OF STATE,
Washington, December 15, 1906.

Do not commit Government of United States to acceptance of proposed arrangement for regulation of transit of merchandise from port to port of either country through territory of the other.

Treasury does not think that acceptance by this Government of such measures as Mexico may enact for transit of goods from port to port in Mexico through the United States, under section 3005, Revised Statutes, as amended, should be made condition precedent to adoption by Mexico of regulations proposed by this Government under section 3006. Any modification of American regulations which Mexico shall at any time propose will have due consideration by this Government; but we should not be committed to acceptance of any changes without knowledge of what they are. Instruction 167 on way to you explains.

ADEE, *Acting.*

Ambassador Thompson to the Secretary of State.

[Telegram.]

MEXICO CITY, MEXICO,
December 18, 1906.

Your telegraph instructions 15th, under date of 14th, I sent Minister of Finance Limantour copy of act of May 21, 1900, amending section 3005, Revised Statutes, and copy of section 3006, Revised Statutes, calling his attention to regulations transmitted in my note of June 4, last, and saying: "It would seem to me that regulations providing for the transit of merchandise through one country should be about the same as those providing for transit through the other." This morning I have from him the following: "I am much obliged to you for the copies you had the goodness to send me with your favor of the 14th instant. It seems to me that the regulations for the transit of merchandise over the territory of one of our nations should apply upon goods in transit over that of the other, and this is the point I would like to make clear in order that I may be positive that the Government of the United States would accept, with respect to the transit of merchandise from Mexico through American territory, that the Mexican Government make use of the same right or privilege of sending inspectors, and that, in general, an application be made of the reglementary provisions contained in the project which you had the kindness to transmit to this department through that of foreign affairs under date of June 13 last. Hoping that you may be able to give me some information upon this point, etc." Because of his great desire to arrive at a conclusion, I telegraph all of this.

D. E. THOMPSON.

The Secretary of State to Ambassador Thompson.

DEPARTMENT OF STATE,
Washington, December 20, 1906.

SIR: Referring to instruction No. 167, of the 14th instant, I inclose herewith for your information a copy of a letter from the Secretary of the Treasury stating that the regulations for the transit of merchandise from port to port of the United States through Mexican territory will be published for the information and guidance of customs officers, with instructions to accept the manifest referred to in paragraph 2 of the regulations when presented either by the owner or shipper or by the carrier.

I am, etc.,

E. ROOT.

[Inclosure.]

The Secretary of the Treasury to the Secretary of State.

TREASURY DEPARTMENT,
Washington, December 15, 1906.

SIR: I have the honor to acknowledge the receipt of your letter of the 14th instant, in which, referring to this department's letter of the 12th idem, in regard to amendments at the suggestion of the Mexican Government for shipments from port to port in Mexico through the United States, under section

3005 of the Revised Statutes, you state that "it may reasonably be assumed that the intention of the understanding is that each Government shall make known to the other any modifications of the transit regulations which may be made or contemplated, thus affording opportunity to make appropriate representations against any change which may be found or deemed burdensome or calculated to impair the principle of reciprocal favor upon which the understanding rests."

The regulations will be published for the information and guidance of customs officers, with instructions to accept the manifest referred to in paragraph 2 of the regulations when presented either by the owner or shipper or by the carrier.

Respectfully,

L. M. SHAW.

The Secretary of State to Ambassador Thompson.

[Telegram.—Extract.]

DEPARTMENT OF STATE,
Washington, December 21, 1906.

Answering your telegram of 18th, Secretary of Treasury says: "Transshipment of goods in transit from port to port in Mexico through United States may be supervised by Mexican inspectors under conditions similar to those for goods coming from port to port in the United States through Mexico."

Root.

REMOVAL OF BODIES OF DECEASED AMERICANS FROM MEXICO.

Ambassador Thompson to the Secretary of State.

No. 167.]

AMERICAN EMBASSY,
Mexico, August 20, 1906.

SIR: I am in receipt of instruction No. 90, of the 7th, which reached this embassy on the 16th instant, transmitting a copy of a letter from Mr. H. M. Maus, in which, on behalf of the National Funeral Directors' Association of the United States, he complains of the great expense and loss of time caused in Mexico, under Mexican laws, in the removal to the United States of bodies of American citizens who die in Mexico, and requesting the Department of State to use its good offices to secure a uniform Mexican regulation under which the removal of a dead body from Mexico to the United States will be as easy as from one State to another in our Union; while the department directs me to report as to the export tax on bodies, the local transit charges alleged to be levied in places through which the body passes, the high charge for embalming, and the railway tariffs.

In response I have to report that I fear we would encounter practically insurmountable obstacles in any endeavor to secure a uniform Mexican regulation under which, as suggested by Mr. Maus, the removal of a dead body to the United States will be as easy as from one State to another in our Union, for the reason that the laws governing the burial, exhumation, and removal of bodies are made by the legislature of the several States of the Mexican Union, and be-

cause the laws of every State in regard thereto differ very materially from one another. So, to bring about the adoption of the uniform regulation referred to by Mr. Maus, an appeal would have to be presented to the legislature of each Mexican State, praying for a change in its present laws and regulations, which, I have been informed, are based upon and made to suit sectional and climate conditions, in some of which States the various forms of fever exist and where the application of sanitary laws must naturally differ from some others of the Mexican States.

So far as the export or exhumation tax on bodies is concerned, I have been informed that this costs from \$150 to \$300, Mexican currency, according to the State from which it is desired to remove a body; and this tax may be imposed by any of the state governments, which, under its laws, is at liberty either to suspend or impose the same, as may suit the pleasure of the governor of any of those States. I have also been informed that there is no local transit charge in places through which a body may pass en route from Mexico to the United States.

As to the high charges for embalming, which range from \$500 to \$1,000, Mexican currency, nothing can be said, since they are made by private physicians, who are not under government regulation and who are therefore at liberty to charge whatever sum may be customary. For the transportation of a dead body, Mexican railways charge two first-class fares, one of which is for the person who, under the law, is required to accompany the body in transit, all of which are matters over which the Mexican Government can exercise no control.

I have, etc.,

D. E. THOMPSON.

CONVENTION FOR THE ARBITRATION OF PECUNIARY CLAIMS,
SIGNED AT MEXICO CITY IN 1902.

The Secretary of State to Ambassador Thompson.

No. 32.]

DEPARTMENT OF STATE,
Washington, May 18, 1906.

SIR: I have to acknowledge the receipt of your No. 41,^a of the 9th instant, inquiring whether it was not the intention of the department, by its No. 15,^a of the 25th ultimo, to ascertain whether Mexico had received notice of the ratification of the convention for the arbitration of pecuniary claims by the Governments named in the President's proclamation thereof, rather than to ascertain whether Mexico had received notice of the modification by any governments other than those mentioned in the proclamation.

By Article V of the convention in question it is provided that the convention "shall be binding on the States ratifying it from the date on which five signatory governments have ratified the same," and that the ratification of the convention by the signatory States "shall be transmitted to the Government of the United States of Mexico, which shall notify the other governments of the ratifications it may receive."

^a Not printed.

In pursuance of this provision the Government of Mexico gave notice to the Government of the United States that the convention had been ratified by Guatemala, Salvador, Peru, and Honduras. The Government of the United States, having also ratified the convention, made the necessary five ratifying countries to put the convention into force between them, and the President thereupon proclaimed the convention on March 25, 1905.

Subsequently Mexico gave notice of its own ratification, and the convention is now in force between the United States, Guatemala, Salvador, Peru, Honduras, and Mexico.

What the department wishes to ascertain is whether any governments other than these have notified the Government of Mexico of their ratification of the convention, or informed that Government of any reason why they have not done so.

I am, etc.,

ELIHU ROOT.

Ambassador Thompson to the Secretary of State.

No. 74.]

AMERICAN EMBASSY,
Mexico, May 31, 1906.

SIR: With reference to the department's dispatches Nos. 15 and 32,^a of April 25 and May 18, respectively, and to this embassy's No. 65,^a of May 24, I inclose herewith a copy and translation of a note received from the foreign office, under date of the 26th instant, with reference to the treaty for the arbitration of pecuniary claims, signed at the Second International American Conference, and saying that since the ratification by the United States and by Mexico no other country has communicated having ratified the said instrument, neither has there been any correspondence from any of the governments which have not yet ratified with respect to their reasons for not doing so.

I have, etc.,

D. E. THOMPSON.

[Inclosure—Translation.]

The Minister for Foreign Affairs to Ambassador Thompson.

DEPARTMENT OF FOREIGN AFFAIRS,
Mexico, May 26, 1906.

Mr. AMBASSADOR: In reply to your excellency's note of the 24th instant, in which, pursuant to instructions received from your Government, you requested certain information with reference to the treaty for the arbitration of pecuniary claims, signed at the Second International American Conference, I have the honor to communicate to your excellency that since the ratification by the United States and by Mexico no other country has communicated having ratified the said instrument, neither has there been any correspondence from any of the governments which have not yet ratified it with respect to their reasons for not doing so.

I renew, etc.,

IGNACIO MARISCAL.

^a Not printed.

RECOGNITION OF UNITED STATES MEAT-INSPECTION LABELS.

The Secretary of State to Ambassador Thompson.

No. 26.]

DEPARTMENT OF STATE,
Washington, May 9, 1906.

SIR: I inclose herewith a copy of a letter from the Secretary of Agriculture^a stating that it has recently been brought to the attention of the Department of Agriculture that the authorities of Mexico decline to recognize American federal meat-inspection labels, stamps, and certificates as evidence that fresh meats are fit articles for exportation to that country.

You will take the matter up with the Mexican Government and endeavor to induce it to recognize the federal meat inspection and the regular certificates issued by the Department of Agriculture.

I am, etc.,

ELIHU ROOT.

Ambassador Thompson to the Secretary of State.

No. 54.]

AMERICAN EMBASSY,
Mexico, May 17, 1906.

SIR: I beg to acknowledge the receipt of the department's instruction No. 26, dated the 9th instant, and its inclosure, relating to the refusal of the Mexican authorities to recognize federal meat-inspection labels, stamps, and certificates as evidence that fresh meats from the United States are fit articles of exportation to Mexico, etc. I have, as directed, brought the matter to the attention of the Mexican Government by my note of this date, copy inclosed, and transmitted with it the documents to which the same refers.

I have, etc.,

D. E. THOMPSON.

[Inclosure.]

Ambassador Thompson to the Minister for Foreign Affairs.

AMERICAN EMBASSY,
Mexico, May 17, 1906.

MR. MINISTER: I have the honor to refer your excellency to the contents of the inclosed copy of a communication from the Department of Agriculture to the Secretary of State of the United States, relating to the refusal of the Mexican authorities to recognize federal meat-inspection labels, stamps, and certificates as evidence that fresh meats from my country are fit articles of importation into Mexico, and to permit the entry of recent consignments of such meats on account of not being accompanied by the certificate required by article 67 of the Mexican customs regulations; and following the instructions of my Government, I beg to ask for your excellency's good offices before the proper department of Mexico to the end that, if consistent, the above-mentioned or any other impediments be no longer placed against the importation of said articles into this Republic.

In order that your excellency's Government may acquire the conviction that meats bearing the labels, brands, and certificates of the United States are per-

^a Not printed.

fectly wholesome and free from disease, and that said inspection is strictly enforced by our federal authorities, thus insuring the same degree of safety as is aimed by the provisions of article 67 of the Mexican customs regulations, I inclose herewith copies of various sections of the United States Statutes at Large relative to the matter, and a printed pamphlet of the rules and regulations, and their amendments, for the inspection of live stock and their products.

Trusting that I may receive a favorable reply upon the subject,
I avail myself, etc.,

D. E. THOMPSON.

Ambassador Thompson to the Secretary of State.

No. 76.]

AMERICAN EMBASSY,
Mexico, May 31, 1906.

SIR: With reference to the department's instruction No. 26, of May 9th, and to the embassy's No. 54, of May 17th, I inclose herewith a copy and translation of a note received from the foreign office under date of May 23d in which the embassy is advised that the documents regarding the inspection of American meats, transmitted by the Department in its dispatch mentioned above, have been referred to the department of hacienda for such action as it may see fit to take.

I have, etc.,

D. E. THOMPSON.

[Inclosure.—Translation.]

The Minister for Foreign Relations to Ambassador Thompson.

DEPARTMENT OF FOREIGN AFFAIRS,
Mexico, May 23, 1906.

MR. AMBASSADOR: I have on this date, and for such action as may be expedient, transmitted to the department of the treasury the contents of your excellency's note, dated the 17th instant, and I have inclosed therewith the documents and printed matter referring to the importation and inspection of meats.

I avail, etc.,

IGNO. MARISCAL.

Ambassador Thompson to the Secretary of State.

No. 111.]

AMERICAN EMBASSY,
Mexico, July 3, 1906.

SIR: Referring to my No. 76, dated May 31 last, relative to the refusal on the part of the Mexican authorities to recognize federal inspection labels, seals, and certificates on meats imported into Mexico from the United States, and to draft of proposed regulations submitted to the Mexican Government for approval, I have the honor to transmit herewith copy and translation of a note and its inclosure from the foreign office, informing me that the matter, being one in which the fiscal authorities have no interest further than to protect public health, the same has been submitted by the treasury department to that of government, to the end that after hearing the opinion of the superior board of health of Mexico the above regulations be adopted, if consistent.

I have, etc.,

D. E. THOMPSON.

[Inclosure 1.—Translation.]

*The Minister for Foreign Affairs to Ambassador Thompson.*DEPARTMENT OF FOREIGN AFFAIRS,
Mexico, June 19, 1906.

MR. AMBASSADOR: Referring to your excellency's courteous note, dated the 17th of May last, I have the honor to transmit a copy of a communication addressed to me by the department of the treasury relating to the inspection of meats from the United States.

I avail, etc.,

IGNO. MARISCAL.

[Subinclosure.—Translation.]

The Treasury Department to the Secretary for Foreign Affairs.

MEXICO, June 16, 1906.

Department of the Treasury and Public Credit.—Mexico.—First section.—No. 5131.

I received your courteous note, No. 4453, dated May 23 last, in which you have been pleased to include the one addressed to you by the ambassador of the United States of America, stating that the Mexican authorities refuse to recognize federal meat-inspection labels, seals, and certificates as evidence that fresh meats from said country can not be injurious to public health, and at the same time the department under your worthy charge asks to be informed upon the matter.

In reply I have the honor to say to you that in view that in the matter in question the fiscal authority has no interest at all, since the formalities provided by article 67 of the general customs regulations have as a sole purpose to protect public health and the same were inspired by the authorities upon the subject, the case has been submitted to the department of government to the end that should it be considered advisable after hearing the opinion of the board of health to adopt the suggestions of the Government of the United States of America, this department opportunely take the proper action to put them into effect.

I renew, etc.,

(Signed) R. NUÑEZ,
Subsecretary.*Ambassador Thompson to the Secretary of State.*

No. 313.]

AMERICAN EMBASSY,
Mexico, November 15, 1906.

SIR: Referring to your No. 26, of May 9, 1906, inclosing a copy of a letter from the Secretary of Agriculture and instructing me to endeavor to induce the Mexican Government to recognize the American federal meat-inspection and the regular certificates issued by the Department of Agriculture, I inclose copy and translation of a note from the foreign office, and of the communication from the department of government therewith transmitted, stating that the Mexican Government will accept the regular official certificates, viséed by the Mexican consul.

I have, etc.,

D. E. THOMPSON.

[Inclosure 1.—Translation.]

*The Minister for Foreign Affairs to Ambassador Thompson.*DEPARTMENT OF FOREIGN AFFAIRS,
Mexico, November 5, 1906.

MR. AMBASSADOR: Referring to your excellency's courteous note dated May 17 last, I have the honor to transmit herewith a copy of a communication dated

the 3d instant, addressed to me by the department of government relative to the inspection of meats coming from the United States.

I avail, etc.,

IGNO. MARISCAL.

[Subinclosure.—Translation.]

The Department of Government to the Secretary for Foreign Affairs.

(A seal reading:) Department of Government.—First section.—No. 2692.

Under date of the 27th ultimo, the superior board of health informs this department as follows:

“During the meeting held by this board on the 24th instant, a report rendered by the joint committees on federal matters and sanitary police relating to animals was approved, the same reading as follows: ‘The department of government has been pleased to inform this board, upon the note from the American ambassador to the department of foreign affairs, with which he inclosed copy of a communication from the Department of Agriculture to the Secretary of State of the United States, relative to the denial on the part of Mexican authorities to recognize federal inspection labels, seals, and certificates upon meats as a proof that fresh meats from the American Union are fit articles on importation into Mexico, and to permit the entry of shipments of said meats because the same were not accompanied by the certificates called for by article 67 of customs regulations. The undersigned committees have made a careful study of this important matter, having before them copies in extenso of several copies of the United States statutes, laws, regulations, etc., relative to the inspection of live stock and products thereof from said nation, which said ambassador sent with his above-mentioned note, and have the honor to report the following:

‘Owing to the influence which fresh meats exercise over public health as one of the leading articles of food, the Government of Mexico, following the initiative of this board, has devoted much attention to watching its complete sanitary condition and good preservation, and therefore has the right to demand that meats imported to the country be in said conditions. The slaughterhouse of the City of Mexico is provided with an office for the sanitary inspection of meats, equipped with microscopes and a small bacteriological laboratory under a sufficient number of chartered veterinary surgeons, who inspect with the proper care all meats, and are accustomed to such practices, after a number of years, which are daily improving the sanitary conditions of the meats for public consumption. The rule observed in said establishment to attain success provides for the examination of live animals as carefully as possible; then follows the post-mortem inspection, the microscopic examination of pork, and finally the bacteriological inspection whenever the same is required. Information has been recently received that there are in the United States packing houses in which the inspection of meats is made by experts of official character, similar to that made in Mexico, as above stated; therefore, in view of this fact, the joint committees on federal matters and sanitary police state that in their opinion the importation of fresh meats from the United States of America should be permitted when covered by federal inspection labels, seals, and certificates, as when such requisites are observed an absolute certainty is had that the legal precepts upon the matter prevail. The above conditions are extremely favorable for the admission of meats from the United States. But, as laws in force should not be disregarded, it is indispensable that, besides the fact that meats may bear the seals referred to by the ambassador of the United States, the provisions of article 35 of the sanitary code and 67 of the general customs regulations should be observed. Therefore, the undersigned committees ask the board to approve the following:

‘Fresh meats from the United States of America shipped by packing houses in which sanitary inspection is officially enforced on live stock and dead meat, as well as microscopic examination of pork and bacteriological inspection when the same may be proper, shall be admitted to this country whenever the same are accompanied with an official sanitary certificate in the above terms and when said document may bear the approval of the Mexican consul. Signed: Liceaga.-Gomez.’

“Which I have the honor to transmit to you for your information and in reply to the communication of that department, No. 7897, dated June 22 last.”

Which I transmit to you for your information and assure you of my distinguished consideration.

MEXICO, November 3, 1906.

COBRAL.

KIDNAPING OF ANTONIO MARTINEZ.

The Mexican Chargé to the Secretary of State.

[Translation.]

No. 159.]

EMBASSY OF MEXICO,
Washington, June 11, 1906.

MOST EXCELLENT SIR: In May, 1905, this embassy addressed to the Hon. Francis B. Loomis, then Acting Secretary of State of the United States, a request for the extradition of Antonio Felix, who through deception laid hold upon the person of Antonio Martinez, alias Juan Puebla, and delivered him to the American authorities.

The Government of the United States, after completion of the proceedings in the case, granted the extradition of Antonio Felix in the month of December, 1905, thereby implicitly recognizing beyond question that the course taken by Felix to take Martinez, alias Puebla, out of the territory of Mexico was illegal and in contravention of the lawful procedure established by the treaty between Mexico and the United States for the extradition of any fugitive from justice.

I now have the honor to inform your excellency that it has come to my Government's knowledge that the said Martinez, alias Puebla, is undergoing trial in the United States for the offense charged against him, and that it considers it self-evident that the action pending against the man can not rest as any legal foundation, since the United States itself has implicitly recognized that the means used to bring him into American territory was unlawful.

I have therefore, under instructions received by me, the honor to address to you the request that Antonio Martinez, alias Juan Puebla, be returned to the Mexican territory whence he was illegally taken.

I have further the honor to transmit to you the inclosed copy of the record of proceedings in the extradition case of the said Antonio Felix.

Be pleased, etc.,

BALBINO DAVALOS.

The Acting Secretary of State to the Mexican Chargé.

No. 78.]

DEPARTMENT OF STATE,
Washington, June 22, 1906.

SIR: I have the honor to acknowledge the receipt of your note No. 159, of the 11th instant, requesting the return to Mexican territory of Antonio Martinez, alias Juan Puebla, who, it is alleged, was improperly brought into the United States in order to stand trial for an offense against the laws of California.

You state that the person who perpetrated the alleged kidnaping, Antonio Felix, has been surrendered by this Government to Mexico, in order to stand trial for such offense, and that your Government considers it self-evident that the action pending against Martinez, alias Puebla, "can not rest upon any legal foundation, since the

United States itself has implicitly recognized that the means used to bring him into American territory was unlawful." You, therefore, request that Martinez, alias Puebla, be returned to Mexican territory, whence he was illegally taken.

The exact question presented in this case appears to have arisen in a case which came before the Supreme Court of the United States in 1886 (*Illinois v. Ker*, 119 U. S., 436). In that case the defendant, Ker, had committed the crime of larceny against the State of Illinois and had fled to Peru, whence he was abducted by a United States officer, taken back to Illinois for trial, and convicted in due course in the courts of that State. At the trial it was urged in the defense: (1) That he was improperly brought within the jurisdiction of Illinois, and (2) that he had acquired a right of asylum in Peru.

The case was finally brought by a writ of error before the Supreme Court of the United States, and both of the objections raised by the prisoner at his trial in the courts of Illinois were carefully reviewed.

Regarding the first objection (which appears to be the same as that relied upon in your present note), the court held that the irregularity in the manner of bringing the defendant within the jurisdiction was not a defense which could be pleaded as a valid bar to trial for a crime upon a regular indictment, and that when the fugitive was "found within the jurisdiction of the State of Illinois and liable to answer for a crime against the laws of that State unless there was some positive provision of the Constitution or of the laws of this country violated in bringing him into court, it is not easy to see how he can say that he was there 'without due process of law,' within the meaning of the constitutional provision."

Regarding the second objection urged by the defendant, the court held that the treaties of extradition between the United States and foreign powers do not guarantee to a fugitive from the justice of one of those countries an asylum in the other, nor do they give any greater or more sacred right of asylum to such person than he had before.

The decision of the court in this case has been approved in *Mahon v. Justice* (127 U. S., 712) and *In Re Johnson* (167 U. S., 126).

It is not seen wherein the case of Martinez differs from that of Ker. In the latter the court remarked that their view of the subject left neither the prisoner nor the Government whose jurisdiction had been invaded without a remedy, and that the Government of Peru had the right to demand from this Government the surrender of the kidnaper for trial in its courts for violation of its laws. In the present case the Government of Mexico has made a demand upon this Government for the return of Felix in order to stand trial for kidnaping, and this department has complied with such demand by surrendering the alleged offender.

It is, however, unable to comply with the request of the Mexican Government for the release of Martinez for the reasons above set forth, as well as for the further reason that the prosecution of Martinez appears to be proceeding in the courts of the State of California, which are independent of the Federal Executive.

Accept, etc.,

ROBERT BACON.

ASSISTANCE RENDERED BY THE UNITED STATES SQUADRON IN
AN EPIDEMIC OF DIPHTHERIA AT MAGDALENA.

Ambassador Thompson to the Secretary of State.

No. 56.]

AMERICAN EMBASSY,
Mexico, May 19, 1906.

SIR: I have the honor to transmit herewith copies and translations of a note from Minister Mariscal and its inclosure, as well as a copy of my reply thereto, relating to the humane assistance rendered to the town of Magdalena, Lower California, by Rear-Admiral Goodrich, to suppress the epidemic of diphtheria which afflicted the children of said port during the recent stay of the American Pacific Naval Squadron at Magdalena Bay. As requested by the foreign office, I have transmitted to Rear-Admiral Goodrich, with my letter of this date, inclosure 6, copies of the above-mentioned correspondence.

I have, etc.,

D. E. THOMPSON.

[Inclosure 1.—Translation.]

The Minister for Foreign Affairs to Ambassador Thompson.

DEPARTMENT OF FOREIGN AFFAIRS,
Mexico, May 7, 1906.

MR. AMBASSADOR: I have the honor to transmit to your excellency a copy of a note addressed to me by the secretary of war and marine in which he has included a communication from the military commander at La Paz, Lower California, relating to the stay at Magdalena Bay of the American squadron, which, under the command of Rear-Admiral Goodrich, held target practice at said place.

The Mexican Government has seen with singular gratification the humane conduct of Rear-Admiral Goodrich in sending the physicians of his squadron to assist in checking the epidemic of diphtheria which afflicted said part of the country and in graciously furnishing the necessary medicines. I therefore beg your excellency that, through the channels you may deem proper, Rear-Admiral Goodrich be informed of the sentiments of gratitude caused by his altruistic action.

I avail myself, etc.,

IGNO. MARISCAL.

[Subinclosure.—Translation.]

The Secretary of War and Marine to the Secretary for Foreign Affairs.

Department of War and Marine.—Mexico.

The colonel in command of the military forces at La Paz, Lower California, informs me as follows:

“I have the honor to bring to the attention of your department that the port master at Magdalena Bay, by his communication No. 161, of the 5th instant, has informed me of the following: ‘I beg to report to the office under your charge that after the American naval squadron remained here during thirty days, holding artillery and rifle target practice, it sailed to-day at 5 p. m. in the direction of San Diego, Cal. I consider it my duty to inform you that during the time that said squadron was here not an incident occurred contrary to the stipulations of the permission which, for the purpose above mentioned, was granted by the department of war and marine, and that Rear-Admiral Goodrich and his officers, the crew inclusive, conformed their acts to said permission, and not-

withstanding the large number of seamen (1,386) who came ashore to play ball, they conducted themselves in perfect order. As a matter outside of the stipulations of the permission and owing to the exceptional conditions of the bay to careen vessels, the Rear-Admiral verbally asked to be allowed to strand, clean, and paint all of the boats of the squadron (20 boats), which the undersigned permitted without consulting your office, on account of the lack of rapid communication. When the paint and its components were brought ashore from the flagship, the Rear-Admiral had the delicacy of sending the same to my office, to the end that I would see that the articles were just sufficient for the 20 boats. Among many other marks of deference on the part of the Rear-Admiral, I beg to mention especially the one in which the Admiral, in accordance with the undersigned, ordered that, on account of the epidemic of diphtheria among the children of the locality, the four physicians of the squadron's service would assist, each in their turn, in the work of checking the epidemic, which they accomplished in eight days. To that effect the Rear-Admiral furnished the medicines gratis."

Which I have the honor to transmit to the department under your worthy charge, to the end that if you consider it agreeable you may thank the Government of the United States on account of the courtesies received from Rear-Admiral Goodrich during the stay of the American squadron at Magdalena Bay.

I renew, etc.,

G. Cosío.

MEXICO, April 27, 1906.

[Inclosure 2.]

Ambassador Thompson to the Minister for Foreign Affairs.

AMERICAN EMBASSY,
Mexico, May 19, 1906.

MR. MINISTER: I have the pleasure to acknowledge the receipt of your excellency's very courteous note of the 7th instant and of its inclosure relating to the assistance rendered by Rear-Admiral Goodrich, commander of the Pacific Naval Squadron of the United States, to the town of Magdalena, to suppress the epidemic of diphtheria which afflicted the children of said locality during the stay of said squadron at Magdalena Bay, and complying with your excellency's wishes to have the Admiral informed of the sentiments of gratitude caused by his altruistic action, I have on this date sent him a copy of your esteemed note and of its inclosure.

This opportunity affords me the pleasure, etc.,

D. E. THOMPSON.

[Inclosure 3.]

Ambassador Thompson to Rear-Admiral Goodrich.

AMERICAN EMBASSY,
Mexico, May 19, 1906.

SIR: It affords me much pleasure to transmit to you for your information the inclosed copies and translations of a note from the foreign office and of a communication from the department of war and marine of Mexico which accompanied said note, expressing the high appreciation of the Mexican authorities of your kind assistance to suppress the epidemic of diphtheria which afflicted the children of the port of Magdalena during the recent visit of your squadron to Magdalena Bay.

I have, etc.,

D. E. THOMPSON.

ALLEGED ANTIFOREIGN AGITATION IN MEXICO.

The Acting Secretary of State to Ambassador Thompson.

No. 74.]

DEPARTMENT OF STATE,
Washington, July 24, 1906.

SIR: I inclose herewith a copy of a dispatch from the consul at Tampico^a inclosing a newspaper clipping in which it is stated that

^a Not printed.

there is an organization among Mexican workmen, especially in the northern part of Mexico, whose purpose is to cause the expulsion of foreign workmen from that country, and that the 16th of September next is set as the time when the expulsion is to begin.

You will bring the matter to the attention of the Mexican Government and suggest that preventive measures be taken to protect the rights of American citizens, as persons and property may be endangered by the alleged combination.

I am, etc.,

ROBERT BACON.

Ambassador Thompson to the Secretary of State.

[Telegram.]

MEXICO, July 31, 1906.

You will please cause the Associated Press to say that the numerous statements in American papers relative to an uprising of Mexicans against foreigners in Mexico September 16 is without foundation so far as is discoverable in Mexico, where seemingly all said of such an uprising comes from reading American papers received in this country.

President Diaz assures me this morning, as he did a week since, as reported in my dispatch of July 5, that he is unable to find cause for any of the alarming interviews and statements reported to have been given out by Americans returning to the United States from Mexico.

The Mexican Government, however, because of the alarming stories put in circulation, are vigilant to the last degree, and should disturbances develop at any point the offenders will be dealt with as their cases may merit. The railway organizations have been named in some American newspaper articles as the instigators of the anti-American sentiment. Last night the chief officers (Mexicans) of one of the two organizations in Mexico (the Gran Liga de Empleados de Ferrocarril) called to tell of the great injustice the American press is doing their order, and saying that their people had no grievance against either the Mexican Government or the foreigners, their sole object being to propagate peaceably a better condition for the railway employees.

THOMPSON.

BONDS ISSUED BY THE MEXICAN EMPIRE.

The Acting Secretary of State to Chargé McCreery.

No. 97.1

DEPARTMENT OF STATE,
Washington, February 6, 1906.

SIR: I inclose herewith a copy of a letter ^a from Mr. G. T. Moeskes, asking if two bonds, of which he gives a description and which were issued by the Mexican Empire in 1864, are redeemable by the Mexican treasury.

You will make informal inquiry in regard to the matter and report to the department.

I am, etc.,

ROBERT BACON.

^a Not printed.

The Secretary of State to Ambassador Thompson.

No. 30.]

DEPARTMENT OF STATE,
Washington, May 17, 1906.

SIR: In connection with instruction No. 97, of February 6 last, directing Mr. McCreery to make formal inquiry as to whether two certain bonds issued by the Mexican Empire in 1864 are redeemable by the Mexican treasury, I inclose herewith for your information a copy of a letter^a from Mr. G. T. Moeskes, inclosing a copy of correspondence which he has had since then with the Mexican treasury on the subject.

I am, etc.,

ELIHU ROOT.

Ambassador Thompson to the Secretary of State.

No. 67.]

AMERICAN EMBASSY,
Mexico, May 25, 1906.

SIR: I have the honor to acknowledge the receipt of the department's instruction No. 30, dated the 17th instant, and of its inclosures, in which reference is made to the department's instruction No. 97, of February 6 last, directing Mr. McCreery to make informal inquiry as to whether certain bonds issued by the Mexican Empire in 1864 are redeemable by the Mexican treasury. I have been unable to find the latter instruction among the records of the embassy, and therefore my reply shall only treat the matter as presented in your No. 30.

As stated in Mr. Luengas's letter to Mr. Moeskes (Exhibit A, in the above-mentioned instruction), "the Mexican Government has never recognized the debts of the so-called Empire;" the latter never was recognized either by the Government of the United States, and it is well known that the Government of the Republic, under President Juarez, though weakened and forced to move from one place to the other by the imperial army, never did cease to exist during the whole reign of Maximilian. If the bonds in question are "refund bonds," issued by the Empire in recognition of a debt of 1851, the same very likely show the date of their redemption. Moreover, if it be true, as stated by Mr. Moeskes in his letter of the 7th instant to Mr. Luengas, that these bonds pertain to a series for which the Government of Mexico issued a series of "3 per cent consolidated bonds of A. D. 1886," it seems to me that the same ought to have been presented in time for their conversion. The information contained in the documents transmitted to me with the department's instruction is indefinite; therefore I would suggest that the holders of these bonds furnish a better description of the same, giving, if possible, the original loan to which they refer and all the details they may be able to obtain from the document itself (copy of the bond); and if Mr. Luengas has answered Mr. Moeskes's letter of the 7th instant, I would also like to have a copy of his reply, in order that I may locate the law upon which his decision may be based.

I have, etc.,

D. E. THOMPSON.

^a Not printed.

SANITARY CONVENTION OF 1905.

Ambassador Thompson to the Acting Secretary of State.

No. 119.]

AMERICAN EMBASSY,
Mexico, July 10, 1906.

SIR: Referring to my dispatch No. 99, of the 20th ultimo, in which I forwarded a copy of a note addressed by me on that date to the foreign office, advising the Mexican Government that with the advice and consent of the Senate the President of the United States had ratified the sanitary convention, signed ad referendum at Washington on October 14, 1905, and stating that it was the desire of the department that some understanding should be reached by the signatory Governments as to the manner of exchange of ratifications, deposit of ratifications, or notice of ratifications, for which it appears the convention had failed to make any provision, I now inclose for the department's information a copy and translation of a note addressed to me by Mr. Mariscal, dated the 29th ultimo, in which he expresses the view that each Government signatory to the convention in question send notice of its ratification to the Government of the United States, and suggests that that Government, in its turn, advise the other signatory Governments of the deposits of such notice, etc.

I have, etc.,

D. E. THOMPSON.

[Inclosure.—Translation.]

The Minister for Foreign Affairs to Ambassador Thompson.

DEPARTMENT OF FOREIGN AFFAIRS,
Mexico, June 29, 1906.

MR. AMBASSADOR: I opportunely received your excellency's note dated the 20th instant, in which you have been pleased to inform me that the President of the United States of America, with the consent of the Senate, ratified, on May 29 last, the sanitary convention signed at Washington on October 14, 1905, of which the embassy transmitted, on December 9 of the same year, a copy of the Spanish and another of the English versions, properly certified.

Your excellency has also been pleased to inquire, on account of this ratification, whether the Mexican Government would, when the time comes, deposit with the Government of the United States the instrument of its ratification, inasmuch as it has been the custom in the case of other similar conventions, to the end that if the above be observed your excellency's Government may send notifications of the deposit, through the diplomatic channel, to the other signatory governments.

The matter having been studied with the proper care, I beg to say to your excellency that, in the opinion of this Government, it appears sufficient for the effects sought that each Government signatory to the convention, or which, having not signed the name, may adhere to it, send notice of its ratification to the above convention to that of the United States, mentioning the date on which the ratification may have been made, and that the Government of the United States, in its turn, notify the other signatory governments of said fact. Such was the course followed concerning the conventions agreed upon during the Second International Conference, and, while the procedure is much more simple, the same filled the purpose sought in such cases. If, notwithstanding what I have said, your excellency's Government should desire that the instruments of ratification be deposited with it, the Government of Mexico will see no impediment in issuing and transmitting its own when the time comes for it to ratify and promulgate the above-mentioned convention.

It affords, etc.,

IGNO. MARISCAL.

The Acting Secretary of State to Ambassador Thompson.

No. 71.]

DEPARTMENT OF STATE,
Washington, July 20, 1906.

SIR: I have to acknowledge the receipt of your dispatch, No. 119, of the 10th instant, on the subject of the ratification by this Government of the sanitary convention signed ad referendum at Washington on October 14, 1905.

The procedure which Minister Mariscal suggests will be satisfactory to this Government, namely, "that each government signatory to the convention, or which, not having signed the same, may adhere to it, send notice of its ratification to the above convention to that of the United States, mentioning the date on which the ratification may have been made, and that the Government of the United States, in turn, notify the other signatory governments of said fact."

I am, etc.,

ROBERT BACON.

CONVENTION BETWEEN THE UNITED STATES AND MEXICO PROVIDING FOR THE EQUITABLE DISTRIBUTION OF THE WATERS OF THE RIO GRANDE FOR IRRIGATION PURPOSES.

Signed at Washington, May 21, 1906.

Ratification advised by the Senate, June 26, 1906.

Ratified by the President, December 26, 1906.

Ratified by Mexico, January 5, 1907.

Ratifications exchanged at Washington, January 16, 1907.

Proclaimed, January 16, 1907.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas a convention between the United States of America and the United States of Mexico, providing for the equitable distribution of the waters of the Rio Grande for irrigation purposes, and to remove all causes of controversy between them in respect thereto, was concluded and signed by their respective plenipotentiaries at Washington on the twenty-first day of May, one thousand nine hundred and six, the original of which convention, being in the English and Spanish languages, is word for word as follows:

The United States of America and the United States of Mexico, being desirous to provide for the equitable distribution of the waters of the Rio Grande for irrigation purposes, and to remove all causes of controversy between them in respect thereto, and being moved by considerations of international comity, have resolved to conclude a convention for these purposes and have named as their plenipotentiaries:

The President of the United States of America, Elihu Root, Secretary of State of the United States; and the President of the United States of Mexico, His Excellency Señor Don Joaquín D. Casasús, ambassador extraordinary and plenipotentiary of the United States

of Mexico at Washington, who, after having exhibited their respective full powers, which were found to be in good and due form, have agreed upon the following articles:

ARTICLE I.

After the completion of the proposed storage dam near Engle, N. Mex., and the distributing system auxiliary thereto, and as soon as water shall be available in said system for the purpose, the United States shall deliver to Mexico a total of 60,000 acre-feet of water annually, in the bed of the Rio Grande at the point where the head works of the Acequia Madre, known as the Old Mexican Canal, now exist above the city of Juarez, Mexico.

ARTICLE II.

The delivery of the said amount of water shall be assured by the United States and shall be distributed through the year in the same proportions as the water supply proposed to be furnished from the said irrigation system to lands in the United States in the vicinity of El Paso, Tex., according to the following schedule, as nearly as may be possible:

	Acre feet per month.	Corresponding cubic feet of water.
January.....	0	0
February.....	1,090	47,480,400
March.....	5,460	237,837,600
April.....	12,000	522,720,000
May.....	12,000	522,720,000
June.....	12,000	522,720,000
July.....	8,180	356,320,800
August.....	4,370	190,357,200
September.....	3,270	142,441,200
October.....	1,090	47,480,400
November.....	540	23,522,400
December.....	0	0
Total for the year.....	60,000 acre-feet.	2,613,600,000 cubic feet.

In case, however, of extraordinary drought or serious accident to the irrigation system in the United States, the amount delivered to the Mexican canal shall be diminished in the same proportion as the water delivered to lands under said irrigation system in the United States.

ARTICLE III.

The said delivery shall be made without cost to Mexico, and the United States agrees to pay the whole cost of storing the said quantity of water to be delivered to Mexico, of conveying the same to the international line, of measuring the said water, and of delivering it in the river bed above the head of the Mexican canal. It is understood that the United States assumes no obligation beyond the delivering of the water in the bed of the river above the head of the Mexican canal.

ARTICLE IV.

The delivery of water as herein provided is not to be construed as a recognition by the United States of any claim on the part of Mexico to said waters; and it is agreed that in consideration of such delivery of water Mexico waives any and all claims to the waters of the Rio Grande for any purpose whatever between the head of the present Mexican canal and Fort Quitman, Tex., and also declares fully settled and disposed of and hereby waives all claims heretofore asserted or existing, or that may hereafter arise or be asserted, against the United States on account of any damages alleged to have been sustained by the owners of land in Mexico by reason of the diversion by citizens of the United States of waters of the Rio Grande.

ARTICLE V.

The United States in entering into this treaty does not thereby concede, expressly or by implication, any legal basis for any claims heretofore asserted or which may be hereafter asserted by reason of any losses incurred by the owners of land in Mexico due or alleged to be due to the diversion of the waters of the Rio Grande within the United States; nor does the United States in any way concede the establishment of any general principle or precedent by the concluding of this treaty. The understanding of both parties is that the arrangement contemplated by this treaty extends only to the portion of the Rio Grande which forms the international boundary, from the head of the Mexican canal down to Fort Quitman, Tex., and in no other case.

ARTICLE VI.

The present convention shall be ratified by both contracting parties in accordance with their constitutional procedure, and the ratifications shall be exchanged at Washington as soon as possible.

In witness whereof, the respective plenipotentiaries have signed the convention both in the English and Spanish languages and have thereunto affixed their seals.

Done in duplicate at the city of Washington, this twenty-first day of May, one thousand nine hundred and six.

ELIHU ROOT. [SEAL.]
JOAQUIN D. CASASUS. [SEAL.]

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

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

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

Done at the city of Washington, this sixteenth day of January, in the year of our Lord one thousand nine hundred and [SEAL.] seven, and of the independence of the United States of America the one hundred and thirty-first.

THEODORE ROOSEVELT.

By the President:
ELIHU ROOT,
Secretary of State.

OFFICIAL RECEPTION OF AMBASSADOR THOMPSON.

Ambassador Thompson to the Secretary of State.

No. 2.]

AMERICAN EMBASSY,
Mexico, March 9, 1906.

SIR: As you were informed in my telegram of the 2d instant, I arrived here on that day. The 4th being Sunday, on the 5th I caused to be delivered to the minister for foreign affairs office copies of my letter of credence as ambassador extraordinary and plenipotentiary and my predecessor's letter of recall; also copy of the remarks which I proposed to make to the President on the occasion of my formal presentation. This was done by means of my note of that date to the minister.

On the same day the minister for foreign affairs informed me in a note, received the 7th instant, which I acknowledged at once, that the President would formally receive me on Thursday, the 8th, at noon, and that the "introducer of ambassadors" would visit me on Wednesday to inform me of the programme for the following day, the day of the reception.

This programme consisted of two of the President's carriages, accompanied by the "introducer of ambassadors," two of the President's personal aides, and a mounted escort of about 25 men, coming to my place of residence a few minutes before 12 o'clock on the day of the reception, receiving there myself, Secretary McCreery, and Major Paxton, military attaché, and conducting us to the National Palace. The ride from my house to the Palace was through the principal street of the city and the entrance to the Palace grounds was between two lines of soldiers.

The entrance to the hall of ambassadors, where the President, his cabinet, chief military officers, and Palace guards were stationed, was through a series of splendid halls and rooms, the sides of some of which were lined with soldiers. The hall of ambassadors in which the reception occurred was crowded with spectators, both Americans and Mexicans, all of the spectators standing back of two lines of Palace guards, the two lines of guards making the way through which myself and those attending me approached the President and his cabinet. The salutations on entering and approaching the President and his cabinet were as usual, as was the reading of my address, followed by the President's response, and as also were the introductions to the members of the cabinet after the reading of the addresses.

My talk with the President after the formal ceremony was most cordial, he expressing very great satisfaction at having me in Mexico

as the chief accredited representative of our country. Again in the evening, on the occasion of a call paid by Mrs. Thompson and myself on the President's wife, on our entering her receiving room the President at once came to us and in a somewhat protracted conversation again expressed his gratification at having me here, and Mrs. Diaz said to Mrs. Thompson on this occasion that the President had been really anxious to have me come to Mexico as our chief representative, feeling that he in a way knew me, but that his feelings in the matter had been accentuated by the many things Minister of Fomento Blas Escontreia, deceased in January, had said to him of me, Mr. Escontreia and I having been personal friends covering over a period of more than eight years, the friendship commencing before he was appointed governor of the State of San Luis Potosi, and afterwards a member of the President's cabinet. In this connection I am pleased to say that my reception in Mexico, commenced in El Paso and Ciudad Juarez, has been everything the good will of Mexican officials, Mexicans, and Americans generally could make it.

For the further information of the Department of State I inclose herewith copies of all the notes I have mentioned, with translation of that of Foreign Minister Mariscal, and clippings in duplicate from the Daily Record (printed in English) of the 8th instant, and the Mexican Herald (also in English) of the 9th, the former being an evening and the latter a morning newspaper. I also inclose duplicate clippings from the Diario Oficial, which is the official publication of the Mexican Government, and in which will be found the original text, in the Spanish language, of the President's response to my address accompanied by translation.

Immediately after the completion of the ceremony of my reception by the President, I sent the following telegram to the Department of State, which this confirms:

MEXICO, March 8, 1906.

Secretary of State, Washington, D. C.:

Officially received at noon to-day. Reception was all Government or individual could wish for.

DAVID E. THOMPSON.

I have, etc.,

D. E. THOMPSON.

[Inclosure 1.]

Remarks made by Ambassador Thompson on the occasion of his presentation to President Diaz.

MR. PRESIDENT: After a long and distinguished career in representing his country abroad, my honored predecessor, Mr. Edwin H. Conger, having seen fit to retire to private life, my President has done me the honor to appoint me to succeed him as ambassador extraordinary and plenipotentiary of the United States of America to the United Mexican States.

In so doing and with the desire ever in mind of strengthening the bond of friendship and mutual good will which happily subsists and has long subsisted between our respective Governments, he directs me to make an expression to your excellency of his sincere regard for you and your great and historic country and of his wish for the continued glory and prosperity of the Mexican Republic. He hopes that the sisterhood of American Republics shall each year grow stronger and especially that every relation between my country and yours

may ever be more cordial, if, indeed, there is room for greater good will than now exists.

I may assure your excellency that the great advancement shown by the Mexican Government and people in every branch of human activity, but notably in the science of good government, the perhaps noblest of all sciences, under your wise direction and guidance, has not been unnoticed by my Government and people. They are perfectly aware to-day of the proud eminence occupied by the Mexican Republic in the constellation of nations making it an example of good government to all the world. The increasing commerce between my country and yours is, too, a source of great gratification to my countrymen, and my hope is that the good relations existing between the United States of America and the United Mexican States will serve as a constant and ever forceful promoter of our mutual commerce.

My first visit to Mexico was in the years of 1876 and 1877, years that will to the end of time live in Your Excellency's memory, the memories of your countrymen and of the whole world who follow the destinies of nations; years known and better understood as time progresses as having been the beginning of a truly great administration of government. Since then I have paid many visits to Your Excellency's country, each time noting a change, and that change always for the better. Now to be designated for the lofty honor of coming as the chief representative of my Government and people gives me personally the keenest satisfaction and pleasure. I may say sincerely, and do say, that next to my own country Mexico is and long has been nearest and dearest to my heart, and during my stay here as the chosen representative of my Government my official and personal aim shall be to maintain and if possible add to the good fellowship between the peoples of the two sister republics.

As my President has directed me to do, I now have the honor to place in Your Excellency's hands this letter accrediting me as ambassador extraordinary and plenipotentiary of the United States of America, as well as the letter of recall of my distinguished predecessor, he by reason of having resigned while in the United States being unable to present it in person; and in conclusion, Mr. President, permit me to express to you my earnest desire for your continued well-being and happiness; that your Government and people may long enjoy the inestimable benefit of your wise guidance and direction, and that unbroken peace and boundless prosperity may be their lot always.

[Enclosure 2.—Translation.]

President Diaz's reply to Ambassador Thompson's address.

Mr. AMBASSADOR: With the greatest gratification I receive from your hands the letters whereby the President of the United States of America accredits you as his representative with the rank of ambassador extraordinary and plenipotentiary. You also apprise me of the resignation of your worthy predecessor, whose letters of recall you have placed in my hands and in regard to whom I can assure you that during his brief stay in our midst he succeeded in winning the esteem of this Government and of Mexico's society.

The sentiments of sincere friendship which your illustrious President has charged you to convey to me, and his desires that the fraternal relations which happily exist between our two republics may be drawn still closer, afford the best guaranty that the cordial understanding between them will continue—nay, will become more and more solid and less and less liable to untoward changes, seeing that those sentiments are fully reciprocated by Mexico—and we desire nothing so much as their perpetuation for the good of both nations.

The large and ever-increasing interests created in this country by the enterprise, capital, and industry of your countrymen constitute a very powerful bond between the two nations and are at the same time a source of legitimate profit to the peoples of the sister republics. We may, indeed, look for a constant increment in the volume of commerce and international traffic between them, thanks to their proximity and to their conviction that such relations afford to modern communities the most adequate basis for peaceful and mutually advantageous intercourse.

Your generous and cordial expressions in regard to the progress of Mexico, under the ægis of peace, law, and order, fill me with satisfaction and gratitude, for they furnish the measure of your own friendliness and of the good will

which animates your Government toward the Mexican nation. With respect to my own person I regard your eulogies as the expression of a kindness for which I am sincerely grateful. The fact that you have visited this Republic on several occasions and have observed its recent development gives greater weight and significance to your words and marks you out as a diplomat in every way equipped to cultivate between the two nations such relations as may inure to the advantage of both.

In conclusion, Mr. Ambassador, I desire you a happy and pleasant stay in Mexico, and I entreat you to convey to the President of the United States of America my best wishes for his personal felicity and for the ever-increasing prosperity of the great people who have wisely selected him as their Chief Magistrate.

DEPREDACTIONS OF YAQUI INDIANS.

[Continuation of correspondence in Foreign Relations, 1905.]

Chargé McCreery to the Secretary of State.

No. 171.]

AMERICAN EMBASSY,
Mexico, January 2, 1906.

SIR: Referring to my No. 143 of the 2d ultimo,^a inclosing an article from the Daily Record, of this city, reporting the deportation to the Yucatan Peninsula of about 700 Yaqui Indian prisoners, I have now the honor to inclose an article from the Mexican Herald of the 31st ultimo, reporting the deportation of 300 more Yaqui prisoners.

I have, etc.,

FENTON R. MCCREERY.

[Inclosure.]

[From the Mexican Herald, December 31, 1905.]

Three hundred Yaqui prisoners went through the city yesterday morning, under a heavy guard of soldiers, en route to Yucatan, where they will be put to work in the salt mines and on the haciendas. Among the Indians were about forty of the leading men of the tribe, who, although kept under a very heavy guard, made an effort to escape from their car while on the way to this city from Hermosillo. The attempt was easily frustrated by the soldiers.

The prisoners occupied three cars on regular train No. 2. On their arrival here the guard was strengthened by local soldiers and the prisoners marched to the Interoceanic station. They left last night on the regular train on that road.

Several of the Indians were left behind in this city, as they were unable to stand the fatigue of the journey and their condition was very low.

Chargé McCreery to the Secretary of State.

No. 228.]

AMERICAN EMBASSY,
Mexico, March 3, 1906.

SIR: I have the honor to inclose, from El Diario Oficial of the 17th ultimo, the report of the governor of Sonora to the minister of government (translation herewith), stating that the death of Albert

^a Printed in Foreign Relations, 1905, p. 648.

W. Sayles, whose remains were found at El Matadero on the 11th ultimo, was not due to any want of assistance or protection from the Mexican authorities.

The governor's report also states that Mr. A. F. Call, who recently visited Sonora to investigate the circumstances of the murder of his son, M. A. Call (my No. 176), said that he was convinced that no blame attached to the authorities of Sonora and that he would so inform the State Department.

I have, etc.,

FENTON R. McCREERY.

[Inclosure.—Translation.]

[From El Diario Oficial, February 17, 1906.]

Department of government—Second section—Mexico.

(A seal reading:) Republic of Mexico—Government of the free and sovereign State of Sonora.

I have the honor to inform you, in order that, if you consider it proper, the matter be brought to the attention of the President of the Republic, that the remains of the American, Albert W. Sayles, an employee at La Sultana mine of the Giroux Consolidated Mines Company, were found at a place named El Matadero, near Carbo Station, on the 11th of this month.

From the judicial investigation, a copy of which I inclose, and made with respect to the death of said Mr. Sayles, it appears that the latter was the victim of his own recklessness, for in spite of his having been warned against the danger he would run while traveling from said mine to Carbo Station and other places where assaults by the Yaqui Indians were liable to occur, he refused to accept any escort and would travel alone, as proved by the letters addressed, respectively, by Mr. Gideon Giroux, superintendent of the Sultana mine, to the chief of police at Carbo Station, and by Mr. William R. Bassett, bookkeeper of said company, to the military commander of the zone.

I also consider it proper to inform you that since January 19 of last year, when the Americans, R. C. Coy, F. R. Mackenzie, M. A. Call, and Walter Steubinger, were killed by the rebel Yaqui Indians near Tasajera, distant 100 kilometers east of this capital, because they also refused to accept the escort that was offered to them, as shown in detail in my report to the foreign office on March 4 of said year, no other act of violence had occurred against Americans; it being well known, and no one could deny it, that the lives and interests of foreigners have received and continue to receive all kinds of protection from this State, as the government under my charge, as well as the military commander of the zone, have been and are furnishing escorts to all those who apply for them, and in many instances escorts are given without any request, when it is known that parties are about to set out over roads which are considered unsafe.

Being opportune, I beg to inform you that a few days ago this capital was visited by Mr. A. F. Call, a respectable gentleman from the United States, father of Mr. M. A. Call, one of the victims of the Tasajera assault, to which I have referred.

The trip to Sonora of said Mr. Call had for an object to investigate the circumstances which attended the death of his son, and there is no doubt but that Mr. Call was unfavorably impressed on account of the calumnious misstatements of Herbert Miller, as well as by the reports of the incident given out in several newspapers of the United States. After Mr. Call gathered all the information be considered proper, he requested an interview with Gen. Luis Torres, military commander of the zone, and, in speaking of the object of his trip, Mr. Call said that he was confident that no blame whatever could be laid on the authorities of Sonora with respect to the death of his son, and that upon his return to his country he would inform the Department of State of the truth of the matter.

It is therefore evident, and to it I invite your attention, that the death of Mr. Sayles, as well as that of the Americans who were killed at La Tasajera and of others I do not recollect, was due exclusively to the recklessness and lack of precaution on the part of the victims, and in no case due to the want of assistance and protection from the authorities of the State.

I also beg to inclose copies of the two letters relative to the matter in question which I have transmitted to our ambassador in Washington. I renew to you the assurance of my distinguished consideration. Liberty and the Constitution.
Hermosillo, January 27, 1906.

RAFAEL IZABAL.
ALBERTO CUBILLAS, *Clerk.*

To the SECRETARY OF GOVERNMENT,
Mexico, D. F.

[Subinclosure 1.]

Mr. W. R. Bassett to Gen. Luis E. Torres.

HERMOSILLO, SONORA, MEXICO,
January 16, 1906.

DEAR SIR: In accordance with your request to have me send you a written statement relative to the death of Albert W. Sayles, I beg to give you the following data:

On January 8 Mr. Sayles received a telegram from our President, Mr. Joseph L. Giroux, then at Los Angeles. The above telegram was of such nature that it required immediate answer, and as Mr. Sayles had other matters to attend to at Hermosillo and Ures decided to make the trip personally instead of sending a messenger. Mr. Sayles had made the same trip several times before, but never alone. He was well informed of the proximity of the Yaqui Indians, as we were all acquainted with the news of the assassinations made near Rayon, but being extremely in haste Mr. Sayles refused to wait for an escort and left on the 9th about half past 8 a. m.

About 5 o'clock in the afternoon of the following day two gentlemen who had business with Mr. Sayles arrived here from Carbo. Being surprised that he had not been seen at the above small place, I made inquiries and learned with regret that, while the above gentlemen asked for Mr. Sayles here, the people at Carbo said that he was probably at the mines.

Therefore, before daybreak of the 11th, I started for Carbo with 14 companions, and made an incomplete search along the road. At Carbo we confirmed his disappearance; and after telegraphing to Posqueira, Los Angeles, San Miguel, and Ures we received information that nothing about Mr. Sayles was known at said places.

Upon our arrival at Hermosillo on the following morning I called on you. Then you immediately ordered the infantry at Carbo and cavalry at San Miguel to set out in pursuit of the Indians.

I desire to avail myself of this occasion to thank you for the diligence with which you have acted in the matter and for the solicitude and interest you have shown to me since.

I found the remains on the 14th upon my return to the mine.

In my opinion they were lying at a distance of 9 miles from Carbo; but, on account of the exposure to which they were subjected during a period of nearly five days, the same were torn to pieces by coyotes, and I could only find a few parts of the body, such as the skull, about one dozen ribs, and one of the lower bones of the leg, being able to positively identify him, at least, by his shoes, hose, and saddle, which were near the remains.

The above incident is, of course, deplorable; but it affords me pleasure to state that under the circumstances no responsibility could be laid on the Mexican Government, as Mr. Sayles was perfectly aware of the dangers of the trip before starting.

He was well armed.

I simply desire that if you can soon effect the arrest of the guilty parties, the same should be properly punished.

Yours, truly,

W. R. BASSETT.

[Subinclosure 2.]

Glaçon Giroux to Manuel T. Cubillas.

LA SULTANA, *January 17, 1906.*

As the lamentable death of Mr. A. W. Sayles, caused by the Yaqui Indians, might be interpreted by the public in a manner unfavorable to the authorities

of the State, I have not hesitated to state that as many times as I have asked for an escort and other assistance from the authorities the same have been furnished promptly, either for me personally or for the company I represent, which was a fact well known to Mr. Sayles.

When the latter gentleman started for Carbo, my son, Mr. Albert Cunningham, warned him of the danger, advising him to take two or more men with him, which he refused to do, saying that he was not in danger, while we considered his act as reckless, as it was not the first time that he had done the same thing. It was not on account of the lack of assistance on the part of the authority, as we always depend upon it and is willingly imparted to us at all times.

GIDEON GIBROUX, *Superintendent.*

[Subinclosure 3.]

Inquiry into the murder of Albert W. Sayles.

(Seals.)

The governor of the State has ordered that without any loss of time you instruct the minor judge at that place, whom you will efficiently assist in his proceedings, to institute at once a detailed investigation with respect to the murder of Mr. Albert W. Sayles, and transmit immediately the record of the same to this department.

Hermosillo, January 15, 1906.

ALBERTO CUBILLAS, *Clerk.*

To the CHIEF OF POLICE AT CARBO STATION.

I inclose for proper action a communication received at this office from the secretary of government of the state.

Carbo Station, January 16, 1906.

M. F. CUBILLAS, *Chief of Police.*

To the MINOR JUDGE.—PRESENT.

(The seal of the minor court.) The above was received at 8 o'clock a. m. of the same date.

(A signature.)

Carbo Station, January 16, 1906.

Institute the investigation relative to the matter mentioned in the above communication.

Signed and ordered by the minor judge.

Attest: Juan Forte, José Cubillas, Antonio V. Islas, rubrics.

Immediately afterwards I proceeded to take the declaration of the chief of police of this place, Mr. Manuel T. Cubillas, who, after taking the oath of law, said that his name is as stated above, 30 years old, a single man, native of Guaymas, and a resident of this locality.

Upon being examined according to law, he said that he was personally acquainted with Mr. Albert W. Sayles, who for the last two months had been living at the La Sultana mine, situated about 9 leagues (27 miles) from here, where he worked as assistant manager of the Giroux Consolidated Mines Company; that the above said gentleman lived alone and had informed the deponent that he had a family in the United States; that he would often come to this station without any escort and at other times he would be accompanied by some of the employees or companions who worked at the same mine; that the deponent several times warned Mr. Sayles against the danger he would run by traveling by himself as he did; that Mr. Sayles did not listen to the warning and never believed there would be any danger of being assaulted by the Yaquis in that neighborhood, because they were apparently at peace for a period of about a month and a half, since nothing was heard of them during that time; that on the second day after the American, Sayles, had left the mine the deponent being unable to recollect the exact date, he was asked by the superintendent of the mine whether Mr. Sayles had arrived at this place, to which the deponent answered negatively; that so soon as the deponent was convinced of Mr. Sayles's disappearance he reported the matter by wire to the governor of the State, the latter ordering that a search be made, which the deponent did

by setting out with 10 mounted men under his command, the result of which search was the finding of the remains of Mr. Albert W. Sayles at a place called El Matadero, the discovery having been made by the deponent's foreman, Antonio Mendez; that the remains consisted in the skull already uncovered, one of the femurs, several pieces of ribs, and some hair from the head, the identification having been made by the boots, hose, a cord, and the saddle, which articles were found near the remains and are well known to the residents of this place; that the above said remains and other articles mentioned were taken up by four men from the escort and two Americans and were turned over to the court. That the deponent is of the opinion the American was murdered by the rebel Yaqui Indians, on account of the peculiar trails left by them when the crime was committed and because it was well known that two parties of Indians were marauding near the place where the remains were found; that the captain of the federal troops, Jesus Belma, found two heads of cattle which had been recently slaughtered by the Indians near the place where the murder was committed on Sunday afternoon of the 7th instant; that the American, Sayles, did not have any enemies, as on the contrary he was well liked on account of his good behavior, and that he did not have any vice; that with respect to the dead cattle and trails of the Yaqui Indians opportune advice was given to the general commander of the zone and to the governor of the State. The above was ratified by the deponent and signed.

Attest: Forte, M. T. Cubillas, José Cubillas, Antonio V. Islas.

Immediately afterwards the court attested that it had before it a human skull, which shows a fracture on the right side forming a cavity of about 15 centimeters circumference; a femur; six pieces of ribs; a pair of miner's boots, tan color; a bunch of chestnut hair; a hose; and a saddle lacking the saddle flats, stirrup straps, girdle strap and belt, the seat, rings, and one stirrup; which I have entered before witnesses.

Attest: Forte, José Cubillas, Antonio V. Islas.

Immediately afterwards, there appearing Mr. Manuel Badilla, of the escort which made the search for the American, Albert W. Sayles. He took the legal oath and said that his name is as above stated, 39 years old, married, a laborer, native of San Miguel de Horcacitas, and a resident of this place.

Having been examined in the proper form, he said that on the 11th instant he set out as an escort, with other nine men, at the command of Mr. Manuel T. Cubillas, in order to make a search for the American, Albert W. Sayles, who had got lost on the field while traveling from La Sultana mine to this station; that they first made the search for him near the places named Punta de Agua, El Matadero, Tozotal, and Cerro de los Novillos, without finding him, and therefore returned to this place; that on the following day the deponent, Antonio and José Maria Cañez and Manuel Teran, who were members of the escort, set out in search of the horse of the dead man and found the same at Batobabi ranch, where the horse was from originally, and brought it to this station in the afternoon; that on the next day in the morning, by order also of the chief of police, they again set out to incorporate themselves in the rest of the escort commanded by Manuel T. Cubillas and accompanying, at the same time, the bookkeeper of the Sultana mine and another American, who were going to said mine; that at a place on the highway called Garambullo they were met by Antonio Mendez, a foreman of Manuel T. Cubillas, who told them that he had found a tree of the saddle used by the American, Sayles, which he showed to the deponent and party, and, having been led to the spot where Mendez had found the tree, which spot is called El Matadero, they also found the remains and the other objects placed now before him, and which were delivered to Chief of Police Manuel T. Cubillas; that he is of the opinion that said remains belong to the American, Sayles, because he remembered the deceased's horse quite well and could recognize his boots; that he has not the least doubt that the rebel Yaqui Indians committed the murder of the American, because during the days in which the above misfortune occurred the Indians killed four men in the vicinity of Opodepe; next they slaughtered two head of cattle at Batababi, which the deponent saw shortly after they had been cut up, and because the same were robbed at that point from the cowboys in charge of them, the American's death having occurred on the next day, who was probably beaten to death with a stick, because the skull found presented a fracture on the right side, which appears to have been caused by a blow with a stick; and because, near the place of the occurrence, they found a stick which had been recently cut from a tree called palo dulce,

with which the killing of Mr. Sayles was probably effected. The deponent ratified the above and signed.

Attest: Juan Forte, Manuel Badilla, José Cubillas, Antonio V. Silvas, rubrics.

Immediately afterwards, then and there appeared the superintendent of La Sultana mine, and gave the following as his personal description: That his name is Gideon Giroux, 60 years old, married, a native of Canada, resident of this vicinity, and not related to the deceased.

Upon being properly examined, he said that on the 9th instant he was at La Sultana mine and saw that on the morning of said day Mr. Albert W. Sayles left in haste for this station, riding a spotted horse, and without any company, for the purpose of answering a telegram he had received from the deponent's brother, who is the president of the Giroux Consolidated Mines Company, owning La Sultana mine; that the deponent said nothing to Mr. Sayles of the danger of an assault from the rebel Yaquis, because the deceased would generally travel alone, notwithstanding the fact that he had heard of the acts of the Yaquis in the vicinity of La Sultana; that according to a previous arrangement between them, Mr. Rafael Teran was to meet the deponent at La Sultana, in order to proceed therefrom to this station, where they were to meet Mr. Sayles on the following day, concerning a land deal; that Mr. Teran did not come for fear of the Yaqui Indians and the deponent remained at the mine; that about two days later, as Mr. Sayles did not arrive, the deponent sent an inquiry to Mr. Manuel T. Cubillas, at Carbo, the latter answering that Mr. Sayles had not arrived at said place, for which reason the deponent sent two of his sons and four or five other men to look for Mr. Sayles, though they were unable to find him, until recently, when the foreman, Antonio Mendez, discovered the remains of the deceased and other articles now placed before him; that he can assure that said remains are those of Mr. Albert W. Sayles, as he can identify the boots, the tree of the saddle, and Mr. Sayles's spotted horse, which was found afterwards; that no one is to be blamed for the death of Mr. Sayles, except his own recklessness in setting out by himself, knowing, as well as he did, that there was danger of the Yaqui Indians while on the road; that, according to information he received from Sayles, the latter was married to a lady living in one of the Southern States of the United States, from whom he had no children. The deponent ratified his statement and signed, after the same was read to him, in the presence of the judge and attending witnesses.

Attest: Juan Forte, Gideon Giroux, José Cubillas, Antonio V. Islas, rubrics.

On the same date there appearing Mr. Manuel Teran, he took the oath of law and said that his name is as stated above, 38 years old, married, a laborer, native of Rayón, and resident of this place.

Upon being properly examined, according to the reference made about him in the declaration of Manuel Badilla, he answered that the above said declaration is true; that the facts occurred as stated, and added that the bookkeeper of La Sultana accompanied them when they were looking for Mr. Sayles.

After his declaration was read to the deponent, he ratified it, but did not sign because he did not know how to write.

Attest: Juan Forte, José Cubillas, Antonio V. Islas.

Immediately afterwards, there and then, appeared another witness, and after taking the oath of law, he said that his name is Antonio Cañez, 19 years old, a single man, cowboy, native of San Miguel de Horcacitas, and a resident of this station.

Upon being examined according to law and the reference made about him in the declaration of Manuel Badilla, which declaration was read to him, he said that the facts stated by Badilla are true, because the same occurred as set forth. He ratified the above after the same was read to him, but did not sign because he did not know how to write.

Attest: Juan Forte, José Cubillas, Antonio V. Islas.

On the same date, there and then, appeared another witness from the escort hereinbefore mentioned, and after taking the legal oath, he said that his name is José María Cañez, jr., 23 years old, a single man, a laborer, a native of San Miguel de Horcacitas, and a resident of this place.

After being examined according to law and the reference made about him in the declaration of Manuel Badilla, he said that he agrees to everything stated by Badilla because it is the truth, and that the facts occurred as stated and in his presence. He ratified the above and signed after hearing it.

Attest: Juan Forte, José María Cañez, José Cubillas, Antonio Islas.

During the present session Mr. L. H. Williams was properly sworn, and said that his name is as stated, 23 years old, a single man, a miner, native of Texas, United States of America, resident of this locality, and not related to the deceased.

Upon being examined in the proper form he said that he came to this station from Hermosillo, accompanied by the bookkeeper of La Sultana mine, four days after the disappearance of the American, Albert W. Sayles; that they had immediately left for La Sultana escorted by four mounted men, and that on the road they were met by foreman of the wagons owned by Manuel T. Cubillas carrying a saddletree he claimed to have found near a place called El Matadero; that having proceeded to the latter place they found the remains of the body of the American and the articles now placed before him; and that after the above they all proceeded to La Sultana; that said remains undoubtedly belong to the American, Albert W. Sayles, on account of the shape of the skull and because he remembers the boots and saddle used by the deceased. He ratified the above after hearing it and signed.

Attest: Juan Forte, L. H. Williams, José Cubillas, Antonio V. Islas.

Immediately afterwards there appearing Mr. Louis Giroux, he was sworn in the proper form, and said that his name is as stated, 18 years old, a single man, a miner, a native of Oregon, United States of America, and resident of this place, and not related to the deceased.

Having been asked to state all he knew with reference to the case under investigation, he answered that he was acquainted with the deceased, Albert W. Sayles, and is well aware of the fact that the deceased always traveled without an escort from this station to La Sultana mine; that sometimes the deponent and his brother would go with him, and others, the deponent's father, riding on a carriage; that the last time Mr. Sayles set out on horseback by himself from La Sultana to this station; that the deponent's brother asked Sayles not to go alone, because there was danger on the road from the Yaqui Indians; to which the deceased replied that he believed there was no danger, and that if he was killed he did not care; that two days from that date the disappearance of Sayles was noticed, his remains having been found at a place called El Matadero; that on account of the above the deponent is certain that said remains belong to Sayles, on account of the shape of the skull, the boots he wore, and the saddle and horse which were found and owned by the deceased. After the above was read to him, he ratified and signed the same.

Attest: Juan Forte, Louis J. Giroux, José Cubillas, Antonio V. Islas.

Immediately afterwards a notation was made on the record with respect to the fact that the bookkeeper of La Sultana mine and Manuel Z. Cubillas and Antonio Mendez were not examined because they were not at this place, their return being unknown.

The above is a copy from its original to be transmitted to the secretary of the government of the state, the record comprising nine folios, properly compared and corrected, authorized and signed by me before attending witnesses, at Carbo Station, January 16, 1906.

Jean Forte, José Cubillas, Antonio V. Islas.

Mexico, February 13, 1906.

MIG. S. MACEDO,
Subsecretary of Government.

The Acting Secretary of State to Chargé McCreery.

No. 103.]

DEPARTMENT OF STATE,
Washington, March 10, 1906.

SIR: I have to acknowledge the receipt of your dispatch No. 213 of the 19th ultimo,^a inclosing a copy of a newspaper article containing what purports to be a translation of an order of the Mexican department of Fomento, addressed to mining agents in the State of Sonora and the northern district of Lower California, directing that for the present no application by an alien for a mining claim be admitted.

^a Not printed. See No. 13, from Ambassador Thompson, p. 1142.

You will inquire if the order is authentic, and if it be you will suggest that it is open to criticism on the score of its recital, if not of its logic. In view of the disturbed and insecure conditions in Sonora and Lower California, this temporary prohibition of mining licenses to aliens would seem to be appropriate and even necessary. That reason might be given as the motive of the measure, but its present form is objectionable.

I am, etc.,

ROBERT BACON.

Ambassador Thompson to the Secretary of State.

No. 3.]

AMERICAN EMBASSY,
Mexico, March 12, 1906.

SIR: In my conversation with the President in his private home on the evening of the 8th instant, mentioned in my dispatch No. 2 of the 9th,^a he took occasion to speak to me of the troubles with the Indians in the northwestern part of this Republic. He said much trouble had been made by Americans going into the Yaqui Indian districts without escorts, thus endangering their lives, and in the event of loss of life making much trouble for both our Government and his.

In the event of loss of life, he said, false statements had been made to our Government as to the attitude of the Mexican Government toward Americans wishing to enter this Indian country. He assured me that the Mexican Government at all times has been and is ready to furnish military escorts to foreigners wishing to enter that country, and it is so understood, and those entering without such escorts have known and must know well that it is done with great danger.

As was reported to the department by Mr. McCreery in his dispatch No. 213, of February 13th last, for a short period of time—a little over two months, the period ending a few days since, this last information personally given me by the President, although as yet no other official notice of the discontinuance of the order has been received—there has been an order in force issued by the President that no foreigner should denounce mining claims in this Indian country, the intent of the order being to keep foreigners out.

In this period of time the Government has employed itself in capturing every Indian possible who is known to have shed blood, either native or foreign, and each and every one of these Indians have been shot. All whom are suspected of having shed blood, either native or foreign, but against whom there is not sufficient evidence to satisfy the Government, have been deported to the State of Yucatan, and are there in service of one sort or another, in a way, as I understand it, under government supervision.

The President expressed himself to the effect that our Government had been troubled enough with the Apaches to understand what it is to deal with the Yaquis, both the same character of Indians, and indicated his feeling to the effect that men who enter the Indian districts without an escort, which can always be had for the asking, are not entitled in the event of loss of any character to sufficient con-

sideration from their Government to procure for them governmental interference in adjusting personal claims.

Our conversation covered many subjects, but this is the one he seemed to want to put to the front, all the others being of no special interest to the department. It seemed to me clearly his desire that I make known to the Washington Government his views on troubles growing out of what seems to him to be an unwarranted invasion by foreigners of a known dangerous district without the military escort which is always available for the asking. While he did not suggest it, it seems likely to me that the desire of miners to enter this Indian country without military escorts is great in order that their movements may not be known, and because of this desire they are willing to assume the danger rather than accept the escort. In view of the situation, as set forth by the President, it would seem as if his sentiments as expressed to me are not unjustifiable.

I have, etc.,

D. E. THOMPSON.

Ambassador Thompson to the Acting Secretary of State.

No. 13.]

AMERICAN EMBASSY,
Mexico, March 20, 1906.

SIR: I acknowledge the receipt of your dispatch No. 103, of the 10th instant, to Mr. McCreery, with reference to the order of the Mexican department of fomento forbidding, for a time, the acquiring by foreigners of mining property in Sonora and Lower California.

In reply I inclose herewith, with translations of each, copies of the various official orders on the subject, including the one of the 28th of last February, which revokes the former ones and instructs the various mining agents in the territories named to continue to admit mining applications of foreigners in accordance with the provisions of the law. My reply to your dispatch No. 103 has been delayed because of the time required in getting these copies of the official orders.

I respectfully refer the department to my dispatch No. 3, of the 12th instant, in which I stated President Diaz's views on the subject as set forth by him personally to me in a conversation occurring in his private home on the evening of the 8th instant. In that dispatch I ventured to express the opinion that the President's sentiments, as stated by him to me, were not unjustifiable.

As the last paragraph of the dispatch to which this is a reply suggests, this temporary prohibition of mining licenses was brought about by the disturbed and insecure conditions in Sonora and Lower California. If there is anything offensive in the wording of the orders, I am confident from my talk with the President that it was in no sense so intended. At the time the orders were issued through the department of fomento, the minister, Don Blas Escontreia, was on his deathbed, dying a few days later. The first secretary of the ministry was at that time absent on a commission from his ministry to the west coast of the Republic, and the orders were issued by a minor official temporarily in charge of the office.

In the short period of time I have been here I have talked with many men interested in the Sonora districts, and without exception

have found them to justify the acts of the Government and any criticism that might have been made by the officials of the Government because of the unfortunate expressions made by some of the newspapers of our country and by men, or friends of men, penetrating the Yaqui country in ways known to be dangerous, for reasons suggested in my dispatch No. 3, of the 12th instant, and who have, in one way or another, met with disappointments or losses of life or property because of their indiscretions. With this I inclose an interview occurring in the Mexican Record, of the 24th instant, that in a way expresses the sentiments of the men with whom I have talked on the subject in question.

In view of the intent and sentiments of President Diaz, as I have outlined them in my dispatch No. 3, already referred to, and herein, I will await further instructions from the department as to the advisability of making representations to the Mexican Government, as suggested in your dispatch No. 103, to which this is a reply.

I have, etc.,

D. E. THOMPSON.

[Inclosure 1.—Translation.]

Mr. Aldasoro to Mr. Algara.

(Private correspondence of the secretary of fomento.)

Mr. Andres Aldasoro has the pleasure to pay his respects to his good friend Licentiate José Algara, subsecretary for foreign affairs, and to inclose copy of the decision he has requested, pronounced by the President of the Republic, with respect to the acquisition of lands by foreigners in Sonora and Lower California.

Mexico, March 24, 1906.

[Inclosure 2.—Translation.]

DECISIONS OF THE DEPARTMENT OF FOMENTO.

Decisions of the department of fomento.—Mexico, December 15, 1905.

To the first section:

Having received frequent complaints from foreigners established within the Free Zone of Sonora, in that they do not enjoy any protection to devote themselves to their labors, the President of the Republic has decided, that for the time being foreigners shall not be permitted in the future to acquire any real estate in said zone.

Signed by the subsecretary.

[Inclosure 3.—Translation.]

DECISIONS OF THE DEPARTMENT OF FOMENTO.

Decisions of the department of fomento.—Second section.—Mexico, December 16, 1905.

Instruct mining agents in the State of Sonora that owing to the complaints of several foreigners to whom titles have been issued for the exploitation of mines in said State, in that they do not enjoy safety and protection, the President of the Republic has decided that for the present and until new orders are given the mining agents of Sonora shall not accept applications filed by foreigners relating to the acquisition of mines in said State.

Signed by Subsecretary Puga.

[Inclosure 4.—Translation.]

DECISIONS OF THE DEPARTMENT OF FOMENTO.

Decisions of the department of fomento.—Third section.—Mexico, December 26, 1905.

Owing to the fact that several foreigners who have been permitted to acquire mines in the State of Sonora and the northern district of Lower California, have complained in that they do not enjoy safety and protection to work their property and having slandered the jurisdictional authorities by saying that the latter do not impart them any protection, the President of the Republic has decided that for the time being the granting of said permits be held in suspense with respect to the State and district referred.

The Chief Executive also decides that no deeds shall be given out to foreigners who have already obtained the permit to acquire mines within the frontier belt of 20 leagues, situated in said State of Sonora and northern district of Lower California; and he has also ordered that the proceedings of all applications for permits filed by foreigners, and which may be in course of procedure in the mining agencies of said State and district be suspended.

Transmit the above to whom it may concern.

Signed by Subsecretary Puga.

[Inclosure 10.—Translation.]

DECISIONS OF THE DEPARTMENT OF FOMENTO.

Decisions of the department of fomento.—Third section.—February 28, 1906.

Instruct the mining agents of the State of Sonora and territory of Lower California that in view of the fact that the President of the Republic was pleased to revoke his instruction of December 26 last, ordering said agents not to accept any applications relating to mines filed by foreigners, they may continue to admit said applications in accordance with the provisions of the law.

The Acting Secretary of State to Ambassador Thompson.

[Telegram.—Extract.]

DEPARTMENT OF STATE,
Washington, April 9, 1906.

Your No. 13. Gist of instruction No. 103 should be made known to minister foreign affairs in course of conversation at some convenient opportunity.

BACON.

Ambassador Thompson to the Secretary of State.

[Telegram.]

MEXICO, April 10, 1906.

Your telegram of yesterday. Minister for foreign affairs says conditions in Yaqui country considered much improved, but still unsafe for travelers without military escort; says Mexican Government doing best to make the Indian districts safe for all; also says military escort will on application be given all now located in the districts and to others on request, so far as is possible with available forces. There are now no restrictions of any character on those desiring to enter the Indian country except that of prudence. Please see inclosure 10, my No. 13.

THOMPSON.

Ambassador Thompson to the Secretary of State.

No. 21.]

AMERICAN EMBASSY,
Mexico, April 10, 1906.

SIR: I have received Mr. Bacon's telegram of the 9th instant, reading as follows:^a

This afternoon I called upon the minister for foreign affairs and made known to him the gist of the department's instruction No. 103 and of your telegram. He said that the order prohibiting aliens from acquiring mining claims in Sonora and Lower California was issued as a general notice that the Yaqui country was unsafe. He said that the order had been revoked, that conditions in the Yaqui country were considered to be much improved, but that it was still unsafe for travelers without military escort. He stated that the Mexican Government was doing the best possible to make the Indian districts safe for all; that military escort will on application be given to all persons now located in those districts and to others on request, so far as is possible with available forces; that if there should be a rush of miners into the Yaqui country it might not be possible to furnish escorts for all. He stated that there are now no restrictions of any character on those desiring to enter the Indian country except that of prudence.

He also said that the Mexican Government was glad to have Americans in that part of Mexico and in other parts in the fields of labor and development.

I telegraphed you to-day as follows:^a

I have, etc.,

D. E. THOMPSON.

The Secretary of State to Ambassador Thompson.

No. 12.]

DEPARTMENT OF STATE,
Washington, April 18, 1906.

SIR: I inclose herewith a copy of a letter from Mr. Henry Love Clarke,^b in which, having reference to the murder of Mr. Albert W. Sayles by Yaqui Indians, he makes certain inquiries regarding the measures taken by the Mexican Government to suppress or control the lawlessness of these Indians and to furnish escorts to persons asking for them, etc.

The department would be pleased to have a report from you covering Mr. Clarke's inquiries.

I am, etc.,

ELIHU ROOT.

Ambassador Thompson to the Secretary of State.

[Extract.]

No. 35.]

AMERICAN EMBASSY,
Mexico, May 2, 1906.

SIR: I acknowledge the receipt of the department's instruction No. 12, of April 18 last, inclosing a copy of a letter from Mr. Henry

^a Supra.^b Not printed.

Love Clarke in which, having reference to the murder of Mr. Albert W. Sayles by Yaqui Indians, he makes certain inquiries regarding the measures taken by the Mexican Government to suppress or control the lawlessness of those Indians and to furnish escorts to persons asking for them, etc., and adding that the department would be pleased to have a report from me covering Mr. Clarke's inquiries.

Referring to Mr. Clarke's first question as to what, if any, efforts have been made by the Mexican authorities to suppress and control the lawless acts of the Yaqui Indians of Sonora, Mexico, since the massacre of the McKenzie-Coy party, which occurred in the month of January, 1905, I respectfully refer the department to the substance of my dispatches Nos. 3, 13, and 21, of March 12, March 30, and April 10, 1906, respectively, in which I reported the steps taken by the Mexican Government for the suppression of the lawless acts of the Sonora Yaqui Indians and the restoration of order in the districts where they had formerly committed depredations.

This embassy possesses no specific data showing what, if any, attacks have been made by the Yaqui Indians in the State of Sonora upon either Americans or Mexicans in the interval between the attack upon the McKenzie-Coy party and that made upon Mr. Sayles. Rumors of such attacks may have appeared from time to time in the newspapers, but no substantiation of Yaqui Indian depredations committed between the interval above mentioned has come to the knowledge of this embassy.

I have been informed that military escorts—federal and state troops—are the kind the authorities in Sonora provide for those persons going into the remote interior of that State when requested to do so, and the number of men composing such an escort naturally depends upon the size of the party needing its services.

I have, etc.,

D. E. THOMPSON.

The Acting Secretary of State to Ambassador Thompson.

No. 36.]

DEPARTMENT OF STATE,
Washington, May 23, 1906.

SIR: I inclose herewith for your information in connection with previous correspondence on the subject, a copy of a letter from Mr. C. W. Burket,^a general manager of the Ures Consolidated Mining Company, in relation to the depredations of the Yaqui Indians in Mexico.

I am, etc.,

ROBERT BACON.

The Secretary of State to Ambassador Thompson.

No. 40.]

DEPARTMENT OF STATE,
Washington, May 31, 1906.

SIR: Referring to your dispatch, No. 35, of the 2d instant, I inclose herewith a copy of a letter^a from Mr. Henry Love Clarke,

^a Not printed.

requesting the department to obtain for him definite information as to, "first, just what measures were taken by the Mexican authorities in the interval between the McKenzie and the Sayles tragedies to patrol and police with adequate military force the infected district in Sonora; second, just what military escort was it customary for the authorities to furnish upon request, and to whom such requests were addressed and through what formalities they had to pass; third, what escort could have been promptly furnished Mr. Sayles on the day that he set out on his ride, which he did in response to a hurried telegraphic summons; and, fourth, what, if any, escort was provided the American connected with the same mining concern, Mr. S. Williams, who was similarly murdered since the death of Mr. Sayles, only a few weeks ago."

You will endeavor to obtain the additional information desired by Mr. Clarke and send it to the department for communication to him.

I am, etc.,

ELIHU ROOT.

Ambassador Thompson to the Secretary of State.

[Extracts.]

No. 80.]

AMERICAN EMBASSY,
Mexico, June 6, 1906.

SIR: I have the honor to acknowledge the receipt of the department's instruction No. 36, dated May 23 last, relative to the depredations of the Yaqui Indians in the State of Sonora, accompanied by a copy of a letter from Mr. C. W. Burket, general manager of the Ures Consolidated Mining Company. Although it may be true that the brigandage of the Yaqui Indian tribes has been for a long period of years a constant menace to mining, as well as such other interests as may have been within the province of action of the marauding Indians, it is also true that ever since the first uprising of the latter the State and Federal Governments assumed an energetic attitude, sparing no efforts to suppress the Indian depredations, and imparted to all classes of citizens living in Sonora all possible protection. In order to put an end to the Yaqui question the Government has for the last three or four years been deporting the rebels to Yucatan and Quintana Roo, and with a view to prevent any further massacres of travelers the latter, upon their request, have been given escorts to protect them.

The government of Sonora, with a view to disprove the charges made by foreigners against the civil and military authorities of the State, addressed a circular letter to the leading mining and industrial concerns and other residents of the Yaqui district. Among the replies to said circular, of all of which I have inclosed copy and translation, I respectfully invite the attention of the department to the letter of the American consul at Hermosillo. (page 13 of inclosure 2), in which he gives a truthful idea of the situation.

I have, etc.,

D. E. THOMPSON.

Ambassador Thompson to the Acting Secretary of State.

[Extract.]

No. 121.]

AMERICAN EMBASSY,
Mexico, July 12, 1906.

SIR: I am in receipt of the department's instruction No. 40, of May 31 last, accompanied by a copy of a letter from Mr. Henry Love Clarke requesting the department to obtain for him certain definite information concerning the measures taken by the Mexican authorities against the marauding Yaqui Indians in the State of Sonora during certain specified intervals with relation to the murders in that State by said Indians of the MacKenzie party and a Mr. Sayles.

Before bringing the matter to the attention of the Mexican Government I have thought it best to refer the department to Mr. McCreery's dispatch No. 228, of March 3 last, with which he transmitted a clipping from *El Diario Oficial*, the official organ of the Mexican Federal Government, in which the governor of Sonora, following the express instructions of the President of the Republic, made a complete report upon the circumstances surrounding the murder of Mr. Sayles, which report is corroborated by the copies of letters from the manager and other employees of the Sultana mine, where Mr. Sayles had been working. I also invite the department's attention to my dispatch No. 80, of the 6th ultimo, with which I transmitted a lengthy report from the governor of Sonora, published in the before-mentioned official organ, giving a clear view of the Yaqui troubles in Sonora and showing the earnest efforts made by the authorities, both civil and military, to prevent, as far as possible, any further depredations on the part of said Indians.

From these reports the department will observe that the measures adopted by the Government in the interval between the MacKenzie and the Sayles tragedies were the stationing of garrisons composed of state and federal troops throughout the small settlements of the regions infested by the Yaquis, and that the escorts were sufficiently able to protect travelers, since there is no record of any case where travelers under escort have been killed by the Yaqui Indians. The reports also show that the escorts in question are given by applying to the civil or military authorities of the locality where needed, and that Mr. Sayles could have obtained an escort in the manner in which the same had, with his knowledge, been obtained by Mr. Giroux, superintendent of the Sultana mine, where, as before stated, Mr. Sayles had worked, it being immaterial at the present time to state to whom requests for escorts had to be addressed, through what formalities they had to pass, or just what escort could have been promptly furnished Mr. Sayles, because, as stated by Mr. Giroux (see page 6, inclosure 2, in Mr. McCreery's dispatch No. 228, of March 31 last), the deceased had been warned against traveling alone, and, as escorts had been furnished to the employees of the Sultana mines on several previous occasions, Mr. Sayles knew exactly from whom he could have secured an escort had he chosen to ask for one.

Therefore, from the voluminous evidence of Mexican officials, of Americans, and others in the State of Sonora already transmitted to the department by this embassy, there is no shadow of doubt that the Sonora authorities have furnished an escort to anyone needing

and applying for the same, and that those unfortunate persons, like Mr. Sayles, who were offered an escort before starting out on a trip and who, also like Mr. Sayles, refused to accept the same, knowing the danger of traveling in the Yaqui-infested regions of the State of Sonora, are simply responsible to themselves for the loss of their lives.

I have, etc.,

D. E. THOMPSON.

Ambassador Thompson to the Secretary of State.

[Telegram.]

MEXICO, July 18, 1906.

President Diaz asks if measures can not be taken by American authorities to prevent the sale of arms and ammunition in our territory to be smuggled into Mexico or smuggled in by the owners to [be] sold to the Indians. Much of this is done, Indians paying big prices causing much daring on the part of men with such supplies [to] sell. In view of the fact that Mexico is doing all possible to control the Yaquis, the constant complaints from our countrymen of lack of control and the further fact that the Indian supply is thought to be constantly through our country, it seems likely great help to Mexico in its efforts to gain perfect control of the Indians would be given if our Government could stop the traffic named. To do this might necessitate the patrol of the Sonora frontier. Mexico is now doing this to the best of her ability.

THOMPSON.

The Acting Secretary of State to Ambassador Thompson.

[Telegram.—Extract.]

DEPARTMENT OF STATE,
Washington, July 21, 1906.

Referring your telegram July 18th: The President deeply concerned that such an infamous practice as the sale and smuggling of arms and ammunition to the hostile Yaqui Indians should exist. He is taking every step within his power to stop it.

BACON.

The Acting Secretary of State to Ambassador Thompson.

[Telegram.]

DEPARTMENT OF STATE,
Washington, July 22, 1906.

Governor of Arizona replies promptly that he has issued proclamation which will be at once published through border counties.

BACON.

Ambassador Thompson to the Secretary of State.

[Telegram.]

MEXICO, July 23, 1906.

President Diaz is deeply appreciative for the early action in Sonora frontier gun and ammunition matter and cordially thanks President Roosevelt for this and his expressed sentiments on the subject.

THOMPSON.

Ambassador Thompson to the Acting Secretary of State.

No. 130.]

AMERICAN EMBASSY,
Mexico, July 24, 1906.

SIR: By the overleaves accompanying this dispatch I confirm the telegrams exchanged between this embassy and the department on the 18th, 21st, 22d, and 23d instant, concerning the sale of arms and ammunition in the United States to be smuggled into Mexico along the Sonora boundary line for sale to the Yaqui Indians in that State.

At the termination of an interview with President Diaz on the 18th instant, when I called upon him in relation to Guatemala-Salvador matters, he asked me if my Government could not do something to stop the clandestine exportation from the United States into Mexico, along the Arizona line bordering the State of Sonora, of arms and ammunition intended for ultimate sale to Yaqui Indians, which had contributed so much—in fact, more than any other cause—to the prolongation of the hostile Yaqui Indian campaign in the State of Sonora, Mexico, and which had resulted in so many murders, not only of venturesome Americans entering that country for divers purposes, but also of Mexicans. I responded that I feared my Government was in complete ignorance of the existence of such a state of affairs along the Arizona-Sonora border, but gave him the assurance that upon being apprised thereof, as well as of his anxiety and wishes in the matter, I felt that my Government would be glad to do everything within its power to stop the traffic before mentioned; hence my telegram of the 18th instant.

In an interview with President Diaz yesterday, when I conveyed to him the substance of the department's telegram of the 21st instant, to the effect that our President seemed to be deeply concerned that such an infamous practice as the sale and smuggling of arms and ammunition to the hostile Yaqui Indians should exist, and that measures would be taken by my Government to prevent this traffic, the President expressed his keen appreciation of the action of President Roosevelt in the matter, adding that he hoped, with the cooperation of the detectives of the Mexican Government stationed along the line dividing Arizona from Sonora with the American officials in the neighborhood, the desired object would be attained; if not wholly, at least in part, so that the infamous practice before mentioned would be reduced to a minimum and within a short time perhaps entirely stopped.

I have, etc.,

D. E. THOMPSON.

The Acting Secretary of State to Ambassador Thompson.

No. 80.]

DEPARTMENT OF STATE,
Washington, July 30, 1906.

SIR: I have to acknowledge the receipt of your dispatch No. 121, of the 12th instant, on the subject of Mr. Henry Love Clarke's desire to have certain definite information regarding the measures taken by the Mexican authorities against the marauding Yaqui Indians in the State of Sonora, during certain specified intervals, with relation to the murders of the MacKensie party and Mr. Albert W. Sayles.

The department concurs in your view of the case, and thinks that it will be inadvisable to take the matter up at this time with the Mexican Government.

Copies of your dispatch No. 80 and of Consul Hostetter's letter of February 3, 1906, to the governor of Sonora, together with a copy of your No. 121, have been furnished to Mr. Clarke.

At the time of transmitting to you Mr. Clarke's letter of May 24, the department had not received your full and satisfactory dispatch No. 80, which makes any further inquiry of the Mexican Government at present seem inexpedient.

I am, etc.,

ROBERT BACON.

MONTENEGRO.

EMIGRATION TO THE UNITED STATES.

Minister Jackson to the Secretary of State.

No. 30.]

AMERICAN LEGATION,
Athens, April 4, 1906.

SIR: Referring to my dispatch No. 29, of this series and of to-day's date, I have the honor to inform you that the minister of foreign affairs at Cetinje has asked me to inform him "if the Government of the United States is disposed to prohibit, upon a request from the Montenegrin Government, the admission to the United States of any Montenegrins presenting themselves without passports regularly viséed for the purpose of emigration to America." In reply I have informed the minister that I am not in a position to give a positive answer to his question without instructions from you, but that I am confident that the American Government would not be willing to comply with his request, as it has always extended a welcome to persons likely to become desirable citizens, whether their emigration from their native country has been with the permission of the government thereof or not.

I have, etc.,

JOHN B. JACKSON.

The Acting Secretary of State to Minister Jackson.

No. 11, Montenegrin series.

DEPARTMENT OF STATE,
Washington, May 3, 1906.

SIR: I have to acknowledge the receipt of your No. 30, Montenegrin series, of the 4th ultimo, informing the department that the Montenegrin minister of foreign affairs has asked you to inform him "if the Government of the United States is disposed to prohibit, on request from the Montenegrin Government, the admission into the United States of any Montenegrins presenting themselves without passports regularly viséed for the purpose of emigration to America."

Your reply to the effect that this Government would not be willing to comply with such a request is approved. The administrative officers of the United States may exclude only the classes of persons whose entry is prohibited by law.

I am, etc.,

ROBERT BACON,
Acting Secretary.

MOROCCO.

MISSION OF MINISTER GUMMERÉ TO FEZ.

Minister Gummeré to the Secretary of State.

[Extracts.]

No. 1.]

AMERICAN LEGATION,
Fez, September 29, 1906.

SIR: I have the honor to report as follows: After great efforts I was able to carry out my original plan for the departure of our mission from Tangier on September 15. My heavy cases of stores, water, etc., had been sent ten days previously by sea to Larache and thence by camels to Fez, and on the afternoon of the 14th, I ordered the camp with servants and attendants to proceed to the first camping ground, some four hours from Tangier, to be in readiness for our arrival on the evening of the 15th. I might here state that besides the six tents purchased by myself, which are used for sleeping tents, we have some fifty which are supplied by the Moorish Government, with their necessary attendants. I am also supplied with 12 riding horses, as many riding mules, and 80 mules for transport, an escort consisting of a commander, or "kaid erraha," with 25 mounted soldiers and some 150 camp attendants, so that, including my own cooks, table men, grooms, laundresses, etc., some 30 in number, our camp consists of nearly 300 souls. As is customary, I made my farewell visits on the minister of foreign affairs and my colleagues on the 14th instant and announced my departure at 2 o'clock on the 15th. At that hour Captains Fremont and Guignard, attachés to the mission; Mr. Iselin, secretary; Doctor Repplier, Messrs. Nathan and Abrines, interpreters; together with my sister, Miss Gummeré, and Mrs. Ballard Smith, our cousin, who accompany me as my guests, having gathered together at the legation, we started promptly on our mission. As is also the custom, we were joined by the greater part of my colleagues, with their secretaries and many friends, who rode out with us for an hour or two on our road. A short distance outside of Tangier, I was met by Sid Mohamed Ben Arby Torres, the Sultan's delegate, with some of his officials, who wished me a safe journey, etc.; shortly after, by the Basha of Tangier with his troops, etc., who had come out for the same purpose, and still later by Meneb-behi, the ex-minister of war.

We then proceeded on our journey, and at about 6.30 p. m. arrived at our first camp, where everything was in readiness for our comfort. I might here state that I have placed Sid Thamy Slawee, our protégé at Alcazar Kebir, and Mr. Senatuil, American citizen from Tangier, in control of the Moorish element in the camp, and Mr.

James W. Martin, messenger at the legation, and Mr. Mathews, non-commissioned officer from Gibraltar, in charge of the commissary department, and to their clever and unceasing efforts I consider that the comfortable journey we have made to Fez is largely due. I would also commend the great support given to me by Mr. Nathan, who has been untiring in his labors as interpreter, in which he has been ably assisted by Mr. Abrines. Each morning after an early breakfast, we left the camp at 8 o'clock accompanied by our immediate attendants and two tents for luncheon, and rode for about three hours or thereabouts, at which time the tents were pitched and we rested and lunched, remaining as a rule until about 3.30 or 4 p. m. In the meantime the main camp was struck and went on to the next camping ground, where we found everything in order on our arrival at about 5.30 p. m. The order of march was as follows: First, the mounted bearer of the Sultan's flag, with a guard on either side of him; then two of my legation guards, followed by myself and the interpreter, and the remainder of the party following, the rear being brought up by grooms, attendants, etc., and the mounted guards who also rode at the sides. This order never varied; no one must ride in front of the flag, which sets the pace, and no one except my own soldiers before me. At the borders of each district we were met by its kaid, with mounted soldiers, who generally did powder play in our honor and escorted us to our camp, where they remained and accompanied us on our march until we met the next kaid, to whose care he delivered us, each being responsible for our safety in his own district. It can easily be understood that so large a party, with so large an impedimenta, must travel slowly; indeed it is not considered dignified for a mission to do otherwise, so that we generally arranged for five to six hours per day, though on one day we traveled more than seven hours to reach good water, which is a serious item at this season.

The journey was made from Tangier to a place called "Ensala Farache," an hour from Fez (which is always the final camp), in twelve days, most comfortably and without mishap, except the loss of a valuable horse of my own. The heat was considerable at times but the nights always cool, and we only had one shower on the road, and that at night. Shortly after our arrival at Ensala Farache, I was visited by the secretary of Sid Abdelkrim Ben Sliman, the grand vizier, who bade me welcome in the name of the Sultan, who expressed great pleasure at my expected arrival, and it was arranged that I should leave my camp for my ceremonial entrance into Fez at 8.30 a. m. on the morning of September 27th. At that hour, accompanied by the said secretary and numerous subofficials, I set forth with the members of the mission, and a most brilliant sight was presented to us. An enormous escort of mounted troops and attendants in gorgeous uniforms accompanied us, and I was first met by the minister of war, who welcomed me in the name of the Sultan; then by the kaid meshwar or grand master of the court. As we proceeded the road for some miles was lined with troops, behind whom were massed the tribesmen of the district with their native music and thousands of the populace. The Sultan's own band was stationed by the way to play us in, and Kaid Sir Harry Maclean, in command of the troops, with a brilliant staff, marched before us. It is quite impossible to describe in words the scenes on the march into Fez.

On our arrival we were at once escorted to the palace of Sid Ben Nis (who was one of the Morocco commissioners to Algenciras), which was placed at my disposal by the Sultan during my sojourn in Fez. Outside of the royal palace, it is the finest in Fez, and was selected especially by the Sultan himself for me. The house itself is a veritable palace from the Arabian Nights, with large and numerous rooms, and comfortably houses the whole mission and attendants. It is partially furnished with handsome furniture and carpets, and, with our camp equipage, we are most comfortable.

Immediately on my arrival I was waited upon by Sid Abdelkrim Ben Sliman, the grand vizier, and other ministers to welcome me, and, indeed, the greater part of the day was consumed in receiving visits. The grand vizier informed me that the Sultan had viewed our entry with keen interest, and that the next day being Friday, their Sabbath, on which no official work is done, he would see His Majesty in the evening and arrange for my first audience, and would duly inform me of the same. I would here state that the rule is that a minister is received in audience, to present his letter of credence, on the third day after his arrival, and I was agreeably surprised when in the afternoon of the 28th, the day after my arrival, I was waited upon by an under secretary of state with the information that the Sultan would receive me at 9 o'clock a. m. on the next day, only two days after my arrival, and that this was done as a special mark of honor by His Majesty, and that he especially wished that all the members of the mission, including the ladies, should be present at the ceremony. Friday, the 28th, was very fully occupied in receiving visits from court officials, European consular officers, heads of military missions, etc.

This morning at about 9 o'clock the under master of ceremonies, with a host of minor officials, called to take me to the palace. The escort consisted of a large number of mounted troops and a battalion of foot soldiers, and on nearing the palace the road was lined with troops. On arriving we rode through various courts, where guards mounted and bands played till we reached the inner court, where we dismounted. There I was met by the grand master of ceremonies, who ushered us into the presence of the Sultan, who was seated on a large chair of state on a dais, surrounded by his ministers. I advanced to His Majesty, making the requisite three bows, to which he responded, and, standing immediately before him, made a short address, a copy of which is inclosed, and presented to him the letter from the President, as well as my letter of credence, at the close of my address, which was made in English. It was repeated to His Majesty in Arabic by Mr. Nathan, and immediately after the Sultan's reply was read in Arabic by the grand vizier and repeated to me in English by Mr. Nathan. A translation of the Sultan's reply is herewith inclosed. After this ceremony the Sultan signified his pleasure that the immediate members of the mission be presented to him, which was done, and we thereupon withdrew with the same honors as on our entry.

On my return to my house, within half an hour I was waited upon by the assistant secretary of state, who said that he had been specially sent by the Sultan to express his gratification at his reception of myself and the members of the mission, and to say that he would receive me in private audience the next day at 8.30 a. m., and that he did this as a special mark of honor to my country and myself. I

expressed great gratification at the honor shown to me and begged that His Majesty should be informed that I should report the same to my Government. It was also intimated that His Majesty would be pleased to receive the gift brought by me from me personally at this second audience. That it may be understood what attentions are being shown to me, I would explain that, as a rule, the second audience of a minister occurs about ten to fifteen days after the first one, and often his gifts are unopened for months. I hope I may be pardoned for entering into detail as to the progress of the mission and my reception by the Sultan, but as it is the first American mission I have thought it might have especial interest. I feel that I can not too fully dwell upon the special marks of favor and honor which have been shown to me, nor the evident desire, from the highest to lowest, that I should feel myself as a more than welcome and distinguished guest.

I am, etc.,

S. R. GUMMERÉ.

[Inclosure 1.]

Minister Gummeré's address.

I have the honor to present to Your Majesty a personal letter from the great President of the United States, as well as my letter of credence as envoy extraordinary and minister plenipotentiary of the United States of America to the Government of Your Majesty. As Your Majesty is aware, I have for some years represented my country in Morocco, and I need not assure you that as the first American minister to Your Majesty's Government it will be my earnest endeavor, as in the past, to advance the interest and prosperity of both Governments and to preserve the cordial friendship which has existed for so many years between our countries.

[Inclosure 2.—Translation.]

The Sultan's reply.

Praise be to God.

Welcome the arrival of the representative of the celebrated, great, and exalted American nation, with whom there has been much pure friendship and supreme confidence in times past and now renewed.

And welcome the letter of the beloved and honored President, whose generosity and greatness are well known.

And we hope that the same friendship with the American nation will continue, and that good fortune and prosperity will attend its steps and all its people in ever increasing measure.

And welcome to you as ambassador and to all who are with you, and you will see from our Shereefian Majesty nothing but joy, according to the friendly relations and greatness of the two beloved nations, to the end that the happy subjects of both shall enjoy blessings.

The Acting Secretary of State to Minister Gummeré.

No. 60.]

DEPARTMENT OF STATE,
Washington, November 6, 1906.

SIR: I have to acknowledge the receipt of your dispatch No. 1, of September 29 last, describing your visit to the court at Fez, and transmitting copies of your address on the occasion of the presentation to the Sultan of the letter addressed to him by the President and His Majesty's reply.

Your dispatch has been read with much gratification, and the department avails itself with pleasure of the opportunity to express its confidence that this manifestation of the friendly regard of the Government and people of the United States for the Shereefian Empire will beneficially inure to the mutual relations of the two countries.

I am, etc.,

ROBERT BACON,
Acting Secretary.

**RIGHT OF AMERICAN OWNERS OF VESSELS PURCHASED ABROAD
TO FLY THE FLAG OF THE UNITED STATES.**

Minister Gummeré to the Secretary of State.

No. 87.]

AMERICAN LEGATION,
Tangier, May 21, 1906.

SIR: I have the honor to report that I have been to-day informed by the Spanish minister that he received a telegram from the Commandant of Melilla (Spanish colony near Ceuta, on the Mediterranean), with the following information: That on the 18th instant the small steamer *Manolita*, flying the American flag, with a Spanish captain and crew, proceeded from Tetuan to Penon with 15 passengers, all Moors; that, either owing to the weather or some accident to her machinery, she put into a beach on the Riff coast, called the Pescadores, for the purpose of landing her passengers and making repairs. Almost at once a large number of natives appeared on the beach, swam out to the *Manolita*, and boarded her; they seized a small boat which had been launched, and threatened to carry off all her passengers. After some altercation, however, they eventually departed, carrying away with them three of the native passengers and some of their effects. The *Manolita* thereupon, as soon as possible, resumed her journey, and on arriving at Penon reported the outrage to the Spanish authorities there.

The department will recall that in my No. 584, of May 16, 1904, I reported the purchase of a boat by Mr. Joseph R. Cazes, a naturalized American citizen, and the authorization granted to sail the said vessel under the American flag, all the required formalities having been observed. This boat was called the *Manolita*.

On April 4, 1905, Mr. Cazes sold the aforesaid vessel to one Isaac Pinto, a Spanish subject, and a short time after, on April 14, 1905, the said Pinto resold the boat to one Leon Osiel, of Tangier, a naturalized American citizen, who, having fulfilled the requirements of the consular regulations, was duly authorized to sail the vessel under the American flag; and it was this boat which, according to the telegram received by the Spanish minister, has suffered the outrage on the Riffian coast.

I have thanked the Spanish minister for his courtesy in giving me the information, but shall await further confirmation before addressing a strong remonstrance to the Moorish Government on the subject. I will report again to you as soon as I have more information. I might here add that the British minister informs me that he has just been informed of the capture of three sailors from a

British vessel on the same coast, which has always been considered a dangerous one, as the natives there are a lawless set, practically under no control from the Moorish Government.

I am, sir, etc.,

S. R. GUMMERÉ.

Minister Gummeré to the Secretary of State.

No. 88.]

AMERICAN LEGATION,

Tangier, May 22, 1906.

SIR: With reference to my No. 87, of the 21st instant, I have the honor to report further regarding the boat *Manolita*, as follows: Shortly after the said boat was duly registered by Leon Osiel, a naturalized American citizen, it was reported to me that Isaac Pinto, a Spanish subject from whom Osiel had bought the boat, was a notorious smuggler. I accordingly sent for Mr. Osiel and warned him what I had heard concerning Pinto, and that I also understood that the said Pinto was to have charge of the management of the boat. Osiel assured me that he had never heard of Pinto's reported reputation, and that the boat was used in genuine coast trade. I thereupon dismissed him with a warning.

On the 14th of April, 1906, I received a letter from Sid Mohamed Ben Arby Torres, the Sultan's representative at Tangier, complaining that one Isaac Pinto, of Tetuan, a Spanish protégé, was smuggling cartridges on the Riff coast, and while doing so was flying the American flag, etc. A translation of the said letter is inclosed.

I at once replied to his excellency that I had reason to believe that the boat in question belonged to an American citizen, and, being duly registered, had the right to fly the American flag; that this, however, gave no license for illegitimate business, and if proof was furnished of such business no hindrance to the enforcement of the penalties of the law would be interposed by this legation. A copy of my said letter is herewith inclosed. To-day I am informed by the Spanish minister that the said Isaac Pinto sails another small vessel under the Spanish flag, and that he had lately received from Sid Torres a complaint similar to the one addressed to me, to which he had virtually given the same reply as mine.

When I received the complaint from Torres, I sent for Leon Osiel, the reputed owner of the boat, and not only told him of the said complaint, but warned him that if they were found to be true the consequences to himself would be very serious.

Although exaggerated reports as to an outrage on an American boat are rife here at Tangier, I have received no visit or complaint regarding the same from Mr. Osiel as yet; with other circumstances makes me suspect that the *Manolita*, at the time of the reported outrage, was engaged in some smuggling transaction. The very fact of the boat being on the Riff coast, where there is no legitimate trade, and where the bulk of contraband in arms, etc., is carried on, would seem to give foundation for such suspicion.

It is a question in my mind, in view of the various reports and complaints regarding the said Pinto, whether the authorization to fly the American flag on the *Manolita* should not be canceled, and I should be glad of your instructions regarding the same.

I am, sir, etc.,

S. R. GUMMERE.

[Inclosure 1.—Translation.]

The Minister for Foreign Affairs to Minister Gummeré.

(After compliments:) We beg to bring to your excellency's notice that we are informed that the steamer belonging to Isaac Pinto, of Tetuan, a Spanish protégé, landed a large quantity of cartridges on the Riff coast at Bocoya, and that when he wants to land something at that place he flies an American flag; we inform your excellency of this so you may investigate into the matter; for, if he is caught, no defense could be afforded him, as he is flying an American flag fraudulently; and we inform you of this and remain in peace and with joy.

Safar 19th, 1324, April 14, 1906.

(Signed)

MOHAMED BEN ARBY TORRES.

[Inclosure 2.]

Minister Gummeré to the Minister for Foreign Affairs.

No. 32.]

AMERICAN LEGATION,
Tangier, April 19, 1906.

(After compliments:) I have the honor to acknowledge your excellency's letter of the 14th instant, informing me that a steamer belonging to Isaac Pinto, a Spanish protégé of Tetuan, has landed a quantity of cartridges on the Riff coast, and that when engaged in so doing he flies the American flag.

In reply I have to inform your excellency that the boat in question, I have reason to believe, belongs to an American citizen of Tangier, one Leon Osiel, and, being duly registered, has the right to fly the American flag. This, however, is no license for the carrying on of illegitimate business, and I need not assure your excellency that nothing of the kind will be tolerated by this legation. If any boat flying the American flag is proved to be engaged in any illegitimate business, upon such proof being furnished to me, there will be no hindrance interposed by this legation to the enforcement of the penalties of the law.

In peace,

(Signed)

S. R. GUMMERÉ.

The Acting Secretary of State to Minister Gummeré.

No. 42.]

DEPARTMENT OF STATE,
Washington, June 28, 1906.

SIR: I have to acknowledge the receipt of your No. 87, of the 21st ultimo, in regard to the boarding of the steamship *Manolita*, flying the American flag, by Riffians, who carried away three of her native passengers, and of your No. 88, of the 22d of the same month, transmitting correspondence with the Moorish Government in connection with a charge that the *Manolita* is engaged in smuggling, in which you report that doubt exists as to the bona fide American ownership of the vessel, and request instructions as to whether her authorization to fly the American flag should not be canceled.

It is believed that no right to cancel the consular registration of the vessel exists because the owner of the *Manolita* has been engaged in smuggling or has committed any other crime, but that if it should appear that the boat is not a bona fide American vessel the right to cancel the consular registration and withdraw American protection exists.

The fact that the *Manolita* was formerly owned by one Pinto, a reputed smuggler, and is now managed by him, and other facts which

you report, lend color to the suspicion that the vessel is not in fact of American ownership. If it should be so found, and not otherwise, it would be proper to withdraw American protection and cancel the consular registration of the *Manolita*.

I am, etc.,

ROBERT BACON.

MURDER OF A FRENCH CITIZEN AT TANGIER.

Minister Gummeré to the Secretary of State.

No. 90.]

AMERICAN LEGATION,
Tangier May 31, 1906.

SIR: I have the honor to report that on the evening of May 27, 1906, one Mr. Albert Charbonnier, clerk in the bank of the Compagnie Algérienne, at Tangier, while riding on the beach, about 3 miles beyond Tangier, was murdered and the body robbed of all valuables, all in full daylight. It is supposed that the outrage was committed by a native or natives, but thus far no clues have been discovered. I have extended my condolences to the French minister, whom I found much irritated at the indolence of the Moorish authorities in the matter.

The outrage is the more serious in that the beach at Tangier has always been used by way of a pleasure ground for the citizens and is almost the only place which has been regarded as safe for riding and walking. I must, however, state that the murdered man had ridden rather farther than is considered prudent, especially as he was alone.

I am, etc.,

S. R. GUMMERÉ.

Minister Gummeré to the Secretary of State.

No. 91.]

AMERICAN LEGATION,
Tangier, June 9, 1906.

SIR: In further confirmation of my No. 90, of May 31, 1906, reporting the murder of May 27 of Mr. A. Charbonnier, a French citizen, I have the honor to report that two French cruisers of the first class, *Jeanne d'Arc* and *Kléber*, and the third-class cruiser *Galilée* have arrived at Tangier to support the French minister in his endeavors to secure the apprehension and punishment of the murderers, and in such other demands as he may make to the Moorish Government.

I am, etc.,

S. R. GUMMERÉ.

Chargé Philip to the Secretary of State.

No. 103.]

AMERICAN LEGATION,
Tangier, July 4, 1906.

SIR: I have the honor to report that the French minister to Morocco, Monsieur Saint-René Taillandier, has informed me that the Sultan of Morocco has to-day given entire acquiescence to the demands of France in the case of the murder near Tangier of the French citizen,

M. Charbonnier, as reported in dispatch No. 90, of May 31, 1906, from this legation.

The demands in question were formulated under four principal headings, which, briefly stated, were as follows:

1. Apprehension and punishment of assassins.
2. Offer of a complete apology.
3. Indemnity of francs 100,000.
4. Granting of a piece of ground at the spot where the murder was committed for the erection of a commemorative monument.

His excellency expressed himself as entirely satisfied with the manner in which the Moorish Government has brought to a termination this very regrettable affair.

I beg to state that the representatives of the various powers in Morocco, without exception, displayed entire sympathy with the French demands in this matter, and it was generally hoped that it would be possible to create such a strong and salutary effect upon the natives of the surrounding districts as would tend to preclude the possibility of a recurrence of acts of a similar nature. It is much to be regretted, however, that the apprehension of the assassins does not appear at all certain, and in this connection the Moorish Government was only able to promise their arrest and punishment at some future time.

To such an extent has the disregard for the authority of the Maghzen become infused among the Moors inhabiting certain districts about Tangier that the fact of the murderers of the Frenchman Charbonnier (they are known to be several) having made their way into the mountainous district of the Anghera tribe, the limits of which reach to within $2\frac{1}{2}$ miles to the east of the town, appears to be generally considered as rendering their punishment impossible, owing to the entire lack of governmental authority there at present.

The French Government having brought the affair to as satisfactory an issue as was possible, it remains to be hoped that the Maghzen will be able to apprehend the murderers as promised.

I have in conclusion to state that the French admiral has notified the Moorish foreign minister that he will to-morrow morning salute the town, which has not previously been done, and will at an early date withdraw the French war ships from this port.

I am, etc.,

HOFFMAN PHILIP.

EXTRADITION OF PAUL STENSLAND FROM MOROCCO.

Minister Gummeré to the Secretary of State.

AMERICAN LEGATION,
Tangier, September 6, 1906.

SIR: I have the honor to report as follows: On the evening of August 31, while at Gibraltar securing supplies for my mission, I was called on by Mr. Keeley, of the Chicago Tribune, bearing a letter of introduction from Mr. Vignaud, secretary of embassy at Paris, in which Mr. Keeley was strongly recommended to me and requesting my good offices in a delicate mission in which he was engaged. Mr. Keeley then informed me that, accompanied by a

Mr. Olsen, assistant district attorney of Chicago, he was following on the tracks of one Paul Stensland, an absconding defaulter from Chicago, and that he had reason to believe that he was living at Tangier, where he had been since the latter part of July. I informed him that I was returning to Tangier on the next day and would gladly lend what assistance was possible in detecting the fugitive. On the morning of September 2 Messrs. Keeley and Olsen called on me at an early hour and reported that they had found that Stensland had been living here for some weeks at an obscure hotel, but that nearly two weeks ago had left for a tour in Spain; that he had large sums of money about him, and had made a deposit at the Comptoir d'Escompte, a branch of the great French Bank, and they were anxious to find out the amount of said deposit. This I found means of doing and found that he had deposited 60,000 francs. As Messrs. Keeley and Olsen wished to return to Gibraltar, thinking to find their man there, I secured a passage for them on a private boat, and they returned there.

In the meantime I directed Mr. Cazes, clerk at the legation, to keep a watch out, in case Stensland returned here. About 10 o'clock that night (September 2) Cazes reported to me that Stensland had arrived on board of a German coast boat from Gibraltar and had landed, and that he had so wired to Mr. Keeley. I directed him to watch and report to me in case he attempted to leave Tangier again. The next morning Cazes, at 8 a. m., reported to me that he had mistaken the identity of the man who had landed and that it was not Stensland, who was on the boat still; but very shortly after one of my soldiers reported to me that Stensland had landed and gone to the British post-office, where he was followed by Messrs. Keeley and Olsen, who had returned in the night from Gibraltar, and that they had requested the said soldier to take Stensland to the legation. This he had refused to do without orders from me. I had from the beginning told Messrs. Keeley and Olsen that I would only act in this matter on directions from the department, but, it being represented to me that he was about to board his boat and proceed to Mogador, down the coast, where I knew it would be impossible to find him again, I determined that it was a case for immediate action, so I dispatched Martin, messenger and confidential man, to the scene, with the request that they all proceed to my office and await my coming. This, after some hesitation, Stensland decided to do, influenced somewhat by a large crowd which had gathered and of which he seemed to have some fear. On my arrival at my office I found him there, in the interpreter's room, and Mr. Keeley told me that he had admitted his crimes, etc., and seemed much broken up. I at once sent the following cablegram to the department, which I beg to confirm:

SEPTEMBER 3, 1906.

Stensland, embezzler from Chicago, discovered in Tangier as he was about leaving for coast, where it would be almost impossible to find him again. I have authorized his detention, pending your instructions.

(Signed.)

GUMMERÉ.

In the meantime, while awaiting the department's response, at the request of Mr. Olsen, I decided that Stensland, whom I had detained

all day in the office and who seemed ill, should be taken to a hotel, in the custody of Mr. Cazes and some guards whom Mr. Philip, as consul-general, had requested from the basha to assist in guarding him, and there he still remains closely guarded, awaiting the department's instructions.

On the night of September 4 the following telegram arrived, which I have the honor to acknowledge:

SEPTEMBER 4, 1906.

Sound Moorish Government as to whether are disposed to deliver Stensland to United States authorities as an act of grace on distinct understanding that we are unable to return favor in the absence of treaty.

(Signed) ADEE, *Acting*.

In accordance with the said instructions I had an interview in the morning of the 5th instant with Sid Mohamed Ben Arby Torres, the Sultan's representative, and informed His Excellency that I was detaining a noted fugitive from justice, whom it was desired to return to America for trial, and that as there was no extradition treaty between our two countries, and we were not able to return the courtesy, I was anxious to know whether there would be any objection raised on the part of his Government against the removal from Morocco of the said fugitive by the United States authorities. His Excellency at once replied that he appreciated the courtesy in making such a request, especially as they regarded my authority over all Americans as supreme and unquestionable, and that not only would no objection be raised on the part of the Moorish Government, but that every assistance would be accorded in carrying out the wishes of my Government to remove the fugitive from Morocco to the United States, even to the extent of the whole of the guards of Tangier.

Therefore I at once dispatched the following telegram to the department, which I beg to confirm:

SEPTEMBER 5, 1906.

Moorish Government willing to facilitate in every respect removal from Morocco of Stensland, who remains in custody of legation of the United States. I await instruction.

GUMMERÉ.

As Stensland seems ill and suffers with heart trouble and the common prison is in an awful condition, I have consented to his remaining at the hotel for the present, where he is closely guarded. I have taken every possible precaution against any attempt at self-destruction, but, with the exception of Messrs. Olsen and Keeley, have permitted no one to have access to him, such as reporters, and so forth. The department will pardon so many details, but I have thought best to set forth the whole matter. I have some precedent in the case of one Hunter, a fugitive from justice, who escaped in 1900, and whom I caused to be apprehended and to be sent to the United States, and am following that as closely as possible. The department will, however, understand that as the whole matter is a delicate one, I am anxious to have full instructions for further guidance.

I am, etc.

S. R. GUMMERÉ.

Consul-General Philip to the Assistant Secretary of State.

No. 47.]

AMERICAN CONSULATE-GENERAL,
Tangier, September 12, 1906.

SIR: I beg to confirm my cable message to the department of to-day, the 12th instant, as follows, viz:

Stensland now on board *Prinz Adalbert*, under charge Olson and Keeley. All arrangements satisfactorily carried out here. Steamer sails 6 p. m. to-day for New York.

(Signed) PHILIP.

I have the honor to state that subsequent to the department's cabled instructions to the American minister to Morocco, received on the 9th instant, the Tangier agent of the Hamburg-American Line received a message on the 10th instant to the effect that the steamship *Prinz Adalbert* would call at this port on Wednesday morning on her way from Naples to New York.

Messrs. Olson and Keeley were privately informed to hold themselves in readiness to convey P. O. Stensland, under their charge, on board the said steamship immediately upon its arrival at Tangier.

The *Prinz Adalbert* entered the harbor at 1 p. m. to-day, and the party proceeded at once on board, accompanied by an official of this consulate-general, where excellent accommodation was found to have been reserved. Owing to some small mishap to a boiler tube the vessel was unable to leave at the hour intended (6 p. m.), but was delayed several hours longer and has just left this port at the hour of writing.

Messrs. Olson and Keeley, since receiving authorization to assume full charge of the man Stensland, have carried out their task in a most efficient and thorough manner, being aided in every way possible by the Moorish authorities and particularly the governor of Tangier. Every precaution has been taken in guarding the accused man in the small Moorish house near this office in which he was confined.

Stensland has, however, been entirely resigned to his circumstances and has apparently desired most earnestly to be conveyed into the United States for trial and punishment at the earliest possible moment.

I am, etc.,

HOFFMAN PHILIP,
American Consul-General.

NETHERLANDS.

CONSULAR CONVENTION OF 1855.

Chargé Boutell to the Secretary of State.

No. 116.]

AMERICAN LEGATION,
The Hague, September 15, 1906.

SIR: Referring to the departments instruction, No. 23,^a of March 31 last, transmitting the certificate of appointment of Mr. Johann Schild, as consular agent of the United States at Padang, Sumatra, Netherlands East Indies, and instructing the legation to "apply to the foreign office for his formal recognition and advise him of the result through the consul at Batavia, Java," and to Minister Hill's dispatch, No. 77, of April 17 last, acknowledging the receipt of instruction referred to with its inclosure and stating that on that day application had been made to the foreign office for Mr. Schild's recognition.

I now have the honor to state that on September 7 the legation received a note, dated September 6, from the minister of foreign affairs, a copy and a translation of which are inclosed herewith, informing the legation of the recognition of Mr. Schild and stating that the certificate had been transmitted directly to the party interested.

This information was in the nature of a surprise to the legation, as in the past, whenever the foreign office had been asked to grant an exequatur to a consular officer of the United States in any of the Netherlands colonies, the certificate or commission, as the case might be, had been returned to the legation by the foreign office with the exequatur attached, and had then been transmitted by the legation to the proper official.

As the certificate in this case had been transmitted directly by the Netherlands authorities to an American consular agent without the intermediation either of the legation or the agent's superior officer, the consul at Java, thus preventing the legation from carrying out the department's instructions, it seemed proper to me to make inquiries at the foreign office here regarding the reasons for employing the new method of transmission.

I accordingly brought up the matter in an interview with the minister for foreign affairs, and was by him referred to the chief of the consular and commercial bureau, Mr. Panhuys. The minister in doing this informed me simply that he was not familiar with the matter and could himself give me no information. To Mr. Panhuys I then explained that I only desired to ascertain whether the Netherlands Government intended to adopt this new method of transmis-

^a Not printed.

sion in all similar cases; and, if so, to learn why the change had been made. To this Mr. Panhuys replied without hesitation that his office had recently discovered that in granting exequaturs to United States consular officers in the Netherlands Indies in the past the Netherlands Government, by authorizing the minister of the colonies at The Hague to perform this act, had been unconsciously acting in contravention of Article VII of the consular convention between the United States and the Netherlands, which he said provided that these exequaturs should be granted by the governor-general of the Indies. He then mentioned the practical difficulties and loss of time which would be involved were the certificates sent to India for the granting of the exequaturs, then back to the foreign office for transmission to this legation, and finally back to India by the legation. In reply to a question from Mr. Panhuys as to whether the United States would object to the new method, I said I did not know what view my Government would take, and that I myself had no opinion to express or comment to make; that I was merely seeking information. Mr. Panhuys then stated, speaking, as it seemed to me, with evident authority, that should the method adopted in the case of Mr. Schild's exequatur appear ill advised to the Government of the United States the Netherlands Government would be perfectly satisfied if the commission or certificate for consular officers in the Netherlands Indies were sent by the legation directly to the consul at Batavia with instructions to him to ask the governor-general directly to grant the exequatur. I repeated that I had no authority to express an opinion for my Government in the matter, but would communicate the suggestion.

The fact that a chief of a bureau should thus in a measure express the views of his government, as outlined above, made it seem probable, at least, that this matter had been previously discussed with the minister for foreign affairs, and that he had authorized Mr. Panhuys to speak thus, possibly anticipating that inquiry might be made by the American legation. I later ascertained that the consular convention to which he referred as at present applying between the two countries was that of 1855.

On page 767 of the publication entitled "Treaties and Conventions Concluded between the United States of America and other Powers," Government Printing Office, 1889, which bears the seal of the Department of State on the title page, Article XVI of the convention of 1855 is given. The third paragraph of this article reads as follows:

These vice-consuls, whose nomination shall be submitted to the approval of the governor of the colony, shall be provided with a certificate given to them by the consul under whose orders they exercise their functions.

The convention as printed in the above-mentioned book is prefixed by the date 1855, followed by an asterisk (see page 765). This refers to a note at the back of the book entitled "Abrogated, suspended, or obsolete treaties," and in this note, on page 1236, paragraph 6, it is stated "Netherlands, 1855, terminated August 20, 1879, and the treaty of May 23, 1878, takes it place." Yet on page 774 of the same book the first paragraph of Article XVI of the convention of May 23, 1878, reads as follows:

The present convention shall not be applicable to colonies of either of the high contracting parties, etc.

The publication entitled "Compilation of Treaties in Force," prepared under act of July 7, 1898, Government Printing Office, 1899, (for which, however, the Department of State, according to the printed slip affixed in the book, takes no responsibility for correctness), states, on page 443, after giving the particulars as to the date of conclusion, ratification, etc., of the convention of 1855—

By this convention consuls were received in the colonies of the Netherlands. It was abrogated August 20, 1879, being superseded by the convention of 1878, etc.

The text of the convention of 1855 is not even given.

On the other hand, the publication entitled "Receuil des Traités et Conventions conclus par le Royaume des Pays-Bas, etc.," supposed to be the most authoritative collection of treaties entered into by the Netherlands Government with other powers since the year 1813, makes no mention of the convention of 1855 being abrogated by that of 1878, though the texts of both conventions are contained therein.

Further, in the instructions from the department to this legation regarding the convention of 1878, given during the years 1878 and 1879, and on file at this office, I can not find any reference to the convention of 1878 abrogating the former one.

I have, therefore, the honor, first, to submit the reasons as above stated for this legation's inability to carry out the instructions of the department regarding the transmission of Mr. Schild's certificate of appointment; and, second, to request information from the department as to whether the statements contained in the two American publications referred to above are correct, and, if so, that the legation be advised of the present convention, if any, which now governs our consular relations with the Netherlands colonies, as, so far as I can ascertain, no record of any such convention is on file here.

I have, etc.,

ROGER S. G. BOUTELL.

The Secretary of State to Chargé Boutell.

No. 46.]

DEPARTMENT OF STATE,
Washington, October 19, 1906.

SIR: I have to acknowledge the receipt of your No. 116, of the 15th ultimo, submitting a question raised in the case of Consular Agent Schild, at Padang, whose exequatur was directly transmitted to him by the Netherlands Government, that Government claiming that this procedure is required by the convention of 1855 between the United States and the Netherlands, which it considers as still in force.

In this connection you point out that both in the publication entitled "Treaties and Conventions Concluded between the United States of America and other Powers, 1776-1887," and in the "Compilation of Treaties in Force, 1904," it is stated that the convention of 1855 "was abrogated August 20, 1879, being superseded by the convention of 1878."

A search of the department's records fails to show that any notification of the abrogation of the convention of 1855 was made by either Government; and since the convention of 1855 especially covers the rights and privileges of consular officers of the United States in

Dutch colonies, while the treaty of 1878, in its Article XVI, specifically states "the present conventions shall not be applicable to the colonies of either of the high contracting parties," there would seem not to have been any established foundation for the statement that the convention of 1878 abrogates or supersedes the convention of 1855; and it seems clear that both conventions are now in force.

The department is therefore of the opinion that the contention of the Netherlands Government that the treaty of 1855 is in force is correct, and that the matter of exequaturs for American consular officers in colonies of the Netherlands is governed by the convention of 1855.

The department will hereafter send the commissions of consular officers in the Netherlands colonies to the legation at The Hague, to be by it presented to the Netherlands Government with the request that an exequatur be issued and sent directly to the governor-general of the colony for his counter signature, and to be thereupon transmitted by him to the consular officer concerned.

This action will accord with the procedure required by Article III of the convention of 1855.

I am, sir, etc.,

ELIHU ROOT.

Minister Hill to the Secretary of State.

No. 143.]

AMERICAN LEGATION,
The Hague, November 27, 1906.

SIR: Referring to your instruction No. 44, of October 1, 1906,^a inclosing a certificate for Christopher (Christoffel in the certificate) S. Gorsira, and directing the legation to apply to the foreign office for his formal recognition, I have the honor to say that Mr. Boutell, as chargé d'affaires, on October 12 made this request as directed, and November 20 received a reply, of which copy and translation are inclosed.

From the reply of the foreign office, in which the certificate was returned to the legation without exequatur, it appears that, in view of the provision of Article VII of the convention of 1855, it was held by the Netherlands foreign office that a vice-consul in the colonies does not require an exequatur from the Netherlands Government, and I am requested to communicate this view to my Government. The note expressing this view does not explicitly cite the words of the convention, but it appears from the text of Article VII that "vice-consuls whose nominations shall be submitted to the approval of the governor of the colony, shall be provided with a certificate given to them by the consul under whose orders they exercise their functions."

If this view is held to be correct by the Department of State, the proper course would seem to be to transmit the certificate to the consul under whose orders the vice-consul is to exercise his functions, who will name the vice-consul for approval to the governor of the colony and provide the vice-consul with a certificate.

For the sake of clearness, it may be added that in recent correspondence between the legation and the department (see Mr. Boutell's dispatch of September 15, 1906, and the department's reply of

^a Not printed.

October 19) the question of the present force of the treaty of 1855 has been raised and settled affirmatively.

It would further appear from the action of the Netherlands Government in the case of Johann Schild (see department's instruction of March 31, 1906,^a and the legation's dispatches of April 17^a and September 15) that an exequatur as consular agent was sent directly by the Netherlands Government to the party concerned, which was a departure from previous and the usual practice. Although reference was then made to Article VII of the convention of 1855, it does not appear that that article applies to other officers than vice-consuls. It is to be noted, however, that Article III of the same convention provides for the issuing of exequaturs, the only officers named being "consuls-generals and consuls," no mention being made of "consular agents."

If the department takes the view that a "consular agent" falls under Article III and not under Article VII of the convention, the action of the Netherlands Government may be regarded as consistent and in conformity with the treaty.

If, on the other hand, a "consular agent" should be treated as a "vice-consul," then the action of the Netherlands Government in the case of Johann Schild is not consistent with its action in the case of Christoffel S. Gorsira.

In compliance with the wishes of the foreign office I return herewith the certificate of Christoffel S. Gorsira, and await the further instruction of the department.

I have the honor, etc.,

DAVID J. HILL.

The Secretary of State to Minister Hill.

No. 51.]

DEPARTMENT OF STATE,
Washington, December 15, 1906.

SIR: I have to acknowledge the receipt of your dispatch No. 143, of the 27th ultimo, with which you return the certificate of appointment of Mr. Gorsira as vice-consul of the United States at Curaçao, and wherein you state the view of the Netherlands Government that the recognition of a vice-consul in a Netherlands colony is regulated by Article VII of the treaty of 1855, as set forth in the note from the foreign office dated November 20, a copy of which you inclose.

By its instruction No. 46, of October 19, 1906, the department has expressed the view that the recognition of consular agents in Netherlands colonies is determined by Article III of the treaty of 1855, a view in which the Government at The Hague has acquiesced. The department is prepared to agree with the position now taken by the ministry of foreign affairs; Mr. Gorsira's certificate of appointment and those of other vice-consuls who may be appointed for Netherlands colonies will be sent to the consulate concerned, in order that recognition may be obtained from the governor in the manner indicated by Article VII of the treaty of 1855.

I am sir, etc.,

E. ROOR.

^a Not printed.

INSANE AMERICANS CONFINED IN FOREIGN ASYLUMS.

The Netherlands Minister to the Secretary of State.

[Translation.]

ROYAL LEGATION OF THE NETHERLANDS,
Washington, D. C., January 3, 1906.

MR. SECRETARY OF STATE: According to a communication I have just received from the minister for foreign affairs at The Hague, an insane person named Wybrand Feddema, who arrived at Rotterdam from New York in October last without means of support, is at present under treatment at the state asylum of Medemblick at the expense of the department of the interior.

As your excellency will be pleased to observe, from the certificate I have the honor to append hereto,^a the said Feddema has been an American citizen since August 2, 1899, and it appears from other information that has been gathered in his case that Feddema left for the United States on April 5, 1889; was an inmate of the Islip State Hospital in New York from August 6, 1902, until December 21, 1904. In June last he gave for his address "Mount Vernon, N. Y., Wilson place, No. 3."

I have been instructed by my Government to ask that the Government of the United States will kindly reimburse the cost of the patient's maintenance in an asylum for such time as may be deemed necessary, or declare its readiness to take charge of him for treatment in America.

The Government of the Queen is of opinion that the first solution would be more simple and to the better advantage of the insane man, who has several relatives living in the Netherlands, so that he would likely stay with them whenever discharged from the asylum.

Thus complying with my instructions,

I embrace this opportunity, etc.,

VAN SWINDEREN.

The Secretary of State to the Netherlands Minister.

No. 68.]

DEPARTMENT OF STATE,
Washington, February 12, 1906.

SIR: I have the honor to acknowledge the receipt of your note of the 3d ultimo transmitting the naturalization certificate of Wybrand Feddema, who was admitted to American citizenship August 2, 1899, by the supreme court of the State of New York, first judicial district, and stating that he is under treatment for insanity in the state asylum of Medemblick at the expense of your Government.

Referring to your request that the United States will reimburse the cost of the patient's maintenance in an asylum in the Netherlands for such time as may be found necessary or will declare its readiness to take charge of him for treatment in America, I regret to inform you that there is no provision of law for such action by this Government.

I have communicated your note to the governor of New York, with an inquiry whether the State of New York will assume responsibility

^a Not printed.

for the maintenance of Feddema, and beg to inclose, for your consideration, copies of the reply thereto and its inclosure,^a a statement from the New York state commission in lunacy, which reports that there are in New York state institutions several natives of Holland who are not American citizens; and names two of these, Johanna Fels and Edward Heuberecht, whom the State has supported for some years in the Gowanda State Homeopathic Hospital, and who have no claim upon it whatever; and informs me that in case your Government declines to maintain both of these persons the commission will be glad to receive and maintain Wybrand Feddema if the Government of the Netherlands will make a similar arrangement with regard to either Johanna Fels or Edward Heuberecht.

Awaiting any further communication on the subject with which you may be pleased to favor me,

I have, etc.,

ELIHU ROOT.

The Netherlands Minister to Secretary of State.

[Translation.]

No. 258.]

ROYAL LEGATION OF THE NETHERLANDS,
Washington, D. C., May 4, 1906.

MR. SECRETARY OF STATE: I have not failed to communicate in good time to my Government the contents of the note which your excellency was pleased to address to me under date of February 12, last (No. 68), in reply to the proposition of the Government of the Queen concerning an insane American, named Feddema, now an inmate of a state sanitarium at the expense of the Dutch department of the interior.

In reply to that note I have been instructed to inform your excellency that the minister of the interior, after acquainting himself with the above-mentioned communication from the Government of the United States, is of opinion that it is more simple and therefore advisable not to carry out the exchange of insane paupers, and that the Government of the Queen consequently withdraws the proposition dealt with in my note No. 724, of January 3 last.

Hereby complying with my instructions and appending hereto a statement^a concerning the said insane Feddema, which I beg you kindly to forward to the proper authorities,

I embrace this opportunity, etc.,

VAN SWINDEREN.

FICTITIOUS ESTATES IN HOLLAND.

Minister Hill to the Secretary of State.

No. 61.]

AMERICAN LEGATION,
The Hague, Netherlands, January 23, 1906.

SIR: The number of communications from various parts of the United States received by this legation regarding alleged estates in

^a Not printed.

Holland, and in particular regarding one of these known as the "Metzger estate," having multiplied during the past few months, it seems proper to bring this matter to the attention of the Department of State.

I have, therefore, the honor respectfully to call to your notice the apparent trading upon the credulity of unsuspecting persons at present going on in the United States.

In this connection permit me to refer to my predecessor, Mr. Newel's dispatch, with inclosures, No. 109, of May 4, 1898, and to other earlier correspondence on the subject contained in a pamphlet entitled "Estates in Holland," issued by the Department of State, and of which a number of copies were furnished to the legation. In this pamphlet the Netherlands law of 1852 providing for the establishment of a commission to settle claims against estates of deceased persons, as well against the Government, is described and the method of procedure explained on pages 3 and 4.^a This law provides for the final disposal of all estates that were in the hands of the commission, beginning with the date of its establishment, within five years and some months after 1852, when the law went into effect. From this it is evident that all such ancient estates, even if they had ever existed, would now under the present law have irrevocably escheated to the State. It may not, however, be amiss to add that so far investigation has shown that these estates never did exist, except in the imagination.

A recent letter from Gresham, Oreg., written by a Mr. G. W. Metzger, secretary of the Oregon Society United Descendants of Baron Theobald Metzger von Weibnom, shows that in that State an organization of the supposed heirs has been formed for the joint prosecution of their claims. The writer asks, on behalf of his society and "several others in the United States," whether the legation would "consider any proposition relative to an investigation of the case." Similar letters are being constantly received from Colorado, Pennsylvania, Illinois, and other States. The value of the property is stated variously to be from \$28,000,000 to \$100,000,000. A clipping from the Gazette, of York, Pa., of November 24, 1905, recently inclosed, describes a meeting of 75 heirs in that place under the leadership of "Attorney W. E. Bradley and Mrs. Mary V. McDonald," both of Philadelphia. This article also states that each individual was allowed to contribute what he thought proper toward the prosecution of his claim.

As this matter has assumed such large proportions, and as it seems reasonable to suppose that a large number of unsuspecting people are contributing money to an enterprise in which there is absolutely no hope of return, I have taken the liberty of setting forth the true status of all such visionary claims and of submitting the matter to the department for such action, if any, as it may think proper to take toward warning the public as to the unreliability of the statements made by persons soliciting funds for the prosecution of claims to estates in this country.

I have, etc.,

DAVID J. HILL.

^a See Foreign Relations, 1878, p. 696.

IMPRISONMENT FOR DEBT.

Minister Hill to the Secretary of State.

No. 49.]

AMERICAN LEGATION,
The Hague, Netherlands, December 12, 1905.

SIR: Referring to department dispatch No. 11, dated September 29, 1905,^a accompanying a letter from the secretary of the National Lumber Exporters' Association, and instructing me to ascertain whether the Netherlands code contains provisions for imprisonment for debt as alleged, and also if other countries have antidebt-imprisonment provisions in their treaties with the Netherlands.

I have the honor to inclose herewith a copy of the correspondence that has passed between this legation and the foreign office on the subject, consisting of my note of the 13th of October, 1905, to the minister of foreign affairs, his excellency's reply of the 30th of November, 1905, with translation, and also a statement in French text of the code of procedure, with translation; a copy of an article from the bankruptcy law, with translation; a copy of the royal order of December 13, 1874, with translation; and further, in Dutch text, three royal orders and the law of December, 1897, relating to the subject.

It will be observed from inclosure No. 1 that the Netherlands code does contain provisions for imprisonment for debt, and, moreover, that clause 10 of article 585 states that all foreigners with no fixed domicile in the country are liable to arrest for debt contracted against a native.

I have, etc.,

DAVID J. HILL.

[Inclosure 1.—Translation.]

Code of Civil Procedure in Arrest for Debt.

ARTICLE 585.

Arrest for debt only occurs in cases determined by this or the following article:

1. For stellion defined in article 711.
2. In cases of restoration, for the restitution of fruit which has been gathered during illegal possession and for the payment of damages granted to the owner.
3. For necessary lodgments.
4. For the recovery of money intrusted to public officers appointed for that purpose.
5. For the production of matters intrusted to deposits, commissaries, and other trustees.
6. In the case of public officers, for the production of their minutes, when legally enjoined.
7. In the case of notaries, sheriffs, and other public officers for the restitution of titles intrusted to them, and moneys received by them for their clients in consequence of their avocations.
8. In cases of delinquency^b or illegal action, for damages adjudged in favor of the injured party and exceeding the sum of 150 florins.

^a Not printed.

^b In virtue of article 5 of the law of April 26, 1884 (O. G. No. 94), the words "delinquency or" are superseded by the words "a punishable offense or one, etc."

9. For balance of accounts due by guardians, trustees, legal trust companies, and responsible administrators of townships and other public establishments; and for all restitution due owing to said accounts.

10. In the case of all foreigners with no fixed domicile in the Kingdom for any debt contracted against a native.

11. In all other cases specifically determined by law.

Arrest for debt * * * can only be executed in the case of married or unmarried women in the cases foreseen in the above-mentioned Nos. 1, 2, 3, 5, 8, and 10.

Arrest for debt in civil cases can not be executed against people who have completed their seventieth year in the cases foreseen in the above Nos. 1, 4, 5, 6, 7, 8, 9, and 10.

ARTICLE 586.

Arrest for debt takes place—

1. In the case of all merchants for debts of commerce contracted even against nonmerchants.

Bills payable to order, assignments, and other bills subscribed to by a merchant will be considered as executed in pursuance of this article when no other cause has been stated.

2. In the case of all persons who sign bills of exchange as drawers, recipients, or indorsers, or who give a guaranty for the same.

3. In the case of all persons not merchants who have indorsed bills payable to order, assignments, or bills of exchange regarded as simple acknowledgments according to article 102 of the commercial code, but only when persons not merchants have bound themselves by acts of commerce.

4. In the case of persons without distinction for the execution of maritime contracts or contracts which the law assimilates to same.

The provisions of Nos. 2, 3, and 4 of this article are not applicable to married or unmarried women who are not public merchants.

ARTICLE 587.

In no case is arrest for debt admissible against the children and the descendants from their parents or relations in direct line.

ARTICLE 588.

With the exception of the cases prescribed by the two preceding articles or which might be prescribed hereafter, arrest for debt can not be executed; all contrary stipulations, even if made in a foreign country, are naturally void.

ARTICLE 589.

Arrest for debt can only be executed as a result of a judgment which has so pronounced.

ARTICLE 590.

Attachment, appeal for reversal of judgment, does not suspend execution of arrest for debt pronounced by judgment of temporary execution, while giving, in that case, security for the damages to which the plaintiff might be condemned.

ARTICLE 591.

No person can be arrested for debt for the same debt for a period of more than five years.

Except in the cases stated in the last paragraph of article 585 (of this law) arrest for debt in civil cases ceases as soon as the debtor has completed his seventieth year.

ARTICLE 592.

The execution of arrest for debt obliges the creditor to furnish every thirty days and to deposit in advance a sum necessary for the food of the debtor, according to a tariff fixed by the king.

In default of the fulfillment of the obligation before the thirty-first day, the debtor can ask for his release, adding to his petition the nondelivery of victuals, presented by the gaoler.

If, however, the creditor, late in the delivery of victuals, makes delivery before the debtor has formulated his petition for release, the petition will no longer be acceptable.

ARTICLE 593.

The debtor can be enjoined by persons who have equally the right to demand his arrest for debt.

Any person who is arrested for delinquency^a can also be enjoined, and he is detained by virtue of the injunction, even though his release has been adjudged in the penal case, or the time of his detention has not expired.

ARTICLE 594.

The nullity of imprisonment, for whatever cause adjudged, does not carry with it the nullity of injunction.

ARTICLE 595.

The enjoiner is obliged, if requested, to contribute to the payment of the victuals of the imprisoned debtor in equal payments, and in that case the moneys used for victuals can only, with his consent, be withdrawn by the person responsible for the arrest for debt.

This request can be formulated before the tribunal of the district in which the arrest for debt has been executed.

ARTICLE 596.

The debtor legally imprisoned can be released—

1. By the consent of the creditor who has had him imprisoned, or the enjoiners, if there are any.

The consent to the release of the debtor can be given either before a notary or in the gaol book.

2. By the payment or deposit of the sum due to the creditor as well as the enjoiners, for the interest due, for the costs incurred for the imprisonment, or sums deposited for victuals.

3. By the transfer of the property, either voluntary or compulsory by law.

ARTICLE 597.

The debtor whose imprisonment is declared void, or who is released owing to default of deposit for victuals, can only be arrested for the same debt one day, at least, after his release.

ARTICLE 598.

The execution of arrest for debt neither prevents nor suspends procedure or attachment against property.

Equally the confiscation of property neither prevents nor suspends the execution of arrest for debt.

Re: Imprisonment.

ARTICLE 599.

Arrest for debt can only be put into execution one day after the pronouncing of judgment ordering that arrest. However the president of the tribunal of the district can, if necessary, authorize the immediate execution of arrest for debt.

The legal notice must contain order for payment and election of domicile in the district in which the court is sitting which has pronounced the judgment.

ARTICLE 600.

A debtor can not be arrested—

1. In consecrated buildings during service.

2. In the building or during the session of the authorities assigned thereto.

^a In virtue of article 5 of the law of Apr. 26, 1884 (O. G. No. 94), the words "Any person who is arrested for delinquency" are superseded by the words "Any person detained or who is arrested on account of any punishable offense."

3. In the stock exchange during office hours.
4. In his residence or in a private house not open to the public, unless the sheriff's officer is accompanied by the district judge in the district where he has his domicile, and in other districts by the chief of the local administration or by his substitute.
5. During the period of safe conduct, which same is determined by the judge who has granted it in order to make the debtor appear before him.

ARTICLE 601.

Arrest for debt can be executed on Sunday or even at hours at which otherwise writs can not be served in conformity to article 15 of the code.

ARTICLE 602.

The proces-verbal of imprisonment contains besides the ordinary formalities for writs—

1. Repeated order to pay.
2. Proof of domicile in the district in which the debtor is held.
3. The sheriff must be assisted by two witnesses.

ARTICLE 603.

In case of resistance the sheriff's officer can have the exits guarded to prevent escape and have recourse to armed force; and if such be the case, without prejudice to penal procedure.

ARTICLE 604.

If the debtor objects to arrest and demands that it be referred to the judge, he will be immediately taken before the president of the district court of the place in which the arrest has taken place and he will issue a provisional decree. The order on application will be recorded on the proces-verbal of the sheriff's officer and will be carried out at once.

ARTICLE 605.

If the debtor makes no objection, or if his objection is rejected, he will be taken to the prison of the place, or if there is none to the prison of the nearest place. The sheriff's officer will immediately register in the gaol book, which he will sign. Any sheriff's officer or other person who receives or holds the debtor in a place of detention not legally designated as such will be proceeded against by the chief warden.

ARTICLE 606.

The gaol register shall state—

1. The judgment which orders the arrest for debt.
2. Name, Christian name, and domicile of the creditor.
3. The domicile named in the district in which the debtor is held.
4. The names and residence of the imprisoned debtor.
5. The deposit for at least thirty days victuals.
6. Finally, that copies of the act of consignment and proces-verbal of imprisonment have been left to the imprisoned debtor in person, which same must be done at once.

ARTICLE 607.

The guard or gaoler will note in his register the act of consignment and the extract of the judgment which authorizes the arrest and the entire deposit. Should the sheriff's officer omit to state the judgment, the gaoler will refuse to receive the debtor and imprison him.

ARTICLE 608.

The formalities prescribed for the imprisonment will be observed for the detention; however, the sheriff's officer will not be assisted by witnesses and the detainer will not have to make deposit for victuals if same have been deposited for.

ARTICLE 609.

In case No. 2 of article 596 the deposit of the debt will be made in the hands of the gaoler without necessity of special order.

If the gaoler refuses, he will be subpœnaed without delay before the court of the place in virtue of permission.

ARTICLE 610.

If release is ordered because of failure of deposit for victuals, the creditor can only have the debtor rearrested by reimbursing the debtor for expenses incurred in obtaining release, or in the case of his refusal by depositing same in the hands of the gaoler and depositing in advance sufficient for six months' victuals there will be no necessity to go through the formalities attendant on imprisonment again.

ARTICLE 611.

If the above-stated formalities have not been observed, the debtor can ask that the imprisonment be declared void, and the request, as well as the one for release, will be brought before the tribunal of the district on the jurisdiction of which he is detained.

The demand for nullity based on the question of funds will be taken before the court where the judgment has been carried into execution.

The assignment can be made with little delay, and in the domicile chosen by the imprisoned the case will be summarily judged, and the creditor can be condemned to pay damages, if there be any cause therefor.

ARTICLE 768.

Foreigners who have no fixed domicile in the Kingdom can, without there being any judgment against them, be primarily arrested on the order of the president of the district court for outstanding or demonstrable debts contracted against inhabitants of the Kingdom. The formalities prescribed by the second section of the fifth part of the second volume of the code will be applicable to the arrest for debt.

[Inclosure 2.—Translation.]

ARTICLE 33.—*Bankruptcy law.*

The sentence of bankruptcy involves that all judicial distraint on any portion of the property of the debtor, instituted prior to the bankruptcy, terminates immediately, and that also from that moment no sentence respecting personal detention can be executed.

If the debtor is in prison he shall be liberated as soon as the sentence relating to declaration of bankruptcy has taken effect, provided article 97 be applied.

[Inclosure 3.—Translation.]

Royal Order of the 13th of December, 1874.

ARTICLE 8.

In observance of the provisions of the preceding article persons under detention may, on payment of the involved costs, request that they be conveyed in a separate vehicle, both within the limits of the community as well as elsewhere.

That request shall only be refused in case of grave reasons.

ARTICLE 9.

Documentary evidence shall be conveyed by the police officials or by public or private means of conveyance, as the ministerial official or the assistant judicial officer shall deem fit.

**RATIFICATION OF EXTRADITION TREATY BETWEEN THE
NETHERLANDS AND GREECE.**

Minister Hill to the Secretary of State.

No. 102.]

AMERICAN LEGATION,
The Hague, Netherlands, July 24, 1906.

SIR: I have the honor to state that the Netherlands Official Gazette of this date announces that the exchange of the acts of ratification of the extradition treaty between the Netherlands and Greece of the 26th of August, 1905, took place at Athens on the 20th of July, 1906.

I have, etc.,

DAVID J. HILL.

**ARBITRATION TREATY BETWEEN THE NETHERLANDS AND
DENMARK.**

Minister Hill to the Secretary of State.

No. 69.]

AMERICAN LEGATION,
The Hague, Netherlands, March 10, 1906.

SIR: Referring to my predecessor's No. 900,^a dated June 30, 1905, relating to a Netherlands-Danish arbitration treaty, I have the honor to state that the Netherlands Official Gazette of this date announces that the acts of ratification of the same were exchanged at The Hague on the 8th of March, 1906.

I have, etc.,

DAVID J. HILL.

**ARBITRATION TREATY BETWEEN THE NETHERLANDS AND
PORTUGAL.**

Minister Hill to the Secretary of State.

No. 66.]

AMERICAN LEGATION,
The Hague, Netherlands, February 20, 1906.

SIR: Referring to my predecessor's No. 792,^b dated October 4, 1904, announcing the signing of a Netherlands-Portuguese arbitration treaty, I have the honor to inclose herewith, in duplicate, a copy of the law of February 5, 1906, whereby the said treaty is ratified by the Netherlands Government.

I annex a translation of the Dutch law to which the treaty in French text is attached.

I have, etc.,

DAVID J. HILL.

[Inclosure 1.—Translation.]

No. 18. Law of the 5th of February, 1906, containing the ratification of the treaty concluded between the Netherlands and Portugal at The Hague on the 1st of October, 1904, for the submission of certain differences to the Permanent Court of Arbitration.

We, Wilhelmina, by the Grace of God, Queen of the Netherlands, Princess of Orange, Nassau, etc.

^a See footnote on page 693, Foreign Relations, 1905.

^b Not printed.

To all whom this shall concern, greeting: I do proclaim—

That whereas we, having deemed it advisable that the treaty concluded at The Hague on the 1st of October, 1904, between the Netherlands and Portugal, to the end that all differences in regard to which, in virtue of former conventions, an arbitral decision should be called in should be submitted to the Permanent Court of Arbitration affects legal rights and may impose upon the Kingdom pecuniary obligations; and further that it is desirable that in every special case in which, in accordance with article 1 of the said treaty, arbitral decision be called in, we reserve the right to enter into an agreement with Portugal, such as is referred to in article 31 of the convention of the 31st of July, 1899, relating to the pacific settlement of international disputes (approved by the law of the 9th of April, 1900, Official Gazette, No. 54);

Hence we, having heard the council of state and with the general consent and approval of the States-General, have approved and agreed, as we do hereby approve and agree:

ARTICLE 1.

That the annexed copy of the treaty concluded between the Netherlands and Portugal at The Hague on the 1st of October, 1904, relating to adjustment by the Court of Arbitration of all differences indicated in former provisions between the two countries respecting arbitral settlements.

ARTICLE 2.

In regard to disputes, differences, difficulties, and disagreements mentioned in article 1 of the treaty ratified by this law, we reserve the right regarding every special case to enter into a separate agreement with Portugal, such as is referred to in article 31 of the convention of the 29th of July, 1899, relating to the pacific settlement of international disputes (approved by the law of the 9th of April, 1900, Official Gazette, No. 54).

We do order and command that this shall be inserted in the Official Gazette, and all ministerial departments, authorities, corporations, and officials concerned shall strictly observe the same.

Given at The Hague, this 5th day of February, 1906.

WILHELMINA.

The Minister of Foreign Affairs,

VAN TETS VAN GOUDRIAAN.

Issued this 17th day of February, 1906.

The Minister of Justice,

E. E. VAN RAALTE.

CITIZENSHIP OF PERSONS BORN IN THE UNITED STATES OF NATURALIZED PARENTS.

The Minister of the Netherlands to the Secretary of State.

[Translation.]

No. 173.]

ROYAL LEGATION OF THE NETHERLANDS,

Washington, March 30, 1906.

MR. SECRETARY OF STATE: By order of my Government I have the honor to request your excellency to inform me whether, according to the laws in force on the subject in the United States, the person named H. R. J. C. Van Hall is considered by the American Government as still possessing American nationality.

As your excellency will gather from the accompanying documents, Van Hall was born on July 16, 1887, and baptized on September 17 following at Helena, Mont. His father, Henry Van Hall, a Hollander by birth, had become an American citizen in 1876.

The father left the United States on September 26, 1891, and has since resided with his family at Ravenstein, Netherlands.

Thanking your excellency in advance for whatever information you may be pleased to give me, and requesting you to kindly return to me the accompanying inclosures after use,

I avail myself, etc.,

VAN SWINDEREN.

The Acting Secretary of State to the Minister of the Netherlands.

No. 72.]

DEPARTMENT OF STATE,

Washington, April 5, 1906.

SIR: I have the honor to acknowledge the receipt of your note of the 30th ultimo, asking whether one H. R. J. C. Van Hall, who had been resident in Holland with his father since 1891, but who was born in the United States, is to be considered under the laws of the United States a citizen thereof.

In reply I beg to say that there is no statute of the United States prescribing how the quality of American citizenship is lost, and the Executive is without authority to determine when and how an American citizen ceases to be such unless the question is determined by a convention between the United States and the country in which the American citizen is resident. This Government, as you are aware, holds to the doctrine of the right of expatriation, and recognizes the right of an American citizen to acquire the citizenship of another country. In the particular case in which you mention it appears that the young man, having been born in this country on July 16, 1887, has not yet reached the age of 21 years, and the right to acquire other citizenship than that of his birth is not held to exist until he has reached his majority.

The inclosures with your note are returned herewith, as requested.

Accept, etc.,

ROBERT BACON.

SECOND PEACE CONFERENCE.

See INTERNATIONAL CONFERENCES at the end of the volume.

NICARAGUA, COSTA RICA, AND SALVADOR.

TREATIES BETWEEN GREAT BRITAIN AND NICARAGUA.

(Continued from Foreign Relations 1905, pp. 703-704.)

Third Assistant Secretary Wilson to Vice-Consul Wallace.

No. 5.]

DEPARTMENT OF STATE,
Washington, October 6, 1906.

SIR: I have to acknowledge the receipt of your No. 228 of August 27, reporting the ratification of the treaties between the Governments of Great Britain and Nicaragua relative to the Mosquito Reservation and the abolishment of the free port of San Juan del Norte.

The pertinent part of these treaties has been printed in Foreign Relations, 1905, pages 703 and 704. You will please furnish the department with a full text of the treaties when promulgated.

I am, etc.,

HUNTINGTON WILSON.

Consul Olivares to the Assistant Secretary of State.

No. 13.]

AMERICAN CONSULATE,
Managua, Nicaragua, November 15, 1906.

SIR: In compliance with the department's instructions, as contained in dispatch No. 5, of October 6, 1906, I have the honor to transmit the full text of the treaties between the Governments of Great Britain and Nicaragua relative to the Mosquito territory, which has but recently been promulgated.

I have made a careful and as nearly as possible literal translation into English of the treaties referred to, which I inclose in duplicate, with the copy of the text in Spanish.

Etc.,

JOSÉ DE OLIVARES.

[Inclosure.—Translation.]

Treaty between Great Britain and the Republic of Nicaragua relative to the Mosquito territory.

His Majesty the King of the United Realm of Great Britain and Ireland and of the British Ultramarine Dominions, Emperor of India, etc., and His Excellency the President of Nicaragua, desirous of terminating in a friendly manner the pending questions with relation to the Mosquito Reserve, have disposed to celebrate the present treaty, designated by their plenipotentiaries:

His Majesty the King of the United Realm of Great Britain and Ireland and of the British Ultramarine Dominions, Emperor of India, etc., to the Honorable

Herbert William Broadley Harrison, knight member of the very distinguished Order of St. Michael and St. George, chargé d'affaires of His Britannic Majesty in Nicaragua, and His Excellency the President of the Republic of Nicaragua to Doctor Adolfo Altamirano, minister of foreign affairs:

Who, having communicated their respective plenary powers, and finding them in good and due form, have agreed in the following articles:

ARTICLE I.

The high contracting parties agree in that the treaty of Managua of January 28, 1860, is permanently abrogated.

ARTICLE II.

His Britannic Majesty recognizes the absolute sovereignty of Nicaragua over the territory which formed the ancient Mosquito Reserve to which the before-cited treaty of Managua refers.

ARTICLE III.

In consideration that the Mosquito Indians were some time under the protection of Great Britain, and looking to the interests which the Governments of His Majesty and of Nicaragua have shown in their favor, the Government of Nicaragua agrees to grant them the following concessions:

(a) The Government will propose to the National Assembly the emission of a law which exempts, for the term of fifty years, counted from the date of the ratification of this treaty, all of the Mosquito Indians and the Creoles born before the year 1894 from military service and from all direct taxation upon their persons, properties, possessions, animals, and means of subsistence.

(b) The Government will permit the Indians to live in their villages, enjoying the concessions granted by this convention, and according to their own customs, provided that they do not oppose the laws of the country and the public morality.

(c) The Government of Nicaragua will concede a prolongation of two years in order that they legalize their rights to the properties which they may have acquired in conformity with the regulations that reigned in the reserve before the year 1894. The Government will charge them nothing for the lands and its surveys, nor for the granting of titles. With this object the titles which are found in the possession of the Indians and Creoles before 1894 will be renewed in conformity with the laws, and in such cases where such titles do not exist the Government will give to every family in its place of residence eight manzanas of land, if the members of the family do not exceed four, and two manzanas for every person if they are in excess of that number.

(d) Public farming lands will be designated for the use of the inhabitants in the neighborhood of every Indian village.

(e) In case any Mosquito Indian or Creole prove that the lands which he had in conformity with the old regulations before the year 1894 have been denounced or adjudicated to other persons, the Government will indemnify him, conceding him uncultivated lands of approximate value as near as possible to the place he inhabits.

ARTICLE IV.

The Government of Nicaragua will permit the ex-chief of the Mosquito Indians, Robert Henry Clarence, to reside in the Republic and to enjoy complete protection, provided that he will not infringe the laws, and provided that his acts do not tend to incite the Indians against Nicaragua.

ARTICLE V.

The Mosquito Indians and other inhabitants of the ancient reserve will enjoy the same right guaranteed by the laws of Nicaragua to Nicaraguan citizens.

ARTICLE VI.

The present treaty will be ratified and the ratifications exchanged in London within the term of six months from the date of signing.

In faith of which the respective plenipotentiaries have signed the present treaty and sealed it with their seals.

Done in Managua, the nineteenth day of April, nineteen hundred and five.

(L. S.)	(Signed)	ADOLFO ALTAMIRANO.
(L. S.)	(Signed)	HERBERT HARRISON.

ACT OF EXCHANGE.

The undersigned having met for the object of exchanging the ratifications of a treaty celebrated between the President of the Republic of Nicaragua and His Majesty the King of the United Realm of Great Britain and Ireland and the British Possessions beyond the Seas, Emperor of India, relative to the Mosquito territory, which treaty was signed in Managua the 19th of April, 1905, and having carefully compared the text of the respective ratifications and finding them conformable, the exchange referred to was effected in the accustomed form.

In testimony of which the present attestation was signed and sealed.

Done in London the 24th of August, 1906.

(L. S.)	(Signed)	CRISANTO MEDINA.
(L. S.)	(Signed)	E. GREY.

Article of the treaty of commerce relative to the abolishment of the privileges of the free port of San Juan del Norte.

ARTICLE II.

The privileges of the free port of San Juan del Norte are annulled. The port will continue open to commerce, the facilities of navigation will be maintained and improved, and a sufficient number of bonded warehouses will be established.

The port will be under the same conditions as the others of the Republic with respect to the taxes and duties and regulations over foreign navigation and commerce and of the municipal taxes.

ACT OF EXCHANGE.

The undersigned having met for the object of exchanging the ratifications of a treaty of friendship, commerce, and navigation celebrated between the President of the Republic of Nicaragua and His Majesty the King of the United Realm of Great Britain and Ireland and of the British Possessions beyond the Seas, Emperor of India, which treaty was signed in Managua the 28th day of July, 1905, and having carefully compared the text of the respective ratifications and finding them conformable, the exchange referred to was effected in the accustomed form.

In testimony of which the present attestation was signed and sealed.

Done in London the 24th day of August, 1906.

(L. S.)	(Signed)	CRISANTO MEDINA.
(L. S.)	(Signed)	E. GREY.

ASSASSINATION OF THE NICARAGUAN MINISTER OF FOREIGN AFFAIRS.

Chargé Bailey to the Secretary of State.

[Telegram.—Paraphrase.]

SAN JOSÉ, *May 9, 1906.*

(Mr. Bailey reports that the Nicaraguan minister for foreign affairs has been assassinated.)

The Secretary of State to Chargé Bailey.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, May 10, 1906.

(Mr. Root directs Mr. Bailey to express to the Nicaraguan Government, by telegraph, this Government's sympathy in the loss Nicaragua has sustained in the assassination of its minister of foreign affairs, and its abhorrence of the atrocious deed.)

Chargé Bailey to the Acting Secretary of State.

No. 1173.]

AMERICAN LEGATION,
San José, Costa Rica, July 5, 1906.

SIR: Referring to the department's cable of May 10 last, instructing me to express to the Nicaraguan Government the sympathy of the United States Government, etc., on account of the assassination of its minister of foreign affairs, Senor Adolfo Altamirano, I have the honor to transmit herewith (inclosure No. 1), for the information of the department, copy and translation of the Nicaraguan Government's reply thereto.

With assurances of my highest consideration, etc.,

JAMES G. BAILEY.

[Inclosure.—Telegram.—Translation.]

PALACE, MANAGUA,
San José, Costa Rica, May 15, 1906.

I have had the honor to receive your attentive telegram which, by cable instructions received from your Government, expresses to this Republic its most profound sentiments in regard to the sad death of the minister of foreign relations, Sr. Don Adolfo Altamirano. I beg that you will be good enough to transmit to the Government of the United States our protests of the most sincere gratitude on the part of Nicaragua for its noble sentiments of sorrow, which constitute a lenitive for the intense grief that has been caused this Government, as well as the entire country, in the irreparable loss of one of its most illustrious sons.

J. R. SEVILLA.

RIGHTS OF AMERICAN CITIZENS IN DISPUTED TERRITORY.

[See also under Panama, p. 1201.]

The Secretary of State to Minister Merry.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, January 27, 1906.

(Referring to questions affecting the American Banana Company, Mr. Root states that it is represented that the company is suffering through eviction and seizure of their property in the disputed Sixola

territory, and instructs Mr. Merry to say that while this Government does not controvert the power of Costa Rica and Colombia or Panama to make a provisional agreement respecting the administration of that territory pending the definite settlement of its ownership, it does not concede the power of the provisional administrator to execute judgments in the capacity of sovereign until the sovereignty of the territory is adjudicated and the courts of the sovereign have passed upon the matters involved. Says that the Government of the United States does not concede the right of either to prejudice the ultimate rights of American citizens therein by adverse action in advance of such definite adjudication, and that it does not undertake to determine the conflicting claims of title made by this company and by other American citizens, but it will reserve in behalf of any injured American citizen, as against either Costa Rica or Panama, all rights which pertain to the territory, and for the infringement of which its rightful sovereign may be found responsible. Informs Mr. Merry that a similar communication is made to the Government of the Republic of Panama.)

Same mutatis mutandis to Panama.

The Secretary of State to the Costa Rican Minister.

No. 56.]

DEPARTMENT OF STATE,
Washington, February 8, 1906.

SIR: I have the honor to inform you that on the 27th ultimo the department sent a telegraphic instruction to the American minister to Costa Rica, in which he was informed that it had been represented to the department that the American Banana Company was suffering through eviction and the seizure of its property in the disputed Sixola territory, and he was directed to say to the Costa Rican Government that while we do not deny the power of Costa Rica and Colombia or Panama to make a provisional agreement regarding the administration of the disputed territory pending the definite settlement of its ownership, we do not concede the power of the provisional administrator to execute judgments in the capacity of sovereign until the sovereignty of the territory is adjudicated and the courts of the sovereign have passed upon the questions involved.

Mr. Merry was also instructed to say that we do not concede the right of either Government to prejudice the ultimate rights of American citizens therein by adverse action in advance of such definitive adjudication; and that this Government does not undertake to determine the conflicting claims of title made by the American Banana Company and by other American citizens, but will reserve in behalf of any injured American citizen as against either Costa Rica or Panama, all rights that pertain to the territory and for the infringement of which its rightful sovereign may be found responsible.

A similar instruction was sent to the American minister to Panama.

Accept, etc.,

ELIHU ROOT.

ELECTION OF THE PRESIDENT OF COSTA RICA.

Minister Merry to the Secretary of State.

[Extract.]

No. 1152.]

AMERICAN LEGATION,
San José, Costa Rica, April 4, 1906.

SIR: I have the honor to advise the election as President of Costa Rica of Señor Cleto Gonzales Viquez by the electoral college which convened at the seven capitals of the departments on the 1st instant.

The new Executive will be inaugurated on May 8, for a four years' term. Señor Gonzales is 51 years old, born in the neighboring Province of Heredia, and a lawyer of good reputation, with considerable ability. He was at one time minister of fomento (public works), president of the municipal council of the city and Province of San Jose, and president of the College of Law at San Jose. He has traveled abroad considerably and speaks English fairly well.

With assurances of my highest consideration, etc.,

WILLIAM LAWRENCE MERRY.

IMMIGRATION LAW OF COSTA RICA.

Minister Merry to the Secretary of State.

[Extract.]

No. 1119.]

AMERICAN LEGATION,
San José, Costa Rica, December 21, 1905.

SIR: I have the honor to advise that on the 15th instant I received the following telegram from Consul Demers at Limon:

Two prominent Syrian-American merchants carrying American passports, returning to their business in Bolivia via Colon, not permitted to land to await steamer of 21st for Colon. Unless prompt permission is obtained they will be deported to New Orleans, whence they came. Details follow. I stand responsible for their leaving for Colon by first steamer.

I promptly called upon the minister for foreign relations and stated the case, offering to instruct the consul to give his official written guaranty under seal for their departure as stated above. Having occasion to visit Limon on the 16th instant, I met the three parties. My offer to give the consul's guaranty having been accepted, they were permitted to await at Limon the next Colon steamer. They took the route to Colon via Limon because they could not obtain tickets direct from New Orleans, the ship's passenger accommodation being fully engaged.

I represented to Minister Astua the necessity for making some transit arrangement for Syrian-born American citizens with passports, in the mutual interests of our Governments, as passengers in transit expend money at Costa Rica ports, and we do not want our citizens deprived of the right of transit, no matter what their race or color.

On November 14 last a respectable Syrian-American merchant established at Limon was ordered to leave the country. He came to see me and showed his passport as an American citizen issued by Secre-

tary Hay. I called with him on Minister Astua, and claiming that his parentage being Greek he was not a Syrian and that it was not even necessary to allude to his American citizenship as proven by passport; he was permitted to remain. The people above alluded to are respectable merchants with some capital.

The Costa Rica Government being at present very active in the prohibition of entry to proscribed races, as stated in my No. 1115,^a of December 5, there will doubtless occur other similar cases.

The minister of foreign relations has addressed me a note stating that the landing of Syrians in Costa Rica is positively prohibited under any circumstances, and that the exceptions have been made entirely as a courtesy to the United States. Other cases known to me have recently occurred at Limon, where British subjects of Syrian birth were sent back to Jamaica, whence they came.

With assurances of my highest consideration, etc.,

WILLIAM LAWRENCE MERRY.

The Secretary of State to Minister Merry.

No. 683.]

DEPARTMENT OF STATE,
Washington, January 16, 1906.

SIR: I have to acknowledge the receipt of your dispatch No. 1119, of the 21st ultimo, reporting your successful mediation in behalf of three naturalized American citizens of Syrian birth who were threatened with deportation from Costa Rica under the recently promulgated law of Costa Rica governing immigration into that country.

The department would be pleased to have you procure and send to it two or three copies of the Costa Rican immigration law of November 24 last, described in your No. 1115,^a of the 5th ultimo.

I am, etc.,

ELIHU ROOT.

Minister Merry to the Secretary of State.

No. 1132.]

AMERICAN LEGATION,
San José, Costa Rica, January 30, 1906.

SIR: In compliance with the request made in your No. 683, of 16th instant, I have the honor to inclose herewith translations of the Costa Rica laws in relation to the immigration of alien races. By this mail I send you a volume including these laws, just published here by the Government, purporting to include Costa Rica statutes now in force. Therein you will also find the recently enacted immigration law alluded to in my No. 1115, of December 5, 1905, which you will notice is almost a copy of part of our own law on the same subject. You will also notice that the law of January 10, 1904, translation of which is inclosed herewith, prohibits the entry of Arabs, Turks,

^a Printed in Foreign Relations, 1905, pp. 704-705.

Syrians, and gypsies of any nationality. Consequently, even if in possession of United States passport, the entry of these races is prohibited, and, in fact, Syrians of British nationality by naturalization have been recently returned to Jamaica from Port Limon. As suggested in my No. 1119, of December 21, 1905, it seems desirable that some arrangement shall be made with Costa Rica Government to grant all American citizens provided with passports the right of transit. The foreign travel through this Republic is increasing, and other cases similar to those alluded to in dispatch above named may occur at any time.

With assurance of my highest consideration, etc.,

WILLIAM LAWRENCE MERRY.

[Inclosure.—Translation.]

Decree No. 6, of May 22, 1897.

ARTICLE 1. The immigration of individuals of Chinese nationality remains from this date absolutely prohibited.

This prohibition will not include the Chinese already established in the country in a permanent manner, who can leave the territory of the Republic and enter it when they deem it convenient.

ART. 2. The Executive is authorized to stop the immigration of other races which, in his judgment, may be injurious to the progress and prosperity of the Republic.

COSTA RICA LAW EXCLUDING OTHER FOREIGNERS.

Decree No. 1, of June 10, 1904.

ARTICLE 1. Entry into the Republic is prohibited of Arabs, Turks, Syrians, and Gypsies of any nationality.

ART. 2. The captain of the port, on making the sanitary visit to each vessel, will take note, examining their respective papers, of the race and nationality of the individuals, of the passage with destination to the country, and if among them there should be individuals to whom applies the qualification of the preceding article, he shall communicate without delay the prohibition to disembark, giving the same notice at the proper time to the captain of the vessel.

ART. 3. In such case the said official shall communicate the occurrence to the governor of the place, to make effective the prohibition, and even to make seizure by legal means, if it should be necessary.

NORWAY.

CORONATION OF THE KING.

The Norwegian Minister to the Secretary of State.

LEGATION OF NORWAY,
Washington, May 5, 1906.

SIR: I have the honor to inform your excellency that His Majesty King Haakon has decided that the coronation shall take place June 22 next.

Accept, sir, etc.,

CHR. HAUGE.

The Secretary of State to the Norwegian Minister.

No. 11.]

DEPARTMENT OF STATE,
Washington, June 1, 1906.

SIR: In view of your very kind expressions in regard to the matter during the interview I had the pleasure to have with you, I have the honor to advise you that the President, as evidence of his good will toward the Government and people of Norway, has appointed Mr. Charles H. Graves, of Minnesota, ambassador extraordinary of the United States of America on special mission, to represent this Government at the ceremonies attending the coronation of His Majesty Haakon VII, King of Norway.

Accept, etc.

ELIHU ROOT.

The Secretary of State to the Norwegian Minister.

No. 13.]

DEPARTMENT OF STATE,
Washington, June 7, 1906

SIR: I have the honor to inform you that Maj. William W. Gibson, U. S. Army, has been directed to attend Mr. Charles H. Graves, ambassador extraordinary, on special mission to represent the United States at the coronation of King Haakon of Norway, as military assistant, and that Lieut. Commander John H. Gibbons, U. S. Navy, has been selected for the same service as naval assistant.

I beg that you will do me the favor to notify your Government of these selections.

Accept, etc.

ELIHU ROOT.

The Secretary of State to Minister Graves.

No. 44.]

DEPARTMENT OF STATE,
Washington, June 1, 1906.

SIR: The President having been pleased to appoint you as ambassador extraordinary of the United States on special mission to represent this Government upon the occasion of the coronation of His Majesty Haakon VII, as King of Norway, at Trondhjem on June 22 next, I inclose herewith your commission.

I have notified the Norwegian minister at this capital of your designation for this service.

I inclose also, with an office copy, the President's autograph letter extending his congratulations to the King. This letter you are to present to His Majesty when received by him.

Such actual and necessary expenses as you may incur in connection with this mission will be defrayed by the department.

I am, sir, etc.,

ELIHU ROOT.

[Inclosure.]

President Roosevelt to King Haakon VII of Norway.

GREAT AND GOOD FRIEND: I have received through Mr. Hauge, Your Majesty's envoy extraordinary and minister plenipotentiary near the Government of the United States, intelligence that Your Majesty is to be crowned at Trondhjem on the 22d of June next.

I therefore desire to offer to Your Majesty my congratulations upon the occasion and to assure you of the friendship of the Government and people of the United States and of their good wishes for the welfare of Your Majesty and the happiness of the people under Your Majesty's dominion.

I trust that your reign will redound to Your Majesty's glory and to the prosperity and happiness of the Norwegian people, in whose affections may Your Majesty long live.

And I pray God to have Your Majesty in His safe and holy keeping.

Done at Washington this seventeenth day of May, in the year of our Lord one thousand nine hundred and six.

THEODORE ROOSEVELT.

By the President:

ELIHU ROOT,
Secretary of State.

The Secretary of State to Minister Graves.

No. 46.]

DEPARTMENT OF STATE,
Washington, June 11, 1906.

SIR: I inclose herewith for delivery to them the appointments of Maj. William W. Gibson, U. S. Army, and Lieut. Commander J. H. Gibbons, U. S. Navy, as military and naval assistants to you as ambassador extraordinary on special mission to the coronation of Haakon VII, King of Norway.

I am, etc.,

E. ROOT.

Minister Graves to the Secretary of State.

No. 63.]

AMERICAN LEGATION,
Stockholm, June 13, 1906.

SIR: I have the honor to acknowledge the receipt of your instruction No. 44, of June 1, 1906, with the inclosures as stated therein, and to report that I have made arrangements to repair to attend the coronation of the King of Norway at Trondhjem, leaving Stockholm on the 19th instant.

I have also to report that Maj. W. W. Gibson, military attaché, has reported to me in person, and Lieut. Commander John H. Gibbons, naval attaché, has reported by letter, both advising that they will report at Trondhjem on the 21st instant as assistants.

I have etc.,

CHARLES H. GRAVES.

Minister Graves to the Secretary of State.

[Extract.]

No. 65.]

AMERICAN LEGATION,
Stockholm, July 2, 1906.

SIR: I have the honor to report that on the 19th of June last I left Stockholm for Trondhjem, Norway, there attending the coronation of His Majesty Haakon VII, King of Norway, on the 22d, and returned to my post on the 28th of June. Maj. W. E. Gibson, military attaché, and Lieut. Commander John H. Gibbons, naval attaché, duly reported to me at Trondhjem and remained during the entire time. High honor was paid to the United States of America in the position accorded to the embassy at the coronation and in all the attendant receptions. I duly presented the letters of the President to His Majesty the King, and His Majesty expressed to your representative his thanks and appreciation. The Prince and Princess of Wales honored us by entertaining my wife and self at luncheon on their royal yacht to meet His Majesty and the Queen, and were most cordial in their reception.

It was noteworthy that the ambassadorial circle immediately surrounding Their Majesties in the cathedral at the coronation were the princes and princesses attending from Great Britain, Germany, Russia, and Denmark, and only the ambassadors from the two great Republics, France and the United States.

The French ambassador, Admiral Bayle, came on the cuirassé *Amiral Aube*, which has recently visited the United States, and having that ship, was able to give a reception to Their Majesties and the distinguished guests, which it was not possible to do on shore with the limited resources of the city of Trondhjem.

I have, etc.,

CHARLES H. GRAVES.

AWARD OF THE NOBEL PEACE PRIZE TO PRESIDENT ROOSEVELT.

Minister Peirce to the Secretary of State.

[Extract.]

No. 37.]

AMERICAN LEGATION,
Christiania, December 12, 1906.

SIR: On Sunday morning, December 9, I called upon Mr. Lövland and made the final arrangements for the reception of the prize

in the chamber of deputies of the Storthing on Monday, December 10.

These arrangements were carried out as follows: An extraordinary session of the Storthing was called for 1.30 o'clock, on Monday, December 10, which the members of the diplomatic corps and the officials of the Government were invited to attend. A row of chairs had been placed in front of the seats of the deputies, facing the president, for the Nobel committee, and an additional chair for the representative of the recipient of the prize. So quietly had the matter been kept that no member of the Storthing, even, was aware of the decision of the committee, and there was much speculation as to who would receive the award. In the diplomatic loge intense interest was manifest, and while President Roosevelt's name was frequently spoken as being the most fitting choice the absence of any intimation of the fact was regarded as an indication that this had not been decided upon.

The session was called to order by President Knutsen at 1.45 o'clock, and immediately Mr. Lövland, as chairman of the Nobel committee, announced the decision of the committee in a few brief and formal words.

The president then said the following, which I translate:

When this year the Nobel committee, perhaps for the last time, appears on the 10th of December, here in the Storthing, for the purpose of informing the Storthing of its decision in regard to the award of the peace prize, it is only fair to call to mind that the Norwegian Storthing was one of the first parliaments which adopted the cause of peace by awarding to the same its support.

The cause of peace, gentlemen, presented quite a different aspect twelve to fifteen years ago to what it does to-day. The cause of peace was then considered a utopianism and the champions of that cause were considered as well-intentioned but enthusiastic idealists, with whom one could not count in practical politics and who had no comprehension of the realities of life.

Since then a complete change has taken place in this respect. Since, in the course of later years, leading statesmen and even rulers of nations have adopted the cause, public opinion has undergone a complete change with regard to the latter. And it is, in the first place, the United States of America which have taken the lead in this work tending to the introduction of the cause of peace into the domain of practical politics. Treaties of peace and arbitration have been concluded by the United States with the governments of several countries, and a circumstance which more than anything else has directed the attention of the friends of peace as well as of the whole civilized world toward the United States is President Roosevelt's philanthropic efforts tending toward bringing about the termination of the bloody war which recently raged between two of the world's great powers, Japan and Russia.

In handing over to you, Mr. Minister, on behalf of the Storthing the peace prize with its appurtenances, I beg to request you on behalf of the Storthing to convey to the President a greeting from the Norwegian people and its thanks for what he has accomplished for the furtherance of the cause of peace, and I will add hereto the wish that it may be vouchsafed to this richly and eminently endowed personality to still work for the furtherance of the cause of peace and for the consolidation of the peace of the world.

He then handed me the diploma, medal, and order upon the Nobel trustees for the amount of the prize, and upon receiving them I spoke as follows, ending by reading the President's telegraphed words of thanks and statement as to the disposition he has determined upon for the sum of money which constitutes the prize:

Mr. President, gentlemen of the Norwegian Storthing: I deeply regret that my residence in your capital has been as yet too brief to enable me to address you in your own vigorous language. But "had I a thousand several tongues" they would be inadequate to express to you the deep emotion with which I appear before you to receive, on behalf of the President of the United States,

this distinguished testimonial of your recognition of those acts which stamp him as preeminent in devotion to the cause of peace and good will on earth.

I will not vainly attempt by any words of mine to add to the luster of the name of Theodore Roosevelt. His acts proclaim him, and you, gentlemen of the Norwegian Storting, by this award of the Nobel peace prize, a foundation conceived in God-like love of mankind, have blazoned to the world your recognition of his wise use of his great office in the best interests of humanity.

I quote President Roosevelt's words in a telegram from him, recently received by me, when I say that he regards the award of this prize as one of the greatest honors which any man, in any position throughout the world, can receive.

Speaking for my countrymen, I may say that this award will deeply appeal to the hearts of our people and knit closer those bonds of sympathy which unite us in the brotherhood of nations.

To me, who have enjoyed the inestimable privilege of witnessing in the course of current affairs the earnest desire with which the Chief Magistrate of my country is imbued to promote the cause of peace in the interests of all mankind, when peace comport with that honorable self-respect which nations as well as individuals owe to themselves, this award seems most markedly felicitous, and I rejoice greatly in the good fortune which permits me to be the medium of transmission of this token of your appreciation of the profound love for and lofty sense of duty to his fellow-men which is the guiding principle of his official life.

The President has directed me to read to you, Mr. President, the following message which he has telegraphed to me for this purpose:

"I am profoundly moved and touched by the signal honor shown me through your body in conferring upon me the Nobel peace prize. There is no gift I could appreciate more, and I wish it were in my power to fully express my gratitude. I thank you for and I thank you on behalf of the United States; for what I did I was able to accomplish only as the representative of the nation of which, for the time being, I am President.

"After much thought I have concluded that the best and most fitting way to apply the amount of the prize is by using it as a foundation to establish at Washington a permanent industrial peace committee. The object will be to strive for better and more equitable relations among my countrymen who are engaged, whether as capitalists or as wage-workers, in industrial and agricultural pursuits. This will carry out the purpose of the founder of the prize; for, in modern life, it is as important to work for the cause of just and righteous peace in the industrial world as in the world of nations.

"I again express to you the assurance of my deep and lasting gratitude and appreciation.

"THEODORE ROOSEVELT."

The President's telegram has given great satisfaction here, and is everywhere most favorably commented on, as is the award of the prize to him. I am informed that the King of Sweden has expressed himself as much gratified. The King of Norway is absent, but I have no doubt he will be greatly pleased both with the award and the President's noble application of the fund.

I may perhaps be permitted to say that this has been one of the most gratifying occasions of my life, and that it was with unspeakable pride that I had the honor of receiving on his behalf this token of a nation's recognition of the President's high purpose toward mankind, and that I continue to hear the words of encomium and congratulation which everywhere comes to me.

I have, etc.,

HERBERT H. D. PEIRCE.

PANAMA.

VISIT OF PRESIDENT ROOSEVELT.

Minister Squiers to the Secretary of State.

[Extracts.]

No. 7.]

AMERICAN LEGATION,
Panama, November 20, 1906.

SIR: I have the honor to report the arrival of the President at Colon on Wednesday, the 14th of November, at about 2 p. m.

The President wired inviting President Amador and Mrs. Amador, Secretary of State Arias, chief officials of the Canal Commission, and myself to go on board the *Louisiana* at 8.30 to discuss with the Canal Commission the plan of inspection and with me the festivities proposed in his honor by the Panama Government. I inclose official programme furnished by the secretary of foreign affairs, and which was practically adhered to. I inclose a translation of President Amador's address of welcome, and also a copy of President Roosevelt's reply. Both speeches, but particularly the latter, were received with much cheering and enthusiasm. The President and Mrs. Roosevelt dined at the palace the same evening, guests of President and Mrs. Amador. The following persons were present:

Mr. and Mrs. Stevens; Mr. and Mrs. Shonts; the Minister of Foreign Affairs and Mrs. Arias; Mr. and Mrs. Ehrman; Doctor Rixey, U. S. Navy; Mr. Latta; Mr. Arango; Mr. Quintero; Mr. T. Arias; Mr. de Roux; Mr. De la Vaya; Mr. De la Espriela, and myself and Mrs. Squiers.

After dinner the President and the rest of the party attended a reception given in his honor by President Amador at the Commercial Club. Here his reception was most cordial and enthusiastic.

The two following days were entirely devoted to the inspection of the canal and the various working plants. Saturday evening he attended a reception given by the canal employees at Cristobal, where he made an address. A newspaper account of this reception and his address is inclosed. During the President's stay here Panama and the towns along the route were gaily decorated with flags and arches as handsomely as the people could afford. Whatever they may have lacked in decorations they made up in other respects.

On no other occasion, and in spite of the downpour of rain during the whole day, have there been so many people in Panama. The streets along the line of march were crowded with most enthusiastic natives, who cheered the President on every possible occasion.

The people of the better classes, government officials, the press, political parties, have been most favorably impressed by his address, an impression which is likely to bear good fruits. The President sailed from Colon on the evening of November 17, at 11.30 p. m.

I inclose copies of telegrams and memorials^a sent the President while here, some of which I replied to by his direction.

I have, etc.

H. G. SQUIERS.

[Inclosure 1.]

PRESIDENT AMADOR'S ADDRESS.

MR. PRESIDENT: The visit with which you honor the people of Panama would make the most powerful and haughty nation of the world feel proud, and is an evident proof of the cordial interest they inspire in you.

Understanding and appreciating this to its full value, we thank you from the bottom of our hearts, as it is additional cause for us to admire, love, and respect you, as you are admired, loved, and respected by your fellow-citizens, and even more, if it is possible, because a sentiment of deep gratitude binds us.

In olden times the nations achieved their independent life amidst the thunder of battles, bathing their soil with the blood of their martyrs, their heroes, and the victims of their wrath.

The Republic of Panama, daughter of a modern civilization, was not born under these conditions. She has come to life by virtue of this self-same civilization and as the result of the struggle between advancement and retrogression, and in pursuance of her manifest destiny has allied her forces to those of the great nation whose path you guide in the most stupendous undertaking of the latter-day progress, the construction of the Inter-oceanic Canal, wide highway for universal navigation and the great marvel of the century.

A rare alliance this, Mr. Roosevelt—that of the great Colossus of the North, with its immense riches, unlimited credit, its vast store of knowledge, and numerous elements that contribute to make it the only entity capable of successfully carrying on such a great enterprise, with the small and the youngest republic of America, owner of the land, which she gladly lends for the work; and nestling it, as we do, in our country's bosom, we feel that its safe-keeping in a large measure devolves upon us.

To harmonize the various elements that had to be united, to overcome the opposition and obstacles that arose, to reorganize the great work, to grasp, in a word, its immense magnitude, a superior man was necessary, and you were this man. Firm in your endeavors, you now come as commander in chief of our allied forces to review them and infuse in them the enthusiasm which you possess, so that the victory of toil and science may soon crown our sacrifices and efforts for the common glory of your country and mine in proportion to the contingent of each.

In passing through the Canal Zone this morning you have, no doubt, rapidly reviewed your legions, and in your countenance I read the satisfaction of this first examination.

You have heard frequent and thundering detonations, but they were not those of the murderous cannon, but instead the explosive energy with which science knocks at the door of the Andes, demanding of them free passage for the commerce of the world.

You have noticed the movement of trains in different directions, similar to those that in time of war carry the destructive elements where they better serve their cursed end; but here this does not happen. On the contrary, their mission is for the benefit of man; it is the tribute that the mountains themselves pay at the demand of engineering science to change the topography of the country, to convert the ravines into valleys and the valleys of urn into lakes, the sweet kisses in which will counteract the brine of the two oceans and will serve as a silvery link between the betrothed of the future, the Atlantic and the Pacific.

God be blessed, sir, for permitting His own work to be thus altered by the hand of man for the benefit of mankind.

You have been able to see that the staff under the indefatigable Stevens attends assiduously to the directions of the work, and assigns to each his post and duty; that the numerous body of engineers, mechanics, and clerks obey

^a Not printed.

and cheerfully fulfill the orders they receive, and that everyone, even the humble laborers, seem inspired by one sole purpose, all protected by the tireless corps under Colonel Gorgas, the guardian of the health and life of the soldiers of toil and all the inhabitants of this tropical land.

I should now have the honor to offer you the forces of our own contingent, but I shall not enumerate them, because they are well known to you. But I do believe this is the occasion for me to say, supported by the testimony of all your representatives, that the Panamanian people and Government not only strictly fulfill the obligations contracted toward you, but that we are filled with enthusiasm and willingness to facilitate all the means at our disposal, whether it be our written duty or not, to make your immense task lighter and even pleasant.

Permit, sir, the people of Panama to acclaim you as commander in chief of the allied American-Panamanian forces in this great struggle of progress and civilization.

We are a grateful people, and the remembrance that in you we have had a generous defender remains indelibly impressed upon our hearts.

The qualities that have chiefly strengthened your character are two—courage and justice—and you have displayed both in our favor, when it has been necessary, against your own people and foreigners.

Panama is aware, through your utterances, that as long as we continue along the path of honor and duty we shall not lack your powerful support.

Therefore we ask you to receive this expression of our sincere gratitude.

Be welcome, and consider yourself in the midst of your best friends and admirers.

[Inclosure 2.]

PRESIDENT ROOSEVELT'S SPEECH.

Mr. President, Señora Amador, and you, citizens of Panama:

For the first time in the history of the United States it has become advisable for a President of the United States to step on territory not beneath the flag of the United States, and it is in the territory of Panama that this has occurred, a symbol and proof of the closeness of the ties that unite the two countries because of their peculiar relations to the gigantic enterprise of digging the Panama Canal.

In the admirable address of President Amador, to which we have just listened, the President rightly said that the United States and Panama are partners in the great work which is now being done here on this Isthmus. We are joint trustees for all the world doing that work; and, President Amador, I hereby pledge on behalf of my country to you and your people the assurance of the heartiest support and of treatment on a basis of a full and complete and generous equality between the two Republics. Nowhere else in the world at this moment is a work of such importance taking place as here on the Isthmus of Panama, for here is being performed the giant engineering feat of the ages, and it is a matter for deep gratitude that I am able, I am happy to say, that it is being well and worthily performed.

It is but a few weeks since the Secretary of State of the American Republic, Secretary Root, was your guest here in this city, he having at that time finished a tour of South America, which in its interest and in its far-reaching importance dwarfed anything of the kind that had ever hitherto been done by a Secretary of State of the American Republic, save only on the one or two occasions of absolute national importance in the great crises of the past. Mr. Root, President Amador, at that time spoke to you and your people, giving his assurance of the hearty friendliness of spirit of the Republic of the North in its relations toward you and your people; and I wish here, with all the emphasis possible, to make Mr. Root's words mine, and to reiterate what he has said to you already—that the sole desire of the United States as regards the Republic of Panama is to see it increase in wealth, in numbers, in importance, until it becomes, as we earnestly hope it will become, one of the republics whose history reflects honor upon the entire western world. Such progress and prosperity, Mr. President, can come only through the preservation of both order and liberty; through the observance by those in power of all their rights, obligations, and duties to their fellow-citizens, and through the realization of those out of

power that the insurrectionary habit, the habit of civil war, ultimately means destruction to the republic.

I now wish to thank you, President Amador, and all your people for the reception that has been accorded us. Not only have I been immensely impressed with the tremendous work being done so successfully on this Isthmus, but I have also been immensely impressed with the beauty and fertility of your country; and I prophesy for it a great future, a future which, when the canal is completed, will be of such a kind and will attain such dimensions as to make it indeed a proud boast to claim citizenship in Panama.

And now, Mr. President, in closing I have but to say that not only do our people heartily wish well to Panama, but that we shall never interfere with her save to give her our aid in the attainment of her future.

VISIT OF SECRETARY ROOT.

The Minister of Panama to the Secretary of State.

[Translation.]

No. 28.]

LEGATION OF PANAMA,
Washington, June 4, 1906.

EXCELLENCY: I have the honor to inclose the note which my Government directs to your excellency, inviting you to visit Panama.

I add my personal plea to the sincere invitation of my Government, and I tender my best wishes for a happy outcome of your excellency's journey.

Renewing to your excellency, etc.,

J. D. DE OBALDIA.

[Inclosure.]

The Minister of Foreign Affairs to the Secretary of State.

No. 25/III.]

DEPARTMENT OF GOVERNMENT AND FOREIGN AFFAIRS,
Panama, May 25, 1906.

MR. SECRETARY: His Excellency the President has information that your excellency proposes to visit the capitals of some of the South American republics after the approaching international conference at Rio de Janeiro; therefore he is pleased to tender your excellency the hospitality of this Republic so that you may honor it also with your visit.

Your excellency's visit to this capital will be most agreeable to the Panamanian Government and people, and will powerfully contribute to strengthen the bonds of cordial friendship between the Republic of Panama and the Great American Union.

Be pleased, etc.,

SANTIAGO DE LA GUARDIA.

The Secretary of State to the Minister of Panama.

DEPARTMENT OF STATE,
Washington, June 7, 1906.

EXCELLENCY: I have the honor to acknowledge the receipt of your note of the 4th, in which you extend to me a cordial invitation, on behalf of the Government and the people of Panama, to visit that Republic after the close of the international conference at Rio de Janeiro.

I have the honor to say in reply that I deeply appreciate the good will thus shown, and that it will give me great pleasure to accept the courteous invitation which you extend to me in behalf of the Government and people of a Republic united by the closest ties to that of the United States.

Accept, etc.,

ELIHU ROOT.

Consul-General Shanklin to the Acting Secretary of State.

AMERICAN CONSULATE GENERAL,
Panama, September 24, 1906.

No. 179.]

SIR: I have to report the arrival, in the Bay of Panama, of the Hon. Elihu Root, Secretary of State of the United States of America, on the U. S. S. *Charleston*, the afternoon of Thursday, September 20, 1906, and his visit to and departure from the city of Panama September 21.

During his stay in Panama he was much entertained. On arrival he was received and welcomed at the station by the alcalde of the city; he then called on the President of the Republic, who at once returned the call of the Secretary; in the afternoon he visited and was most enthusiastically received by the National Assembly, and later attended a reception at La Presidencia, from the balcony of which he reviewed a parade by the school children of Panama; in the evening he attended a reception given by the Panamanian Government in honor of himself and his family.

I am, sir, etc.,

ARNOLD SHANKLIN.

[Inclosure 1.]

Speech of His Excellency Ricardo Arias, Secretary of Government and Foreign Relations, in the National Assembly, at Panama, September 21, 1906.

MR. SECRETARY:

You have just visited the wealthiest capitals of South America, real emporiums of its richness; there you have been received with great magnificence. Our outward manifestations of joy on the occasion of your visit may, therefore, appear to you very humble, but you can rest assured that none of them will surpass us in the intensity of sympathetic feeling toward your person and toward the noble American people that you so worthily represent.

We Panamanians always remember with gratitude the interest we inspired in you from the very first days of our national existence, and we bear in mind very specially your timely speech delivered at the Hamilton Club when our destiny was pending on the scales of a decision of your Senate, and therefore we avail ourselves of this joyful opportunity to receive you with the cordiality due to an old and good friend.

It has been, and it is yet, the vehement desire of your country to bring into closer ties, as far as possible, its political and commercial relations with the Latin-American countries. The similarity of traditions and institutions, the vicinity and continuity of their territories, and the vast field of commercial expansion which they offer fully justify that natural, legitimate desire, which is also mutually beneficial; but there being between yours and the latter countries essential differences of language, race, disposition, and education there is bound to exist in them the suspicion which is naturally engendered by the unknown, and thus it is that the first steps taken toward the accomplishment of your desire should have been the removal of that suspicion by means of friendly intercourse and mutual acquaintance.

With the tact brought forth by your vast intelligence and learning you fully understood that those do not love each other well who are not intimately acquainted, and it is owing to this fact that you decided to come in person to visit and to know the Latin-Americans by your own observation and study, and no doubt you carry with you a joyful impression of the progress and nobleness of disposition of our southern brothers, together with the assurance that your mission will achieve a new and splendid triumph for that American diplomacy whereof you are the skilled director, and the principal object of which is the accomplishment of the desire of which I have already spoken.

Being desirous to cooperate in the aims you have in view and with the idea of dispelling certain existing misunderstandings concerning the motives and intentions which originated our present pleasant relations, in a statement which I recently addressed to your Government through its minister plenipotentiary here I recounted the historical events which engendered our national existence and those special relations which link us to your country, in order that when the seal of diplomatic silence is removed and said statement becomes public property the world may know, through the unimpeachable testimony of history, that only ideals of the highest altruism served as a guide to the foundation of our Republic and to the celebration of the treaty concerning the construction of the Interoceanic Canal for our benefit and *pro mundi beneficio*.

Panama offers you a splendid field to promote the wise international policy which labors in your mind. We being of similar conditions as our Latin-American brothers, being linked to your country by the closest ties that can exist between two independent nations, you having the means of exerting decisive influence in our future life and we being situated in the compulsory and constant path of universal transit, shall be an evident, glaring example of the benefit which your country can and is willing to dispense in favor of the countries of our race, and the proof of the sincerity of your good designs exposed to the criticism of those interested in the most culminating and propitious place. The fruits of your influence are already felt and seen. Peace, which we consider as a blessing, is a permanent fact. Under its shelter, and under that of the assurances given us by your illustrious President in his famous letter of the 18th of October, 1904, addressed to the Secretary of War, Panama has entered with firm step upon the path of material, intellectual, and moral development. Those who knew us a little over two years ago, disheartened and ruined by bad government and civil war, and see to-day the change that has taken place in us in such a short time, carry to the north and south the gratifying news of our regeneration and thereby contribute to dispel unfounded suspicions regarding yourselves.

These good results are the forerunners of greater benefits which we are to expect in the future, and the effect of the cooperation of the agents of your Government in the progress of the country in general, of their friendly and timely advice, and of their decided moral support whenever there has been need thereof.

I should and will profit by this opportunity to convey to you the gratitude of the Government and people of Panama for the special consideration which has been extended to them by the Government of your country. This has been evidenced principally by the select diplomatic staff sent to us, starting with the very able Hon. William I. Buchanan, its first minister plenipotentiary, up to the popular Hon. Charles E. Magoon, who can hardly be replaced and whose separation from the post he occupies with general satisfaction has caused great regret in the country, from the very highest corporation to the most humble citizen; and not satisfied with that you have sent us, doing us an unmerited honor, in the first place, by special order of your very noble President, your Secretary of War, Hon. William H. Taft, who established the relations between our two countries on the happy basis of mutual cordiality and justice, on which they are at present, and now, Mr. Secretary, you do us the great honor of coming yourself on a visit, placing us on a level with the powerful Brazil, Argentina, Chile, Peru, and Uruguay; and, furthermore, which appears to be the extreme limit of what is possible, you allow us to look forward to the coming visit of your great President, the most distinguished of existing rulers—a special honor which has not been vouchsafed even to the most powerful nations of the world. Panama, overwhelmed with so many marks of appreciation, will preserve them as an everlasting remembrance of gratitude toward your noble country; and in return, though it be but partial, we will follow your advice, we will cooperate without reserve and with enthusiasm in the great work of the Interoceanic Canal, which is bound to be the most magnificent monument of the grandeur of

your people; and we will likewise support you in the mission of American brotherhood which you have undertaken, founding a nation which shall distinguish itself by its love of work, of honor, of order, and of justice, which you can subsequently present to the world as the result of your good influence.

[Inclosure 2.]

Reply of Mr. Root.

MR. PRESIDENT, YOUR EXCELLENCY, AND GENTLEMEN :

I thank you for your kind welcome to me and for the friendship to my country expressed in that welcome, and I thank you for the honor conferred upon me by this reception in the legislative body which is charged with the government of this Republic. You have justly said, sir, that I am deeply interested in the affairs of the people of Panama. At the time of the events which led to your independence I studied your history carefully and thoroughly from original documents, in order to determine in my own mind what the course of my country ought to be. From that study have resulted a keen sense of the manifold injuries and injustices under which the people of Panama have suffered in years past; a strong sympathy with you in your efforts and aspirations toward a better condition in your country; a fervent hope for your prosperity and welfare.

It is with the greatest pleasure that I have heard the expressions of friendship for my country, because of my feeling toward you and because of the special relations which exist between the two countries. We are engaged together in the prosecution of a great, a momentous enterprise—an enterprise which has been the dream not only of the early navigators who first colonized your coasts, but of the most progressive of mankind for four centuries. Its successful accomplishment will make Panama the very center of the world's trade; you will stand upon the greatest of highways of commerce; more than the ancient glories of the Isthmus will be restored; and there lies before you in the future of this successful enterprise wealth, prosperity, the opportunity for education, for cultivation, and for intercourse with all the world such as has never before been brought to any people. The success of the enterprise will unite the far-separated Atlantic and Pacific coasts in my country; it will give to us the credit of great deeds done, and make the Atlantic and Pacific for us as but one ocean; and the success of this enterprise will give to the world a new highway of commerce and the possibility of a distinct and enormous advance in that communication between nations which is the surest guaranty of peace and civilization.

The performance of this work is to be accomplished by us jointly. You furnish the country, the place, the soil, the atmosphere, the surrounding population among which the people who do the work are to live and where the work is to be maintained. We furnish the capital and the trained constructive ability which has grown up in the course of centuries of development of the northern continent. The work is difficult and delicate; the two peoples, the Anglo-American and the Spanish-American, are widely different in their traditions, their laws, their customs, their methods of thinking and speaking and doing business. It often happens that we misunderstand each other; it often happens that we fail to appreciate your good qualities and that you fail to appreciate ours; and that with perfectly good intentions, with the best of purposes and kindest of feelings, we clash, we fail to understand each other, we get at cross purposes, and misconception and discord are liable to arise. Let us remember this in all our intercourse; let us be patient with each other; let us believe in the sincerity of our mutual good purposes and kindly feelings, and be patient and forbearing each with the other, so that we may go on together in the accomplishment of this great enterprise; together bring it to a successful conclusion; together share in the glory of the great work done and in the prosperity that will come from the result.

Mr. President and gentlemen, let me assure you that in the share which the United States is taking and is to take in this work there is and can be but one feeling and one desire toward the people of Panama. It is a feeling of friendship, sincere and lasting; it is a feeling of strong desire that wisdom may control the deliberations of this assembly; that judgment and prudence and love of country may rule in all your councils and may control all your actions; it is a desire and a firm purpose that so far as in us lies there shall be pre-

served for you the precious boon of free self-government. We do not wish to govern you or interfere in your government because we are larger and stronger; we believe that the principle of liberty and the rights of men are more important than the size of armies or the number of battle ships. That independence which we, first among the nations of the earth, recognized, it is our desire to have maintained inviolate. Believe this, be patient with us, as we will be patient with you, and I hope, I believe, that at some future day we shall all be sailing through the canal together, congratulating each other upon our share in that great and beneficent work.

RIGHTS OF AMERICAN CITIZENS IN DISPUTED TERRITORY.

[See also under Costa Rica, p. 1184.]

The Secretary of State to Minister Magoon.

No. 37.]

DEPARTMENT OF STATE,
Washington, April 16, 1906.

SIR: The department has again taken up the complaint of H. L. McConnell and the American Banana Company against the Government of Costa Rica, and given it most careful attention. As a result of such consideration the following telegram was sent you on March 19 last:

It appears on examination of the pending treaty that if the treaty was ratified the warehouses and sites of the proposed piers of American citizens will be within the territory of Panama. The companies claim title by what they allege to be a valid location under the laws of Colombia before the separation of Panama. We should deem it a violation of the rights of the American possessors of this property to interfere with their possession and enjoyment, except upon the judgment of a court, and we must insist that the officers of Costa Rica have no more right to do this than would the officers of Panama.

While some of the details of the case are involved in controversy, the department would invite your attention to three considerations which appear to be beyond dispute, and which, in the present aspect of the situation, the department regards as of fundamental if not of controlling importance.

The first of these is that under the Loubet decision of 1900, accepted as final by both Colombia and Costa Rica, the territory included in the McConnell plantation was awarded to Colombia (now Panama), and became subject to the jurisdiction of that country. The second is that Mr. McConnell, in 1903, entered upon a portion of these lands, planted a large area with banana trees, built houses, and started the construction of a tramway, expending large sums of money in his enterprise, and he alleges that his proceedings were based upon the authority of certain laws of Colombia relating to uncultivated lands. The third consideration is that the pending treaty of March 7, 1905, between Costa Rica and Panama, defining the boundary line between those Republics, will, when drawn, include the McConnell concession within the jurisdiction of Panama.

The department is not unmindful of the contention of Costa Rica that an understanding has existed between that state and Panama whereby the former has retained temporary possession and administrative control over the district, and pending the ratification of the

treaty of March 7, 1905, exercises police powers and other general attributes of de facto sovereignty within the territory. At the same time it is undeniable that the de jure sovereignty has been in Colombia and Panama since the Loubet award, accepted as it is by Panama and Costa Rica, so that either by virtue of that award or of the pending boundary treaty the territory will ultimately come under the jurisdiction of Panama. Meanwhile, certain American citizens, acting upon the assurances of the authorities of Colombia and Panama, and in accordance with the laws of those States, have gone into this territory, expended large sums in developing it, and by virtue of such acts have acquired certain possessory rights thereunder and are entitled to protection therein. In the adjustment of any conflicting claims of title which may arise or have arisen it would be improper for this department to interfere. But, on the other hand, after rights, possessory or otherwise, in this property have been acquired in good faith by American citizens and have become vested in them, the department is of opinion that they should not be divested except by due process of law by ejection or other appropriate legal action.

In the department's conception of this matter Costa Rica exercises at present a temporary de facto sovereignty over the territory included in the McConnell concession, subject of right to be divested at any time at the will of Panama, but actually continuing until such time as the pending boundary treaty is ratified. She exercises the powers of government that are necessary for the orderly administration of the district, but should not use this sovereignty in such a way as to impair the rights of the de jure sovereign of the territory. Her functions of government are limited by her tenure, which is of a temporary and precarious character. Her duty is to preserve the property, not to destroy it, and hand it over to her successor without the commission of any acts tending to impair the ultimate rights of the de jure owner. It is obvious, for instance, that it would have been an unwarranted exercise of sovereign power for Costa Rica to grant a concession to McConnell for the construction of his railroad beyond the termination of the de facto sovereignty of Costa Rica. In a word, Costa Rica stands in the position of a usufructuary entitled to the fruits and profits of the territory during the period of tenure, and it can not be admitted that Costa Rica can in any way destroy or impair the substance of the usufruct. In like manner it is equally clear that the title to property rights in this territory acquired since the Loubet award are determinable according to the laws of Colombia and Panama, and it follows that Costa Rica can rightfully exercise no jurisdiction within the territory which Panama could not exercise; and as Panama can not rightfully deprive possessors of title property acquired under Colombian laws, which remained in force after the secession of Panama, without due process of law, it would be equally unjust for Costa Rica to attempt to do the same thing.

In considering the present connection of Panama with the territory in question, it would appear that that State has consented that Costa Rica continue as the de facto sovereign until the ratification of the treaty. If Panama should interfere and seek to exercise at present jurisdiction north of the Sixola River, this would be inconsistent

with her recognition of Costa Rica's temporary possession in that district. In the view of the department, as long as the latter Government is the sovereign in possession, whatever attributes that accompany or attend possession should be conceded to her, including the right to control, by taxation or otherwise, importations, etc., at Gado-can. But the ultimate attributes of sovereignty belong to the ultimate owner, and for this reason it is proper that Panama should see to it that rights and titles which have accrued concerning lands within this area should not be prejudiced by the State having accidental and temporary jurisdiction. It is suggested that this result may be reached by discreet representations by Panama to Costa Rica, perhaps by remonstrance or otherwise, rather than by a physical attempt to assert such jurisdiction.

You are instructed to call the situation as above set forth, together with the views of the department, to the attention of the Government to which you are accredited, and to say that this Government insists that the property of Mr. McConnell and those whom he represents be protected and preserved, without any destruction thereof, until such time as the ultimate rights of the parties may be passed upon by a court or courts of competent jurisdiction.

In this connection, however, it is proper to state that the department disclaims any intention to interfere in this case to the prejudice of the rights of the United Fruit Company, or any other American interest already acquired in the territory immediately in question.

I am, sir, etc.,

ELIHU ROOT.

TREATY RIGHT OF THE UNITED STATES TO MAINTAIN PUBLIC PEACE AND ORDER IN PANAMA.

The Secretary of State to Chargé Sands.

No. 31.]

DEPARTMENT OF STATE,
Washington, February 26, 1906.

SIR: I inclose for the files of your legation copy of a letter addressed by the department to the Secretary of War in regard to the exercise by the United States of authority to maintain public peace and order in the territory of the Republic of Panama, provided for in the constitution of that Republic and stipulated in the treaty of November 18, 1903.

I am, sir, etc.,

E. ROOT.

[Inclosure.]

The Secretary of State to the Secretary of War.

DEPARTMENT OF STATE,
Washington, February 21, 1906.

SIR: I have the honor to bring to your attention certain matters respecting the exercise by the United States authority to maintain public peace and order in the territory of the Republic of Panama, provided for in the constitution of the Republic and stipulated in the treaty of November 18, 1903.

The constitution of Panama provides as follows:

"The Government of the United States of America may intervene in any part of the Republic of Panama to reestablish public peace and constitutional order

in the event of their being disturbed, provided that that nation shall, by public treaty, assume or have assumed the obligation of guaranteeing the independence of this Republic."

This constitution was adopted February 13, 1904. The treaty was signed November 18, 1903, and ratified by the Republic of Panama December 2, 1903, but was not ratified by the United States until January 23, 1904.

With reference to the authority under consideration, the treaty provides:

"Article I. The United States guarantees and will maintain the independence of the Republic of Panama."

* * * * *

"Art. VII. The Republic of Panama agrees that the cities of Panama and Colon shall comply in perpetuity with the sanitary ordinances, whether of a preventive or curative, prescribed by the United States, and in case the Government of Panama is unable or fails in its duty to enforce this compliance by the cities of Panama and Colon with the sanitary ordinances of the United States the Republic of Panama grants to the United States the right and authority to enforce the same.

"The same right and authority are granted to the United States for the maintenance of public order in the cities of Panama and Colon and the territories and harbors adjacent thereto in case the Republic of Panama should not be, in the judgment of the United States, able to maintain such order."

In my opinion these provisions do not contemplate relieving the Republic of Panama from all responsibility for the maintenance of public peace and constitutional order, nor do they place the onus of such maintenance, in the first instance, upon the United States. In view of this department it is incumbent upon the Republic of Panama to make provision for the enforcement of the civil authority of the State by a reasonable police or constabulary organization, which, under ordinary conditions, will secure the service and enforcement of judicial writs, lawful executive orders, and the due and regular application of the laws. The United States and the world at large are vitally interested in the enforcement of the laws, rules, and regulations intended to accomplish the sanitation of the Isthmus of Panama; and the provisions of Article VII of the treaty above quoted manifestly contemplate participation by the United States in the adoption and execution of those laws.

There exists in all nations a body of laws intended to regulate the domestic or internal affairs of the government, such as the relations which the citizens sustain to each other and to the communities in which they live. In general it is by the enforcement of these laws that peace and order are maintained; and their enforcement devolves upon the civil authorities in the first instance, and it is essential to the very existence of the State of Panama that it should make adequate provision for the administration and execution of said laws. Among the laws of this character is that providing for elections. In all times and places conditions may arise when the enforcement of any law, however salutary, may occasion public excitement and clamor, resulting in disturbances with which the civil authorities are unable to deal. In all republics, and especially those of Central and South America, such periods of excitement are liable to be brought about by the elections or the declared results thereof. In the Republic of Panama elections are regulated by laws enacted by the National Assembly. The enforcement of the provisions of said laws devolves upon the civil authorities of that Republic, and the United States can not participate therein further than advise the constituted authorities to take care that said laws are executed impartially and with fidelity to the constitution and great principles upon which just governments are founded.

Having in mind this view of the relations between the United States and the Republic of Panama, and in response to a memorial presented to the Secretary of War by the national directorate of the Liberal party of Panama on the occasion of your recent visit to the Isthmus, by letter dated December 4, 1905, I instructed the American minister to Panama as follows:

"The Liberal party should be informed that the Government of the United States, while guaranteeing the independence of the Republic of Panama does not propose to interfere with that independence. It is the earnest wish of the United States that there shall be a fair, free, and honest election in Panama, because it considers such an election necessary to the peace and prosperity of the country and the stability of its Government. As between the two parties, the United States stands in an attitude of perfect impartiality and will do nothing to help either the party in power or the party of opposition. The United States will exercise its rights under the treaty for the maintenance of order in

Panama, Colon, and upon the canal strip, and will not permit any interference with the peace and order of either of those cities or of that territory which can be prevented by the exercise of its treaty rights, and it will not go beyond its treaty rights.

"You will communicate a copy of this instruction to the Government of Panama, with the statement that the Government of the United States thus answers the Liberal party in such a way as it is hoped will correct any misapprehension which they may have regarding the conduct of the United States, and without for a moment entertaining the thought that the Government of Panama will fail in any respect to secure to the people a perfectly fair, free, and honest election. You will at the same time suggest to the Government of Panama that, in view of the charges made in advance by the Liberal party, which are liable to be reiterated after the election, it is desirable to secure the most unimpeachable and satisfactory evidence of the fairness of the election by means of observation of competent witnesses during the conduct of the election."

Further consideration of this instruction strengthens the belief of the correctness of the position taken therein, intended, as it was, to advise the Government and people of Panama that there rested upon them the responsibility for the due and proper exercise of the civil authority of the state, and they should not expect the United States to relieve them of the trouble and expense involved, nor to protect them for the inevitable results of indifference and indiscretion on their part.

However, if it should happen (which may God forbid) that by reason of excitement or passion induced by the turmoil of a political campaign or dissatisfaction of a large number of people as to the result of the approaching elections a condition should arise with which the civil authorities are unable adequately to deal, and therefore make it necessary to appeal to the military authority of the State, a different question will be presented.

The United States is bound to assume that the elections in Panama will be conducted in a legal manner, affording a free exercise of the right of franchise, an honest count and declaration of result, and that if frauds or other illegal measures are attempted the legal remedies provided by the law of the Republic of Panama will be pursued. If, however, any considerable number of persons were to assemble or band together for the purpose of preventing the due and regular operation of the election law, or to compel by force a desired result, or to nullify the result of the elections or overthrow the constituted Government, or seize upon the offices of the existing Government, by force of arms, the questions that will then call for consideration and determination will be:

Do the existence and operation of such armed body or band (1) imperil the maintenance of the independence of the Republic of Panama; (2) disturb the maintenance of public order in the cities of Panama and Colon and the territories and harbors adjacent thereto; (3) is the Republic of Panama able and willing adequately to deal with the existing emergency; (4) do the operations of said bands interfere with the work of canal construction or the administration of the government of the Canal Zone?

These are, in the main, military questions, and therefore to be received by military authorities of the United States. The United States possesses the inherent right to protect its property and enforce its rights wherever located and wherever imperiled. If circumstances require that a military force of the United States be sent into foreign territory and there enforce the rights of this nation by force of arms, such proceeding would be an act of war, unless assented to by the nation exercising sovereignty over said territory. In the instance of Panama the constitutional provision above quoted supplies the necessary assent provided, the injury anticipated results from disturbance of the public peace and constitutional order. The United States has entered upon the great work of constructing the Isthmian Canal, and for that purpose had acquired rights, purchased property, and contracted obligations aggregating more than \$50,000,000. The duty of protecting these rights and this property devolves upon the President. The work of constructing the Isthmian Canal and the government of the Canal Zone are committed to the President, and by his order, issued pursuant to authority conferred by Congress, are subject to the direction and control of the Secretary of War. The construction of the Isthmian Canal is therefore a national endeavor of the United States, and measures which interfere with that work and are calculated to obstruct, hinder, or delay its accomplishment are interferences with the rights and privileges of the United States and must be dealt with accordingly. In the event that an

occasion should arise or an emergency appear calling for action by the authorities of the United States charged with the conduct of the affairs of the United States on the Isthmus, it is advisable that said officials should be possessed of instructions which would advise them as to their duty and the scope of their authority that they may act both promptly and advisedly and deal with the situation adequately, without exceeding their jurisdiction.

I have the honor, therefore, to request that you will instruct the governor of the Canal Zone as to when and under what conditions he is to deem it his duty to call upon the military forces of the United States stationed on the zone to reestablish peace and order in the territory of the Republic of Panama.

I have, etc.

ELIHU ROOT.

Minister Magoon to the Minister of Foreign Affairs.

ANCON, May 9, 1906.

EXCELLENCY: I have the honor to transmit herewith, for the information of your excellency's Government, a copy of a communication addressed to me under date of April 26, by the honorable the Secretary of War of the United States respecting the exercise of the United States of authority to maintain public peace and order in the territory of the Republic of Panama, together with a copy of the communication addressed to the Secretary of War by the honorable the Secretary of State of the United States, under date of February 21, 1906, on the same subject.

I have, etc.,

CHARLES E. MAGOON.

[Inclosure.]

The Secretary of War to Minister Magoon.

WAR DEPARTMENT,
Washington, April 26, 1906.

SIR: I am in receipt of the letter dated February 21, 1906, from the Secretary of State, respecting the exercise by the United States of authority to maintain public peace and order in the territory of the Republic of Panama, provided for in the constitution of that Republic and stipulated in the treaty of November 18, 1903. I concur in the views expressed by the Secretary of State, and a copy of his letter is transmitted herewith for your information and guidance.

It is evident from the letter of the Secretary of State that in his previous instructions to you, to which he refers, he had not intended to restrict in any way the power of the United States to maintain peace and good order, not only in Panama and Colon, but in any adjacent territory of the Republic in which domestic insurrection or violence would obstruct the great purpose of the United States to build the canal. His instructions to you were intended to emphasize the dignity and sovereignty of the Republic of Panama as a nation and a government, and to point out that it would be improper for the United States to interfere with the elections or other internal affairs of the Republic of Panama, and to take steps to maintain peace and order in its territory in the first instance; that it was the duty of the Republic of Panama to maintain its own peace and good order, and that he could not assume that it would not do so. He did not mean at all to circumscribe the powers of action of the United States in case an insurrection in the Republic of Panama anywhere threatened danger to the interests of the United States in building the canal, or to its property in the Canal Zone. The question whether such interference ought to take place he characterizes as a military question, and one to be determined by the knowledge of conditions on the Isthmus and the practical effect that the insurrection would have on the building of the canal. I have no

hesitation whatever in saying that in my judgment an insurrection in any part of the Republic would disturb the order in Panama and Colon and adjacent territory, and would greatly increase the difficulties that the United States would have in constructing the canal; and while, of course, the forces of our Government ought not to intervene until it is established that the Republic of Panama can not maintain order in its own territory, I think the United States may properly, under the clauses of the treaty construed in the light of the provision of the constitution of Panama, quoted by the Secretary of State, and to prevent its inevitable interference with the work of canal construction, suppress any insurrection in any part of the Republic. Of course, such action taken with respect to an independent government, even with its consent given in its fundamental law, ought to be lightly taken, or until all the circumstances are known, until it is fully established that the Government of Panama is not able to maintain itself. Of this, a request by the President of Panama for our intervention to suppress an insurrection would be the best evidence. If this fact does appear, then the duty of our Government will be plain. I sincerely hope and confidently believe that no disturbance of the peace or insurrection will take place; if it does, the authorities of Panama can suppress it without assistance of the United States; but persons discontented with the Government of the Republic of Panama should not be encouraged to attempt to overthrow it on the supposition that the United States would not take steps, if the occasion arose under circumstances already described, to lend its aid by armed force to suppress an insurrection in any part of the Republic of Panama.

Very respectfully,

(Signed)

WM. H. TAFT.

The Minister of Panama to the Secretary of State.

[Translation.]

No. 12.]

LEGATION OF PANAMA,
Washington, May 12, 1906.

EXCELLENCY: The Government of my country expresses, through me, to the Government of this country its profound gratitude for the notes of your excellency and of the Secretary of War, W. H. Taft, which have created a pleasing impression among the people of Panama, and absolutely assured the maintenance of peace in the Republic of Panama.

Your excellency will permit me to join in my Government's sentiment and to make most sincere wishes for the happiness of this great nation.

Your obedient and true servant,

J. D. DE OBALDIA.

PERSIA.

MURDER OF REV. BENJAMIN W. LABAREE.

(For previous correspondence, see Foreign Relations for 1904, pp. 657 et seq., and 835, and for 1905, pp. 722 et seq.)

Minister Pearson to the Secretary of State.

[Telegram.—Paraphrase.]

TEHERAN, *January 8, 1906.*

(Mr. Pearson states that the Persian Government has finally ordered an expedition 1,500 strong to recapture the Kurd accomplices by force. The Kurds have clans assembled behind fortifications and await attack. Missionaries at Urumia, who insisted on armed expeditions as the only effective course, recoil at the prospect of bloodshed and earnestly request him to make terms with the tribe, through the British consular-general, independent of Persian authorities. He states that he has declined their request. Both Mr. Pearson and the British minister believe that force is the only effective measure, and that the expedition will have a good effect. Mr. Pearson refers to his dispatch of July 8, 1904.)^a

The Secretary of State to Minister Pearson.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, January 8, 1906.

(Mr. Root approves Mr. Pearson's refusal to initiate direct negotiations with the Kurd accomplices, as reported in his telegram of the 8th.)

Minister Pearson to the Secretary of State.

No. 126.]

AMERICAN LEGATION,
Teheran, January 19, 1906.

SIR: The terms of the agreement in the Labaree case accepted by the Persian Government on the 3d day of January, 1905, contained the following provision, to wit:

2. If the leading accomplices notoriously identified as participants in the crime, and living within the jurisdiction of Persia, shall not have been captured and punished, according to the measure of their guilt, before March 9, 1906, * * * then, and in any such event, so much of the indemnity as is hereby

^a Printed in Foreign Relations for 1904, p. 667.

remitted, to wit, the sum of \$20,000, shall immediately become due and payable just as if no reduction had been made in the total amount conceded by the Persian Government, it being the purpose and intent of both Governments in concluding this form of settlement to prevent, as far as possible, the recurrence of similar crimes.

By reference to the telegram of the late Secretary Hay, dated December 29, 1904, it will be seen that the other conditions set forth by me and demanded as a basis of settlement were specifically approved, but as to the payment of this \$20,000, conditionally abated, he was significantly silent, and I inferred that he did not intend to enforce this penalty. In the dispatch confirming his telegram he was again silent on this subject.

In a note which I addressed to the Persian minister for foreign affairs, on October 4, 1905, I used the following language, to wit:

I have been led to believe that the Kurdish tribes in sympathy with the accused are willing to pay to the widow of Mr. Labaree the \$20,000, which was conditionally abated from the amount of the indemnity, and that the prisoners expect release upon such terms, but I now notify your excellency in the most emphatic terms that my Government will never assent to, or even consider, such a disposition of this case. Gold can not atone for American blood. "Punishment according to the measure of their guilt" is the only reparation which my Government will accept, and for this it relies upon the strict performance of the pledge above set forth, in which you solemnly bind the honor and faith of Persia.

The period within which the Persian Government undertook to punish the accomplices will expire March 9, 1906.

The department is aware that the chief accomplices were captured last February, brought to Teheran, held here for seven months, and then remanded to Uroomia for trial; they escaped or were liberated on the way, and have since defiantly refused to surrender and appear at the trial. The probability is that they will not be caught or tried before March 9, and anticipating this eventuality, I write now for specific instructions to guide me, (1) in the event that the Persian Government does nothing, (2) in the event that they offer \$20,000 more for the widow and children of Mr. Labaree.

I am preparing a full transcript of the voluminous correspondence in relation to the case, but in advance of its completion I send now the essential facts in order that the department may instruct me in the premises before the 9th of March.

I am, etc.,

RICHMOND PEARSON.

The Persian Minister to the Assistant Secretary of State.

[Translation.]

LEGATION OF PERSIA,
Washington, February 8, 1906.

MR. ASSISTANT SECRETARY OF STATE: I have the honor to send you herewith the note concerning the matter about which the minister for foreign affairs has just telegraphed me and over which I had the honor to talk with you at our last interview.

With great reliance on your good offices to bring about a favorable answer, and thanking you in advance, I beg you to accept, etc.,

MORTEZA.

[Inclosure.—Translation.]

The details of the murder of Mr. Lebry [Labaree], an American missionary, being well known to the State Department, I shall confine myself to a mere summary for the sake of making the following statement clearer.

After the murder of Mr. Lebry, near Ooroomiah, the murderer, Mir Gafar, took refuge on Turkish territory. Upon the order of the Imperial Government, the authorities of the province established an active surveillance, which was maintained incessantly for several months, and brought about his arrest the moment he returned to Persia. He was taken to Teheran, sentenced to imprisonment for life, and at the same time, a pecuniary indemnity was allowed to the heirs of the victim.

The legation of the United States at Teheran, acting upon reports from several missionaries, further alleged that Mir Gafar had been incited by other persons related to influential tribe chiefs to commit this murder, and it was agreed to send special delegates to Ooroomiah and to institute an inquiry in the case.

In spite of the earnest willingness of the authorities and delegates, the inquiry could not be closed within the stipulated time, which will expire in a few days, because of—

(1) The relationship of the said persons to the influential tribe chiefs, which demands caution and very delicate methods to make it possible to bring them to Ooroomiah; (2) the frontier disputes that have arisen between Persia and Turkey through the wrongful acts of those very chiefs; (3) the disturbances in the Caucasus that have to a certain extent stirred the minds of the population of the province.

For the above-stated reasons his excellency the minister for foreign affairs of my Government is satisfied that if the matter be rushed and armed force resorted to against the said persons at so critical a stage, an uprising of the tribes may be foreseen that will not terminate without great bloodshed and loss of life, and deeming, furthermore, that time and necessary precautions will easily and surely bring the inquiry to a satisfactory conclusion he has just telegraphed me to bring the present conditions to the knowledge of His Excellency Mr. Root, minister of foreign affairs, to the end that the term previously agreed upon be extended by one year or at least ten months, so that we may have the time required for a sure and peaceful settlement of the case.

Furthermore, his excellency the minister for foreign affairs, in view of the profound friendship existing between the two Governments, hopes that the Government of the United States will not under the circumstances precipitate a situation, which, besides causing a revolt of a part of the population, will create very regrettable difficulties.

Moreover, the main point in the case having long since been disposed of to the satisfaction of the Government of the United States, the minister for foreign affairs is convinced that, with a little more time, this inquiry, which, in truth, is but of secondary importance, could also be brought to a successful close with ease and without stirring the population.

It is more than likely that the matter will be disposed of within six months, and it is only for the sake of precaution and greater certainty that the minister for foreign affairs has telegraphed me about a slightly longer period.

While bringing the foregoing to the knowledge of His Excellency, Mr. Elihu Root, I hope that realizing with your fine, well-established penetrations the gravity of my Government's present plight you will be pleased to return a favorable answer.

MORTEZA.

The Secretary of State to Minister Pearson.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, February 12, 1906.

(Mr. Root, referring to Mr. Pearson's telegram of January 8th, advises him of the Persian minister's request for ten months' extension of time for investigating Labaree murder and punishing accomplices, based on representations that immediate display of force

might lead to uprising and bloodshed. Mr. Root calls for Mr. Pearson's views and inquires whether a popular rising might not defeat or indefinitely postpone the demanded just settlement, besides endangering Americans and other foreigners in Uroomia district. Suggests consultation with the British minister.)

Minister Pearson to the Secretary of State.

[Telegram.—Paraphrase.]

TEHERAN, *February 15, 1906.*

(Mr. Pearson states, in reply to the telegram of the 12th, that the Shah, through the Persian minister of foreign affairs, has given emphatic assurance that the accomplices shall be punished before next January. After full conference with Mr. Pearson, the British minister withdrew the British consul-general from Urumia. They do not anticipate any disorder, but believe that the Kurds will not be recaptured except by force.)

The Secretary of State to Minister Pearson.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, February 17, 1906.

(Mr. Root approves Mr. Pearson's note October 4,^a refusing money as substitute for punishment, and adds that the lapse of fifteen months without effective action has sorely tried the patience of the Government of the United States, but for the sake of humanity and to avert the apprehended revolt and bloodshed a delay of ten months will be granted if Persia will engage solemnly to fulfill her pledge within that time. He directs Mr. Pearson to make it clear that no money payment will be admitted in lieu of faithful performance of the clear duty of the Persian Government.)

The Acting Secretary of State to the Persian Minister.

No. 6.]

DEPARTMENT OF STATE,
Washington, February 19, 1906.

SIR: I have the honor to acknowledge the receipt of your note of the 8th instant, requesting, for reasons therein stated, an extension of ten months for the completion by your Government of the investigation of the murder of Mr. Larrabee.

^a Foreign Relations for 1905, p. 733-734.

While this Government had every reason to expect that within the fifteen months which have elapsed since the commission of the murder effective action would be taken by the Persian Government and is disappointed that such has not been the case, still, for the sake of humanity and to avert the apprehended revolt and bloodshed, the American minister at Teheran has been advised by telegraph that a delay of ten months will be granted if Persia will engage solemnly to fulfill within that time her pledge to punish the accomplices.

Accept, etc.,

ROBERT BACON.

Minister Pearson to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN LEGATION,
Teheran, February 20, 1906.

(Mr. Pearson reports that he has complied with telegraphic instructions of February 17.)

Minister Pearson to the Secretary of State.

No. 131.]

AMERICAN LEGATION,
Teheran, February 22, 1906.

SIR: I have the honor to acknowledge the receipt of your telegram of the 17th instant, reading as follows:^a
and to confirm my reply thereto.^a

I inclose copies of correspondence with the foreign office showing the manner and form in which I carried out the instructions contained in your telegram above quoted.

I am, etc.,
Inclosures.

RICHMOND PEARSON.

[Inclosure 1.]

Minister Pearson to the Minister for Foreign Affairs.

AMERICAN LEGATION,
Teheran, February 13, 1906.

SIR: I have just received a cable from my Government stating that the Persian minister asks ten months' extension of time in which to punish Kurd accomplices in Labaree murder. In order that I may answer the telegram before 4 o'clock this afternoon, will you kindly inform me by 3 o'clock if the Persian Government will obligate itself positively and unconditionally to punish the ringleaders in the murder before January 1, 1907?

Upon that unequivocal assurance the extension will be granted.

I send this direct to you to avoid translation and delay in the hope that you will confer with Mushir-ed-Dowlab at once and advise me in time to reach my Government before close of office hours.

I am, etc.,

(Signed)

RICHMOND PEARSON.

^a Supra.

[Inclosure 2.]

The Minister for Foreign Affairs to Minister Pearson.

MINISTRY FOR FOREIGN AFFAIRS,
Teheran, February 13, 1906.

MY DEAR MINISTER: Your excellency's note is being submitted to the Shah, and on receipt of His Imperial Majesty's command a reply will be sent in due course.

I beg, etc.,

(Signed) HUSSEIN VIULL.

[Inclosure 3.]

The Minister for Foreign Affairs to Minister Pearson.

MINISTRY FOR FOREIGN AFFAIRS,
Teheran, February 15, 1906.

YOUR EXCELLENCY: I have the honor to acknowledge the receipt of your note addressed to the ministry for foreign affairs, through Hussein Viuli Vihan, Navab, on the 13th of February, with reference to the murder of the late W. Labaree, stating that a telegram had been received at your respected legation to the effect that the Persian minister at Washington had asked for an extension of ten months for the arrest of the accomplices in the murder of W. Labaree and their presentation for trial.

You state in your letter that if the Persian Government will give emphatic assurances to the legation that before the 1st of January, 1907, the principal accomplices in this murder will be brought to trial the American Government will grant the extension until that date.

In reply I beg to inform you that the Persian Government gives emphatic assurances that before the period mentioned it will present these culprits for trial, and after examination administer to them the necessary punishment.

I take, etc.,

(Sealed) MUSHIR-ED-DOWLAB.

[Inclosure 4.]

Minister Pearson to the Minister for Foreign Affairs.

AMERICAN LEGATION,
Teheran, February 19, 1906.

YOUR EXCELLENCY: I have communicated to my Government your excellency's explicit assurances, made in your note of the 18th instant, by the direct authority and sanction of His Imperial Majesty, to the effect that the accomplices in the Labaree murder shall be punished within ten months after the 9th day of next March.

Upon that solemn assurance I have been instructed to inform your excellency that the extension of ten months requested by your minister at Washington has been granted by my Government.

I am further instructed to emphasize and make clear the point that no money payment will be admitted in lieu of the actual punishment of the guilty accomplices.

I avail, etc.,

(Signed) RICHMOND PEARSON.

Minister Pearson to the Secretary of State.

[Extract.]

AMERICAN LEGATION,
Teheran, February 23, 1906.

No. 132.]

SIR: The extension of time for the punishment of the accomplices in the Labaree murder marks a stage in the case at which it seems proper to make a résumé of the things thus far accomplished in the way of satisfaction for the crime.

1. The chief murderer, Mir Ghafar, a seyyed, a lineal descendant of Mahomet, has been imprisoned for life.

2. The sum of \$30,000 gold has been paid to the widow and children of the murdered man. This is by far the largest sum ever paid by the Persian Government as a money indemnity in such cases.

3. No part of this sum has been collected from the people of the district in which the murder was committed.

This negative fact is a distinct departure from the immemorial custom of the Medes and Persians.

4. The governor of the province of Urumia, the place of the crime, has been dismissed and disgraced.

5. The mujtahed, the chief Moslem ecclesiastic, denounced by the missionaries as the instigator of the crime and the author of all their woes, has been removed.

6. The ringleaders among the accomplices were captured a year ago by stratagem, were brought to Teheran and confined there for eight months, were remanded to Urumia ostensibly for trial, and on the way back, either by carelessness or connivance, were permitted to escape.

I repeat the confident belief, already twice expressed to the department, that these savage Kurds will never be recaptured except by force.

The missionaries have refused to take any part in the trial, either by naming a representative to attend the same or to furnish evidence or to give the names of the witnesses for the prosecution. Under these circumstances, I decided not to use any part of the \$200 authorized by the department to be expended for procuring State's evidence.

Such, in brief, is the state of the case. I make sure that the department will concur with me in the belief that Evelyn Grant Duff, esq., His Britannic Majesty's chargé d'affaires at Teheran, and A. C. Wratislaw, esq., His Britannic Majesty's consul-general at Tabriz, are entitled to the thanks of our Government for the ungrudging, constant, and efficient services rendered by them to American citizens in northwest Persia.

They have spent hundreds of dollars in telegraph tolls, which they would not allow me to repay, not even for my own messages sent by courtesy though the British cipher. I have thanked both these officials, but I submit that their exceptionally efficient and intelligent services should be brought to the attention of the foreign office through our embassy in London.

I am, etc.,

RICHMOND PEARSON.

The Acting Secretary of State to Ambassador Reid.

No. 189.]

DEPARTMENT OF STATE,
Washington, April 5, 1906.

SIR: Our minister to Persia has made known to the department his obligation to Evelyn Grant Duff, esq., His Britannic Majesty's chargé d'affaires at Teheran, and A. C. Wratislaw, esq., His Britannic Majesty's consul-general at Tabriz, for the "ungrudging, constant, and efficient services rendered by them to American citizens in northwest Persia."

The warm appreciation of the friendly good offices of these officers which the Minister expresses is shared by the department, and you are requested to convey to these gentlemen, through the foreign office, the earnest thanks of this Government for the services rendered by them to American citizens in northwest Persia and for their valuable assistance to Minister Pearson, especially in connection with the Labaree case.

I am, etc.,

ROBERT BACON.

Minister Pearson to the Secretary of State.

No. 138.]

AMERICAN LEGATION,
Teheran, September 12, 1906.

SIR: I have the honor to report that on the 6th instant Hussein Kuli Khan, Navab, under secretary in the ministry of foreign affairs, came out to see me at my place in the country and stated that he came under instruction from the grand vizier, who is also acting minister for foreign affairs, to propose that the Persian Government would pay to me, for the benefit of the widow and children of the late Benjamin W. Labaree, the further sum of \$20,000 in gold, in full and final settlement of the controversy. He added that, owing to the disturbed and disorderly condition prevailing along the Turkish frontier, his Government had found it exceedingly difficult to recapture the Kurds implicated in the murder.

I replied that I had anticipated this proposition, as shown in my note to the minister for foreign affairs, dated October 4, 1905 (published in *Foreign Relations*, 1905, pp. 733-734), and that I had unequivocally declined to entertain it, and that my Government had approved my attitude in the premises.

He then said that he would have to instruct the Persian minister at Washington to make the offer directly to the Secretary of State, with a full explanation of the difficulties attending the alternative course to which the Persian Government stands pledged.

I replied that, of course, I could take no exception to such a procedure; in fact, I should rather welcome it as tending to divide my responsibility if not to relieve me of further responsibility in the matter.

I am, etc.,

RICHMOND PEARSON.

The Secretary of State to Minister Pearson.

No. 70.]

DEPARTMENT OF STATE,
Washington, October 20, 1906.

SIR: I have to acknowledge the receipt of your No. 138 of the 12th ultimo, stating that the Persian Government had decided to instruct its minister here to discuss with this Government the question of the payment of a greater indemnity on account of the murder of the late Benjamin W. Labaree, in lieu of the punishment of the murderer, whose recapture is said to be impracticable.

In reply I have to say that inasmuch as the Persian ministry has exercised its prerogative in transferring negotiations to its representative at Washington, the further discussion of the Labaree murder will take place here.

You will inform the Persian Government, however, that nothing has happened to change the opinion of this Government, as expressed in the department's telegram to you of February 17, 1906, that no money payment will be admitted in lieu of the faithful performance of the clear duty to which the Persian Government stands pledged.

I am, etc.,

ELIHU ROOT.

NOTE.—Subsequent correspondence will be published in Foreign Relations, 1907.

POLITICAL REFORMS IN PERSIA.

Minister Pearson to the Secretary of State.

[Telegram.—Paraphrase.]

TEHERAN, August 12, 1906.

(Mr. Pearson states that popular agitation, similar to that in Russia, demanding constitutional reforms but less violent, has triumphed in Persia. Rioting in Teheran, resulting in killing 117 persons, including two Seyids, descendants of Mahomet, insurgents and other advocates of greater liberty supported by pressure of British Government. Shah yielded and conceded constitutional forms of government, including national legislative, elective assembly, new methods, and new era. The 14,000 refugees encamped in the British Government ground return to their homes, and hundreds of political exiles have been recalled with honor and received with illuminations to praise manifestation and popular rejoicing. The grand vizier, uncle of the Shah, deposed. The Persian minister for foreign affairs, a self-made liberal, was appointed to succeed him and to execute reforms.)

Minister Pearson to the Secretary of State.

No. 137.]

AMERICAN LEGATION,
Teheran, August 22, 1906.

SIR: I have the honor to confirm my dispatch of the 12th instant, reading as follows:^a

I inclose a copy of the Shah's decree, with translations in English and French.

I have purposely deferred this dispatch in the hope that I might obtain fuller and more definite information on the subject of the proposed constitution and of its chances of success, but the whole matter is still involved in mystery and the rumors on the subject are so vague and contradictory that I do not consider them worthy of communication to the department.

^a Supra.

The impression is general among my colleagues and in the best informed political circles that nothing substantial and permanent will grow out of this sudden movement for reform. Among the many reasons advanced in support of this opinion I may cite the following:

1. The great body of the Shah's subjects have no idea of the meaning of "constitutional government." The Persian language contains no equivalent for "constitution" as we understand the term.

2. The mass of the people are illiterate; not one in a thousand can read and not one in ten thousand can write the Persian language, if we except the city of Teheran.

3. There is no middle class, whose intelligence and interests could form the basis and the guaranty of constitutional government.

4. Outside the cities not one person in a thousand is a freeholder, and it is estimated, in the total lack of statistics, that 3,000 persons, including the Shah, own three-fourths of all the land in the kingdom and virtually all the productive agricultural land.

5. History does not record a single instance of successful constitutional government in a country where the Mussulman religion is the state religion; Islam seems to imply autocracy.

6. It is generally believed that the mullahs, or Mohammedan priests, who sided with the reformers or revolutionists in the recent agitation and whose influence gained the victory for that party, will soon return to their traditional support of autocratic ideas. It is pointed out that these ecclesiastics joined in the revolutionary movement in order to compel the payment of their pensions or official salaries, which were three years in arrears, and that as soon as this financial transaction is accomplished this all-powerful caste will become at once pacified and revert to its former leanings, leaving their sincere secular collaborators to shift for themselves and to build up, if they can, a structure of free government without any solid foundation.

However these things may work out, it is certain that a committee of eight, appointed by the revolutionary leaders, is now actively at work on a constitution, a novel and difficult undertaking in the ancient Kingdom of Iran, which since the time of Ahasuerus has patiently supported a score of dynasties without once attempting to divide or to question the rights of the governing monarch.

The further development of this struggle will naturally attract the interests and sympathy of the friends of liberty throughout the world.

I am, etc.,

RICHMOND PEARSON.

[Inclosure.—Translation.]

Decree of His Imperial Majesty the Shah.

To His Highness the Sadre Azam (Grand Vizier):

As the Almighty hath committed to our care the prosperity and well-being of the Empire of Persia, and has made our royal person the protector of the rights of all the peoples and sincere subjects of our realm, therefore, at this particular time our royal will has decided that for preserving the peace and safety of the population of Persia, and in order to make strong and firm the foundations of the Government, certain reforms shall, in conformity with the spirit of the times, be introduced into the administration.

In order to this end we have decided that a national assembly elected from the royal princes, prelates, members of the kingly tribe, government officials, nobles, landowners, and tradesmen shall be organized and meet at the capital, Teheran, to examine and discuss all questions of importance affecting the Government and country and the general interest of the people. And our council of patriotic ministers shall give such necessary advice, assistance, and support as shall tend to the removal of grievances and increase the happiness and tranquillity of the people; and the prime minister shall, with the most perfect assurance of safety and acceptance, present to us the results of their deliberations that they may receive the royal assent and be put into execution.

It is therefore ordained that, on the authority of this decree, a code of rules and regulations for the guidance of the assembly, together with a statement of such things and necessities for the formation of the same, shall be prepared with the knowledge, consent, and approval of the members and presented for the royal assent, in order that the assembly, which by the help of God shall be the preserver of justice, may be efficiently organized and employed for the reform of the affairs of the country and the execution of the sacred laws.

We further declare that copies of this royal decree shall be printed and distributed to the public, that our benevolent intentions directed to the improvement of the administration and prosperity of the people of Persia, who, when fully informed thereof, may pray for the peace of the country.

Given at our palace of Sahebteranich the 14th day of Jamadi-es-Sani A. H. 1324, corresponding to the 5th of August, 1906.

PERU.

BOUNDARY DISPUTE BETWEEN PERU AND COLOMBIA.

Minister Dudley to the Secretary of State.

No. 1273.]

AMERICAN LEGATION,
Lima, July 29, 1906.

SIR: I have the honor to inclose herewith a copy and translation of a *modus vivendi* between Peru and Colombia, signed at Lima on the 6th instant by the plenipotentiaries of those Governments. It is in substance the same as that celebrated in May, 1904 (see the legation's No. 979, of Aug. 31, 1904), intended as a temporary solution of the territorial disputes of the two countries in the Putumayo region while awaiting the final settlement of the question by arbitration.

In this connection I quote the following pertinent passage from the message of President Pardo, read before the Peruvian Congress on the 28th instant:

On September 12, 1905, our minister at Bogota concluded with the Government of Colombia three conventions, which my Government submitted to the former Congress in its ordinary session.

The first is a treaty of general arbitration, similar to the one we have concluded with the Kingdom of Italy.

The second is a special treaty of arbitration relating to our boundary question wherein, as in former treaties of the same character which have been heretofore concluded with that Republic, the controversy is submitted to the decision, to be based upon considerations of equity, of His Holiness Pope Pius X. But as our question with Colombia is connected with the one with Ecuador, it has been agreed that the arbitration with Colombia shall only take place after the termination of the one in which we are now proceeding with Ecuador, upon the adjudication by the royal Spanish arbitrator to Peru of territories which are likewise claimed by Colombia.

Finally, the third pact arranged at Bogota is a provisional *modus vivendi*, the object of which was to avoid conflicts imminent in the region of the Putumayo, which might have disturbed the friendly relations of the two countries and have interfered with the arbitration which is to decide the boundary controversy.

The two first-mentioned treaties, of general and of special arbitration, are still before the Peruvian Congress awaiting ratification. Copies of them will be found in the Bulletin of the Peruvian Ministry for Foreign Relations, No. IX, two copies of which I expect to forward the department by the same mail with this.

The third of these compacts was never carried into effect in consequence of difficulties which were encountered, due to the difference in the customs tariffs of the two countries. This made further legislative action necessary to the execution of the pact within the disputed territory. The *modus vivendi* of July 6, 1906, was therefore negotiated in lieu of the former one. It is held not to require legislative ratification and has gone into effect at once.

I have, etc.,

IRVING B. DUDLEY.

[Inclosure.—Translation.]

MODUS VIVENDI BETWEEN PERU AND COLOMBIA.

The Governments of Peru and Colombia, carrying into effect the objects of a fraternal settlement which determined the celebration of the treaty of arbitration of boundary questions signed at Bogota on September 12, 1905, and in order to assure harmony between the two countries, united by close bonds of friendship, have resolved to celebrate a pact conducive to that end, with which object in view they have named their plenipotentiaries, viz:

His Excellency the President of the Peruvian Republic, Dr. Javier Prado y Ugarteche, minister of state, in charge of the foreign office; and Dr. Hernan Velarde, envoy extraordinary and minister plenipotentiary of Peru in Colombia, at present in Lima; and His Excellency the President of Colombia, Mr. Luis Tanco Argáez, envoy extraordinary and minister plenipotentiary of Colombia in Peru; who, after showing their full powers, which were found to be in correct and due form, have agreed on the following:

1. The Governments of Peru and Colombia agree to maintain the statu quo in the disputed territory between the two countries until the definite solution of the controversy through the arbitration agreement entered into at Bogota on September 12, 1905.

2. In order to prevent every difficulty and dangerous conflict in the region of the Putumayo, the Governments of Peru and Colombia agree to withdraw from that river and its tributaries during this provisional situation all garrisons, civil and military authorities, and custom-houses they have established there.

3. In consequence of the friendly character of this agreement, the conditions of commercial traffic shall be identical for Peruvians and Colombians on the Putumayo and its tributaries, and the merchant vessels of both one and the other shall be entitled to its free navigation.

4. The Governments of Peru and Colombia bind themselves to make no alterations in the régime which this pact lays down until such time as the boundary question between the two countries is definitely settled.

5. The foregoing stipulations do not in any way signify the renunciation or acknowledgment of territorial rights in favor of either one or the other, their sole object being the avoidance of conflicts in that region, thus facilitating the amicable solution sought by both Republics.

6. This agreement, which replaces in all its clauses that of a like character celebrated at Bogota on September 12, 1905, will be immediately put into effect by both parties, to which end the necessary orders will be at once issued.

In witness whereof they sign the present document in duplicate and seal it with their private seals, at Lima, on July 6, 1906.

[SEAL.]

J. PRADO Y UGARTECHE.

[SEAL.]

HERNAN VELARDE.

[SEAL.]

LUIS TANCO ARGÁEZ.

COMMERCIAL TREATY BETWEEN PERU AND BOLIVIA.

Minister Dudley to the Secretary of State.

No. 1241.]

AMERICAN LEGATION,
Lima, Peru, January 24, 1906.

SIR: Referring to Mr. Neill's No. 1213,^a of December 14, 1905, I have the honor to advise the department that the treaty of commerce recently concluded at Lima between Peru and Bolivia, and which is intended to replace their treaty of June 7, 1881, was ratified by the Peruvian Congress yesterday. The latter treaty was denounced by Bolivia and will continue in force only until the 30th of June next.

I have, etc.,

IRVING B. DUDLEY.

ENCOURAGEMENT OF IMMIGRATION.

Minister Dudley to the Acting Secretary of State.

No. 1278.]

AMERICAN LEGATION,
Lima, August 14, 1906.

SIR: I have the honor to inclose herewith two copies and a translation of a decree of this Government, dated the 10th instant, providing for the encouragement of immigration to this country by the payment of the passages of immigrants under specified conditions.

As stated by President Pardo in his last message to Congress, the two main obstacles to agricultural development in Peru are the insufficiency of laborers and the scarcity on the coast of water. The problem of the increasing of the water supply has been receiving the attention of the government corps of engineers during the past few years, several Americans having aided therein, especially with a view to developing subterranean water.

I have, etc.,

IRVING B. DUDLEY.

[Inclosure.—Translation.]

(From El Comercio, Lima, Peru, August 11, 1906.)

The President of the Republic:

Whereas, it is convenient to lay down rules for the expending of the item set apart for the promotion of immigration in the general budget now in force, in a way best suited to obtaining the object in view:

Decrees—

First. The State will provide third-class passages for the natives of Europe and America who may wish to introduce industrial or private enterprises, provided that they fulfill the following conditions: (a) That they are from 16 to 50 years of age, if they are males, and from 10 to 40 if they are females, fulfilling the conditions of morality and health laid down in the rules now in force. (b) That they come to engage in agriculture, in mining, or in other industries, or to devote themselves to these occupations for account of colonization, immigration, or irrigation enterprises.

Second. The payment of the passages will be made through the consuls of the Republic in the ports of shipment in view of the orders cabled by the ministry of fomento, to which office must be presented in writing the request of the interested parties for such payment, indicating at the same time the number of immigrants, the agricultural estate or industrial establishment to which they are destined, and declaring themselves obliged to provide lodging, board, and medical attendance for the immigrants from the port of landing to the place of destination.

Third. The consuls of the Republic, on receipt of the order from the minister of fomento, shall make the payment of the passages to the steamer companies direct, with previous personal and individual evidence that the immigrants fulfill the conditions set forth in Article I of this decree, and for this purpose they shall give a certificate to each immigrant, which shall be collected by the maritime authorities of the port of landing and afterwards forwarded to the ministry of fomento.

Fourth. A general register of immigrants shall be opened in the agricultural section of the ministry of fomento, in accordance with the models and instructions obtained from that department.

Fifth. The outlay incurred by the compliance with this decree shall be charged to item No. 13 of the extraordinary expenses of the department of fomento, in the general budget now in force.

Given in the Government House at Lima, on the 10th day of the month of August, 1906.

(Signed)

JOSE PARDO.

(Signed)

DELFIN VIDALÓN.

ANNUAL MESSAGE OF THE PRESIDENT OF PERU.

Minister Dudley to the Secretary of State.

No. 1275.]

AMERICAN LEGATION,
Lima, Peru, August 3, 1906.

SIR: I have the honor to inclose herewith two copies of the annual message read by the President of Peru at the opening of Congress on the 28th instant, accompanying them with a translation of marked paragraphs.

The President's reference therein to the treaty of Ancon, as clearly establishing the mode of deciding the Tacna-Arica question, coupled with the assertion of the principle that in case of dispute between civilized nations arbitration affords the only approximate recourse, is construed here to be a notice to Chile that no compensation she may offer as a compromise of that dispute will be acceptable—that the plebiscite agreed upon or arbitration will alone receive the sanction and assent of this party to the controversy. Little expectation is in truth entertained here of the success of the mission of the Peruvian representative at Santiago, Dr. Manuel Alvarez Calderón, and under the circumstances it is probable he will take final leave of Chile in December next.

The award of the King of Spain, which is to end the conflicting frontier claims of this country and Ecuador, should soon be given. The questions of the same character between Peru and Colombia will then, pursuant to a treaty of September 12, 1905, be submitted to the Pope for his decision. A few months hence should also see the end of this country's boundary question with Bolivia, through the action of the President of Argentina in the pending arbitration.

Apropos of this, a ripple of indignation was caused in Peru recently by the Bolivian occupation of a part of the disputed territory on the river Heath, while the controversy was thus under submission to arbitration. It is now considered probable that Bolivia will consent to the reestablishment of the statu quo, withdrawing her troops, or, if not, that the incident will at least be so adjusted as not to interfere with the rendition of the arbitrator's award.

It is hoped that Peru's remaining boundary question, which is with Brazil, may be settled by the end of next October through direct negotiation, the mixed commission, appointed under the protocol of July 12, 1904, to survey the upper Yurua and Purus, having finished their work and submitted their reports.

The foregoing shows that the territorial questions Peru has with all her neighbors are apparently in satisfactory course of settlement, with the exception of the one with Chile and perhaps of the one with Brazil.

Respecting domestic affairs, it appears from the statements contained in the message that the finances of the Government and the economic condition of the country continue to show marked improvement. We learn therefrom, for example, that the general revenues of the Republic during the past year (1905) have exceeded the estimates of the corresponding budget by £150,000; that the revenue of the coming year (1907), as estimated, will exceed that of the last by £300,000, reaching the total sum of £2,677,572; that the foreign

commerce during the past year (calendar year) amounted to £10,080,771, against £8,364,642 during the previous year and £4,300,000 during 1896; that the capital and reserve funds of the banks at Lima have risen from £971,491 to £1,093,895 and their assets from £4,572,046 to £6,418,319; that the monetary circulation at present amounts to £602,185; and that, as a further evidence of prosperity, the new industrial enterprises started during the past year represent a capital of £769,000, or nearly four times the capital invested in such enterprises during the previous year.

It is of especial interest to note the administration's determination to persevere in securing congressional authorization of a loan with which to construct, among others, the railway to the Ucayali—a line of great political importance and potential commercial value. The contract for a loan of £3,000,000 made with the Deutsche Bank, as the legation duly reported, failed to receive the sanction of Congress, though it was not formally rejected by that body. The ability of the Government to meet the financial obligations involved admits, according to the message and the arguments therein adduced (but which I have not translated, in view of their length), of no reasonable doubt and of less question to-day than heretofore, when the revenues of the Government and the commerce and business of the country were at a far lower ebb. The contract now proposed to be executed, which will probably be a renewal of the old one, will not be submitted to Congress for sanction, but authorization in advance will be obtained by the Executive. The advantage of this course lies in thus avoiding the opposition's tactics of obstruction successfully pursued at the last session when the contract submitted was considered section by section. The Government still has a majority in both legislative chambers.

I have, etc.,

IRVING B. DUDLEY.

P. S.—It having been found impossible to procure copies of the message in time for the next mail, they will be forwarded to the department about a week later than this dispatch.

[Inclosure.—Translation.]

Message of His Excellency Señor Jose Pardo, President of Peru, submitted to Congress on July 28, 1906.

Honorable Representatives:

* * * During the course of the past year our chancellery has put forth new and persevering effort to bring to a definite conclusion the pending international negotiations consistently with the aspirations of cordiality and of right which inspire the traditional policy of Peru.

Considering that arbitration is the only honorable and permissible means between civilized countries for deciding their disagreements, we have endeavored to solve in this manner our different questions with the neighboring countries, thus affording palpable evidence of the upright and loyal purpose of conciliation and friendship which animates my Government. * * *

In the boundary arbitration with Ecuador, now pending before His Majesty the King of Spain, Peru having already submitted its defense, the latter country's is awaited in order that they may be submitted to the decision of the august sovereign to whose justice and high judgment both States have intrusted the decision of this important controversy.

On September 12, 1905, our minister at Bogota concluded with the Government of Colombia three conventions, which my Government submitted to the former Congress in its ordinary session.

The first is a treaty of general arbitration, similar to the one we have concluded with the Kingdom of Italy.

The second is a special treaty of arbitration relating to our boundary question, wherein, as in former treaties of the same character which have been heretofore concluded with that Republic, the controversy is submitted to the decision, to be based upon considerations of equity, of His Holiness Pope Pius X. But as our question with Colombia is connected with the one with Ecuador, it has been agreed that the arbitration with Colombia shall only take place after the termination of the one in which we are now proceeding with Ecuador, upon the adjudication by the royal Spanish arbitrator to Peru of territories which are likewise claimed by Colombia.

Finally, the third pact arranged at Bogota is a provisional *modus vivendi*, the object of which was to avoid conflicts imminent in the region of the Putumayo which might have disturbed the friendly relations of the two countries and have interfered with the arbitration which is to decide the boundary controversy. But both Governments have considered it necessary to remove every obstacle, without affecting the rights which both parties allege in the disputed region, in order to assure cordiality in their mutual relations and the tranquillity necessary to those engaged in industry for the development of their productive labor and energy, and, inspired by these ideas, have reached the adjustment of a new *modus vivendi*, whereby they agree to maintain the former *statu quo* in the territory disputed between the two countries until the definite solution of the controversy through the aforesaid arbitral agreement of September 12, 1905.

The mixed Peru-Brazilian commissions appointed by virtue of the Velarde-Rio Branco protocol of July 12, 1904, to make a reconnoissance of the upper part of the Yurua and Purus rivers, have already terminated their arduous labors and presented their reports, so that the way now is open for the final negotiations respecting the boundaries between Peru and Brazil in the region east of the source of the Yavari.

In consequence of inevitable delays in the work of these commissions, it was necessary to agree upon new extensions of the provisional *modus vivendi* above mentioned, executed solely in order to facilitate the agreements respecting the definite boundaries and pending their ascertainment. I trust, therefore, that within the extension which ends the 31st of October next it may be possible to establish our just demand and terminate our boundary controversy with Brazil.

The sessions have already begun of the arbitral tribunal charged to decide upon the claims of Peruvians and Brazilians growing out of the occurrences on the upper Purus in 1903. The claims of our fellow-citizens, duly supported, have been submitted, and we must confide in the tribunal's according them a just appreciation.

After the agreement with Bolivia upon the arbitration which is to decide our boundary question with that Republic, the Bolivian Government solicited an extension of ten months beyond the term fixed for the presentation of its defense before the arbitrator.

My Government, in deference to the wish of Bolivia, assented to the extension, so that the submission of the respective defenses was made to the Argentine Government on July 15.

The briefs of the parties having been delivered to each other, their reply must be made within the term of six months.

While this subject was thus in course of being soon decided and definitely resolved, my Government was painfully surprised by the occupation of the mouth of the River Heath by General Pando with Bolivian troops, in this way changing the situation of the zone in controversy as it existed when the arbitration was agreed upon, and obliging my Government to take measures for the protection of those frontiers.

In the present state of the controversy, and in view of the duty of both parties toward the arbitrator, who has taken cognizance of the unexpected occurrence on the Heath, it must be expected that this grave affair will be adjusted in a friendly spirit, the Government of Bolivia recognizing that both countries must respect the *statu quo* existing in the region of the Madre de Dios, whose definitive condition is to be resolved by the arbitral award.

On the 1st of the present month the new treaty of commerce between Peru and Bolivia and the money-order convention went into effect, and the parcel-post convention becomes operative to-day.

The Tacno-Arica question continues to receive the earnest attention of my Government and of our minister at Santiago, who has repeatedly stated to the chancellery there the conviction of the people and Government of Peru that in the treaty of Ancon is to be found the mode agreed upon for determining the definitive condition of those provinces and that its fulfillment is demanded by the faith of treaties, the responsibility of the signatory nations, their economic interests, and the cordality of their mutual relations. * * *

On the 19th instant a new consular convention was signed between Peru and Belgium. The stipulations of this pact assure the ample exercise of the national jurisdiction in cases wherein heretofore consular jurisdiction was permitted. * * *

By the proper ministry there will be submitted to the chambers a bill for the periodic reduction of the tax upon the importation of foreign lard.

The time during which the protective law has been enforced, passed for the purpose of developing this industry in our country, shows that the legislative purpose has not been accomplished, because the national production is stationary while foreign importation is increasing considerably. * * *

The income of the post-office department for stamps, correspondence, parcels, and money orders was estimated for 1905 at £54,100, and yielded £58,276; an excess of £4,176.

The receipts of the telegram department, estimated at £6,000, amounted to £3,785, being a surplus of £7,785.

The interchange of postal parcels continues to increase. A convention for this service has been signed with the United States of America, and a like one is being negotiated with England. * * *

The supreme court has published the volume of judicial opinions and decisions for the year 1905, and the juriconsult charged with the publication of those of former years has published a volume containing those of the years 1871 and 1872. * * *

The historical institute, of recent creation, has been installed in one of the upper salons of the Palacio de la Exposición. It has the advantages of the professional services of the well-known archæologist, Doctor Uhle, who is charged with the organization of the museum, and who will complete, under the auspices of the institute, the important studies already made by foreigners in the service of scientific centers relative to the remains which exist in our territory of other civilizations.

The institute has commenced its labor with the publication of a review, which is the contribution of this national center to the cultivation of historical studies. * * *

The work of the ministry of war during the last year, in addition to its ordinary administration, is the following:

First. The cruiser *Almirante Grau* has been launched.

Second. A contract was made for the construction of a second cruiser, *Coronel Bolognesi*, which will be launched in September next.

Third. There has been created in the general staff the branches of topography, of engineers, and the inspection of arms.

Fourth. Corps of campaign artillery and coast artillery have been created.

Fifth. In connection with the war school, the fencing school has been created;

Sixth. An establishment has been created for the breeding of horses for the army. * * *

The expenditures under the budget of last year are without precedent in the history of the public treasury.

The receipts estimated for 1905 amounted to £2,223,488, but revenue was collected to the amount of £2,371,354, thus yielding an increase over the amount estimated of £147,866.

The disbursements effected with supplementary credits during that year to meet unavoidable necessities of the administration amount to £91,514, thus leaving a surplus of £56,352 over the amount of disbursements made and chargeable to the said budget.

This result is proof of the economic prosperity of the Republic, and of the regularity with which the several branches of administration are conducted. * * *

The budget for 1907 has been made after careful revision and estimate of probable returns, and amounts to £2,677,572; that is to say, as compared with the preceding budget, which amounted to £2,506,386, an increase of £171,186.

* * * * *

In this increase of expenditure (extraordinary expenditures amounting to £238,042) are found such interesting items as those of:

The subsidy of a new steamship company;

The maintenance of the new cruisers;

An increase of 10 per cent in the salaries of civil and military functionaries; Increased expenditure on account of army rations, the supplying of horses, forage, quartering of supernumeraries, military hospital, campaign artillery material, the advancement of the School of Arts and Trades, the expenses of public health, new roads, the faculty of medicine, the University of San Marcos, and other objects. * * *

The national prosperity manifests itself likewise in a flattering form in our banking movement.

The cash in the banks on June 30 last was £959,164, and on the same date in 1905, £973,441.

The deposits and credit accounts on the same date of June 30, 1906, were £4,511,537, which on the same date in 1905 were £3,498,407.

The capital and reserve funds on June 30, 1906, were £1,093,895, and on June 30, 1905, £971,491.

The total assets of the banks on June 30, 1906, were £6,418,319, and on June 30, 1905, £4,572,046.

The total amount of capital invested in the formation of new stock companies in 1905 was £769,000, and in 1904, £207,000.

Our monetary circulation has grown to £602,185.

Our foreign commerce has in 1905 reached £10,080,771, which in 1904 amounted to £8,364,642; making an increase of £1,716,129.

Imports in 1905 reached the sum of £4,329,151, and in 1904 £4,289,002; balance in favor of 1905, £31,148.

Exports in 1905 reached the sum of £5,751,620, and in 1904, £4,066,639; balance in favor of 1905, £1,684,980.

During the course of the present year, 1906, this favorable condition of our foreign commerce is maintained, reaching during the first six months the sum of £5,181,369, which during the same period in 1905 was £4,218,294; being an increase in 1906 of £963,075.

In 1905, in contrast to 1904, the increase in exportations is greater than in importations.

The value of imports made free of duty, representing raw material, machinery, and railway stock, reached, in 1905, £1,611,038, and in 1904, £1,651,476.

* * * * *

The commercial development as shown by the custom-house at Iquitos continues in the ascendant. It amounted in 1905 to £1,478,995, and in 1904 to £1,250,068; a difference, in favor of 1905, of £228,927.

The coastwise trade has been as follows: In 1905, 374,494 tons; in 1904, 361,692 tons.

The maritime traffic at the port of Callao was as follows: In 1905, 927,249 tons; in 1904, 924,524 tons.

* * * * *

The term has expired which was fixed by the legislative resolution of November 25, 1904, without the conclusion of an adjustment of differences with the Peruvian corporation, notwithstanding the decided effort put forth by my Government, which has been rendered of no avail by the varying and unjustifiable demands of that company.

* * * * *

The register of mines has been published punctually and its statistics reveal the development of the mining industry and the great interest aroused by the exploitation of this branch of the country's wealth.

It is proper to recall, in order to appreciate the mining development, that the number of claims recorded in the register of the first half of 1903 was 5,310, subject to a charge of £9,752, whilst the register of the first half of the present year contains 10,421 mining claims, which pay in taxes, fines, etc., £32,357.

The following is a résumé of the mineral production during the past year:

Materias.	Cantidades. (Amounts.)	Valores. (Values.)
Oro en barras, en productos metalúrgicos y en minerales. (Gold in bars, in metallurgical products and minerals)	kilograms.. 733	<i>Libras.</i> 97, 072
Plata id. id. (silver).....	do. 176, 000	648, 000
Cobre (copper)	tons.. 11, 000	622, 268
Plomo (lead).....	do. 1, 270	5, 420
Petróleo bruto (raw petroleum).....	do. 49, 700	124, 250
Carbón (coal).....	do. 72, 665	98, 300
Sal (salt).....	do. 21, 083	21, 038
Boratos (borates).....	do. 1, 594	14, 346
Níquel (nickel).....	kilograms. 1, 778	145
Azogue (quicksilver).....	do. 1, 554	340
Bismuto (bismuth).....	tons. 12	5, 000
Molibdeno y vanadio en pequeña cantidad. (Vanadium in small amounts.)		
Total.....		1, 636, 179

The production and value of some of our principal agricultural products during 1905 were as follows:

Artículos.	Producción.	Valor.
Azúcar (sugar)	kilograms.. 161, 850, 935	<i>Libras.</i> 1, 638, 593
Algodón (cotton).....	do. 10, 665, 275	522, 843
Lanas (wool).....	do. 4, 510, 530	440, 734
Gomas (rubber).....	do. 2, 539, 074	955, 157
Cocaína (cocaine).....	do. 6, 088	77, 318
Coca (Coca).....	do. 1, 313, 825	94, 596
Café (coffee).....	do. 834, 893	28, 390

VISIT OF SECRETARY ROOT.

The Peruvian Minister to the Secretary of State.

THE PERUVIAN LEGATION,
Washington, March 23, 1906.

SIR: I am in receipt of special instructions from the minister for foreign affairs of Peru to invite your excellency to stop over at Lima on your excellency's forthcoming trip to South America.

It is the endeavor of my Government to receive the visit of the Secretary of State of the United States that he may be the recipient of personal expressions of the old, sincere, and cordial friendship that have so happily united Peru to this Republic.

My countrymen will feel greatly honored with your excellency's visit, and will be very pleased should the opportunity present itself when your excellency may personally get acquainted with the true and unanimous enthusiasm with which they appreciate and support the American policy of justice and close friendship pursued by your excellency in the foreign relations of this great nation with the republics of the south.

Accept, etc.,

FELIPE PARDO.

The Secretary of State to the Peruvian Minister.

DEPARTMENT OF STATE,
Washington, March 31, 1906.

MY DEAR MR. PARDO: I have now been able to ascertain the length of time which will be necessary for me to pass from place to place during my projected visit to South America with sufficient accuracy to determine that I shall be able to visit Peru, and I beg you to convey to the minister for foreign affairs my grateful acceptance of his very courteous invitation to visit Lima. I shall probably be able to reach Lima about the second or third week of September.

It will be a very great pleasure to me to meet the distinguished men who control the policy of Peru, and I shall hope that a more complete understanding and sympathy between the two countries may have the result of making still more effective, for the benefit of both, the friendship and good will which have long existed between them.

Faithfully, yours,

ELIHU ROOT.

Minister Dudley to the Secretary of State.

No. 1287.]

AMERICAN LEGATION,
Lima, Peru, September 20, 1906.

SIR: I have the honor to mention that this Government has now in preparation a pamphlet which is to contain an illustrated account of your memorable visit to Peru, and the speeches you made at Lima and Callao, and on the excursion given in your honor to Chicla over the transandine railway. It will also include the speeches (with English version) to which yours responded. Copies are promised me for transmission to the department within two or three weeks.

The notable impulse in advancement of improved international relations, produced by your sojourn and public utterances here, continues since your departure to be evidenced by the cordiality with which the satisfaction over your visit is expressed by the Government, the people, and the press of the country.

I called yesterday, accompanied by Secretary Neill, upon President Pardo and each member of his cabinet to manifest this legation's appreciation of the generous hospitality and the many marks of respect and honor shown my chief.

I have the honor, etc.,

IRVING B. DUDLEY.

[Inclosure 1.]

Speech of His Excellency Doctor José Pardo y Barreda, President of the Republic of Peru, at a banquet given by him to Mr. Root at the Government Palace in Lima, on September 10, 1906.

[Translation from the Spanish.]

YOUR EXCELLENCY MR. ROOT:

With the most sincere good will, I cordially welcome you in the name of my country and of its Government, and I believe I faithfully interpret the sentiments that rule in Peru in telling you of its sincere good will toward the United States, their illustrious President, and toward your own distinguished person. These feelings which unite the two countries begin in the

dawn of independence, because the founders of the great Republic showed our forefathers the way to become free; and they strengthened us from the first days of our independent life by the safeguard which the admirable foresight of another great statesman of your country placed around American soil.

Since then the closest friendship unites the two nations. Peru has received from the United States proofs of a very special deference, and has appreciated the efforts made by your Government to establish political relations between the American peoples upon the basis of right. In this most noble aspiration, worthy of the greatness of your country, Peru, on her part, unreservedly acquiesces.

The lofty ideas which you have expressed since your arrival in South America, the frank expressions of cordiality, the concepts of stimulus and aid to induce us, the Americans of the South, to work in the same way as those of the North, with earnestness and unflinching hope in the future, have in every breast the most pleasing echo, and they direct toward your person the most lively sympathy.

Closely associated fellow-worker with the illustrious statesman who rules the destinies of your country, to you belongs, in a great measure, the acclamation with which America and the entire world would greet the great nation which has constituted the most perfect democratic society, which made the most surprising progress in industrial and economic order, and which placed the prestige of its greatness in the service of peace all over the world.

Gentlemen, I invite you to drink to the United States; to its President, Mr. Roosevelt; and to its Secretary of State, Mr. Root.

[Inclosure 2.]

Reply of Mr. Root.

MR. PRESIDENT:

I thank you sincerely, both in my own behalf and in behalf of my country, for your kind welcome and for the words, full of friendship and of kindly judgment, you have uttered regarding my country and regarding her servants, the President and myself. The distinguished gentleman who represents Peru in the capital of the United States of America, and who shares with you, sir, the inheritance of a name great and honored, not only in Peru but wherever the friends of constitutional freedom are found—in his note of invitation to me, upon which I am now a visitor to your city, used a form of expression that has dwelt in my memory, because it was so true. He spoke of the old, sincere, and cordial friendship of our two countries—that is indeed true of the friendship of the United States of America and the Republic of Peru. It is an old friendship, a sincere friendship, and a cordial friendship. I have come here not to make new friends, but to greet old ones; not to make a new departure in policy, but to follow old and honored lines; and I should have thought that in coming to South America in answer to the invitations of the different countries, all down the east and up the west coast, to have passed by Peru would indeed be to have played Hamlet with Hamlet left out. It is still a more natural and still a stronger impulse to visit Peru now as a part of a mission of friendship and good will, when the relations between the two countries are about to become drawn closer together materially.

The completing of the canal across the Isthmus of Panama will make us near neighbors as we have never been before, so that we may take our state-rooms at the wharf at Callao or at New York and visit each other without change of quarters during the journey. And no one can tell what the effect of the canal will be. We do know that nothing of the kind was ever done before in human history without producing a most powerful effect upon mankind. The course of civilization, the rise and fall of nations, the development of mankind, have followed the establishment of new trade routes. No one can now tell what the specific effect of the cutting of the canal across the Isthmus may be, but the effect will be great and momentous in the affairs of the world. Of this we may be certain, that for the nations situated immediately to the south and immediately to the north of the canal there will be great change in their relations with the rest of the world; and it is most gratifying to know that this great work which the United States of America is now undertaking—the cost of which she does not ever expect to get back—a work which she is doing not

merely for her own benefit, but because she is moved by the belief that great things are worth doing, is going to bring great benefits to the entire world, and to her old friend and her good friend, the Republic of Peru.

I thank you, Mr. President, for your kind reception, and I beg you to permit me to ask the gentlemen here to join me in proposing in behalf of President Roosevelt the health and long life and prosperity of the President of Peru.

[Inclosure 3.]

Speech of His Excellency Javier Prado y Ugarteche, minister for foreign affairs, at a banquet given by him at the Union Club, to Mr. Root and his family, in Lima, September 11, 1906.

[Translation from the Spanish.]

HONORABLE MR. ROOT, LADIES, AND GENTLEMEN :

It is with the liveliest feelings of consideration and sympathy that I have the honor to offer this manifestation to His Excellency Mr. Elihu Root, Secretary of State of the United States of America.

Yielding to the generous impulses of your heart of an American, and of your brain of a thinker and of a statesman, you have felt a desire, Mr. Root, to visit these countries, to address them words of friendship and of interest in their welfare in the name of the honorable Government which you represent, and to shed over this continent the rays of the noble ideal of American confraternity.

Your visit will undoubtedly produce fruitful results on behalf of liberty and of justice, of peace and of progress, of order and of improvement, which you have proclaimed as being the highest principles inspiring the policy of the United States in the special mission for which their peculiar virtues and energy have marked them out in the destiny of humanity.

When those austere individuals of the American independence laid the foundations of the great Republic of the North, and gave it its constitution, they were not inspired by narrow-minded ideas or by selfish and transitory interest, but by a profound conviction of the rights of man and a deep feeling of liberty and of justice, which, in its irresistible consequences, would bring about the social and political transformation which came to pass in the world at the end of the eighteenth century, and was destined to constitute the gospel of liberty and of democracy in our modern régime.

This same people, although still in its youth, did not hesitate, shortly after, all alone, to guarantee the independence of all the American countries, placing before the great powers of the world the pillars of Hercules of the Monroe Doctrine, forming an impassable gateway to a free and unconquerable America.

To-day this same people excites the admiration of the whole world by its grandeur. Its Government brings to its level the harmony of humanity; reestablishes, on the one hand, peace between the empires of Europe and of Asia, and, on the other, between the republics of Central America; patronizes the Congress of The Hague, and in it obtains the recognition of the personality of the American nations, and further delays its approaching reunion in order that the Pan-American Congress in Rio de Janeiro may previously hold its sessions; thus giving proof of the interest it takes, with equal concern, in the future of the peoples civilized for a century, and also in that of the countries just commencing their existence. The American Constitution, the Monroe Doctrine, together with the policy of President Roosevelt, and of his Secretary of State, Mr. Root, give utterance in this manner, through the pages of history, to the same language of liberty, of justice, humanity, and Americanism.

How deep is the lesson to be learned from these facts!

The ancient ideas founded right upon force, the régime of the social bodies was that of privilege, and the individual efforts were tied down by bonds imposed in name of the authorities. The modern ideas, such as the United States proclaim, found all right upon justice, and the social régime upon liberty and equality. The human being is not an instrument for the display of arbitrary power, but is the whole object of social life, the mission of which is the development of its energies, its moral conscience, the improvement and welfare of individuals and of nations.

According to the ancient ideas, the greatness of the nations was measured by their military power and by the limits of their conquests of force. According

to modern ideas, as represented by the United States, the greatness of nations is measured by the conquests obtained by individual and collective efforts, thereby creating the fruitful and happy reign of truth, of justice, of labor, and of peace.

War was formerly a glory; nowadays it is a calamity. Later on it will be condemned as the sad ancestral remains of barbarism and savagery.

The evolution of ideas is that which now rules the world, and if people do not always comprehend this fact it is because the selfish and personal prejudices, passions, and interests disturb and impair their judgment.

In modern progress, the régime of privilege and of force can no longer create rights or lend security for the future or the aggrandizement of nations; and nowadays those individuals do not render a service to their native land who, while they sacrifice permanent interests, think they can calculate the meridian of their country by the artificial reflections of a moment, transitory and perishable.

The régime of force or of armed peace consumes the vital forces and the resources of nations; and then from the abyss of inequality, of affliction, and danger produced, bursts forth once more the social and political problem demanding, with threats, the reform of the evil, and laying down the maxim that only an ideal and a régime of justice, of liberty, and of human solidarity can possibly stand forth, firm and unshaken, amidst the ruins in which the wild ideas of greatness held by the military powers of the world must remain buried forever.

It is not by means of a régime of imposition and of force, but by that of liberty, peace, and labor, that the United States of America has been enabled to form a marvelous abode of vitality and human progress; and its Government, with a perfect insight into the greatness of that country and of its destiny, to-day addresses the present and the future of our world, and with special interest explains to America what are the only paths that will lead the nations following them to the attainment of tranquillity and well-being.

Once that existence is obtained, you have said, Mr. Root, that it is necessary to live and advance worthily and honorably, and that this object can not be attained by a régime of domestic oppression and of privilege, nor by the external one of isolation or of war, but by that of liberty, order, justice, economical progress, moral improvement, intellectual advance, respect for the rights of others, and a feeling of human solidarity. You have clearly stated:

“No nation can live unto itself alone and continue to live. Each nation's growth is a part of the development of the race. * * * A people whose minds are not open to the lessons of the world's progress, whose spirits are not stirred by the aspirations and achievements of humanity struggling the world over for liberty and justice, must be left behind by civilization in its steady and beneficent advance.”

In the life of nations there must always prevail an ideal and a harmony of right, of liberty, of peace, and fraternity, although this can only be obtained by persevering efforts and by sacrifices, and a long and distressing march. It is necessary to “labor more for the future than for the present,” and unite together all the nations engaged in the same great task, inspired by a like ideal and professing similar principles.

In accordance with these highly elevated ideas you have given utterance to a profession of faith, setting forth the policy of the United States in the following memorable declarations:

“We wish for no victories but those of peace; for no territory except our own; for no sovereignty except the sovereignty over ourselves. We deem the independence and equal right of the smallest and weakest member of the family of nations entitled to as much respect as those of the greatest empire, and we deem the observance of that respect the chief guaranty of the weak against the oppression of the strong. We neither claim nor desire any rights, or privileges, or powers that we do not freely concede to every American republic. We wish to increase our prosperity, to expand our trade, to grow in wealth, in wisdom, and in spirit, but our conception of the true way to accomplish this is not to pull down others and profit by their ruin, but to help all friends to a common prosperity and a common growth, that we may all become greater and stronger together.

“Within a few months for the first time the recognized possessors of every foot of soil upon the American continents can be, and I hope will be, represented with the acknowledged rights of equal sovereign states in the great world congress at The Hague. This will be the world's formal and final ac-

ceptance of the declaration that no part of the American continents is to be deemed subject to colonization. Let us pledge ourselves to aid each other in the full performance of the duty to humanity which that accepted declaration implies, so that in time the weakest and most unfortunate of our Republics may come to march with equal step by the side of the stronger and more fortunate. Let us help each other to show that for all races of men the liberty for which we have fought and labored is the twin sister of justice and peace. Let us unite in creating and maintaining and making effective an all-American public opinion whose power shall influence international conduct and prevent international wrong, and narrow the causes of war, and forever preserve our free lands from the burden of such armaments as are massed behind the frontiers of Europe, and bring us ever nearer to the perfection of ordered liberty. So shall come security and prosperity, production and trade, wealth, learning, the arts, and happiness for us all."

Peru has read your words, Mr. Root, with profound attention. She is proud to say that in the modest sphere she occupies in the concert of nations she accepts your phrases and ideas as her own, and declares that they also constitute her profession of faith as regards her international policy.

With your superior judgment you have exactly comprehended the difficulties, critical moments, and convulsions which the countries of this continent have had to undergo in order to establish a republican government, together with a régime of liberty and democracy. They are still in the first period of their development and have yet many problems to solve.

To develop the immense resources and wealth with which nature has so wonderfully endowed these countries; to render their territory accessible to labor and civilization by opening up means of communication, granting all kinds of facilities and giving security for the life, health, and welfare of their inhabitants; to obtain the population which their immense territories require; to educate and instruct the people, making them understand their personality, their liberty, their duties, and their rights; to develop their faculties and energies, their labor forces, their industrial and commercial capacity and power; to elevate their moral dignity; to consolidate and strengthen the national unity; to insure definitely the government of the people, in justice, in order, and in peace; to attract capital and foreign immigration; to develop and give impulse to the commercial relations with other countries; to maintain a frank and true international harmony and solidarity; to respect all mutual and reciprocal rights and settle all disagreements by friendly, just, and honorable means—to perform, in short, a work of human civilization; these are undoubtedly the points which ought to occupy, first of all, the thoughts of the administration of these countries, in order to secure their tranquility, their welfare, and their aggrandizement, just as the United States have done, owing to the genius of their race and the power of their ideals.

If the nations of America, instead of living apart from each other and separated by mistrust, threats, and quarrels—which unsettle them, rendering their energy and development fruitless, just as they have kept up a state of anarchy, for a long time, in their internal existence—would unite themselves together by the natural ties which the community of their origin, of their civilization, of their necessities, and their destinies clearly indicate, we should then witness the realization of the idea which you have conceived of a great, prosperous, and happy America; the union of sister Republics, free, orderly, laborious, lovers of justice, knowledge, sciences, and arts, cooperating, each one and all of them, worthily and effectively, to the realization of the great work of human civilization and culture.

The standard and observance of justice should bring about the definite disappearance of the disagreements which may have caused separation among the South American countries, just in the same way as family quarrels are effaced on the exhibition of a just and generous sentiment of sincere brotherhood and harmony which vibrates throughout this continent as an intense aspiration of the American soul and as a noble ideal of concord and of justice.

It is never too late to recognize what is right and to proceed with rectitude. My memory suggests an important event which occurred some few years back in the history of the relations between Peru and the United States, described most correctly by the representative of your Government as one of those most worthy of note in the annals of diplomacy. I refer to the serious question which arose in 1852 between our respective countries relative to the Lobos guano islands, when the United States held that they did not belong to the territory and sovereignty of Peru, and that as they had been occupied by

American citizens your country would uphold these parties in the work of exploitation; but as soon as the Government of the United States, after a lengthened and lively controversy, became convinced of the right which Peru had on her side it at once spontaneously put an end to the question by a memorable note of its Secretary of State, recognizing the absolute sovereignty of Peru over those islands and declaring that "he makes this avowal with the greater readiness, in consequence of the unintentional injustice done to Peru, under a transient want of information as to the facts of the case."^a

When powerful nations, laying to one side the instruments of oppression and violence which they have in their hands, rise to such a height of moral elevation, universal respect and sympathy then form the unfading halo of their grandeur.

And thus it happened with the United States of America; and Peru has now the honor once more to express its consideration and thanks for the generous friendship and constant interest with which the United States have always paid attention to everything affecting the welfare and progress of our country.

Peru, which is the depository of the secrets of wondrous and unknown civilizations; which possesses great historical traditions; which was long ago the metropolis of this continent, and then a Spanish colony; which has an enormous extent of territory, with the most varied and wonderful climates and wealth; after grievous domestic and foreign vicissitudes, has firmly taken in hand the great work of its reorganization; has acquired the knowledge of its public and private duties; has given vigor to its character and to its spirit of enterprise; has founded industries and labor centers; fomented its agriculture, mining, and commerce; is using every effort to foster public instruction, increasing the number of schools throughout the country and giving civic education to its children; constructing railroads and public works of national and future interest; opening the minds and intelligence of its people to the currents of culture and modern progress, and endeavoring to establish a solid and well-directed public administration; her fiscal revenues, her trade, and the general capitalization of fortunes have reached in a few years an extraordinary development which demonstrates the potentiality of the country; enjoying public peace, she is using every effort to maintain a policy of frank understanding and friendship with all nations, and sustains the principle of arbitration for the solution of all her international controversies, thus giving evident proof of the rectitude of her sentiments, and that the only settlements which she defends and to which she aspires are the honorable settlements dictated by right.

These ideas are likewise yours, Mr. Root. And I invite you, gentlemen, to unite with us in expressing the hope that the principles proclaimed by our enlightened guest, to whom we to-day offer the deep homage of our respect and sympathy, may everlastingly rule in America.

[Inclosure 4.]

Reply of Mr. Root.

MR. MINISTER, LADIES AND GENTLEMEN :

I should be insensible, indeed, were I not to feel deeply grateful for your courtesy, your hospitality, and your kindness; nor can I fail to be gratified by the words of praise which you, Mr. Minister, have spoken of my beloved country, and by that hearty and unreserved approval with which you have met my inadequate expression of the sentiments that the people of my country feel toward their sister republics of South America. The words which you have quoted, sir, do represent the feelings of the people of the United States. We are very far from living up to the standards which we set for ourselves, and we know our own omissions, our failings, and our errors; we know them, we deplore them, and we are constantly and laboriously seeking to remedy them; but we do have underneath as the firm foundation of constitutional freedom the sentiment which were expressed in the quotations which you have made.

^a Mr. Everett to Señor Osma, Nov. 16, 1852.

No government in the United States could maintain itself for a moment if it violated those principles; no act of unjust aggression by the United States against any smaller and weaker power would be forgiven by the people to whom the Government is responsible.

Mr. Minister, my journey in South America is drawing to a close. After many weeks of association with the distinguished men who control the affairs of the South American republics, after much observation of the widely different countries which I have visited, it is with the greatest satisfaction that I find, in reviewing the new records of my mind, that the impressions with which I came to South America have been confirmed—the impression that there is a new day dawning, a new day of industry, of enterprise, of prosperity, of wider liberty, and more perfect justice among the people of the southern continent.

I find that the difference between the South America of to-day and the South America as the records show it to have been a generation ago is as wide as the difference marked by centuries in the history of Europe. Why is it? You are the same people—not so much better than your fathers. The same fields offered to the hand of the husbandman their bounteous harvests then as now; the same incalculable wealth slept in your mountains then as now; the same streams carried down from your mountain sides the immeasurable power ready to the hand of man for the production of wealth then as now; the same ocean washed your shores ready to bear the commerce of the world then as now. Whence comes the change? The change is not in material things, but in spiritual things. The change has come because in the slow but majestic progress of national development the peoples of South America have been passing through a period of progress necessary to their development, necessary to the building of their characters, up from a stage of strife and discord, of individual selfishness, of unrestrained ambition, of irresponsible power, and out upon the broad platform of love for country, of national spirit, of devotion to the ideal of justice, of ordered liberty, of respect for the rights of others; because the individual characters of the peoples of the South American republics have been developed to that self-control, to that respect for justice toward their fellowmen, to that regard for the rights and feelings of others which inhere in true justice. The development of individual character has made the collective character competent for self-government and the maintenance of that justice, that ordered liberty, which gives security to property, security to the fruits of enterprise, security to personal liberty, to the pursuit of happiness, to the home, to all that makes life worth living; and under the fostering care of that character, individual and national, the hidden wealth of the mountains is being poured out to enrich mankind; under the fostering care of that character, individual and national, new life is coming to the fields, to the mines, to the factories, to commerce, to all material interests of South America.

Mr. Minister, this is but a part of the great world movement on a wider field. It is no idle dream that the world grows better day by day. We can not mark its progress by days or by years or by generations, but marking the changes by the centuries mankind advances steadily from brute force, from the rule of selfishness and greed toward respect for human rights, toward desire for human happiness, toward the rule of law and the rule of love among men. My own country has become great materially because it has felt the influence of that majestic progress of civilization. South America is becoming great materially because it, too, is feeling the influence that is making humanity more human.

We can do but little in our day. We live our short lives and pass away and are forgotten. All the wealth, prosperity, and luxury with which we can surround ourselves is of but little benefit and little satisfaction; but if we—if you and I—in our offices and each one of us in his influence upon the public affairs of his day can contribute ever so little, but something, toward the tendency of our countries, the tendency of our race, away from greed and force and selfishness and wrong, toward the rule of order and love—if we can do something to contribute to that tendency which countless millions are working out, we shall not have lived in vain.

You were kind enough to refer to an incident in the diplomatic history of the United States and Peru when my own country recognized its error in regard to the Lobos Islands and returned them freely and cheerfully to their rightful owner. I would rather have the record of such acts of justice for my country's fair name than the story of any battle fought and won by her military heroes.

We can not fail to ask ourselves sometimes the question, What will be the end of our civilization? Will some future generation say of us, as did the

Persian poet, "The lion and the lizard keep the courts where Jamshyd gloried and drank deep?" Will the palaces that we build be the problem of the anti-quarians in some future century? Will all that we do come to naught? If not—if our civilization is not to meet the fate of all that have gone before—it will be because we have builded upon a firm foundation, a foundation of the great body of the plain, the common people, and of a character formed upon the principles of justice, of liberty, and of brotherly love. Our one hope for the perpetuity of our civilization is that quality in which it differs from all civilizations that have gone before—its substantial basis. I find that here in Peru you are building upon that firm rock.

I find that here individual character is being developed so that the people of Peru are collectively developing the necessary and essential national character.

I find that the riches of your wonderful land are in the hands of a people who are worthy to enjoy them.

I shall take away with me from Peru not only the kindest feelings of friendship and of gratitude but the highest and most confident hope of a great and glorious future for the people to whom I wish so well.

Mr. Minister, will you permit me the honor of asking all to join me in drinking to the health of His Excellency the President of Peru?

The President of Peru to President Roosevelt.

[Translation.—Telegram.]

LIMA, September 16, 1906.

His Excellency Mr. Root leaves to-day, leaving with the Peruvian Government and people a never-to-be-forgotten memory and a feeling of sympathy that quickens the sentiments of close friendship which unites Peru with the United States of America.

PARDO.

President Roosevelt to the President of Peru.

[Telegram.]

WASHINGTON, September 20, 1906.

I am glad to receive your telegram in regard to the good effect of Secretary Root's visit, and trust that not only this pleasing occasion, but all that concerns the intercourse of the two countries may tend to their mutual friendship and esteem.

THEODORE ROOSEVELT.

The President of the Peruvian Senate to the President of the Senate of the United States.

[Telegram.—Translation.]

LIMA, September 14, 1906.

To the most excellent the PRESIDENT OF THE SENATE,
Washington.

At the session held this day by the Senate of Peru in honor of the most excellent Secretary of State, Mr. Elihu Root, the following resolution has been adopted:

The Senate of Peru has the honor to send its greetings to the Senate of the United States of America and to express to it the

peculiar gratification with which it has received in its midst the eminent statesman, the most excellent Elihu Root. His plans of American solidarity respecting sovereignty, liberty, and justice quicken and strengthen the friendship and sympathy that the Peruvian nation professes for the great Republic. I consider it an honor to transmit this expression to your excellency for the information of the honorable Senate of the United States and to offer to your excellency the sentiment of my distinguished consideration.

BARRIOS,
President of the Senate.

CONSULAR ADMINISTRATION OF ESTATES IN PERU.

The Secretary of State to Minister Dudley.

No. 375.]

DEPARTMENT OF STATE,
Washington, December 27, 1905.

SIR: I inclose herewith a copy of a dispatch from the consul-general at Callao in which he requests instructions as to the circumstances under which he should take charge of the estates of Americans who may die within his jurisdiction and a copy of the department's reply thereto.

Mr. Gottschalk's inquiry whether he can properly avail himself of the Peruvian Government's offer to accord to American consular officers the privileges afforded to the most favored nation in connection with the settlement of the estates of deceased Americans having been answered in the affirmative the necessary action will be taken through your legation.

You will therefore request the foreign office to cause each of the Peruvian local officials concerned to be instructed to notify the appropriate consul of any death of an American that may occur within his jurisdiction.

I am, etc.,

ELIHU ROOT.

[Inclosure 1.]

Consul-General Gottschalk to the Assistant Secretary of State.

No. 61-bis.]

CONSULATE OF THE UNITED STATES,
Callao, Peru, November 13, 1905.

SIR: Referring to my dispatch unnumbered, of October 30, 1905, I have the honor to invite your attention to the following facts: It has been the custom with Americans in Peru for a great many years past not to register at consulates and to refrain from notifying this office in case of deaths, estates of deceased American citizens, etc. I find upon careful investigation that this is done in complete innocence, and that here more so than in many places in Spanish-America which I have visited our countrymen usually resort to the consulates only in case of eminent peril (real or fancied) to life and property. So general is this condition that upon gathering information for my dispatch above mentioned in regard to the death of Edwin S. Dougherty, an American citizen and an employee of the Inca Mining Company, I was quite warmly thanked by Mr. Chester Brown, the manager of this company, as follows:

"Don't think, Mr. Gottschalk, that we consider you intrusive in any way. We are only surprised at seeing you take an interest in this matter, and I am astonished, since you say it is part of a consul's duty, that none of our representatives have ever bothered about such matters before. It is an excellent

thing, of course, and our company will gladly agree to make your nearest consular agent (Mollendo) or yourself a participant in anything that is connected with the deaths of American citizens in our employ."

Before taking any further steps in regard to this important part of our consular work here, I have the honor to ask for your instructions, as follows:

Paragraph No. 1. I understand that the treaty between the United States and Peru, referred to in paragraph No. 414, Consular Regulations of 1896, has been abrogated, but am informed that our consular representatives will gladly be given by the Government the "most favored nation" privilege in regard to the estates of deceased American citizens. Am I correct in availing myself of this?

Paragraph No. 2. The United States statutes provide that consuls shall take possession of the personal estate of Americans not seamen dying within their jurisdiction, *leaving there no legal representative, partner in trade, or trustee appointed before decease*. I have the honor to inquire whether, in the proper interpretation of the statute, the employer or employers of the decedent are regarded ipso facto as legal representatives, partners in trade, or trustees—in other words, whether they may or may not rightfully settle the estate without the participation of this office.

It has been my intention to address a circular letter to the authorities in each department in Peru, asking them to notify this office in the case of Americans dying within their jurisdiction. (This, I am told, is done by some of my colleagues of other nations, but I have refrained from so doing until I heard from you on the two points above mentioned.) I should also be grateful if you would sanction the sending of a circular, as above indicated, if the plan meet with your approval.

I have, etc.,

A. L. M. GOTTSCHALK.

[Inclosure 2.]

The Third Assistant Secretary of State to Consul-General Gottschalk.

No. 89.]

DEPARTMENT OF STATE,
Washington, December 22, 1905.

SIR: I have to acknowledge the receipt of your No. 61-bis, of November 13, relative to the settlement of the estates of American citizens dying in Peru.

In reply, I have to say that it is entirely proper for you to avail yourself of the most favored nation privilege with respect to the disposition of estates of American citizens which, it is understood, will be extended to you by the Government of Peru. The department is fully in accord with your views as to the advisability of requesting the local Peruvian authorities to notify you in cases of Americans dying within their jurisdictions, but it is thought that perhaps a more effective way of making the request would be through our minister at Lima, who will be suitably instructed in regard to the matter at an early day.

In reply to your second inquiry, I have to say that in the opinion of the department the employer of an American citizen can not, upon the death of the employee, be regarded as a legal representative, as a partner in trade, or as a trustee within the meaning of section 1709 of the Revised Statutes. In such case it would seem that you should take charge of the estate in the usual way, not permitting it to be settled by the employer.

I am, etc.

HERBERT H. D. PEIRCE.

Minister Dudley to the Secretary of State.

No. 1244.]

AMERICAN LEGATION,
Lima, Peru, January 26, 1906.

SIR: I have the honor to acknowledge the receipt of the department's instruction No. 375, of the 27th ultimo, directing me, in view of the offer of this Government to accord to American consular officers the privileges afforded the most favored nation in the settlement of the estates of deceased Americans, to request the Peruvian

foreign office to cause each of the local officials of this country concerned to be instructed to notify the appropriate consul of any death of an American that may occur within his jurisdiction. I inclose herewith a copy of my note making the request.

I have, etc.,

IRVING B. DUDLEY.

[Inclosure.]

Minister Dudley to the Minister for Foreign Relations of Peru.

AMERICAN LEGATION,
Lima, Peru, January 26, 1906.

MR. MINISTER: It being understood that your excellency's Government is ready to accord to American consular officers the privileges afforded to the most favored nation, in connection with the settlement of the estates of deceased Americans, I am instructed by my Government, for the purpose of enabling the American consul-general at Callao to avail himself of the privilege, to request your excellency to cause each of the Peruvian local officials concerned to be instructed to notify the appropriate consular officer of any death of an American that may occur within his jurisdiction.

Commending the matter to your excellency's favorable consideration, I embrace the opportunity of renewing, etc.,

(Signed)

IRVING B. DUDLEY.

Minister Dudley to the Secretary of State.

No. 1253.]

AMERICAN LEGATION,
Lima, Peru, March 6, 1906.

SIR: Referring to my No. 1244, of January 26 last, I have the honor to inclose herewith a copy and translation of a note from the Peruvian foreign office, dated the 15th ultimo, from which it appears that in the absence of a convention between the United States and Peru this Government is without authority to grant our consular officers the privilege of administering upon the estates of deceased Americans. The right of consular administration, exercised by Italy under its treaty of 1893 with this country, was lost in consequence of the abrogation of the treaty by Peru. Peru's action was due to its dissatisfaction over questions that arose in the course of consular administration under the treaty, and was taken for the purpose of putting an end to the right. Of course the exercise of the same power will not now be allowed Italian consuls as a privilege and so, even if this Government were vested with discretionary power in the premises, could not with consistency be gratuitously allowed the consuls of any other nation.

The minister's note, though dated the 15th ultimo, was not received at this legation until to-day. The explanation is that his note, as originally prepared and sent, was based upon a misconception of the scope of the request made by the legation (see my No. 1244) and that the note forwarded herewith, written later, was substituted for the original note, being given the same date and number.

My request, following closely the language of the instruction, was that the local Peruvian officials should notify the appropriate consular officer of any death of an American citizen that might occur

within his jurisdiction, for the purpose, as I in substance stated, of enabling our consul-general at Callao to avail himself of the privileges afforded in the case of the most favored nation in connection with the settlement of the estates of deceased Americans. This was understood by the foreign minister to mean for the purpose of enabling our consular officers in this country to watch such administrations and guard the interests of the heirs and successors by appearing therein when found advisable. Instructions to give our consuls the desired notifications were immediately sent, so the minister has verbally informed me, to all the departments, and those instructions are of course still in force.

It is true that since the abrogation, about eight years ago, of the treaty that gave us the right of consular administration in Peru the effects of our deceased countrymen have occasionally been taken into possession and been disposed of by the present consul-general and his predecessors. This must have been through the sufferance or inattention of the Peruvian officials. It has occurred in the case of intestates not domiciled in the country, of those without debtors or creditors in Peru, and in cases wherein no question of the devolution of title to real estate was involved. That it will not be objected to in like cases hereafter seems to me probable.

A copy of the above-mentioned note from the Peruvian foreign minister has been furnished the consul-general at Callao.

I have, etc.,

IRVING B. DUDLEY.

[Inclosure.—Translation.]

The Minister of Foreign Affairs to Minister Dudley.

PERUVIAN FOREIGN OFFICE,
Lima, February 15, 1906.

Mr. MINISTER: Referring to your excellency's courteous communication of January 26 last, I have the honor to state that the facilities which my Government is empowered to afford in case of the death of American citizens in Peru are limited, for the present, to the notification which, in pursuance of instructions already issued, the Peruvian authorities will give the proper consular officer of the United States, and in default of one to this department, for the information of your legation. The legal possession and administration of effects left by American citizens could only be conceded to the consular officers of the United States by virtue of special agreements, as in the case of Italy, under the consular convention of February 25, 1893, the stipulations of which, however, can no longer be taken as a standard because said convention has been abrogated.

I take, etc.,

(Signed)

J. PRADO Y UGARTECHE.

PORTUGAL.

POLITICAL CONDITIONS.

[Extracts.]

Minister Bryan to the Secretary of State.

No. 232.]

AMERICAN LEGATION,
Lisbon, Portugal, May 21, 1906.

SIR: I have the honor to report that the sudden resignation, just announced, of the Regenerador ministry, which had resumed office but eight weeks ago, has caused unprecedented surprise and perplexity throughout the realm. In the official statement which is herewith inclosed, giving his reason for resigning, the prime minister admitted that he and his colleagues appealed to the King to permit them to adopt drastic measures against Republicans, or, as they expressed it, "adopting measures to insure public order and the respect due to the monarchical institutions of the country." The King emphasized his displeasure at this admission of inability to cope with simple problems by calling João Franco, a dissident from the Hintze Ribeiro party, to form a Conservative ministry, composed of deserters from the Regeneradores—that is, from a faction designated as Regeneradores Liberais.

The Republicans are jubilant. They will, in fact, have accomplished much for the good of Portugal if, as a result of their protests, the overthrow of the recent ministry prompts its successor to order fair elections. A prominent Monarchist remarked to me recently in this connection that there were no Republicans in Portugal, those so designated being merely the disfranchised voters clamoring for their electoral rights and ready to support any party, the dynasty above all, which will secure their rights to every citizen.

The composition of the new ministry is the following: President of the council and minister of the interior, João Franco; justice, José Novaes; treasury, Driesel Schroeter; war, Vasconcellos Porto; navy and colonies, Ayres Ornellas; foreign affairs, Luiz de Magalhães; public works, Malheiro Reymão.

I have, etc.,

CHARLES PAGE BRYAN.

[Inclosure.—Translation.]

Extract from the Seculo of May 17, 1906.

RESIGNATION OF THE GOVERNMENT.

The following official announcement was given to the press at half past 1 this morning:

"The council of ministers, having met the day before yesterday and carefully considered the present situation, unanimously decided that they ought to lay before the Head of the State the necessity of adopting measures to insure pub-

lie order and the respect due to the monarchical institutions of the country, and to ask that the opening of the Cortes might be postponed, by a decree for that purpose, on the Government's responsibility, until such time as affairs shall show such opening to be more profitable and useful.

"The president of the council then went to explain the situation to His Majesty the King and to state to him what the council of ministers thought should be done. The King declared that he wished to consider the matter, and last evening he wrote to the president of the council, saying that he could not agree with their proposal to him.

"The president of the council thereupon presented the resignation of the entire cabinet."

Minister Bryan to the Secretary of State.

No. 235.]

AMERICAN LEGATION,
Lisbon, Portugal, June 5, 1906.

SIR: I have the honor to transmit herewith a copy and translation of the King's speech delivered at the opening of the Cortes. The address is interesting in its advocacy of radical reforms proposed by the incoming government, which changes are all the concessions demanded by the Liberal and Republican elements.

It is reported that the Portuguese sovereigns were fearful that the Republicans would take advantage of that occasion to hiss, or even attack them, but the Democratic leaders advised their followers to avoid all unfriendly manifestations toward the royal family. The King expressed gratification at their conciliatory attitude and was pleased with the peaceful temper of the people.

I have, etc.,

CHARLES PAGE BRYAN.

[Inclosure.—Translation.]

The King's speech.

Worthy Peers of the Realm and Deputies of the Portuguese Nation:

It gives me pleasure, on opening the general Cortes of the nation in the course of my duties as constitutional King, to note the cordiality of Portugal's relations with all the other powers.

His Highness the Prince Royal is in Madrid as my representative at the wedding of His Catholic Majesty, and has been received there affectionately and festively, affirming yet again by this visit the close relations which unite the two reigning families and the two peninsular nations.

Conventions or agreements of reciprocal interest have been made with several powers, while negotiations for commercial and arbitration treaties are pending with others, all of which will be made clear to you in due season.

As the ministry presided over by the councilor of state, José Luciano de Castro, asked for its removal from office, the councilor of state, Ernest Rodolpho Hintze Ribeiro, was intrusted with forming a new government. During his term of office the general elections of deputies took place, without disturbing the public tranquillity, the decision in several electoral suits being still pending before the tribunal of verification of powers. As this ministry also asked for removal from office, I deemed it wise to grant it, intrusting the councilor of state, João Franco Castello Branco, with the formation of a new cabinet, whose gubernatorial programme seemed to me to correspond with the trend of public opinion.

My Government and the various ministries will submit drafts of laws to you reforming electoral legislation, by a return to the system of smaller districts, in which votes may be cast for one candidate instead of for the whole ticket,

by the extension of the franchise to members of the working classes, and confining the work of registering the voters and electoral acts to the judicial authorities, that the genuineness and honesty of the ballot may be guarded, which is the basis of the entire representative system; regulating and making ministerial responsibility more effective; guaranteeing more surely the independence of the judicial authorities by introducing within the magistracy the promotion of the members thereof, following rules alike precise and unchangeable.

Other measures will be submitted to you tending to stimulate local life, establishing a differential and graduated decentralization in proportion to the importance and growth of the municipalities, and to create and strengthen social organizations which may exercise functions which the State only discharges with difficulty in the ever-increasing complexity of modern life.

Following its liberal policy, my Government will present drafts of laws to you modifying the law in regard to punishments for anarchism, dispensing with the Government's authorization for carrying on criminal lawsuits against government employees, altering the organization of the office of criminal instruction, and efficaciously regulating the responsibility of the respective functionaries; reforming the law of the freedom of the press, making previous censure impossible, and rapidly submitting the arrest, in cases where it is permitted, to the judicial authorities, the responsibility being shared by the press and by the arresting authority. In accordance with these ideas I have already willingly granted the amnesty proposed by my Government for crimes of printing, tried without the intervention of the accused.

My Government gives very great attention to the important and capital subject of education, as well as regards general instruction in its different grades as to special, technical and professional instruction. Thus the proposal will be made to you that students who have shown marked capacity and application in various branches of study shall be sent to continue and complete their studies in some of the best foreign schools.

Agricultural questions and the entire subject of national economy in all its different aspects and manifestations deserve none the less care from my Government. Many different interests are under discussion, rendering the close cooperation of Government and parliament all the more necessary in the elaboration and approval of commercial treaties, tariffs and other provisions, measures by which the Government can intervene in matters which chiefly depend on the initiative and activity of the productive and commercial classes.

To improve the military institutions, assuring their stability and guaranteeing them against prejudicial disturbances, which come to them from repeated forms in their fundamental regulations, to the detriment of their regular duty; to develop the instruction of the army, with the idea of preparing squads of officers to exercise commanding functions in all military grades, and to proportion better the remuneration which the officers are receiving in their high and patriotic mission. These are the aims of various drafts of laws that will be presented to you by the ministry of war.

The Government's program on the important subject of the navy includes an improvement of naval material as far as the treasury will allow, and the concentration of the command, instruction, and discipline of all the fleet services into one directing body, subordinating the fleet services, as those of the army, to a general plan of national defense.

My Government will bestow the greatest attention on our foreign possessions, both as regards the maintenance of internal order there and as to the development of their various sources of wealth. Following the plan adopted by all truly colonizing nations, measures tending to a differentiated decentralization of the administration of the various possessions, in accordance with their peculiar problems and their state of development, and to the settlement of the economic and financial relations between the colonies and the realm will be submitted to you.

The various ministries will also lay before you measures for protecting and aiding the working classes, for improving the situation of certain classes of functionaries, especially of the lower classes, and for regulating the financial condition of the clergy, establishing their compensation on a new footing.

My Government found the tobacco situation established by the decree of the 6th of April, by which the bidding was opened for the award of the monopoly, and it is resolved to maintain precisely the attitude of the previous

government. The contract resulting from this decree will be submitted to you for approval.

My Government also finds the budget drawn up for 1906-1907, and the short space of time between the formation of the cabinet and the opening of the Cortes has not allowed it to be revised or modified, as had been intended. The cabinet submits it to your consideration as it found it. The public accounts need a profound and radical change in all branches which shall make them clear and definite, and which, with some other measures already referred to, will render easy and secure the parliamentary fiscalization of public receipts and expenses, and the responsibility of ministers, as well as of the various employees, fully effective. My Government intends to complete this reform by proposing the establishment of a parliamentary commission of public finances, a majority of whom shall be from the opposition and with power to correspond directly with all the departments of the Government.

The ministry of the treasury of my Government will also present to you proposals to remodel the monetary system on the decimal basis and the gold standard; to reform the contract with the Bank of Portugal; to reorganize the system of government depositories (caixas economicas) and their extension to a greater number of places; to organize an assessment with rigorously defined bases, which, leveling the inequalities existing at present, will be the exact source of predial and registral taxes.

Worthy peers of the realm and deputies of the Portuguese nation:

The work of reform which the country needs is great and its accomplishment is difficult and perplexing. The strength of all is not sufficient for it, and thus I appeal confidently to your good will and patriotism, certain that, with the aid of God, you will accomplish a useful and lasting work that will honor your names and glorify our fatherland.

The session is opened.

Minister Bryan to the Secretary of State.

No. 237.]

AMERICAN LEGATION,
Lisbon, Portugal, June 12, 1906.

SIR: In continuation of my No. 235, of the 5th instant, I have the honor to report that the Cortes opened on June 1, as reported therein, was but short lived. The absence of a quorum, due to the refusal of the followers of the late ministry to attend and the general dissatisfaction with the manner in which the late elections were conducted, induced the King to call a council of state on June 5, at which it was decided to dissolve the Chamber of Deputies and convoke a General Cortes for the 29th of September next. The present ministry promises to guarantee an absolutely free ballot at the elections to be held for the new Chamber of Deputies, and it is hoped that a legislature representative and able to accomplish legislation may be returned.

I have, etc.,

CHARLES PAGE BRYAN.

Chargé Fletcher to the Secretary of State.

No. 252.]

AMERICAN LEGATION,
Lisbon, Portugal, October 1, 1906.

SIR: I have the honor to report that, for the third time this year, the General Cortes was formally opened by the King on the 29th ultimo. The speech from the throne outlined a number of reforms which will be proposed. The most important being a law providing for ministerial responsibility; a new method of public accounting; a new election law providing for smaller election districts, one seat for

each district, instead of large districts with majority and minority representation in each as at present, enlargement of the franchise and judicial supervision of elections; a much-needed reform in public instruction. Remedial legislation is also proposed for the judicial, public works, war, colonial, and navy departments.

Several new commercial treaties, the negotiation of which the legation has previously reported, will be submitted and as soon as made public I will forward copies and translations.

The contract for the tobacco monopoly, heretofore fully reported, will soon be taken up and will likely be approved. The question of the sanitarium concession at Madeira will also have to be settled.

The opposition, consisting of the followers of Hintze Ribiero, four Republicans, and other smaller groups, will be very active, but it is believed that the coalition, composed of the followers of Luciano de Castro and João Franco, will be able to carry its programme through the lower chamber. The attitude of the House of Peers is likely to be hostile, on account of the Liberal tendencies of the present ministry, but will hardly be obstructive. Much interest is taken in the session just opened, and it is hoped that some real legislative work may be accomplished.

I have, etc.,

HENRY P. FLETCHER.

ALIEN REGULATIONS IN PORTUGUESE COLONIES.

Chargé Fletcher to the Secretary of State.

No. 244.]

AMERICAN LEGATION,
Libson, Portugal, July 16, 1906.

SIR: I have the honor to forward herewith a translation of the regulations governing the entry, residence, etc., of foreigners in the colonial possessions of Portugal, which were promulgated by decree of July 4 last.

And to be, etc.,

HENRY P. FLETCHER.

[Inclosure.—Translation.]

Regulations governing the entry, residence, etc., of foreigners in Portuguese colonial possessions.

It being found advisable to adopt measures which may facilitate the admission, residence, exit, and transit of foreigners in our colonial possessions,

I deem it wise to decree as follows:

ARTICLE 1. Foreigners are freely admitted into the colonies without a passport or any other document allowing their admission or establishing their identity; they are, however, required to present themselves within three days after their arrival to the administrative authority of the place where they entered the province, in order to secure a legal residence.

1. The following are excepted:

(1) Consular agents; (2) foreign travelers, whose stay shall not exceed twenty days; but in every case they must state to the administrative authority the place and time of their stay.

2. The Government may take exceptional measures, when the good of the State demands it, to restrict the free admission of foreigners.

ART. 2. A legal residence may be acquired by presenting a certificate of nationality approved by the applicant's consul, or, if it be impossible to obtain such a document, a passport, which, when approved by the administrative

authority of the district where the foreigner proposes to settle, shall constitute a right of permanent residence.

ART. 3. In default of a certificate of nationality or passport, a legal residence may be acquired through a sufficient bond, but if by reason of the foreigner's lack of acquaintances this can not be done, the administrative authority shall make due note of such declarations as he may make concerning his nationality, showing his name, nationality, age, profession, condition, whence he comes and whither he is proceeding, and any other particulars that may help to identify him shall likewise be mentioned. In such a case article 4 of the decree of July 17, 1871, and the third section of article 2 of the general police regulation of April 7, 1863, shall be followed.

1. The party concerned shall have issued to him a permission of residence when he shall have complied with the terms of the preceding article.

ART. 4. Treaty stipulations relative to the subjects of various nations are not affected by the two preceding articles.

ART. 5. The document which constitutes a legal permission of residence, when once viséed by the proper consular officer, where such exists, and by the administrative or police authority, shall serve as a safe conduct or permission for free transit if the foreigner change his residence within the province or leave by land or sea.

ART. 6. Foreigners who do not secure a legal residence, or present themselves to the administrative authority within the space of time prescribed by this decree, shall undergo a fine of from 5\$000 to 20\$000 reis, and if they do not then secure a legal residence, they may be obliged to leave the country within the time fixed by the governor.

ART. 7. If, after having secured and established a legal residence, foreigners commit actions which endanger public safety or refuse to obey the laws of the land, or in any other manner transgress the laws of the realm, they shall be immediately ordered to leave the province within certain time.

1. When the administrative and police authorities of the district in which the foreigner resides shall have been informed of any act such as those described in the preceding article, they shall investigate the matter, and shall transmit the investigation, with due comment thereon, to the governor of the province.

2. If the investigation shall disclose sufficient disturbances of the public order to warrant the foreigner's expulsion, the governor may expel the foreigner.

3. If the foreigner remain in the province after he has been ordered to leave, he shall be forcibly expelled and shall be conducted to the frontier by the public authorities.

ART. 8. An expelled foreigner reentering the province shall be captured and imprisoned for not less than fifteen days nor more than six months, and shall be again expelled.

ART. 9. The administrative authorities shall send every month a note to the governor of the district, informing him of all matters concerning strangers within his jurisdiction, and the governors of the districts shall send copies of such reports to the governor of the province, that a registry of the foreign population may be made.

ART. 10. The fee for a legal residence shall not exceed 500 reis, inclusive of the proper stamp, all official registries, visés, and references being gratuitous.

ART. 11. Foreigners who have received condemnatory sentences, who have committed crimes, and who are under the special vigilance of the police, shall reside subject to the proper criminal legislation.

1. Foreigners who have been twice condemned for vagrancy can be expelled from the province.

ART. 12. Foreigners who enter a province within a year from the day when this decree shall go into execution and do not acquire a legal residence, shall be obliged to do so within ninety days, under penalty of the provisions of article 6.

ART. 13. The provincial governors shall publish in the Official Bulletin such regulations as may seem advisable for the execution of this decree.

ART. 14. Contrary legislation is revoked.

The minister and secretary of state for marine and the colonies has thus understood this decree and will carry it into effect.

Palace, 4 July, 1906. KING.

ROUMANIA.

RELATIONS BETWEEN GREECE AND ROUMANIA.

Minister Riddle to the Secretary of State.

No. 14. Roumanian Series.]

AMERICAN LEGATION,
Bucharest, March 1, 1906.

SIR: Referring to Mr. Moore's Nos. 11,^a of August 21, and 16,^a of September 20, 1905, and to my No. 2,^a of October 16, 1905, relative to the Greco-Roumanian conflict in Macedonia, I have the honor to forward in a separate parcel by book-post the "Green Book" containing the diplomatic correspondence (in French) between the two governments up to the time of the breaking off of official relations by the withdrawal of the respective diplomatic representatives.

The acrimony already existing between the two governments has been further intensified by the recent expulsion of seven prominent and wealthy Greek residents of this country, who were accused of belonging to a Greek patriotic society, the Hellenismos, which was said to have held secret meetings and raised money in Roumania to further the Greek propaganda in Macedonia. To celebrate these expulsions and to avenge past grievances in Macedonia, a street mob forcibly entered the Greek church in Bucharest and there read the liturgy in the Roumanian language on the night after the expulsions were voted by the council of ministers.

I have, etc.,

J. W. RIDDLE.

Minister Riddle to the Secretary of State.

No. 23. Roumanian Series.]

AMERICAN LEGATION,
Bucharest, June 18, 1906.

SIR: Referring to my No. 14, of March 1 last, relating to Greco-Roumanian relations, I have the honor to inform you that diplomatic relations between the two countries were last week officially broken off. They have been practically suspended since September, 1905, as the Roumanian representatives in Greece and the Greek representatives in Roumania have been absent from their posts since that date. The Greek Government found such an arrangement unsatisfactory, as there was no one to look after Greek interests in Roumania, and accordingly declared diplomatic relations broken off, at the same time intrusting the protection of Greek subjects and Greek interests in Roumania to the Russian legation.

I have, etc.,

J. W. RIDDLE.

^a Not printed.

COMMERCIAL TREATIES OF ROUMANIA WITH GREAT BRITAIN
AND RUSSIA.

Minister Riddle to the Secretary of State.

No. 18. Roumanian Series.] AMERICAN LEGATION,
Bucharest, April 7, 1906.

SIR: I have the honor to inclose herewith a copy of the treaty ^a of commerce between Great Britain and Roumania, in effect March 1, 1906.

The list contained on pages 8716-8721, inclusive, enumerates the British imports which enjoy a reduction from the duties imposed by the Roumanian general tariff, a copy of which was forwarded to the department with my No. 17, of the 5th instant.

I have, etc.,

J. W. RIDDLE.

Minister Riddle to the Secretary of State.

No. 24. Roumanian Series.] AMERICAN LEGATION,
Bucharest, June 20, 1906.

SIR: I have the honor to inclose herewith the official text,^a in French and Roumanian, of a treaty of commerce between Roumania and Russia, in effect April 4, 1906.

I have, etc.,

J. W. RIDDLE.

CONVENTION FOR THE RECIPROCAL PROTECTION OF TRADE-
MARKS.

Signed at Bucharest March 18/31, 1906.

Ratification advised by the Senate May 4, 1906.

Ratified by the President May 10, 1906.

Ratified by Roumania June 20, 1906.

Ratifications exchanged at Bucharest June 21, 1906.

Proclaimed June 25, 1906.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A. PROCLAMATION.

Whereas a convention between the United States of America and His Majesty the King of Roumania, providing for the reciprocal protection of trade-marks, was concluded and signed by their respective plenipotentiaries at Bucharest, on the eighteenth day of March, one thousand nine hundred and six, the thirty-first original of which convention, being in the English and Roumanian languages, is, word for word, as follows:

The United States of America and His Majesty the King of Roumania, being desirous of securing a complete and effective protection of the manufacturing industry of the citizens and subjects of the two countries, the undersigned, being duly authorized to that effect, have agreed upon the following provisions:

^a Not printed.

ARTICLE I.

The citizens and subjects of each of the high contracting parties shall enjoy in the dominions and possessions of the other the same rights as are given to native citizens or subjects in matters relating to trade-marks.

ARTICLE II.

In order to secure to their marks the protection stipulated for by the preceding article, American citizens in the Kingdom of Roumania and Roumanian subjects in the United States of America must fulfill the formalities prescribed to that effect by the laws and regulations of the country in which the protection is desired.

ARTICLE III.

The present convention shall take effect from the date of its official publication in the two countries and shall remain in force until the expiration of twelve months immediately following a denunciation made by one or the other of the contracting parties.

In witness whereof, the undersigned have signed the present convention and have thereto affixed their seals.

Done in duplicate at Bucharest, March 18/31, 1906.

J. W. RIDDLE. [SEAL.]
General J. N. LAHOVARY. [SEAL.]

And whereas the said convention has been duly ratified on both parts, and the ratifications of the two Governments were exchanged in the city of Bucharest on the twenty-first day of June, one thousand nine hundred and six;

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

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

Done at the city of Washington, this twenty-fifth day of June, in the year of our Lord one thousand nine hundred and six, and of the Independence of the United States of America the one hundred and thirtieth.

[SEAL.]

THEODORE ROOSEVELT.

By the President:

ELIHU ROOT,
Secretary of State.

JEWS IN ROUMANIA.

Minister Riddle to the Secretary of State.

No. 26, Roumanian Series.]

AMERICAN LEGATION,
Bucharest, July 2, 1906.

SIR: It may be of interest to know that during the last parliamentary session (November, 1905–May, 1906) twenty-seven Roumanian

Jews were naturalized by vote of the Senate and Chamber of Deputies and thus admitted to all the rights enjoyed by Roumanian subjects.

I have, etc.,

J. W. RIDDLE.

PATENT LAW OF ROUMANIA.

Minister Riddle to the Secretary of State.

No. 21. Roumanian Series.]

AMERICAN LEGATION,
Bucharest, April 18, 1906.

SIR: In reply to the department's instruction No. 12, of the 23d ultimo, inquiring as to the date of the promulgation of the new Roumanian patent law, I have the honor to inform you that it was promulgated and went into effect on January 30, 1906 (January 17, old style).

I have been informed by the minister for commerce and labor of Roumania that the "Reglement d'Administration Publique," minutely prescribing the formalities to be observed under the application of this law, has just been completed and will forward a translation to the department, to supplement the text of the law and to give all necessary explanation to persons desiring to take advantage of the new law.

I have, etc.,

J. W. RIDDLE.

Minister Riddle to the Secretary of State.

No. 25. Roumanian Series.]

AMERICAN LEGATION,
Bucharest, June 30, 1906.

SIR: Referring to my No. 21, of April 18 last, relating to the Roumanian patent law, I have the honor to inclose herewith a translation of the rules, to be followed in obtaining a patent, in which are set forth all the formalities to be observed by persons applying for patent in Roumania.

I have, etc.,

J. W. RIDDLE.

[Inclosure.]

Extract from the rules relating to the formalities for obtaining a patent in Roumania.

ARTICLE 18. Parties desirous of obtaining a patent must present petition to the ministry for agriculture, industry, trade, and domains. To this petition must be joined—

1. A memorandum containing the summary but precise description of the object of the invention;

2. Designs and models or samples which may be necessary for understanding the description;

3. Receipt for the legal tax paid;

4. The original letters patent, or a legalized copy thereof, of the patent already obtained abroad, if a patent of importation is applied for;

5. The notarial power of attorney provided in articles 22 and 25, if the petition is presented by an attorney.

The description and designs shall be presented in two copies absolutely identical, dated, and signed by applicant.

One petition shall not contain applications for several patents, and these may not be issued in one certificate only.

Each power of attorney shall serve for one petition only; foreign powers to be translated and legalized by the foreign office.

ARR. 20. The description to be the exact explanation of the invention and so conceived that any competent man be enabled to manufacture the object of the invention with the means till then known. At the close of the description the applicant shall specify what he considers new in the described object for which he claims the right of property.

The description must be made on white paper of maximum 27 cm. length and 21 cm. width.

ARR. 21. The drawings to be made so as to represent exactly and clearly the object of the invention and to show it, as much as possible, by plan, section, and elevation. They must be in double copies, one on drawing paper, the other on tracing paper, drawn with china ink and executed on a metrical scale of (a) 1/1 or 1/2 (1.00 or 0.50 per meter) for the object whose natural size does not exceed 1 meter; (b) 1/2, 1/5, and 1/10 (0.50, 0.20, and 0.10 per meter) for objects whose natural size exceeds 1 meter. For one of the dimensions of the filed drawings there shall, as much as possible, be kept the size of 27 cm.; in exceptional cases there will be made an allowance till 54 cm.

The parts of the drawings specially constituting the object of the invention for which the patent is applied for shall be colored differently from the rest, with preference in violet.

The letters *a*, *b*, *c*, *d*, or the numbers 1, 2, 3, 4, serving to show the different parts of the drawings, must be of reasonable size and good type.

The same letters and forms must indicate the same parts in all drawings.

The drawings shall have at the left upper corner the name of the applicant, at the right upper corner the order number of the drawing, and on the right lower corner the signature of the applicant, inventor, or attorney. The drawings shall have on the upper left side of the margin 2 cm. each.

RUSSIA.

INAUGURATION OF THE PARLIAMENT (DOUMA) OF RUSSIA.

Ambassador Meyer to the Secretary of State.

[Telegram.]

AMERICAN EMBASSY,
St. Petersburg, January 11, 1906.

Official messenger announces, owing to the last ukase increasing number of voters enormously, will take not less than two months to revise and publish voting lists. All possible efforts being made by Government to hasten work. Announces Douma probably convene not before end of April.

MEYER.

Ambassador Meyer to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN EMBASSY,
St. Petersburg, February 27, 1906.

(Mr. Meyer states that it has been officially announced that the Douma will convene on the 10th of May.)

Ambassador Meyer to the Secretary of State.

No. 463.]

AMERICAN EMBASSY,
St. Petersburg, March 14, 1906.

SIR: I beg leave to report that an imperial manifesto dated the 6th instant announces that in the future the Council of the Empire will consist of an equal number of elective members and members nominated by the Emperor. It will be convoked annually by an imperial ukase at the same time with the Douma. The two assemblies will have equal legislative powers and each can exercise the same initiative in introducing bills or interrogations. Every bill must be passed by both houses before being sent to the Tsar for his signature and approval. The elected members of the Council will be eligible for nine years, a third being reelected every three years.

This reorganized Council will be limited to 196 members, of which 98 will be elective (18 to be chosen from the nobles, 50 from the county council or the assembly of the zemstvo of each government, 6 members from the Orthodox Church, 6 from the representation of the universities, 12 from the representatives of the council of com-

merce and industry, and 6 from the representatives of the landed proprietors in Poland), thus showing an evident attempt to give an apportionate representation in the upper house to the various classes of society.

If, during the adjournment of the Council and Douma, extraordinary matters should arise, the Council of Ministers may lay the questions before the Tsar for immediate action. If, however, when the Douma reassembles the aforesaid action is not embodied in a bill within two months, it ceases to be in force. All members of the Council must have reached the age of 40 and have received an academic degree. The president and vice-president will be appointed by the Tsar, and the elective members will be paid 25 roubles per day during the session. Bills rejected by either house can not be brought up again during the same session. The same regulation applies to bills vetoed by the Tsar.

I have, etc.,

G. VON L. MEYER.

Ambassador Meyer to the Secretary of State.

No. 468.]

AMERICAN EMBASSY,
St. Petersburg, March 19, 1906.

SIR: In my dispatch of February 28, I announced that the Douma was to be definitely convened on April 27/May 10. I now beg leave to report that the elections are taking place in various parts of the country, and as the machinery is rather complicated I have thought it advisable to describe the system more fully than would otherwise be necessary.

The total number of members of the Douma, when the elections shall have finally been completed, will be 501. The elections are, however, not carried on the same day throughout the country. Governors and vice-governors, prefects of cities and their lieutenants can not vote in their departments, nor can members of the army or navy who are on active service, or persons doing police duty in governments or cities when elections are taking place.

The voters are divided into classes, and that it may be more clearly shown I have made the following table:

Peasants.....	} Delegates.....	Electors	Douma members.
Clergy			
Cities not in special list.....			
Volosts			
Workmen			
Landed proprietors and special cities.....	Electors	Douma members.	

From this it will be seen that the peasants are in a class by themselves and, as a matter of fact, in the present elections are not given an opportunity of expression, as it is the volosts (elected at the mir, in most instances, before the Douma was even granted) that chose the delegates. The volosts, workmen, clergy (not landed proprietors), voters of cities (not in special list), and class C of landed proprietors, all choose delegates. These delegates, in turn, select electors, as do also landed proprietors and qualified voters of cities on the special list. The electors vote for Douma members in their appro-

priate electoral college, and their choice is confined to a member of their own body. Therefore in every instance, in order to become a member of the Douma, a candidate must be an elector and previous to that a delegate, except in the case of landed proprietors and voters of special cities.

On overleaf will be found tables showing apportionment of electors and Douma members in the governments, territories, and cities in European Russia, also in the Kingdom of Poland, Siberia, Caucasus, Turgai, Ural, etc.

It is noticeable that the large cities in European Russia are limited to one member of the Douma, with the exception of Moscow and St. Petersburg, the former having an allotment of four and the latter of six.

There is an exceptional provision with regard to the procedure of the peasant electors. When their electors assemble at the electoral college, they first sit by themselves and elect from their own numbers a Douma member. They then dissolve and join the rest of the electoral college, taking part in the election of the Douma members allotted to that particular electoral college. The special privilege given to the peasant electors is not granted to any other group of electors. The workmen may or may not be able to elect a single member from their own class, while no combination can prevent the election of at least one member of the Douma from every governmental electoral college, of which there are 51.

Elections to the Douma, with the exception cited as to the privilege of peasant electors, are finally effected in the governments and territories by the government electoral college, and in the cities by the municipal electoral college. The government electoral colleges are presided over by the marshal of nobility of the government in question. The municipal electoral college by the mayor of the city.

The number of electors in the government electoral colleges varies from 32 to 200; the municipal electoral college, of St. Petersburg and Moscow, 160; and in other special cities, 80.

Government electoral colleges are composed of electors chosen by landed proprietors and clergy landowners, by delegates from those cities not in the special list (that is, those not entitled to a municipal electoral college) by delegates of workmen who do not vote in a municipal electoral college, and by delegates from all the volosts.

Municipal electoral colleges are composed of electors chosen by the qualified resident voters of the cities and by the delegates of the workmen of the same cities, i. e., cities entitled to a municipal electoral college.

The workmen in every factory, mining enterprise, or railway shop of not less than 50 workmen elect one delegate for every thousand men employed.

The delegates from all the factories of each city or government meet together in the city in question, or in the chief town of the government in question, and choose electors from their own number.

The electors so chosen join the representatives (electors) of the other classes in the city in question or in the government in question and vote in the municipal or governmental electoral college for members of the Douma. The number to be so elected is fixed by a special table.

In choosing their delegates the workmen in each factory, etc., hold a meeting under a chairman elected by themselves from their own number.

The proprietor must put at their disposal a suitable place of meeting.

All workmen may vote at the age of 25, and if they have been six months in the establishment in which they desire to vote. The list of delegates elected by each factory is given to the proprietor signed by the chairman of the elections and by at least 10 of the workmen.

This list is then posted and a copy of it sent to the governor of the government or the prefect of the city, as the case may be, and then published.

The meetings of the delegates, instead of being presided over by a workman, as are the first elections, are presided over by the mayor of the town. The procedure and system of voting is in the meetings of the delegates decided upon by the presiding officer, whereas in the meeting of the workmen the method of voting is a secret ballot.

The number of electors to be chosen by the workmen's delegates to the government or municipal electoral college is apparently determined in each government or city by the election committee. The delegates and electors may, if they choose, claim traveling expenses to the extent of 5 copecks per verst, which also applies to the peasant delegates going and coming for attending the meetings of the delegates or of the electors.

The landed proprietors of each district meet together under the chairmanship of the district marshal of nobility and choose from among their own number electors. The electors thus chosen from the districts of every government meet together in the chief town of each government with the electors from the peasants and the district cities and choose Douma members.

All parish priests of any denomination who themselves or whose churches or chapels possess land in the district meet together and, under the chairmanship of the marshal of nobility of the district, choose delegates on the same level as those chosen by the workmen. These delegates join the landed proprietors and the delegates from the volosts, as well as the delegates of the workmen, in meeting assembled of the government electoral college and elect Douma members.

The persons enumerated in Section C of the laws, under the head of landed proprietors, are, like the clergy, three degrees from the representatives in the Douma.

The district cities have no municipal electoral college and consequently have no special representation of their own. Each have a certain number of delegates allotted by the district electoral commission in charge of the elections. The delegates elected in each district then meet together in the chief town of the district and choose electors who in turn join the electors of the landed proprietors and of the volosts and elect members to the Douma.

In special cities (those that have municipal electoral colleges) the qualified voters vote directly for the electors. The delegates of workmen in those cities choose electors. The electors selected by the delegates assemble in the municipal electoral college with electors of the qualified voters, who together choose Douma members for the city.

For Poland, the Ural, Turgai, the Steppes, Turkestan, Siberia, the Caucasus, and the nomad tribes special regulations and qualifications have been made.

The meetings for the election of delegates, electors, or members of the Douma are attended and watched by the police to see that they adhere rigidly to the business in hand and do not digress to the slightest extent in discussing political questions. The power delegated to the police has already been abused and is liable on many occasions to subject delegates and even electors to unjust arrest and imprisonment.

It is impossible to form any opinion as to the personnel of the future Douma. The voters have no chance, as in America, to vote directly for the delegates of the candidates for, as I have already shown, any individual desiring to become a member of the Douma must first be elected a delegate. The next step is to become an elector, and finally to be chosen a member of the Douma.

The only exceptions are landed proprietors or qualified voters (not workmen) that reside in cities on the special list. They are spared the stage of becoming first a delegate.

Only a small percentage of workmen in many of the cities are participating in the elections; in some cases owing to fear of arrest and in others to an agreed boycott.

There are apparently well-informed people that believe the Government is manipulating the elections to such an extent that the first Douma will probably be Conservative and the upper house, known as the "Council of the Empire," Liberal.

All surmises of this nature at the present time are mere guesswork and the Douma will remain an unknown quantity until it assembles and organizes.

I have, etc.,

G. VON L. MEYER.

TABLE No. 1.—Shows not only apportionment of Douma members, but also of electors (who choose Douma members) in electoral colleges.

Governments and territories in European Russia.	Douma members.	Electors in government electoral colleges.	Governments and territories in European Russia.	Douma members.	Electors in government electoral colleges.
Archangel.....	2	32	Orenburg.....	7	105
Astrakhan.....	3	45	Orel.....	8	122
Bessarabia.....	8	120	Penza.....	6	90
Vilna.....	6	91	Perm.....	13	196
Vitebsk.....	6	90	Podolsk.....	13	195
Vladimir.....	6	92	Poltava.....	12	181
Vologda.....	5	80	Pskoff.....	4	61
Voronege.....	11	165	Riazan.....	8	121
Volynsk.....	13	195	Samara.....	12	180
Viatka.....	13	200	St. Petersburg.....	3	47
Grodno.....	7	105	Saratoff.....	10	150
Don Cossacks.....	11	177	Simbirsk.....	6	90
Ekaterinoslav.....	9	135	Smolensk.....	6	90
Kazan.....	9	139	Stavropol.....	3	47
Kaluga.....	5	76	Tauride.....	6	96
Kieff.....	15	225	Tamboff.....	12	180
Kovno.....	6	90	Tver.....	8	120
Kostroma.....	6	92	Toula.....	5	76
Courland.....	3	46	Oufa.....	10	150
Kursk.....	10	150	Kharkoff.....	10	150
Livonia.....	4	61	Kherson.....	10	150
Mysk.....	9	135	Chernigoff.....	10	150
Mogiloff.....	7	109	Esthonia.....	3	45
Moscow.....	6	92	Yaroslafl.....	4	60
Nijni-Novgorod.....	6	90			
Novgorod.....	6	92	Total.....	384	.....
Olonetz.....	3	50			

TABLE No. 2.—Shows not only apportionment of Douma members, but also of electors who choose Douma members.

Large cities in Europe having separate representation.	Douma members.	Electors in municipal electoral colleges.	Large cities in Europe having separate representation.	Douma members.	Electors in municipal electoral colleges.
Astrakhan	1	80	Orel	1	80
Vilna	1	80	Riga	1	80
Voronege	1	80	Rostoff-on-Don	1	80
Ekaterinoslaff	1	80	Samara	1	80
Kazan	1	80	Saratoff	1	80
Kieff	1	80	St. Petersburg	6	160
Kishineff	1	80	Toula	1	80
Kursk	1	80	Kharkoff	1	80
Moscow	4	160	Yaroslaff	1	80
Nijni-Novgorod	1	80			
Odessa	1	80	Total	28	1,760

KINGDOM OF POLAND.

(I) Governments:			(I) Governments—Cont'd.		
Warsaw	5	100	Seidletz	3	61
Kalishnaya	3	60			
Kiletsk	3	60	Total	33	661
Lomja	2	40			
Lublin	5	100	(II) Cities:		
Petrokoff	5	100	Warsaw	2	80
Plotsk	2	40	Lodz	1	80
Radom	3	60			
Suwalsk	2	40	Total	3	160

SIBERIA.

(I) Governments:			(II) Cities:		
Yenesei	2	31	Irkutsk	1	80
Irkutsk	1	16	Caucasus		29
Tomsk	6	90	Turgai, Ural, etc		10
Tobolsk	4	64			
Total	11	201	Total	1	119

Ambassador Meyer to the Secretary of State.

No. 479.]

AMERICAN EMBASSY,
St. Petersburg, April 7, 1906.

SIR: I have the honor to confirm my cable of April 6,^a a true reading of which will be found attached.

The success of the constitutional Democrats has made a great impression on the Government and created considerable nervousness.

Witte is really anxious to resign and go out of the country for a much-needed rest. But he assured a mutual friend that he would stay and serve the Emperor as long as His Majesty desired.

The elections so far have impressed upon his mind the want of confidence which exists among the people as to his administration. As he is without any supporters among the elected members of the Douma, it is difficult to believe that the Emperor will be able or even desirous of having him continue to serve as premier after the Douma is organized.

I have, etc.,

G. VON L. MEYER.

^a Not printed.

Ambassador Meyer to the Secretary of State.

No. 507.]

AMERICAN EMBASSY,
St. Petersburg, May 10, 1906.

SIR: I have the honor to report that this morning at 10 a. m. His Majesty the Emperor, accompanied by the Empress and Dowager Empress, arrived in St. Petersburg, having embarked on the royal yacht at Peterhof. At the Nicolas Bridge the royal party entered a steam launch and proceeded directly to the landing in front of the Winter Palace on the banks of the Neva.

The ceremonies in the Winter Palace went off without a hitch and were a wonderful display. All the Russians were instructed to assemble in the grand salon at 1 o'clock and the diplomats in a special room at 1.15. At half past 1 we were notified by the master of ceremonies to form in line, the Turkish and French ambassadors leading, next the Italian and American, then the German and Spanish, the Austrian and English ambassadors being absent. The ministers were formed in line according to their rank. We formally proceeded through several great halls, the Russian members of the court drawn up on the right and hundreds of ladies on the left, all the latter in the Russian costume with the attractive headgear, known as the "kokoshnik," and all dresses décolletée en rigueur. The throne is in the great hall of St. George, and the diplomats were stationed on a raised stand on the right of the throne, but to the left of the entrance.

In the throne room of the Winter Palace there was an assemblage of people different from any that has ever taken place in the history of Russia. On the left of the throne, taking up the entire left side of the hall, were the members of the Douma, in every conceivable costume, the peasants in rough clothes and long boots, merchants and tradespeople in frock coats, lawyers in dress suits, priests in long garb and almost equally long hair, and even a Catholic bishop in violet robes.

On the opposite side of the hall were officers in braided uniforms, courtiers covered with decorations, generals, members of the staff, and members of the Imperial Council of Russia.

At a quarter of 2 one heard in the distance the national anthem, played by the trumpeters, growing gradually louder as the Emperor and his courtiers approached. Finally the doors were thrown open, and first came richly attired court servants, then two masters of ceremonies carrying wands of office, two grand masters of ceremonies each bearing an imperial golden eagle, followed by others carrying the sword of state, the seal of state, the imperial banner, the globe, the scepter, and finally the crown glittering with beautiful jewels. Directly behind the Crown came 12 palace grenadiers, wearing uniforms of a century ago. Immediately after came His Imperial Majesty with the Empress Alexandra on his left and the Empress Dowager on his right. The Grand Dukes Michael and Vladimir and the remainder of the imperial family followed in order of precedence. Halfway down the hall the Emperor stopped and kissed the cross in the hands of the high priest, and then the religious ceremony commenced with chanting and choir. That finished, the Emperor proceeded alone to the throne, where he seated himself, while the two

empresses walked to the right of the throne and remained standing. The grand dukes and grand duchesses assembled further to the right, but not on the steps of the throne.

In watching the deputies I was surprised to note that many of them did not even return the bows of His Majesty, some giving an awkward nod, others staring him coldly in the face, showing no enthusiasm, and even almost sullen indifference. As he rose again from the throne there was an absolute stillness. He then proceeded in a firm voice to read his address. When he finished there was a tremendous outbreak of applause, but limited almost entirely to the right side of the hall, the deputies remaining quiet. As he descended from the throne and the members of the royal household formed in line according to their rank the applause and shouting on the right continued and increased, but the marked silence on the left was ever noticeable. The Emperor carried himself with dignity under the trying ordeal and should receive credit for what he said in his address to the members of the Douma.

Judging merely from appearances, it was difficult to recognize any marked ability or distinguishing trait among the members of the Douma which would specially fit them for the great task that is before them, but the contrast between those on the left and those on the right was the greatest that one could possibly imagine, one being a real representation of different classes of this great Empire and the other of what the autocracy and bureaucracy has been.

The peasants have come here for the reforming or even the repealing of the laws of property, in order that they may gain by a division of the land. It is said that they desire to go so far as to introduce laws forbidding the landowners to possess more than a certain amount of land. When land is thus given up it is to be divided among the peasants of the district and paid for at a certain price.

On the other hand, the Democratic party has been making a great many promises which it will be unable to fulfill. Whether an eventual conflict can be avoided between the Crown and the Douma remains to be seen, but, with the overwhelming majority of the constitutional Democrats in the lower house, it would appear wise for the Czar to select a cabinet at once from their number, in order that they should be held responsible to the people for the acts of the Douma.

I have, etc.,

G. VON L. MEYER.

[Inclosure.]

[The London Times, May 11, 1906.]

The text of the imperial speech.

ST. PETERSBURG, *May 10.*

At the Winter Palace to-day the Czar addressed the following speech to the members of the Council of the Empire and of the Douma:

“Divine Providence has laid on me the care of the welfare of the fatherland and has moved me to summon representatives elected by the people to cooperate in the work of framing laws. With an ardent belief in a prosperous future for Russia, I welcome in you, the best men, to whose election I commanded my beloved to proceed. Difficult and complicated labors await you, but I believe that the ardent wishes of the dear native land will inspire you and will unite you.

"I, for my part, will unswervingly uphold the institutions which I have granted, in the firm conviction that you will devote all your powers to the self-sacrificing service of the fatherland, to a clear presentation of the needs of the peasants, which lie so close to my heart, to enlightenment of the people, and to the development of its well-being. You must realize that for the great welfare of the State not only is liberty necessary but also order as the basis of laws.

"May my ardent wishes be fulfilled; may I see my people happy, and be able to bequeath to my son as his inheritance a firmly established, well-ordered and enlightened State. May God bless me in conjunction with the Council of the Empire and the Douma in the work before us, and may this day prove the rejuvenation of Russia's moral outlook and reincarnation of her best powers. Go to the work to which I have summoned you, and justify worthily the trust of your Czar and your country! God help me and you!"

Ambassador Meyer to the Secretary of State.

No. 509.]

AMERICAN EMBASSY,
St. Petersburg, May 11, 1906.

SIR: I have the honor to report that yesterday, after a prolonged religious ceremony, the Douma was called to order in the Tauride Palace at 5 p. m.

Mr. Frisch, of the Council of the Empire, who had been specially commissioned by the Emperor to open the Douma, took the chair. Baron Gildenbrandt then read the imperial ukase authorizing the opening of the Douma. About 450 deputies were present. A short address was made by the temporary chairman, in which he congratulated the members upon assembling and hoped that in promulgating laws for the advancement of the Empire they would work conjointly with the upper house and that their labors would result in legislation beneficial to the nation.

Instead of the oath, a promise of allegiance, to be signed in writing, was prescribed. All the members signed, with the exception of a few illiterate peasants, who subscribed by proxy.

The only real candidate for president of the assembly was Professor Muromtsoff, of Moscow, a man of high principles, excellent reputation, and a moderate among the constitutional Democrats. He was elected almost unanimously.

Contrary to all customs in parliamentary bodies, the newly elected chairman, before delivering his speech of acceptance, permitted Mr. Ivan Petrunkevich to address the house. The members of the Douma do not speak from their seats or the floor, but from a raised rostrum directly in front of the president. The general tone of Mr. Petrunkevich's speech was revolutionary. He emphasized the point that "the first thoughts at the first assembly of the representatives of the people should be for those who have sacrificed their freedom for their country. All the prisons are filled, freedom must have no victims."

These words aroused the assembly to great applause and enthusiasm.

M. Muromtsoff next thanked the house for the honor conferred upon him, stating that the will of the nation had at last been recognized and would now make itself heard. By the terms of the law he would have to make a report to the Emperor of his election as president. That he understood that it was the sense of the meeting, although

no action could be taken at the first session, that the Douma demanded three things—a constitutional monarchy, a right of initiative in legislation, and amnesty for all political prisoners. This announcement was made from the chair without any debate other than the one speech made by Petrunkevich, or any vote.

At the suggestion of the chair, the next session was to be held on Saturday, the members voting before adjourning that the meeting be called at 11 a. m.

I have, etc.,

G. VON L. MEYER.

Ambassador Meyer to the Secretary of State.

No. 537.]

AMERICAN EMBASSY,
St. Petersburg, June 11, 1906.

SIR: The situation here continues unsatisfactory as to the outlook for a better understanding between the Government and the Douma.

On the vital question of the land the Douma is practically unanimous in favor of expropriation. It is equally united as to the abolition of the death penalty. The sentiment of the body has been expressed by the adoption of an order demanding the suspension of capital punishment and stating that pending the settlement by the cabinet of this question an execution would not be an act of justice, but simple assassination.

The house has declined to limit or restrict the agrarian debates, realizing that on this most important problem it is essential that every member that desires to express his opinion should be allowed the opportunity.

The Government now proposes to give the peasants about 10,000,000 acres in place of the 180,000,000 asked for, and for an equal amount (10,000,000 acres) belonging to private estates whose owners have already declared their willingness to sell through the peasant's banks, deferring payments for several years.

If on the opening day of the Douma this proposition had been made from the throne, with a liberal amnesty for political prisoners, it would have demonstrated to the members of the Douma at least a willingness to assist in the problems that confront them to-day. Now the Douma regards the Government as a hindrance to helpful legislation, and neither is in a yielding mood.

The Socialists have been endeavoring to induce the peasants to indorse and support a proposal which aims at the practical annihilation of all property.

The constitutional Democrats, who have so far had the support of the peasants, are seeking to find the foundation for a fair settlement.

It adopts the principle of expropriation where the vital requirements of the local population demand it, and expressly stipulates that the basis of a division shall be a living farm.

The Douma is now debating the fairest methods of applying expropriation and the dealing of lands expropriated. A committee of eighty-six has been appointed from the Douma to study the entire agrarian question. This committee will be subdivided into small committees, to be apportioned to different parts of the country, who will report in the fall to the entire committee and that committee in turn to the Douma.

This last week the scheme of the Socialists to refer the agrarian question at once to local committees elected by direct universal suffrage was defeated, and the vote showed that the peasants had refused to follow the socialistic leaders. Thus the apprehension has been quelled for the time being of the spread of socialistic influence among the peasant members.

The attitude of the workmen is, however, changing. Where they have heretofore held aloof or boycotted the elections for the Douma, meetings are now being held, adopting resolutions in favor of support of the Douma in its conflict with the Government.

While outward order is maintained at the present in many parts of Russia, in the Baltic provinces and in the Caucasus advices are coming of murder and arson.

I have, etc.,

G. VON L. MEYER.

Ambassador Meyer to the Secretary of State.

[Extracts.]

No. 552.]

AMERICAN EMBASSY,
St. Petersburg, June 27, 1906.

SIR: I have the honor to inclose the speech made by Prince Urussoff, former assistant minister of the interior, in the Douma on Thursday, June 21.

The day turned out to be a memorable occasion, as Mr. Stolypin, minister of the interior, in answer to an interpellation, made his first address in the chamber. He had availed himself of the legal limit of thirty days before replying to the interpellation on the acts of lawlessness committed by provincial governors, police officials, etc. Stolypin began by admitting that in some cases there had been illegal acts, but frequently the Government had to act vigorously in order to preserve order. During the various disorders 228 police had been killed and 388 wounded; that he had no knowledge of the printing of proclamations in the ministry inciting the people to murder the Jews; that he felt the Douma should not call him to account for the acts charged against his predecessors. He could, however, guarantee that while he was in office such acts would not recur, and, as his future policy, he would do his utmost to maintain law and order. It was not his business to make laws, but to administer them, and this was quite impossible without resort to a state of seige. (Cries of "Enough, Enough!" from the left, to which the minister replied: "I will not be perturbed by your noise; I have a clear conscience.") As the minister left there were yells of "Murderer! Assassin!" and the excitement was such that the president suspended the meeting for an hour.

At the renewal of the session, Prince Urussoff declared that massacres were always organized by secret forces. Urussoff went on to say that this "régime" was so strong that there was no guaranty whatever that such things would not occur again. He claimed that no minister, not ever one chosen from the Douma, could bring the country out of its present condition as long as the same dark mysterious powers were allowed to handle the reins of the Government and to carry out their experiments in vivisection. In the Douma they were try-

ing to raise the Tsar above and beyond the reach of political passions; they were all ready to sink their differences for the national welfare, but they felt the same dark forces estranging them from the sovereign, and rendering impossible that union of Crown and parliament without which there could be no peaceful evolution. They were confronted by a great and terrible danger which would not disappear until men imbued with traditions of the police officer were excluded from the conduct of affairs of state.

Previous to this the St. Petersburg Bourse had shown great weakness, but after the workings of the secret powers, as they have been called, had been exposed in the Douma, confidence seemed to be somewhat restored.

It is thoroughly realized now that the present cabinet can not work in conjunction with the Douma and strong conservative influences are being brought to bear at Peterhof in order to induce the Tsar to select a cabinet the greater part of which shall be taken from the Douma.

I have, etc.,

G. VON L. MEYER.

[Inclosure.]

QUESTION OF LIABILITY OF GOVERNMENT—A FUNDAMENTAL QUESTION ABROAD, AS MONEY LOANED GOES TO POLICE DEPARTMENT.

Speech by Prince Urussoff, governor of Tver to 1905, where he was very popular. Resigned on the appointment of Trepoff as assistant minister of interior. Was himself assistant minister for a time under Durnovo, 1905. Elected to the Douma as a member of the Moderates (Octobrists).

I ask to speak, representatives of the people, in order to offer for your consideration some of my reflections on the interpellation of the imperial Douma to the minister and the answer to this interpellation which we have just heard. I suppose that we shall look at the news of a special bureau concealed in the recesses of the police department and printing appeals to the people with its summons to civil war not so much as a fact of the past as a disturbing suggestion of the possibility that government officials may, in the future, take a further part in the preparation of those bloody dramas by which they have earned a sorrowful distinction in recent times and which, as recent events have shown, continue to occur, arousing the indignation of all to whom human life is dear and who value the dignity of the Russian Empire. At this point let me explain I do not for a minute doubt the sincerity of the declaration of the minister of the interior. It is not against the ministry that what I want to say to you is directed. On the contrary, the whole meaning, the whole interest, the whole importance of the question which we are considering is precisely in this, that massacres and civil murder by circumstances which still have force and are still to be found inside the sphere of government activity continue, and will continue, to be independent of any relations to them of this or that minister of the interior, or this or that ministry. The declaration of the minister in this respect seems to me not sufficiently convincing and I will at once try to explain why I think so. With this in view I shall have to touch the question of massacre and on the way explain the rôle played in this business by the press which has already excited our interest.

Any investigation of the so-called "pogroms" (massacres) will bring the investigator face to face with the following certain symptoms; they are identical in all cases: Firstly, a massacre is always preceded by reports of its preparation, accompanied by the circulation of appeals exciting the population and of one constant kind in form and substance. They are accompanied by a certain kind of stormy petrels in the person of little known representatives of the dregs of the population. Then, too, the cause of the massacre as officially announced is afterwards always without exception found to be false. Furthermore, in these massacres there is always to be found a certain similarity of plan which gives these actions the character of chance. The murderers act on the assumption of some kind of right, as though conscious that they will not

be punished, and only continue to act as long as this confidence remains unshaken—after which the massacre stops extraordinarily quickly and easily. Again, in the conduct of the police there is never any unity or plan, and whilst some police districts suffer complete devastation in the presence of considerable police forces, others remain almost untouched in consequence of the protection afforded them by the police who have fulfilled their duty with confidence and energy. At last the massacre is stopped, arrests are made, and the authorities when visiting the prisoners can not avoid the impression that they have before them not so much criminals as ignorant persons whom some one has deluded, and so one feels that there is some kind of organization always the same and broadly planned. Those are wrong who, when they have attributed it to the Government, think that the question is settled and the matter quite clear. But they are not altogether wrong, and the events of last winter which have served as reason for our interpellation, will help us to partly see through the mist which envelopes the affairs, so dark even without it.

In January, 1906, one of the persons occupying a secondary position in the ministry of the interior, but known as an opponent of the policy of massacre—I do not refer to myself—began to receive a large quantity of specimen appeals, simply designed, which had been widely circulated in the chief centers of south and west Russia, and also anxious complaints against the preparation of massacres in Vilna, Bialostok, Kiev, Nikolassv, Alexandrovsk, and other towns. The Gomel massacre of January confirmed the correctness of the apprehensions which had been expressed, and induced the person whom I have mentioned to use every means to avert any further massacres, which he also succeeded in doing, thanks to the action taken by the president of the Council of Ministers, who was gradually acquainted with the course of affairs by means of a secret investigation.

At this time some light was thrown, though still of an imperfect kind, on the following picture of the activity of the constructors of the massacres: A group of persons composing a kind of fighting organization of one of our "patriotic" clubs, together with some persons who were in close touch with the editors of a newspaper not in St. Petersburg (Moscow Gazette) undertook to combat revolution. Being patriots in that sense which was recently given to the word here by a member from the government of Tver and "real Russian people," they saw occasion for disturbance in the alien races. The people of the frontier, the pale of Jewish settlement, the Russian population, and also in particular Russian soldiers, were invited to settle accounts with the traitors in the thousand of appeals. These appeals, of the most exciting character, were conveyed by members of the society to the spot and were handed over to reliable local members or associates, who in their turn circulated these appeals with judgment and caution.

There were curious results from the point of view of the preservation of the unity of authority. An assistant police master (I give merely an example) circulates appeals without the knowledge of his chief, the police master. Or again, a police captain, let us say, of the first ward, was considered worthy of a confidence which was denied to the police captain of a second ward. Some one serving in the gendarme administration or in the detective department proved to be provided with special sums of money, to whom began to resort certain of the lower people. Reports went through the town of some kind of special preparations; frightened inhabitants went to see the governor, the governor reassured them, feeling all the time that things were far from tranquil. Telegrams which came in from the minister spoke of measures to be taken to secure tranquillity, and such measures were often taken. But in the depositions made to this end very few people had any confidence. In some cases the police quite honestly supposed that the measures were taken simply for show, for decency, but that they were already in possession of the real intention of the government. They read between the lines and thought that they heard beyond the order of the governor some voice from farther off, in which they had greater belief. In a word, there developed a hardly credible confusion, complete disorganization, and complete demoralization of the authority.

Meanwhile in St. Petersburg, as early as the autumn of 1905 (and it would seem before the October ministry came into office), in No. 16 Fontanka street, in some remote room of the department of police, there was at work a printing press, purchased at the expense of the department by government money. This press was put under the control of an officer of gendarmes in civil dress, Komisarov, who with a few assistants assiduously prepared the appeals to which I have already alluded. The secret of the existence of this "underground" press was so carefully kept, and the conduct of its organizers was so conspira-

tive, that not only in the ministry, but even the department of police itself there were very few persons who knew about it. Meanwhile the work of the society, whose organ the press was, was clearly meeting with success. For when questioned by a person who happened to come upon the track of this organization Komisarov answered, "A massacre—we can make for you any kind you please; if you like, for 10 men, and if you like, for 10,000." Gentlemen, this is a historic phrase. [Great excitement among the deputies in the house.] For the information of the Kiev deputies, I will add that in Kiev there was arranged a massacre of 10,000 for February 16, but it was successfully averted. [Great excitement.] The president of the Council of Ministers had, we are told, a most serious attack of nervous asthma when the facts which I have just narrated were communicated to him. He summoned Komisarov, who reported to him on what he had done and on the full powers which he had received, and in a few hours the department no longer contained either the press or the appeals of the staff. There was simply an empty room. And that is why no one, among others not even the minister of the interior, will be able to satisfy the legitimate desire of the Douma to know the names of those persons who controlled this organization, guaranteed its impunity, had a magic influence on the minds of police and other government officials, and even made it possible to secure promotions and rewards for those among them who showed the greatest activity. The examples of such rewards I am not able to remember, as also some other details of all this affair. At present I have to speak without notes and without preparation and reluctantly omit many things. Besides I have already exhausted your attention. [Numerous cries, Go on, we beg you.]

It is time to pass to the inferences of all that I have said. The first inference is this: That the explanation of the minister of the interior does not give us any serious guaranty with regard to the stopping of the work of organizations which prepare wholesale massacres and induce government officials to take part in their work. Yes; and that it quite intelligible; the chief organizers and instigators are outside the sphere of the activity of the ministry, and they can be altogether indifferent as to whether the minister of the interior may observe a benevolent neutrality toward them, or whether he may make some public declaration condemning their work. More than that, I affirm that no ministry, not even one taken from the body of the Imperial Douma, will be able to establish order in the country while persons who stand apart behind an impenetrable barrier can lay rough hands on separate parts of the government machine—sharpening their political ignorance by experiments on living organisms engaged in a kind of political vivisection. [Loud applause.]

A second inference is still more painful. It concerns the Imperial Douma itself. Representatives of the people, we have brought here from every corner of Russia, not only indignation and complaints, but also ardent desire for work, self-devotion, and real, pure patriotism. Here among us are many persons who live by incomes from estates, but have you heard a single expression from them directed against the plan of compulsory expropriation of land in the interests of the working tiller of the soil? There are many of us here who belong to the privileged classes, yet has anything been said on our side against the abolition of privileges, against the idea of civil equality, or against reform in a broad national and democratic spirit? And has not this so-called revolutionary Douma from the very beginning of its work and to the time at which I speak endeavored to solicitously raise the prestige of the Czar's crown, to put it above common political scandals, above our mistakes, and keep it from all responsibility for those mistakes? One might as well say, what other kind of Douma should we want at a time when the hour has come for pressing and inevitable reforms than such a one as has been capable of making private interests and class contentions yield to the triumph of the single welfare of the nation and of the Empire? [Vigorous and prolonged applause.] And yet, all the time we all feel that those dark forces are arming against us; that they hedge off from us the sovereign power and undermine its confidence in us. They do not allow our work to proceed in that harmony with the sovereign power which, by the law that has established our new order of government, is the essential condition of success and the pledge of a peaceful development and of the life of our State. It is here that we discover a great danger, and it will not vanish while the affairs of the administration and the destiny of the country are under the influence of men who are by education sergeants and policemen, and by conviction organizers of massacre." [Loud and prolonged applause from all sides; shouts of "Resign."]

Ambassador Meyer to the Acting Secretary of State.

No. 588.]

AMERICAN EMBASSY,
St. Petersburg, July 26, 1906.

SIR: I have the honor to inclose herewith translation of the proclamation issued by the members of the Douma that assembled at Viborg on Monday July 23, the day after the Douma was dissolved.

It is said that about 200 members were present and that 160 signed the manifesto.

It is noteworthy that the Polish members declined to attend the meeting or to attach their signatures.

About 300 members are reported to have preferred to return to their homes at once.

I have, etc.,

G. v. L. MEYER.

[Inclosure.—Translation.]

TO THE PEOPLE, FROM THE REPRESENTATIVES OF THE PEOPLE.

Citizens of all the Russias:

By the ukase of July 8 the Douma of the Empire was dissolved. When you chose us as your representatives you directed us to obtain for you land and liberty. In the execution of your instructions and of our duty we created laws to guarantee the liberty of the people; we demanded the dismissal of irresponsible ministers who, violating the laws with impunity, have trodden liberty under foot. But, first of all, we desired to create laws for the granting of land to the laboring peasants by way of disposing, for this purpose, of lands belonging to the Crown, the domains, the cabinet, monasteries and churches and by the expropriation of land in the possession of private individuals.

The Government found such a law unacceptable, and when the Douma once more firmly confirmed its decision relative to the necessity of expropriation the dissolution of the Douma was announced. In the place of the present Douma the Government promises to convoke a new one in seven months. For seven whole months Russia must remain without representatives from the people at a time when the people find themselves on the verge of destruction, the industrial and commercial relations broken, when the whole country is seized with convulsions, and when the ministers have shown themselves absolutely incompetent to satisfy the needs of the people. For seven months the Government will act as it likes, will wrestle with the movement of the people in order to obtain a submissive and desirable Douma, and if it succeeds in entirely crushing the movement of the people it will not convoke any Douma at all.

Citizens, stand firmly by the trampled rights of the representatives of the people. Stand for the Douma of the Empire. Russia must not remain one day without representatives from the people.

We have the means of obtaining this. The Government has not the right without our consent to collect taxes from the people, nor to call the people to military service, and, therefore, now, when the Government has dissolved the Douma of the Empire, it is your right to refuse to supply it with soldiers or money. If the Government, in order to secure resources, makes loans, such loans, made without consent of the representatives of the people, will henceforth be invalid, and the Russian people will not recognize them and will not pay for them. Consequently, until the representatives of the people are convoked, do not pay a kopeck into the treasury nor send a man to the army. Be firm in your refusal, stand for your rights, all as one man. Against the united and absolute will of the people no power whatever can resist.

Citizens, in this compulsory but inevitable struggle your representatives will be with you.

Signed by the members of the Douma of the Empire in alphabetical order.

Ambassador Meyer to the Acting Secretary of State.

No. 589.]

AMERICAN EMBASSY,
St. Petersburg, July 27, 1906.

SIR: I beg leave to inclose a cutting from the St. Petersburg Journal giving the French text of the Emperor's manifesto, dated July 23, and his reasons for dissolving the Douma.

His Imperial Majesty calls attention to their having undertaken an illegal act in an appeal to the nation. He asserts that an improvement in the lot of the people is only possible under conditions of order and tranquillity.

In dissolving the Douma he confirms his immutable intention of keeping that institution and appoints March 5, 1907, as the date of the convocation of a new Douma.

I have, etc.,

G. v. L. MEYER.

[Inclosure.—Translation.]

EXTRACT FROM THE "JOURNAL DE ST. PETERSBOURG."

ST. PETERSBURG, *July 10.*

Imperial manifest. By the grace of God, we, Nicola's II, Emperor and Autocrat of all the Russias, King of Poland, Grand Duke of Finland, etc., to all our faithful subjects, we make known, by our will, persons selected by the people have been called to the legislature.

Trusting in the goodness of God, believing in the happy and grand future of our people, we were expecting from their labors the happiness and interest of the country.

Great reforms had been indicated by us in all that concerns the life of the people, and our greatest care, which is to substitute education for the ignorance of the people and to lessen the difficulties of its life by improving the conditions under which it cultivates the ground, was foremost. A painful ordeal was reserved to our hopes. The elected of the nation, instead of turning their attention to legislative labors, have entered a field that was closed to them, and have begun to investigate the doings of authorities established by us, to indicate to us the imperfections of fundamental laws that can only be altered by our imperial will, and to commit illegal acts, such as the appeal addressed to the people of the Douma.

The peasants, dazed by these disorders, without waiting for the legal improvement to their position, gave themselves up, in a great number of governments, to pillage and theft, refusing to submit to the law or to legal authorities.

Let not our subjects forget that the improvement in the lives of the people is only possible if order and peace are not disturbed. Let it be well known that we shall not tolerate any license, any illegality, and that with all the forces of the State we shall subdue all those rebellious to our imperial will. We invite all well-thinking Russians to unite themselves for the maintenance of legal power and for the reestablishment of order in our dear country. Let peace be again established on the Russian soil and let the Almighty help us to accomplish the principal of our labors—the uplifting of the welfare of the peasants. On this subject our will is unalterable, and the Russian laborer shall receive the legal and honest means of enlarging his land where it is lacking, without trespassing on the property of others. Persons belonging to other classes shall make, on our appeal to them, every effort to solve this great problem, the definite solution of which through the legislative channel shall belong to the members of the future Douma.

By dissolving the actual Douma of the Empire we testify to our unalterable intention of maintaining, in all their force, the laws concerning the establishment of that institution, and, consequently, we have fixed, by our ukase given to the ruling Senate on the 8th July instant, the convocation of the new Douma on the 20th of February, 1907.

Having an unalterable faith in the mercy of God and in the intelligence of the Russian people, we shall expect from the new Douma of the Empire the realization of our projects and laws in conformity with the needs of renovated Russia.

Faithful sons of Russia! The Czar addresses you, as a father to his children, to induce you to unite with him for the work of the rejuvenation of our holy country.

We believe there can be found men of thought and action, and that their labors, full of abnegation, will restore the glory of Russia!

Given at Peterhof the 9th of July of the year of grace 1906, and the twelfth of our reign.

NICOLAS.

Ambassador Meyer to the Secretary of State.

No. 728.]

AMERICAN EMBASSY,
St. Petersburg, December 24, 1906.

SIR: I beg leave to report that an imperial ukase published December 22, in St. Petersburg, fixes the date of the elections for the Douma for February 19.

The fact that, with the exception of the 75 deputies from the Caucasus and Siberia, the elections of the remaining 449 members are to be held simultaneously has created great satisfaction.

A translation of the ukase will be found on overleaf.

I have, etc.,

G. V. L. MEYER.

[Inclosure.—Translation.]

[Official Messenger, December 9/22, 1906.]

IMPERIAL UKASE.

Having recognized the necessity of fixing the date for the election of the new members of the Douma of the Empire in those parts of the Empire where at present the work of establishing and publishing the lists of electors has been ended, we, basing ourselves on article 128 of the election regulations of the Douma of the Empire (Collection of Laws, Vol. I, Pt. II, edition 1906), and in conformity with the special journal on the subject presented to us by the council of ministers, order: That the election of members to the Douma of the Empire, in the provincial election meetings of these governments which are conducted on the basis of provincial institutions (Collection of Laws, Vol. II, edition 1892) in the region of the Don and in the provinces of the Kingdom of Poland, is to take place on February 6, 1907.

The ruling Senate to issue in this respect the proper instructions.

TSARKOE-SELO, *December 7, 1906.*

NICOLAS.

AMELIORATION OF THE CONDITION OF THE PEASANT CLASS IN
RUSSIA.

Chargé Eddy to the Secretary of State.

[Telegram.—Paraphrase.]

ST. PETERSBURG, *August 28, 1906.*

(Mr. Eddy reports that the Emperor ordered on August 12-25 crown land in the governments of Archangel and Vologda to be placed at the disposal of the Peasants Bank, to be sold to the peasants.)

Chargé Eddy to the Secretary of State.

No. 638.]

AMERICAN EMBASSY,
St. Petersburg, August 29, 1906.

SIR: I have the honor to confirm herewith my cablegram of yesterday,^a and inclose herewith the text, in French, of the order in question.

I have, etc.,

SPENCER EDDY,
Chargé d'Affaires ad interim.

[Inclosure.—Translation.]

ST. PETERSBURG, August 16.

The Messenger Officiel publishes the following official communication:

"His Majesty the Emperor, with the purpose of increasing the real estate of the peasants, ordered, on the 12th of August instant:

"I. The sale through the Peasants' Real Estate Bank (a) of the leased crown lands not belonging to forest lots as fast as the leases expire; (b) of forest tracts surrounded by private lands; and (c) in the provinces of Arkhangelsk and of Vologda, of the forest tracts whose sale to the peasants shall be deemed practicable.

"II. Are excluded from the crown lands to be sold by the Peasants' Real Estate Bank (a) the lots occupied by manufactories, industrial establishments, or mining installations; (b) the crown lots occupied as country residences and other expensive constructions, by gardens, nurseries, or representing made ground not conforming to the ordinary conditions of rural economy and (c) crown lands in Crimea, in Transcaucasus, and in the forest of Bielovjsk.

"III. The allotment among the peasants of the lands transferred to the Peasants' Real Estate Bank, as well as the appraisalment of each land lot, shall be made by the real estate organization commission created by the imperial ukase of March 4, with the participation of the Peasants.

"IV. The duty of drafting projects for the system to be followed in the transfer of the crown lands to the Peasants' Bank in settling the accounts of the bank with the land office for the transferred lands, and in establishing the conditions under which these lands shall be sold to the peasants, in order that these conditions correspond with the means of the Peasants' Bank, shall be intrusted to the minister of the court, who will consult the ministers of the interior and of finance, and with the director-general of land organization and of agriculture, provided that such said projects shall be submitted in the near future to the high appreciation of His Majesty the Emperor."

Ambassador Meyer to the Secretary of State.

No. 687.]

AMERICAN EMBASSY,
St. Petersburg, November 10, 1906.

SIR: I have the honor to inclose herewith a translation of the ukase of October 5/18 granting new privileges to the peasants and modifying their relations to their village communes.

The preamble states that the great reform law of 1861 was supplemented by the manifesto of October 17/30, 1905, with a view to giving the peasants gradually increasing share in legislation. In continuance of this policy it is stated that the local administrative authority needs radical revision, for in spite of the reforms made by the organi-

^a Supra.

zation of the Duma peasants and certain others have not yet received all the privileges corresponding to the spirit of the manifesto in question. The text of the new ukase is given in full in the inclosure, except for the preamble, which has just been outlined.

I have; etc.,

G. V. L. MEYER.

[Inclosure.]

PEASANT LAW; UKASE OF OCTOBER 5/18, 1906.

[Translated from the Petersburg Zeitung, 8/21 October, 1906.]

The Czar orders, on the basis of the fundamental law of 1906, that the following reforms be made:

1. To accord all Russian subjects, without distinction of origin, with exception of the aborigines, equal rights with regard to the state service with persons of noble blood, and at the same time to abolish all special privileges of dress due either to official position or to the origin of the wearer.

2. Peasants and members of other classes formerly taxable are freed (*a*) from the presentation of discharge papers on entering an educational institution or the civil service; further, from personal payment in kind and the performance of communal duties during the whole time the persons in question may be either in the educational institution or civil service; (*b*) from the necessity of demanding for entry into holy orders or a monastery the permission of the commune.

3. The compulsory exclusion of peasant and other classes formerly taxable from the following ranks and careers is abolished: (*a*) From entering the civil service; (*b*) from receiving rank; (*c*) from receiving orders and other distinctions; (*d*) from attaining learned grades and honors; (*e*) from completing educational courses and particularly from winning higher class rights.

In all these cases the persons in question are allowed to retain all the rights arising from their connections with their commune, as well as the responsibilities thereof, until they have freely withdrawn from the commune or entered into other corporations of standing. With regard to the legal standing of the persons in question, there shall serve as a basis the regulations of the rank or profession which these persons have won.

4. Every peasant member of a village commune is allowed (*a*) to enter another commune without compulsory permission; and he retains until his voluntary withdrawal from the old community all its rights and naturally is responsible at the same time for all its obligations and burdens; (*b*) after renunciation of his shares in the profits of his communal land or his alienation of his portion of said land, the said peasant can withdraw unhindered from the commune, without regard for the peasant law, article 208, and article 165 of the law about the Baschkirs, on paying a certain compulsory subscription to the volost, and without the previous consent of the Volost assembly, except in the case when the peasant in question has attained membership in another commune, is in the state service, or has gained other class rights.

5. Peasants and members of other classes, formerly taxable, are allowed choice of domicile on the basis of the decisions provided for in the passport regulations, and have as permanent domicile not the place of registration but the place where they are employed, possess land, or are householders. Such persons, with the exception of those mentioned in the passport regulations in article 47, are to be given residence certificate permits, both by the guilds at their place of residence, and by the police administration in their domicile and in the residence of the pristaff. Finally the restrictive regulations with regard to the passports of the members of formerly taxable classes as provided for in the passport regulations are abolished.

6. From the 1st of January, 1907, the following are to be abolished: (*a*) The poll tax levied on peasants in certain parts of the Empire; (*b*) the general responsibility for the payment of the state and land tax as well as the commune tax in those parts of the country where the law of March 12, 1903, with regard to the abolishment of the tax responsibility has not yet extended; (*c*) the necessity for tardy taxpayers to work off their taxes, as well as the

naming the guardians or trustees for the collection of sundry taxes and liabilities due.

7. The following are repealed: (a), (b), (c) Certain fines incurred by peasants tried in the volost courts, etc., viz: (a) The special regulations re punishments for peasants and others tried before the volost courts for evading judgments of these courts which have not based the penalties inflicted on the list of penalties drawn for the justices of the peace; (b) the regulations permitting the forcible retention from the public service of persons of the taxable classes, as a means of special punishment, or in case of inability of the persons in question legally condemned to pay the fines inflicted; (c) the special measure of prosecution provided for the existing law in the volosts of the Baltic Provinces, that the injured person demand apology from the offender in any case, so that the guilt of the latter may be evident; otherwise the offender to be held for seven days' hard labor.

8. The following special regulations are annulled: (a) With regard to the method of dividing family lands among the members of a family; (b) the prohibition with regard to the right of peasants possessing no immovable property to incur "Wechselsverbindlichkeiten;" (c) the existing prohibition with regard to former peasants cutting wood and setting up sawmills in mountain districts.

9. The right is to be given to all peasants belonging to a village commune, who possess the necessary census qualification, regardless of their possessing communal land, to take part in the second country electoral assembly (zemstvo?) without regard to their right to take part in the choice of delegates of the village community to the Zemstvo.

10. The rule by which governors have to confirm the delegates of the village communities to the zemstvo from among the number of candidates proposed by the volost assemblies is abolished and it is left to the elected candidates to make the final election of delegates from their own midst and to settle the succession of the delegates. For this purpose the following rules are made:

(a) The delegates to the volost assembly are called together in a certain place by the district marshal of nobility, and on the order of business being announced to them by him they are to proceed to the election of the proper number of delegates from their own midst, in their due order; (b) after the opening of the assembly by the district marshal of nobility, or his deputy, the order of business is explained by him, and one of those present being elected chairman, the former resigns the chair to the chairman so chosen; (c) the election shall be conducted according to the rules of electing deputies to the zemstvos.

11. Articles 57 and 444 of the regulations with regard to the peasant's courts, by which persons subject to the authority of the parish, village, or "Fremvolkerverwaltung" can be brought up for administrative punishment or fine on the action of the Zemski Natchalnik without formal judicial procedure, are abolished.

12. It is ordered that the district authorities can only annul decisions of the communal assemblies on the representation of the Zemski Natchalnik, when they infringe on an existing law or when complaints are made against them by members of the commune or those inscribed as members thereof.

The acting Senate will not fail to take measures for the execution of the above order.

NICOLAS.

PETERHOF, 5 October, 1906.

Ambassador Meyer to the Secretary of State.

No. 719.]

AMERICAN EMBASSY,
St. Petersburg, December 15, 1906.

SIR: I have the honor to report that an Imperial ukase, dated November 22, has lately been published, granting peasants the right to withdraw from the communal land system and become personal owners of the land they cultivate.

A translation of this ukase is attached hereto.

I have, etc.,

G. v. L. MEYER.

[Inclosure 1.—Translation.]

IMPERIAL UKASE TO THE RULING SENATE.

By our ukase of November 16, 1905, the collection of redemption payments for endowment lands (land granted to free peasants by their former masters) was abolished on January 1/14, 1907. From that date the said lands are relieved of the limitations placed upon them by virtue of the redemption debt and the peasants secure the right of freely withdrawing from the commune, while the right of possession of communal lands which become individual property is strengthened.

However, the actual realization of this legally recognized right in the majority of peasant communities encounters practical difficulties, owing to the impossibility of fixing the extent and making the divisions of the sections to be allotted to the house owners withdrawing from the communes.

On the other hand, the law does not establish the order of executing settlements in connection with expropriation of sections of endowment land in individual ownership whose owners do not possess individual title deeds.

Recognizing, in consequence of this, the necessity of immediately removing the present obstacles to the actual realization by the peasants of their rights to the endowment lands and approving the special report of the council of ministers drawn up in this relation, we, on the basis of section 87 of the fundamental laws of the Empire, edition of 1906, do ordain:

1. In supplement to section 12 of the general ruling with regard to peasants and the remarks in the same (Collection of Laws, special addition to Vol. IX, edition 1902), to establish the following regulations:

1. Every house owner, possessing endowment land under communal rights, can at any time demand that those sections of said lands which belong to him be formally made his individual property.

2. In those communities in which no common partitions were made for twenty-four years preceding the declaration of individual house owners of the desire to change from communal ownership to personal, each of such house owners becomes the individual possessor of all the sections of communal lands which are constantly worked by him (not rented), besides his farm section.

3. In those communities in which, during four years preceding the declaration of individual house owners of their desire to change from communal ownership to personal, there have been common partitions, each of such house owners becomes the individual proprietor, in addition to his farm section, of all those sections of communal lands which are allotted to him by the commune for constant use up to the time of a fresh general partition.

But if a house owner desiring to secure the right of individual possession has been assigned for constant use more land than would fall to his share on the basis of the last distribution, according to the number of distributory units in his family at the time of the said declaration, he becomes the individual proprietor of that quantity of communal land which is due according to the calculation indicated. The land thus left over becomes his personal property only on condition that he pay the commune its value, fixed on the basis of the original average redemption price per dessiatine of the lands granted the commune for partition and subject to redemption payments. In the contrary case all the said left-over land remains at the disposal of the community.

4. House owners who have become individual proprietors of sections of communal lands at his disposal for constant use (secs. 1-3), retain the right of use to the same extent of those arable, wooded, and other lands which are re-distributed on a special basis (for example, according to its products, or separately from the lands divided under general partition and on other bases, etc.), and also the right to participate in the use of the undistributed lands, on the bases adopted in the commune, such as "mir," farm lands, pastures, tenant lands, etc.

5. The constant share in lands divided on special bases (sec. 4) is fixed in accordance with the extent to which each house owner who declares his wish to change from communal to personal ownership enjoys the use of the said lands at the time such declaration is made.

6. Demands for transfer of communal lands to personal ownership (sec. 1) are to be presented to the commune through the village elder, and the commune is obliged, under a decision made by a simple majority of votes, within a month from the date of the declaration, to indicate the sections which, on the basis of sections 2 and 3, become the property of house owners who adopt individual

ownership, and where necessary also fix the amount of the supplementary payment due from him (sec. 3) and his constant share in the lands divided on special bases (secs. 4 and 5). If in the course of the said term the community does not draw up such a decision, all the said operations shall, at the demand of the house owner making the above-said declaration, be executed on the spot by the rural superintendent, who shall investigate all the disputes arising thereby and publish his decision in the affair.

7. In the decisions and rulings of the rural superintendents, mentioned in section 6, must be accurately indicated (a) the number of single sections which become the lawful property of the house owner, and also the extent and nature of the lands included in each of them; (b) the amount and description of the lands comprised in the grant of the community, divided on special bases (sec. 4), and the constant share in these lands of the house owner adopting individual ownership; and (c) the lands subject to the common use of all the members of the community and which may not be divided (sec. 4).

8. The parties thereto and interested persons may enter complaints to the district assembly against the community's decisions and the rulings of the rural superintendent (sec. 6) within thirty days from the time of their declaration. Complaints against the community's decisions are entered through the rural superintendent, and are presented by him, with his statement, to the district assembly, after a preliminary investigation has been made on the spot. Both the decisions of the community and rulings of the rural superintendent which have been complained of, and those which have not, are presented for confirmation to the district assembly.

9. The rulings of the district assembly, made upon complaints of decisions of the community and rulings of the rural superintendent, as well as with reference to the confirmation of these decisions and rulings (sec. 6), shall be considered final and be carried out by the village elders or the volost elders. Against the rulings of the district assembly complaints may be filed with the government (provincial) council only in cases of excess of the limits of department or evident infringement of the law.

10. In localities in which the regulations of July 12 (25), 1889, have not been put into force, the obligations placed by the present rules upon the rural superintendents, district assemblies, and provincial councils, shall be carried into effect by the persons and institutions under whose duties they fall.

11. In those cases when house owners who become personal proprietors of sections of endowment land, or the community, desire to mark the boundaries of these lands and make a plan of them, the surveying work and drawing up of the plans can be done both by government and private surveyors at the expense of the party which considered it necessary to fix the boundaries.

12. Every house owner who becomes proprietor of sections of endowment land in the order established by sections 1 to 11 of the present regulations, has the right to demand at any time that the community should allot to him, in exchange for such sections, if possible, a section in one place.

13. In those cases when the demand for allotment of a single place does not accord with the general boundary and the allotment is inconvenient or impossible, the community may satisfy the said house owner by a money payment according to a mutual agreement, or failing such an agreement, by an estimate made by the volost court. On his part, the house owner desiring to withdraw, should he consider the estimate made by the court unfavorable to himself, may refuse to receive the money and continue to possess the sections which have become his property in the former boundaries.

14. In general distributions the allotment in single places of sections to house owners declaring their desire to adopt personal ownership before the decision regarding the distribution has legally gone into force, or before the sections of endowment land have become his property in the order established by section 1 to 11 of the present regulations, is obligatory, upon the demand both of the said house owners and the community, without the latter having the right to satisfy said house owners by a money payment.

15. Disputes arising in the distribution of sections to single places, shall be settled upon bases established in the supplement to section 12 of the general regulations regarding peasants, edition of 1902.

16. House owners changing from communal to individual ownership, as well as their heirs and assigns, shall make use of the sections which become their personal property on the basis of the present regulations, until their apportionment to one place, under the same rights as enjoyed by the owners of farm sections. The heirs and assigns also retain the right to participate in the use

both of the lands distributed on special bases to the extent to which this right was enjoyed by the original owners of the lands, and of the undistributed lands on bases accepted by the community.

17. In the order and upon the bases established by sections 4 to 16 of the present regulations, sections repurchased before the term will be apportioned or become personal property on the basis of section 165 of the regulation on redemption, edition of 1876, and not apportioned to one place.

18. The operation of the present regulations (secs. 1 to 16) extends to peasants of all denominations, while sections of communal land may become personal property of individual house owners before its liberation from the redemption debt under the condition that that part of said debt be liquidated which falls upon the sections becoming personal property.

II. In supplement to the existing legislation on the order of expropriation of endowment lands comprised in farm possessions, to establish:

1. The expropriation of section of endowment land comprised in farm possessions shall take place in the general order of title-deed transfer. (Notarial regulations, edition of 1892, sec. 66.)

2. The fact of ownership of sections of land mentioned in section 1 by persons expropriating them may be certified in notarial institutions by one of the following documents: (a) Title deeds; (b) deeds of possession and other agrarian acts issued by peasant institutions; (c) the decisions of court statutes as well as Volost courts and district assemblies which have legally gone into effect and been carried out relative to the right of possession of real estate comprised in endowment grants, and to the inheritance of such property (general peasant regulations, sec. 125, pars. 1 and 4, and secs. 142, 159, and 161); (d) settlements in expropriation made prior to January 25 (7), 1883, in Volost administrations (general peasant regulations, sec. 110, par. 1, and remark 1); (e) communal decisions confirmed by the district assemblies or rulings of the rural superintendents regarding transfer of endowment sections at disposal of commune to personal property of individual house owners (division I of the present regulations, secs. 6, 7, and 9); (f) decisions of village and settlement assemblies which have legally gone into effect and been carried out regarding the granting of sections from the communal lands to individual house owners for farming purposes, as well as the exchange of lands for communal use to farm land, and regarding the division of "mir" lands into regular inheritance sections and into farms, as well as decisions regarding the transfer of whole communities with the farm system to ownership in separate sections (general peasant regulations, sec. 62, par. 8, sec. 66, pars. 1 and 2; redemption regulations, sec. 111; peasant ownership regulations, secs. 20 and 21, and government peasant regulations, secs. 32 to 34); and (g) in communities with the farm system, but in connection with farm sections, and in communities with communal cultivation of land, the decisions of village and settlement assemblies confirmed by rural superintendents, or persons having the same authority, to the effect that the expropriated section actually belongs to the person expropriating it by the right of property.

3. The decisions of the village and settlement assemblies, mentioned in point "g" of section 2 of the present (II) division, are made at the solicitation of owners of farm sections, and confirmed in accordance with the following rules:

(a) Said decisions shall be established by a simple majority of votes in certification of the fact of ownership by individual house owners not only of complete farm sections indicated in agrarian acts, but of portions of same forming the indisputable property of individual persons; (b) it is obligatory that there be included in the decision data as to the extent of the section, number of subdivisions of which it consists, dimensions of each subdivision, and nature of land, as well as exact description of locality of section and its boundaries; (c) in those cases when an exact description of the boundaries is impossible, a plan of the section should be attached to the decision, the same being made at the expenses of the owner; (d) it is obligatory that the decision be entered in the book of the village assembly for the inscription of decisions (general peasant regulations, edition of 1902, sec. 69), and a copy of it should be hung up for public notice in the Volost administration and in that village where the section referred to in the decision is situated; (e) the Volost elder is obliged, within a week from the drawing up of the decision, to verify, on the spot, the contents of the decision in the presence of three experts, and immediately present the decision, with his statement, for confirmation by the rural superintendent; (f) within a month from the day of the verification by the Volost elder complaint can be entered against the decision by the parties

interested to the rural superintendent, and (g) the decision is not subject to confirmation if it is found to be incorrect in form or if in its establishment those demands have not been recognized which are set forth in the present section, or if the civil right is contested and must be decided by a court.

4. Extracts of notarial acts relative to endowment lands, and subject to confirmation by superior notaries, may be sent by mail by the notaries to the superior (elder) notary.

III. In addition to the existing legislation defining the rights of peasants to sections of endowment land, comprised in farm possessions, to establish:

1. Farm sections, both those that have been placed at the disposal of peasants for farming purposes when their land was divided, and those subsequently made the personal property of individual peasants from communal lands, as well as farm sections under communal cultivation, form the personal property of house owners to whom these sections are allotted by agrarian acts, communal decisions, rulings of peasant institutions, acts relative to expropriation, and decisions of courts. The heirs of these house owners also enjoy such rights to the sections in question.

2. In those cases when the sections indicated in the preceding paragraph (1) are in the indivisible possession of several persons, not relatives to one another in direct descent, the same form their common property.

IV. In supplement to sections 62 and 66 of the general peasant regulations and section 15 of the regulations on land distribution for peasants and settlers of various classes, settled upon owned lands (Collection of Laws, special supplement to Vol. IX, edition of 1902), to establish:

The change of whole communities, both from the communal and farm systems to individual ownership is accomplished under decisions made by a majority of two-thirds of the peasants who have a right to vote at the assembly.

The ruling Senate will not fail to make the necessary dispositions for the fulfillment of this.

Original signed by H. I. M. personally.

NICOLAS.

At TSARSKOE SELO, 9/22 November, 1906.

STRIKES, RIOTS, AND POLITICAL DISTURBANCES.

Ambassador Meyer to the Secretary of State.

[Telegram.]

AMERICAN EMBASSY,
St. Petersburg, January 1, 1906.

Consul Smith in Moscow reports to-day by telephone that everything is quieting down; barricades being removed; streets regaining normal condition. American consulate has not been disturbed.

MEYER.

Ambassador Meyer to the Secretary of State.

No. 391.]

AMERICAN EMBASSY,
St. Petersburg, January 4, 1906.

SIR: I have the honor to inclose, for the information of the department, the French text^a of an imperial ukase dated the 14/27 of December, 1905, providing that in case of mutinies or strikes on Russian railroads the managers of the lines may proclaim martial law over all the property belonging to their division, and enacting measures for enforcing this provision.

I have, etc.,

G. VON L. MEYER.

Ambassador Meyer to the Secretary of State.

[Telegram.]

AMERICAN EMBASSY,
St. Petersburg, January 4, 1906.

Following telegram, dated January 3, just received from consulate, Warsaw: "Workmen's union ordered resumption work; factories reopening; extreme socialists' influence weakened; no great trouble anticipated."

MEYER.

Ambassador Meyer to the Secretary of State.

No. 397.]

AMERICAN EMBASSY,
St. Petersburg, January 5, 1906.

SIR: I beg leave to inclose copy of a report from the American consul in Moscow, giving in detail an interesting and daily account of the disturbances from December 20 to 31, inclusive, a brief digest of which I gave in my cable of to-day.

I have, etc.,

G. VON L. MEYER.

[Inclosure.]

Consul Smith to Ambassador Meyer.

AMERICAN CONSULAR SERVICE,
Moscow, January 2, 1906.

SIR: I have the honor to report to you regarding the riots which took place in Moscow, commencing the 20th and continuing until the 31st of December, giving each day separately:

December 20.—At 12 o'clock noon a general political strike was ordered by the deputies of the workmen and it was resolved to turn the strike into an armed revolution to upset the present existing Government, to attack and arrest the officials and proclaim a temporary government, and to call an assembly to elect representatives. It was recommended at the meeting of the workmen that no demonstration should be made until all were armed and to withhold from attacking the military forces.

At 12 o'clock the strike commenced and all works, mills, and factories stopped work and the strikers congregated at different parts of the city and marched around to every manufacturing establishment and made the workmen join the strikers. All workmen in the employ of the Moscow municipality joined the strikers, excepting the workmen of the city water and gas works, who were allowed to continue to work.

The strikers held a meeting at the large printing establishment of Sitin & Company and decided to issue a newspaper called "News of the Union of Russian Deputies." This paper was published for seven days and contained proclamations to the workmen, orders to the chiefs of the several revolutionary militia forces, reports about meetings held by the different unions, and reports about progress of the strike.

Revolutionary militia forces were formed in large numbers and ordered to parade the streets, carrying red flags and singing the Marseillaise anthem. The chief of police ordered out at once the dragoons and cossacks to disperse the mob, but as soon as one mob would be dispersed another would gather in another part of the city. In these charges of the cavalry several were wounded and killed. Toward evening the policemen were ordered off their posts and replaced by soldiers armed with guns and bayonets.

All the railways stopped operations with the exception of the Nicolai Railway, and the workmen joined the strikers. All restaurants, club houses, theaters, and other amusement places were closed for an indefinite time.

The same evening a mass meeting was held at the theater in the city, called the "Aquarium," where nearly 10,000 men congregated and while the meeting was in progress a cordon of cavalry and infantry were ordered to the place and surrounded the same. The strikers were, however, informed in time of this movement and made good their escape by climbing over the fences of the adjoining houses and only 70 men were arrested. At this meeting it was resolved to capture the governor-general at any cost.

December 21.—Life in the city seemed to be extinct, as all business offices, stores, and banks were closed, no newspapers came out, the schools were closed and the post and telegraph offices worked, but only in a confused state until approximately 2 p. m. Several leading delegates of the workmen committee were arrested this day.

December 22.—A meeting of the revolutionary party, consisting of about 500 men, took place in Mr. Fielder's house, located on Lebkevsky Péréoulok. The police ordered the revolutionists to leave the building and to surrender, but they refused, and military force, consisting of cavalry and artillery, were ordered to the place. The revolutionists were given two hours to do so, but they refused, fired at the military forces and threw several bombs into the street. Then the artillery opened fire on the house and bombarded same by shells. The casualties were, two officers and several soldiers killed and a number wounded, several of the revolutionary party were killed and a great many wounded, and 120 of them arrested. The police confiscated a large quantity of rifles, revolvers, knives, and 13 bombs.

During the night the revolutionists commenced to construct barricades in different parts of the city, from all sorts of rubbish, using wooden and iron gates, bricks, and cutting down telegraph and lamp posts and using the telegraph and electric light wires for making all kind of entanglements to stop the quick movement of the cavalry.

December 23.—During the night of this date two bombs were thrown into the detective department, a tremendous explosion took place, and the building was almost demolished. A sergeant of the police, one policeman, and one soldier were killed. Barricades were again constructed in several parts of the city, but soon destroyed by the soldiers. The revolutionary committee issued a proclamation in their paper, prohibiting citizens to be on the street after 6 o'clock in the evening, and ordering the cab drivers to retire after 2 p. m. Three gun stores were ransacked and all the guns and ammunition carried off by the revolutionists. Several skirmishes took place between the revolutionary militia and the military forces.

December 24.—Barricades were continually built during days and nights. The revolutionists were in hope that about 20,000 or 30,000 workmen from the factories in the suburbs would enter the city and join them, but this was not accomplished, as the military forces were sufficient to prevent this.

The revolutionists spread a rumor amongst the workmen that the soldiers were in sympathy with the strikers and that they would not fire on the mob and would join their ranks, but this rumor turned out to be untrue as the troops were loyal to the Government. They also circulated another rumor to the effect that a large party of revolutionists from the Baltic provinces was on the way to Moscow, all well armed with guns and cannon, but this also turned out to be untrue.

A squad of gendarmes were ordered to destroy the barricades on the Sadovaia street and Karetni Riad, and while at work in demolishing the barricades was attacked by 400 armed revolutionists, who demanded the gendarmes to surrender, and when they refused fired on them and wounded all but one. Such attacks were made on the military forces in different parts of the city. Late at night the Nicolai Railway station was attacked by a large number of revolutionists, but the military forces dispersed them by using Maxim quick-firing guns, field guns, and making cavalry charges.

By order of the police authorities all local telephone communication was stopped. My telephone was kept intact, but was only to be used for official business.

December 25.—One of the largest printing establishments was taken possession of by the revolutionists for the purpose of holding meetings, and to issue from there orders to their detachments for further attacks on the authorities. The soldiers were ordered to surround the building, which was accomplished, but

the strikers set the house on fire, by which means the larger number of the strikers made their escape during the commotion and conflagration. The balance was either killed or wounded. Fighting between the troops and strikers was kept up continually in different parts of the city.

December 26.—The revolutionists had posters put up on prominent places with instructions for the strikers to go around in small squads and to fire on the troops whenever they had a chance, also to disarm all policemen, officers, and soldiers and to arrest them when that could be done. To conceal themselves around corners of streets and take refuge in yards and houses, and to fire from there on the troops at every opportunity. An attack was made by a large number of strikers on an incoming military train with troops returning from Manchuria, and all the officers and soldiers were disarmed. Fighting was kept up all day in different parts of the city and many were wounded and killed. The troops used cannons in destroying the barricades and firing on several houses which were occupied by the revolutionists. Many policemen were killed while standing in their posts.

December 27.—At 6 o'clock p. m. the house where the chief of the secret police, Mr. Voilochenkoff, resides, was surrounded by a revolutionary party and by their insistent demands the front door was opened. Six men rushed into his apartments and arrested the chief, and read the death sentence of the revolutionary party to him. His wife and three children pleaded to the revolutionists for mercy, but the revolutionists would not listen to their pleading, and allowed Mr. Voilochenkoff a short time to prepare for death and then took him out into a side street where he was shot to death, and his body left in the street.

Disturbances and shooting were carried on in the different parts of the city, and new barricades erected.

December 28.—A feeling of dissatisfaction spread among the strikers, and quite a number desired to return to work and gradually resumed work at different works and mills.

The Semenoff Guard Regiment and artillery arrived from St. Petersburg and was temporarily put under command of General Michenko, who had just arrived from Manchuria. The general at once gave severe orders to the military garrison, and the soldiers did excellent service and put terror amongst the revolutionists and mobs. All the policemen were given rifles, which had a good effect on the mobs. Barricades commenced to disappear in the central streets of Moscow.

December 29.—Shooting was going on as usual in all parts of the city, but not so much as before. The city is overrun with tramps and peasants, who are mostly begging and holding up people for the purpose of robbing them. Houses in places where people have deserted their homes and where disturbances took place are being robbed.

The revolutionists removed their headquarters to the outskirts of the city and commenced to build new barricades and to take possession of houses from where they could do damage to the troops when attacked.

December 30.—The governor-general increased the staff of policemen by 1,000 men.

The stores and business offices commenced to open, but closed at 4 p. m. The stock exchange opened, but hardly any business was transacted as everything is paralyzed by the riots; the Nicolai station is still under the command of military forces. No one is allowed near the station excepting persons showing railway tickets and baggage. It was dangerous for any one to venture to reach the station and only for the last few days traffic is noticeable in the neighborhood of the station. Shooting was continued on the outskirts of the city.

December 31.—The troops bombarded the large Prochoroff spinning mills, where a large number of revolutionists made their last stand. Many houses in the vicinity of the mill were either burnt down or wrecked by cannon balls. Many of the revolutionists and strikers were killed, wounded, or captured and the weapons confiscated. The general strike has been called off.

The governor-general issued several proclamations to the people asking all peaceable citizens to assist him in subduing the disturbances.

Moscow is under a strict state of siege. No one is allowed to carry any weapons. Many are being searched, and when weapons are found on them are arrested and the weapons confiscated. Everyone who is on the streets after 6 p. m. is being searched, and nobody is allowed out after 9 p. m. The proprietors of houses out of which shots are being fired are liable to a fine up to 3,000 rubles. The proprietors are also asked to search every tenant that they have suspicion of having arms.

Mr. Thomas Purdy, of New York Air-Brake Company, referred to me and requested me to make appeal for military protection for their works at Lubertzy station, on the Moscow-Kazan Railway, which I did, and the governor sent a squad of Cossacks to the works.

Most of the post-office employees are going back to work. The higher ranks of post-office employees, I understand, are not accepted back. Letter carriers are expected to deliver the mails in a day or so. The mail at the post-office is in a great disorderly condition, and no late mail expected to be received soon, as only the mail bags that were received in Moscow about a month ago are being opened now.

The telegraphic office does not as yet receive any private telegrams; official telegrams only are accepted.

The long-distance service was interrupted for several days, the wires having been cut between Moscow and St. Petersburg.

I have been informed that on many railways the freight cars were broken open and a large quantity of merchandise stolen.

The railways are gradually commencing operations, as the employees are going back to work.

At the present moment it is quite impossible to state correctly how many were killed and wounded during the riots, but there should be approximately 1,000 killed and 3,000 wounded from both sides.

The city telegraph system is completely wrecked, as all the poles were cut down and the wires used in barricading the streets. Many of the electric tram cars and horse cars were also used for barricades, and it will take several months to put everything in proper order.

All newspapers and periodicals stopped printing from the 20th to the 31st of December.

I am, etc.,

SAMUEL SMITH.

Ambassador Meyer to the Secretary of State.

No. 395.]

AMERICAN EMBASSY,
St. Petersburg, January 5, 1906.

SIR: I beg leave to confirm cable reading as follows:^a

In my cable of December 25^b I stated that although fighting had been stubborn and gatling guns had been used, I believed that the estimates so far given out as to loss of life were much exaggerated. It appears now that I was correct in my surmise, for in a semiofficial statement given by one of the papers, from statistics taken at all the hospitals and accident bureaus, the deaths were given as about 750 and the wounded as a little over a thousand.

I am glad to state that as yet I have heard of no injuries occurring to American citizens in Moscow; in fact in all these disturbances that have taken place in the various cities the revolutionists and strikers have refrained in all instances from attacking foreign consulates, and I believe this also applies to the property of foreign individuals.

I have just received a letter dated the 1st of January from Thomas C. Purdy, vice-president of the New York Air-Brake Company, at Lubertzy, thanking me for my prompt action as to a guard for their factory. He states that the town has been taken possession of by the military authorities and that order has been restored and he is under the impression that the works are now safe, but will not undertake to resume operations until the workmen have recovered from their present delirium.

^a Telegram of January 1, *supra*.

^b Printed in Foreign Relations 1905, p. 784.

Conditions in St Petersburg remain unchanged. The city is quiet, without any disturbances except in some of the outskirts.

I have, etc.,

G. VON L. MEYER.

Ambassador Meyer to the Secretary of State.

[Extract.]

No. 430.]

AMERICAN EMBASSY,
St. Petersburg, January 29, 1906.

SIR: I have the honor to report that the revolutionary party seems to have spent its force for the time being. Instead of aiding reforms, they have greatly hampered them.

By the attempted capture of Moscow, by their riots and rebellions in other parts of the country, followed by destruction of life and property, they have forced the Government into repression and reactionary methods in order to restore law and order. All this has necessarily caused a delay in the classification of the newly enfranchised voters and has given an excuse for a continued waste of precious time due to bureaucratic formality.

Some of the factions are finally waking up to the necessity of giving attention to registration and a better comprehension of the coming elections. The Constitutional-Democratic party have decided by a large majority to take part in the elections and the Douma. The Social Democrats have also decided to participate. On the other hand, the Russian Social-Revolutionaries, at their first meeting in Finland, lately, voted in favor of a boycott of the elections.

At its last meeting, the Constitutional-Democratic party, in view of obstacles to free election campaigning which the local authorities are using against all opposing parties, voted to protest against the government policy, which in any way impeded free elections to the Imperial Douma, and further urged the most energetic participation of its members in the approaching elections.

At a meeting of the marshals of the nobility, held at Moscow last week, the following resolutions were adopted:

1. That the final settlement of the agrarian question should be made the first task of the Douma.

2. That in deciding the agrarian question, it should be based on the principle of inviolability of private property.

It is reported that the reduction of military service from four years to two years is being projected by the minister of war, and that he will mobilize two new Cossack regiments for general service.

I have, etc.,

G. VON L. MEYER.

Ambassador Meyer to the Secretary of State.

No. 538.]

AMERICAN EMBASSY,
St. Petersburg, June 11, 1906.

SIR: I have the honor to report that I have this day received a letter from the American vice-consul in Warsaw, dated June 8, in which he informs me that on the 7th instant a meeting of delegates

was held from several of the chief Russian railway lines, at Bialystok, at which representatives of the Social-Democrats of St. Petersburg were present.

It was resolved that should the Douma be unable to carry through various projects on account of the opposition of the reactionary ministry, a general strike on all the railroads will be started on or about the 7th of July, to be continued until the Government gives way to the Douma. This undoubtedly will lead, it is said, to a fresh general strike throughout the whole country.

In government circles in Poland, also, fears are expressed of general agrarian troubles, and urgent demands have been made of the return of all regiments sent temporarily from Poland to quell the disturbances in the Baltic provinces.

Strikes continued off and on in Poland and have been a serious embarrassment to the manufacturers, compelling them to refuse contracts, which are supposed to have been transferred to foreign firms.

I have, etc.,

G. VON L. MEYER.

Ambassador Meyer to the Acting Secretary of State.

No. 585.]

AMERICAN EMBASSY,
St. Petersburg, July 24, 1906.

SIR: I beg leave to report that Mr. Stolypin, prime minister, to-day addressed the following telegram to the governors-general, governors, and prefects throughout Russia and to the viceroy of the Caucasus:

In conformity with instructions received from the Emperor with a view to securing full cooperation between the different local authorities, I hereby inform you that the Government expects you to exercise vigilant and untiring supervision over your subordinates so that order may be promptly and definitely restored.

Disturbances must be repressed, and revolutionary movements must be put down by all legal means. The measures you take must be carefully considered. A struggle has begun against the enemies of society, and not against society itself, and consequently wholesale repression can not be approved. Imprudent and illegal acts, likely to give rise to discontent instead of conducing to calm, can not be tolerated.

The intentions of the Emperor are immutable. The Government firmly desires to assist in the amendment of legal procedure and of the laws hitherto enforced, which no longer serve their purpose. The old régime will be regenerated, but order must be fully maintained. You must act on your initiative as you are invested with responsibility. Firm and vigorous steps taken on these lines will doubtless be upheld by the best part of society.

I have, etc.,

G. V. L. MEYER.

Ambassador Meyer to the Acting Secretary of State.

No. 608.]

AMERICAN EMBASSY,
St. Petersburg, August 6, 1906.

SIR: The events of the last week were the results of the deep-laid plan that insurrections should take place simultaneously at Sveaborg, Kronstadt, Libau, Odessa, and Sebastopol. It started prematurely at Sveaborg on the occasion of a sailor's funeral, it being

declared by his comrades that he died from overwork and bad treatment. The mutiny spread over the garrison like wildfire, their ranks being increased by men of the navy and not by the infantry companies.

Before 10 o'clock in the morning the southern part of the Sveaborg forts had been taken and the red flag hoisted. This served as a target for the loyal batteries and the fire of the loyal ships in the harbor of Helsingfors. A battalion of infantry was dispatched to Sveaborg, which, with the support of the batteries in Helsingfors, succeeded in quelling the revolt and causing the forts to surrender.

At Kronstadt it was planned to take the fort known as Constantine and at the same time capture the arsenal. The revolutionists began at a given signal about midnight. They took possession of Fort Constantine and then the arsenal. This they discovered, to their amazement, was without ammunition, so by necessity they were obliged to return to their barracks, where later they were surrounded by loyal troops.

The fort was also recaptured, but not without the loss of several officers and the escape, in a tugboat, of the civil agitators.

The intended insurrection at the three other places, Libau, Odessa, and Sebastopol, did not materialize.

It is reported that the burgher's estate of the Finnish diet voted that in the present state of affairs, caused by the conflict which had broken out among the Russian troops stationed at Helsingfors, it is the duty of every Finnish citizen to refrain from all unlawful acts and to assist the authorities in preserving order. The other estates of the diet adopted the same resolution.

I have, etc.,

G. v. L. MEYER.

Ambassador Meyer to the Acting Secretary of State.

No. 609.]

AMERICAN EMBASSY,
St. Petersburg, August 6, 1906.

SIR: I beg leave to confirm my cables sent on the afternoon of August 3 and on the morning of August 5, reading as follows:

The general strike predicted for Monday has already commenced.

Strikes commenced here Friday. All tram cars stopped and most of the river boats. Railroads still running. Will know Monday probably as to what extent general strike can be put into effect.

I had previously learned that the general strike had been fixed for Monday. This referred to the action of the steam railways but, contrary to expectations, the employees of the street railways and river boats commenced to go on a strike Friday afternoon. Saturday some of the mills shut down. By Sunday morning a few of the river boats were running again and one or two tram cars.

It is now felt that the strikes on the railroad will not be successful, coming as they do after the failure of the insurrection of the sailors and troops at Helsingfors and Kronstadt.

I have, etc.,

G. v. L. MEYER.

Ambassador Meyer to the Secretary of State.

[Telegram.]

AMERICAN EMBASSY,
St. Petersburg, August 8, 1906.

General committee which ordered a general strike has now declared it off; main cause of failure, nonparticipation of the railroads and universal reluctance of workmen.

MEYER.

Chargé Eddy to the Secretary of State.

No. 634.]

AMERICAN EMBASSY,
St. Petersburg, August 23, 1906.

SIR: I beg leave to confirm herewith my cablegram of to-day sent en clair, as follows:

All strikes concluded, Reval; factories have resumed work.

I have, etc.,

SPENCER EDDY.

Chargé Eddy to the Secretary of State.

[Telegram.]

ST. PETERSBURG, August 26, 1906.

Three men dressed as officers entered the house of Prime Minister and attempted his life by throwing a bomb into the room where he usually works. He was not there and escaped harm; his son and daughter hurt; 15 killed and 15 injured; also 1 of the murderers dead. The embassy called on the minister and I wrote the usual letter to minister for foreign affairs. City quiet.

EDDY.

Ambassador Meyer to the Secretary of State.

No. 665.]

AMERICAN EMBASSY,
St. Petersburg, October 13, 1906.

SIR: In confirming my cablegram of the 10th instant, sent en clair, as noted below, I beg to inclose copy of a letter dated October 11, from the American vice-consul in charge at Warsaw, relating to the general strike in Lodz.

Consul Warsaw telegraphs (quote) Lodz general strike owing execution five terrorists (quote).

I have, etc.,

G. v. L. MEYER.

[Inclosure.]

The American Vice-Consul to Ambassador Meyer.

WARSAW, October 11, 1906.

SIR: I have the honor to confirm my yesterday's wire, running thus: "Lodz general strike owing (to the) execution (of) five terrorists." The strike, which was extended to Zgierz and Pabjanice, in vicinity of Lodz, was of demonstrative character and is not likely to hold on.

I have, etc.,

WITOLD FUCHS.

Ambassador Meyer to the Secretary of State.

No. 677.]

AMERICAN EMBASSY,
St. Petersburg, October 31, 1906.

SIR: I beg leave to report that while about 600,000 rubles were being conveyed in a close carriage escorted by six mounted gendarmes from the maritime custom-house to the provincial treasury, a bomb was thrown under the horses, killing one outright and wounding the other. The gendarmes' horses bolted and the coachman fled. The occupants of the carriage were uninjured, but dazed. Meanwhile the carriage was surrounded by the robbers, the money bags seized and passed on to a woman in a droshky, who drove off at great speed, leaving the men to carry on the fight. More bombs were then thrown, and the gendarmes by this time began using their rifles, aided by the police and private watchmen.

It is a wonder that a number of people were not killed by the fusillade. The casualties were three gendarmes, an accountant, three watchmen, one woman, and one boy, all wounded; one watchman killed and one robber killed, five afterwards arrested. I examined the place the next day, which was in the center of the city on one of the most frequented thoroughfares, and found that the windows in a house on one side of the street were shattered, which was the extent of the damage.

It appears now that the bombs had been manufactured for the purpose of making a noise and alarming the people, rather than for destruction. The amount of money carried off amounted to 366,000 rubles.

I have, etc.,

G. v. L. MEYER.

Ambassador Meyer to the Secretary of State.

[Extracts.]

No. 680.]

AMERICAN EMBASSY,
St. Petersburg, November 1, 1906.

SIR: I beg leave to report that during part of the month of October I made a trip to Odessa via Vilna, stopping first in Russian Poland. From Odessa I traveled by steamer to Sebastopol, from there across country by stages through the Crimea, then by the military road over the mountains to Bakchisarai, an ancient Tartar capital, and then by rail to St. Petersburg via Moscow.

Throughout Volhynia and as far as Odessa crops had been harvested and winter wheat sown, and the peasants were busily engaged hauling the beet root to the sugar factories or way stations.

Odessa is a city of about half a million inhabitants, one-third of which are Jews. They are not confined to any special district, but are at liberty to make their abode in any part they see fit.

I found the streets of the city rather deserted at night, with many special watchmen and gendarmes at nearly every corner, with loaded rifles and fixed bayonets.

General Baron Kaulbars impressed me most favorably as a straightforward and honorable man. He informed me that he should punish all those who committed crimes or endeavored to disturb the peace, irrespective as to whether they were Russians or Jews. His

brother assured me that there would be no pogrom in Odessa while the General was in command.

Sebastopol is a closed port. There appears to be a change for the better in the discipline and conduct of the sailors since Admiral Skrydloff has been in command. Although a short time ago the scene of mutiny and disorder, now, as far as appearances went, it was perfectly quiet, and it was the opinion of the Admiral that future outbreaks, if they occurred, would never be successful as long as the men were unable to get the support of their officers.

Throughout the Crimea I saw no sign of disturbances. Much attention is being paid, with considerable success, to the cultivation of the grape, the royal family also having a very large interest.

Traveling north from Simferopol to Moscow, at two of the stations a few troops were in evidence, but nowhere did I see or hear of disturbances of any kind among the peasants.

In Moscow all the gendarmes, as in Odessa, were carrying the loaded rifle with fixed bayonet, and at the entrance to the bank a soldier was invariably stationed, but here again, as in Odessa, business was most active, with much traffic in the street, carried on without interruption.

In some of the mill districts in different parts of the country agents have been shot when they were unpopular with the men. This occurred last Saturday in an English manufactory outside of Petersburg, but, strange to say, the greatest trouble has been with the Belgian companies.

On the whole, the revolutionary movement, for the time being, has lost its momentum. A year ago it was on the crest of the wave. Then a strike could be ordered and put in force without any difficulty, but now the workmen refuse to be used for political purposes or respond to the whims of the agitator.

The present conditions are liable to continue until the next Douma, March 5. Yesterday, which was the first anniversary of October 17 (Russian style), it had to be given out by some of the revolutionists that there would be strikes, uprisings, and agitations throughout the country. But the day passed off quietly.

Mr. Stolypin is facing with much courage and resolution the stupendous task which confronts him. He is endeavoring to deal fairly, while at the same time it is necessary to reestablish law and order. He has issued instructions to governor-generals and prefects of cities restricting the jurisdiction of the field courts-martial to cases of serious crimes and criminals taken red-handed. This should tend to confine the operations of the courts-martial to the repression of real crime and prevent their abuse for political vengeance.

He has also rebuked the reactionists, who were prone to adopt the methods of the Black Hundred. This has aroused some indignation among them.

Stolypin informed one of my colleagues that he was reporting everything to the Czar and keeping him thoroughly informed and the reports that he was about to resign were without foundation of any kind.

Conscription began last week in several provinces. Conscripts are reporting themselves without noticeable abstentions. The conscription in St. Petersburg has also started.

I have, etc.,

G. v. L. MEYER.

Ambassador Meyer to the Secretary of State.

No. 718.]

AMERICAN EMBASSY,
St. Petersburg, December 15, 1906.

SIR: I have the honor to confirm the following cable sent you this afternoon en clair:

Attempt made here to-day to assassinate Dubassoff, former governor Moscow during strike 1905; three bombs thrown, one took effect; wounds not thought fatal; two assassins captured, third escaped.

Admiral Dubassoff was walking in the Tauride Gardens early this afternoon when the attack was made upon him. He was wounded, it seems, in the foot.

I have, etc.,

G. v. MEYER.

Ambassador Meyer to the Secretary of State.

No. 729.]

AMERICAN EMBASSY,
St. Petersburg, December 28, 1906.

SIR: I beg leave to report that Count Alexei Ignatieff was assassinated December 21 at Tver while attending a meeting of the provincial zemstvo, to which he had been elected.

During a recess in the debates, when about to enter the refreshment room, he was shot by a young man. The assassin said he had acted under orders of the Socialist revolutionary committee.

Count Ignatieff was the brother of the well-known diplomat. He had been governor-general of Eastern Siberia in 1885, in 1889 assistant minister of the interior, and in 1890 governor-general of Kieff until 1897. Since then he has been a member of the Council of the Empire. He has been strongly opposed to the ukase of October 30 and was regarded as the leader of the reactionary party at the court, at one time being mentioned as a possible prime minister.

I have, etc.,

G. v. L. MEYER.

PROTECTION OF THE NESTORIAN CHURCH IN PERSIA.

The Acting Secretary of State to Ambassador Meyer.

No. 116.]

DEPARTMENT OF STATE,
Washington, February 17, 1906.

SIR: I have to acknowledge the receipt of your dispatch No. 426,^a of the 27th ultimo, transmitting a letter of L. O. Fassum, dated at Urmia, Persia, in which he asks for protection of the Nestorian Church against aggressions, and requesting instructions in the premises.

In reply I have to advise you that it does not appear that the American boards are in any way parties in interest in the matter.

If the conduct of the Russian monks is as alleged, it would follow that the Persian authorities are at fault in not protecting the Syrian

^a Not printed.

Church at Urmia from Russian aggression. It is therefore a matter between Persia as the protector of the church on the one hand and Russia on the other as responsible for the various trespasses committed by Russians in the territory of Persia.

Mr. Fassum seems to be in no way concerned unless it be as a voluntary agent, and his interference in the premises can not give him any claim for support or assistance from the American Government. If the American boards were concerned it might be different, but there is no foundation laid for the suggestion of a claim on their part.

Mr. Fassum's object seems to be to persuade this Government to aid Persia in a controversy against Russia in which American interests are in no way involved. The mere mention of the claim carries with it a negative answer.

I am, etc.,

ROBERT BACON.

AMERICAN CITIZENS RESIDENT IN RUSSIA.

The Acting Secretary of State to Ambassador Meyer.

No. 108.]

DEPARTMENT OF STATE,
Washington, January 17, 1906.

SIR: The department has received your No. 377, of December 28 last, relative to the case of Mordiros Sevoian's application for a passport. His certificate of naturalization, issued by the common pleas division of the supreme court of Rhode Island, at Providence, June 13, 1896, which you transmit, has been filed with your dispatch.

It may be added, however, that even an attempt to procure a passport under false pretenses is not by itself sufficient reason for sequestering a certificate of naturalization. This paper should not be taken up by an officer of the United States unless there is good reason to believe that it was improperly issued, fraudulently obtained, or is in the unlawful possession of a person to whom it was not issued.

I am, etc.,

ROBERT BACON.

Ambassador Meyer to the Secretary of State.

No. 445.]

AMERICAN EMBASSY,
St. Petersburg, February 15, 1906.

SIR: I have the honor to refer to the department, for its decision in the case, the passport application of one Johan George Joseph Albert von Mertzendorf, a naturalized citizen of the United States residing in St. Petersburg.

The applicant was born in Aachen, Germany, May 26, 1835; he was naturalized before the superior court of the city of New York as Albert Mertzendorf, September 16, 1856; he received the passport No. 14602, issued by the Department of State, September 17, 1856, signed by the Hon. William L. Marcy, the then Secretary of State, which he subsequently exchanged for the passport No. 170, issued to himself and his wife, Amanda Olivia, born Jernstedt, by this embassy, then a legation, under the date of July 30, 1874, and signed by Eugene

Schuyler, esq., the then chargé d'affaires ad interim between the departure of the Hon. Marshall Jewell and the arrival of his successor, the Hon. George H. Boker, formerly ministers of the United States to Russia.

This passport the applicant has retained since that date, though he has never signed it; and, as there is nothing on the face of the passport to indicate that it can ever expire, he has had no difficulty in continuing its use.

He desires, however, for the purposes of proper identification, in connection with a certain inheritance, to secure a new passport for himself and wife, made out in his full name, and has presented his old passport and his naturalization certificate, as well as the certificate of his birth registration, at this embassy, to that end.

He states that he is childless and in bad health, and presents a physicians' certificate to the effect of the latter allegation, which is inclosed herewith, as is also a copy of his letter transmitting the same. He has not revisited the United States since his first arrival in Russia, the autumn of 1856, and, on account of his age and health, has no intention of returning to America. He has, until his call at this embassy, been unaware of any requirement of the Government of the United States that he return to the country of his adoption, and until recently he has been ignorant of any regulation providing that a passport be renewed after the expiration of two years.

In case the department should decide that no passport be issued him in the form he has requested, he desires that he be permitted to retain his old passport, which has been returned to him pending the decision of the department in the matter, that he may continue to reside in Russia without molestation, in accordance with the Russian police regulation requiring foreigners to possess and exhibit their national passports. He represents no American interests in Russia, but has been employed by American firms on several occasions to make translations.

I should be greatly obliged if the department would inform me of its ruling on the status of such passports as that possessed by this applicant, as well as to instruct me as to my action in this present case, in view of the circumstances which have been herein set forth.

I have, etc.,

G. VON L. MEYER.

Ambassador Meyer to the Secretary of State.

[Extract.]

No. 464.]

AMERICAN EMBASSY,
St. Petersburg, March 14, 1906.

SIR: In further reference to the matter of my No. 369, of December 26 last, I have the honor to inform you that a tentative directory of the American citizens in Russia has been compiled, and under my direction, from information furnished, on request, by the American consular officers throughout the Empire. As the completeness of the directory must necessarily depend on the accuracy and zeal with which the consular officers respond to the request for this information, the lists are of varying value, and only those furnished by the consul

at Moscow (already transmitted to the department) and the vice-consul at Warsaw are of the desired character. On account of the insecurity of the mails at the time when the matter was first broached, two of the letters requesting such lists appear to have gone astray, and there has not yet been time to receive replies from the second request made of the consular officers at Batum and Vladivostok; also the consular agent at Abo, but recently confirmed in his office, has as yet made no report.

Leaving out of consideration these three consular districts, where the American population is probably not considerable, the inquiry would appear to show 283 American citizens in more or less settled residence in Russia. This figure is certainly incomplete. The division is as follows:

St. Petersburg	84
Moscow	107
Riga	33
Odessa	32
Warsaw	22
Wiborg	2
Rostoff-on-Don.....	1
Helsingfors.....	1
Novorossisk	1
	283

In this connection a matter has been brought to my attention which I desire to refer to the department for its information and advice. In spite of the police regulation in Russia requiring aliens to possess and exhibit from time to time their national passports, of the 283 American citizens now residing in Russia only 129 are known to this embassy to possess American passports in good order. Of the remainder, 50 appear to be living on passports which have expired, and while it is possible that some of this number have had passports renewed at other embassies or legations many cases are known where Americans continue to satisfy the police regulations with passports which have long since passed the limit of their value. It is also possible that of the 104 whose means of remaining in Russia under the existing police regulations are unknown to the embassy, a considerable number may be residing with passports issued elsewhere than in Russia, the valid duration of which may have expired. In some cases where new passports have been denied applicants it is known to the embassy that these bearers of expired passports continue to employ them and to obtain of the Russian authorities the protection accorded American citizens by virtue thereof.

In addition to this it is worthy of note that there are at least 11 cases on record at this embassy in which passports have been issued with the warning, for cause, that no further passport would be issued to the applicant; but as, under the present system of keeping passport records, this fact can be known only to this embassy, it would be perfectly simple for an applicant so provided with a passport, in no way different from any other, to renew the same an indefinite number of times at other embassies or legations, without the knowledge of this embassy.

As for the matter of expired passports in use in Russia and other cases which arise from time to time where persons claim the priv-

ileges of American citizenship without having discharged the duties thereof, I beg to suggest, if it meet the approval of the department, the embassy be authorized, at its discretion, to request American consular officers in cases of this sort to inform the local police authorities that the passports in possession of such persons are invalid, as they require renewal. In this way the embassy could clear itself of the responsibility for the acts of such persons who for reasons of their own might not desire, after such warning had been given, to regularize their status both in the eyes of the police and to the knowledge of the embassy. I feel sure that much of the question as to the rights of citizenship of applicants to this embassy for assistance or protection, which so often delays and hampers the action of the embassy, might thus be obviated.

I have, etc.,

G. VON L. MEYER.

The Secretary of State to Ambassador Meyer.

No. 125.]

DEPARTMENT OF STATE,
Washington, March 20, 1906.

SIR: The department has received your No. 445, of February 15, 1906, asking whether you should issue a passport to John George Joseph Albert von Mertzfeld, who was born in Germany, naturalized as a citizen of the United States on September 16, 1856, and received a passport, No. 14602, from this department September 17, 1856. He subsequently received another passport from the legation at St. Petersburg July 30, 1874, and has continued to use these old passports up to the present time, having been ignorant until recently that their validity had expired.

You submit a certificate from a physician to the effect that Mr. von Mertzfeld's age and physical ailments are such as to render it dangerous for him to undertake a journey to the United States. The department is of the opinion, however, that at this late day this is an unimportant circumstance in determining whether he should receive a passport. As he has been resident abroad for half a century, and left the United States the day after he acquired his citizenship, the department is not inclined to believe that the animus revertendi has ever existed in his case.

You state that he has been employed on several occasions by American firms to make translations, but such employment obviously does not bring him within the category of those who are residing abroad in extension of legitimate American enterprises, and who, consequently, receive prolonged protection from this Government.

The old passports which Mr. Mertzfeld holds were not at the time they were issued intended to be indefinitely effective. When the passport of 1856 was issued a person was expected to receive a new passport each time he might go abroad and to renew his passport while he was abroad at a legation or consulate annually. By the department's circular of September 1, 1873, the duration of the passport was limited to a period of two years; but it is only since 1892 that the statement "Good only for two years from date" has been printed on each passport issued. (See *The American Passport*, p. 75.)

The recognition as an American citizen which Mr. Mertenfeld now receives from the Russian Government through these old passports is due to ignorance on the part of the Russian officials of the regulation of this Government limiting the duration of passports. The continued use of the passports by Mr. von Mertenfeld is, therefore, improper, and they should be surrendered to your embassy, and, if there be no other circumstances than those set forth in your dispatch to excuse the prolonged residence of Mr. von Mertenfeld outside of the United States, you are instructed to refuse to issue him another passport.

I am, etc.,

ELIHU ROOT.

The Acting Secretary of State to Ambassador Meyer.

No. 132.]

DEPARTMENT OF STATE,
Washington, April 14, 1906.

SIR: I have to acknowledge the receipt of your No. 464, of the 14th ultimo, on the subjects of the use in Russia of expired passports.

In reply I have to say that, while the department disapproves of the use of expired passports and wishes to discourage the practice so far as it can, it is not prepared to authorize consular officers to notify the police, whenever an expired passport is being accepted as evidence of the citizenship of the holder that it is invalid, as such a course would probably lead to the molestation of the holder, who might really be an American citizen. Cases of imposition coming to your attention should be dealt with according to their merits, and notification of the invalidity of a passport may be made to the police when the circumstances surrounding the case warrant such action.

I am, sir, etc.,

ROBERT BACON.

MURDER OF VICE-CONSUL STUART AT BATUM.

The Russian Ambassador to the Secretary of State.

MEMORANDUM HANDED MAY 22, 1906.

[Translation.]

His Excellency Mr. Iswolsky, Minister of Foreign Affairs, to Baron Rosen, Ambassador of Russia at Washington.

ST. PETERSBURG, May 21, 1906.

The Viceroy of Caucasia telegraphs me as follows:

“On May 20, at 11 p. m., Mr. Stuart, American consul at Batum, was mortally wounded near his country seat, in the village of Moskhindjaour. Death ensued in an hour. The motive of the crime is unknown. Investigation is vigorously carried on. I have ordered the governor to take energetic measures for the detection of the malefactors and to communicate the result to me.”

Ambassador Meyer to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN EMBASSY,
St. Petersburg, May 21, 1906.

(Mr. Meyer states that the British consul has reported to him that Stuart, American vice-consul at Batum, was murdered last night, and that the murderers are unknown.)

The Acting Secretary of State to Ambassador Meyer.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, May 21, 1906.

(Mr. Bacon directs Mr. Meyer to urge authorities to identify and punish murderers; also directs him to ask the British consul to take charge of the American interests and the American consulate at Batum. Mr. Bacon states that the British Government has been asked to give permission.)

Ambassador Meyer to the Secretary of State.

No. 519.]

AMERICAN EMBASSY,
St. Petersburg, May 24, 1906.

SIR: I beg leave to confirm my cable of the 21st, reading as follows:^a

I at once notified the British embassy, as Stuart was a British subject, and reported the news to the foreign office, asking to have it officially confirmed.

I have the honor to acknowledge your cable instructions received in cipher, the true reading of which is:^a

I had anticipated your instruction, and on the evening of the 21st cabled you as below:

The foreign office has just advised me of the following telegram, received at 11 o'clock p. m., May 20: "American Vice-Consul Stuart was mortally wounded near his country house at the village of Makhindjaouri. He died an hour later. The reason for the attack is unknown. An energetic inquiry is being made. Orders have been given to governor to use strenuous measures to discover murderers and to communicate results of inquiry."

In addition to this, the minister of foreign affairs, Mr. Izolsky, wrote personally expressing his condolences and horror at the crime.

It seems that Mr. Stuart was in business, representing English firms, and last Christmas was intimidated by a number of workmen into paying a tribute of 3,000 roubles. He has also lately had trouble, it is said, with the longshoremen, on account of a clerk in his employ, and it would appear that this attack had been instigated by personal spite.

^a Supra.

The Government is making every effort to intercept the assassins, and I understand that three arrests have been made. This information I have not as yet received officially.

I am inclosing on over-leaf copy of letter addressed to the foreign office, and also another to the British embassy in St. Petersburg.

I have, etc.,

G. VON L. MEYER.

[Inclosure.]

Ambassador Meyer to the British Chargé Spring Rice.

AMERICAN EMBASSY,
St. Petersburg, May 23, 1906.

SIR: On the night of the 20th instant, Mr. William H. Stuart, a British subject, the United States vice-consul at Batoum, was murdered near his country place at the village of Makhindjaouri. As there was no consul at Batoum, Mr. Stuart was in full charge of our consulate, which is in consequence left without a representative.

For your information, I beg to inform you that my Government has already requested the British Government to allow Mr. Patrick Stevens, His Britannic Majesty's consul at Batoum, to assume charge of the American consulate and to represent our interests at that place, and that I have asked the Russian Government to consent to this representation on the part of Mr. Stevens.

I have, etc.,

G. VON L. MEYER.

MEMORANDUM.

DEPARTMENT OF STATE,
Washington, May 24, 1906.

The Department of State has just received the memorandum of the Russian embassy containing a copy of the telegram sent by the imperial minister of foreign affairs to the Russian ambassador at Washington, dated the 21st instant, announcing the murder of the American vice-consul at Batoum, Mr. Stuart.

The Government of the United States does not entertain a doubt that the Imperial Government will use its best endeavors to bring those who have committed the crime to justice.

Ambassador Reid to the Secretary of State.

No. 205.]

AMERICAN EMBASSY,
London, May 26, 1906.

SIR: I have the honor to inclose a copy of a letter I have received to-day from Mr. R. E. Stuart, a brother of the late Mr. W. H. Stuart, our vice-consul at Batoum, in which it is requested, on behalf of the deceased's family that should the circumstances of his death be such as reported in the newspapers the American Government should take action to secure the punishment of the offenders and compensation for his family.

I have been unofficially informed that no claim for compensation from the family of Mr. Stuart, who was a British subject, has yet reached the foreign office, but that should one be made His Majesty's Government would "take it up." In my acknowledgment of Mr.

R. E. Stuart's letter, while advising him that I was forwarding his letter to you, I have also suggested to him that this course should be adopted.

I have, etc.,

WHITELAW REID.

[Inclosure 1.]

Mr. Stuart to Ambassador Reid.

BEDFORD STREET, STROUD, GLOS,

May 24, 1906.

SIR: I venture to call your attention to the circumstances as reported in the daily papers under which my brother, Mr. W. H. Stuart, an English subject and your vice-consul, residing at Batoum, Caucasus, Russia, met with his death on Sunday evening the 19th instant. At present no further details appear to be known in England than those which have appeared in the daily papers.

It is clearly a case in which the circumstances should be thoroughly investigated, and if possible the offenders brought to justice, and I can not doubt that you or the proper representative of the United States will take all prompt and effective measures with this object in view. At any rate, on behalf of Mr. Stuart's family, I shall feel grateful if you could give them some assurance on the subject.

Whether it is a case in which the Russian Government should be asked for compensation is, I think, a matter for serious consideration, because certain members of his family will, in consequence of his death, be deprived of definite financial assistance which he was rendering them, and I think it is right that this question should be submitted to you at an early date.

I know that Mr. P. Stevens, H. B. M. consul at Batoum, was a great friend of my brother's and will, I am sure, do all that lies in his power in the matter; at the same time if there is anything which can be done by headquarters to strengthen his hands, I should be grateful.

If the Russian Government are incapable, as they apparently are, of maintaining proper order in their country, and of protecting the life of residents therein, I think they should be made to suffer the consequences of their failure to do so, particularly when a blow is struck at the official representative of a friendly nation.

I feel sure that, as the representative of the United States at the port of Batoum, his case will receive at your hands the best consideration and assistance which can possibly be given with the object of insuring that justice shall be done on all sides.

I shall be glad to furnish you with any further information in my power.

I have, etc.,

R. E. STUART.

[Inclosure 2.]

[Clipping from The Standard, May 22, 1906.]

ODESSA, May 21.

Mr. Stuart, an Englishman who occupied the post of American vice-consul at Batoum, has been murdered there. Mr. Stuart was a nephew of the late Major Stuart, formerly British consul-general at Odessa.

A Reuter's Batoum message adds that the murder took place in a villa at 11 o'clock on Sunday night. The murderer escaped.

Mr. William H. Stuart was, according to one of the principals of the MacAndrew Forbes Company, of Cannon street, who knew him well, one of the most popular men in the Caucasus. He was gifted as a linguist, and spoke nearly every continental language. Three years ago Mr. Stuart succeeded Mr. Chambers as American vice-consul at Batoum, but he was a British subject, born in England, where his mother and two brothers now live. Just before his appointment as vice-consul he visited this country, and was at the time of his death contemplating another holiday. Mr. Stuart was managing partner in the firm of F. A. Matinevich & Co., and also represented several British firms, the most important of these being the MacAndrew Forbes Company, already mentioned, and which was the first to have tidings of his death. Details are not expected for another ten days.

Ambassador Meyer to the Secretary of State.

[Telegram.]

AMERICAN EMBASSY,
St. Petersburg, May 31, 1906.

Minister for foreign affairs informs me that Kassim Didjavadgé and Ali Porkhall Oghly have been arrested under the charge of having assassinated Stuart and that the former has already admitted his participation in the crime. He adds that it appears from the communication of His Majesty's lieutenant in the Caucasus that the investigation is being actively followed up and that he expects to advise me as soon as possible of its final result.

MEYER.

Ambassador Meyer to the Secretary of State.

No. 532.]

AMERICAN EMBASSY,
St. Petersburg, June 5, 1906.

SIR: In regard to the murder of the United States vice-consul at Batoum, Mr. W. H. Stuart, I now beg leave to inclose for the information of the department, a copy of a letter dated May 22, and its inclosure, from the British consul at that place, reporting the circumstances of the crime.

I have, etc.,

G. VON L. MEYER.

[Inclosure 1.]

British Consul Stevens to Ambassador Meyer.

BRITISH CONSULATE,
Batum, May 22, 1906.

SIR: It was with deep regret that I had to wire you this morning as follows: "Extremely regret have to report murder of Vice-Consul Stuart last night. Murderers unknown."

In confirmation of the above, I do not think I can do better than inclose to you a copy of my dispatch of yesterday's date to the British chargé d'affaires in St. Petersburg relative to the assassination of Vice-Consul Stuart, which is herewith appended.

Mr. Stuart's loss will be felt throughout the whole of the Caucasus, and many an American citizen will miss the cheery welcome of their late vice-consul at this port.

It has been arranged that the funeral shall take place to-morrow.

I am, etc.,

P. STEVENS,
H. B. M.'s Consul.

[Inclosure 2.]

British Consul Stevens to the British Chargé d'Affaires.

BRITISH CONSULATE,
Batum, May 21, 1906.

SIR: It was my painful duty to telegraph you this morning as follows: "Owing to murder of British subject and American Vice-Consul Stuart last night shall be unable to proceed Tiflis to-night; shall forward report re case Stock to-morrow or next day."

In confirming the foregoing message I have the honor to report that while Mr. Stuart was proceeding on foot at 10.30 p. m. last night along a secluded part of the road leading to his country residence at Makendjaouri he was fired at three times by some unknown persons who were concealed in the bushes. All three shots took effect, one in the left knee, another just above the left hip, and the third bullet piercing the left arm below the elbow, lodged itself in the region of the heart.

Mr. Stuart was picked up in a dying condition shortly after the occurrence, by a friend who was staying at the villa and by two of his servants, who ran in the direction from which the report of the firing came. He was only able to give a few words of instructions to them and say that he had been shot at by two men.

The body was brought to his town residence about 1.30 a. m., and I immediately roused all the authorities, including the governor, chief of the district, procureur, police, etc., etc., and a searching inquiry was then and there instituted on the spot and is now being carried out.

It is reported this afternoon that two men have been arrested on suspicion as being implicated in the murder, and the general opinion appears to be that these men were paid to assassinate Mr. Stuart, who was respected and beloved by all those whom he knew and all those who had dealings with him.

It is generally supposed that the crime was committed through either envy or revenge, seeing that the small sum of money which he had on him, his watch and chain, and the contents of his pockets were not touched.

I have, etc.,

P. STEVENS.

The Acting Secretary of State to Ambassador Meyer.

No. 150.]

DEPARTMENT OF STATE,
Washington, June 13, 1906.

SIR: I have to acknowledge the receipt of your No. 519, of the 24th ultimo, inclosing copies of your note to the foreign office and of your note to the British embassy at St. Petersburg, in regard to the murder of Mr. Stuart, the American vice-consul at Batum.

Your action is approved.

I am, etc.,

ROBERT BACON.

The Secretary of State to Ambassador Reid.

No. 232.]

DEPARTMENT OF STATE,
Washington, June 15, 1906.

SIR: I have to acknowledge the receipt of your No. 205, of the 26th ultimo, transmitting copy of a letter from Mr. R. E. Stuart, brother of the late W. H. Stuart, American vice-consul at Batum, asking that action be taken for the punishment of the latter's murderers, and that steps be taken by this Government to obtain compensation for his family.

In reply I have to say that our ambassador to Russia is pressing for the punishment of the murderer or murderers, and has advised the department of the arrest of two persons, one of whom has confessed participation in the crime. The department sees no reason to believe that the fact that Mr. Stuart was the American vice-consul had any instigating connection with the crime, and it agrees with you that any demand for compensation for that family should be considered by the British Government.

I am, etc.,

ELIHU ROOT.

TREATMENT AND CONDITION OF JEWS IN RUSSIA.

The Acting Secretary of State to Ambassador Meyer.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, April 7, 1906.

(Mr. Bacon states that grave fears are felt in this country by relatives of the Jews in Russia, who believe that mob disturbances and unlawful attacks are planned for Easter, and wants to know what information Mr. Meyer has as to the precautions which have been taken to avert the dreadful events of former years.)

Ambassador Meyer to the Secretary of State.

[Telegram.—Paraphrase.]

ST. PETERSBURG, April 9, 1906.

(Mr. Meyer states that he has been assured by M. Witte that there will not be any disturbances, and that the minister of the interior sent out a circular to all the governors saying that they must hold the police responsible, and that this has reassured the chairman of the Jewish committee. Mr. Meyer says that he thinks that disturbances will occur in isolated places on account of the ill feeling of some subordinates.)

Ambassador Meyer to the Secretary of State.

No. 544.]

AMERICAN EMBASSY,
St. Petersburg, June 16, 1906.

SIR: I beg leave to report that Thursday, June 14, Corpus Christi Day, was the anniversary of the saving of Bielostok from cholera. The day was observed by orthodox processions, which were interrupted by pistol shots from the tops of certain Jewish houses, supplemented by the throwing of a bomb. This created a terrible commotion, resulting in the massacre of Jews and much loss of life on both sides.

It is difficult to obtain authentic and reliable information concerning the affair, the report, however, appears to be confirmed from several sources that the authors were Jewish anarchists who fired revolvers at the Russian Church procession and killed several persons taking part in it. This occasioned uprisings against the Jews and outrages by rioters as well as destruction of Jewish property. The troops have dislodged bands of rioters, and order is being slowly restored.

The exact number of victims is unknown, but 100 killed and 250 wounded is thought at this time to represent the casualties.

Bielostok is a town of about 60,000 inhabitants. Martial law has been proclaimed and additional troops are arriving.

Messrs. Shtchepkin, Arokantseff, and Jakobson, members of the Douma specially appointed as a committee to investigate as to the real causes of the late disturbances and massacre, have left for Bielostok.

I have, etc.,

G. VON L. MEYER.

Ambassador Meyer to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN EMBASSY,
St. Petersburg, June 23, 1906.

Mr. Meyer states that he has been advised by a responsible party who has just returned from investigating the massacre of the Jews last week that 100 were killed and nearly 100 wounded, that there were several cases of mutilation, but none of ravishing, and that the rioters plundered considerable of the property of the Jews. He adds that evidence points to the work and enmity of the lower local military and police officials, who acted without instructions from St. Petersburg.

Ambassador Meyer to the Acting Secretary of State.

No. 574.]

AMERICAN EMBASSY,
St. Petersburg, July 13, 1906.

SIR: I beg leave to inclose herewith the official communication on the disorders at Bielostock and a copy of a letter^a received from Mr. Stolypin, minister of the interior.

I have, etc.,

G. VON L. MEYER.

[Inclosure.]

OFFICIAL COMMUNICATION ON THE DISORDERS AT BIELOSTOCK.

ST. PETERSBURG, 1906.

On the 1st of June last there occurred some very regrettable disorders at Bielostock, involving the death of 82 persons, of whom 7 were Christians and 75 Jews; besides, 78 persons (18 Christians and 60 Jews) received more or less serious wounds, and 169 dwellings and shops belonging to the Jewish inhabitants of the city were demolished, causing damages estimated at 200,000 rubles.

Deeming it his bounden duty to have a rigorous investigation made into the causes of this deplorable event as soon as possible, the minister of the interior at once intrusted this mission to Mr. Frisch, a member of his council fulfilling the office of marshal of the court of His Majesty the Emperor.

The information gathered by this envoy, as well as that obtained from other sources through the efforts of the Government, enables the following account of the events which took place on June 1 to be prepared, the underlying causes being at the same time set forth.

The city of Bielostock, which contains about 100,000 inhabitants, has become within recent years the chief center of the revolutionary movement in the western section of the Empire. In the midst of the local population, of whom 75 per cent are Jews, numerous revolutionary organizations have been formed, some of which are radically anarchistic. These organizations, without any regard whatever for the interests of the peaceful and the working population, pursue their purpose with dogged persistence and with weapon in hand by

^a Not printed.

the means of attempts against the lives of the police and of the garrison troops stationed there for the sake of maintaining public order and opposing the development of revolutionary activity. The members of this organization have even adopted a distinctive dress in the shape of a uniform, which serves to determine their identity, and they have established their central headquarters in the Sourayskaia, one of the streets of the city, where they do not allow either the police or the troops to penetrate.

The criminal machinations of these revolutionary societies became more extensive in 1905 and were signalized by whole series of murders and attempts against the lives of the police officers and the garrison soldiers, beginning with the murder of Chief of Police Metlenko, which was followed by the murder of the chief of police of the Eltschine district; the attempt made June 8 against the life of Chief of Police Pelenkine, who was wounded; that of July 21, made by means of a bomb against Assistant Chief of Police Goubzky and Commissioner Joulkevitch, both of whom were wounded; that of August 24 against Police Commissioner Samson; the murders, committed on different dates, of Policemen Mosguere, Moniechko, and Barantsevitch, and the attempts against Police Corporals Savitsky and Costitsky, who were wounded, as were also 8 policemen.

Last September, after Bielostock was declared to be in a state of siege, the activity of the terrorists was relaxed, but it manifested itself with renewed vigor March 1 of this year, when the siege was raised. Without mentioning the numerous shots fired at the patrols and the military rounds, a new series of murders and attempts against the lives of the officials began at this time. On March 4 Commissioner Rasky was wounded and his assistant, Koulchinsky, killed; on March 18 the noncommissioned officer of the gendarmery, Rybansky, and the baggage master, Syralevitch, were killed; on April 29 an attempt was made against the life of Policeman Davydoff; on different dates during the month of May Policemen Zenevitch and Alexietaschouk were wounded; Policeman Cheymann was wounded; three soldiers of the Vladimir Regiment were wounded; the Cossack Lopatine was killed; on May 28 Chief of Police Berkatscheff was killed by shots fired from the crowd in Sourayskaia street, and finally, on May 29, the soldier, Arsentseff, was killed. Within this same period six attacks with bombs were made by the terrorists against the buildings of local manufacturers as well as against a banking office at Bielostock.

Within a space of three months, from March 1 to June 1 of this year, the crimes of a terrorist character committed against officials and private individuals of the city gave rise to 45 judicial investigations. In almost all the cases the authors of these crimes failed to be discovered, for the eyewitnesses, fearing the vengeance of the terrorists, refused to testify.

This series of attempts against life, as well as other acts of violence committed against peaceful inhabitants, including Jews, had produced a state of panic among the people of Bielostok, and when Chief of Police Derkatscheff, who enjoyed the public esteem of all the orderly people of Bielostok, whether Christians or Jews, was murdered on May 29, this crime brought the feeling of panic, as well as the general irritation against the promoters of these disturbances, to the culminating point. Rumors were spread about the city that the terrorists had decided to massacre all the officials, and at the same time the report was circulated that preparations were being made for the "pogrom" (destruction) of the Jewish population, among whom, according to the general opinion, all the criminal attempts had originated. While these rumors were taking form and maddening the inhabitants, confusion set in among the ranks of the police, the members of which became more and more inefficient. The best police officers had been killed, wounded, or crippled, and the others, fearing for their lives, had hastened to resign. To supply their places, and especially that of policemen, it became necessary, owing to the lack of volunteers, to appoint persons who in most cases had not been trained at all for this employment, so that they had continually to be changed. Since June, 1905, seven persons had been successively appointed in Bielostok to the office of chief of police, and three police officers to whom this position had been offered refused to accept it. During this same period five persons had successively held the office of assistant chief of police. It has been the same with the police commissioners and their assistants, who had continually to be replaced. In the absence of anyone desirous of holding these positions, it was necessary to recruit persons from different parts of the Grodno government, and to intrust those offices to them provisionally. The circumstances above described com-

bined together to create a state of apathy and a lack of initiative among the police, who even hesitated to show themselves in certain quarters of the city. Thus, in Sourayskaia street, where the revolutionary organizations were more particularly concentrated, it had been necessary to withdraw all the police officers from duty, because those sent there inevitably became the victims of murderous assaults.

The overexcitement of the population of the city on the one hand, and the disorganization of the police on the other, had created a state of affairs favorable to the outbreak of disorders with an irresistible force at the slightest provocation. This provocation was furnished June 1, when a fresh assault, audaciously committed by the enemies of public order, brought about an outburst of general indignation on the part of all the Christians of Bielostok.

On this day it was customary to celebrate religious ceremonies, which are followed by two processions through the city, one being orthodox, in commemoration of the return of the United Greeks to the Russian Church, and the other being Catholic, on the occasion of Corpus Christi Day. These solemnities bring together not only all the inhabitants of the city, but also attract a great number from the surrounding country. In expectation of this influx of people, and in view of the excitement prevailing among the inhabitants, extraordinary measures had been taken to preserve order. A reinforcement of the police had been arranged and an agreement reached between the chief of police and the military authorities whereby the city was divided into two sections, in which the guards of soldiers had been doubled and placed under the respective orders of specially appointed chiefs, under the general command of the head of the infantry division.

In spite of all these precautionary measures there were two or three places in the city where explosive devices were thrown at the crowds following both the orthodox and the Catholic processions. It was the same with regard to the faithful who began to disperse at the end of the ceremony. The processions were fired on besides with revolvers. Those who suffered from the explosion of these devices are still at this time under treatment at the city hospital; they are Stanislaw Miliousky, janitor of the city school, and three women (two of whom were married to policemen), viz, Anna Demidiouk, Alexandra Minekowsky, and Marie Commissariouk. As far as Miliousky and Minekowsky are concerned, the fact of their having been wounded by the bursting of an explosive device was established by the testimony of the victims and confirmed by the juridico-medical certificates given by the physicians Jdanoff, Granowsky, and Rosenthal, assisted by Doctor Epstein, of the Israelite Hospital. These revolting crimes and sacrileges brought to the spot a detachment of troops, who opened fire on the houses from which it was supposed that the revolver shots had been fired at the procession. Almost at the same time the "pogrom" (destruction) of the Jews by the Christian population broke out with the force of an irresistible element, without distinction of innocent or guilty. In certain places the Jews armed themselves to repel the attack, which increased still more the fury of the already overexcited crowd.

To follow out the course of events on June 1 in all their details when the disorders ceased in certain parts of the city only to begin anew elsewhere, and to gather the truth from the declarations of the victims and discriminate it from the falsehoods, either intentional or unconscious, is manifestly the mission of the judicial authorities who already have the matter in hand and are prosecuting it with all possible energy. While any positive conclusion before the completion of the judicial investigation would be premature, the Government believes that it may affirm one fact as being well established, viz, that the crimes against life and property were for the most part the work of small bands of evil doers from among the population of the city and the surrounding country who, acting separately, attacked the houses and stores of the Jews and chose for this purpose the part of the city where no troops were stationed. In the great majority of cases the disturbances were quelled by detachments of troops who arrived in good time. Toward 6 p. m. the pillagers had been driven away everywhere, and at the principal entrances to the city military patrols barred the road against the inhabitants of the surrounding region who started toward the city at the first news of the "pogrom." The disorders, which had ceased in the evening, were renewed next morning. Attempts were made to sack a few more shops, while at the railroad station, where there was but a small guard owing to the troops being detailed to the center of the city, the Jews were suddenly attacked by a numerous crowd. Toward the middle of this day the revolutionary organizations proceeded to make a series of attacks

against the troops, which did not end until the night of June 4. The patrols were fired upon, as well as the police guardhouses and the buildings of the staff of the Sixteenth Infantry Division and the Fourth Cavalry Division, and even the government banking establishment was not spared. Three soldiers were wounded in these affrays. The troops, in replying to these attacks, fired on the houses from which the shots proceeded, and, as was to be expected, the victims included not only those guilty of armed aggression, but also peaceful inhabitants who were in the houses.

The Government has already taken measures in accordance with the data secured in the administrative investigation in order to render the activity of the local authorities more conformable to the exigencies of good order and normal conditions. As to the principal participants in the bloody disturbances, as well as their accomplices and the instigators of the crime, the courts will without any doubt exercise their full rights in discovering, trying, and punishing them. The Government will, on its part, make it a duty to lend all the assistance possible to the courts in order that not one of the guilty parties may escape justice and the punishment which he deserves.

The Government indignantly denies the rumors spread abroad that the anti-Jewish riots at Bielostok took place with the knowledge and connivance of the local administration and of the troops of the place. The Government deems it its duty to express the firm conviction that the true cause of the lamentable events at Bielostok must primarily be sought in the machinations of the revolutionary parties. It was the revolutionists who, by an uninterrupted series of murderous attacks on the authorities and private individuals, wrought up a peaceful population to extreme fury and threw disorder into the ranks of the local police by rendering impossible the task which devolved upon it of preventing and promptly quelling any incipient disturbance.

Chargé Eddy to the Secretary of State.

No. 644.]

AMERICAN EMBASSY,
St. Petersburg, September 15, 1906.

SIR: Referring to the department's cabled instructions of July 31, 1906, whereby the embassy is directed to furnish, from time to time, information concerning the Jews throughout Russia, I have now the honor to give you the following facts, which I have gathered from Government documents, from conversations with men who are in a position to know the situation, and from the Russian law.

The number of Jews throughout the entire world is variously estimated at from 9,000,000 to 11,000,000, of which number 5,140,800 live in the Russian Empire. Of those who live in the Empire, 2,797,880 reside in European Russia, or about 3.2 per cent of the entire population; in Poland there are 815,443; in the Caucasus, 22,732; in Siberia, 11,941.

To understand the position of the Jew in modern Russia, it is first necessary to understand something of the laws dealing with, and directed against, him.

The Russian Government first began to take an interest in the Jews in the year 1772 when, for the first time, the latter were officially received as citizens of the Empire. In examining the contemporary Russian laws, it is seen that they divide the Jews into four categories:

(1) The "Caraim" Jews. These Jews have the same rights as other Russian subjects.

(2) The Polish Jews. These, according to the law of 1862, enjoy the rights of other subjects, but only within the limits of Poland

itself. However, the law promulgated in 1891 forbids them to acquire and to cultivate, as their property, the land of the peasants.

(3) Foreign Jews. Those who are not Russian subjects are not permitted to enter the Russian Empire and there become naturalized. The right of temporary sojourn in Russia can only be granted by the minister of the interior or by the Russian embassies, legations, and consulates. (Law of Mar. 14, 1891.) It is hardly necessary to add that Russian representatives abroad never actually give permission to foreign Jews to enter the Empire, even for a short time, and that such permission must be obtained through the ministry of the interior. It is true that the Jews living in Central Asia have the right to enter Russia proper, to there transact their business, and even to become Russian subjects, provided they register themselves immediately in one of the merchant guilds. But the right of citizenship, even then, can only be obtained by the direct permission of the minister of the interior or of the governor-general of Turkestan.

(4) The Rabbinist Jews.

The right of domicile is granted only to Jews in Poland and in the Governments of Bessarabia, Vilna, Kieff (with the exception of certain parts of the city of Kieff), Taurida (with the exception of the city of Yalta), Kherson (with the exception of the town of Nikolaieff), Moghileff, Volhynia, Vitebsk, Grodno, Poltava, Ekaterinoslaff, Podolia, Tchernigoff, Minsk, and Kovno. No Jews have the right to live in Finland save those who have been domiciled there from time immemorial. In the Provinces of Kouban and of Terek those only have the right of domicile who have obtained a degree of arts or sciences. (Law of 1892.) In Siberia, according to the explanation of the law by the Senate, no Jews may make their home except those who have lived there for several generations. The question of the status of the Jews in Siberia has, however, not yet been fully defined. In Kurland the right of domicile is accorded only to those Jews (and their descendants) who have lived there before the revision of the law in 1835, and in the Caucasus only to those who were there before the subjection of that country.

Certain classes of Jews have the right to establish themselves anywhere throughout the Empire, some temporarily and others as permanent residents. Those having the right of permanent domicile are composed of:

(1) Merchants of the first guild who, according to the law of 1859, are allowed to establish themselves in the cities, where they are registered in a guild on the condition that they have been formerly merchants of the first guild within the Jewish pale.

(2) Those who have the degree of doctor of medicine, doctor of laws, or who are candidates for such degrees at the universities, and also all Jewish doctors as well as those who have graduated from the Polytechnical Institute of St. Petersburg, or from the Russian universities. (Law of 1879.)

(3) Jews who ended their military service before 1874, the year when universal conscription was put in practice throughout Russia. These have the right to settle with their families on the government lands.

(4) Artisans of the highest class. (Law of 1867.) But this latter law, though good in theory, amounts to very little in practice. The guilds are purely Christian institutions, and to produce a certifi-

cate of membership of the first guild within the pale is not an easy matter. Moreover, this certificate produced, the Jew must pass an examination and pay rather a large fee. If he succeeds up to this point and becomes a member of the guild in his new place of residence, he is forced to submit to annoyances by the authorities and especially by the police. The regulations are very hard on him; he can not trade in any place but the town in which he has settled; he can not change his trade; if he meets with an accident and is unable to work at his calling he must return within the pale.

The classes of Jews who enjoy the right to travel about and to reside temporarily in different parts of the Empire are:

(1) Merchants of the first guild, registered in the cities within the pale, have the rights of sojourn in other governments for a period not to exceed six months each year; and merchants of the second guild have the same right for a period of three months each year. (Law of 1879.)

(2) Those who have graduated from schools and gymnasia and wish to enter universities and other higher schools have the right of domicile in all cities where there are universities and schools of the higher order.

A significant fact is that the right of universal domicile and temporary sojourn is a personal right and does not apply to the wife or children of the possessor.

There are two forms of public service theoretically open to the Jews: (*a*) Service by appointment and (*b*) service by election.

(*a*) Such Jews are nominally admitted to the public service who have received a higher education and have obtained scientific degrees. But none the less many departments do not admit their participation, as, for example, the ministry of justice.

(*b*) According to the law of 1870, the number of Jews in the village councils and in the councils of municipalities must not exceed one-third of the number of the Christian members of the said council. Mayors of villages must be Christians. According to the laws of 1890 and 1892, Jews can not take part in assemblies for election beyond the Jewish pale, and the same laws forbid them to hold office under the municipalities outside the pale. Furthermore, in courts of justice, whatever the religion of the plaintiff or defendant, there must be more Christians than Jews in the jury and the foreman of the jury must be a Christian.

Professional careers are not very restricted, so far as the Russian Jews are concerned, most occupations of this nature are as free to them as to the Gentile. But to be a practicing lawyer, the Government demands of the Jew that he shall, after passing the necessary examinations, obtain the permission of the minister of justice. Furthermore, according to the law of 1894, the number of Jews practicing law is limited to 10 per cent of the entire number of lawyers throughout the Empire, so that it is rather difficult for a Jew to obtain admission to this calling. However, owing largely to the efforts of the lawyers and to the influence of more modern ideas, the above restrictions are now being taken in the broadest possible sense, and the admission of Jews to the Russian bar is daily becoming more easy.

The profession of teaching is forbidden to Jews, whether in government institutions of learning or in private schools.

According to the census of 1892, more than 35 per cent of the Israelite population are earning a living in cities as (a) artisans, and as (b) workmen.

(a) In 1897 there were registered in 1,200 districts a total of 500,986 Jewish artisans, who composed in themselves 13.2 per cent of the population of these 1,200 districts.

	Master workmen.	Skilled workers.	Apprentices.	Total.
Men.....	229,485	115,784	79,169	424,438
Women.....	29,911	24,744	21,893	76,548
Total.....	259,396	140,528	101,062	500,986

Other statistics show that, within the Jewish pale, there are 15 Jewish artisans for every Christian artisan. If we suppose that two members of each family are artisans and that the average family is composed of five members, we find that about 1,400,000 live by artisan labor, or nearly 30 per cent of the entire Jewish population within the pale. The statistics of the town of Mogileff show that the average salary of an independent Jewish artisan amounts to as much as 500 rubles (\$250) yearly; that of an artisan who is not independent is about 240 rubles (\$120) a year. The working day for the former is from eleven to thirteen hours; for the latter anywhere from fifteen to eighteen hours. Such a number of working hours seems almost impossible, and yet it is the life lived by most of the poorer Russian Jews. The fact that they are none the less a fairly healthy and long-lived class speaks highly for the stamina of the race.

The greater part of the Jewish working class (as distinguished from the artisans) is employed in domestic service. Of this class there are about 170,000 men and women. There are also about 100,000 day laborers, of whom 32,000 are engaged in quarrying and as teamsters, 30,000 as bearers of burdens and porters, 20,000 as woodcutters, sawyers, terrace makers, pavers of streets, etc., and 13,000 are employed on farms or live in small towns and seek their employment in the surrounding fields. The number of Jews employed in factories within the pale, including Poland, approaches 50,000.

The following table gives an idea of the employment of Jews within the pale with the exception of Poland. The percentages given indicate the proportion of Jews among the entire number of workers:

Products.	Governments of northwest.	Southwest.	South.
	<i>Per cent.</i>	<i>Per cent.</i>	<i>Per cent.</i>
Glove makers.....	100.0	100.0	.....
Matches.....	95.2	12.0	.....
Soap.....	84.7	81.1	63.6
Sweetmeats.....	62.4	100.0	.....
Distilleries.....	25.4	4.2	21.4
Foundries.....	14.9	15.2	.2
Mechanics.....	4.2	.....	.....
Bricklayers.....	49.4	8.8	3.0

It is especially noteworthy that the number of Jews engaged in planting tobacco and in the cigar and cigarette manufactories is

everywhere greater than the number of Christians so employed. For example, in 1899 the total number employed in the tobacco plantations amounted to 3,720, of which number 3,431 were Jews, or 92.3 per cent. The number of women and children employed is, in general, greater than the number of men; for example, in 1899 in the government of Grodno the women and children composed 74 per cent of the total, and in the government of Ekaterinoslaff the percentage was 91.

In regard to agriculture in its more general form the Jews are discriminated against. The law of 1804 allowed them to cultivate and own the unoccupied lands belonging to the Crown, and the enjoyment of these rights were on very advantageous conditions.

After 1850 the Government began to organize agrarian colonies on a large scale, but the lands which were available were not very fertile, and the sums of money appropriated for the purpose were insufficient; now these agrarian colonies have a very hard life of it. Many of them have ceased to exist, for the conditions imposed for the right to cultivate the crown lands are so severe for the Jews that they no longer dare to enter into any agreement. The poverty among this class is unbelievable, their food consists largely of cabbage soup and a sort of broth made out of grain. Meat is almost an unheard-of luxury. One wooden spoon has to suffice for an entire family, as the cost of one for each member of the family can not be borne; and yet a wooden spoon can be bought for 3 kopecks ($1\frac{1}{2}$ cents). While traveling through the country in a sleigh on a shooting expedition I once threw away a piece of newspaper which had been used as wrapping for a parcel. This happened in a village, and those of the inhabitants who were standing about almost fought one another for it. On inquiry I found that they wished the piece of old newspaper to make cigarettes of and "to wrap things in." There is a lying-in hospital supported by charity in St. Petersburg itself, where it is a common occurrence for women to wrap up their newly born children in newspapers when leaving the hospital for their homes, simply because they can not afford to buy even a piece of flannel cloth suitable for the purpose. My own experiences have all been within 100 miles of St. Petersburg, but I have seen enough poverty, even in this prosperous section of the country, to give a good idea of what the condition must be of the poorer Jewish agricultural people within the pale.

In the Jewish agricultural colonies above mentioned there are within the pale 13,000 families, making in all 76,000 persons, who are in possession of 98,000 arpents of land. Of this land, only 17,000 arpents are the personal property of the Jews. Seventy-eight thousand arpents compose the land ceded by the state and 3,000 arpents are rented.

Jews have the free right to acquire property in all the towns and villages within the pale, with the exception of certain parts of the cities of Keiff, Yalta, and Sebastopol.

The law of 1903 forbids Jews to acquire real estate outside of towns and villages beyond the pale.

The conditions for holding real property and for the renting of lands are more favorable to the Jews in Poland than anywhere else. The law of 1862 allowed them to buy and to rent land, except (law

of 1891) the land belonging to the peasants. The following table shows the proportion of land belonging to Jews within the pale and within the Kingdom of Poland:

	The 15 governments of the pale.		The 10 governments of Poland.		Outside of the pale.	Total.
	Number of arpents. ^a	Percentage of total.	Number of arpents.	Percentage of total.	Number of arpents.	
Real property owned	411,108	0.58	240,273	2.13	718,160	1,369,541
Rented lands.....	521,649	.74	37,765	.33	53,807	613,221
Total.....	932,757	1.32	278,038	2.46	^b 771,967	1,982,762

^a An arpent is equivalent to about 550 square yards.

^b Outside the pale: European Russia, 745,646; Caucasus, 5,072; Siberia, 18,753; Central Asia, 2,496; total, 771,967.

The Russian Government first took up the question of Jewish public education at the beginning of the nineteenth century, when the Jewish question first claimed their attention. The law of 1804 stated that "all children of Jews are to be received and educated, without any discrimination whatever between them and children of Christians, in the Russian schools, gymnasia, and universities." This law also stated that "no one shall be turned from his or her religion under any pretext whatsoever," and further "the degrees which shall be conferred upon Jews, as a recompense for their personal efforts, shall be fully recognized."

None the less, the Jews did not place their children in Russian institutions of learning, where everything would have been strange to them—customs, language, and even the studies themselves. During the intervening forty years the Jews, with the permission of the Government, founded only three private schools; in 1822 at Ouname, in 1826 at Odessa, in 1830 at Vilna. In 1835, according to the government statistics, there were only 11 Jews in all the Russian universities, and in 1840 only 72 Jews in all the Russian government schools. But at present there are an appreciable number of Israelite students in the universities. In the St. Petersburg University there are 140, or 3.64 per cent of the total number; at Kharkoff 395, at Kieff 363, at Novo-Rossisk 255, at Tomsk 140, at Warsaw 170, at Kazan 64. The total proportion in all Russian universities is about 10.6 per cent Christians for every Jew. As the number of Christians in Russia is about fourteen times the number of Jews, it will be seen that the proportion of Jews desirous of obtaining an education is greater than that of the Christians. It may be added that the Israelite students in the universities, though somewhat addicted to socialistic and anarchistic doctrines are, for the most part, very intelligent, and take a fairly high rank in the examinations. They specialize largely in the learned professions, medicine and law having the greatest number of followers.

In 1844 the Emperor Nicholas I promulgated a law according to which it was decided to establish special schools for Jewish children in all the towns and villages within the pale. These schools were to be of two classes, a higher and a lower. For school teachers

there were provided certain training schools; but these institutions did not gain very much sympathy from the Jews, and therefore measures were taken to cause the Jews to enter their children in them. The authorities simply demanded the parents to cause their children to attend; but it was only after Jews had been appointed as inspectors of these schools that the new movement began to obtain Jewish approval. But in 1873, for some unknown reason, these schools were all closed, and the result was that the number of Jews in the government schools and universities was greatly increased. In 1887 the then minister of public instruction, M. Delianoff, decided to limit the number of Jewish students. This measure was carried into effect and the number of Jews was reduced to a certain percentage of the total number of students in the different localities. For the institutions within the pale this was fixed at 30 per cent; outside of the pale, 5 per cent; and at St. Petersburg and Moscow, 3 per cent. Moreover, there were a certain number of institutions where Jews were not received at all. After this the number of Jewish students began to diminish as follows:

	Number of Jews in 1881.	Number of Jews in 1894.
	<i>Per cent.</i>	<i>Per cent.</i>
Preparatory schools.....	12	6.2
High schools.....	8	5.2
Total.....	20	11.4

In the universities the same results followed; in 1886 the Jews composed 12.7 per cent and in 1899 4.4 per cent of the entire student body. In the higher technical schools a limit was also placed; the St. Petersburg Institute of Technology received 3 per cent, the St. Petersburg School of Mines 5 per cent. Some of the higher institutions were entirely closed to the Jews, such as the St. Petersburg School of Electrical Engineering, the Military School of Medicine, the St. Petersburg School of Civil Engineers, etc.

After placing these limits on the government schools in general, the minister of education began the opening of the present plan of Jewish public education, which has resulted in the following system:

In the cities and towns within the pale there are 800 Jewish schools with 600,000 pupils, but this number of schools is really insufficient, as more than two-thirds of the villages remain without schools. The state schools compose altogether one-fifth of the entire number of Jewish schools, the public schools one-fifth, and the private schools three-fifths. Beyond this there are 25,000 Jewish schools which are not under state control, with a total of 300,000 scholars. Unfortunately there is a dearth of capable instructors, as the two institutions for the training of teachers are entirely inadequate.

The special taxes paid by the Jews in Russia, apart from the taxes which they pay in common with all other subjects of the Empire, are divided into two classes, which are known as general taxes and special taxes. The former are taxes on all animals killed for food and are

known as the "koróbotchny sbor." Each animal killed is taxed; on beef this amounts to about 1 cent per pound. Each chicken, killed after the Jewish custom, is also taxed. Then there is the special payment to the Government for the right to sell meat which has been killed and prepared in accordance with the Hebrew customs. This tax falls very heavily upon certain classes of the Jews. By those who do not observe the strict teachings of the Mosaic creed it is not felt at all, while those who live up to their religion with all its usages are very much affected.

The special taxes comprise many small ways of collecting money from the Jews; e. g., the tax paid by Jews for the right to rent houses, shops, etc., as well as the tax on factories owned by them. The collection of these taxes is farmed out by the government of each province.

Another special tax is what is known as the "candle tax." (Law of Jan. 17, 1848.) By this law there is a special payment to be made for every candle which is burned by the Jewish families on Friday evenings. The revenue from this is divided between the public instruction of the Jews and the administration. At the present day, however, this candle tax exists only in name. It has been found more easy to take a fixed sum each year from the "koróbochny sbor" for both objects named above (public instruction and the administration).

According to the law of 1862 the Jews have the right to open publishing houses for the printing exclusively of Jewish books. Permission for this is obtained only through the minister of the interior. Each printing press is taxed according to its size. Small presses pay 20 rubles (\$10) a year, while large rotary presses pay up to 240 rubles (\$120) yearly.

In 1874, when universal conscription was introduced in Russia, no particular regulations were laid down in regard to military service for the Jews. But two years later many restrictions were instituted, chief among which are the following:

(1) Jews can not serve in the regiments of the guards, in the frontier guards, in the gendarmerie, or in the navy.

(2) No Jew can attain the rank of officer in the army or navy. No matter what his capacity may be, he can not be admitted to the examinations for a commission.

(3) The families of Jews who have fled from the country to avoid military service must pay a fine of 300 rubles (\$150).

These regulations, however, have failed to attain their end. For each year the number of Jews who do not materialize for military service increases in a startling manner. It is almost impossible to obtain accurate statistics on which to base a statement as to how many young men should yearly be called upon to perform military service. During the past twenty years more than a million Jews have emigrated from Russia to America alone, of which number two-thirds have been men. But if we take the census of 1897 as a basis, we find that the Jewish population of Russia was 4.13 per cent of the whole, and as the number of young males of 21 years of age is nearly always the same among all peoples, we are safe in saying that the correlation between the male Jews of 21 and the male Christians of 21 is also

4.13. However, the following statement gives an entirely different result:

	Christians and Jews.	There should have been of Jews (at 4.13 per cent)—
There were called upon to serve.....	1, 053, 572	43, 512
Number taken for service.....	320, 832	13, 250
	Number of Jews taken.	Difference between section 2 and section 3.
There were called upon to serve.....	58, 635	15, 123
Number taken for service.....	19, 911	6, 661

According to official reports there were taken Jews less----- 1, 970
 And nevertheless there were actually taken----- 4, 691

The Russian point of view is briefly about as follows:

A Jew comes to a Russian village in which the peasants have been living in peace and quietness. The peasant is by nature a good-natured, stupid, hard-working individual, who has never thought it possible for himself to gain more than enough to keep himself and his family in food, clothes, and fuel, with a more or less solid roof to cover them. In a short time the Jew, by his keener intelligence and greater energy, begins to get money by perfectly lawful buying and selling. Then the Jew lends money, taking as security the land or house or personal property of the peasant. Then comes the foreclosures and the consequent enmity, which lead in many cases to violence. The Jew is unwilling to relinquish what he has got hold of by legal means. The peasant considers himself wronged, and tries to even things up in his own way. The Jewish point of view is well given in a statement of their case which was made as a memorial from 32 Jewish communities in Russia, presented to the committee of ministers on March 9, 1905. A translation of this memorial reads as follows:

The measures taken in the last quarter of a century dealing with Russian Jews have directly tended to drive them to beggary and to leave them without means of subsistence, the benefits of education, and human dignity. A continuous system of persecution was artfully devised and regularly put into force. When the common people massacred the threatened Jews in the towns, the bureaucracy judged it proper to take away the right to live in the country districts and to acquire any property there. By law and by means of administrative measures, not only was further settlement in the villages prohibited, but at the same time crowds of people, settled in the fifty-verst zone and provinces outside the pale, were driven into the towns, and the very limits of the pale were narrowed. In the government outside the pale certain privileged localities were created where only persons who had completed their studies were allowed to come (Moscow, the Government of Moscow, the military provinces, etc.). Finally, one part of the Empire (Siberia) was closed to all Jews but convicted criminals.

In consequence of these measures and the forced migration of a mass of people, the population of the pale increased. In spite of considerable emigration beyond the ocean and to European countries, there are actually 4,200,000

Jews inclosed within the walls of towns, and only 700,000 in the villages of this great district.

Measures were taken to prevent Jews from entering middle and high schools; to counteract their wish to learn, percentage restrictions were imposed. Jews were admitted to middle schools with the greatest difficulty; thousands were not admitted. Only units entered the high schools. These few fortunate ones had not the right to enter the public service; they could only become lawyers with the permission of the minister of justice, and for fifteen years this permission was never accorded.

Without exaggeration it might be said that the whole machine of state aimed at making it impossible for Jews to exist in Russia. Every department had something to say on the Jewish question. It seems improbable, but it is certain, that not long ago every measure was the more popular the more it was intended to persecute and destroy the people who were considered the enemies of God and man. It was, in short, even a short time back, found necessary to forbid Jews to acquire real estate in the interior of Russia, in spite of the fact that only in three governments is property held by Jews more than 1 per cent of the entire amount. The bureaucracy has persecuted the Jews by all means and in all their aspirations. It has gone so far that, even in creating savings banks, Jewish founders were not allowed to elect directors from among their coreligionists, and Jew workmen, united for mutual help, were obliged to intrust their affairs to casual and disinterested persons.

A large percentage of Jews settled in the towns of the pale (in some 60 per cent, and calculated on the payment of municipal rates, 90 per cent), have no right to take part in municipal administration, and their needs are provided for by persons who are not interested in the town, and are ignorant of the needs of the local population.

It would be difficult to summarize all those legal and administrative restrictions which hamper the Russian Jew from his birth to his death. Wherever he lives—within or without the pale—he is not guaranteed either from material ruin or moral outrage at the caprice of the authorities. He is at the mercy of the police.

The aim of the administration has been achieved even in a greater degree than those responsible for this system would wish. Among the Jews of the pale, who for the most part consist of a half-starving crowd, a fifth are dependent on charity, and in the large towns, such as Wilna and Berdicheff, as much as a fourth and even a third. Such a percentage of paupers can not be equaled in any country in Europe.

Living side by side with this mass of paupers is a proletariat of workmen and artisans. The only condition—writes an inquirer into the conditions of the Jewish working class—which makes it possible for a workman to toil otherwise than as a slave is the right to move from one place to another, and Jewish workmen are, in fact, subjected to severe restrictions or are without this right. If they do not wish to die of hunger, or to go begging, they must submit to every condition. On the other hand, Jewish capitalists are subjected to many restrictions, and it is difficult for them to be in touch with the extensive markets and purchasers outside the pale.

The disabilities of the Jews have also influenced the economical prosperity of the Christian population; the removal of Jews from participation in economic life hampers trade and also imposes restrictions on Christians in the domain of credit and the free disposal of property. An eloquent proof of this is the attempt of many Christian landowners to evade these restrictions by fictitious leases or deeds of sale.

Restrictive laws demoralize the authorities who carry them out. The Government has latterly recognized that everlasting deportations of Jews are only a temptation to the police authorities, and have a demoralizing effect on a nation. Under such influences the authorities look upon the Jews as a people outside the law, for whom there are no courts and no protection. It leads to innocent people being persecuted, ruined, and even murdered, as is shown by the Kishineff, Gomel, and Moghileff massacres.

The only way to improve the sad lot of the Jewish population in Russia is to give them the same rights as the rest of the nation, as has been done in all European states.

Beyond the right of taking part on an equal footing with other citizens in political and social life, justice demands that they should have the elementary rights of citizenship—freedom of action, freedom of profession, the rights to acquire property, the right to be educated. Freedom of movement and freedom

of occupation are closely connected with, and are indispensable to, a well-ordered state. These rights give a man the possibility to develop and apply his capacity and strength to gain the means of existence in those occupations which he finds congenial and in the place which is congenial. These are the elementary rights of every human community, and every obstacle to freedom of movement, of occupation, and the acquisition of property are felt as being a cruel persecution and an encroachment on the rights of humanity. The struggle of life is already hard enough without creating further obstacles in the way of earning a living, whether physical or intellectual. On the contrary, initiative and independence must be encouraged. For this purpose all races and creeds must be allowed free development.

"When the object is to better the lot of a people, then small means have less than small results; they have no effect at all." This is a truism which no one denies. A gradual change, which only prolongs the evil, has already been condemned by the Russian statesman, B. N. Chicherin, with special reference to the Jewish question. "Restriction of rights," he declares, "is a kind of punishment. If I am convinced that the man is being punished wrongfully, why is it necessary to gradually change his punishment?"

Such a gradual change is not only unjust, but it is ineffectual. The Jewish people in all its ills feel profoundly, not only physical and material wants, but also the moral outrage of their degraded position. Half measures are no reparation for an injury. A people of many millions, aroused to consciousness of its right to existence, can not indefinitely remain a race of suspects.

Most of the legislative and administrative enactments concerning the Jews of the last twenty-five years have been based on the danger they are supposed to represent to the prosperity and greatness of the country. This idea has been spread by certain sections of the press to draw attention from the real evils of Russia: it was proclaimed by the bureaucracy because the "pernicious" aspirations and activity of the Jews seemed to be a convenient explanation of all our misfortunes. "Russia for the Russians." This formula justified and explained everything, excluding from the number of Russians the followers of all foreign creeds, although they had been settled in the country for centuries. But is the unity and stability of a great empire really guaranteed by narrowing the foundations? Not only in their present trials, but when they have passed, the thoughts of the Russian people should be directed to reconstituting their internal strength. Union is only possible by unity of interests and sentiment. Restrictive laws condemning the Jews to poverty and demoralization paralyze all their efforts toward normal activity, having driven hundreds of thousands of energetic, laborious persons beyond the seas, and have sapped at the root the intellectual strength of a people of many millions, to the detriment of the whole country.

All Jews in Russia are at present animated by one thought: that the cruel force of endless limitations and restrictions is sapping the very foundation of their existence; that such an existence is no longer tolerable. Wearing by the past, seriously anxious for the future, the Jews are waiting for the complete restoration of their strength and a final abrogation of all exclusive laws, in order that, free and equal with other citizens of a great country, they may labor for its welfare and prosperity.

With this feeling on both sides, it seems hopeless to try to arrange matters satisfactorily. The religion of the member of the Orthodox Greek Church teaches him that the Jew is not to be looked upon as is a fellow Christian, and the severe tenets of the Christianity of three centuries ago still hold the people in this Empire, from the highest to the lowest. It is true that the faith of the people in the governing class has recently been practically broken. But their faith in their church has practically remained unchanged, and in considering the Jewish problem in Russia it must not be forgotten that the Russian point of view is, at bottom, a religious feeling, while the point of view of the Jew is purely ethical.

The Jews are not taking the ill treatment and oppression with peace and resignation. This is a point which should be well understood in considering their position. During the past twenty years their opposition, while unorganized and misdirected, has none the

less been so strong and so unquenchable that neither prison, nor bodily suffering, nor the whips of the Cossacks, nor transportation to the farthest limits of Siberia, nor even the death penalty itself, has been able to keep them quiet.

It is said by many writers on this subject (Christians as well as Jews), that the Russian Government, unable to cope with the question themselves, have been stirring up the minds of the uneducated masses against the Jews to an extent which has resulted in the unfortunate massacres at Kisheneff and elsewhere. It is not asserted by reasonable men that the St. Petersburg Government had a hand in these massacres. What is meant is that the Government is trying to make it harder and harder for a Jew to remain in Russia, and are prejudicing the people against the Jews to that end.

When Boulyguin gave it out that Jews were not to have representatives in the Douma, the entire Jewish population came out with so strong a protest that the Government saw they must drop the matter for the time being at least. This shows conclusively that the united voice of the Jews in Russia carries weight enough to change the plans of the Government in some respects—a state of affairs which would have been considered absurd twenty or even ten years ago. So it is possible to believe that the condition of the Jewish population, bad as it is, is also no worse than it has been, and it seems just to hope that the near future will bring the same betterment of conditions to them as it bids fair to bring to the Russian people generally.

I have, etc.,

SPENCER EDDY.

Chargé Eddy to the Secretary of State.

No. 649.]

AMERICAN EMBASSY,
St. Petersburg, September 19, 1906.

SIR: In confirming my cablegram to the department of the 11th instant as follows:

Consul at Warsaw telegraphs that a disturbance exactly similar to the one at Bialystok is taking place at Siedletz. Details lacking as yet.

I have the honor to inclose, for the further information of the department, a copy of a letter, dated the 14th instant, from the vice-consul in charge at Warsaw, in which he gives details regarding the disturbances at Siedletz. In this connection I also inclose translation of a telegram, published in the local papers, dated Siedletz, September 12, giving the official account of the occurrences.

I have, etc.,

SPENCER EDDY.

[Inclosure 1.]

Vice-Consul Fuchs to Chargé Eddy.

AMERICAN CONSULAR SERVICE,
Warsaw, September 14, 1906.

SIR: I have the honor to confirm my wire of the 10th instant, reading:

“Siedletz exact repetition of Bialystok.”

In supplement to this and to the general report of the “pogrom,” as given by the press, I wish to add the following particulars:

There can not be the least doubt but that the "pogrom" was premeditated and prepared by the troops, soldiers having been seen on the eve of the massacre enter lodgings and instruct the Christian population to hang out devotional objects as preservatives against what was going to happen. There were no khoooligans on the premises, it appears, to provoke or to take part in the massacre.

I am informed from reliable quarter that the number of Jews killed amounts to 137 (corpses identified), the number of wounded about thrice as many. The Jewish shops and houses along the principal streets and the central market pillage.

Characteristic feature is that in opposition to the wholesale massacre of Jews and devastation of their homes was killed one (1) Christian civilian and one (1) soldier, another soldier being wounded. As to property one Christian shop and one hotel plundered.

On the other hand, however, it can not be denied that attempts upon the lives of gendarmes, higher police officials, and military men had lately been particularly numerous in Siedletz.

I have, etc.,

WITOLD FUCHS,
Vice-Consul.

[Inclosure 2.—Press Telegram—Translation.]

SIEDLETZ, *August 30 (September 12), 1906.*

(Official.) Details of the disorders at Siedlitz. In the afternoon of August 28 (September 10) an officer was shot at from the balcony of a house in Igo-rodnaia street. Seven young men were arrested. The night of the 29th was quiet.

On the 29th (September 11), at daybreak, another officer was fired at in Slodolnaia street. The troops opened fire against both houses. During the night of the 30th (September 12) two shots were fired from the garden in front of the treasury. It is evident the sentinels were aimed at and they replied by firing eight shots.

Up to the present 6 Jews and 1 Jewess have been registered as wounded at the Christian Hospital. One Catholic was killed and another died of fright. At the Hebrew Hospital there are 17 Jews killed, 12 severely wounded, and 60 slightly wounded; 21 bodies have been buried at the Hebrew cemetery.

Fifty-four persons, of whom 43 had used arms, were arrested. A dragoon accidentally killed himself. Twelve places were set on fire, but all of them were localized. Seven shots were fired from artillery, making breaches in two houses on Penknaia street. The firing was concentrated on the houses in the center of the town.

The furniture of several apartments was damaged. The merchandise in several shops was injured. Large quantities of goods were stolen. To-day the town is quiet. A military committee has arrived from Warsaw. The Jews continue to remove from the towns to neighboring villages.

The reports published in Polish newspapers are intentionally false or exaggerated in order to produce sensation. There have not been disorders in other parts of this government.

Ambassador Meyer to the Secretary of State.

No. 651.]

AMERICAN EMBASSY,
St. Petersburg, September 22, 1906.

SIR: I have the honor to report that Barcn Gunzburg, representing the Siedletz Jews, called upon M. Stolypin to urge against the trial of the prisoners by court-martial.

The minister expressed his profound regrets for the excesses that had taken place and his determination to thoroughly investigate the facts and publicly distribute the responsibility, no matter upon whom it may fall. He also complied with the request of Baron Gunzburg

notifying the governor-general of Warsaw of the desirability of having recourse to the ordinary tribunals.

The premier, in conclusion, expressed the hope that the Siedletz riots would constitute the very last ordeal for the Jews, and touching the question of Jewish disabilities he stated that he would shortly introduce a bill extending Jewish rights and leaving it to the Douma to bestow absolute equality.

I have, etc.,

G. v. L. MEYER.

Ambassador Meyer to the Secretary of State.

No. 679.]

AMERICAN EMBASSY,
St. Petersburg, November 1, 1906.

SIR: I beg leave to report that at the sitting of the council of state last Saturday the question of according ordinary political rights to the Jews came up for discussion. Some divergency of opinion was manifested. It was finally decided by a vote of 28 to 16 not to deal separately with the Jewish problem, but to regard it as forming part of the general question of granting equal political rights to all nationalities in the Russian Empire.

I have, etc.,

G. v. L. MEYER.

Ambassador Meyer to the Secretary of State.

No. 705.]

AMERICAN EMBASSY,
St. Petersburg, December 1, 1906.

SIR: I beg leave to report that a semiofficial note published this week on the Jewish question states that the questions of permission for Jews to acquire land in all parts of Russia and the removal of the limits for Jewish settlement must be left to the Douma. While, however, such provisions would at present be premature, the three following measures will be carried out before the summoning of the Douma: The removal of the restrictive police regulations in twenty-five governments lying within Jewish pale; the promulgation of similar arrangements for Jews outside the pale; and the removal of the restrictions under which Jews labor regarding trade.

I have, etc.,

G. v. L. MEYER.

Ambassador Meyer to the Secretary of State.

No. 732.]

AMERICAN EMBASSY,
St. Petersburg, December 31, 1906.

SIR: I beg leave to report that in a conversation with Baron Gunzburg I learned to-day that it was definitely known that the Emperor had decided not to affix his signature to the bill presented by Stolypin granting certain privileges to the Jews, referred to in my dispatch of December 1, No. 705, namely:

The removal of the restrictive police regulations in twenty-five governments lying within Jewish pale; the promulgation of similar arrangements for Jews outside the pale; and the removal of the restrictions under which Jews labor regarding trade.

It is understood that the Tsar stated that as the Douma was to meet within a few weeks it was better and wiser that no new legislation should be promulgated.

Ever since this bill has been laid before the Emperor by the prime minister the reactionists have been active in their efforts to prevent the same becoming a law. It is felt that the attempt on Dubassoff's life and the assassination of Count Ignatieff have assisted the opponents to the bill in affecting the Emperor's decision.

It is believed by many that the Emperor is not necessarily opposed to this legislation, but on a matter which affects so many people throughout the Empire he prefers action should be taken by the Douma.

I have, etc.,

G. v. L. MEYER.

PATENT LAW OF RUSSIA.

Ambassador Meyer to the Secretary of State.

No. 566.]

AMERICAN EMBASSY,
St. Petersburg, July 10, 1906.

SIR: I beg leave to report herewith, for the information of the department, that on May 3, last, I received a letter from the law offices of Messrs. Gartner & Steward, Paterson, N. J., copy of which letter is inclosed herewith, inquiring as to the steps to be taken to get an extension of time to execute the necessary working under Russian patents granted to American citizens. Having referred this matter to the Imperial Government I have just received a note from the imperial ministry for foreign affairs, dated June 26 (July 9), copy and translation of which is attached hereto, stating that patents must be worked within five years from their issuance by the Russian Government; but, that if the stipulation in article 24 of the patent laws has not been carried out for exceptional causes beyond the power of the patent holder, the latter may present a petition for the conservation of his patent rights to His Majesty the Emperor through the department of commerce.

I have notified Messrs. Gartner & Steward of this reply.

I have, etc.,

G. VON L. MEYER.

[Inclosure 1.]

Messrs. Gartner & Steward to Ambassador Meyer.

LAW OFFICES GARTNER & STEWARD,
PATENTS AND PATENT CAUSES,
United Bank Buildings, Paterson, N. J., April 20, 1906.

YOUR EXCELLENCY: The early part of January we addressed a letter to the Imperial Russian embassy in Washington inquiring as to the steps to be taken to get an extension of time to execute the necessary working under Russian

patents granted to American citizens and the inclosed letter was received by us advising us to communicate on the subject with your excellency. Similar advice has also been given to us by the State Department.

The matter under consideration is as follows:

The Russian patent law prescribes the working in Russia of an invention covered by a Russian patent within five years from the date of the issue of the patent, and if such working is not executed within five years, the patent will become null and void.

We have a number of clients for whom we have procured Russian patents and secured the official working certificates within the time prescribed by law.

At the present time, the working under certain Russian patents should be executed before the latter part of July, 1906, but, as said patents cover an invention for which at present there is no demand in Russia, we have not been able to find any manufacturer who would be willing to undertake the manufacturing of the machines in question—to comply with the requirements of the Russian law.

Moreover, the invention covered by the above-mentioned patents will be of great commercial value for Russia within the next two or three years, and arrangements are being made at the present time to create a demand in Russia for said machines, but in view of the unsettled affairs, such as strikes, etc., said arrangements have so far not been completed.

Our clients of course do not want to lose the patents for nonworking within five years from the date of the issue of the patents, for the reason above stated, that within the next few years said invention will be of great commercial value for Russian silk manufacturers, and we therefore ask your excellency to be kind enough to submit the matter to the proper authorities with a view of ascertaining if we could not secure an extension of time to work said invention in Russia—say an extension of from one to two years—and advise us of the steps to be taken to procure said extension.

Thanking your excellency for any attention this matter may receive, we beg to remain,

Yours, most respectfully,

GARTNER & STEWARD.

[Subinclosure.]

IMPERIAL RUSSIAN EMBASSY,
Washington, January 7, 1906.

MESSRS. GARTNER & STEWARD,
United Bank Building, Paterson, N. J.

GENTLEMEN: I have your letter of yesterday's date relating to the extension of the life of patents granted under the Russian patent law and would advise you to communicate on the subject with the United States ambassador at St. Petersburg, at the same time furnishing him with all necessary information in regard to the specific cases you have in hand, so as to enable him to lay this matter in complete shape before the proper authorities.

Yours, faithfully,

ROHN.

[Inclosure 2.—Translation.]

The Ministry for Foreign Affairs to Chargé Eddy.

MINISTRY FOR FOREIGN AFFAIRS,
SECOND DEPARTMENT,
St. Petersburg, June 26, 1906.

MONSIEUR LE CHARGÉ D'AFFAIRES: In reply to the embassy's note of April 21 (May 4) last relative to American inventions patented in Russia five years ago, I now have the honor to inform you that in conformity with article 24 of the regulations confirmed by His Majesty the Emperor on May 20, 1896, concerning patents, persons who have been granted patents are obliged to apply their inventions in Russia within a period of five years dating from the issuance of the patents. Should this not be done the said patent right will be considered invalid from the date of their official publication that they have been annulled.

The department of commerce thinks it proper to state that this period being long enough, no question consequently has been raised in subsequent regulations, as to the granting of an extension of the fixed period.

If, however, the stipulations in article 24 could not be carried out because of exceptional circumstances beyond the power of the patent holder, the latter may present a petition relative to the preservation of his patent to His Majesty the Emperor through the department of commerce.

Please receive, etc.,

GOUBASTEFF.

PROHIBITION OF FIREARMS.

The Russian Ambassador to the Secretary of State.

[Translation.]

IMPERIAL EMBASSY OF RUSSIA,
Washington, March 16, 1906.

MR. SECRETARY OF STATE: By virtue of special provisions recently promulgated the importation into the Empire of Russia, the Grand Duchy of Finland included, of all kinds of firearms (except ordinary sporting guns), such as cannon, shells, explosives of all kinds, gunpowder, cartridges, nitroglycerine, etc., is absolutely prohibited. In spite thereof these articles, shipped to anarchist committees, are at times surreptitiously carried across the border and after are confiscated by the authorities.

In order to avoid any misunderstanding on that account and with the hope of discouraging as far as possible this unlawful importation, I have the honor, by order of my Government, to apply to your excellency with the request that you will kindly lend your cooperation to the end of causing such measures as you deem necessary to check the exportation of these prohibited articles to Russia to be taken consistently with the existing laws of the United States.

Hoping that the Department of State will favorably receive this request, I embrace this opportunity to renew to you, Mr. Secretary of State, the assurances of my highest consideration.

ROSEN.

The Secretary of State to the Russian Ambassador.

No. 17.]

DEPARTMENT OF STATE,
Washington, March 20, 1906.

EXCELLENCY: I have the honor to acknowledge the receipt of your note of the 16th instant, stating that the Government of Russia has forbidden the importation into the Russian Empire of all kinds of firearms (except ordinary sporting guns), cannon, shells, explosives of all kinds, gunpowder, cartridges, nitroglycerine, etc., under penalty of confiscation of the articles in question.

Your note has been communicated to the Secretary of the Treasury and the Secretary of Commerce and Labor, and will be published.

Accept, etc.,

ELIHU ROOT.

The Secretary of State to Ambassador Meyer.

No. 142.]

DEPARTMENT OF STATE,
Washington, May 19, 1906.

SIR: I inclose copy of a letter from the Savage Arms Company, of Utica, N. Y., who express the hope that the Russian prohibition of the importation of arms may be relaxed, so as to allow them to import small-caliber target rifles and other small rifles for game shooting.

They allege that the prohibition has been relaxed in favor of certain Belgian manufacturers of arms.

You may look into the matter and see whether there is any discrimination against Americans, and if you find this to be the case request equally favorable treatment for them.

I am, etc.,

ELIHU ROOT.

Ambassador Meyer to the Secretary of State.

No. 613.]

AMERICAN EMBASSY,
St. Petersburg, August 10, 1906.

SIR: In reply to the department's instruction, No. 142, of May 19, inclosing a letter from the Savage Arms Company, I beg to report that a careful inquiry into the matter of the alleged relaxation of the prohibition against the importation of firearms into the Russian Empire discloses no discrimination against American firms in this respect. It has been further explained to me that if, after the prohibition against such importation had gone into effect, any small firearms had been permitted to pass through the custom-houses they could only have been intended for some government institution, and in such case the clearance of said small firearms must have required a special permit from the director of customs; the director of customs, however, has no knowledge that any such permits have been issued.

I have, etc.,

G. VON MEYER.

The Russian Ambassador to the Acting Secretary of State.

[Translation.]

No. 246.]

IMPERIAL EMBASSY OF RUSSIA,
Magnolia, Mass., August 10, 1906.

SIR: In continuation of my note to the Secretary of State, dated March 16 last, I have the honor, by order of my Government, to advise the Department of State that, with a view to checking more effectively the unlawful importation of firearms and explosives into Russian ports in the Baltic, the Imperial Government has decided to extend to the flotilla of revenue cutters charged with surveillance and prevention of smuggling in Russian territorial waters the assistance of war ships of the imperial navy. There is nothing unusual in this cooperation, for which provision is made in the laws of the Empire. As to the instructions that have been issued to the officers of war

vessels to that effect, they are in every respect consistent with the provisions of the Russian customs law and the general rules of international maritime law.

Be pleased to accept, etc.,

ROSEN.

CAPTURE AND DESTRUCTION OF THE STEAMSHIP KNIGHT
COMMANDER.

Ambassador Meyer to the Secretary of State.

No. 503.]

AMERICAN EMBASSY,
St. Petersburg, May 2, 1906.

SIR: In compliance with the department's instructions cabled to me under date of April 18, I have the honor to inclose herewith a copy in Russian of the proceedings and decision of the supreme court in St. Petersburg in the case of the *Knight Commander*, as well as a copy in Russian of Mr. Berline's protest as regards neutral goods, together with the translation into English of both these documents.

I have, etc.,

G. VON L. MEYER.

[Inclosure 1.—Translation.]

DECISION.

By a ukase of His Imperial Majesty the supreme prize court at its session on November 19, 1905, at which were present the president, Adjutant-General-Admiral Kaznakoff, member of the admiralty council, and the following members of the admiralty council: Admiral Koupreanoff, Vice-Admiral Verkhovsky, Vice-Admiral Dykoff, Vice-Admiral de Livron; Senators, Actual Privy Counselor Grave and Privy Counselor Count Tisenhausen; also the member from the ministry for foreign affairs, Privy Counselor Martens, and the Acting Procurator, Privy Counselor Steblin-Kamensky; Acting Superior Secretary, State Counselor Sourine, heard the appeal in the decision of the Vladivostok prize court, rendered on July 24, 1904, in which the steamer *Knight Commander* and the cargo on said vessel when seized was condemned to be confiscated as being contraband of war.

The circumstances of the case are as follows: On July 11, 1904, about 6.30 o'clock in the morning, a detachment of cruisers, under the command of Rear-Admiral Jessen, consisting of the cruisers *Rossia*, under the command of Captain of the First Class Andreeff; the *Gromoboi*, under the command of Captain of the First Class Dabitch; and the *Rurick*, under the command of Captain of the First Class Trousoff, while cruising in the Pacific Ocean in latitude 34° 21' north and 138° 53' 5" west, sighted a trading vessel. The *Rossia* steamed in pursuit, and when at a distance of 15 to 20 cable lengths hoisted the signal "stop," and fired blank shots one after the other, and noticing that the steamer continued to steam at full speed in the direction of the Gulf of Tokyo, it fired two shots at the fore part of the steamer. Then only did the steamer heave to, and hoisted the British flag. By order of the commander of the cruiser *Rossia* the signal for "the captain to come on board with his papers" was hoisted, but as this order was not carried out a detachment under the command of Lieutenant Gavrishenko and Midshipman Baron Aminoff was sent to examine the vessel, its manifest, and cargo. Upon reaching the vessel it was found that the steamer was named the *Knight Commander*, English, and, in command of Capt. J. K. Durant, was proceeding to Japan with a cargo consisting of railway material, parts of bridges, machinery, and mixed cargo. The captain could produce no papers. The examination of the holds made by the above-named officers showed that they contained almost exclusively

contraband of war, the balance of the cargo being comparatively very small. Having visited the steamer, Lieutenant Gavrishenko returned to the cruiser, together with the captain and documents.

Captain Durant being asked why he was not in possession of the cargo's bills of lading, and learning from him that there was coal on the steamer for not more than four days, Rear-Admiral Jessen declared to the captain that as the steamer was subject to confiscation and there was not sufficient coal to take it to a Russian port, he would destroy her. Half an hour's time was given for the crew to disembark.

At 8.32 Captain Durant returned to his vessel and at 9.15, as soon as the crew had left, the steamer was blown up.

Upon the return of the detachment of cruisers to port the case of the sinking of the said steamer was examined by the prize court of the port of Vladivostok.

Upon the presentation by Captain Durand to the court of the ship's papers it was seen that the steamer *Knight Commander*, British flag, was built at Harrow, in 1890, had a displacement of 9,620 tons, gross tonnage of 4,305.53, registered tonnage being 2,716.32, speed 11 knots, registered at the port of Liverpool, No. 97801, and the property of Robert L. Greenshields, of Liverpool. From the entries in the log book, supplemented by explanations given by Captain Durand, it was seen that up to December, 1903, the vessel plied between Calcutta and other ports of India. In December the vessel was chartered by the British Lloyd for one trip to Trieste and Venice. In Venice the steamer was chartered by an Austrian firm at Trieste to carry coal, machinery, and other cargo to Messina, and thence to Palermo with a cargo of 25,000 cases of lemons and other goods for New York, where the charter expired. In New York the vessel was not chartered, but, taking up various goods, it was sent by the agents of the shipowners to Port Singapore, Manila, Shanghai, Yokohama, and Kobe, where the present trip was to end.

With regard to the cargo, the captain not having been able to produce any bills of lading or either the ship's manifest referring to it, the court could only form an opinion of that part of it which was addressed to Yokohama and Kobe, which was found on board the steamer at the time of its arrest by the Russian cruisers. At the same time, as Captain Durant could produce no documents concerning that portion of the cargo which was examined by the court to show its nature or quantity, and the court had only at its disposal the deposition of the officers of the imperial fleet, Lieutenant Gavishinko and Midshipman Baron Amirioff.

The explanations given by Captain Durant, the entries made in two private-letter books presented by the latter, and these, when carefully compared, showed that the cargo at the time of the seizure of the vessel consisted of the following articles: Rails, parts of bridges, various railway material, steel, steel sheets, nails, wire, tubes, wheels, tar, acids, shovels, and a small amount of mixed goods consisting of paint, clothing, leather, sail cloth, tin plates, hardware, timber, and small articles, such as ink, scents, soap, etc.

As stated above, the captain produced no manifest. When asked with regard to this, the captain stated that he gave the shipowners' agents full powers to sign the manifests; that he saw some of the manifests for the first time at Shanghai at the office of Arnold Harberg, but that he never received copies of the bills of lading or manifests, nor did he sign a single bill of lading. Captain Durant could not recollect whether he took oath or not for the ship's manifest, and could not explain otherwise the absence among his papers of the New York port "clearance papers." The Vladivostok prize court found that the vessel should have been in possession of copies of bills of lading and in all cases of the ship's manifest of cargo—that in America the execution of such formalities is absolutely required, which fact was confirmed by Captain Durand in his letter to the shipowners dated from Messina on March 3, 1904, and that consequently, without his signature, under oath of the manifest, in that it contains a correct list of the cargo taken on board and destined to parts mentioned in the manifest he would not be allowed to discharge in port. That he was allowed to discharge is shown by the fact that the *Knight Commander* discharged at Manila that part of the cargo destined thereto. That without his signature to the manifest he could not discharge such cargo is proved by the fact that at Manila he signed a manifest, under oath, which simply stated that he had not taken any goods on board.

That a manifest signed by the captain in New York and the clearance papers should have been on board is clear from the circumstances, firstly, that the Manila manifest and clearance papers were found among the documents presented

by Captain Durant, and secondly, on a leather case, bearing the inscription "Steamer *Knight Commander*, for the guidance and memory of the captain," is given a full list of all the documents which the vessel must absolutely carry, and among them the ship's manifest and clearance papers. Therefore Captain Durant could not fail to recollect whether or not he signed a manifest at New York, and could not be without a clearance paper of said port and without a manifest of the cargo duly signed by himself. The fact of Captain Durant's statement that he could not recollect whether he signed them or that he must have lost these documents, as a reason for not possessing them, cannot be considered. The real explanation must be that Captain Durant destroyed them as compromising his vessel or at least intended to hide them.

The insincere explanations of Captain Durant can also be seen in his business correspondence with the shipowners, of which the court became acquainted through the press copy letter book produced by him together with other papers. From these books, recognized as belonging to him and containing copies of his (Captain Durant's) letters, written in his own hand, the following expressions are to be remarked, which clearly show the true character of the vessel's destination, as well as the correspondence with regard to the requirements of neutrality on the part of the shipowner and captain.

1. Page 422 of press copy book: "New York, April 15, 1904. Stowage is progressing very slowly, thanks to the nature of the goods, for we were nearly two full days in stowing parts of bridge constructions weighing from 6 to 7 tons each. Our agents cabled to Chemulpo to prepare proper cranes for discharging purposes, but no reply has so far been received. I shall thus be obliged to get proper tackle and heavy pulleys in order to discharge this portion of the cargo and have an end of it, and perhaps may sell them at a profit. This class of cargo puts us to a great deal of trouble, as we are not outfitted with necessary pulleys and cordage."

2. Page 424: "New York, April 22. I regret to have to inform you that we are still stowing very slowly, thanks to the nature of the cargo with which we have to deal. We are stowing the bridge material in hold No. 1 in destination for Chemulpo."

3. Page 443: "Shanghai, June 19. As far as I have been able to ascertain from Mr. Arnold Karberg, the passage to Chemulpo at the present time is not without danger. They have strongly advised me, if I should still decide to try, to go south, then straight to the west before touching at any port. I have not the intention of throwing off the responsibility, but do not see either why we should want to meet a catastrophe. From your yesterday's letter I was fully under the impression that we had not to discharge at Chemulpo. Our last sure port on the way hence will be Kobe. Be assured that I will carefully weigh these circumstances, as well as that of considering whether or not it will be safe to travel farther. I am afraid that the stem of our vessel will sit very low in the water when the cargo for Kobe (the actual) is discharged, as, when loading, holds No. 2, 41 were the ones which took in the greater portion of the bridge material."

From the above correspondence it is visible, firstly, that the vessel was far from being a passive arm in the transport of contraband of war to the enemy, but that, on the contrary, the owner of the vessel took a marked part in this operation; secondly, that in reality the carefully hidden destination of the vessel was Chemulpo and not Yokohama or Kobe—in other words, the acting Japanese army; and, thirdly, that the true nature of the cargo as well as its destination and that of the vessel were well known to Captain Durant. Meanwhile, in his explanations before the court of the different circumstances of the vessel's voyage, Captain Durant, who was not aware that his letter-press copy books were in the hands of the court, declared that the parts of the bridge were destined to Kobe, and that he was not aware that railway material was contraband of war.

In view of the discrepancies in Captain Durant's explanations before the court, as well as the hiding away of a whole lot of very important documents regarding the steamer and cargo, the summons to him to aid in establishing the quantitative relation of articles of contraband as compared with the total quantity of cargo on the steamer at the time of its arrest was not found possible by the court.

As regards two private notebooks, Nos. 4 and 5, in view of the fact that they only contain data relative to goods and their marks addressed to Yokohama and Kobe, without their weight or capacity; that they do not contain any information relative to the rails and in general to the railway material

which was found on board as being destined for Kobe; that relative to this material no documents or notes were presented to the court, nor the slightest indication shown about railway material, and that, after all, these notebooks Nos. 4 and 5 were private property, incomplete and insufficient, the only proofs in the absence of absolute proofs for determining the relative quantity of contraband cargo found on the *Knight Commander* were, for the court, the depositions of Lieutenant Gavrishenko and Midshipman Baron Aminoff, who searched the vessel. Having examined the fore holds, which were the largest, the first named saw that the cargo consisted of railway material in the form of parts unmounted, such as bridges, rails, tubes for boilers, car-body springs, with wheels as well as cogwheels, angle-iron bars, telegraph wire, and barrels of cement. The cargo in the after holds examined by both officers also, for the most part, consisted of railway material, iron tubes in large quantities occupying over one-third of the hold, as well as parts of machinery and their accessories, and, finally, the center hold also contained railway material in the form of car bodies or movable platforms.

In making the examination of the holds in company with Baron Aminoff, Lieutenant Gavrishenko came to the conclusion that the *Knight Commander's* cargo was contraband, and if she carried noncontraband goods they were in very small quantity.

Therefore, in the opinion of the Vladivostok prize court, there remains absolutely proved:

1. The actual illegal action on the part of the owner of the steamer *Knight Commander* in transporting to our enemy at Chemulpo, directly at the theater of operations, articles of contraband of war;

2. The hiding by the captain of said steamer of a whole set of very important documents relating to his vessel and its cargo as well, as his evident knowledge of the fact that he was carrying articles of contraband of war to our enemy; and

3. The finding on said steamer at the time of its seizure of contraband of war in quantities undoubtedly far exceeding half of the total cargo.

On this ground, and being guided by the facts in the present case provided for in sections 5, 8, and 13 of the Naval Prize Regulations, the prize court found:

1. That the English steamer *Knight Commander* was properly captured within the observances of the rules provided for in sections 2, 3, 15, and 17 of the prize regulations, and

2. That the said steamer which was carrying contraband of war destined to the enemy in quantities exceeding one-half of the total cargo, as well as the cargo, are properly legal prizes; and, therefore, on July 24, 1904, it resolved; that the steamer *Knight Commander* and the contraband of war "cargo" found on her at the time of the seizure, were legal subject to confiscation, as legal prizes.

Mr. Bajenoff, attorney for the owners of the vessel and of the cargo, appealed against this decision and stated:

1. That section 36 of the instructions for the visiting and arrest of vessels had not been properly carried out, namely, the protocol of the search made on the vessel as well as the resolution for the sinking of the same, were not signed by Admiral Jessen, giving his reasons and the section of the instructions by which he destroyed the steamer.

2. That Captain Durant was examined, although not under oath, but as a witness, which is an infringement of section 64 of the "regulations" which recognizes him as one of the parties and not subject to examination as a witness.

In examining the decisions of the court relative to the recognition of the steamer *Knight Commander* as a legal prize, the lawyer in his appeal, states:

1. That the deductions made by the court from this correspondence as to the insincerity of the captain's explanation and the reference to the obligations of neutrals can scarcely be considered convincing.

2. That the accusation brought against the captain that he hid the documents can be but a supposition of the court, unsupported by any real facts.

3. That in the evidence taken in forming its decision the court had not sufficient data for determining the quantity and quality of the cargo, and based its verdict upon the doubtfulness of the captain's explanation found "as absolutely worthy of confidence for determining the relative quantity of cargo contraband of war on the *Knight Commander* the depositions of the officers, Gavrishenko and Aminoff, who examined the whole vessel.

In considering the value of this proof, Mr. Bajenoff in his appeal, finds that one can not but come to the conclusion that the examination of the vessel was very superficial, the examiners only took notice of such articles which, in their opinion, might be contraband of war, one of them it is seen, including even iron of every description, and the other railway material, which he saw in every article made of iron, and neither of them paid any attention to the other part of the cargo, which was considerable, as seen in books Nos. 5 and 6 attached to this case.

Only a superficial examination could result in such a way and indeed, in looking from above, through the hatchways, the holds 35 to 40 feet deep, one could see only articles on the top of the holds. The proof that the examination was only superficial is supported by the statement of Gavrishenko that "he had not time to open the cases as he was ordered to hasten his return to the cruiser."

In conformity with the imperial instructions of February 14 of the present year, sections 7 and 9 of series 6, all kinds of steamship engines or boilers, both mounted or unmounted, as well as articles and material which may serve for telegraphs, telephones, or railways, are to be considered as contraband of war. "Hence it is clear that not all kinds of machinery and iron are contraband of war, but only those which have a special purpose." From the deposition of the witnesses one may consider as more or less established that part of the cargo consisted of rails and bridge parts and that to the eye these formed about two-thirds of the contents of the two after holds of the vessel, while of the other five holds the cargo consisted mostly of iron articles, cases, barrels, etc., the destination of which could not be determined by the witnesses, and was not determined at all.

All this taken together could in no way justify the ground for considering the cargo as contraband of war, "even if the said rails and parts of bridges were a part of it" in quantity exceeding half the entire cargo, and this result not having in itself more or less exact figures or documentary evidence, and consequently the only measure which could be applied in the given case to the steamer was to seize and take her to the nearest port to be delivered as contraband of war (remark to section 37, section 2b), and in no case could the steamer be sunk.

Under the conditions in which the steamer was arrested it is difficult to believe that it was not possible to take her to the first Russian port, inasmuch as it is seen in the case that the vessel carried 120 tons of coal, which at a ten-knot speed would be sufficient for four days, namely, to cover a distance of about 1,000 miles, whereas the nearest Russian port, "Karsakoff, on the island of Sakhaline," is considered to be about 750 miles distance from Yokohama, and secondly, because, although the vessel was seized at 15 miles from the entrance to the Gulf of Tokyo, the enemy was not visible and in general did not show himself, whereas these very circumstances were given as requiring the destruction of the steamer.

The prize court, in deciding the question of the cargo, was guided by that information which guided the navy administration; also, whereas, if they had followed Section I of the "prize regulations," where in similar cases the owners of the cargo must be summoned through publication in the newspapers, the court would in all probability have been able to obtain sufficient information to have prevented it from making a wrong estimate in the quantity of cargo recognized as contraband of war.

In view of all the foregoing, the attorney, in appealing, asks the supreme prize court to reverse the decision of the Vladivostok prize court as being irregular, and to recognize the sinking of the steamer *Knight Commander* as unjustifiable, and to give satisfactory compensation both to the owners of the vessel as well as to the owners of the cargo on said vessel.

To this appeal the procurator of the Vladivostok prize court gave an explanation, in which he states that paragraph 40 of the "Instructions relative to the overhauling and seizure of vessels, as well as to bringing and delivering vessels and their cargo," allows the commanders of the imperial navy, in some cases, to burn or sink the vessels which have been captured. The steamer *Knight Commander*, which was caught in the act of carrying contraband of war to the enemy's ports, and on which all the necessary documents were missing, was undoubtedly subject to arrest. Consequently, in the face of the above-named extraordinary circumstances, the commander of the detachment of cruisers had the full right to order the vessel to be destroyed. In reference to section 5 of section 40 of the instructions, it is definitely said that "although

section 21 of the prize regulations of 1895 allows the burning or sinking of a captured vessel under the personal responsibility of the commander, yet the commander undergoes no responsibility when the captured vessel is undoubtedly subject to condemnation as a prize, and when the extraordinary circumstance in which the imperial vessel may find itself renders absolutely necessary the destruction of the arrested property." In the present case such circumstances showed themselves in the lack of coal for transporting the steamer to a Russian port and the impossibility of furnishing the steamer with coal, in view of the strong swell and proximity to the enemy's coast. At the same time such circumstance was due exclusively to the captain of the steamer *Knight Commander*, who, notwithstanding the two blank shots which were fired from the cruiser *Rossia*, continued his course at full speed toward the Gulf of Tokyo.

In section 3 of the "instructions" the results of such actions on the part of neutral steamers are determined as follows: "Any vessel which shows an open design to escape from a cruiser, and which obliges the latter to chase and use force to stop it, is subject to capture; at the same time, however, the commander of the cruiser may, if he finds it necessary, arrest the vessel temporarily and search it fully." Consequently, in the present case the commander of the cruiser had only to make a preliminary search of the *Knight Commander*, and demand this on account of the distinct design of the *Knight Commander* to get away from the cruiser, and the party to the appeal has absolutely no ground for complaint. In ordering the search the commander acted upon his official authority, with a view of becoming thoroughly acquainted with destination of the captured steamer, as required by section 40 of the "instructions," and the transferring of the crew and documents was executed in due form. The cargo could not be discharged from the vessel for the same reason which prevented the cruiser from furnishing the *Knight Commander* with coal.

Referring further to the above-named search of the steamer and its cargo by Lieutenant Gavrishenko and Midshipman Aminoff, the search is stated by the party in appeal as having been superficially made. The question presents itself, how in the absence of any documents on the steamer (the private note books can not of course be recognized as documents) the party in appeal would have conducted the search. The difficulty of such search is fully foreseen in paragraph 23 of the "instructions" in compliance with which the officers must first decide what cargo, in view of the absence of accurate documents, are to be considered as the most suspicious. In the absence of all documents the duty of the searching officers becomes difficult to the utmost degree, and only the owners of the vessel and of the cargo or their agents must bear the responsibility therefor; finally the blame must be laid to the captain of the vessel or on whomever it may please them to lay it, except on the searching officers. In reality "to make it obligatory in consequence of the absence of any data relative to the cargo" for the searching officers to examine all and every hold of the vessel and their contents, consisting of the cargo, and to clear the goods from the holds and open the cases, in general a very difficult task, and in the present case, taking all the circumstances into consideration relative to the cargo, part of which consisted of parts of bridges, which it took, with all the facilities which the port of New York could furnish, twenty days to put on board, is quite impossible. In order to obtain a more or less exact understanding of the cargo of the steamer it would be necessary to discharge it, to do which at sea was out of the question, and therefore the search of the steamer, as in fact has already been stated, was not obligatory in the present case and the search was carried out by the officers within the limits of possibility.

The results of the search were explained by the officers with the confidence that the great majority of the *Knight Commander's* cargo consisted of contraband of war. Inasmuch as the captain was unable to present any documents to contradict this assurance, the information brought by the officers was the only element the commander could use for deciding as to the character of the captured steamer as well to the quantity of such cargo, and he decided that the steamer *Knight Commander* was a lawful prize.

The decision of the prize court confirmed this supposition, and therefore in this respect neither the commander of the cruiser nor the chief of the detachment can be called upon to assume any responsibility (sec. 40; sec. 5 of the instructions—remark). Let us now see what evidence the court had when it examined the present case. All the material proofs lay at the bottom of the sea. No bills of lading, no manifest, no documents whatever pertaining to the cargo were presented by Captain Durant. Among his papers two private note-

books, relative to goods received on board, two spaces are remarked, evidently intended for the rails, parts of bridges, and, in general, all the railway material which was contraband of war. The summoning of the owner of the vessel would have thrown no light on the subject, for the fact that, as all the material proofs had disappeared, it would have been easy for him to invent documents which would have compromised our officers, as the rails and parts of bridges would have changed into common iron bars and building material for some foreign private person or firm in Japan, or the quantity of contraband of war would have been reduced so as to be less than half of the total cargo. In all prize cases the captors are considered as the respondent, and it is not for this party to prove the regularity of its acts, but for the other party to prove the irregularities. This is a universal rule. As no documents were found on board of the steamer at the time of its capture, and consequently the material proofs having disappeared can not be produced, they can not be recognized, and therefore in the present case the summons of the owners for them to present their proofs before the court would have been at the very least superfluous. The explanations given by Captain Durant, as far as they refer to the character of the cargo carried by the steamer could have still less weight in the court's decision. Indeed, from his already, as representing the interests of the shipowners and the owners of the cargo, it was impossible to expect other explanations than those which could clear them, such a proposition the captain hastened to confirm, declaring before the court, contrary to the entries made in his own correspondence, that he had absolutely no knowledge that his vessel was transporting contraband of war, and so forth.

Besides that the case has signs of other evidence which does not give the court the possibility to avail itself of this part of Captain Durant's explanations, namely, undoubtedly in the opinion of the court, the hiding by the captain of the documents which pertained to the cargo of the steamer.

The party in appeal explains the absence of the bills of lading from among the papers as due to the fact that they were sent in advance by post. Although in all other cases relative to the detention of neutral vessels which were examined by the court the captains presented copies of bills of lading and the manifest, but allowing even the explanation of the party in the appeal, it is asked why the latter did not find it necessary to explain likewise the absence of the manifests which, especially in view of the absence of the bills of lading, should absolutely have been in the possession of Captain Durant, signed by him on oath, as to their accuracy. Considering the bills of lading and manifests as of no importance it would be interesting to learn on what ground the party in appeal would desire the court to form its opinion of the steamer's cargo when both vessels and cargo are destroyed. On one hand, the party in appeal considers these documents as having no special importance, on the other hand, several lines further on, in his appeal, he says that of course it would have been more convenient for Durant if he had possessed them or copies of them, with him, in that case it is doubtful whether the steamer would have been captured. In these words, placing the fate of the steamer and its cargo as dependent upon the possession of the first cargo documents, the party in appeal most clearly, contrary to his first declaration, establishes their paramount importance, in that it would have been preferable had Captain Durant been in possession of the cargo documents, one must agree with the party in appeal. But Captain Durant was not of that opinion, as he viewed it, if he had had the documents and the exact list of goods taken on board at New York, it would be far more unpleasant for him that the party in appeal thinks. The manifest of the port of Manila, which states that the *Knight Commander* took no goods on board at that port was present, it was not compromising, and it was found among the papers Captain Durant presented. It is a pity that this contradiction in the protest of the appeal party remains without explanation. Ending the examination of that part of the protest which deals with the total absence of cargo documents on board the *Knight Commander*, I find it my duty to once more emphasize one circumstance remarked by the court in its decision: In the leather bag or portfolio bearing the inscription, *Knight Commander*, made for the safe keeping of the vessels' documents, is printed the words "See that the general documents mentioned in the list are kept in this bag upon putting to sea and entering port." And, as among the papers are mentioned the bills of lading and manifest, in view of such a clear reminder to the captain of this part of his duty there can be no excuse for its not having been carried out.

As has already been said in the question relative to the determination of the quantity of cargo of a contraband of war nature, the court could be guided

exclusively by the facts resulting from the search of the steamer made by Lieutenant Gavrishenko and Midshipman Aminoff. Two private notebooks, beside this, that they do not contain a list of the articles forming the cargo, do not contain any data as to the weight dimensions of the articles they do mention, nor do the press copy books with the business correspondence of the captain. But if the court had really needed supplementary data in order to support its decision relative to the fact that the larger portion of the *Knight Commander's* cargo was contraband of war, such data was given by Captain Durant to the court at the sitting of July 24. As seen in the protocol of this sitting, Captain Durant explained that the total cargo on board the vessel at the time of her capture weighed from 3,500 to 3,800 and perhaps even 4,000 tons. Let us consider the most favorable figure for Captain Durant, namely 5,000 tons. Subtracting therefrom 385 tons for water supply and 110 tons for coal, or a total of 495 tons, there remain 3,505 tons of cargo. Of this amount, in accordance with Captain Durant's statement, there were 1,000 tons of rails; the letters of Captain Durant to the shipowner show that alone the parts of bridges consigned to Chemulpo required twenty days to be put on board, from April 15 to May 5. Under ordinary circumstances in a well arranged port, a vessel puts about 200 tons on board daily. But let us suppose that on account of special difficulties, which appeared in stowing the heavy and bad-shaped parts of bridges, this daily placing on board amounted to an average of 100 tons or, let us say, even, 50 tons a day. Even in this case the amount placed on board in twenty days amounted to 1,000 tons of bridge parts, which, with 1,000 tons of rails, formed 2,000 tons—that is to say, more than half the above-named 3,505 tons of cargo on board the *Knight Commander* at the time of her capture by the Russian cruisers. Let us add to this weight, whatever it was, the car bodies and car wheels seen by Lieutenant Gavrishenko, as well as the T iron bars, telegraph wire, besides a lot of steel sheets, tar, and acids mentioned in books Nos. 4 and 5, and we must come to the conclusion to which the court also came with the information it possessed, namely, that the quantity of contraband or war cargo on board the *Knight Commander* at the time of her capture by the Russian cruiser was undoubtedly, and in a large degree, more than one-half of the total cargo, and, consequently, both the steamer and the illegal portion of the cargo should be condemned as legal prize subject to confiscation.

Referring to the decision of the court as to the illegal action of the owners of the steamer *Knight Commander* the party in appeal claims that from the quantity of letters only three were made note of, those most favorable to its deductions. Why did the party in appeal require the contents of all the letters which had no bearing on the voyage in dispute? It is difficult to say. It does not matter how many notes the court could have made from the letters, they would not have reduced the importance of those three which establish the part played by the owner of the vessel and the captain in the transport to the enemy of contraband of war. From the fact that against three witnesses who have seen an illegal action should the accused place a hundred witnesses to certify that they did not see anything, does not mean that the illegal action was not accomplished. Furthermore, the very wording of the court's deductions from Captain Durant's letters is such that, contrary to the opinion of the party in appeal, there remains no doubt as to the real character of the steamer's last voyage and its relation to the obligations due by the shipowner and the captain.

Thus deciding in accordance with the important strength of the proofs in the case the court could not arrive at any other but the decision it rendered in recognizing the steamer *Knight Commander* and the cargo on it as contraband of war and a legal prize, subject to confiscation, which decision I find fully justified and proper.

Apart from the explanations given by the procurator of the prize court in reply to the protest of the shipowner's appeal, there has also been received an explanation from the chief commander of the first squadron of the Pacific Ocean Fleet, in which Rear Admiral Jessen states:

1. That section 36 of the "Instructions" clearly and definitely requires that the protocol should be signed by the members of the committee and the commander.
2. That Captain Durant was examined without oath and that section 64 of the Regulations was not violated.
3. The presence on the steamer of contraband of war was so evident that the court did not even touch the question of examining relative to the refusal to stop. When ordered to stop, the vessel started off at full speed, intending to

approach the coast, and did not stop until the fourth shot was fired. It is doubted whether the captain of neutral nationality would have risked his life if he had been transporting a neutral cargo.

The attorney for the owner of the *Knight Commander* of the steamship company "Ritsar," Mr. Sheftel, supplementing the appeal filed by Mr. Bajenoff, presented a petition accompanied by 46 documents, stating:

1. That the prize court was duly bound to first of all decide the question as to the right to sink the vessel, and its duty in this connection had not been fulfilled, thus violating articles 50 and 74 of the Naval Prize Regulations.

2. That the true meaning of article 21 of the prize regulations, and remark to section 40 of the instructions, provides that only the enemy's and not neutral ships may be sunk, and this is recognized by many authors and by institutes of international law.

3. That in sinking the *Knight Commander* there were lacking the extraordinary conditions which the law recognizes as acceptable for the sinking of vessels.

4. That in proof of the statement that neither the owner of the vessel nor the captain knew that contraband cargo was being carried on the steamer is the fact that the transport of the cargo was accepted before the declaration of war between Russia and Japan.

5. The false accusation of the captain by the court relative to his having destroyed the bills of lading and manifests and his hiding the destination of the cargo.

6. That in calculating the relation of contraband cargo as compared with the whole cargo there must be taken into account the total cargo taken on board the steamer at the time of loading, and not the quantity of cargo remaining on board the steamer at the time of the capture.

7. That the Vladivostok prize court in its decision determined what cargo, not being contraband, was subject to liberation.

8. That the amount of cargo at the time of the capture of the *Knight Commander*, including contraband of war, was in weight less than half of the cargo at the time of clearance. In support of this Attorney Sheftel presents documentary proof that at the time of the capture the *Knight Commander* carried 4,700 tons of dead cargo, 5,141 tons weight and capacity, as follows:

	Tons.
Rails and rail fastenings.....	979
Parts of bridges.....	1,702
300 pairs of wheels and axles.....	212
400 wheels.....	59
Total.....	2,962

This quantity, as compared with the quantity of cargo on board when the steamer left New York, namely 6,857 tons, was less than half.

In this case Mr. Berline, attorney for the American Trading Company, Messrs. Wassermann and Healing, and the Methodist Missionary Society, made a special appeal, in which he shows: That the supposition of the court in explaining that the absence of cargo documents was due to their being hid by the captain, is not supported; on the contrary, it is denied by the presentation of copies of bills of lading; the latter shows the peaceful character of the cargo and its true destination; they have special importance in view of the superficial and insufficient search made by the officers. Much importance can not be given to the depositions of the officers in the protocols. The officers came to the conclusion that the cargo was contraband of war, when they only looked at the cargo through the hatches, and did not even examine the contents of the bales and cases; therefore their statement that the majority of the cargo was railway material, or even iron cargo, is without foundation and can not be accepted. All this information leads one to the assurance that the captain had no need to hide the cargo documents even if he had had them in his possession; this supposition can therefore have no weight for the decision of the court. Therefore the examination of the captain, although not under oath, was illegal, inasmuch as the captain represents the owners of the cargo and is party in the present case, and can not therefore be examined as a witness.

The statements made by the captain at the examination could not serve as condemning him, for the following reasons:

1. Captain Durant was examined under circumstances which precluded all possibility of quietly and knowingly making his statements.

2. His statement that he did not know the exact quantity of cargo according to categories is explained by his assertion that he never signed bills of lading, but only saw some of them at Shanghai (protocol No. 5).

Besides this the court has committed a very strong infringement of article 71 of the prize regulations, in that the cargo owners were not called through publication and were thereby deprived of giving their explanations and presenting documents to prove the true character and destination of the cargo.

Considering, in view of the foregoing, that the search of the steamer made by the officers of the Russian cruiser gave no accurate data with which to establish the contraband character of the cargo, that in view of this the sinking of the steamer was illegal and a sacrifice for his clients, Mr. Berline asks that they receive proper compensation. He asks:

1. That the cargo which was on the *Knight Commander* belonging to Messrs. Wasserman, Healing, The American Trading Company, and the Methodist Missionary Society be considered as neutral and not subject to confiscation.

2. That the decision of the Vladivostok prize court in this subject be reversed.

3. That his clients be granted compensation for the value of the cargo sunk and for the losses sustained by them thereby.

To this petition Mr. Berline, sworn lawyer, attached in his capacity as attorney of the American Trading Company, besides his powers of attorney: (1) A sworn statement of Mr. Morse; (2) 11 bills of lading; (3) 11 invoices.

II. In his capacity of attorney for Messrs. Wasserman: (1) His power of attorney; (2) the sworn deposition of Mr. Wasserman; (3) 3 copies of bills of lading.

III. In his capacity of attorney for Healing: (1) Power of attorney; (2) sworn deposition of Mr. Kendilla; (3) 5 invoices; (4) sworn declaration, showing that the goods were American manufacture; and (5) copies of bills of lading.

IV. In his capacity of attorney for the Methodist Missionary Society, a full power.

Besides the foregoing Mr. Sheftel, sworn lawyer, presented 17 petitions, in which in the names of the cargo owners and insurance companies he asks that they may receive compensation for the goods stated in the petitions, as non-subject to confiscation.

These petitions were in the names of: (1) The London and Provincial Maritime and General Insurance Company; (2) Same company "Insurance Company" in British possessions; (3) British and Foreign Maritime Insurance Company, Liverpool; (4) Chinese Insurance Company, of Commercial Steamers, London; (5) Hongkong and Shanghai Bank Association, London; (6) Switzerland General Insurance Company, Zurich; (7) London Insurance Association; (8) Tokio Maritime Insurance Company; (9) G. V. Taiser and others, Insurance; (10) G. V. Taiser and others, Insurance; (11) Maritime Insurance Company, London; (12) Mannheim Insurance Company; (13) Maritime Insurance Company, Liverpool; (14) Thames & Mersey Maritime Insurance Company; (15) Mutual Maritime Insurance Company, London; (16) The United States Lloyds Company; (17) Francis Mulling.

With these documents and petitions, powers of attorney were presented made in the name of Mr. Sheftel, sworn lawyer.

Considering the decision of the Vladivostok prize court, together with the appeals filed against it, with the circumstances of the case, and the laws, the supreme prize court finds:

In conformity with article 11 of the Naval Prize Regulations, vessels of neutral nationality are subject to confiscation as prizes when these vessels are caught in the act of carrying as cargo to the enemy or the enemy's ports, articles of contraband of war in quantities exceeding in their total capacity or weight half of the whole cargo. The cargo is confiscated in conformity with part 1, section 12, when it consists of contraband of war in transit to the enemy or enemy's ports.

The real and clear sense of the law shows that in order to confiscate a vessel carrying articles of contraband of war, not pertaining to firearms and ammunition or components for explosives, it is necessary to establish that the bulk of this cargo exceeds in measurement or weight half the full cargo, for the confiscation of the cargo itself it is not necessary to establish the relative quantity of the contraband cargo, as the confiscation of the cargo is made dependent exclusively of the fact whether the cargo is really contraband of war, independently of the fact as to the quantity transported (Art. I, sec. 12). This distinction must absolutely be kept in view in deciding the present case, and

thus in order to recognize the confiscation of the cargo carried by the steamer *Knight Commander* it is sufficient to establish that it consisted of contraband of war, and is being carried to an enemy's port, in which event the quantity of the cargo is without importance. In order to establish the right of confiscation of the vessel it is necessary to show that the contraband portion of the cargo carried by the vessel exceeded one-half of the total cargo.

Referring in this respect first of all to the appeal made by Mr. Bajenoff, attorney for the shipowners, in which he does not discuss the question that the vessel was carrying goods to the enemy's ports, and to the facts in the case that the *Knight Commander* at the time of its capture carried contraband of war exceeding in capacity or weight one-half of the whole cargo, the superior court finds that the explanations given by the other lawyer, Mr. Sheftel, in his appeal in favor of the shipowners, that at the time of the capture of the *Knight Commander* it carried 5,141 tons of cargo, of which there were 979 tons of rails and rail fastenings and 1,702 tons of bridges, which amounted in total to 2,681 tons, namely, 111 tons more than one-half of the total cargo; if one further considers that rails and parts of bridges evidently form material for the construction of railroads, as is clear in regard to rails from their very denomination, and with regard to the parts of bridges, from their material of which they were manufactured and their weight, directed to the same railroad company in Chemulpo as were the rails. Such like material, in conformity with sections 8 and 9 of the Imperial Instructions of February 14, 1904, is contraband of war.

One can not but come to the conclusion that the decision of the Vladivostok prize court recognizing the steamer *Knight Commander* a legal prize, fully conforms to the circumstances of the law in the case and that not only does the party in appeal not strengthen itself, but weakens its defense. It is not useless to add that the above calculations of the attorney for the appeal relative to the quantity of cargo on the *Knight Commander*, consisting of rails and parts of bridges is confirmed and shown by the procurator of the prize court in the explanation made in the appeal petition, was based upon the deposition made by Captain Durant.

Referring now to the examination of other appeals against the regularity of the Vladivostok prize court's decision, relative to the objections made to the confiscation of the vessel, the supreme prize court finds that these objections were as follows:

1. That only an enemy, and not a neutral vessel, may be sunk.
2. That the prize court in not deciding the question as to the legality of sinking the steamer *Knight Commander* violated the law.
3. That at the time of the sinking of the steamer there were not present those conditions the existence of which by law are necessary for recognizing the sinking as legal.
4. That the accusation of the court against Captain Durant as to his hiding the destination of the cargo as well as concealing and destroying the manifests and bills of lading were improper.

All the above objections, in the opinion of the supreme prize court, even in the event of their correctness could not induce the prize court to change its decision because, as it is stated above, the confiscation of the vessel is due exclusively to the presence of the conditions provided for in clause 1, section 11, of the Naval Prize Regulations, and consequently the absence of the conditions indicated in the objections of the party in appeal in deciding the question as to whether the vessel was subject to confiscation, has no importance.

But independently of this, the supreme prize court finds that all these objections are improper in the present case.

First of all must be remarked that the question as to the regularity of the sinking of the vessel did not pertain to the examination of the prize court, in absolute conformity with article 58 of the Naval Prize Regulations, but in accordance with the real sense of article 21 of the Naval Prize Regulations, and article 299 of the Naval Military Criminal Statutes it may pertain to the examination of the naval authorities and the criminal court, inasmuch as the sinking of a vessel is allowed under the personal responsibility of the naval authorities, therefore, to judge whether in the present case the naval authorities sufficiently examined the extraordinary circumstances, which decided them to sink the vessel or whether these circumstances were insufficient, can only be judged by the commanding authority who ordered the sinking of the vessel, and not the prize court.

Besides this, in conformity with the same article 21 of the Naval Prize Regulations and clause 40 of the instructions relative to the manner in which the capture of vessels is to be effected based on article 26 of the prize regulations confirmed by the council of the admiralty, the fear that the vessel may fall into the hands of the enemy and the distance of a home port to which such vessels may be brought are conditions which justify the sinking of a vessel. The presence of these conditions in the sinking *Knight Commander* were duly established by an act on July 11, 1904; the question raised in the appeals that the sinking of neutral vessels is illegal is rejected in conformity with articles 11 and 21, which together clearly explain the irregularity of this point; in conformity with article 11 trading vessels of neutral nationality may be subject to capture; in accordance with the same article 21 all captured vessels may be sunk in extraordinary cases; thus, according to Russian law in force, the Russian prize court alone can properly decide this question, and the objections raised in the appeal are negative.

We can not, however, agree with the declaration made by the shipowners' attorney that the Russian law, in allowing "neutral vessels" to be sunk, is contrary to the principles of international law, if even in a double sense a "neutral vessel" is such as is neutral only through its nationality, although nowise neutral in its acts. In support of his position, the attorney cites a whole lot of passages from authors who declare themselves against the legality of destroying vessels of neutral nationality. But the views taken by authors or learned men, although very authoritative, do not make it an obligatory rule of international law. It is well to adhere to such opinions, but one is not obliged to accept their execution.

Not citing the opposite view, it is not found unnecessary to draw attention to an article by Professor Holland (*Revue de droit international*, 1905, No. 3) which expresses a doubt whether the sinking of a vessel of neutral nationality should be considered a violation of the principles of international law, especially in view of the circumstances that not only Russian law but also the laws of France, the United States, and Japan admit the sinking of neutral prizes.

But not stopping within the limits of various authorities it is necessary to examine the questions from the very root. All agree that the principle of international law relative to maritime prizes should be based upon established compromises between the interests of the belligerents on the one side and neutrals on the second part—compromises which should guarantee the rights of all. From this point of view the destruction of a captured vessel of neutral nationality should not be admitted excepting in case of absolute necessity to the interests of the hostile parties. These cases may, of course, occur much more seldom for the powers which luckily possess ports everywhere than for those which are in less favorable conditions, notwithstanding the most gross violation of neutrality by them and would likewise in some conditions entirely prevent the belligerents from putting obstacles in the way of ammunition being brought to the enemy, which it is evident would be irregular and on the part of the other belligerent party who would be in more favorable conditions, it would be an injustice.

In point of view of international law, based upon the above said compromises between the belligerents and neutrals, does not even present itself as very comprehensible, wherefore several writers declare the admittance of the sinking of neutral vessels on which the cargo belongs to neutral owners and even the refusal of compensation for this cargo; but do not admit the sinking of the vessels of neutral owners which carry contraband of war in destination of the enemy's or for an enterprise carried out by the enemy, while in principle the center of weight of the question leads to the point that the legal interests of the owners should not suffer if it should occur in the interest of the belligerents that the vessel should have to be destroyed. But, in the existing Naval Prize Regulations of Russia, the most stringent defend the legal interests of the owners, these interests can scarcely suffer, inasmuch as if the captured cargo was to be confiscated in favor of the crown, by destroying it, it is not the owners who suffer, but the crown, which not only is deprived of the possibility of using the cargo, the crown besides this having to pay compensation (art. 44) if, on the contrary, the prize destroyed turns out that it must be returned to the owners (arts. 28-30 and 32). Regarding in part the

objections made by the attorney of the shipowner that in allowing a naval authority to destroy a vessel amounts to giving him the right to decide the case in the place of a prize court—this objection presents itself more or less as a misunderstanding, as, according to the regulations relative to prizes, the instructions to naval authorities relating to the destruction of vessels has but the character of a practical measure called for in cases of necessity; but does not in any way lessen the instructions to prize courts relative to the right of the destruction of property. On the contrary articles 21 and 74 stipulate that the case should be referred to a prize court for confirmation or liberation. But once the prize court has decided its compensation, the right of capture must, of course, be considered as belonging to the crown from the time of its capture, and not from the time it was recognized as liable to confiscation, just the same as an inheritance belongs to the heirs from the time of the opening of the inheritance and not from the time the court probated it. In fact, the problem of prize courts consists in that they must recognize the prize—that is to say, if the capture was lawful or illegal; or in other words, to confirm the rights of capture or to refuse to confirm it. In general, prize courts do not create rights, but only confirm them.

The supreme prize court can not find just either the last objection made by the shipowners' attorney in that the Vladivostok prize court unjustly accused Captain Durant of concealing the port of destination of the cargo, as well as the bills of lading and the manifests. The circumstances of the case as shown in the decision of the prize court, the finding of the court that Captain Durant was insincere, is fully upheld. The circumstances are given in the decision of the court as taken from the statements of Captain Durant's press copy books, together with the statements made by Captain Durant before the court, namely, that Durant was aware of the destination of the bridge parts to Chemulpo, and at the court, not knowing that the press copy books were in the hands of the prize court, he declared that these parts of bridges were for port Kobe. Finally, one can not accept the objection raised in the appeal that in calculating the quantity of the relative portions of the contraband of war one should determine its relation to the whole cargo taken on board the vessel. This objection is absolutely rejected by the sense of article 11 of the prize regulations, clearly shown, that account is taken only in the quantity of cargo on the vessel when captured, whether the cargo discharged was contraband or not, is not taken into consideration.

Passing on to the examination of the appeal of Mr. Bajenoff, the supreme court finds that the resolution of the Vladivostok prize court recognizes as subject to confiscation the cargo of the steamer *Knight Commander*, consisting of rails and railway material, machinery, telegraph wire, steel sheets, shovels, boiler tubes, parts of bridges, etc. Among these articles rails, parts of railway bridges, in conformity with section 9 of the imperial instructions of February 14, 1904, are recognized as contraband of war when they are being transported to a port of the enemy, consequently there can be no doubt as to the proper decision of the prize court in this respect, inasmuch as wire may be used for the construction of railway, telegraph, and telephone lines; and in the absence of all documents to show that this class of goods was not being transported for such a purpose, the court was fully justified in recognizing this material as contraband of war.

Referring to the petitions presented by Attorneys Berline and Sheftel in the names of the various owners of the cargo, in which they ask compensation for the value of the goods on the *Knight Commander* which were not contraband of war, the supreme prize court finds that all these petitions at the present time can not be examined by it; therefore, in conformity with articles 58 and 88 of the Naval Prize Regulations relative to compensation for losses in consequence of the destruction of trading vessels with their cargoes, these must be referred to prize courts, and may be addressed to the supreme prize court only for appeal against the decision of a prize court (art. 89).

In view of this, the above-named petitions of the cargo owners were presented directly to the supreme prize court, and those which were not presented to the Vladivostok prize court must be left without a hearing by the supreme court; at the same time the supreme court finds it necessary to state that the mention made in clause 2 of the Vladivostok prize court's decision of July 24, 1904, of various kinds of goods, excepting rails and parts of bridges, in case of appeals by the cargo owners to a prize court for compensation for losses caused by the destruction of the cargoes, will not be an obstacle to the decision

of the question whether these individually defined cargoes for which, on account of destruction, compensation is asked, pertain in the present case to articles which, in conformity with sections 7 and 9 of article 6 of the instructions of February 14, 1904, are not admitted to be contraband of war.

The supreme prize court can not leave without reply to the charge made by the party in appeal as to the violation of article 64 of the naval regulations by the Vladivostok prize court in examining Captain Durant in the capacity of witness, who in the present instance was considered as a party, in conformity with section 36 of the Admiralty Council Instructions, which recognize the lawfulness of the captain of the *Knight Commander* notwithstanding the fact that the protocol for its capture is not signed by the commander of the cruiser detachment.

These objections the supreme prize court can not recognize, first, because, although the captain of a captured vessel, according to article 60 of the prize regulations, may be considered, in the absence of the owners, a party in the matter of confiscation, nevertheless his examination as a member of the crew of the captured vessel is allowed, according to the judgment of the prize court, on the ground of article 64 of the same regulations. Apart from this objection, it can not have any importance, because Captain Durant did not refuse to be examined by the prize court. The objection raised as to the violation of article 36 of the instructions is not worthy of consideration, because this required that the protocol relative to the capture of the vessel should be legalized by the signature of the commander of the capturing vessel, and this manner of action was carefully carried out in the case of the *Knight Commander*, as this vessel was captured by the cruiser *Rossia*, whose commander signed the order for the capture of the vessel.

In view of all the above, the supreme prize court, after listening to the verbal explanations of the acting procurator, as well as of the attorneys, Sheftel and Berline, in behalf of the shipowners and cargo owners, decided:

1. To maintain the decision of the Vladivostok prize court and to leave the appeal made by Attorney Bajenoff, in behalf of the owner of the steamer *Knight Commander*, without consideration.

2. To leave the petitions of the attorneys, Sheftel and Berline, in behalf of the cargo owners of goods noncontraband of war, and for compensation for losses, with examination.

Original bears proper signatures.

True copy. Acting Secretary Sourine. This copy has been granted to Mr. Berline, sworn lawyer, upon his personal request made at the chancery of the ministry of marine.

January 4, 1906. Acting Secretary (signature). No. 10.

[Inclosure 2.]

Protest of Counsel Berline to the Supreme Prize Court.

(From Anatole M. Berline, sworn lawyer, residing Moika N. 55, attorney for the American Trading Company, Messrs. Wasserman & Healing, and the Missionary Methodist Association.)

PETITION.

Supplementary to the appeal already made by the present petitioners, I have the honor to declare that the decision of the Vladivostok prize court, which pronounced the sinking of the steamer *Knight Commander* legal and considered the cargo as being subject to confiscation, is irregular, and I claim subject to change on the following basis:

The main reason for the sinking of the steamer was the absence of cargo documents; in conformity with the instructions for the visitation and arrest of vessels (clause 2) the chief documents, obligatory for English vessels, called the manifest and bills of lading, which, for the cargo in destination of Kobe and Yokohama, were lacking. The absence of the "papers" of the charter party can not be brought as a charge against the captain, inasmuch as in accordance with the circumstances of the case it is visible that the steamer carried freight belonging to the firms of Wasserman, Healing, and the American Trading Company, as well as of the Methodist Missionary Society's churches and of other

firms, most of which are conducting regular trade with Japan; therefore one can not suppose that because the manifest was missing it was intended to conceal the ownership to the cargo; most certainly it can not be considered that the missionary society had the intention of transporting contraband goods. The nature of the goods do not change because of the fact that the steamer for this trip was chartered by the firm of "Howard, Hulder, Rowel & Co." The conclusion of the protocol that the vessel was arrested because it was chartered by the said firm "for the transportation of various railway and other material to Japan"—that is to say, that it was engaged in carrying military contraband—is not in any way confirmed; nothing in the case shows that Messrs. Howard, Hulder, Rowel & Co. went out of their business as ordinary steamship agents—that is to say, accepted various kind of goods without any ulterior object. Information as to the cargo was contained, however, in the captain's books Nos. 4 and 5. The court, however, in designating these books as private, did not recognize their existence as pertaining to the case, nor as worthy of confidence. It is incomprehensible, however, why the court considered the captain's press-letter copy book (without doubt it had the same character, which book, in the opinion of the court, is the main proof which throws insincerity on the part of the captain and demonstrates that the cargo was consigned to Chemulpo for the use of the Japanese Army). Furthermore, this book contains an entry which does away with this supposition, namely, "Until your letter of yesterday I was under the impression that we had to discharge at Chemulpo."

The supposition advanced by the court, claiming that the missing cargo documents were hidden by the captain, is not in any way supported; on the contrary, it is denied by the copies of the bills of lading I have herewith presented; the latter show the peaceful nature of the cargo and its real destination. In our belief they have special importance, especially in view of the superficial and insufficient search which was made by the officers. On the ground of this search, the commander of the cruiser detachment, and later on the Vladivostok prize court, found that a large portion of the cargo consisted of contraband of war. Referring to the protocol drawn up after the search, we remark the following: No. 1, Lieutenant Gavrishenko says: "The nature of the cargo, as far as I could see in the hatchways, was railway material," but he omits to state in what way he arrived at this conclusion. According to a list of articles which he submitted, as in his opinion consisting of railway material, it is seen that many of them (boiler tubes, cogwheels, coal, iron bars, telegraph wire, and barrels with cement) might have no relation at all with railways. He states: "In the center hatchway were many cases of various dimensions." It is clear that these cases were not opened, and, their contents not having been examined, the character of said contents could not be determined. "In the after hatchway the cargo was also mostly railway material, although there were bales, as I have had explained, of wrapping paper and cases." It is entirely incomprehensible to us how Lieutenant Gavrishenko could come to the conclusion that the larger part of the cargo was railway material, if he says there were bales, the contents of which were explained to him by the captain. At the same time he adds that most of the railway material consisted of machinery which he could not define, as it was stowed at the very bottom of the hold, but he supposes (without giving his reasons therefor) that these were pumps. In other holds there were carefully packed bales and cases, which were not examined, but which were taken for granted as being railway material. It is difficult to recognize oneself to consider such a search as carrying any weight. Referring to protocol No. 2, drawn up by Midshipman Aminoff, we see that it also bears a superficial and obscure character. Midshipman Aminoff, in three places of the protocol, declares that he saw several articles, some of which appeared to him as parts of trucks. He only "peeped" into the foreholds; the iron he saw appeared to him to be railway car springs; he did not open any of the cases in the holds. He, however, does not go as far as Gavrishenko (who declares that the total cargo was railway material), but simply states that "the cargo was exclusively of iron." (It must be remarked that a cargo of iron is not by any means contraband of war.)

From the foregoing it is evident that these protocols can not be given serious consideration. The deduction, that the cargo was railway material, was arrived at by the officers in question at a great distance from the cargo, no proper inspection having been made; a large portion of the cargo, in bales and cases, were not even opened nor examined and was unknown to them; thus, that the

cargo was mostly railway material or even iron can not be in any way considered in the light on which they make their declarations. The data to hand brings one to the conclusion that the captain had no need whatever to conceal the cargo documents, if he had them. This supposition of the court can not consequently have any weight on which to base the decision.

Regarding the deposition of the captain we must remark that his examination, although not under oath, was illegal, inasmuch as the captain is the representative of the cargo owners and of the parties in this case, and can not therefore be examined in the capacity of a witness.

The captain's deposition can not serve as convictory evidence, for the following reasons:

(1) Captain Durant was examined under circumstances which precludes the possibility of making his deposition of any legal weight.

(2) His deposition that he did not know the exact quantity of cargo, by various categories is explained by his deposition that he never signed any bills of lading, but only saw some of them at Shanghai (protocol No. 5).

Furthermore the court allowed a most irregular infringement as to article 71 of the instructions relative to prizes, namely, that the owners of goods were not summoned through publication and were thereby prevented from giving explanations and presenting their documents proving the true character and destination of the cargo.

Finally, in considering the decision of the Vladivostok prize court, we find the following inaccuracies:

In its decision the prize court (par. 2) found that the cargo carried by the vessel (a list thereof follows) is subject to confiscation as forming contraband of war. Whereas among the goods in the list were steel sheets intended to be used in making tin cases for conserves; in the railway material were included steel and tubes intended for an electric railway, neither of which could be contraband of war. In paragraph 3 the decision finds that the said cargo at the time of seizure formed more than half of the vessel's total cargo, a fact which is "not proven," while on the contrary it appears doubtful when examining the bills of lading herewith presented. In the decision of the Vladivostok prize court we find the following considerations: "From this data one may conclude that the cargo on the said vessel at the time of its seizure consisted of the following articles: Rails, various parts of railway bridges, steel, steel sheets, nails, wire, tubes, wheel grease, acids, shovels, and a small quantity of mixed goods. (List of goods follows, which in no way can be classed as contraband of war.) Thus it may be considered fully proved that the vessel *Knight Commander* was arrested by Russian cruisers while transporting contraband of war to the enemy's ports.

One can not agree with such a conclusion if one but considers separately the list of goods given as "various railway material" and in view of its indefiniteness we will not look into it; steel sheets intended for the manufacture of conserve cans, tubes intended for electric railroad, tar, acids, nails, and shovels can not be recognized as contraband of war, as they are not mentioned in the declaration. There only remain rails and parts of bridges which form conditional contraband in case they are intended for the enemy.

In view of the facts laid forth, that the examination of the vessel by the officers of the Russian cruiser gave no exact facts for establishing the contraband character of the cargo, and in view of this that the sinking of the steamer was illegal and an injustice to my clients, as well as opposed to all the rules of civilized warfare, I consider them subject to compensation, and have the honor to ask—

(1) That the cargo on the steamer *Knight Commander*, belonging to the companies "Wasserman" Healing, American Trading Company, and the Methodist Missionary Society, be considered neutral and not subject to confiscation.

(2) That the decision of the Vladivostok prize court be reversed in this respect; and

(3) That my clients be compensated for the value of the lost cargo and that damages for losses be allowed them.

**ALLEGED VIOLATION OF THE GENEVA AND THE HAGUE
CONVENTIONS.**

Ambassador Meyer to the Secretary of State.

No. 467.]

AMERICAN EMBASSY,
St. Petersburg, March 17, 1906.

SIR: The department's dispatches Nos. 57 and 62,^a dated July 24 and August 1, 1905, respectively, inclosing papers from the Japanese legation at Washington bringing to the attention of the Russian Government certain violations of the Geneva convention alleged to have been committed by members of the Russian army, were at once referred to the ministry for foreign affairs.

I am now in receipt of a note replying to both of the Japanese letters, and beg leave to inclose a copy of the ministerial note, dated March 1/14, together with a copy of the inclosure transmitted therein and a translation of the same.

I have, etc.,

G. VON L. MEYER.

[Inclosure.—Translation.]

Copy of a communication of the general staff dated February 16, 1906; No. 98.

With regard to the question of the violation of the rules of the Geneva convention by a detachment of Adjutant-General Mistchenko and by Colonel Müller, temporary commander of the First Brigade of the Thirty-first Infantry division, communicated by the minister of foreign affairs to the minister of war, under date of August 12, 1905, sub No. 4468, the chief administration of the general staff communicates as follows:

(1) In accordance with the report of the commander of the Fourth Ural Cossack Regiment, it is seen that on May 5, 1905, the advance guard of the sixth company (hundredth) of the said regiment was fired upon from a village (name unknown); upon the approach of the main forces a squadron of the enemy's cavalry galloped away from the village; the firing continued, and a military movement was observed; supposing that this was a forward movement, the Cossacks made an attack, and upon advancing they saw commissary wagons in the village; some of the armed men who accompanied the wagons defended themselves, others tried to escape; a large number were made prisoners and disarmed.

A number of the two-wheeled wagons tried to make their escape and were pursued; the Japanese attendants of the two-wheeled wagons defended themselves with their arms, wounding two Cossacks (Terentia Budarnikoff and Samuel Tianoukhin), and this caused the Cossacks to follow up the attack, during which they killed 4 Japanese and wounded 2 others.

In this affair a Japanese surgeon who defended himself with his sword against the Cossacks was taken prisoner. This surgeon, by orders from Adjutant-General Mistchenko, was released on May 7, together with 15 hospital nurses, at the village of Tsinsiantao, in order to attend to 49 wounded Japanese belonging to the reserve infantry regiment, the hospital detachment having been equipped with ample supplies.

During the skirmish the sign of the Red Cross was not displayed; that the wagons belonged to the hospital staff was only discovered after they were captured.

Besides the hospital wagons there were also commissary depots in the same village, which were destroyed.

According to the report of the adjutant-general, Mistchenko, among the prisoners made during this skirmish of May 5 there were 7 men belonging to the infantry division.

^a Printed in Foreign Relations, 1905, p. 755.

Every possible attention was afforded the prisoners and women during their transportation to the divisional headquarters in small carts; before sending the prisoners to the staff of the army they were questioned as to any claims or declarations they had to make; these claims amounted to 25 roubles, which sum was paid to them.

In view of the fact that the raid of the cavalry detachment of Adjutant-General Mistchenko was undertaken specially with a view to the destruction of all kinds of military stores belonging to the enemy, the action of the Fourth Ural Cossack Regiment against the enemy's wagons, which displayed no signs of belonging to the hospital service, and besides this, the attendants of which replied to the attack with rifle fire, must be recognized as absolutely correct, and no violation of the regulations of the Geneva convention occurred.

(2) It has been impossible to ascertain on what basis the order contained in the above-named letter was issued by the temporary commander of the First Brigade of the Thirty-first Infantry division, inasmuch as the headquarters papers of the brigade and of the staff of the Thirty-first Infantry division were lost during the battle of Mukden, and Major-General Müller does not recollect issuing any such orders or any reason for so doing.

Correct copy. (Signature illegible.)

RESUMPTION OF DIPLOMATIC RELATIONS BETWEEN RUSSIA AND JAPAN.

(See correspondence with Japan, p. 1087.)

Ambassador Meyer to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN EMBASSY,
St. Petersburg, February 9, 1906.

(Mr. Meyer reports, in reference to the department's cable of February 6, that the Government of Russia will certainly recognize Mr. Motono as the Japanese minister when he arrives at St. Petersburg, and is willing to make it easy for him to exercise his functions before his official letters of credence arrive.)

EXCHANGE OF PRISONERS OF WAR.

(Continued from Foreign Relations 1905, p. 800.)

Ambassador Meyer to the Secretary of State.

No. 435.]

AMERICAN EMBASSY,
St. Petersburg, February 9, 1906.

SIR: I have the honor to confirm my two cipher cablegrams sent on January 30^a and February 2,^a respectively, regarding the exchange of Japanese prisoners of war in the Far East. True readings of the cablegrams will be found inclosed.

In this connection I beg leave to inclose copy of a note, dated January 25, February 5, from the ministry for foreign affairs, bearing upon the matter.

I have, etc.,

G. VON L. MEYER.

^a See correspondence with Japan, p. 1086.

[Inclosure.—Translation.]

The Russian Minister of Foreign Affairs to Ambassador Meyer.

MINISTRY OF FOREIGN AFFAIRS, FIRST DEPARTMENT,
St. Petersburg, January 24, 1906.

Mr. AMBASSADOR: Referring to your excellency's note dated October 26—November 8 last—I have the honor to inform you that, according to a communication of the ministry of war, 4 officers and 100 soldiers, on December 2 last, and on the 16th of the same month 30 Japanese soldiers, prisoners of war, were sent to Gunjulin, there to be delivered to the Japanese military authorities. There are still in the hospitals in the rear of the army 40 prisoners who, after recovery, will be brought together at Kharbine, whence they will be forwarded by echelons to Gunjulin.

Accept, etc.,

OBOLENSKY.

Ambassador Meyer to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN EMBASSY,
St. Petersburg, February 2, 1906.

(Mr. Meyer states that the report of the general staff is that the Japanese prisoners of war who were in the rear have been sent forward, for exchange, to Gunjulin; on December 22, Russian style, there were 4 superior officers and 100 men, and on the 16th of December, Russian style, 34 men. There are still about 40 more Japanese prisoners in the hospitals in the rear, who will be brought, as soon as their health permits, to Harbkra and from there sent in parties to the south of Gunjulin.)

Ambassador Meyer to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN EMBASSY,
St. Petersburg, February 9, 1906.

(Mr. Meyer states that he has just been informed by the minister for foreign affairs that General Linevitch had notified Marshal Oyama, by a direct official communication on the 15th (28th) December, of the number and arrangements of the mines placed in the waters of Sakhalin by the imperial fleet and in Korea.)

RESIGNATION OF COUNT WITTE.*Ambassador Meyer to the Secretary of State.*

No. 511.]

AMERICAN EMBASSY,
St. Petersburg, May 15, 1906.

SIR: I beg leave to report that on May 2 Count Witte's resignation was accepted and the Czar named Goremykin to succeed him.

Since then all the ministers have resigned, and the cabinet is now made up as follows:

Stolypin, late governor-general of Saratoff, a conservative bureaucrat with a good past. The Liberals in the Douma are said not to object to him as minister of the interior.

Schwanebach, imperial controller. Formerly had a controversy with Witte by espousing the cause of a silver standard. Has been minister of agriculture.

Major-General Schaufuss, minister of ways and communications, late chief of administration of railways.

Stishinsky, minister of agriculture, late political secretary to the Czar, son-in-law of Plehve. Considered a strong man, something like Trepoff.

Izvol'sky, minister for foreign affairs. Former minister at Copenhagen. This appointment has been foreshadowed for some time.

Kokovtzeff, minister of finance. Held same position previous to Witte being named premier. Well known, and has been instrumental in placing the last loan.

Kaufmann, minister of education. Served in the imperial chancery, a senator, and during the war was representative of the Red Cross. His father a well-known general.

Scheglovitoff, minister of justice, known as an able lawyer and eloquent speaker, said to be liberal.

Prince Shirinsky-Shikmatoff, Holy Synod, master of the court, senator, connected with many societies.

Admiral Birileff continues to be minister of marine, as does General Rediger minister of war, and Baron Fredericks remains minister of the imperial court.

I have, etc.,

G. VON L. MEYER.

SECOND PEACE CONFERENCE.

(See International Conferences at the end of the volume.)

SERVIA.

MILITARY TAX ON NATURALIZED AMERICANS OF SERVIAN BIRTH.

The Secretary of State to Minister Ridzle.

No. 12, Servian Series.]

DEPARTMENT OF STATE,
Washington, May 10, 1906.

SIR: I inclose herewith, for appropriate inquiry and report, a copy of a letter^a from Mr. Milorad J. Pavlovitch, a naturalized citizen of the United States of Servian origin, relative to the matter of the collection from his parents of an army tax.

You will return the original receipt transmitted with Mr. Pavlovitch's letter after it shall have served the purpose for which it is sent.

I am, etc.,

E. Root.

Chargé Schuyler to the Secretary of State.

[Extract.]

No. 13, Servian Series.]

AMERICAN LEGATION,
Sinaia, October 12, 1906.

SIR: In reply to the department's instruction No. 12, Servian series, of May 10, 1906, inclosing a copy of a letter from Mr. Milorad J. Pavlovitch, a naturalized citizen of the United States of Servian origin, relative to the collection from his parents of an army tax by the Servian authorities, I have the honor to state that I have just received a communication from the Servian ministry for foreign affairs stating that Pavlovitch can not be exempted from the tax unless he furnishes proof that he has ceased to be a Servian subject in the manner prescribed by Servian law.

I may add for the information of the department that according to section 44 of the Civil Code and the regulations of May 24, 1844, if a Servian subject wishes to be naturalized in a foreign country and to relinquish his Servian citizenship, he must first obtain a certificate from the competent foreign authority stating that he will be received into citizenship in the foreign country in question as soon as he gets his permission to leave Servian citizenship. He must then apply for his permission to the proper district prefect, giving the foreign certificate and legalized proof that he has fulfilled all his duties and obligations to the state, his community "zadruga," family, and the other inhabitants of his community, or has come to an understanding with them. The prefect, after satisfying himself of the truth of the statements made, shall send the application to the ministry of the interior. If the ministry grant the application it must then be legalized by the ministry for foreign affairs. The applicant's name shall then be erased from the list of Servian subjects.

I inclose herewith the receipt transmitted with the department's instructions above referred to.

I have, etc.,

MONTGOMERY SCHUYLER,
Chargé d'Affaires ad interim.

^a Not printed.

SIAM.

AMERICAN MISSIONARY SCHOOL AT CHIENGMAI.

Minister King to the Secretary of State.

No. 259.]

AMERICAN LEGATION,
Bangkok, February 7, 1906.

SIR: In view of the disturbed conditions in China and the recent unfortunate incident at Lien Chow, I have thought the following would be of interest to the department.

His Royal Highness Prince Maha Vajiravudh, the Crown Prince of Siam, has just returned from an extended trip of three months' duration throughout the entire northern portion of Siam. He stopped a few days at Chiengmai, the principal city of the north, and the center of the disturbed district at the time of the insurrection in 1902. Here he gave a considerable portion of his time to a careful and interested inspection of the American Presbyterian Mission and its work, kindly consented to lay the corner stone of their new school building, and on his departure gave a name to the new school. I inclose a translation of the address made by His Royal Highness at the laying of the corner stone and a copy of the English note which was handed to Mr. Harris, the head master of the institution, on the evening before the prince left Chiengmai.

The prince very graciously gave permission to use this address and note if the friends of the work so desired.

I have, etc.,

HAMILTON KING.

[Inclosure—Translation.]

Address of Crown Prince Maha Vajiravudh.

LADIES AND GENTLEMEN: I have listened with great pleasure to the complimentary remarks which have just been made. I regard them as a clear and indisputable evidence of your friendship for the Kingdom of Siam. While on my visit to the United States the American people were pleased to give me a most enthusiastic welcome. I may mention particularly the sumptuous banquet with which your board of foreign missions honored me. I then clearly perceived that the American people received me whole heartedly and not perfunctorily. This also made it evident to me that the American people have sincere friendship for the Kingdom of Siam. Of this fact I was profoundly convinced, and I certainly shall not soon forget my visit to the United States.

This being so, I feel impelled to reciprocate this kindness to the full extent of my ability. As my royal grandfather and my royal father have befriended the Christian missionaries, so I trust that I, too, shall have the opportunity on proper occasions to assist them to the limit of my power.

Your invitation to me to lay the corner stone of your new school building on this occasion is another evidence of your friendship and good will toward Siam. I have full confidence that you will make every endeavor to teach the students to use their knowledge for the welfare of their country. Therefore, I take great pleasure in complying with your request, and I invoke a rich blessing on this new institution. May it prosper and may it fulfill the highest expectations of its founders.

[Inclosure 2.]

*Note of the Crown Prince.*CHIENGMAI, *January 2, 1906.*

I have great pleasure in naming the new school, the foundation stone of which I have just laid, as follows: "The Prince Royal's College." May this school, which I have so named, be prosperous and realize all that its wellwishers hope for. May it long flourish and remain a worthy monument of the American Presbyterian Mission of Chiengmai. This is the wish of their sincere friend.

VAJIRAVUDH.

SPAIN.

RECIPROCITY AGREEMENT.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas the Government of Spain has, by royal decree taking effect September 1, 1906, extended to the products and manufactures of the United States the rates of duty now fixed in the second or minimum column of the Spanish tariff and has made applicable to the United States every decrease of duty accorded by Spain by law and in the commercial pacts now made, or which in future shall be made, with other nations (exception being made only of the special advantages conceded to Portugal), by which action, in the judgment of the President, reciprocal and equivalent concessions are established in favor of the said products and manufactures of the United States:

Now, therefore, be it known that I, Theodore Roosevelt, President of the United States of America, acting under the authority conferred by the third section of the tariff act of the United States, approved July 24, 1897, do hereby suspend, during the continuance in force of the said concessions by the Government of Spain, the imposition and collection of the duties imposed by the first section of said act upon the articles hereinafter specified, being the products of the soil or industry of Spain; and do declare in place thereof the following rates of duty provided in the third section of said act to be in force and effect on and after September 1, 1906, of which the officers and citizens of the United States will take due notice, namely:

Upon argols, or crude tartar, or wine lees, crude, five per centum ad valorem.

Upon brandies, or other spirits manufactured or distilled from grain or other materials, one dollar and seventy-five cents per proof gallon.

Upon still wines, and vermouth, in casks, thirty-five cents per gallon; in bottles or jugs, per case of one dozen bottles or jugs containing each not more than one quart and more than one pint, or twenty-four bottles or jugs containing each not more than one pint, one dollar and twenty-five cents per case, and any excess beyond these quantities found in such bottles or jugs shall be subject to a duty of four cents per pint or fractional part thereof, but no separate or additional duty shall be assessed upon the bottles or jugs.

Upon paintings in oil or water colors, pastels, pen and ink drawings, and statuary, fifteen per centum ad valorem.

In testimony 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 27 day of August, in the year of our Lord one thousand nine hundred and six, and of [SEAL.] the Independence of the United States of America the one hundred and thirty-first.

THEODORE ROOSEVELT.

By the President:

ALVEY A. ADEE,
Acting Secretary of State.

Agreement as to reciprocal tariff concessions between the United States of America and Spain.

The Government of the United States of America and in its name His Excellency Mr. William Miller Collier, envoy extraordinary and minister plenipotentiary near His Majesty the King of Spain, and the Government of His Catholic Majesty the King of Spain, and in its name His Excellency M. Pio Gullon é Iglesias, Grand Cross of the Red Eagle of Prussia, of Leopold of Belgium, of St. Olaf of Norway, of St. Stephen of Hungary, etc., etc., life senator, member of the Royal Academy of Political and Moral Sciences, minister of state, desiring to promote the mutual trade interests of the two countries, and the former having proposed to the latter the concession by Spain of the most favored nation treatment (Portugal excepted) in exchange for the tariff treatment which on the part of the United States is considered (if the treatment accorded to Cuba be excepted) as the most favored nation treatment, that is, that made by the concessions made to various countries in the articles comprehended in section three of the American tariff:

It is hereby in behalf of the said two Governments agreed as follows:

I. The following mentioned products and manufactures of Spain exported from Spain to the United States shall upon their entrance into the United States be dutiable as follows:

Crude tartar, or wine lees, or argols, crude, five per cent ad valorem. Brandies or other spirits manufactured or distilled from grain or other materials, one dollar and seventy-five cents per proof gallon.

Still wines and vermouth, in casks, thirty-five cents per gallon; in bottles or jugs, per case of one dozen bottles or jugs containing each not more than one quart and more than one pint, or twenty-four bottles or jugs containing each not more than one pint, one dollar and twenty-five cents per case, and any excess beyond these quantities found in such bottles or jugs shall be subject to a duty of four cents per pint or fractional part thereof, but no separate or additional duty shall be assessed upon the bottles or jugs.

Paintings in oil or water colors, pastels, pen and ink drawings, and statuary, fifteen per centum ad valorem.

II. The products and manufactures of the United States will pay duty at their entrance into Spain at the rates now fixed in the second column of the Spanish tariff, it being understood that every decrease of duty accorded by Spain by law or in the commercial pacts now made or which in future are made with other nations will be immediately applicable to the United States, exception only being made of the special advantages conceded to Portugal.

III. The present arrangement will enter into effect as soon as the necessary decrees and proclamations can be promulgated in both countries, and it will thereafter continue in force until one year after it has been denounced by either of the high contracting parties. Each of the high contracting parties, however, shall have the right to rescind forthwith any of its concessions herein made by it, if the other at any time shall withhold any of its concessions or shall withhold any of its tariff benefits now or hereafter granted to any third nation, exception being made of the special benefits now or hereafter given by Spain to Portugal and those now or hereafter given by the United States to Cuba.

IV. The Government of His Catholic Majesty will forthwith issue the necessary decrees and orders, and the President of the United States will thereupon at once make the necessary proclamation.

Made in duplicate in San Sebastian, August the first, one thousand nine hundred and six.

WILLIAM MILLER COLLIER.
PIO GULLON.

MARRIAGE OF THE KING.

Minister Collier to the Secretary of State.

[Extract.]

No. 72.]

AMERICAN LEGATION,
Madrid, March 13, 1906.

SIR: I am to-day in receipt, from the ministry of state, of a note containing the official announcement that His Majesty the King of Spain has determined to contract marriage with Princess Victoria Eugenia of Battenberg, and requesting that I notify my Government.

I have done so in a cable (which I hereby confirm), reading as follows:

Official announcement King's engagement received to-day. Have expressed congratulations of the President.

COLLIER.

I have already expressed the President's congratulations in a note to the minister of state, a copy of which I inclose.

I have, etc.,

WM. MILLER COLLIER.

[Inclosure.]

Minister Collier to the Spanish Minister of State.

No. 69.]

MARCH 13, 1906.

EXCELLENCY: I have the honor to acknowledge the receipt of your note number 5, dated the 12th instant, informing me that His Majesty the King has determined to contract marriage with Her Royal Highness the Princess Victoria Eugenia of Battenberg.

I have already cabled to my Government this very pleasing announcement, and I am directed by the President to express to His Majesty his most hearty and sincere congratulations and his best wishes for the prosperity, welfare, and happiness of His Majesty and his dynasty.

In asking your excellency to be the medium of conveyance of these expressions as well as of my own felicitations to His Majesty, I avail myself of this opportunity to reiterate to your excellency the assurances of my most distinguished consideration.

WM. MILLER COLLIER.

The Spanish Chargé to the Secretary of State.

[Translation.]

LEGATION OF SPAIN,
Washington, March 28, 1906.

Mr. SECRETARY: I have the honor to advise your excellency, by order of my Government, that the marriage of His Majesty the King, Don Alfonso XIII, my august sovereign, and Her Highness Princess Victoria Eugenia de Battenberg has been arranged, and that the delegates whom the several countries friendly to Spain may send to the royal wedding should be at Madrid on the 28th of May next.

I avail myself, etc.,

L. PASTOR.

The Spanish Chargé to the Secretary of State.

[Translation.]

LEGATION OF SPAIN,
Washington, April 6, 1906.

Mr. SECRETARY: Supplementing my oral communications on the same subject, I have the honor to inform your excellency that the foreign envoys extraordinary to the forthcoming wedding of His Majesty the King of Spain, my august sovereign, which is to take place during the month of June next, will, during their stay at the court, be the guests of His Majesty's Government.

I am glad to communicate the foregoing to your excellency, and avail myself, etc.

L. PASTOR.

The Acting Secretary of State to Minister Collier.

[Telegram.—Paraphrase.]

[Extract.]

DEPARTMENT OF STATE,
Washington, April 20, 1906.

(Mr. Bacon states that the following are names of special embassy and suite:

Ambassador Frederick Wallingford Whitridge, Mrs. Whitridge, Miss Whitridge; William H. Buckley, secretary; Lieut. Ulysses S. Grant, military attaché; Lieut. Leigh C. Palmer, naval attaché.)

Minister Collier to the Secretary of State.

[Extracts.]

No. 109.]

AMERICAN LEGATION,
Madrid, June 8, 1906.

SIR: I have the honor to report to you that the festivities in celebration of the wedding of the King of Spain to Princess Victoria Eugenia of Battenberg, come to an end to-day.

The festivities began on May 29 with the arrival of numerous foreign princes, who came in representation of their respective sovereigns. A few of them, related to the royal family of Spain, were lodged in the royal palace. To the others were assigned private houses or palaces in the best quarters of Madrid. The Spanish Government also extended its hospitality to all the special ambassadors and envoys on special mission. To the special ambassadors of the United States, France, and Holland houses were assigned with a full complement of servants, as well as horses and carriages. The house occupied by the American special ambassador was that of the Countess of Pinohermoso, in Calle Amor de Dios, in the old part of town. Its situation was in a section of the city once very fashionable, but from which most of the aristocracy had moved. But the house itself was an excellent one, and had been furnished at the expense of the Spanish Government in very fine style, specially for the occasion, and I feel that we should consider that our ambassador has been, as Señor Ojeda had predicted would be the case, received with special courtesies. Two things relating to the etiquette of the occasion ought to be noted: First, the very great courtesy shown to the permanent diplomatic corps here, it practically being given preference over those here on special mission; and secondly, the adherence of the Spanish Government to its previously declared purpose not to recognize the wives of special ambassadors and envoys on special mission as having any diplomatic status. The members of the permanent diplomatic corps were regarded by the Spanish Government as the exclusive representatives of their respective Governments for all purposes connected with the wedding except attendance at festivities, and to most of these they were invited, and in general were given the place of preference, while there were two functions (the theatrical function at the Prado Palace and a dinner at the Royal Palace in Madrid) to which the permanent corps were invited, but not the special embassies and missions. On the other hand, there was one dinner given exclusively for the visiting princes, special ambassadors, and envoys.

Requests from foreigners for invitations or tickets had to come through their permanently accredited diplomatic representatives; all arrangements for the coming and lodging of the special embassies and missions were made through the ambassadors and ministers permanently accredited, so that when those on special mission arrived they found their lodgings (houses or hotel accommodations) ready, servants at hand, and officials of the foreign office assigned to act as aid to their embassy or legation, and usually a military attaché detailed to their service. Señor Don Jaime de Ojeda, secretary of embassy in the Spanish foreign office, son of Señor Don Emilio de Ojeda, subsecretary of state and former minister plenipotentiary of

Spain in Washington, acted as aid and escort to the American special embassy. Probably I know better than the special ambassador the amount of work done by Señor Don Jaime de Ojeda, not only prior to the coming of our special embassy, but during its stay here. He superintended the arrangements for the complete furnishing of the house occupied by the embassy, providing for the comfortable lodgment of the entire suite of the ambassador besides his wife and two daughters, and two or three servants who accompanied him. When it is known that the house when taken by the Spanish Government was wholly unfurnished, the extent of the task assumed by Señor Ojeda, as well as the character of the hospitality of the Spanish Government can be better understood. I sincerely hope that some recognition can be made by the President or the department. In acting as aid to the American embassy he took a position where he deprived himself of the opportunity of receiving one of the much-coveted orders which the sovereigns of Europe gave to the persons acting as aids to their special embassies and missions. The person who was detailed as a military escort to the American special embassy was Colonel Monteverde, military attaché of the Spanish legation in Washington.

The first of the festivities connected with the royal wedding was on Tuesday evening, May 29. It was a theatrical function given in the royal palace of El Pardo, about 7 miles from Madrid, where Princess Victoria Eugenia (Princess Ena) stayed from the day of her arrival in Spain until the morning of her wedding. This theatrical function was the most exclusive of all festivities, there being present besides the visiting royalties only 108 persons. Those present included the ministers of the Crown without their wives, the ambassadors of the permanent corps and their wives, the ministers plenipotentiary permanently accredited to Madrid (including myself) without their wives, a number of the ladies of the Queen, and the suites of the visiting princes. The special ambassadors and envoys were not invited to this function, the reason assigned being the fact that they had not presented their letters of credence. Neither were any persons in the permanent corps present except the heads of missions. The presentations of credentials by the special ambassadors and ministers on special mission took place on the 30th. The brilliant ceremony of the marriage of the King and Princess took place at 11 a. m. on Thursday, May 31, in the Church of San Jeronimo. The permanent diplomatic corps, with their wives, attended the wedding ceremony, seated on the tribune nearest the altar on the right side of the church, immediately behind the visiting princes who were related to the bride, and the ambassadors and envoys on special mission with their suites were in a tribune on the left side of the church, opposite that of the permanent corps, immediately behind the princes related to the King.

The official programme of the festivities was as follows:

May 29. Morning and afternoon, arrival of foreign princes; 2 to 4 p. m., reception of foreign princes; 9 p. m., theatrical function in the Palace El Pardo.

May 30. 10 to 12 a. m., presentation of credentials by special ambassadors and envoys. 5 p. m., signing of the marriage capitulations at the palace at El Pardo.

May 31. 11 a. m., wedding in the Church of San Jeronimo. At night, illuminations of the city and display of fireworks.

June 1. 8 p. m., banquet in the royal palace in honor of the foreign princes, special ambassadors, and envoys (chiefs of missions only), followed by a reception of the suites of the special embassies and missions. At night, popular festivals, "verbenas."

June 2. 3 p. m., royal bull fight. 9.30 p. m., reception at the royal palace, the ball that had been planned having been changed into a reception without music on account of the death of many persons as a result of the attempt made upon the lives of the King and Queen on the day of their wedding.

June 3 (Sunday). 11 a. m., Capilla publica in the chapel of the royal palace. 9.30 p. m., gala performance at the Teatro Real.

June 4. 9 a. m., military review at Carabanchel, a camp about 6 miles from Madrid. 4 p. m., concert in the Plaza de Toros by choral societies from different sections of Spain. 10.30 p. m., ball in the house of Duchess of Fernan Nunez, attended by all the royal family and all the visiting princes, diplomatic corps, special embassies, missions, and others.

June 5. 9.30 p. m., illuminated military and civic parade, reviewed from the royal palace by the King, the royal family, the foreign princes, and the special ambassadors and envoys, who then bade farewell to their Majesties.

June 6. 5 p. m., battle of flowers in the park of Madrid. Suspended on account of rain. 8.30 p. m., banquet at the royal palace in honor of the Spanish authorities.

June 7. Banquet in the royal palace in honor of the diplomatic corps.

June 8. 3 p. m., general reception in the royal palace.

The foregoing constituted the strictly official programme. In addition there were popular festivities almost every night and several receptions and dinners and teas at the different embassies and legations. The decorations of the city, and especially those at night, were most extensive and beautiful, and united with everything else to express the universal delight of the people in the King's choice of a bride who, by her beauty and graciousness, captivated all who saw her.

I have, etc.,

WM. MILLER COLLIER.

The Secretary of State to Minister Collier.

No. 55.]

DEPARTMENT OF STATE,
Washington, June 29, 1906.

SIR: I have to acknowledge the receipt of your No. 109, of the 8th instant, reporting concerning the festivities attending the wedding of His Majesty the King.

You will make suitable expression of this Government's thanks for the courtesies paid to the special ambassador and suite, and express appreciation of the consideration shown by Señor Don Jaime de Ojeda, who acted as aid and escort to the ambassador.

I am, etc.,

ELIHU ROOT

ATTEMPT ON THE LIFE OF THE KING AND QUEEN OF SPAIN.

Minister Collier to the Secretary of State.

[Telegram.]

AMERICAN LEGATION,
Madrid, May 31, 1906.

Bomb thrown at King and Queen while returning to palace after wedding. Their Majesties escaped uninjured. Royal carriage wrecked. Many of escort killed.

COLLIER.

Minister Collier to the Secretary of State.

[Extract.]

No. 108.]

AMERICAN LEGATION,
Madrid, June 5, 1906.

SIR: I confirm my cable sent you on May 31, at about 5 p. m., reading as follows:^a

The telegraph office at the time this message was dispatched was crowded by hundreds of people sending messages to assure their friends of their own safety and by newspaper correspondents sending dispatches to their papers, so that it was possible that the message was delayed in transmission, notwithstanding I called on the director of the telegraph office and asked him to make the message preferential, which he promised to do.

I had previously gone to the palace to inquire about the condition of their Majesties and had inscribed my name in the book placed for that purpose in the royal apartments and left a note with the minister of state, he being absent from his office; and I also called upon the subsecretary of state, Señor Ojeda, and also upon the president of the council of ministers.

I left on the afternoon of the 1st of June a note with the minister of state as follows:

EXCELLENCY: I am directed by the President to express through your excellency to their Majesties the unspeakable horror with which he has learned of the dastardly attempt upon the lives of their Majesties and of his great happiness that they have escaped uninjured. That God may guard their Majesties and grant them many years is the President's fervent prayer.

Permit me to express to your excellency, whom I ask to be the bearer of the President's message, the assurances of my highest consideration.

WM. MILLER COLLIER.

His Excellency the MINISTER OF STATE.

The attempt upon the lives of their Majesties was made as they were returning from the Church of San Jeronimo after their marriage. They had traversed almost the entire extent of the long route from the church to the palace, having passed through streets filled with tens of thousands of people who had given them a most enthusiastic ovation, the beauty and graciousness of the new Queen and the gallantry of

^a Supra.

the young King calling out everywhere proofs of affection and loyalty. Near the end of the Calle Mayor the bomb was thrown from a balcony on the fourth floor of a house. The results show that it probably exploded in the air and undoubtedly was composed of chemicals. The King and Queen escaped without injury, not even a scratch, although it is said the bridal gown was splashed with blood. The front of the carriage in which their Majesties were driving was wrecked; one of the horses nearest to the carriage was killed; several of the "caballerizos" of the King riding near the carriage were wounded; some of the escort were killed; a number of officers, soldiers, and policemen who were lining the street were killed, also six or eight residents of the lower floor of the house from which the bomb was thrown, some of whom were persons of high social position, among them being the Marquesa de Tolosa, sister of the Duke of Ahumada. Up to the date at which I am writing 20 persons have died as a result of the explosion of the bomb and the official list of injured number 108.

Their Majesties, after the clearing away of the smoke caused by the explosion, got out of their carriage and entered the empty "coach of respect" which it is customary to have in Spanish pageants such as the brilliant wedding cortege, and proceeded amid a crowd almost frenzied with delight to the royal palace.

The ministers of the Crown, in council, determined not to suspend the festivities, wishing not to interrupt the popular will. As a mark of respect to the victims, the ball of the palace on the following Saturday was changed into a reception without music. It is also still possible that the battle of flowers fixed by the programme for Wednesday next will be suspended or that the King will absent himself, as special fear of danger at that time is felt, the bomb hurled on the 31st of May having been hidden in a bouquet of flowers. The King and Queen (both of whom showed great bravery at the time of the outrage) on the next morning, unaccompanied by escort, automobilized through the streets of Madrid and everywhere were greeted with "vivas" and every sign of love and affection. On Saturday, however, in going to the bull fight, the royal party went through streets different from those announced, and the justifiable nervousness of the Government caused them to recall on Sunday morning all the tickets which had been given out for the gala function at the Teatro Real that night, reissuing, however, new tickets in the place of them. This was done because it was feared that some tickets of the first issue might have fallen into the hands of anarchists.

In the confusion which momentarily ensued after the commission of the outrage of hurling the bomb on the day of the wedding, the anarchist escaped from the building and was lost in the crowd. Numerous arrests of suspicious characters and of professed anarchists were made in hope of discovering the perpetrator of the outrage or accomplices. Yesterday, in a small village about 20 kilometers from Madrid, a suspicious character was arrested by one of the police force, and as he failed to give a clear account of himself and as his appearance in many respects coincided with the description which had been published of the person who for a number of days had been the tenant of the rooms from which the bomb was thrown, and who beyond question was the miscreant who perpetrated the outrage, he was directed by the policeman to accompany him to a tribunal, there to establish his identity. He consented without hesitation to do so, but the two had

not proceeded far when the man under arrest suddenly drew a revolver, shooting the policeman through the head, causing instant death, and seeing that he was likely to be pursued by the people of a near-by village and that escape would be impossible, he again drew his revolver and shot himself through the heart, dying in about fifteen minutes. The body was afterwards brought to Madrid and was identified beyond doubt as that of the tenant and sole occupant of the rooms from which the bomb was thrown, to whom every circumstance points as the perpetrator of the outrage, and who, inquiry shows, had long professed anarchistic beliefs. The miscreant was one Morales, a resident of Catalonia, a native of a village near Barcelona, and recently a resident of that city, where he had belonged to anarchist societies which flourish so rampantly in that place. He was not of the poorer classes. Until about a year ago he had been engaged with his father in the manufacture of woolen goods, the family owning a small factory.

This attempt to assassinate the King and Queen, occurring on the exact anniversary of the attempt made upon his life in Paris last year, and following the numerous anarchistic outrages in Barcelona, has aroused in Spain a demand for the expulsion of all foreign anarchists and the arrest of all Spanish anarchists; also for the calling of an international conference to consider how united action can be taken by the nations of the world to combat this opposition to all forms of government. It has also resulted in some startling revelations as to the number of anarchists in Spain, reliable journals being authority for the statement that the police registers of Spain contain the names of 5,000 anarchists.

I have, etc.,

WM. MILLER COLLIER.

Minister Collier to the Secretary of State.

No. 112.]

AMERICAN LEGATION,
Madrid, June 11, 1906.

SIR: I have the honor to inclose herewith a copy, with translation, of Their Majesties' thanks, conveyed through the ministry of state, for the congratulations of the President and Government of the United States on the occasion of the providential escape, unharmed, of Their Majesties, the King and Queen.

I have, etc.,

WM. MILLER COLLIER.

[Inclosure.—Translation.]

The Minister of State to Minister Collier.

No. 19.]

MINISTRY OF STATE,
Madrid, June 1, 1906.

EXCELLENCY: His Majesty, the King, my august sovereign, before whom I had the honor to place the contents of the polite note of yesterday's date which your excellency addressed to me, has been pleased to command me to beg you to thank the President and the Government of the United States for the congratulations which were extended to His Majesty, as well as to Her Majesty the

Queen, for having escaped unharmed from the criminal attempt of which they might have been victims, and also to express to your excellency his gratitude for your personal share in these congratulations.

I avail myself of this opportunity to reiterate to your excellency the assurances of my most distinguished consideration.

E. DE OJEDA.
P. A. *Under Secretary.*

STATUS OF NON-CATHOLIC RELIGIOUS DENOMINATIONS IN SPAIN.

The Acting Secretary of State to Minister Collier.

No. 34.]

DEPARTMENT OF STATE,
Washington, January 30, 1906.

SIR: In view of a letter addressed to the President, under date of the 25th ultimo, by the Rev. John Lee and Bishop L. B. Wilson, and referred to the department by the President's secretary on the 6th instant, I have to say that I should be pleased if you would report as to the present status of the non-Catholic religious denominations in Spain in the matter of the exercise of their forms of faith. It is understood that the toleration within the "temple" is permitted, but that outward manifestations of a form of religion other than the constitutional religion of the realm are prohibited.

I am sir, etc.,

ROBERT BACON.

Minister Collier to the Secretary of State.

No. 71 B.]

AMERICAN LEGATION,
Madrid, February 17, 1906.

SIR: Replying to department's request No. 34, of January 30 last, for a statement of the status of non-Catholic Christians in Spain, I have the honor to report that the existing constitution of Spain provides:

ARTICULO II. La Religion catolica, apostolica, romana, es la del Estado. La nacion se obliga a mantener el culto y sus ministros.

Nadie sera molestado en el territorio español por sus opiniones religiosas ni por el ejercicio de su respectivo culto, salvo el respeto debido á la moral cristiana.

No se permitinán, sin embargo, otras cerenonias ni manifestaciones publicas que las de la religion del Estado.

This is to be translated as follows:

ARTICLE II. The Catholic religion, apostolic, Roman, is the religion of the State. The nation obligates itself to maintain its worship and its ministers.

No one will be interfered with (literally, "troubled") in Spanish territory because of his religious opinions nor for the exercise of his respective form of worship, saving only the respect due to Christian morals. However, no other ceremonies nor manifestations in public except those of the religion of the State will be permitted.

I am unable, after search and inquiry, to find any statutes upon the subject of religious worship nor any written decrees or orders defining the constitutional provision quoted or providing for its enforcement. I have received from Rev. Mr. Gulick, a Protestant minister,

who for about thirty years has been engaged in religious and educational work in Spain, under the American Board of Commissioners for Foreign Missions, information as to the number of Protestants and also as to the religious privileges claimed by them and those accorded to them by the officers charged with the duty of enforcing the law. Among these officers there has been, not unnaturally, a difference of opinion as to what is a public manifestation. Generally, I am told, there has been greater freedom of worship in large cities than in provincial villages, and there is more toleration, it is said, now than there was fifteen or twenty years ago.

The following generalization may be made:

I. Funeral services are never interfered with, even when the Protestant minister, more or less conspicuously, appears in his clerical capacity in the funeral procession passing through the public streets.

II. Churches and chapels may be built, when building regulations are complied with, but distinctively ecclesiastical architecture, calculated to proclaim the building as the seat of a form of worship, is not allowed; at least, the Protestants have refrained from such form of architecture.

III. A cross or other emblem of religion is never permitted to be erected upon a Protestant edifice. About a year ago an attempt to do this at Barcelona resulted in the ecclesiastical authorities of that city making an appeal to the Crown for the enforcement of the law, as construed by them, and in the King's sending a letter in reply in which he assured them of his intention to enforce the laws of Catholic Spain against outward manifestations of other forms of religion. The cross in the case mentioned was taken down. Generally, the Protestants of Spain concede that the erection of a cross is a "public manifestation," and, therefore, a violation of the constitution.

IV. Generally the door of the Protestant church edifice is permitted to open upon the public street, although it is not allowed, during service, to remain open so as to attract attention to the worship. It is, however, not universal to allow the door to open upon the public street. For about ten years the front door of the Protestant church in the Calle Beneficiencia, in Madrid—that is, from its erection until last spring—was never opened. Worshipers entered by a back or side door, first passing through the house of the Protestant bishop, which adjoined the church. This closing appears to have been not so much an admission by the Protestants that they had no right to open this door, but a course of action adopted by the Protestant bishop in order to avoid irritating Roman Catholics. After the Barcelona incident of last spring, hereinbefore mentioned, as an assertion of what they deemed their legal rights, the authorities of the church in Calle Beneficiencia opened its door upon the street, and since that time the members of the church, I am informed, have entered through it for worship and have not been hindered in so doing.

V. Preaching and music, both vocal and instrumental, are allowed in the churches. Generally the doors of the church are closed so as not to publicly attract attention to the service. I am told that a dozen years or more ago, in a village remote from Madrid, a local authority forbade the holding of services unless the doors were so constructed as to prevent the sound of worship coming out to the public, but that this was considered by the Government at Madrid

as a wholly unwarranted construction of the law, and the action of the village authority was not upheld.

VI. In regard to missionary efforts, proselyting etc., I am informed that there is no interference if public order is not disturbed. A general law, however, prohibits gatherings of more than 20 persons without previous notification of the constituted civil authorities. This applies to gatherings of all kinds. It is in no sense limited to meetings for religious purposes. After the notification mentioned religious bodies may meet in such number as they choose.

VII. The study of the statutes which I have made and the advice of counsel lead me to the opinion that non-Catholics who are Spanish subjects may, by complying with the provisions of law, form legal associations vested with a legal personality, subject, of course, in their ceremonies and religious manifestations to the restrictions of the constitutional provision above quoted.

VIII. Number of Protestants. In answer to my question as to the number of Protestants, Mr. Gulick informed me that it was a matter most difficult to tell, but that the best information obtainable was that there were about 3,000 communicants and regular attendants, and about 10,000 adherents, or persons who, though attending services only occasionally, were more in sympathy and accord with the Protestant church than with the Catholic.

I have, etc.,

WM. MILLER COLLIER.

ARBITRATION TREATY BETWEEN SPAIN AND HONDURAS.

Minister Collier to the Secretary of State.

No. 152.]

AMERICAN LEGATION,
San Sebastian, August 23, 1906.

SIR: I have the honor to inform you that on the 21st instant the Spanish Government published in the Gaceta of Madrid two treaties between Spain and Honduras, ratifications of which were recently exchanged. The first treaty related to the mutual recognition of the validity of academic titles. With regard to the second treaty I here give a translation of a part of the inclosed clipping from the *Epoca*, of Madrid, of August 21:

The second treaty is an arbitration convention which was signed the 13th of March, 1905, by the same Señor Villaurrutia and Señor Membreño, the duration of which is for a period of twelve years, and one more for its prorogation; the ratifications were exchanged the 16th of July last.

The principal clauses of the convention are the following:

ARTICLE I. The high contracting parties promise to submit to arbitration all controversies of whatever kind which may arise between them from whatever cause, so long as they do not affect the precepts of the constitution of either country, and provided that they can not be settled by direct negotiation.

ART. II. Those questions which have been the object of definite agreements between both high parties can not be brought up again in virtue of this treaty. In such a case the arbitration will be limited exclusively to those questions which arise in regard to the validity, interpretation, and carrying out of the said agreements.

ART. III. For the decision of the questions which in the carrying out of this treaty are submitted to arbitration, the functions of arbiter will be intrusted, preferably to a chief of state of a South American Republic or to a tribunal formed of judges and experts, either Spanish, Hondurans, or Spanish Americans.

In case an accord is reached as to the designation of arbiters, the high contracting parties will submit to the Permanent Arbitration Tribunal, established

in conformity with the resolutions of The Hague Conference of 1899, submitting themselves in this as well as in the former case to the arbitration procedure specified in chapter 3 of the said resolutions.

I have, etc.,

WM. MILLER COLLIER.

COMMERCIAL TREATY BETWEEN SPAIN AND SWITZERLAND.

Minister Collier to the Secretary of State.

No. 162.]

AMERICAN LEGATION,
San Sebastian, September 3, 1906.

SIR: I have the honor to inform you that the Madrid papers of yesterday, upon the authority of the minister of the treasury, announce the signing of a commercial treaty between Spain and Switzerland on Saturday, September 1, subject to approval by the Cortes. Until submitted to the Cortes the terms of the treaty will be kept secret. It is, however, reliably reported that reductions below the second tariff have been made.

It is also announced that, beginning on September 5, a modus vivendi between the two nations will go into effect, pending consideration of the treaty. As soon as the Gaceta containing the exchange of notes by which the modus vivendi was established reach here copies will be sent you.

I have, etc.

WM. MILLER COLLIER.

Minister Collier to the Secretary of State.

[Extract.]

No. 164.]

AMERICAN LEGATION,
San Sebastian, September 5, 1906.

SIR: Supplementing my dispatch No. 162 of the 3d instant I have the honor to report that the Gaceta of the 3d instant contains the exposition, royal decree, and royal order as to the commercial agreement between Spain and Switzerland.

A modus vivendi is established which is to begin September 5 and to end November 20. During this period Swiss imports into Spain are to be dutiable "according to the second tariff, with all the reductions of the existing treaties." The increased tariff rates established by royal order of July 1 and by royal decree of July 29 are abrogated. The new royal order is in all respects like the one putting into effect our agreement. The royal decree recites that to begin with the 5th of September there will be applied the second tariff with the rebates stipulated in the treaties in vigor.

As heretofore reported, the permanent treaty will not be published until presented to the Cortes. Notwithstanding this there have been statements, apparently from official sources, announcing the reductions made in favor of Spain. These affect wines, almonds, grapes, preserved fish, lemons, oranges, and extract of licorice.

To us the more important question is, What reductions have been made upon imports into Spain from Switzerland, for whatever they are we, under our agreement, receive the benefits of them. Although there is no positive announcement there are very plain intimations that the reductions will be on condensed milk, agricultural and electrical machinery.

I have, etc.

WM. MILLER COLLIER.

Chargé Winthrop to the Secretary of State.

No. 198.]

AMERICAN LEGATION,
Madrid, November 15, 1906.

SIR: Referring to Mr. Collier's Nos. 162 and 164 of September 3d and September 5th, ultimo, respectively, I have the honor to inform you that the Hispano-Swiss treaty of commerce, which was signed at Berne on September, 1906, was presented to the Cortes for ratification on the 10th instant. It was agreed between the two contracting powers that the treaty was to be kept secret until presented for ratification, and that it must be ratified on the part of both countries before November 20, 1906, on which date the present *modus vivendi* expires. The exposition or preamble begins by pointing out the far-reaching consequences of the denunciation on August 31, 1904, by the Swiss Federal Council of the Hispano-Swiss treaty of commerce of June 13, 1892, since upon this was based commercial conventions with most of the other nations.

It then goes on to allude to the provisional arrangements made with Switzerland, that of August 29, 1905, and that of February 10 of the present year, which came to an end on July 1 last. From that date until the present treaty was signed on September 1 there ensued a tariff war between the two countries, the new Spanish tariff making it impossible to meet the exigencies of the Swiss Government. The present treaty fortunately put an end to this state of things. The preamble then points out that in addition to securing reductions for the most important Spanish exports it has secured more especially and with great difficulty the same treatment as has been accorded to Italy for Spanish wines entering Switzerland. This, in fact, is the chief *raison d'être* of the treaty.

The treaty itself begins by granting a reciprocal most-favored-nation treatment. It then declares that the most-favored-nation treatment does not apply to the special concessions granted by Spain to both Portugal and Morocco.

The treaty is to remain in force for a period of eleven years, from November 20, 1906, to December 31, 1917.

The principal reductions made by Spain upon imports from Switzerland are as follows, the figures being compared with the second column of the tariff:

Asbestos wrappings, which pay 25 pesetas per 100 kilograms instead of 45 under the minimum column of the tariff; kitchen utensils and enameled ware, which pay 30 pesetas instead of 80; cows' milk, 35 pesetas instead of 80; electric motors, 18.50 pesetas, 30 pesetas, and 20 pesetas instead of 75 pesetas; steam engines, 35, 30, and 20 pesetas instead of 35 pesetas; pumps of various kinds, 25 pesetas instead of 30 pesetas; machinery for making stockings of more than 70 kilograms and loose pieces pay 30 instead of 40 pesetas; condensed and sterilized milk, 50 instead of 100 pesetas; beds and other household utensils of iron and steel, 45 instead of 50 pesetas; machinery for manufacturing paper, ice, 18.50 instead of 22 pesetas.

The above figures from the treaty are taken from the printed copy distributed among the deputies. If the treaty is ratified, the treaty will be published officially in the *Gaceta* and a copy will be duly

transmitted to the department. There exists a great deal of opposition to the treaty among the conservative part and the representatives of the manufacturing interests. These last are frankly opposed to any treaty giving reductions below the minimum column of the tariff. The conservatives are opposed to it on the ground that no commercial treaty should be signed, not merely ratified, without the previous consent of the Cortes. The length of time which it is to run, eleven years, also meets with serious opposition. The probability is that the treaty will be ratified, and in that case the German and French treaties, when negotiated, are also likely to be ratified, the ratification of the present treaty being regarded rather as a test case.

I have, etc.,

ROBERT M. WINTHROP.

Chargé Winthrop to the Secretary of State.

No. 200.]

AMERICAN LEGATION,
Madrid, November 20, 1906.

SIR: Referring to my No. 198 of the 15th instant, I have the honor to inform you that the Hispano-Swiss treaty, after having been duly ratified by both legislative bodies, was officially promulgated and made law by royal decree signed last night by the King.

As supplementary to the comments in my No. 198, I have the honor to call the department's attention to the following facts:

In addition to some of the principal reductions made by Spain upon Swiss imports as already enumerated and compared with the duties under the second column of the new tariff, there must be added agricultural machines, which pay 10 pesetas per 100 kilograms total weight, being the same duty as under the second column, but it is to be noted that the treaty fixes this duty for eleven years, and it can not be affected by a change of tariff until the treaty expires; gold watches, which pay 1 peseta apiece, instead of 15 pesetas under the second column; silver watches and those of other metals, including those of silver gilt and those with some part of the watch of gold, which pay 50 centimes apiece instead of 2 pesetas.

A great many of the reductions enumerated, both in my No. 198 and in the present dispatch, are obviously included among American exports of greater or less importance, and the most favored nation clause of our recent commercial arrangement with Spain of course gives us the benefits of these reductions made to Switzerland.

At the time the said arrangement was signed, it was not at all certain that the ministry of state had the power to affix the most favored nation clause to a mere arrangement or *modus vivendi*, without asking the ratification of this clause by the Cortes. I have, however, noticed with interest in following the debates on the Swiss treaty, that the United States has always been alluded to as one of the nations to benefit by these reductions, as a matter of course.

I have the honor to inclose herewith a copy of the *Gaceta* containing the Hispano-Swiss treaty in question.

I have, etc.,

ROBERT M. WINTHROP.

SWEDEN.

KING OSCAR'S SPEECH TO THE RIKSDAG.

Minister Graves to the Secretary of State.

No. 46.]

AMERICAN LEGATION,
Stockholm, January 16, 1906.

SIR: The formal opening of the Riksdag was held on the 15th instant, with the usual elaborate ceremonies, which have been fully described by my predecessor.

The speech from the Throne was read in a firm voice by His Majesty King Oscar II, who appeared in good health and vigor.

For your information I append hereto a rather free translation of such portions of the address as may be of interest to the Government:

The perilous days of the last year are now, God be praised, past, and a calmer time has set in.

Our relations to foreign powers are satisfactory.

In order to protect our interests I have found it necessary to establish diplomatic relations with our western neighbor in advance of action by the Riksdag.

* * * * *

Elective franchise.—In the most important of internal affairs, namely, the extension of the elective franchise for election to the Second Chamber, a proposition will be presented to you. It is intended for extension of the elective franchise to the same extent as indicated in the propositions of 1904-5, but it differs by embracing the retention of the present system of one-man election districts, and applies the same system also in cities which have to elect several members of the Riksdag. True, I have before proposed proportionate manner of election, and I know that many well-informed and warm-hearted friends who have embraced that thought as tending to promote justice will hesitate in deserting the standpoint they have once taken. Others wish that the elective franchise should be extended still further than is indicated in the proposition.

* * * * *

Labor question.—Next after the elective question the workman's question calls for the attention of the state. I hope again to be able to present to you a proposition for a law for negotiation of labor controversies, intended to prevent, to a considerable degree, the strifes so disastrous to both employer and employee, and eventually to the whole community, such as have too often taken place of late.

To the important question of the arrangement of other relations between employer and employee, as well as to the question of old-age insurance, I am directing the most careful attention. In the latter question I may, during the session, present to you a proposition of principle. The former demands a very careful preparation, and can not be taken up by me at this Riksdag. The very strong support of industries must be the main object of the care of the state.

* * * * *

Free ports.—The question as to what form the bonded or free port question, which is of such great importance to commerce and navigation, should most suitably assume in being introduced into our country is under consideration.

The budget.—The keeping up of diplomatic and consular relations requires, since the dissolution of the union (with Norway) considerable additional subventions, both for the last half of 1905 and for the present year.

Military expenditures.—During the past year I have found it necessary to make use of the small credit for military purposes. What has been used for this I consider should be replaced by a subvention in the budget * * *. Maintaining and strengthening of our defense must still require great economical sacrifices. Thus, among other things, I ask for the army a larger sum for mobilization ammunition and a sum for reuniforming the army; and for the navy a subvention for building 3 new hunters (torpedo-boat destroyers) and 11 torpedo boats.

Other parts of the speech cover local affairs, also purposing, in order to meet the increased expenses, a stamp tax, "both on the transfers of stock and bank shares, and on the emission of new shares in already formed stock companies." This is followed by a recommendation to increase the maximum limit of nontaxable income for relief of those of small means.

I have, etc.,

CHARLES H. GRAVES.

COMMERCIAL TREATY BETWEEN SWEDEN AND GERMANY.

Minister Graves to the Secretary of State.

No. 60.]

AMERICAN LEGATION,
Stockholm, May 15, 1906.

SIR: I have the honor to report that the commercial and navigation treaty between Sweden and Germany, which has been for six months in negotiation, has been concluded by the commissioners and submitted to the Riksdag for approval.

In the report made and the newspaper comments upon it the statement is made that the concessions granted by the two countries from their present tariffs, based on the last fiscal year, is by Sweden 272,000 crowns and by Germany 5,178,000 crowns. But in commenting on the fact that the term of the treaty is only about four years, expiring December 31, 1910, the statement is made that this was done to allow Sweden an opportunity to revise its present tariff, when the subject can be again treated. It is mentioned that Germany "had prepared herself for these negotiations by making a new, skillfully elaborated, and up-to-date customs tariff to this end, so specified that every heading embraces just the duties which will be called for with respect to the industries thereby touched, whereas the Swedish customs tariff, made in 1892, must in many respects be considered antiquated, and owing to the lack of specification it can not be considered to fill the demands which must now be placed on a skillfully elaborated protection for industry under present conditions," and that the disadvantage hereof has clearly stood forth during the present negotiations.

The special licenses heretofore required by German commercial travelers in Sweden will still be retained with but slight modifications.

The imposition by Sweden of an export duty on iron ore, which has been mooted, was apparently disapproved by Germany, the report stating that the necessary concessions for the benefit of Swedish commerce could not be obtained if that was imposed. The treaty is recommended by the Government.

I have, etc.,

CHARLES H. GRAVES.

COMMERCIAL AGREEMENT BETWEEN SWEDEN AND RUSSIA.

Minister Graves to the Secretary of State.

AMERICAN LEGATION,
Stockholm, October 12, 1906.

SIR: I have the honor to inclose herewith a copy and translation of a commercial agreement between Sweden and Russia, signed by their respective plenipotentiaries in the foreign office, St. Petersburg, on August 9, 1906. With one or two unimportant exceptions the parties mutually guarantee the privileges of the most favored nation.

As the text of the above agreement was only very recently published by the Swedish Government, I was unable to obtain a copy of it until the day it appeared.

I have, etc.,

CHARLES H. GRAVES.

[Inclosure.—Translation from French text.]

COMMERCIAL AGREEMENT BETWEEN SWEDEN AND RUSSIA.

With a view of assuring the commercial relations between Sweden and Russia, the undersigned, duly authorized for this object, have agreed on the following:

Until the revision of the treaty of commerce and navigation concluded between Sweden and Norway and Russia the 8th of May, 1838, the high contracting parties mutually guarantee the treatment of the most favored nation in everything which concerns commerce, navigation, industry, and entrance duties.

Not deemed as interfering with the dispositions of the present arrangement are:

(1) The special favors accorded or which will be accorded by Sweden to Norwegian subjects, to commercial societies, industrial and financial, and to Norwegian merchandises, so long as these same favors shall not be accorded to the subjects, to the societies, or to the merchandises of another State.

(2) The stipulations which are or will be relative to the commerce of Russia with the States and bordering countries of Asia, these stipulations can not in any case be invoked to modify the relations of commerce and of navigation established between the two contracting parties by the present arrangement.

The dispositions of the present agreement are not applicable:

(1) To favors actually accorded or which could be accorded ulteriorly, relatively to the importation of the exportation, to the inhabitants of the government of Archangel, as well as for the septentrional and oriental coasts of Russian Asia (Siberia).

Yet the Swedish importations shall benefit equally by all the customs facilities accorded to the importations in these territories of a State of Europe or of North America.

(2) To coasting trade, which continues to be governed by the laws which are or will be in vigor in each of the two countries.

The present arrangement will come into force the day of its being signed and will not cease to be in effect until a year after its denunciation, which may be made by one or the other.

In fulfillment of which the undersigned have signed the present arrangement (agreement) and have placed their seals thereon.

Executed, in duplicate, at St. Petersburg August 9 (July 27), 1906.

EDV. BRANDSTRÖM. [L. S.]
ISWOLSKY. [L. S.]

PASSPORTS OF AMERICAN CITIZENS OF SWEDISH BIRTH.

Minister Graves to the Secretary of State.

No. 61.]

AMERICAN LEGATION,
Stockholm, May 15, 1906.

SIR: I have the honor to report that this legation is constantly receiving complaints from Swedish-Americans returning to Sweden because of the attempts of the Swedish military and naval authorities to compel them to serve in the Swedish army or navy. Frequently they are arrested and put into prison and taken in prisoners' van to the place where the naval or military duty is to be performed, notwithstanding both certificate of naturalization and American passport are shown to local authorities who arrest them. When they reach the military camp or fortress or naval station where they are to perform duty they are always released by the commanding officer as soon as they show their American papers; but this course of action is a source of great discomfort to American citizens who are subjected thereto and causes a great amount of correspondence for the legation and still more for the Swedish authorities.

In view of all this, the minister for foreign affairs has officially, both orally and in writing, suggested that troublesome cases of this nature are almost always caused by the ignorance of the local authorities in the English language, by the ignorance of the Swedish-American citizen of the wording of the treaty existing between Sweden and America on expatriation and naturalization, or by both these circumstances, and his excellency has therefore earnestly requested me to append to every passport issued at this legation a translation thereof into the Swedish language and certain extracts from the aforesaid treaty.

Agreeable to this request, I have had such a translation of the passport and extracts from the treaty indicated by his excellency printed on a thin sheet of paper, a copy of which is inclosed herewith, and affix said slip to every passport issued at this legation.

This translation and extract of the treaty, as it appears on the inclosed slip, has been approved and praised by his excellency, who states that he is confident that it will prevent the recurrence of such deplorable events as those above referred to.

Hoping that you will approve of this action on my part,
I have, etc.,

CHARLES H. GRAVES.

The Acting Secretary of State to Minister Graves.

No. 45.]

DEPARTMENT OF STATE,
Washington, June 4, 1906.

SIR: The department has received your No. 61, May 15 last, reporting that many Americans of Swedish origin who return to Sweden are arrested by the military authorities for not having performed military service, but that they are always released after their nationality has been established. The minister for foreign affairs has accordingly suggested that as the arrests are nearly always due to

ignorance of English on the part of the local authorities, or on the part of those arrested, of the wording of the naturalization convention between this Government and Sweden, they would be avoided if each passport issued by your legation were accompanied by a translation thereof and of certain extracts from the convention.

You submit for this department's approval a slip containing such a translation, which you attach to each passport issued by your legation to an American citizen of Swedish origin.

As you are doubtless aware, every American citizen of Swedish origin who obtains a passport from this department receives with his passport a "notice to American citizens formerly subjects of Sweden who contemplate returning to that country" (a copy of which is inclosed), which sets forth briefly the provisions of Swedish law which might apply to him upon his return to Sweden. This notice was prepared after correspondence with the legation at Stockholm, and the department is not informed of any changes in the laws of Sweden requiring amendment of the notice. When the department adopted it, in February, 1901, an instruction was sent to the legation at Stockholm, inclosing a copy of the notice^a and saying: "It is sent to you merely for your information, and you are instructed that it is not intended to mean that there has been any abatement on the part of this Government in its policy of protecting equally naturalized and native-born Americans during their travels or sojourn abroad as the law requires, nor does the notice foreshadow any mitigation of such dissent as this Government may have expressed to the law or regulations of Sweden and Norway which may deny equality of treatment to all law-abiding American citizens, regardless of their place of birth."

A large proportion of American citizens of Swedish origin who go abroad provide themselves before going with passports from this department, and only a small proportion, having neglected this precaution, apply to your legation for passports. The translation you propose to affix to your passports would therefore be useful only to this small proportion. The extract from the convention and the extracts from the accompanying protocol which you embody in the slip which you submit might, it is thought, if taken by themselves without reference to the full text of the convention and protocol, be susceptible of a meaning not entirely comporting with this Government's understanding. This is especially true of the sentence in the protocol relating to the intent to return to the United States. It is true that the intent not to return may be held to exist when a person of Swedish origin should have resided for more than two years in Sweden; but it is also true that the intent to remain may be held to exist within a period of less than two years or not to exist after a greater period than two years, being a matter to be determined by the circumstances surrounding the sojourn or residence. While the department does not object to your furnishing a translation into Swedish of any passport which you may issue or which may be presented to you, nor to your explaining to the holder of a passport the provisions of the convention and protocol, it is of opinion that it is not wise to attach to each passport which you issue to a former subject of Sweden the slip you submit. At best it could accomplish a

^a Printed in Foreign Relations, 1901, p. 486.

useful purpose toward only a few Americans of Swedish origin, and it would, moreover, constitute a precedent which might prove embarrassing to this Government in the future.

As the minister for foreign affairs has informed you that the improper arrests of Americans is due to ignorance on the part of local authorities of the English language, it is suggested that instructions could be given to the local authorities which would enable them to recognize the passports of this Government and to treat them as prima facie proof that the holders are American citizens and entitled to the privileges which attach to them under the terms of the convention between the two Governments.

I am, etc.,

ROBERT BACON.

**REORGANIZATION OF THE DIPLOMATIC AND CONSULAR SERVICE
OF SWEDEN.**

Minister Graves to the Secretary of State.

AMERICAN LEGATION,
Stockholm, May 21, 1906.

SIR: Owing to the dissolution of the union between Sweden and Norway, the Government of Sweden took up last autumn the reorganization of its diplomatic and consular service, and appointed a royal commission, which has made an exhaustive study of the problem and submitted a lengthy report in two thick pamphlet volumes. This report has recently been submitted to the Riksdag, and I have the honor to transmit the same under separate cover for the use of the department.

As the document is in the Swedish language, I venture to accompany this with a summary of some portions of it that may be an indication of the interesting character of the report, which will repay study as a whole.

I have, etc.,

CHARLES H. GRAVES.

[Inclosure.]

Abstracts from report of Swedish royal commission on reorganization of the Swedish diplomatic and consular service, 1906.

In a communication by the minister for foreign affairs to the commission is said:

"It should not be necessary, in selecting persons for the diplomatic and consular service, to take into account their private fortunes; this particularly in the diplomatic service. Ability and skill should be the only basis of selection to insure the best results. As to education, great importance should be attached to the practical side, and in consular appointments, to a mercantile education. And success in other public services should be considered. More intimate connection and cooperation between the diplomatic and consular services is very desirable.

"It is recommended that the commission hear the views and opinion of industrial proprietors, merchants, and shipowners to get all the light possible upon the bearing of consular service on the business of the country."

The second volume of the report is made up entirely of testimony from such sources.

"The objects of diplomatic and consular service have lately changed very much. Formerly, observation of events which might cause trouble between

European states and negotiation of treaties and conventions absorbed attention, and slight notice was given to economical matters; but now modern conditions, quick communication, and ample press reports have made the former of less importance, though the hurry of press reports made them sometimes not quite reliable and require confirmation or correction from official sources."

Other objects are now more in front, and the need is to know other nations more intimately and to be able to take advantage of their experience in affairs. Commercial politics are important and make demands on the diplomatic service greater than ever before, and for this reason quick, intelligent men, not too much impressed with their own importance and dignity, are needed.

Cooperation of diplomatic and consular officers is desirable, not to mix up their functions, but to keep in touch and work together.

Able men are required, and to obtain such sufficient salaries should be paid, bearing in mind that expenses are greater abroad than at home, and higher salaries are needed than for like positions at home. This matter is explained in some detail. Pensions for retired officers of the service are recommended.

As Sweden has a department called the board of trade it is recommended that consuls correspond directly with that board and also with an unofficial association known as the Swedish Export Association, furnishing information and answering inquiries.

The commission then takes up the diplomatic service and considers in detail the different posts, and its conclusions recommend the retention of legations, but that ministers be maintained only at "the most contiguous nations," or Norway, Denmark, Great Britain, France, Germany, Russia, the United States, and Japan; that the legations at Rome and Vienna be united, and that at all the capitals not above mentioned Sweden should be represented by a *chargé d'affaires*.

The minister at Paris should be also accredited to Belgium, and the minister to London should be also accredited to the Netherlands.

As to the United States of America it is remarked: "The great number of Swedes who have emigrated thither and who have affairs in the home country with property, matters of inheritance, and the like, makes the diplomatic representation there more than usually important, and the legation should be maintained with a minister salaried at 45,000 crowns (\$11,000), a secretary at 10,200 (\$2,700), and a liberal contingent allowance fund. The minister at Washington should have the supervision over all the consuls in the United States, and he should visit Canada to keep informed of affairs there and to inspect the consulates."

SWITZERLAND.

EXCLUSION OF THE DIVORCED INSANE WIFE OF AN AMERICAN CITIZEN.

The Swiss Minister to the Secretary of State.

[Translation.]

LEGATION OF SWITZERLAND,
Washington, May 1, 1906.

MR. SECRETARY OF STATE: By a note of the 11th of June, 1902, this legation had the honor to have recourse to the obligingness of the Department of State in the matter of the repatriation of Elisabeth Abeldt-Fricker, born in Switzerland on the 10th of January, 1859, and married on September 3, 1892, at Abilene, Dickinson County, Kans., to Charles Abeldt, an American citizen born on August 25, 1862, in Wabaunsee County, Kans.

By a note of June 26, 1902, the Department of State advised this legation that nothing stood in the way of the woman Abeldt-Fricker coming back to the United States from Switzerland, and that, being the wife of an American citizen, neither she nor her minor child was subject to the immigration laws of this country.

In consequence of that exchange of notes, the woman Abeldt and her daughter were sent home at the expense of the Canton of Argovia and were to arrive in the United States on the French ship *La Lorraine*, which sailed for New York from Havre on the 9th of August, 1902.

On the 20th of November of last year the Abeldt-Fricker couple obtained from the district court of Lyon County, Kans., a decree of divorce, under which the mother was given the care of bringing up the daughter Alice, and the father was to pay the cost of her education. In December last the woman Abeldt returned to Switzerland and established her residence at Brugg, in the Canton of Argovia, with her parents. After a short while it was discovered that she was not in full possession of her mental faculties, and she had to be transferred to the insane asylum of Königsfelden. As her parents are utterly unable to meet the cost of her maintenance in the asylum, the woman Abeldt has once more become a public charge.

For that reason the authorities of the Canton of Argovia find themselves constrained to ask again that the woman Abeldt and her daughter be sent to their home in the United States. This time it is no longer a mere matter of repatriation, but it would be necessary, immediately upon their landing in the United States, to send the woman Abeldt to an insane asylum and to provide for her daughter in some other way.

By order of my Government, I have the honor to beg that your excellency be pleased to permit the return of the said two persons to the United States and to authorize such formalities as may be required after the landing to insure their welfare.

I also beg your excellency kindly to advise this legation as to what are the authorities in New York to which the woman Abeldt and her child might be turned over.

In support of my request, I have the honor to append hereto a translation of the documents concerning Charles Abeldt's marriage and citizenship, a copy of the decree of divorce issued on November 20, 1905, and a certificate from the insane asylum at Königsfelden.

Hoping that your excellency will be able to give this matter your favorable attention, I beg you to accept, etc.,

L. VOGEL.

The Secretary of State to the Swiss Minister.

No. 12.]

DEPARTMENT OF STATE,
Washington, June 2, 1906.

SIR: I have the honor to acknowledge the receipt of your note of the 1st ultimo, in which you request for Elisabeth Abeldt-Fricker and her minor child permission to enter this country, the woman, who is of Swiss origin and is the divorced wife of an American citizen, being of infirm mind.

It appears that Mrs. Abeldt-Fricker soon after obtaining her divorce in Kansas left the United States, returned to Switzerland, her native country, and established a residence at Brugg with her parents until, within a short time, she was removed to an insane asylum.

Under the practice of the Department of State a widow or a woman who has obtained an absolute divorce, being an American citizen and who has married an alien, must return to the United States, or must have her residence here in order to have her American citizenship revert on becoming *femme sole*. Conversely, an alien woman who marries an American citizen and secures a divorce from him in the United States and returns to her native country must be held to have abandoned her citizenship acquired by marriage and to have intended to adopt her native allegiance.

The views above expressed seem also to be in keeping with the provisions of the continental codes, which enable a woman whose nationality has been changed by marriage to resume it when she becomes a widow, on the condition of her returning to the country of origin.

Under the circumstances of the present case, the department is of the opinion that Mrs. Abeldt-Fricker has lost her nationality of an American citizen; and, as the statutes of the United States prohibit the landing of insane aliens, it would seem to be impossible to allow her to land in this country.

The conclusion as above expressed, with regard to the mother, would not, however, apply to the child, as the latter was born in the United States, and is, therefore, an American citizen.

Accept, etc.,

ELIHU ROOT.

The Swiss Chargé to the Secretary of State.

[Translation.]

LEGATION OF SWITZERLAND,
Washington, June 28, 1906.

MR. SECRETARY OF STATE: I have the honor to advise your excellency that this legation did not fail to communicate to its Government the contents of the note of June 2 from the Department of State concerning the question of the repatriation of Mrs. Elisabeth Abeldt-Fricke and her daughter Alice.

In reply to that note in which it was said that the repatriation of Mrs. Abeldt-Fricke could not be permitted, since she had lost her American citizenship by settling in Switzerland after her divorce, my Government has instructed me to submit the following considerations to your excellency:

Mrs. Abeldt-Fricke was already *non compos* when she came back to Switzerland in December, 1905. She was sent away from the United States by her husband, Charles Abeldt, an American citizen, who defrayed the traveling expenses, as she was not then in condition to form a decision or exercise her own will. It can not be assumed that she freely undertook the voyage, intended to renounce her American citizenship, or desired to be reinstated in her citizen's rights in Switzerland, which furthermore can not be granted to her.

I am further instructed by my Government to observe that the decree of divorce rendered in the Abeldt-Fricke case on November 20, 1905, by the district court of Lyon County, Kans., was, according to an express stipulation, not to take effect until six months after its date—that is to say, May 20, 1906. Mrs. Abeldt, in any event, was in possession of her American citizenship until the 20th of May last, inasmuch as she was still the wife of a citizen of the United States. At that time she had been, for several months, the inmate of the insane asylum at Königsfelden and this legation had already had the honor to lay before your excellency a request for her repatriation.

In view of the circumstances, I have the honor, by order of my Government, to beg that your excellency will again give this matter your favorable consideration, to the end that the authorities of this country will recognize the American citizenship of Mrs. Abeldt-Fricke, as well as that of her daughter, and that the request presented by the legation in its note of May 1 be granted.

Be pleased, etc.,

A. DE PURY.

The Acting Secretary of State to the Swiss Chargé.

No. 14.]

DEPARTMENT OF STATE,
Washington, July 16, 1906.

SIR: I have the honor to acknowledge the receipt of your note of the 28th ultimo in continuation of the subject of your note of the 1st of May, in which your legation requested the admission to this country of Elisabeth Abeldt-Fricke, an insane pauper of Swiss origin, and her minor child.

The reasons advanced by your note for the further consideration of this case are two: First, that Mrs. Abeltd-Fricke was sent away from the United States by her husband, an American citizen, who defrayed her traveling expenses, and that when she arrived at her home in December last she was already *non compos*, so that it can not be assumed that her return was a free exercise of her own will; second, by the terms of the decree of divorce it did not go into effect until May 20, 1896, so that up to that time she was herself a citizen, because her husband was such, and before this date the Swiss legation had preferred a request for her repatriation.

The department finds it impossible to acquiesce in the views of the Swiss legation for several reasons. As the matter is presented, it raises a question which it is for the courts and not for this department authoritatively to determine, namely, the degree of sanity of Mrs. Abeltd-Fricke when she departed from this country. The circumstances under which the divorce proceedings were conducted prior to her departure are unknown, but an examination of the decree of divorce does not indicate any mental deficiency in the respondent. It would appear that a compromise judgment was rendered and that the respondent was given the custody of the child, an act which no court would have done if the respondent had shown traces of insanity. It would seem to be impossible to determine when the unfortunate woman's reason departed from her; and this department, from the facts before it, can not say that she was incompetent to form an intention to return to her home in Switzerland when she left the United States last winter.

As the matter stands, it would appear that her return to her native allegiance was a voluntary act upon her part. When her acts ceased to be voluntary it is not for the department to determine. But unless she made some further expression of her will after her departure from this country, it would seem that the act of her departure must be considered as her final expression of intention to abandon American citizenship, because her present mental condition has made it impossible further to declare her will.

In this view of the matter, the second consideration advanced by the legation, namely, that Mrs. Abeltd-Fricke was an American citizen until May 20 last, is ineffectual. It will probably be admitted that she had the right to abandon her American citizenship at will, before the divorce decree became operative. But after the decree went into effect there can be no doubt that her original intention to return to Switzerland must be held to be a continuing one and that, therefore, after May 20 last, her alienage became reestablished by virtue of the divorce decree, when considered in connection with the departmental practice in analogous cases.

With further respect to the second question raised by the legation, the department can only say that, although the Swiss Government requested Mrs. Abeltd-Fricke's repatriation before the date set by the decree of the court for the divorce to go into effect, it is not shown that such request was made at the instance of anyone duly qualified to act for her, and in the absence of such authority it can not be assumed that the Swiss Government was empowered to act in the premises.

Whatever may be the department's attitude, however, its decision would not be controlling upon a court of law, and if Mrs. Abeltd-

Fricker were sent to this country and she should be held at Ellis Island under an order for deportation as an insane alien, the only adequate review of her case open to her would be by appeal to the federal courts. The two questions raised by your legation, as well as any other pertinent facts or arguments, would then be examined by the court, which would render its judgment independently of any decision previously reached by the executive department of this Government.

A further discussion of the case, therefore, would appear to have no practical result, since the question involved is whether Mrs. Abeld-Fricker is or is not a citizen, and this question, as has been said before, is one which must be decided by the courts and not by this department or by the Swiss Government.

Accept, etc.,

ALVEY A. ADEE.

RECIPROCITY WITH SWITZERLAND.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas the Government of Switzerland decreed the removal, on and after January 1, 1906, of all differential customs duties from the products of the soil and industry of the United States, and granted to the same the benefit of the Swiss conventional tariff rates, by which action, in the judgment of the President, reciprocal and equivalent concessions are established in favor of the said products of the United States:

Now, therefore, be it known that I, Theodore Roosevelt, President of the United States of America, acting under the authority conferred by the third section of the tariff act of the United States approved July 24, 1897, do hereby suspend during the continuance in force of the said concessions by the Government of Switzerland the imposition and collection of the duties imposed by the first section of said act upon the articles hereinafter specified, being the products of the soil and industry of Switzerland, and do declare in place thereof the following rates of duty provided in the third section of said act to be in force and effect from and after the date of this proclamation, of which the officers and citizens of the United States will take due notice, namely:

Upon argols, or crude tartar, or wine lees, crude, five per centum ad valorem.

Upon brandies, or other spirits manufactured or distilled from grain or other materials, one dollar and seventy-five cents per proof gallon.

Upon still wines, and vermouth, in casks, thirty-five cents per gallon; in bottles or jugs, per case of one dozen bottles or jugs containing each not more than one quart and more than one pint, or twenty-four bottles or jugs containing each not more than one pint, one dollar and twenty-five cents per case, and any excess beyond these quantities found in such bottles or jugs shall be subject to a duty of four cents per pint or fractional part thereof, but no separate or additional duty shall be assessed upon the bottles or jugs.

Upon paintings in oil or water colors, pastels, pen and ink drawings, and statuary, fifteen per centum ad valorem.

In testimony 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 first day of January, in the year of our Lord one thousand nine hundred and six, and
 [SEAL.] of the Independence of the United States of America the one hundred and thirtieth.

THEODORE ROOSEVELT.

By the President:

ELIHU ROOT,
Secretary of State.

The Swiss Minister to the Secretary of State.

[Translation.]

LEGATION OF SWITZERLAND,
Washington, January 16, 1906.

MR. SECRETARY OF STATE: By order of my Government, I have the honor to beg your excellency to kindly let me know if, according to the proclamation of President Roosevelt dated January 1, 1906, absinthe, cherry water (kirsch), and the "bitters" imported from Switzerland to the United States partake in the privileges allowed certain products of the soil and industry of Switzerland by the proclamation.

Begging your excellency to let me have the answer to this question as soon as possible, I avail myself with pleasure of the occasion to renew to you, Mr. Secretary of State, the assurance of my highest consideration.

L. VOGEL.

The Acting Secretary of State to the Swiss Minister.

No. 6.]

DEPARTMENT OF STATE,
Washington, January 27, 1906.

SIR: I have the honor to acknowledge the receipt of your note of the 16th instant, in which you inquire whether absinthe, kirschwasser, and bitters imported from Switzerland into the United States are entitled to the advantages accorded by the President's proclamation of reciprocity with Switzerland, under section 3 of the tariff act of 1897.

In reply I have the honor to inform you that I am advised by the Secretary of the Treasury, under date of January 24, 1906, that "absinthe, kirschwasser, and other merchandise specified in paragraph 292 of the tariff act of 1897 will be entitled to the benefits of the said proclamation as spirits manufactured or distilled from grain or other materials, under the decision of the United States Circuit Court of Appeals in United States *v.* Wile Bro. & Co. (130 Fed. Rep., 331)."

Accept, etc.,

ROBERT BACON.

STATUS OF THE AMERICAN WIDOW OF A FOREIGN SUBJECT.

Minister Clay to the Secretary of State.

No. 39.]

AMERICAN LEGATION,
Berne, January 8, 1906.

SIR: I have the honor to present to you herewith for consideration and decision the application for a passport of Mrs. Josephine A. Bartning, widow of a German subject.

From her application, herewith inclosed, it appears that she was born in San Francisco, Cal., on the 12th of January, 1863, and that her father was a naturalized citizen of the United States.

The marriage certificate presented to this legation shows that Mr. Julius Carl P. Bartning and the above applicant, Josephine A. L., née Meyer, were united in marriage on the 4th of September, 1882, by Mr. M. H. Myrick, associate justice of the supreme court of California, San Francisco.

In 1892 Mr. Bartning returned with his wife to his native country (Germany) and they resided in Hamburg, where Mr. Bartning died on the 5th of June, 1897. Mrs. Bartning after the death of her husband continued her residence in Germany, and she has only recently decided to take up her temporary residence in Switzerland.

Mrs. Bartning, who seems to be very anxious about reassuming her American citizenship, was informed that a widow could resume her American citizenship by resuming her actual residence in the United States. She, however, claiming that since the death of her husband it has always been her earnest desire to return to the United States and reassume her American citizenship, requested me to present her case to the Department of State for decision. For that purpose she supported her application by a sworn statement of the reasons why she did not return to America immediately after the death of her husband, and a sworn affidavit to return to the United States within two years, there to reside permanently.

In the analogous case of Mrs. Charlotte Dowdall de Arana, Secretary Bayard in his instructions to Mr. Hall of January 6, 1897 (F. R. 1897, p. 92), cited a decision of Mr. Fish, of January 14, 1871, in which it is stated:

The widow to whom you refer may, as a matter of strict law, remain a citizen, but as a citizen has no absolute right to a passport, and as the law of the United States has outside of their jurisdiction only such force as foreign nations may choose to accord it in their own territory, I think it judicious to withhold passports in such cases unless the widow gives evidence of her intention to resume her residence in the United States.

As the latter part of Mr. Fish's decision may be construed as permitting the issuance of a passport to the American-born widow of a foreigner, upon her sworn declaration to resume her actual residence in the United States, I deemed it proper to refer the case to you before finally refusing a passport to Mrs. Bartning.

Awaiting your instructions in this case,

I have, etc.,

BRUTUS J. CLAY.

The Acting Secretary of State to Minister Clay.

No. 19.]

DEPARTMENT OF STATE,
Washington, January 26, 1906.

SIR: The department has received your No. 39, of the 8th instant, presenting the case of Mrs. Josephine A. Bartning, who was born in this country, married a German subject, and lived with him in Germany until his death in 1897. She is now temporarily residing in Switzerland, desires to renew her American citizenship, and solemnly swears that it is her fixed intention to return to the United States within two years for the purpose of permanently residing.

Following the practice of this department, which is well established and with which you appear to be familiar, the department is of the opinion that during Mrs. Bartning's coverture she was not entitled to be protected as a citizen of the United States; but, her husband having died, if her residence abroad (which is not in the country of which her husband was a subject) is only temporary, and she entertains in good faith an intention of returning to the United States to reside, she is entitled to receive a passport.

The subject is quite thoroughly discussed in Van Dyne on Citizenship, page 127 et seq.

I am, etc.,

ROBERT BACON.

GENEVA (RED CROSS) CONFERENCE.

See International Diplomatic Conferences at the end of Part II.

TURKEY.

EQUAL TREATMENT FOR AMERICAN INSTITUTIONS.^a

The Secretary of State to Minister Leishman.

No. 936.]

DEPARTMENT OF STATE,
Washington, November 15, 1905.

SIR: I inclose herewith, for your information, a copy of a dispatch from the consul-general at Beirut, inclosing a copy of correspondence between you and him regarding the refusal of the director of customs at Beirut to grant to the American religious, educational, and benevolent institutions within the Beirut consular district the customs immunities enjoyed by like establishments of France, Italy, Russia, Great Britain, and Germany, and by similar American establishments at Smyrna, Constantinople, Erzerum, Trebizond, and, possibly, as Mr. Bergholz says, at other places.

Copies of the inclosures to Mr. Bergholz's dispatch are not sent herewith, as you have copies of those inclosures in the legation.

You should press most urgently for the irades that will secure to the American institutions in question the immunities now denied to them, as explained in Mr. Bergholz's dispatch, and you will meanwhile demand for American schools, whose applications are pending, the same treatment as is accorded to other foreign schools in the like case.

I am, etc.,

ELIHU ROOT.

[Inclosure.]

Consul-General Bergholz to the Assistant Secretary of State.

No. 7.]

AMERICAN CONSULATE-GENERAL,
Beirut, Syria, October 12, 1905.

SIR: I have the honor to inclose copies of correspondence between the legation and this consulate-general regarding the refusal of the director of customs at Beirut to grant to the American religious, educational, and benevolent institutions within this district the customs immunities enjoyed by like establishments of France, Italy, Russia, Great Britain, and Germany. I forward, also, a copy of a communication from Mr. E. G. Freyer, of the American mission, upon the same subject.

Prior to 1899 the members of the American mission received for themselves and for the educational, charitable, and religious houses founded by them the full customs privileges accorded to similar establishments of citizens of other governments. In July of 1899, however, the director of the customs received the following instruction from Constantinople: "The Anglican Bishop of Jerusalem has requested that certain articles intended for the schools under

^a See Foreign Relations, 1904, pp. 818-833.

his charge be given the customs immunities. In view of the fact that these schools have no firman and inasmuch as immunities are only granted to such educational establishments, orphan asylums, etc., as possess a permit from His Imperial Majesty, the Sultan, you are, therefore, instructed not to give customs immunities to the above mentioned, or to any institutions which, like them, exist without imperial sanction." Upon this the mission was denied the privileges heretofore enjoyed for over forty years, and although it possessed permits for most of its schools its protest to the customs was unavailing. This new regulation must have been enforced against all institutions not officially recognized, without regard to their nationality, as the embassies protested against this infraction of the capitulations and the treaties as appears from a second instruction received from Constantinople in November of the same year, reading as follows: "Owing to a demand of the embassies of the foreign powers at Constantinople, you are instructed to accept duties on deposit on articles arriving for the use of schools opened without a permit." The embassies seem to have failed to have the immunities reestablished and succeeded only in getting permission for their schools to pay the duty under protest, or as it is more commonly called, on deposit. From 1899, therefore, our schools, secular and religious, were equally, with those of other nationalities, denied further customs privileges and paid the duty on articles brought in by them under protest. This practice was permitted until 1900, when it was withdrawn, but whether upon the initiative of the director or upon orders from Constantinople I do not know. In December, 1901, however, instructions to this effect were sent from Constantinople, but upon a protest from the embassies duty was to be received on deposit until September of 1902. The instruction reads: "You are hereby informed that you should cease accepting duties on deposit upon articles intended for schools that exist without an imperial firman. A term of one year, from September 2, 1901, is given to the foreign embassies for the acceptance by you of duties on deposit for articles imported for the schools that have no firman. At the expiration of a year from September 2, 1901, you are not authorized to accept such customs duties on deposit."

Since 1900 our schools have been denied the right to pay under protest.

In November of 1901 France, by the temporary occupation of Mitylene, forced the Sultan, among other things, to restore to her schools, etc., the customs immunities. Later, Germany, Russia, Italy, and Great Britain equally succeeded in regaining the lost customs privileges. Just why the Porte should deny Beirut the immunities she accords to our missions at Smyrna, Constantinople, Erzerum, Trebizond, and possibly at other places, I can not say.

Duty amounting, with interest, to \$720.27 has been paid by the Mission since the immunities were withdrawn in 1899 and its claim for reimbursement will be made the subject of a further dispatch when I receive from the Syrian Protestant College, an American institution, the sums paid by it in duty upon articles which should have been accorded free entry.

I am, etc.,

LEO BERGHOLZ.

[Subinclosure 1.]

Minister Leishman to Consul-General Bergholz.

No. 286.]

AMERICAN LEGATION,
Constantinople, August 5, 1905.

SIR: Referring further to the communication from your consulate under date of July 13, concerning the question of exemption from customs dues of certain goods destined for the use of the American charitable institutions in your district, which I had the honor to discuss with you while in Constantinople.

I beg to say that I know of no reason why the American schools, orphanages, and hospitals in your district should be denied the immunities accorded to other similar institutions, a right which they enjoy here and in other districts.

Before taking this matter up with the Sublime Porte I would be pleased to have you thoroughly investigate the matter and endeavor to arrange the difficulty with the local authorities, as I understand that the American mission at Beirut formerly enjoyed the customary immunities from customs dues, but for some unexplained reason it was allowed to lapse.

Awaiting your advices, I have, etc.,

JOHN G. A. LEISHMAN.

[Subinclosure 2.]

Consul-General Bergholz to Minister Leishman.

No. 4.]

AMERICAN CONSULATE-GENERAL,
Beirut, Syria, August 23, 1905.

SIR: I have the honor to acknowledge the receipt of your excellency's communication of August 5, 1905, No. 286, directing me fully to investigate the complaint of the American mission at Beirut that it is denied the customs immunities accorded to similar institutions in other districts, and to endeavor to arrange the difficulty with the local authorities, as you understand the mission formerly enjoyed the exemption from customs duties, but which, you state, for some unexplained reason was allowed to lapse.

I have asked for, and it has been promised, a report from the mission giving in detail its relations with the customs authorities, which I am daily hoping to receive. It informs me, however, that it once enjoyed all the privileges to which it is entitled, but which gradually have been withdrawn, until now it is deprived of them all.

The director of customs has released the box referred to by Mr. Magelssen, the vice-consul-general, in his dispatch of July 13, 1905, and, although refusing to pass it free from customs dues, permits the mission to pay the duty on deposit; that is, under protest, and has consented to continue this privilege, the only one granted to the missions for several years, but which, even, had been withdrawn. The director bases his action in denying the customs immunities to American establishments within this district to instructions contained in three communications from the department of customs at Constantinople, and, although declining to permit me to make copies of them, allowed the interpreter, who accompanied me, to take notes of their import.

The purport of the first instruction, No. 231, and dated June 21, 315 (July 3, 1899), is as follows: "The Anglican Bishop of Jerusalem has requested that certain articles intended for the schools under his charge be given the customs immunities. In view of the fact that these schools have no firman, and inasmuch as immunities are only granted to such educational establishments, orphan asylums, etc., as possess a permit from His Imperial Majesty the Sultan, you are therefore instructed not to give customs immunities to the above-mentioned, or to any institutions which, like them, exist without imperial sanction.

Instructions No. 479, dated November 17, 315 (November 29, 1899), is in substance as follows: Owing to a demand of the embassies of the foreign powers at Constantinople, you are instructed to accept duties on deposit on articles arriving for the use of schools opened without a permit.

The last instruction received, No. 635, is dated December 5, 317 (December 17, 1901), about the time, or shortly after, the imperial irade was signed recognizing in full the legal status of the existing schools, religious and charitable establishments of France and granting them the customs immunities. It is substantially as follows: You are hereby informed that you should cease accepting duties on deposit upon articles intended for schools that exist without an imperial firman. A term of one year from September 2, 1901, is given to the foreign embassies for the acceptance by you of duties on deposit for articles imported for the schools that have no firman. At the expiration of a year from September 2, 1901, you are not authorized to accept such customs duties on deposit.

As soon as I receive the report from the mission I shall at once communicate its contents to you, with such further information as I may be able to gather.

I have, etc.,

LEO BERGHOLZ.

[Subinclosure 3.]

Minister Leishman to Consul-General Bergholz.

No. 302.]

AMERICAN LEGATION,
Constantinople, September 6, 1905.

SIR: I have to acknowledge the receipt of your dispatch No. 4, of August 23, and note with interest the result of your preliminary examination into the question of douane demanded on goods consigned to the American missions in your district, and await your final report upon the matter.

There can be no question about the right of American religious, charitable, and educational institutions in Turkey to enjoy the same privileges accorded to similar institutions under the protection of other nations, and no one can doubt the fact of the American college at Beirut being a bona fide American institution, as the mere fact that His Majesty sends an imperial medical commission to Beirut to assist at the annual examinations should be sufficient guaranty for the local officials that the institution is officially recognized.

It may be possible that some of the schools included in the list of the Presbyterian mission in Syria may upon close examination be found to have been included erroneously, as native schools which are merely under the nominal control of the American board are not intended to be included in our list of American institutions, so that when the proper time arrives you will have to exercise considerable care in confining your demands for free entry to such schools, etc., as can clearly be shown to be strictly American institutions.

Unfortunately, I am not in a position to furnish you at the present time with a correct list of the American religious, charitable, and educational institutions in your district, as the list furnished by the Presbyterian board some two years ago requires considerable revision, and although I asked for detailed information at the time of reaching a general settlement with the Sublime Porte about a year ago, the desired data has not yet been furnished.

Mr. Peet, who left here a short time ago on an inspection trip, told me that he would take the matter up with you upon his arrival in Beirut, and as Mr. Peet acts as a general manager for all the missions, he is naturally very well posted and can give you all the information desired concerning treatment of the question of douane at other points.

I have, etc.,

JOHN G. A. LEISHMAN.

[Subinclosure 4.]

Consul-General Bergholz to Minister Leishman.

[Extracts.]

No. 11.]

AMERICAN CONSULATE-GENERAL,
Beirut, Syria, October 7, 1905.

SIR: Referring to your dispatch of August 5, No. 286, and to my reply of August 23, No. 4, and to your acknowledgment of September 6, No. 307, regarding the refusal of the customs authorities to grant to American mission establishments in Syria the immunities accorded them by the capitulations and by existing treaties, I now have the honor to inclose a copy of a report from Mr. E. G. Freyer, the mission treasurer, giving its relations with the customs.^a

This report states that up to 1899 the mission enjoyed the customs immunities on articles imported for its members, its churches, schools, orphanages, and hospitals, like similar institutions of other nationalities. In 1899, however, these privileges were withdrawn upon the ground that the mission had not received from Constantinople the necessary permits officially recognizing the schools. Duty was, therefore, demanded, but was permitted to be paid under protest and deposit receipts given enabling the mission, should Constantinople decide that it was entitled to free entry of its goods, to recover the duty collected. The privilege even of paying under protest was allowed but for a year, and in 1900 the mission was informed that thereafter duty would have to be paid without the right of protest. Since 1900, therefore, the mission has wholly been denied the customs immunities.

The legation will note that the mission enjoyed the customs immunities up to 1899, when they were withdrawn, not arbitrarily as it would seem, by the customs director at Beirut, but under a positive order from his superior at Constantinople, July 3, 1899, the substance of which is given in my dispatch No. 4 of August 23.

You will recognize the impossibility of my effecting an arrangement of this vexed question with the customs in view of its instruction from Constantinople. The convincing arguments contained in your dispatch of September 6, coupled with the statement that the American College, founded in 1866, could not have

^a Not printed.

acquired 40 acres of land and have erected 14 buildings and have an attendance of 700 students and have the medical examination each year held under the supervision of a special commission sent by the Sultan without existing by the imperial sanction, was met with the reply that the immunities could not be granted without instructions from Constantinople; that other powers had equally been refused the customs privileges in 1899, but that in 1901, when the imperial irade, fully recognizing French establishments, was issued, Germany, Great Britain, and Russia had obtained like recognition, and orders had been received from Constantinople to accord them the customs immunities.

I have, etc.,

LEO BERGHOLZ.

The Secretary of State to Minister Leishman.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, November 27, 1905.

(Mr. Root refers to an instruction of the 15th instant, directing Mr. Leishman to press for the long-withheld iradés for American institutions and states that the President is far from gratified by the tardy action of the Sultan upon his personal request made more than two years ago, and that he trusts that the promises then and later made will be carried out in the same spirit of cordial friendship in which they were asked. Says that besides the school question, the privileges for beneficent institutions especially claimed the President's sympathy. States that the proposed Jesup Hospital for Women at Beirut is in point. Directs Mr. Leishman to endeavor to impress the Porte and, if need be, the Sultan himself, with the earnestness of our representations in this regard.)

Minister Leishman to the Secretary of State.

[Extract.]

No. 1218.]

AMERICAN LEGATION,
Constantinople, December 2, 1905.

SIR: I have to acknowledge the receipt of the department's telegram of November 27, 1905, as per copy on overleaf, also dispatch of November 15, upon the question of schools and privileges for beneficent institutions, and referring especially to the proposed Jesup hospital at Beirut.

While the question of equality of treatment for American charitable institutions was satisfactorily settled, in principle, by the Porte's note of August 15, 1904,^a the matter of putting the decree into practical execution has been dragging along, despite the constant and earnest efforts of this legation to force the Porte to accomplish the necessary formalities of transferring the titles of the different properties into the names of the several institutions, etc.

I have, etc.,

JOHN G. A. LEISHMAN.

^a Printed in Foreign Relations, 1904, p. 830.

The Secretary of State to Minister Leishman.

No. 953.]

DEPARTMENT OF STATE,
Washington, December 14, 1905.

SIR: Referring to instruction No. 936, of the 15th ultimo, on the subject of the refusal of the director of customs at Beirut to grant to the American religious, educational, and benevolent institutions within the Beirut consular district the customs immunities enjoyed by like establishments of France, Italy, Russia, Great Britain, and Germany, and by similar American establishments at Smyrna, Constantinople, Erzerum Trebizond, and possibly, as Consul-General Bergholz says, at other places, I inclose herewith a copy of a dispatch from Mr. Bergholz,^a forwarding for such action as the department may deem fit the claims of both the American mission and the American College at Beirut for reimbursement for the duties illegally demanded of them by the custom-house at Beirut on goods entitled by the capitulations and the treaties to free entry.

The correspondence printed in Foreign Relations for 1904 shows that this Government assumed the position that the institutions in the list transmitted by your legation to the Ottoman Government on February 25, 1903, must be considered as having been officially recognized. The department infers that the institutions named in Mr. Bergholz's dispatch No. 12 were included in that list.

The position of the United States has been and is that American institutions are entitled to the same treatment that is accorded to other foreign institutions in like cases, and you were instructed on November 15 to demand this.

As it does not appear whether other foreign institutions of similar character are presenting claims for the reimbursement of back duties paid by them, you will ascertain and report to the department whether such claims are being presented, in order that the department may determine whether the claims of these American institutions for the refund of the duties heretofore paid by them should be presented.

I am, etc.,

ELIHU ROOT.

The Secretary of State to Minister Leishman.

No. 960.]

DEPARTMENT OF STATE,
Washington, December 23, 1905.

SIR: I have to acknowledge the receipt of your dispatch No. 1216,^a of the 2d instant, on the subject of customs immunities for the American religious, educational, and benevolent institutions in the Beirut consular district.

I inclose herewith for consideration by you in connection with instructions Nos. 936 and 953, dated, respectively, the 15th ultimo and the 14th instant, a copy of a dispatch from the consul at Beirut,^a inclosing an additional claim by the Syrian Protestant College for repayment of duties illegally collected on articles imported by the college.

I am, etc.,

ELIHU ROOT.

^a Not printed.

The Secretary of State to Minister Leishman.

No. 979.]

DEPARTMENT OF STATE,
Washington, January 18, 1906.

SIR: I inclose herewith, for your information, a copy of a letter from Mr. Morris K. Jesup and of its inclosures^a in relation to the demand of this Government that American religious, benevolent, and educational institutions in Turkey shall receive the same privileges and immunities as are accorded by the Turkish Government to similar institutions of other nations.

The President's message to the Sultan and the instructions sent by the department to the legation at that time and since should leave no doubt in the mind of the Turkish Government that the United States confidently and in common justice expects that American institutions shall be treated on an equal footing of benefit with those of other states, and that they shall share in the advantages accorded to like institutions of other foreigners under practice or agreement, including the principle of the Mityline settlement.

I am, etc.,

ELIHU ROOT.

Minister Leishman to the Secretary of State.

No. 1269.]

[Extract.]

AMERICAN LEGATION,
Constantinople, February 2, 1906.

SIR: I have to acknowledge the receipt of your dispatch No. 960 of December 23, 1905, on the subject of customs immunities for the American religious, educational, and charitable institutions in the Beirut consular district.

In reply I beg to inclose copy of recent correspondence exchanged with the consul-general at Beirut upon this subject, from which you will observe that the trouble complained of has been partially settled.

The arrangement effected is not as satisfactory as I had hoped to report, and certainly not commensurate with the amount of time and patience that has been expended upon this question, but it is a beginning, and as the Porte has substantially acknowledged our right in principle by recognizing the medical college as being entitled to the customs immunities, it is reasonable to suppose that the others will follow, and the fact that the customs authorities have been instructed to accept payment from other institutions on deposit, a privilege which has heretofore been refused, will greatly facilitate the efforts of the legation in securing the refunding of the money that may be found to have been improperly collected.

The greatest difficulty encountered has been on account of the dispute over the list which was furnished by the Presbyterian mission in Syria, the Porte claiming that quite a number of the schools included in the list as being American are really nothing more than native Protestant schools under the patronage of the American mission, and that a number of the schools mentioned have been closed for a number of years.

I have, etc., etc.,

JOHN G. A. LEISHMAN.

^a Not printed.

[Inclosure 1.]

Minister Leishman to Consul-General Bergholz.

[Telegram.]

AMERICAN LEGATION,
Constantinople, January 17, 1906.

Instructions allowing customs exemptions in favor of Beirut College mailed this week to director in Beirut under No. 693. Am urging Porte for more general orders in favor of all bona fide American institutions in Syria which are entitled to exemption. Insist that director allow American institutions other than college conditionally deposit custom duty, pending receipt of more general orders which the Porte has promised to forward.

LEISHMAN.

[Inclosure 2.]

Minister Leishman to Consul-General Bergholz.

[Telegram.]

AMERICAN LEGATION,
Constantinople, January 16, 1906.

Telegraphic orders were sent yesterday to Director Customs Beirut instructing that official to accept customs dues on deposit until further notice.

LEISHMAN.

[Inclosure 3.]

Consul-General Bergholz to Minister Leishman.

[Telegram.]

AMERICAN CONSULATE-GENERAL,
Beirut, Syria, January 31, 1906.

Instructions under No. 693 to director customs grants customs immunities to medical department of college only. Substance is as follows: "Inasmuch as the Sublime Porte sends annually a medical commission to examine the medical department of the American College, the Sublime Porte recognizes that department, and you are hereby authorized to allow said medical department the customs immunities." Other departments of the college and the mission will pay duty on deposit.

BERGHOLZ.

[Inclosure 4.]

Consul-General Bergholz to Minister Leishman.

No. 41.]

AMERICAN CONSULATE-GENERAL,
Beirut, Syria, January 18, 1906.

SIR: I have the honor to confirm your telegram of yesterday's date^a and my reply of to-day as follows:

BEIRUT, *January 18, 1906.*AMERICAN MINISTER, *Constantinople:*

College delighted and expresses hearty appreciation of your efforts. Will telegraph you on receipt of the instructions by director.

BERGHOLZ.

The college, as well as the mission, was overjoyed at learning of your successful efforts in obtaining a recognition of the customs immunities for the col-

^a Jan. 16, Supra.

lege, withheld from the educational and religious establishments at Beirut since 1899, and the acting president, Rev. Daniel Bliss, begged me to convey to you his warmest thanks for, and appreciation of, your efforts in behalf of American institutions in Syria.

I shall not fail to carry out your instructions to insist that the director of customs permit the mission, and such bona fide American institutions as are under its direction, conditionally to deposit duty pending the receipt of more general orders, which, as you advise me, the Sublime Porte has promised to send the Nazir here.

I have, etc.,

LEO BERGHOLZ.

[Inclosure 5.]

Consul-General Bergholz to Minister Leishman.

No. 42.]

AMERICAN CONSULATE-GENERAL,
Beirut, Syria, January 24, 1906.

SIR: I have the honor to confirm your telegram of the 18th instant as follows:^a

The receipt of the instructions is admitted by the director.

I need not tell you that the receipt of your two telegrams caused much rejoicing among the American colony, which is loud in expressing its great satisfaction at the recognition of these institutions by the Porte.

May I be permitted to add my congratulations upon the success which has crowned your efforts?

I have, etc.,

LEO BERGHOLZ.

Minister Leishman to the Secretary of State.

[Extract.]

No. 1275.]

AMERICAN LEGATION,
Constantinople, February 7, 1906.

SIR: I have to acknowledge the receipt of your dispatch No. 979 of January 18, 1906, inclosing copy of a communication addressed to the department by Mr. Morris K. Jesup in reference to the demand made upon the Ottoman Government that American religious, benevolent, and educational institutions in Turkey shall receive the same privileges and immunities as are accorded by the Turkish Government to similar institutions of other nations.

As the department is aware, while the Sublime Porte has acknowledged the right of the American Government to demand equality of treatment for such institutions and has repeatedly assured the legation of its intention to put its numerous promises into execution, the matter continues to drag along, despite the earnest and constant efforts of the legation.

The fault, however, does not lie entirely with the Porte, as the missionary boards have been equally slow in submitting the information which the legation requested the missions to furnish over eighteen months ago, as certain data concerning ownership of property, character of institutions, etc., is absolutely necessary in order to enable the Porte to complete the necessary details.

The list submitted to the Porte outlined close on to 300 institutions of various characters, scattered throughout the Empire, belonging to a number of different societies, and out of this number the legation has only received up to date the detailed information concerning 7 or 8.

^a Jan. 17, Supra.

This list was furnished by the local missionary board at Constantinople, and as the legation had no time to verify the correctness of the statement the list was simply submitted to the Porte as received, with the understanding that any institution included in the list that might afterwards be found not to be strictly American institution in character would be withdrawn. (See legation's dispatch to department of September 15, 1904, No. 889.)

In order to verify the list, and at the same time secure the information which was necessary to enable the Porte to register the properties and make the desired transfer of titles into the name of the institutions, I requested Mr. Peet to send a circular letter to all the institutions requesting them to furnish the legation with copies of their title deeds, etc. (See inclosures in legation's dispatch of September 30, 1904.)^a

The department will readily understand that even admitting the very best intentions upon the part of the Ottoman Government it would be unreasonable to expect the Porte to exempt certain properties from taxation without the proof that such properties belonged to a bona fide American charitable institution and that the property was used for strictly charitable purposes.

Over a year ago I called the attention of Mr. Peet to a statement made by the grand vizier that upon examining the list they found quite a large number of schools included that could be only viewed as native Protestant institutions, and that quite a percentage, especially those in the Syrian district, had been closed for a number of years, and that consequently the list could not be acted upon as a whole, and Mr. Peet admitted that he feared the Presbyterian mission in Syria has erroneously included certain schools.

The legation has been unceasing in its efforts to secure a satisfactory adjustment of these matters, which have been very much complicated by the failure of the missionaries to furnish necessary data, and the department will appreciate the difficulties encountered by the legation in attempting to transact business with an impuissant government, whose head, in which all power is centered, is invisible to anyone not bearing an ambassadorial rank.

In conclusion I might add that with a view of hastening action upon our matters, I have notified the minister of foreign affairs that although the American Government was not opposed in principle to giving its consent to a reasonable increase in the rates of taxation, that the legation must decline to accept the proposed increase of 3 per cent in the customs dues and also new stamp act until such time as all our matters were definitely adjusted, as I could not consistently recommend to my Government the granting of favors while our rights were being withheld.

I have, etc,

JOHN G. A. LEISHMAN.

The Acting Secretary of State to Minister Leishman.

No. 1019.]

DEPARTMENT OF STATE,
Washington, February 21, 1906.

Sir: I have to acknowledge the receipt of your dispatch No. 1269, of the 2d instant, on the subject of customs immunities for the Amer-

^a Printed in Foreign Relations, 1904, page 832.

ican religious, educational, and charitable institutions in the Beirut consular district, and inclosing a copy of recent correspondence between you and the consul-general at Beirut upon the subject, showing that the trouble complained of has been partially settled.

The department is gratified to learn of the progress made.

I inclose herewith for your information a copy of a dispatch from the consul-general at Beirut, in answer to the department's instructions directing him to ascertain and report whether the claims of other foreign institutions of like character for the return of duties similarly collected are being presented.

I am, etc.,

ROBERT BACON.

[Inclosure.]

Consul-General Bergholz to the Assistant Secretary of State.

[Extracts.]

No. 35.]

AMERICAN CONSULATE-GENERAL,
Beirut, Syria, January 23, 1906.

SIR: I have the honor to acknowledge the receipt of department dispatch No. 16 of December 16, 1905, regarding the claim against the Ottoman Government of the Syria mission of the board of foreign missions of the Presbyterian Church of the United States of America, commonly known as the "American mission," and of the Syrian Protestant College, commonly known as the "American college," for the reimbursement of duties collected on goods which should have been admitted free under the treaties and capitulations, and directing me to advise the department if the claims of other foreign institutions of like character for the return of duties similarly collected are being presented.

The result of inquiries made at the consulates-general of France, Great Britain, and Germany, is as follows:

France appears to have received for her mission schools and educational establishments somewhat better treatment than the United States, as they were permitted to pay under protest, or what is usually called here "on deposit," from the time the customs immunities were withdrawn from all nationalities, in 1899, except Germany, to the Mytilene settlement in November of 1901, while our missions and schools were deprived of the right to pay under protest since 1900. As a result of the naval demonstration off Mytilene by a French fleet and the temporary occupation of a part of that island the customs immunities were wholly restored to France. Since then the amounts paid in duties, on deposit, by the French missions and schools have been recovered from the Porte through the embassy and paid over to the establishments which had disbursed them.

Great Britain has fared, as regards her schools, about the same as the United States, but seems to have retained the right of paying on deposit, since the immunities were withheld in 1899, while we were deprived of the privilege in 1900. She has, as yet, made no demand upon the Porte for the return of the moneys paid in duty on deposit by her schools, as the embassy has not yet been successful in obtaining their recognition. There has been considerable correspondence between the British consulate-general and the embassy at Constantinople, with a view of securing official recognition of the schools in Syria. A list of the English schools has been sent to Constantinople, but it was not found quite satisfactory, and a corrected list was forwarded last summer. My British colleague is in hopes his embassy will shortly secure the necessary recognition, and when it comes he "will not fail to apply for the restitution of the customs duties paid by said schools under protest."

Germany has never been denied the customs privileges, which the rest of the powers were deprived of in 1899, but has continued in the full enjoyment of the immunities notwithstanding that neither the hospital nor the Deaconess School hold an imperial firman.

You will have noticed that the consulates-general, who furnished me with the information given above, invariably speak of the sums paid in duty "on deposit," or using the term better known with us, "under protest." Paying under protest carries the question of the customs administration at Constantinople,

and in case the protest is sustained the duty is refunded. Neither France, Great Britain, nor Germany, appear ever to have been denied the right to pay duties under protest, since the withholding of the immunities in 1899 from the powers except Germany.

A telegram received from our minister at Constantinople announces that instructions have been sent the customs here directing that the immunities be again accorded the college. A later dispatch reports that the director of customs has been directed to allow the mission the privilege of paying duty until further notice under protest. The members of these institutions are highly appreciative of the zeal with which the department insists upon the full recognition of their rights. A copy of my communication, No. 41, of January 18, 1906, to the minister acknowledging the receipt of his telegrams, is enclosed.

I am, etc.,

LEO BERGHOLZ.

Minister Leishman to the Secretary of State.

No. 1300.]

[Extracts.]

AMERICAN LEGATION,
Constantinople, February 27, 1906.

SIR: In reference to the new building which the American College at Beirut desires to erect for a woman's hospital, I beg to inclose copy of correspondence with Doctor Bliss showing that a formal application has been filed with the Porte in the manner prescribed in the Mytilene agreement.

I am in hopes of securing a satisfactory adjustment of this matter at an early date; but in any case the legation will now be in a position to follow up the matter in an official way through the foreign office, and in the event of the Porte failing to take action in the matter within the period fixed in the French settlement the legation will at least be in a position to claim the right by default, as it has done in a similar case at Cesarea and quite recently in the case of an industrial school at Salonica.

I have, etc.,

JOHN G. A. LEISHMAN.

[Inclosure 1.]

Doctor Bliss to Minister Leishman.

CONSTANTINOPLE, *February 23, 1906.*

MY DEAR MR. LEISHMAN: Before taking my steamer this afternoon for Syria, I desire to record my appreciation of the great courtesy with which you have received me during my stay in Constantinople and of the warm interest you take in the welfare of our college.

I am grateful for the efforts you are making to secure the permit to build our woman's hospital, and for the assurance that now a formal application for the permit has been made through the legation under the term of the Mytilene settlement, the building can not be delayed at the longest beyond the limit of six months. As I filed the application with the legation on February 21, and as I understand the application is to be presented to the Government this week, we shall expect to begin building by September 1, 1906, in accordance with your instructions. Long before this, however, I hope we may be able to begin, in the event of your being able to secure the permit sought for by us through the Vali in Beirut.

I am gratified to learn from you that our consul-general at Beirut has been instructed to notify the local authorities that His Majesty the Sultan has granted to bona fide American institutions the privileges accorded to the institutions of other nations.

Since coming to Constantinople I have learned that the medical college (American) at Beirut is accorded full custom privileges, but that other American institutions in Syria are obliged to pay on deposit. It is in connection with this last item that I desire to make in writing a brief statement: It is now

nearly three years that our Government took the position that bona fide American institutions were not to be put to any disadvantage as compared with similar institutions of other countries. The fact that custom immunities are not fully accorded to bona fide American institutions in Syria constitutes such a disadvantage. The matter may be considered a small inconvenience, but whether small or great it is a sufficient indication that the Turkish Government is not treating us as it is treating other nations, and until this is changed and bona fide American institutions in Syria (such as the college as a whole as distinguished from its medical department, and such as the press) are accorded custom immunities, it is very difficult—nay, it is impossible—to believe that the Turkish Government recognizes in principle or in practice the application of the terms of the Mytilene settlement to American institutions. The very term “on deposit” suggests that something is pending, whereas in the case of bona fide institutions the matter is settled, according to the assurances given our Government by the Turkish Government.

In reporting this discrimination against bona fide American institutions in Syria, in accordance with the legation’s request to report all such discriminations, I beg to express the hope that the United States Government will take prompt measures to call the attention of the Turkish Government to this prima facie evidence of its invidious discrimination. On my arrival in Beirut, or very soon after, I hope to be able to report to our trustees in America that this discrimination has been removed, for until it has been removed the crucial point in the whole school question would appear to have been practically denied.

Again thanking you for all your kindness, and hoping to see you before long in Beirut.

I am, etc.,

HOWARD S. BLISS.

[Inclosure 2.]

Minister Leishman to Doctor Bliss.

AMERICAN LEGATION,
Constantinople, February 25, 1906.

MY DEAR DOCTOR BLISS: I have to acknowledge the receipt of the letter which you addressed to me on the eve of your departure, and I thank you very much for the kindly sentiments expressed in same, which I assure you are fully reciprocated.

It is a duty as well as a pleasure to do all I can to further the interests of the great American educational institution over which you have the honor to preside, and I can assure you that my efforts will not be relaxed until all pending questions have been definitely and satisfactorily settled.

The formal application for permission to erect a new building for the proposed Jesup Hospital for Women has already been filed with the Porte, and the legation will continue in its efforts to secure a prompt and favorable decision.

As you are aware, every proper effort is being made with a view of arriving at a satisfactory settlement with the Porte concerning the questions of taxation, customs privileges for the Syrian missions, transfer of titles into the names of the several institutions, etc., and if the mission board will promptly furnish the legation with the desired information concerning character of institutions, proof of ownership of property, etc., it will enable the legation to rob the Porte of the only valid excuse for the long delay in putting its numerous promises into practical execution.

Trusting that you enjoyed your return trip and found everything progressing favorably at the college, with kindest regards and best wishes for your continued success,

Very sincerely, yours,

JOHN G. A. LEISHMAN.

Minister Leishman to the Secretary of State.

No. 1308.]

AMERICAN LEGATION,
Constantinople, March 3, 1906.

SIR: I beg to inclose herewith for the information of the department copy of recent correspondence exchanged with Mr. W. W. Peet regarding the question of schools, etc.^a

^a Not printed.

There has been no new development of any particular importance since my last dispatch to the department on this subject, but my note to Mr. Peet, which practically sums up result of several interviews with Doctor Bliss and Mr. Peet, contains certain detailed information which was written with an idea of enlightening the American board of missions in New York, and although somewhat lengthy, it will probably be found worthy of perusal by the department, as it outlines the position of the legation regarding this complicated question.

In conclusion, I might add that since writing the above-mentioned note to Mr. Peet I have been informed by the Porte that the first batch of institutions submitted for formal ratification and transfer of title into the name of the several institutions has finally been approved by the council of state and sent to the palace with a favorable recommendation by the council of ministers and now awaits the Sultan's approval.

I have, etc.,

JOHN G. A. LEISHMAN.

Minister Leishman to the Secretary of State.

[Extract.]

No. 1321.]

AMERICAN LEGATION,
Constantinople, March 12, 1906.

SIR: I have to acknowledge the receipt of your No. 1019, of February 21, 1906, inclosing copy of a dispatch addressed to the department by Consul-General Bergholz concerning the question of the claim of the American missionary established in Syria for the return of customs duties that may have been improperly collected, which supplements the statement inclosed in the department's dispatch of December 4, 1905, upon this subject.

As the manner in which other governments treat this matter will no doubt have considerable weight in assisting the department in reaching a decision as to how this claim of the missionaries shall be handled, I will have to defer making a report until such time as I receive definite replies to the inquiries made at the several embassies.

I have, etc.,

JOHN G. A. LEISHMAN.

Chargé Jay to the Secretary of State.

No. 1346.]

AMERICAN LEGATION,
Constantinople, March 30, 1906.

SIR: I have the honor to inclose copy of a telegram received from the consul-general at Beirut stating that the new governor-general of Damascus had closed the American school at Mahardeh on the ground that it had no permit, copy of my telegraphic reply to the consul-general, and copy of a note on this subject handed by me personally to the minister for foreign affairs.

I have taken up the matter very vigorously and am in hopes that telegraphic orders for the reopening of the school and stringent instructions to prevent any repetition of this interference will be sent

immediately (which on account of the tremendous amount of red tape at the Sublime Porte means four or five days).

I trust that this incident will be found to have merely been caused by excess of zeal on the part of the recently appointed governor-general at Damascus.

It is, however, thought possible by the legation that this school may turn out to be one of the purely native Protestant institutions which, as Mr. Leishman states in his dispatch No. 1275, of February 7, page 2, are now admitted by the missionary representatives at Constantinople to have been erroneously included in the long list of genuine American institutions filed with the Porte.

I have, etc.,

PETER AUGUSTUS JAY.

[Inclosure 1.]

Consul-General Bergholz to Chargé Jay.

[Telegram.]

AMERICAN CONSULATE-GENERAL,
Beirut, Syria, March 28, 1906.

New governor-general at Damascus has closed school at Mahardeh, district of Hama, because it has not permit. Have represented to him that this school was established in 1882 and is protected from closing by the grand vizier circular of May 16, 1889, and also included in list accepted by Sublime Porte. Has refused to reopen school without orders. Closing due to religious intrigue with governor of Hama.

BERGHOLZ.

[Inclosure 2.]

Chargé Jay to Consul-General Bergholz.

[Telegram.]

AMERICAN LEGATION,
Constantinople, March 29, 1906.

Referring closing Mahardeh school matter has been actively taken up with Porte, which promised to send telegraphic instructions to vali to reopen school and not interfere with schools without special orders from here, but it expressed doubts if it is genuine American institution.

These instructions will probably not reach Vali for several days, therefore please telegraph result Thursday.

JAY.

[Inclosure 3.]

Chargé Jay to the Minister for Foreign Affairs.

No. 688.]

AMERICAN LEGATION,
Constantinople, March 29, 1906.

YOUR EXCELLENCY: I have the honor to inform your excellency that the American consul-general at Beirut telegraphs that the newly appointed vali of Damascus has ordered the closing of the American school in Mahardeh, Sandjack of Hama, on the plea that it has no permit, and that his orders have been carried out, despite the representations of the consul-general.

I beg to inform your excellency that the school in question existed years before the grand vizirial order of the 16th of Ramazan, 1306, and the circular of the imperial department of the interior, dated the 3d of May, 1308, and that it is included in the list of American Institutions which this legation filed with the Sublime Porte in February, 1903.

I beg to point out to your excellency that the unwarranted action of the governor-general is contrary to the above-mentioned orders issued by the Sublime Porte as the result of an agreement with this legation, and to the understanding arrived at between the Sublime Porte and this legation in 1904.

I have therefore to request your excellency to immediately cause orders to be telegraphed for the reopening of this school and that stringent instructions be sent to prevent any further interference with existing American institutions.

I take, etc.,

PETER AUGUSTUS JAY.

The Secretary of State to Chargé Jay.

No. 1070.]

DEPARTMENT OF STATE,
Washington, April 17, 1906.

SIR: I have to acknowledge the receipt of your dispatch No. 1346, of the 30th ultimo, reporting that the new governor-general of Damascus has closed the American school at Mahardeh, on the ground that it had no permit; and inclosing a copy of your note to the Turkish minister for foreign affairs in which you remonstrate against the closing and request that orders be telegraphed for the reopening of the school, and that stringent instructions be sent to prevent any further interference with existing American institutions.

It is hoped that the conjecture with which you conclude your dispatch, namely, that "this school may turn out to be one of purely native Protestant institutions which, as Mr. Leishman stated in his dispatch No. 1275, of February 7, page 2, are now admitted by the missionary representative at Constantinople to have been erroneously included in the long list of genuine American institutions filed with the Porte," may not prove to be the fact; but even in that case the Porte should consult the legation and adduce proof before taking steps to close a listed American school.

I am, etc.,

ELIHU ROOT.

Chargé Jay to the Secretary of State.

No. 1360.]

AMERICAN LEGATION,
Constantinople, April 19, 1906.

SIR: I have the honor to inclose copy and translation of a note received from the Sublime Porte, in which it is stated that the permission requested by the legation in August, 1905, for the erection of two new buildings at the Salonica Industrial School can not be granted.

I beg to inclose also my reply in which I confirm the legation's note No. 669, of March 3, 1906, by which Mr. Leishman took the position that as no objections had been raised by the Sublime Porte during the six months following the legation's application, it was considered that this permission had been granted and the missionaries had been so informed.

The department is aware that by the terms of the French Mytilene settlement it was agreed that the embassy should apply for permission for all new French schools, and that if no written objections

were received during the six months following the application, that permission should be considered to have been granted.

The French embassy has, I am informed, only made use of this agreement in one case so far, namely, in the case of a school for which the six months' objection period has lately elapsed. The Dragoman of the French embassy charged with this school question has, however, privately stated that it was feared that the Turkish Government might try to block the construction of such new schools in an indirect way, such as threatening the native workmen employed in their construction.

This is precisely what appears to have happened in the case of our school at Cesarea. An application for permission for the construction of new buildings at this school was made by the legation on March 8, 1905, which permission the legation informed the Sublime Porte on February 5, 1906, was considered to have been granted, considerably over six months having elapsed since the filing of the application without any objection having been raised.

I to-day received a telegram from Doctor Wingate, head of the school at Cesarea, reading as follows:

AMERICAN MINISTER,
Constantinople.

In accordance with your letter No. 922 of February 12, 1906, we began the building, but the workmen have been intimidated and the local authorities undertake to forbid our work. Please take the necessary steps.

WINGATE.

I inclose a copy of Mr. Leishman's letter referred to above and of my note to the Sublime Porte on this subject.

I have, etc.,

PETER AUGUSTUS JAY.

[Inclosure 1.—Note verbale.—Translation.]

The Minister for Foreign Affairs to Chargé Jay.

No. 64830/13.]

SUBLIME PORTE,
Constantinople, April 16, 1906.

By its note of the 28th of last August the United States legation was good enough to request that two fields situated in the village of Kapoudjilar at Kemerîé, Salonica, and bought by the benevolent society, the American Bureau, be registered in the name of this society and that the necessary authorization be granted for the construction on these fields of two buildings to serve as industrial and agricultural schools.

The Sublime Porte did not fail to request of the governor-general of the Vilayet of Salonica information on this subject.

In reply His Excellency Reouf Pasha stated that on the above-mentioned ground there existed already the school which, having been opened without permission, has been the cause of the imperial ministry's notes of December 17, 1904, No. 59372/36, and of May 13, 1905, No. 61113/15.

As the village of Kapoudjilar is inhabited exclusively by Greeks the carrying on of this school, in which the teaching is carried on in Bulgarian, would give rise, in view of the dissensions existing between their two communities, to serious inconveniences.

For these reasons the imperial ministry begs the United States legation to kindly transmit to the above-mentioned society the necessary orders to give up their intention of building the schools in question and that it proceed to close the one actually in existence.

[Inclosure 2.]

*Chargé Jay to the Minister for Foreign Affairs.*AMERICAN LEGATION,
Constantinople, April 18, 1906.

YOUR EXCELLENCY: I have the honor to acknowledge the receipt of the imperial ministry for foreign affairs note of April 16, 1906, No. 64830/13, in which the legation's note, No. 585, of August 28, 1905, which requested that permission be granted for the construction of two new buildings for the American Industrial School near Salonica is acknowledged, and which now notifies the legation that this request can not be granted.

In reply I would respectfully draw your excellency's attention to the legation's note 669, of March 3, 1906, in which the legation had the honor to inform the imperial ministry for foreign affairs that, in view of no objections having been raised by the Sublime Porte during the period of six months provided for after the application, the desired permission was considered to have been granted.

I now beg to confirm the above-mentioned note of the 3d of March, 1906, and to respectfully inform your excellency that I can not discuss any objection raised at this late day.

I trust that it will not be necessary for me to report to my Government that the Imperial Ottoman Government, notwithstanding its repeated assurances and guarantees that American institutions in Turkey would not be treated on a less favorable basis than similar institutions belonging to other nations, has now decided to deny them this right which is enjoyed by others.

I take, etc.,

PETER AUGUSTUS JAY.

[Subinclosure—Note verbale.]

*The American Legation to the Minister for Foreign Affairs.*AMERICAN LEGATION,
Constantinople, March 3, 1906.

The American legation in its notes of August 28, 1905, requested the Sublime Porte to take the necessary steps to obtain the high firman necessary for the construction of two new buildings for the American Industrial School on the locality known as Kapoudjilar, at Kelmeriyé, Salonica.

By the fact that six months have passed since that date and that no objections have been raised by the Sublime Porte, it is considered that, in conformity with the mode of action agreed upon with the French embassy, the permission for the erection of the said buildings is granted.

And whereas the Sublime Porte has repeatedly declared and guaranteed that no different mode of action or treatment will be adopted than that adopted toward similar institutions belonging to other friendly powers, naturally and clearly all rights, immunities, and privileges granted to institutions belonging to other governments are equally extended and applied to American institutions. Therefore, no objection having been raised within the said period of six months, as stated above, considering that permission to build has been granted, this legation has so informed the American missionaries residing in Salonica; and it now requests the Sublime Porte to kindly give the necessary orders to whom it may concern that the local officials should not interfere with or prevent the said construction according to the plans that have been submitted (inclosed in the above-mentioned note of the 3d of March, 1906).

[Inclosure 3.]

*Chargé Jay to the Minister for Foreign Affairs.*AMERICAN LEGATION,
Constantinople, April 19, 1906.

YOUR EXCELLENCY: I have the honor to confirm the notes of this legation numbered 512 and 649 of March 8, 1905, and February 5, 1906, respectively.

In its note of March 8, 1905, the legation requested the correction of registers of certain American mission property at Cesarea and that permission be granted

for the construction of a building for the boys school and of a house for the residence of the director of the school.

In its note of February 5, 1906, the legation had the honor to inform the Sublime Porte that more than six months having elapsed since the original application, and the Sublime Porte having raised no objection to the construction of these buildings, it was considered that in conformity with this right enjoyed by institutions belonging to other nations and with the principle of equality of treatment repeatedly recognized by the Sublime Porte in favor of American institutions, permission was granted to carry on the construction of the desired buildings. This legation further requested that the necessary instructions be given in order that any interference on the part of the local authorities might be avoided.

I now regret to be obliged to inform your excellency that I have received a telegram from the director of the school at Cesarea stating that the local authorities are stopping the work of construction and intimidating the workmen.

If necessary instructions have not already been sent to the authorities in Cesarea, I have now to request your excellency to cause telegraphic orders to be sent directing the authorities to refrain from any further interference.

The missionaries in Cesarea having already purchased their building material and made other preparations, any delay in this matter will entail pecuniary as well as other losses to the American mission.

I have, etc.,

PETER AUGUSTUS JAY.

[Inclosure 4.]

Minister Leishman to Doctor Wingate.

No. 922 Misc.]

AMERICAN LEGATION,
Constantinople, February 12, 1906.

SIR: In reply to your letter of January 26, 1906, I beg to advise that the legation's note to the Porte regarding the proposed new building for the mission at Talas, which was withheld for a number of weeks on account of the possible bad effect it might have on other pending matters pertaining to the mission, has finally been sent in.

As you will observe from the inclosed copy of note addressed to the Porte, the legation assumes that as the Porte has failed to offer any proper objection within the six months period, the right to proceed with the construction of the proposed building has been tacitly admitted, and will insist upon this point being respected.

As this is the first case where the legation has been called upon to claim for American institutions the rights acquired by the French respecting the erection of new buildings, I am not in position to guarantee that more or less trouble will not be experienced when attempting to enforce these acquired rights, but in case the local officials should make any attempt to restrain you from proceeding with the construction of the new building kindly inform the legation at once.

Trusting that my fears may prove groundless and that you will experience no further difficulties in the prosecution of your work,

I am, etc.,

JOHN G. A. LEISHMAN.

The Acting Secretary of State to Chargé Jay.

No. 1081.]

DEPARTMENT OF STATE,
Washington, May 5, 1906.

SIR: I have to acknowledge the receipt of your dispatch, No. 1360, of the 19th ultimo, inclosing a copy of a note from the Sublime Porte in which it is stated that the permission requested by the legation in August, 1905, for the erection of two new buildings at the Salonica Industrial School can not be granted. You also report that the work of putting up buildings for the American missionary

school at Cæsarea had begun, but that the workmen were intimidated by the local authorities and the work stopped.

The department approves your answer to the Porte, in which you stated that you could not discuss any objection raised at this late date, in view of the fact that as no objections had been raised by the Porte during the six months after the application had been made, as provided by the Mitylene agreement, it was considered that the permission had been granted and the missionaries had been so informed.

You will insist on the point made by you being respected.

I am, etc.,

ROBERT BACON.

Chargé Jay to the Secretary of State.

[Extract.]

No. 1393.]

AMERICAN LEGATION,
Constantinople, May 17, 1906.

SIR: Referring to my dispatch, No. 1360, of April, 1906, on the subject of the difficulties in connection with the American school at Cæsarea, I have the honor to inclose copy of a telegram received by me yesterday from Doctor Wingate, the director of the school, stating that the local authorities have threatened to seize the school property by force.

I inclose also copy of a note upon this subject handed by me to-day personally to the minister for foreign affairs.

In interviews which I have had to-day with the grand vizier and the minister for foreign affairs, they both denied that any orders have been sent to seize the school property, and assured me that the entire matter will be given careful attention.

I have, etc.,

PETER AUGUSTUS JAY.

[Inclosure 1.]

Mr. Wingate to Chargé Jay.

[Telegram.]

TALAS, CÆSAREA, *May 16, 1906.*

Referring to my letter of May 6 to Mr. Peet: Yesterday, under pretext that they had received orders from Constantinople for a second time, they (the authorities) declared that they will deposit with the Ottoman Bank the equivalent of the value of the property and our expenses and seize by force. I replied that without receiving orders from the minister or from our society we can give no reply. Whatever may happen afterwards I will inform by telegraph.

WINGATE.

[Inclosure 2.]

Chargé Jay to the Minister for Foreign Affairs.

No. 715.]

AMERICAN LEGATION,
Constantinople, May 17, 1906.

YOUR EXCELLENCY: I have the honor to confirm my note of the 19th of April, No. 700, in regard to the correction of titles and to the construction of the Boys' American School and director's residence in Talas Cæsarea.

I had the honor to inform your excellency that the director of the school had reported that the local authorities were stopping the work of construction and intimidating the workmen. I had therefore requested your excellency to cause telegraphic instructions to be sent directing the authorities to refrain from any further interference.

I now much regret to have to inform your excellency that I have received another telegram from the director of the school, dated May 13, 1906, and delivered to this legation on the 16th of May, 1906, whereby he states that the local authorities, under pretense of acting in conformity with orders from Constantinople, have told him that they will deposit the equivalent of the value of the property and of the building material in the Imperial Ottoman Bank and will seize by force the said property. I beg to inclose a copy of the above-mentioned telegram.

This legation can not believe for a moment that the Sublime Porte has contemplated such unwarrantable action on the part of the local authorities, as I need not point out to your excellency that the most serious consequences might result from the seizure by force of American mission property.

I find myself, nevertheless, obliged to confirm the notes of this legation of the 5th of February and 19th of April last, numbered respectively 649 and 700, and once more to request your excellency to kindly cause telegraphic orders to be sent to the authorities at Cæsarea to cease interfering with the construction of the buildings in question.

I take, etc.,

PETER AUGUSTUS JAY.

The Secretary of State to Chargé Jay.

[Extract.]

No. 1098.]

DEPARTMENT OF STATE,
Washington, June 8, 1906,

SIR: I have to acknowledge the receipt of your dispatch, No. 1393, of the 17th ultimo, inclosing a copy of your note of that date to the Turkish minister for foreign affairs, regarding the threat of the local authorities at Cæsarea to seize the American school property there by force.

In instruction No. 1081, of the 5th ultimo, which evidently had not reached you when your No. 1393 was written, you were directed to insist on the point made by you regarding the "six months in which to object" being respected.

I am, etc.,

ELIHU ROOT.

Ambassador Leishman to the Secretary of State.

No. 31.]

AMERICAN EMBASSY,
Constantinople, September 14, 1906.

SIR: As an illustration of the numerous cases which are constantly being brought to the attention of the embassy, and which it is often possible to settle with the local authorities without referring to the central government at Constantinople thereby saving much delay and hardship for the interested parties, I have the honor to bring to the notice of the department the copies of a recent exchange of correspondence with the consul at Trebizond, having reference to the attempt made by the customs officials in that port to levy duties on articles intended for the use of missionaries in the interior. As will be seen from inclosure No. 4, the notice of the embassy was likewise called to this by the British consul at Erzeroum, who had in turn been informed by the British vice-consul at Van, both of whom have

charge of American interests in these localities. I merely mention this in order to call attention to the number of occasions arising in which we are indebted to the English consular representatives in default of our own for information and assistance. As will be seen, the stand I took in instructing our consul at Trebizond, who had charge of the affair, was to insist on equality of treatment with the citizens of other nations in the matter of customs immunities for American citizens engaged in missionary work in the Ottoman Empire, and I have expressed my gratification to Mr. Jewett at his successful termination of this incident.

I am, etc.,

JOHN G. A. LEISHMAN.

[Inclosure 1.—Telegram.]

Consul Jewett to Ambassador Leishman.

AMERICAN CONSULATE,
Trebizond, August 7, 1906.

Douane claims word missionary means a priest, and demands duty on the American missionary women's clothing and also on personal things not of priestly character. Van boxes detained on that ground.

JEWETT.

[Inclosure 2.—Telegram.]

Ambassador Leishman to Consul Jewett.

AMERICAN EMBASSY,
Constantinople, August 9, 1906.

The embassy can not accept the new interpretation given by the local Douane officials to the word missionary, and you will kindly ask the director of customs to furnish you with his warrant for attempting to change the customs privileges which have been accorded to American missionaries for so many years. All we ask in the way of customs immunities for American citizens engaged in missionary work in the Ottoman Empire is equality of treatment, and while we have no desire to ask for more we can not accept less.

LEISHMAN.

[Inclosure 3.]

Consul Jewett to Ambassador Leishman.

AMERICAN CONSULATE,
Trebizond, Turkey, August 8, 1906.

EXCELLENCY: I have the honor to confirm my telegram of the 7th instant, as follows: (Supra.)

In explanation I have to say that the custom-house authorities are demanding duty on a number of things destined for the American missionaries at Van, two ladies' hats, two or three pairs of gloves, some photographs and photographic material, etc., on the assumption that only things suitable for priests are to be admitted free of duty.

We have tried to convince the director and the inspector of the custom-house that such an interpretation of the law is untenable, but having failed I telegraphed to your excellency as above.

It appears that the customs authorities are making trouble for our missionaries in many places. At Van Doctor Usher informs me they demanded a deposit on mission boxes that had passed the custom-house at Trebizond, and now say they have instructions from Erzerum to keep the deposit. They have collected, at Van, duty on drugs for the mission dispensary and hospital, on the hardware for the new mission house, and on a scroll saw for the orphan-

age. At Erzerum they have reinspected and injured hams and other food products, opened canned goods, and collected some duties on goods that had passed the custom-house at Trebizond.

At Samsoun the Marsovan missionaries were compelled to pay duty on a gas engine for the use of the industrial department of the college, and duty was demanded last week on carpenters' tools, chair irons, turning and iron-working tools, etc., all intended for the industrial department of the mission.

Most of these demands are made on the basis of the assumption that only those things that are of a priestly nature are exempted from customs duties.

I hear that the French Sisters of Charity have had some similar trouble recently.

It looks as though the custom-house authorities had recently received some new instructions touching missionary goods.

As this seems to be a matter of principle of some importance and one which we have been unable to settle satisfactorily here, I referred it to your excellency.

I am, etc.,

MILO A. JEWETT.

[Inclosure 4.]

[Telegram from His Britannic Majesty's consul at Erzeroum, received by the British embassy at Constantinople and forwarded to the American embassy August 14, 1906.]

His Majesty's consul at Erzeroum telegraphs under date of August 14 for the information of the United States embassy that the acting vice-consul at Van has reported that the custom-house there, on pretext that the Turkish Government has not recognized the American dispensary at Van, refuses to allow medicines and goods belonging to the missionaries to pass until duty has been paid on them.

Mr. Shipley has called upon the vice-consul to furnish a report on the subject and suggests that it may be advisable in the meantime to instruct the missionaries to pay the duty under protest if the goods are urgently required.

[Inclosure 5.]

Ambassador Leishman to Consul Jewett.

AMERICAN EMBASSY,
Constantinople, August 16, 1906.

SIR: I have to confirm my telegram to you of the 9th instant, reading as follows: "The embassy can not accept the new interpretation given by the local Douane officials to the word missionary, and you will kindly ask the director of customs to furnish you with his warrant for attempting to change the customs privileges which have been accorded to American missionaries for so many years. All we ask in the way of customs immunities for American citizens engaged in missionary work in the Ottoman Empire is equality of treatment, and while we have no desire to ask for more we can not accept less."

If you have been unable to settle this question with the local authorities, it would be best to advise the American dispensary at Van, in case they are in urgent need of the medicines and goods belonging to the missionaries, to pay under protest the customs duties on the same. Should you then not succeed in reaching a satisfactory conclusion with the customs officials you will notify the embassy and I will take up the matter with the Sublime Porte.

I am, etc.,

JOHN G. A. LEISHMAN.

[Inclosure 6.]

Ambassador Leishman to Consul Jewett.

AMERICAN EMBASSY,
Constantinople, August 20, 1906.

SIR: As on the 16th instant I wrote to confirm my telegram to you of the 9th instant with reference to the difficulties encountered in passing missionary

property through the customs at Trebizond, I will suspend further instructions on this subject until I again hear from you as to the present status of the case and of the success of your efforts to settle the matter in question. In your dispatch of the 8th instant, however, you signal numerous fresh difficulties in connection with the property of our missions. I will ask you to ascertain with reference to the same whether the Turkish authorities object to all articles imported for missionary use or only to certain specified ones and to let me know regarding same.

I am, etc.,

JOHN G. A. LEISHMAN.

[Inclosure 7.]

Consul Jewett to Ambassador Leishman.

AMERICAN CONSULATE,
Trebizond, September 8, 1906.

SIR: I have the honor to acknowledge the receipt of your excellency's telegram dated August 9, 1906, in regard to difficulties of missionary boxes at the custom-house, also your dispatches No. —, dated August 16, 1906, confirming the above telegram, and No. 9, dated August 20, 1906, on the same subject.

Thanks to your excellency's telegram and after a series of pourparlers and a great deal of effort I succeeded in having all the missionary boxes pass the custom-house free of duty except five boxes of drugs for the Erzeroum mission that are still detained at the custom-house pending the receipt of instructions asked from Constantinople.

The custom-house authorities here pretend to have received recent instructions from Constantinople not to let anything addressed to the missionaries pass the custom-house free of duty which is not of a character fit for a religious institution and religious people. In the beginning, according to their judgment, gloves, ladies' hats, photographs, photographic material, and several other articles of the kind were subject to duty.

We have finally arrived to make them understand (I do not know for how long it will last) that our missionaries differ from other religious denominations, that they are with their families and that their way of living does not differ from that of people in civil life, and consequently such articles are necessary for them.

It seems the objection still remains for drugs in quantity and for goods in a certain quantity, as, for instance, building material, unless there is an official permit for a new building, screws, hinges, tools, etc., for the industrial departments of the mission schools, and any other article that seems to them inappropriate for the personal use of the missionaries.

I am, etc.,

MILO A. JEWETT.

The Secretary of State to Ambassador Leishman.

DEPARTMENT OF STATE,
Washington, October 8, 1906.

SIR: I have to acknowledge the receipt of your dispatch No. 31, of the 14th ultimo, reporting that, under instructions from you, the consul at Trebizond secured the settlement, without the necessity of referring the matter to the central Government at Constantinople, of a dispute regarding the levying of duty at Trebizond on goods imported for American missionaries in the interior.

The department joins with you in gratification at the successful termination of the incident.

I am, etc.,

E. ROOT.

MISSIONARIES' RIGHT TO TRAVEL IN TURKEY.

Ambassador Leishman to the Secretary of State.

[Extract.]

No. 63.]

AMERICAN EMBASSY,
Constantinople, October 18, 1906.

SIR: I have the honor to bring to your attention the difficulties lately experienced by certain of our missionaries traveling in the interior of Asia Minor. While these cases appear, fortunately, to be sporadic and any discrimination against our missionaries is denied at the Sublime Porte, at the same time the fact that they have occurred at all and the persistence of the local authorities in their restrictive action makes it incumbent for me to warn the department that the occurrence of such cases, especially under certain conditions, is far from improbable.

The first of these cases concerns Mr. James L. Fowle, who has been for many years connected with the mission at Talas, Cesarea, who is well spoken of by everyone knowing him, and who is familiar with the country. Mr. Fowle has lately been stopped at Angora while on his way to certain localities in connection with his mission work, and in spite of the action of the French consul, whose good offices were exercised in his behalf, he has thus far been prevented from proceeding on his journey. I have made repeated representations at the Sublime Porte with regard to him, and when lately I saw the grand vizier he dictated, in my presence, a telegram instructing the vali to permit Mr. Fowle to travel when and where he wished in the vilayet. But in spite of this, and for no apparent reason, the prohibition appears to have been not yet removed. If I find all other resources without avail, I shall shortly advise Mr. Fowle to travel on the strength of his American passport, after serving notice on the vali that he will be held strictly accountable and responsible for any injury which may befall him, and informing him of the time of his departure, the route he intends to take, and the locality of his destination, a source of action I adopted a few years ago when similar difficulties were encountered by Mr. Cole, of Bitlis.

The other case concerns Mr. McDowell, of the American mission at Van, who has been refused permission to travel in that neighborhood, although such permission was granted within the last few months to Mr. Cole and Miss Ely and others, who encountered no difficulties at the hands of the authorities. (See inclosure 1.) The vali at Van, however, has notified the British vice-counsel, Captain Dickson, who has charge of our interests at Van, that he was forbidden from Constantinople to allow American missionaries to travel in the vilayet. In connection herewith the department is, of course, aware that the work of our missions is essentially among the native Christian population, and that where this population is chiefly Armenian it is almost unavoidable that suspicion fall on our missionaries. Turkish rule is essentially military rule, and almost necessarily so, since the Turks form everywhere, save in two vilayets, a numerical minority.

It is therefore not altogether surprising that as our missionaries work so largely among a disaffected portion of the population that they, too, be regarded with apprehension. And as for some time past the governors of Mosul, Bitlis, and Mush have been complaining to Constantinople that American missionaries from Van, whom

they allege to be a disturbing influence, have been allowed to travel in their districts, certain orders, the exact nature of which I have not yet been able to ascertain, have been sent to the vali of Van, who was and still is well disposed, ordering him to prohibit their traveling in his vilayet. It is most unfortunate that Mr. McDowell, whose work lies among the Assyrian Nestorians of Hakkari, who are not revolutionaries and against whom no complaint is made, should have been singled out in this prohibition. I am doing my best to have the restriction removed in his case, as in that of Mr. Fowle, and will continue to keep the department informed of any developments which may occur.

I have, etc.,

JOHN G. A. LEISHMAN.

[Inclosure.]

Mr. Geary to Ambassador Leishman.

H. B. M. VICE-CONSULATE,
Bitlis, September 25, 1906.

SIR: With reference to your excellency's inquiry addressed through Mr. Consul Shipley as to the obstructions placed in the way of American missionaries wishing to travel, I have the honor to report that so far there have been no difficulties raised in this vilayet. During this summer Mr. Cole and Miss Ely paid a visit to outlying stations on Van Lake without let or hindrance, and the government has provided zaptiehs to escort two other American missionaries who passed through Bitlis. In these circumstances I should be inclined to deprecate any action being taken in this vilayet unless difficulties are subsequently encountered by the American missionaries here.

I have, etc.,

ARTHUR B. GEARY.

The Acting Secretary of State to Ambassador Leishman.

[Extract.]

No. 72.]

DEPARTMENT OF STATE,
Washington, November 12, 1906.

SIR: I have to acknowledge the receipt of your dispatch No. 63, of the 18th ultimo, reporting the refusal of the Turkish authorities in Asia Minor to deliver teskerés to the Rev. James L. Fowle and Mr. MacDowell, and the action taken by the embassy in the matter.

The department commends your efforts to obtain travel permits for American missionaries. You should continue to remonstrate urgently against placing all American missionaries under a ban, thus implying a national discrimination in which we can not acquiesce.

I am, sir, etc.,

ROBERT BACON.

Ambassador Leishman to the Secretary of State.

[Extract.]

No. 68.]

AMERICAN EMBASSY,
Constantinople, October 23, 1906.

SIR: With reference to my dispatch, No. 63, of the 18th instant, in which I had the honor to inform you of the difficulties experienced

by Mr. Fowle and Mr. MacDowell, two of our missionaries, while traveling in the interior of Turkey, I beg to inform the department that I am in receipt of the following telegram from Mr. Fowle, informing me that the awaited permission has been granted him:

With the permission of the local authority I am going to Istanos and we are thankful to you.

FOWLE.

It is peculiarly gratifying to the embassy that the exercise of a patient pressure sufficed to bring about this result.

I have, etc.,

JOHN G. A. LEISHMAN.

STAMP TAX LAW.

Minister Leishman to the Secretary of State.

[Extract.]

No. 1310.]

AMERICAN LEGATION,
Constantinople, March 6, 1906.

SIR: I beg to inclose herewith, for the information of the department, copy of a circular note issued by the Sublime Porte preparatory to the promulgation of the new stamp law.

While the proposed law, which has been under discussion for the past year, has been materially modified, and many of the objectionable features eliminated, I have, in furtherance of the policy already outlined to the department, notified the minister for foreign affairs that the legation was not in position to recommend its acceptance on account of the failure of the Sublime Porte to put its numerous promises and agreements into practical execution. (See copy of legation's note to the Porte inclosed herewith.)

I can already see signs of activity at the Porte which lead me to believe that we may expect favorable action upon a number of our pending cases in the very near future.

I have, etc.,

JOHN G. A. LEISHMAN.

[Inclosure 1.—Circular note verbale.—Translation.]

The Minister for Foreign Affairs to Minister Leishman.

SUBLIME PORTE,
Constantinople, February 26, 1906.

The imperial ministry for foreign affairs has the honor to forward herewith to the legation of the United States, with its French translation, the modified text of the stamp law which has just been sanctioned by an irade of His Imperial Majesty the Sultan.

As the legation of the Republic will be good enough to notice on reading this text, the modifications which have been introduced pay great attention to the suggestions made by the foreign missions in their last identic note verbale.

The Imperial Government has also caused to be eliminated from the text of the said law the Nos. 96 and 115 of the tariff of fixed rates concerning the stamps to be affixed to signboards and playing cards. After careful examination of the opinions brought forward the Imperial Government is, however, still of the opinion that the taxes pertaining to it would not have constituted a license tax, or a surcharge on the customs duties, but in fact a real stamp tax, such as is understood and practiced in many other countries.

Hoping, therefore, that a further examination of these points will induce the foreign missions to admit its true character, the Sublime Porte does not insist any further under present circumstances, and reserves for itself to make this the occasion of a distinct proposition in the future.

In regard to the stamp called "of the Hedjaz Railroad," the imperial ministry, basing itself upon its previous communications upon this subject, begs to declare that considering the temporary character of this stamp and the humanitarian object to which its proceeds are destined, it appears to it inopportune to connect this point to the stamp law; and it hopes that the foreign missions will kindly agree to its point of view in this matter.

They (the foreign missions) will kindly notice also the additional provision to article No. 21 and the total suppression of article 26, which could not, however, as has been previously explained, have in view any but Ottoman companies.

By this additional provision and this suppression the Imperial Government has wished to avoid any misunderstanding and to do away with the idea of a possible differential treatment.

No. 50 of article 28 in the text of the law has been changed according to the spirit of the desires expressed by the foreign missions. The verifications mentioned in chapter 6 of the law being essential for the safety of its execution, the Imperial Government has not been able to introduce any modifications.

However, in order to give the missions concerned the possibility of examining this important question, the Imperial Government has transmitted to the administration of the public debt orders not to put these measures into execution with regard to foreign establishments until a complete agreement be arrived at on this subject.

Consequently the imperial ministry considers it its duty to reserve this point for further discussion with the firm hope that the United States legation will then admit the justice and utility of the verifications.

The preceding explanations show sufficiently the scrupulous care that the Imperial Government has taken to take into account the suggestions made by the foreign missions in regard to the modifications to be introduced in the text of the law 1322. [Hegira.]

The ministry hopes that the United States legation will appreciate at its proper value the modifications so introduced, and that it will be good enough to insure its execution as far as it is concerned within the period prescribed in article 81 of the law.

P. S.—The printing of the inclosures not being yet finished, they will shortly be transmitted to the United States legation under separate cover.

[Inclosure 2.—Note verbale.]

Minister Leishman to the Minister for Foreign Affairs.

AMERICAN LEGATION,
Constantinople, March 3, 1906.

The American legation has the honor to acknowledge the receipt of circular note verbale issued by the imperial ministry for foreign affairs, under date of February 28, 1906, No. 64311/18, relative to certain modifications which the Sublime Porte desires to introduce into the present stamp act.

As it appears from a supplement of above-mentioned note that the matter is not yet in shape to present to the foreign missions for approval on account of the delay in printing, the legation is not in a position at present to express an intelligent opinion of the proposed measure from an academic standpoint; and even if the text of the proposed act was at hand, the legation could not consistently recommend to its Government the granting of favors while the rights of American citizens and institutions are being withheld.

The legation therefore, notwithstanding its good will and kindly disposition, is prevented from recommending to its Government the granting of favors such as this or the proposed increase of 3 per cent in the customs duties until such time as the numerous undertakings of the Sublime Porte are put into practical execution, and American citizens, commerce, and institutions are treated upon exactly the same basis as those of the most-favored nation.

Under these circumstances the legation has to inform the Sublime Porte that in the absence of a previous agreement with the American Government any attempt upon the part of the Imperial Ottoman authorities to apply the proposed stamp act or any other increased duty whatsoever to American citizens, commerce, or institutions will be regarded as a violation of treaty rights, and the legation takes this occasion to lodge a formal protest with the Sublime Porte against any such action.

The Acting Secretary of State to Chargé Jay.

No. 1065.]

DEPARTMENT OF STATE,
Washington, April 9, 1906.

SIR: I have to acknowledge the receipt of Mr. Leishman's dispatch No. 1310, of the 6th ultimo, inclosing a copy of his note verbale to the Porte in answer to its circular note verbale of February 28 last regarding the desire of the Porte to put into operation the new stamp law.

You will report what indications there may be of the Turkish Government taking Mr. Leishman's hint that we can hardly be expected to grant a substantial favor while substantial compliance with our just demands is withheld and while the repeated promises of the Porte in that regard remain unfulfilled.

I am, etc.,

ROBERT BACON.

INCREASE OF STORAGE TAX ON PETROLEUM.

The Acting Secretary of State to Minister Leishman.

No. 998.]

DEPARTMENT OF STATE,
Washington, January 31, 1906.

SIR: The department is in receipt of a dispatch^a dated the 28th ultimo from Consul-General Bergholz, of Beirut, Syria, inclosing copy of his dispatch No. 37, of the same date, addressed to your legation, forwarding a complaint from the firm of Messrs. Mourgue d'Algue and Dadre, extensive importers of American petroleum at Beirut, in relation to new regulations approved by an imperial irade, increasing the tax on the storage of petroleum in the municipal warehouses from 3 piasters (\$0.132) a case per annum—2 piasters (\$0.088) being refunded on each case shipped into the interior—to 1½ piasters (\$0.066) per case for the first month and 1 piaster (\$0.044 for each additional month.

The complainants, in their letter of December 21, 1905, to Mr. Bergholz, copy of which is in the files of your legation, claim that the new system of a monthly rate will be especially injurious to the trade in American oil "by the necessity which will be laid on the said trade to import petroleum in small quantities while the importation of American petroleum can only be made in large cargoes for reasons of economy and freighting." They also complain of the lack

^a Not printed.

of precision in the fifth article regulating exemption from tax of petroleum oils declared for transit.

Referring to the statement of the complainants that the new rate represents a more than fourfold increase, it is assumed that the former rate of 3 piasters a case per annum was payable at that rate for fractional periods of a year according to the time of storage. This being the case, it becomes of interest to learn the average length of time American oil remains in storage at Beirut; for if this be only two or three months the grievance is affected proportionately. It is also important to know whether the prevailing method of importing and handling the competing oil of Russian origin will give that product a commercial advantage in the markets of Syria under the new regulations, whereby the same would involve a virtual discrimination against the American product.

In case you have not already done so, you are instructed to clear up these and any other doubtful points by correspondence with Consul-General Bergholz, and then, in case the results of your investigation tend to corroborate the claim of the complainants that the new regulations will affect injuriously American trade in petroleum, to represent to the Turkish Government the injustice of such restrictions upon any important branch of our export trade, urging especially that the provisions of the fifth article be made more precise.

I am, etc.,

ROBERT BACON.

Minister Leishman to the Secretary of State.

No. 1286.]

AMERICAN LEGATION,
Constantinople, February 15, 1906.

SIR: I have to acknowledge the receipt of the department's dispatch No. 998 of January 31, 1906, concerning a complaint addressed to the legation through the consulate-general at Beirut by Messrs. Mourgue d'Algue and Dadre, in relation to the new regulation imposed by the Turkish Government which materially increases the storage charges on petroleum.

The complaint is based upon the recent action of the Turkish Government in establishing central storage depots in the populous centers, under government control, presumably for the better protection of the municipalities, but in reality as a new source of revenue for a rather depleted treasury.

There is no evidence of discrimination, as the law applies equally to all petroleum and other highly inflammable materials, and there is no evidence to show that the regulation would prove especially injurious to American petroleum traders.

As the petroleum in question has long since passed out of American hands, it having been sold originally in bulk to an Italian firm, and by them put up in tins and resold to Messrs. Mourgue d'Algue and Dadre, who are under German protection, I simply instructed Consul-General Bergholz to advise them to await instructions from the German embassy, and I understand that the ambassador has taken the matter up actively.

Since the opening up of the Russian oil fields, the sale of American oil in Turkey has become very spasmodic, as the policy of the American companies appears to favor leaving this territory to the Russians in preference to having other territory invaded by the Russian oil, which, although very inferior in grade, is sold much cheaper, so that about the only American petroleum that is sold here regularly is what is consumed by the light-house service, which declines to use the poorer grade from Russia.

Conditions for the past year, however, have been exceptional, owing to the great falling off in production in the Russian fields on account of the destruction of property by the revolutionists which has brought about a forced demand from America, and as the leaders foresaw a great advance in the price of oil on account of these conditions they laid in heavy stocks, and the action of the Turkish Government in imposing increased storage charges has naturally caused considerable anxiety, as their profits would thus be greatly reduced.

When the question of establishing government storage depots was first brought to the attention of the legation last spring, I immediately addressed a note to the Porte protesting against the conditions of the proposed law on the ground that the new regulation practically amounted to the establishment of a new monopoly and an indirect increase in the customs dues, both of which being contrary to the treaty agreements. (See legation's dispatch No. 1074 of May 27, 1905, with inclosures.)^a

The action taken by the legation is receiving the support of the Russian and other embassies, and pending a final adjustment I have confined myself with filing another protest with the Sublime Porte as per copy inclosed herewith.

I have, etc.,

JOHN G. A. LEISHMAN.

[Inclosure.]

Minister Leishman to the Minister for Foreign Affairs.

No. 644.]

AMERICAN LEGATION,
Constantinople, January 31, 1906.

EXCELLENCY: Referring to the note which I had the honor to address to your excellency under date of May 19, 1905, numbered 553, concerning the new regulation proposed by the Imperial Majesty's Government, with a view of establishing central petroleum depots in the populous districts, I beg to advise your excellency that according to advices received from Beirut and other points, the local authorities, despite the protest contained in above note, are attempting to enforce the payment of the high assessment, which practically amounts to an increase in the customs dues and the establishment of a monopoly, which is contrary to agreement existing between the Sublime Porte and the treaty powers.

As cited in my note of May 19, 1905, the American Government would not be disposed to raise any objection to the establishment of central depots, whether by municipalities or by private enterprise, for the storage of petroleum for the better protection of the different municipalities providing the charges were limited to the cost of proper administration of such establishments, but as the charges proposed in the new regulation are very much in excess of the actual requirements of properly conducted storage depots, the proposed regulation in its present form must be viewed as a revenue measure which indirectly increases the agreed upon customs dues, against which the legation is compelled to renew its protest.

^a Printed in Foreign Relations, 1905, page 878.

Under these circumstances I am compelled to instruct the several consulates that the charges proposed are contrary to agreements existing between our two Governments, and the legation reserves the right to file a claim hereafter for all charges that may be improperly assessed upon American petroleum, whether collected directly or indirectly.

I take this occasion to renew to your excellency, etc.,

JOHN G. A. LEISHMAN.

PETITIONS FOR RELEASE FROM PERSONAL TAXATION.

Minister Leishman to the Secretary of State.

No. 1280.]

AMERICAN LEGATION,
Constantinople, February 10, 1906.

SIR: Referring to the department's No. 708 of October 10, 1904, inclosing copy of a petition addressed to the Sultan by Moses B. Harutun, the original having been given to the Ottoman legation at Washington, in which exemption from personal taxes is prayed for, I have the honor to inclose copy and translation of a note received from the Sublime Porte upon this subject.

The applicant should be instructed to address himself to the Ottoman legation at Washington should he wish to follow the advice contained in the inclosed note.

I have, etc.,

JOHN G. A. LEISHMAN.

[Inclosure.—Note verbale.—Translation.]

The Minister for Foreign Affairs to Minister Leishman.

SUBLIME PORTE,
Constantinople, February 3, 1906.

The ministry for foreign affairs has received with its inclosure the note verbale which the United States legation has been good enough to send it on October 22, 1904, No. 467, concerning the request of a certain Moses Baghdonian Harutun to obtain exemption from all personal taxes in Turkey.

As according to the advices furnished by the governor-general of the Vilayet of Aleppo the above-mentioned individual is indebted to the treasury for the sum of 1,850 piasters for military service exemption and taxes and "temettu" taxes for the years 1300-1322 (Turkish style). The imperial ministry before taking a decision on his behalf begs the United States legation to kindly request him to pay his debts.

Ambassador Leishman to the Secretary of State.

No. 80.]

AMERICAN EMBASSY,
Constantinople, November 2, 1906.

SIR: I have the honor to acknowledge the receipt of your instruction No. 53^a of the 18th ultimo with reference to the petition of George Kanavuts to be relieved from personal taxation in the Ottoman Empire, and to inform you that I am transmitting a copy of the same to the Sublime Porte. I beg leave to state, however, that the Porte prefers that similar petitions be handed to the Turkish minister

at Washington, a copy only being forwarded to the embassy for transmission to the minister of foreign affairs.

For the department's further information I must state that such petitions in recent years have almost invariably been pigeonholed at the Porte without further action being taken. The personal tax in question is what is known as the military exemption tax, which is cheerfully paid by all non-Moslem inhabitants of the Empire, as it is in lieu of service in the army. This tax, which amounts to about \$1.70 a year, represents the quota owed by those who do not serve in the ranks as their share toward the yearly maintenance of a soldier. The Turkish authorities as a rule do not collect this directly from individuals, but from communities. A Christian village, for instance, is held responsible for a certain amount each year, the same being based on the size of its population. But if anyone should emigrate from such village, the tax would none the less remain the same, the village elders when necessary collecting the amount due by the emigrant from his nearest of kin. Petitions to escape taxations are therefore made with a view of avoiding this. The Turkish Government, however, hardly ever takes action in such cases, for by so doing they are not only obliged to strike the names released from off the list of taxation, but it would be also admitting the right of an Ottoman subject to change his allegiance without permission from his Government, which has not been the case since the treaty of 1869.

I have, etc.

JOHN G. A. LEISHMAN.

The Acting Secretary of State to Ambassador Leishman.

No. 93.]

DEPARTMENT OF STATE,
Washington, December 11, 1906.

SIR: In answer to your dispatch No. 80 of the 2d ultimo stating that the Porte prefers that petitions from naturalized American citizens of Turkish birth praying the Sultan to permit them to become American citizens and to release them from assessment for personal taxes in Turkey, be handed to the Turkish minister at Washington, I inclose herewith a copy of a circular to be sent by the department to persons requesting its good offices to obtain the Sultan's permission for them to become American citizens and to release them from assessment for personal taxes in Turkey.

I am, etc.,

ROBERT BACON.

[Inclosure.]

DEPARTMENT OF STATE,
Washington, ———, ———.

SIR: I have to acknowledge the receipt of your letter, dated _____, in relation to the desire of _____ to obtain release from assessment for personal taxes in Turkey.

In reply I have the honor to inform you that under the Turkish law of January 19, 1869, Ottoman subjects leaving Turkey subsequent to that time without the consent of the Sultan are regarded and treated by the Turkish Government as Ottoman subjects, even though they may have acquired a foreign allegiance. It will thus be seen that Turkey does not hold to the doctrine of

voluntary expatriation, and hence, having entered into no treaty of naturalization with the United States, does not recognize the citizenship in this country of former subjects who were naturalized after 1869 without the consent of the Sultan. That consent and release from personal taxation can be obtained by Mr. _____ only by petition to His Majesty, through _____, the minister of Turkey to the United States, whose address is _____, this city. The petition, duly sworn to, should be mailed directly to the minister, and not through this department. It should set forth the facts of the case and the circumstances under which the petitioner left his native land, and should pray the Sultan to grant permission to him to become an American citizen and to release him from personal taxation.

I am, sir, your obedient servant,

Assistant Secretary.

REMOVAL OF BODIES TO TURKEY FOR BURIAL.

The Secretary of State to Minister Leishman.

No. 1043.]

DEPARTMENT OF STATE,
Washington, March 12, 1906.

SIR: I inclose herewith a copy of a letter^a from Mr. James S. McCarthy, asking if the body of a person who died in the United States will be permitted to enter Syria, Turkey, for burial there, the dead person having died of a disease which is not contagious.

You will inquire of the Turkish Government whether the burial in Syria will be permitted; and if so, on what conditions.

I am, etc.,

E. ROOT.

Chargé Jay to the Secretary of State.

No. 1347.]

AMERICAN LEGATION,
Constantinople, April 3, 1906.

SIR: I have the honor to acknowledge the receipt of the department's No. 1043, of March 12, 1906, inclosing a copy of a letter from Mr. James S. McCarthy asking if the body of person who died in the United States will be permitted to enter Syria for burial there, the person having died of a disease which is not contagious, and under what conditions this permission will be granted.

In reply I beg to inclose translation of a letter addressed to the dragoman of this legation by the secretary of the Ottoman board of health giving the rules governing such matters.

I have, etc.,

PETER AUGUSTUS JAY.

[Inclosure.—Translation.]

The Secretary of the Ottoman Board of Health to Mr. Gargiulo.

CONSTANTINOPLE, March 31, 1906.

DEAR MR. GARGIULO: In accordance with your request, I have the honor to communicate to you the conditions required for the transport of a body.

Bodies exhumed must be placed in a lead coffin, itself inclosed in wooden bier.

^a Not printed.

The lead coffin will be made with plates of this metal at least 3 millimeters thick, thoroughly soldered together.

The exterior coffin must be made of oak or of any other wood equally solid; the walls must be at least 4 centimeters thick; they must be fastened with screws and kept in place by three clamps which can be tightened.

Bodies thus placed will be put into contact with disinfectants, in order to avoid the escape of noxious gas from the interior to the exterior.

When the disinterment is taking place, if the coffin is found to be complete and in good state of preservation, it will suffice to open it and to introduce a mixture in equal parts of well-dried sawdust and of sulphate of zinc (or of sulphate of iron). The body will be entirely covered so as to fill the lead coffin, which when closed will be placed in the wooden bier on a layer from 3 to 4 centimeters thick of the above-mentioned mixture.

If at the time of disinterment the frame is found open or deteriorated, one must, after having taken out the body or its remnants, place them in the lead coffin, on a thick layer of the mixture specified above, and cover them over as above stated, to avoid all shaking in transportation, after which the lead coffin will be soldered up.

The principal coffin must be sealed up with the health authorities' seal.

It is of course understood that the body must be accompanied by a certificate giving the name, age, sex, nature of the disease, as well as all the details of the placing the body in two coffins.

As the second wooden box in oak or other wood is generally an expensive and ornamental box, in order not to deteriorate it, it is often the custom here to place this second box in a common white wooden packing case bound with three steel hoops that may be tightened.

In this event the health authorities' seal should be affixed to both boxes.

I am, etc.

ZITTERER.

AUTHENTICATION OF LETTERS OF ATTORNEY IN TURKEY.

The Turkish Minister to the Secretary of State.

[Translation.]

IMPERIAL LEGATION OF TURKEY,
Washington, June 4, 1906.

MR. SECRETARY OF STATE: Some ecclesiastical authorities transgressing their powers have been issuing letters of attorney.

As those instruments can be drawn up and authenticated in the Ottoman Empire by the courts of the "shéri" and notaries only, I beg that your excellency will kindly address to the proper quarter the necessary communications in order that all instruments of that character unlawfully issued shall not be accepted by the American authorities if ever presented to them.

Be pleased to accept, Mr. Secretary of State, the assurance of my very high consideration.

CHEKIB.

The Acting Secretary of State to Chargé Jay.

No. 1099.]

DEPARTMENT OF STATE,
Washington, June 9, 1906.

SIR: I inclose herewith the translation of a note from the Turkish minister stating that letters of attorney can be drawn up and authenticated in the Ottoman Empire only by the courts of the "shéri" and

by notaries; but that, notwithstanding, some ecclesiastical authorities, transgressing their powers, have been issuing such letters; in view of which he requests that the department "address to the proper quarter the necessary communications, in order that all instruments of that character unlawfully issued shall not be accepted by the American authorities, if ever presented to them."

I should be pleased to have an expression of your views as to the necessity for the propriety of the action requested by the Turkish representative at Washington.

I am, etc.,

ROBERT BACON.

Chargé Jay to the Secretary of State.

No. 1417.]

AMERICAN LEGATION,
Constantinople, July 2, 1906.

SIR: I have the honor to acknowledge the receipt of the department's No. 1099, of the 9th ultimo, in regard to the proper channels of authentication of powers of attorney in Turkey.

In reply, I beg to state that powers of attorney intended to be used in the Turkish courts of justice or in any of the Ottoman administrative departments have to be drawn up and certified by the competent "shéri" authorities or to be certified by a notary public attached to an Ottoman nizami court. The only exception of which I am aware is the case where a foreign subject gives power to be used in a Turkish nizami court, in which case the signature of such foreigner may be certified by his consul, and even in that case some of the courts will not accept the instrument unless the consul's official seal is legalized by the Ottoman foreign office. Ecclesiastical authorities therefore have been instructed not to legalize such documents, and if they do the Turkish authorities look on the instrument so legalized as not legalized at all.

If, however, such an instrument is to be used outside of Turkey or in a foreign consulate or consular court in Turkey, then it seems to me that it is for the authorities that use the instrument to decide how and by whom they shall be certified.

I have, etc.,

PETER AUGUSTUS JAY.

The Acting Secretary of State to the Turkish Minister.

No. 16.]

DEPARTMENT OF STATE,
Washington, July 24, 1906.

SIR: Referring to your note of the 4th ultimo, stating that letters of attorney can be drawn up and authenticated in the Ottoman Empire only by the courts of the "shéri" and by notaries, I have the honor to inform you that the contents of your note have been brought to the notice of the American embassy at Constantinople.

Accept, etc.,

ROBERT BACON.

ALLEGED TAXATION OF PROPERTY IN THE UNITED STATES BY
THE TURKISH GOVERNMENT.

The Secretary of State to Minister Leishman.

[Extract.]

No. 1023.]

DEPARTMENT OF STATE,
Washington, February 27, 1906.

SIR: I inclose herewith a copy of a letter from the Hon. Rockwood Hoar,^a in relation to the taxation by the Turkish Government of property in the United States belonging to certain naturalized American citizens of Turkish birth. A later letter from Mr. Hoar makes it clear that the property on which Turkish taxation is sought to be enforced is real estate situated in the city of Worcester, Mass., purchased by four brothers, Messrs. Bedros Garabedian, Arisdokis Garabedian, Marderos Garabedian, and Ohannes Garabedian, since they became citizens of the United States. The tax assessed against the property of the Garabedians amounts, for this year, to \$50, and their relative, Mr. Sarkis Apkarian, of Mamuret ul Aziz, Armenia, is looked to by the Turkish authorities to pay it.

The principle is not open to doubt that the title to real property is subject solely to the law of the locality, and that the situs of taxation is the situs of the realty—in this case Worcester, Mass.

The property affected is subject to our exclusive jurisdiction, and no foreign government can rightly levy a tax upon it. If the tax were upon the person, Turkey might claim with some show of truth and fairness that, inasmuch as the Porte has not consented to the naturalization, the subject in partibus infidelium, continued to be, nevertheless, a subject, and that his person was subject to Turkish regulation.

A poll tax would, however, be unjustifiable, because the quandom Turk owes us allegiance, and we in return owe him protection, at least as long as he does not by a return voluntarily subject himself to the local jurisdiction of Turkey.

But in no case can this Government consent to the taxation by the Turkish Government of property in the United States belonging to a duly naturalized American citizen, acquired by him subsequently to his naturalization, either directly, or, as in this case, indirectly, by levying upon, imprisoning, or otherwise punishing his relatives in Turkey.

You will take the matter up with the Turkish Government, with the view to securing from it the revocation of any order for collecting taxes on the property in question, and with the view to preventing similar cases in the future.

I am, etc.,

ELIHU ROOT.

Chargé Jay to the Secretary of State.

No. 1328.]

AMERICAN LEGATION,
Constantinople, March 15, 1906.

SIR: I have the honor to acknowledge the receipt of the department's instruction No. 1023, of February 27, 1906, inclosing a letter

^a Not printed.

from the Hon. Rockwood Hoar, stating that four brothers named Garabedian, naturalized citizens of Ottoman origin, now residing in Worcester, Mass., are taxed by the Turkish Government through their relative, Sarkis Apkarian, of Harput, on some real estate owned by them in Worcester.

I find it difficult to believe this to be possible, and fear that the Messrs. Garabedian's relatives at Harput must have been grossly misleading them.

I have, however, requested our consul at Harput to investigate the matter very fully and carefully. Upon the receipt of his report I will reply further upon this subject to the department.

I need not add that should the consul's report prove the correctness of Messrs. Garabedian's statement I will bring the matter very vigorously to the attention of the Porte on the lines laid down in the department's instruction of February 27.

I have, etc.,

PETER AUGUSTUS JAY.

Chargé Jay to the Secretary of State.

No. 1361.]

AMERICAN LEGATION,
Constantinople, April 19, 1906.

SIR: Replying further to the department's No. 1023, of February 27, 1906, on the subject of alleged taxation in Turkey of property owned in the United States by the Garabedian brothers, of Worcester, Mass., I have the honor to inclose a report upon this subject from the American consul at Harput which clearly shows that such taxation on the part of the Turkish Government does not exist.

I have, etc.,

PETER AUGUSTUS JAY.

[Inclosure.]

Consul Young to Chargé Jay.

No. 126.]

AMERICAN CONSULATE,
Harput, Turkey, April 4, 1906.

SIR: I beg to acknowledge the receipt of the legation's No. 433, of the 15th ultimo, having reference to the claim of the four Garabedian brothers, naturalized citizens of Ottoman origin and now residing at Worcester, Mass., to the effect that the Turkish Government is trying to enforce taxation on real estate owned by them in Worcester, and is holding their relative, Sarkis Apkarian, of Mamouret-ul-Aziz, responsible. An investigation and report in regard to the matter is requested.

In reply, I beg to state that Mr. Sarkis Apkarian assures me that so far as he is aware the Turkish Government has made no attempt nor at any time had the intention to tax the property and real estate in America of these four brothers.

My own investigation not only substantiates the above statement of Mr. Apkarian, but, further, raises the doubt as to whether the Turkish Government has even any knowledge of the fact that these brothers own real estate in America. Mr. Apkarian further states that his relatives have probably misunderstood some of his letters to them.

The investigation of this matter involved to some extent the system of community taxation which applies to the military tax, but to that only.

At the risk of making this report of greater length than the legation really desired, I would respectfully submit the following facts relative to the imposition of a military tax upon Christian communities whose members are subjects of the Ottoman Empire.

All male Moslems between the ages of 20 and 40 and subjects of this Empire are liable to military services. From every 180 such persons 1 is annually called into active service.

From yearly reports showing the total amount of money expended in maintaining the army for that period the Government, a considerable number of years ago, estimated that the cost of each soldier per year was about 5,000 piasters. The Christian subjects are excused from service in the army upon payment of a military tax. As each group of 180 male Moslem subjects was annually required to furnish 1 recruit, so each group of 180 male Christian subjects was required to pay a total military tax of 5,000 piasters, i. e., the actual cost of 1 soldier per year.

The amount per capita for the individual members of this group increased from 27 to 37 piasters and is now 50. This increase was accompanied by the statement that the expenses of the army had likewise increased.

Let us suppose that the enumeration for the current year shows that there are 180 male Christians in the Harput community. The chief of this community is notified by the Government that the tax this year will be 9,000 piasters (180×50). The chief of the community then apportions this total military tax of 9,000 piasters among the members according to their financial ability. Some may be called on for 100 piasters, others for 50, others 20, and probably the names of some of the poorest members of the community will be omitted entirely from the list. The chief then hands the list to the government tax officials, who post it in some public place. Anyone feeling himself wronged, and who believe he is called upon to pay a larger amount than he can afford, has the right of appeal to the vali, who refers the matter to a commission to investigate and report.

These four brothers in America are subject to this military tax because their names have never been removed from the local tax roll. To effect such a removal application must be made by them to your legation through the Department of State.

The chief of the local Christian community doubtless thought that these four brothers could easily afford to pay a goodly share of the total military tax assessed against the community, and accordingly charged them with 100 piasters each in addition to their own 50 piasters. Should these brothers refuse to pay, this amount would then of necessity be thrown upon the other members of the community.

The system of community taxation as applied to the military tax has in it much to commend. The abuses would appear to arise more from the maladministration of local officials than through any inherent defects in the system itself.

In closing permit me to venture the suggestion that the unusually large amount imposed upon them by the chief of their community, perhaps due to their reputed ownership of real estate in America, has undoubtedly led them to make the statement that the Turkish Government has demanded a tax upon their real estate in Worcester.

I am, etc.,

EVAN E. YOUNG.

HOLDING OF REAL ESTATE IN TURKEY BY PERSONS OF OTTOMAN BIRTH WHO HAVE CHANGED THEIR NATIONALITY.

The Secretary of State to Minister Leishman.

No. 1046.]

DEPARTMENT OF STATE,
Washington, March 15, 1906.

SIR: By instruction No. 1460, of May 26, 1897 (Foreign Relations, 1897, p. 589), the department requested Mr. Terrell to furnish, with as little delay as possible, "a copy of the special law governing the holding of real estate in Turkey by subjects of Ottoman birth who

have changed their nationality, referred to in article 1 of the legislative enactments, printed on page 826 of the volume of Treaties and Conventions between the United States and other Powers, edition of 1889." Mr. Terrell replied, No. 1323, July 5, 1897, that the special law had not then been enacted. Since that time there appears to have been no further communication from your legation on the subject.

The department requests you to report the present status of the "special law" and, if it has been put into force, to transmit a copy thereof at an early date.

I am, etc.,

ELIHU ROOT.

Chargé Jay to the Secretary of State.

[Extract.]

No. 1370.]

AMERICAN LEGATION,
Constantinople, April 25, 1906.

SIR: In accordance with the department's instruction No. 1046, of March 15, 1906, I have the honor to inclose a translation from the Turkish text of the special law of 1883 governing the holding of real estate in Turkey by subjects of Ottoman birth who have changed their nationality, and a translation, with explanations, of certain articles of the general Ottoman land code of 1858 which are referred to in the special law.

I am indebted to Mr. A. K. Schmavonian, the very able and obliging legal adviser employed by the legation in straightening out the transfer of property of American institutions, for this information and these translations.

I have, etc.,

PETER AUGUSTUS JAY.

[Inclosure 1.]

Translation of the law of the 25th of Rabi-ul-Akhir, 1300 (March 5, 1883), in regard to tenure of landed property by former Ottoman subjects.

ARTICLE I. Persons who, while originally Ottoman subjects, have changed their nationality before the promulgation of the law of Ottoman nationality and whose foreign nationality has, in conformity with treaties, been recognized and confirmed by the Imperial Ottoman Government; also those who, after the promulgation of the said law, have, in conformity with its provisions, changed their nationality, take advantage of all the rights established under special conditions, by the law of the 7th of Saffer, 1284, concerning the acquisition of landed property by foreigners. On condition, however, that the governments whose nationality they have acquired should have signed the protocol attached to the above-mentioned law of acquisition of landed property.

ART. II. Persons who, without obtaining official authorization from the Imperial Government, have changed their nationality and whose (Ottoman) nationality has been canceled by the Imperial Government, are deprived of the right of owning landed property in Turkey, and of obtaining it by inheritance.

ART. III. The mulk properties of persons who may, according to the foregoing article, be deprived of the right of ownership and inheritance, are divided among their heirs who are Ottoman subjects like personal property. But according to the provisions of articles 110 and 111 of the land code such persons have no longer any right of tapu (possession) in miri or mevcoufé lands; and miri or mevcoufé lands which they may have possessed before they changed their nationality, without going to their heirs, become escheated. Exactly this same course is followed in the case of idjareteinli vacf property.

ART. IV. The departments of justice and finances are charged with the execution of this law.

[Inclosure 2.]

The Ottoman land code was promulgated on the 7th of Ramazan, 1274 (April 21, 1858), and the following is a translation of article 110 (amended):

"The land of an Ottoman subject does not pass by inheritance to his heirs who are foreign subjects; and a foreign subject can not have the right to tapu (possession) in the land of an Ottoman subject."

Article III reads as follows:

"The land of a person who has abandoned Ottoman nationality does not pass by inheritance to his children, father, or mother who are Ottoman or foreign subjects. It became escheated forthwith, and without seeking persons entitled to the right to tapu it is put up to auction and given to the intending purchaser (highest bidder)."

This article has been modified several times in order to make it conform with article 55 of the land code, article 1 of the law allowing acquisition of landed property in Turkey by foreigners (7th Saffar, 1284), and articles 5 and 6 of the law of Ottoman nationality, of which articles the following is a translation:

Article I of the law allowing acquisition of landed property by foreigners.

"Subjects of foreign governments are allowed to take advantage of the rights to possess property within or without towns in every part of the imperial dominions, with the exception of the Hedjaz lands, in the same way as Ottoman subjects and without being under any other conditions in the manner stated below on complying with the laws that govern them in this matter. Those who were originally Ottoman subjects and afterwards changed their nationality are excepted from this rule. The provision of a special law will be in force concerning them."

Articles 5 and 6 of the law of nationality (Shavval 6, 1285—January 19, 1869):

"ART. V. Ottoman subjects who, being authorized, enter into a foreign nationality are, from the date when they changed their nationality, considered as foreign subjects and treated as such."

"ART. VI. If the Ottoman Empire should so wish, it can reject from its subjection the person who, without authorization from the Imperial Ottoman Government, changes his nationality in a foreign country, or enters into the military service of a foreign government."

The text of Article III of the land code in its amended form is as follows:

"The land of the person who, without obtaining official authorization, abandons his Ottoman nationality, does not pass by inheritance to his children, grandchildren, father, mother, brothers, sisters, husband, or wife who are Ottoman or foreign subjects. It becomes forthwith escheated, and without seeking for persons entitled to the right to tapu it is put up to auction and given to the intending purchaser (highest bidder). In case, however, such person has changed his nationality by obtaining official permission, his land is not escheated but remains vested in him. This, however, on condition that the government whose nationality he has acquired should have signed the protocol attached to the law allowing the acquisition by foreign subjects of landed property."

PROPOSED INCREASE OF CUSTOMS DUTIES.

(Continued from Foreign Relations, 1905, pages 876, 877.)

Ambassador Leishman to the Secretary of State.

[Extracts.]

No. 58.]

AMERICAN EMBASSY,
Constantinople, October 16, 1906.

SIR: With reference to the proposed increase in the Turkish customs duties from 8 to 11 per cent, of which I have had the honor to write you on various occasions, I now have to inform the department that the recent imposition of fresh conditions by the powers, relative to the use to be made of the resulting revenues has again delayed

the putting into execution of this measure. The Sublime Porte has objected to certain demands advanced by the European concert, consisting of the signatory powers to the treaty of Berlin, which arrogated rights to the so-called international financial commission in Macedonia detrimental to the sovereignty of the Imperial Ottoman Government.

As the conditions demanded by the European powers have to do entirely with the internal affairs of the Ottoman Empire, I have not ventured to associate myself with them in any way, feeling convinced that while the Government would be highly gratified to see practical reforms introduced throughout Turkey, it would not wish to depart from its traditional policy of noninterference in the internal affairs of any European state.

I am making special efforts to secure the enforcement of numerous agreements already reached with the Porte. Nor have I as yet taken advantage of the instructions the department was good enough to send me in its cable of the 13th ultimo, directing me as follows: "If you are received as an ambassador and can obtain assurance that the pending school question will be taken up and promptly disposed of with due recognition of the President's long unnoticed letter to the Sultan, you may assent to the increase of Turkish customs duties."

Although I would recommend not to attach any conditions to our assent other than those contained in the department's telegraphic instructions referred to above, it would yet be desirable for me to qualify my acceptance to the increase, with the understanding that American citizens and American commerce must not be placed at any disadvantage by reason of the Government's carrying out its policy of noninterference in refusing to follow the action of European powers in interfering with the internal affairs of a European state. In so doing, I trust that my action may meet with the approval of the department, for whose further information I have the honor to append a list of the fresh conditions demanded by the European powers prior to granting their consent to the increase in customs duties.

I have, etc.,

JOHN G. A. LEISHMAN.

[Inclosure.]

List of Fresh Conditions Demanded by the European Concert.

I. The Porte must accept the conditions made by the embassies in their note of May 22, relating to the mining law, the organization of the customs administration, etc., the chemical analysis of imported goods, and the recently established petroleum depots, and must spend the sum of £T100,000 on the improvement of custom-house accommodation.

II. The portion which falls to the share of the Government of the increase in the customs revenue due to the extra 3 per cent duty must be devoted exclusively to the financial needs of the three Macedonian vilayets. The council of the public debt must be instructed to pay the whole of this amount to the Macedonian budget, and to advance whatever further sums, not exceeding £T250,000 a year, may be necessary to meet the deficit. In case any measures taken by the Porte without the consent of the Macedonian financial commission increase the deficit beyond what can be covered by these means, the Porte must provide supplementary material guarantees sufficient to balance the budget. Further, if the financial commission, acting in accordance with article 6 of its "reglement," finds insufficient the sum set aside for the civil administration, including

the gendarmerie" and the police, the Porte shall fulfill (*se conformera*) the demands of the commission.

III. No fresh taxes, in the shape of stamp duties, etc., must henceforward be placed on the clearance if imports (*opérations douanières*).

IV. The local authorities have hitherto ignored article 61 of the "gendarmerie reglement" giving the foreign officers the right to intervene in cases of crime. Instructions must be issued to secure the observance of this right, and the Government must take steps to provide more recruits for the "gendarmerie" and to hinder unauthorized persons from carrying arms.

V. The increased duty must not be imposed until two months after the ratification by the powers of the agreement between the Porte and embassies.

RESTRICTIONS UPON THE SALE OF THE BIBLE.

(Continued from Foreign Relations, 1905, pages 898-911.)

The Secretary of State to Minister Leishman.

No. 967.]

DEPARTMENT OF STATE,
Washington, January 6, 1906.

SIR: In connection with instruction No. 943^a of November 24 last, I inclose herewith, for your information, a copy of a letter from the American Bible Society expressing its appreciation of the interest the department is taking in the society's work in Turkey, and pointing out obstacles that still exist in several places in Turkey to the free and unrestricted colportage of the Bible.

I am, etc..

E. ROOT.

[Inclosure.]

Mr. Haven to the Secretary of State.

NEW YORK CITY,
December 19, 1905.

SIR: I wish to acknowledge the receipt of your letter of November 24, with its accompanying copy of Mr. Leishman's letter to the Department of State of November 4, the letter from the Sublime Porte, ministry for foreign affairs, to Mr. Leishman under date of October 10, 1905, and his letter to Tewfik Pacha, under date of November 3, 1905, which you inform us you have commended in instructions sent to Mr. Leishman November 24, 1905.

I have before me also a letter from the Department of State, under date of November 11, from Mr. Robert Bacon, Assistant Secretary of State, inclosing a copy of a letter to the Department of State from the legation in Constantinople, under date of the 9th of October, 1905.

I wish to express, on the part of the board of managers of the American Bible Society, its appreciation of the interest the Department of State is taking in this matter.

It is one which is most serious to the work of this society; which sets aside conventions long established; causes constant annoyance and threatens a paralysis of our work in certain parts of Turkey.

Mr. Leishman's letter, under date of November 3, to Tewfik Pacha, is very much to the point, and if the position therein taken be pressed steadily upon the attention of the Sublime Porte it ought to relieve the situation.

In asking for the protection of our colporteurs as they go about their legitimate business as appointed agents of the American Bible Society it is possible that the emphasis may have been placed so as to give justification to the communication of Mr. Bacon. It amounts to the same thing, however, if the request

^a See Foreign Relations, 1905, p. 911.

is put the other way and the American Bible Society expresses its desire that its work covered by the treaty conventions in Turkey may not be impeded. Of course I do not see any way in which the business of the American Bible Society can be protected without our colporteurs are allowed to get their books and to go about from village to village, as they have been for many decades, subject only to such arrest and surveillance as might properly occur if any one of them was an unworthy character.

Our colporteurs are chosen with care and have official recognition given them by our principal representative in Constantinople, but, as I have already said, I need not dwell upon this. The important matter is that our business is in many places being brought to a standstill. We have reason to believe that the interference of local officials originates really in the central authorities in Constantinople.

Our last communication from our agent, under date of November 28, 1905, informs us that the books seized at Nigde last August have not yet been surrendered. They were sent from Konia to Nev Shehir, where our agent resides. The Kaimakam of Nev Shehir refuses to give them up until our agent secures permit to sell from Konia. That is, we are not even permitted to have possession of our own property, unless we can get a local permission from petty authorities to sell the same.

The agent resident at Nev Shehir was forbidden to sell until he secured a local permit. He at once applied for one. After some hesitation the local authorities referred him to Konia, the capital of the province, at least three days' journey from the place of his residence. This is intended to obstruct a perfectly legal business.

Our agent at Konia also has been forbidden to sell until he secures the local permit. He applied at once for this, but was informed that the local officials did not know exactly how to prepare such a permit and they must refer to Constantinople for instructions. He is still waiting for his permit, and no one knows how long he may continue to wait.

Our agent at Trebizond is still forbidden by the authorities to do our work. They refuse a local permit and will not accept the Constantinople permit sent some time ago. They represent that they have strong instructions from Constantinople to prevent his working as a traveling colporteur.

It is perfectly evident from the letter to Mr. Leishman from the Sublime Porte, ministry for foreign affairs, under date of October 10, 1905, that the Turkish Government is attempting to deal evasively with this whole question of the rights of the American Bible Society. In behalf of the board of managers I beg the most earnest consideration on the part of the Department of State of these difficulties.

Very truly, yours,

WILLIAM INGRAHAM HAVEN,
Corresponding Secretary.

Minister Leishman to the Secretary of State.

No. 1290.]

AMERICAN LEGATION,
Constantinople, February 16, 1906.

SIR: I have to acknowledge the receipt of your No. 967 of January 6, 1906, inclosing copy of a letter addressed to the department by the American Bible Society regarding colportage of the Bible in Turkey.

The Sublime Porte, while admitting in principle the free and unrestricted sale of the Bible in Turkey, imposes certain regulations which interfere somewhat with the free movements of the colporteurs, who are treated upon the same basis as peddlers of other articles, who are compelled to secure a local license.

Theoretically no reasonable objection could be offered against this general regulation, but in practice the law is apt to be abused by the local officials, and for this reason the legation has been endeavoring to induce the Sublime Porte to issue a general permit that would be good in all districts, but without much hope of success.

One of the greatest difficulties is that the Turkish Government can make no distinction between the colporteurs of the American Bible Society who sell nothing but Bibles and colporteurs engaged by the missionaries generally who also sell other books, etc., and as the men engaged in this service are all natives, of Greek, Armenian, or Bulgarian extraction, and principally prosecute their work in the disturbed districts of Armenia and Macedonia, the Porte insists upon each colporteur securing a local license, with a view of preventing ill-disposed persons from circulating revolutionary literature, etc., under the disguise of an innocent colporteur of Bibles.

The trouble complained of would probably be avoided entirely if the colporteurs were Americans or Europeans, but as the Bible Society does not find it practical to engage other than natives for this class of work, owing to the question of language, etc., more or less trouble is apt to be experienced from time to time, varying with existing political conditions.

The few isolated cases mentioned by Mr. Haven are receiving the necessary attention.

I have, etc.,

JOHN G. A. LEISHMAN.

IMMUNITY FOR POSTAL MATTER MAILED BY A CONSUL.

The Secretary of State to Minister Leishman.

No. 1020.]

DEPARTMENT OF STATE,
Washington, February 24, 1906.

SIR: Referring to your No. 1220 of December 4 last,^a reporting a controversy between Mr. Bergholz, the consul-general at Beirut, and the Turkish postal officials, in which he assumed the position that anything forwarded through the post by a consul, even when acting in an unofficial matter, was not subject to inquiry, I have to inform you that a full report, under date of the 29th ultimo, has been received from Mr. Bergholz, by which it is learned that the book in question was forwarded to the legation, with a statement of the circumstances under which it was attempted to be mailed.

Your conjectures in regard to the possibility of its having been mailed at the instance of a third party proves happily to be erroneous. The book proves to have been a popular novel, with the title *The Garden of Allah*, a title in itself calculated to excite Moslem curiosity and give rise to a misconception of its import, which could easily have been allayed by the explanation that it is the name said to be given, with poetic license, by the Arabs to the Saharan Desert. No attempt seems to have been made to explain the merely ludicrous character of the mistake.

The department is inclined to take your view, that circumspection should be exercised in claiming immunity for postal matter not obviously official. The department sedulously guards against needless extension of the privilege of immunity to include matter for private parties. Even had the addresses been in the United States and the book been sent hither in a dispatch bag, it would have been ame-

^a Not printed.

nable to the postal, copyright, and tariff laws, and subject to examination upon being intrusted to the mails. The department, not having itself authority to exempt private postal matter from the operation of law, can not depute to its subordinates any discretionary power in that regard.

Mr. Bergholz appears to understand this in part, for he says: "I should consider it a gross breach of propriety for a consular officer to forward under his seal printed matter for others than himself or his immediate family," but even in this statement he stretches the privilege into a personal prerogative of the consul, when, in fact, it is the official prerogative of his Government.

I am, etc.,

ELIHU ROOT.

INTERVENTION IN BEHALF OF THE ARMENIANS.

The Acting Secretary of State to Minister Leishman.

No. 996.]

DEPARTMENT OF STATE,
Washington, January 30, 1906.

SIR: I inclose herewith, for your information merely, a copy of a letter which I have addressed to Mr. Oscar S. Straus, answering a letter from him to the President in which he expressed the hope that the President may find it possible to exercise his good offices in behalf of the oppressed people of Armenia.

I am, etc.,

ROBERT BACON.

[Inclosure.—Extract.]

The Secretary of State to Mr. Straus.

DEPARTMENT OF STATE,
Washington, January 25, 1906.

SIR: I have to acknowledge, by reference from the President, your letter of the 19th instant in regard to the exercise of his good offices in behalf of the Armenians.

The President has referred to this department for acknowledgment Mr. James B. Reynolds's letter of the 18th instant, with which was presented a petition unanimously signed by influential representative men in France, Italy, Belgium, Sweden, Denmark, Great Britain, Holland, Germany, and Austria-Hungary, appealing to the President to take action to prevent cruelties suffered by the Armenian subjects of Turkey.

The high standing of the petitioners would lend, if that were possible, even greater interest to this question, which has already had the earnest consideration of the President for many years past.

The sympathy of the American people with the oppressed of every country has been repeatedly expressed by various branches of this Government, and in the case of the unfortunate Armenians has been eloquently voiced by the American nation itself. There is no room for doubt in any quarter as to the desire of the President that these Armenians should possess the security of life and property which it has been the concerted aim of the European powers to secure to them.

The powers so concerting to conclude the existing treaty of Berlin in 1878—Great Britain, Germany, Austria-Hungary, France, Italy, Russia, and Turkey—are, with exception of the last named, represented among the signers of this petition by many of their eminent citizens and subjects. Others of the petitioners belong to European powers not signatories of that treaty but interested in all that may tend to the maintenance of wholesome government and the conservation of a political balance throughout Europe. The United States, also a

nonsignatory, is by the unwritten law of more than a century debarred from sharing in the political aims, interests, or responsibilities of Europe, just as by the equally potent doctrine, now nearly a century old, the European powers are excluded from sharing or interfering in the political concerns of the sovereign states of the Western Hemisphere.

The fulfillment of treaty obligations between the European states is distinctly a political question, as to which the Western Hemisphere can have no voice or part beyond expression or sympathy within appropriate bounds. It is only when the United States is itself a party to a treaty with a European state, or is aggrieved by some act of a European state done contrary to international law and justice, that the United States can act in defense of its own rights, or in redress of the wrongs it may suffer.

As regards the specific suggestions of Mr. Reynolds's letter, it may be said that as the interpretation and fulfillment of treaty obligations is one of the questions which the enlightened sentiment of the age declares should, in default of a direct settlement by mutual agreement, be referred to impartial arbitration, it might be found difficult, if not inconsistent, to bring those very questions of treaty construction and fulfillment before a conference assembled to discuss the provisions to be made for impartial international arbitration. I presume that Mr. Reynolds may really have had the approaching second peace conference of The Hague in mind when he asks the President to "secure the consideration of the needs of Armenia by The Hague tribunal at its next session." There is no Hague tribunal holding periodic sessions. The permanent court of The Hague has no judicial organization or jurisdiction as a body. It merely furnishes an array of impartial jurists, from among whom two or more parties to an international difference may, at their own pleasure, draw arbitrators or an umpire. If the Armenian question is to be brought forward for consideration as a general proposition by the second Hague conference, it would be appropriate that it should be introduced by a treaty party, rather than by an outsider. Once before that conference, the delegates of the United States could treat it with a free hand and within permissible limits.

The proposition that the President take the initiative in convening a special conference to settle the Armenian question could not be admitted unless it were admissible that a European power could rightfully take similar action to bring about a special conference for the settlement of a question of the internal administration of an American republic, or of the treaty relation of other American republics thereto.

The sufferings of the Armenian subjects of Turkey cry aloud for remedy and redress. They shock the humanitarian sense of all mankind, and the world has joined in deploring and condemning the racial antagonisms which have arrayed the incompatible elements of the Turkish population against each other, even as they have arrayed the incompatible elements of the Russian population against the Jew in Russia. No right-minded man can witness such occurrences without craving the power to prevent them; I most sincerely wish that the United States had that power; but in equal sincerity I am convinced that efforts on our part short of rightful and potential intervention could accomplish nothing, and, implying, as they necessarily would, unstinted reprobation of the acts and motives of another State, would do more harm than good to the unfortunate creatures whom it is aimed to benefit. As for moral persuasion being brought to bear, that implies a susceptibility to persuasive influences which is hardly to be presumed in the present instance.

I am, sir, etc.,

ELIHU ROOT.

Minister Leishman to the Secretary of State.

[Extract.]

No. 1283.]

AMERICAN LEGATION,
Constantinople, February 15, 1906.

SIR: I have the honor to acknowledge the receipt of your dispatch No. 996 of January 30, 1906, inclosing copy of the note addressed to Mr. Oscar S. Straus in reply to the communication addressed to the

President by Mr. James B. Reynolds, presenting a petition numerously signed by influential representative men in France, Italy, Belgium, Sweden, Denmark, Great Britain, Holland, Germany, and Austria-Hungary, appealing to the President to take action to prevent the cruelties suffered by the Armenian subjects of Turkey.

I note with much interest the position assumed by the department regarding this matter, and might add that the action of the President in declining to offer any interference will no doubt prove a great relief not only to the Sultan but also to the European powers, who find the Turkish question a most difficult problem to solve. The mere suggestion of a conference was sufficient to cause considerable worry and anxiety.

I have, etc.,

JOHN G. A. LEISHMAN.

The Acting Secretary of State to Minister Leishman.

No. 1030.]

DEPARTMENT OF STATE,

Washington, March 5, 1906.

SIR: Your dispatch No. 1283, of the 15th ultimo, is received. Referring to the department's instruction inclosing copy of the letter to Mr. Oscar S. Straus in regard to a petition for the President to take action to prevent the cruelties suffered by the Armenian subjects of Turkey, you say "that the action of the President in declining to offer any interference will no doubt prove a great relief not only to the Sultan, but also to the European powers, who find the Turkish question a most difficult problem to solve; that the mere suggestion of a conference was sufficient to cause considerable worry and anxiety."

It is desirable that the position of the United States in this regard be not misunderstood. This Government does not oppose a conference of the Berlin treaty powers. It is simply without the right or opportunity to move toward bringing about such a conference, but that inability to act on our part does not in any way affect the powers or duties which may pertain to the signatories under the Berlin treaty, nor does it tend to relieve the signatories from any obligations they may have contracted among themselves. This Government could not assume to announce any opinion as to the nature or extent of such obligations, except in the case of the interests of equitable rights of the United States being affected by the failure of a signatory to fulfill a plainly expressed obligation of the common treaty. It should be understood that this Government can not renounce in advance its right to protect any legal and equitable interests.

Your obedient servant,

ROBERT BACON.

URUGUAY AND PARAGUAY.

VISIT OF SECRETARY ROOT.

Minister O'Brien to the Secretary of State.

No. 99.]

AMERICAN LEGATION,
Montevideo, Uruguay, March 16, 1906.

SIR: I have the honor to advise you that I have received a personal note from the minister of foreign affairs relating to your acceptance of Uruguay's invitation, a copy of which is herewith inclosed.

I am, etc.,

EDWARD C. O'BRIEN.

[Inclosure.]

The Minister of Foreign Relations to Minister O'Brien.

MONTEVIDEO, *March 15, 1906.*

DEAR MR. MINISTER: With my best compliments I can inform you that yesterday at 11 p. m. I received from Washington the following cablegram:

Secretary accepts with especial thanks. I made him aware of initiative.

(Signed)

REQUENA BERMUDEZ.

Yours, most truly,

JOSÉ ROMEU.

The President of Uruguay to President Roosevelt.

[Telegram.]

MONTEVIDEO, *August 10, 1906.*

I have just given the first hand-shaking to Secretary of State Elihu Root. I salute you with lively sentiments of American brotherhood.

JOSÉ BATLLE Y ORDOÑEZ.

Minister O'Brien to the Secretary of State.

[Extracts.]

No. 169 B.]

AMERICAN LEGATION,
Montevideo, Uruguay, August 23, 1906.

SIR: I think it proper that I should, in a dispatch to the department, give full account of the visit to Uruguay of the Secretary of State, Mr. Elihu Root, and for this purpose I am inclosing clippings

from local newspapers covering the period of his stay in Uruguay—August 10–13, 1906—which it is thought furnishes complete information.

It is difficult for me to describe adequately the vast advantages to the humanity of Uruguay to be gained from Secretary Root's visit.

I will state, however, that it is the consensus of opinion among those whose first concern is the welfare of the whole country that Secretary Root has, by his declarations before the Pan-American Congress at Rio de Janeiro, given a better direction to the political affairs of South America than any other public man who has addressed himself to pan-American fraternity.

A careful perusal of the inclosures herein will show that his declarations have been received and accepted in Uruguay as the fundamental principles only under which pan-American fraternity can be attained.

I have no hesitancy in saying that time will fully justify this high estimate of the good which will follow Secretary Root's visit to Uruguay.

I am, etc.,

EDWARD C. O'BRIEN.

[Inclosure 1.—Translation of article from *El Dia* of August 9, 1906.]

MR. ROOT'S VOYAGE—PROGRAMME OF FESTIVITIES—OTHER RESOLUTIONS—TO-MORROW DECLARED HOLIDAY—OTHER NOTICES—COMMITTEE ON FESTIVITIES.

To the end of formulating the definite programme of the festivities, the committee on festivities met yesterday in the salons of the Jefatura Política, Mr. Sumaran being in the chair, Messrs. Blas Vidal, jr., Salgado, García Acevedo (C.), Saavedra (L.), Brizuela, Manini Rios, Arena, Oneto y Viana, Vidiella, García Acevedo (I.), Amezaga, Blanco Acevedo (P.), Piera (A.), Prat, and del Castillo.

After a long deliberation it was agreed to give the complete programme to publicity, which is below, of the festivities to take place on August 10, 11, and 12.

Lastly, a new number was introduced into the programme, fireworks in Plaza Independencia on Saturday night.

The programme of festivities:

August 10—10 a. m., reception. The committee will go out in the national steamer *Triton*, which will anchor near the *Charleston*. A delegation will go aboard said cruiser to invite Mr. Root and suite to land.

12 m., breakfast in the American legation.

3 p. m., reception in the Government House and military defile.

7.30 p. m., banquet offered by the minister for foreign affairs.

9.30 p. m., gala performance in honor of Mr. Root in the Urquiza theater.

August 11—10 a. m., excursion through the suburbs of Montevideo and breakfast at Villa Colon.

3.30 p. m., garden party offered by the students in Prado.

4.30 p. m., reception in the municipal building.

7.30 p. m., banquet offered by the President of the Republic in the Government house.

9.30 p. m., fireworks in Plaza Independencia.

10 p. m., gala performance in Solís theater, the public powers assisting.

August 12—12 m., breakfast offered by the committee on honors in the salon of the Atheneum.

5.30 p. m., fête offered by Mr. Rossell y Rius in Villa Dolores.

7.30 p. m., banquet in the American legation.

11 p. m., ball at Uruguay Club.

August 13, embarkment of Mr. Root and reception aboard cruiser *Charleston*.

[Inclosure 2.—Translation of article from El Dia of August 9, 1906.]

MESSAGE OF THE EXECUTIVE.

The executive power passed yesterday the following message to the general assembly, asking authority to declare to-morrow a holiday.

“EXECUTIVE POWER,
“Montevideo, August 8, 1906.

“HONORABLE GENERAL ASSEMBLY: The executive power, as an act of deference toward the illustrious representative of the Government of the United States of America, Mr. Elihu Root, and in order that it may be possible—with the greatest aptitude—for the public to be present at the celebrations with which he is to be received, believes it opportune to ask of your highnesses the sanction of the adjoined project of law which declares the 10th of August a holiday.

“The executive power is confident that your highnesses, taking into account the purposes which inspire the project, and also the urgency of the matter, will give immediate approbation thereto.

“He salutes your highnesses attentively.

“JOSE BATLLE Y ORDONEZ.
“CLAUDIO WILLIMAN.”

MINISTRY OF GOVERNMENT,
PROJECT OF LAW.

The senate and house of representatives of the Oriental Republic of Uruguay decree:

ARTICLE 1. August 10 is declared a holiday on account of the festivities in honor of the representative of the Government of the United States of America, Mr. Elihu Root.

ART. 2. Communicate, etc.

CLAUDIO WILLIMAN.

[Inclosure 3.—Article from the Buenos Aires Herald of August 11, 1906.]

The Herald's special commissioner to meet the Hon. Elihu Root, American Secretary of State, at Montevideo, wires:

“MONTEVIDEO, *Friday evening.*

“Never, perhaps, in the history of the Uruguayan Republic has popular feeling been more visibly demonstrated than by the remarkable manifestations of satisfaction of all classes of the community at the visit of the eminent American statesman to this picturesque capital. Though necessarily not on the same scale of magnificence as the reception accorded him by Brazil, and that which is in course of preparation by Argentina, Montevideo has extended a welcome full of spontaneous warmth and cordiality. Since early morning huge crowds had assembled at every point of vantage in the vicinity of the port and moles, and these continually grew until it appeared as though the entire population were present to greet the visitors. As the popular American minister here, General O'Brien, embarked to meet the *Charleston* in the outer roads, and boarded the cruiser to welcome the distinguished travelers, the enthusiasm of the spectators was roused to its highest pitch. The “vivas” and the applause were repeated as Mr. Root and his party landed. Here the minister of foreign affairs tendered a formal welcome, to which Mr. Root briefly but suitably replied. After driving to the magnificent residence secured by Mr. John Adams for the American minister during his visit to this city, Mr. Secretary Root proceeded to Government House, where he was received by the President and the various ministers. There was also a military parade. Later this evening there was an official banquet, at which cordial speeches were delivered by the minister of foreign affairs and by Mr. Root. Subsequently, there was a gala performance at the principal theater. The streets are beautifully decorated and illuminated, and the whole city has apparently abandoned itself to the occasion of the festivities. Everything here to-day is North American, the only discordant note being the signboard over the shop door of a native tailor immediately opposite Mr. Root's residence, on which is boldly described the word ‘*todos mis articulos son ingleses.*’”

[Inclosure 4.—Translation.]

SPEECH OF HIS EXCELLENCY JOSÉ BATLLE Y ORDOÑEZ, PRESIDENT OF URUGUAY, AT THE BANQUET GIVEN BY HIM TO MR. ROOT AT THE GOVERNMENT HOUSE, AUGUST 11, 1906.

We celebrate an event new to South America—the presence in the heart of our republics of a member of the Government of the United States of the North. That grand nation has wished thus to manifest the interest that her sisters of the South inspire in her and her purpose of strongly drawing together the links that bind her to them.

Born on the same continent and in the same epoch, ruled by the same institutions, animated by the same spirit of liberty and progress, and destined alike to cause republican ideas to prevail on earth, it is natural that the nations of all America should approach nearer and nearer to each other, and unite more and more amongst themselves; and it is natural, also, that the most powerful and the most advanced amongst them should be the one to take the initiative in this union.

Your grand Republic, Mr. Secretary of State, is consistent in confiding to you this mission of fraternity and solidarity with the ideas and intentions manifested by her at the dawn of the liberty of our continent. The same sentiment that inspired the doctrine of Monroe brings you to our shores as the herald of the concord and community of America.

We welcome you most cordially. You find us earnestly laboring to make justice prevail, enamored of progress, confident in the future. Far removed from the European Continent, whence emerges the wave of humanity that peoples the American territories and becomes the origin of nations so glorious as yours, the growth and organization of the peoples in these regions have been slow, and public and social order has been frequently upset in our distant and scarcely populated prairies. But in the midst of these disturbances that have likewise afflicted, in their epochs of formation, almost all the present best constituted nations sound tendencies and true principles of order and liberty prevail, nationalities are constituted in a definite manner, and republican institutions are consecrated.

Your great nation, Mr. Secretary of State, is not new to this work. She has had important participation in it. I do not refer to the Monroe doctrine that made the elder sister the zealous defender of the younger ones. I speak of the radiant example of your republican virtue, your industrial initiative, your economic development, your scientific advances, your ardent and verile activity that has reenforced our faith in right, in liberty, in justice, in the republic, and has animated us—as a noble and victorious example does animate—in our dark days of disturbance and disaster.

Yes, the epoch of internal convulsions is drawing to its close in this part of America, and the peoples, finding themselves organized and at peace, are dedicating themselves to all those tasks that exalt the human mind and originate, in modern times, the greatness of nations. You tread upon a land that has recently been watered abundantly with blood—upon one in which, nevertheless, the love of liberty, within the limits of order, the love of well-being, and the love of progress under legal and upright governments is intense; upon one in which we live earnestly dedicated, in all branches of activity, to the labor that dignifies and fortifies, certain that for us has commenced an honorable era of internal peace. You have said it, Mr. Secretary of State: Out of the tumult of wars strong and stable governments have arisen; law prevails over the will of man; right and liberty are respected.

But this progress of public reason must be complemented. It is not sufficient that internal peace should be assured; it is necessary to secure external peace also. It is necessary that the American nations should draw near to each other; should know, should love each other; it is requisite to drive away, to suppress the danger of distrust, of rivalry, and of international conflicts; that the same sentiment that repudiated internal struggles should rise within as against the struggles of people against people, and that these should also be considered as the unfruitful shedding of the blood of brethren; that the calamitous armed peace may never appear in our land, and that the enormous sums used to sustain it on the European and Asiatic continents be employed amongst us in the development of industries, commerce, arts, and sciences.

The work may be realized by determination and constancy. The republican institutions that everywhere prevail on our continent are not propitious to the

Cæsars who make their glory consist in the sinister brilliancy of battles and in the increase of their territorial domains. These same institutions give voice and vote in the direction of public affairs to the multitudes, whose primordial interest is ever peace, the sparing of their own blood, that is so unfruitfully shed in the great catastrophes of war.

America will be, then, the continent of peace, of a just peace, founded on respect for the rights of all nations, a respect which—as you, Mr. Secretary of State, have said, in tones that have resounded all over the surface of the earth, deeply moving all true hearts—must be as great for the weakest nations as for the most vast and most powerful empires. This Pan-American public opinion will be created and will be made effective, a public opinion charged to systematize the international conduct of the nations, to suppress injustice, and to establish among them relations ever more and more profoundly cordial.

Your country and your Government fulfill the part, not of the false friend that anarchizes and weakens her friends that she may prevail over them and dominate them, but that of the faithful and true one who exerts herself to unite them, and, that they may become good and strong, concurs with all her moral power in the realization of this work of the Pan-American Congresses, destined to become a modern amphictyon to whose decisions all the great American questions will be submitted, already giving prestige thereto by such words as you have spoken to the heart of the Congress of Rio de Janeiro, which present to the American world new and grand perspectives of peace and progress.

Mr. Secretary of State, ladies, and gentlemen, in the presence of deeds of this magnitude, inspired and filled with enthusiasm by them, let us pour out a libation to the United States of the North, to its vigorous President, to you and to your distinguished family, the herald of continental friendship, and to the American fatherland, from the Bering Straits to Cape Horn.

[Inclosure 5.]

Reply of Mr. Root.

MR. PRESIDENT: I thank you for the kind reference to myself, and I thank you for the high terms in which you have spoken of my country, from which I am so far away. Do not think, I beg you, sir, if I accept what you have said regarding the country I love, that we, in the north, consider ourselves so perfect as your description of us. We have virtues, we have good qualities, and we are proud of them; but we ourselves know in our own hearts how many faults we have. We know the mistakes we have made, the failures we have made, the tasks that are still before us to perform. Yet from the experiences of our efforts and our successes, and from the experiences of our faults and our failures, we, the oldest of the organized Republics of America, say to you of Uruguay, and to all our sisters, "Be of good cheer and confident hope."

You have said, Mr. President, in your eloquent remarks this evening, that the progress of Uruguay has been slow. Slow as measured by our lives, perhaps, but not slow as measured by the lives of nations. The march of civilization is slow; it moves little in single human lives. Through the centuries and the ages it proceeds with deliberate and certain step. Look to England, whence came the principles embodied in your constitution, and ours, where first were developed the principles of free representative government. Remember through how many generations England fought and bled in her wars of the White and the Red—her *blancos* and *colorados*—the white rose of York and the red rose of Lancaster, before she could win her way to the security of English law.

Look to France, whence came the great declarations of the rights of man, and remember—I in my own time can remember—the Tuilleries standing in bright and peaceful beauty, and then in a pile of blackened ruins bearing the inscription, "Liberty, equality, and fraternity," doing injustice to liberty, to equality, and to fraternity. These nations have passed through their furnaces. Every nation has had its own hard experience in its progressive development, but a nation is certain to progress if its tendency is right. It is so with Uruguay. You are passing through the phases of steady development. The restless and

untiring soul of José Artigas, who made the independence of Uruguay possible, did its work in its time, but its time is past; it is not the day of Artigas now.

The genius of the two great men, for the love of whom your political parties crystallized upon one side and upon the other, had its day, but that day has passed away. Step by step Uruguay is taking its course, as the elder nations of the earth have been taking theirs, steadily onward and upward, seeking more perfect justice and ordered liberty.

One of the most deeply seated feelings in the human heart is love of approbation. May we not have such relations to each other that the desire for each other's approbation shall sustain us in the right course and warn us away from the wrong, and help us in our development to preserve high ideals, the ideals of justice and humanity necessary to free self-government? It is with that hope that I am here, your guest. It is with that desire that my people send the message of friendship to yours.

In the name of my President, Theodore Roosevelt, I offer to you, Mr. President, the most sincere assurance of friendship and confidence.

[Inclosure 6.—Translation from the Spanish.]

Speech of His Excellency José Romeu, minister for foreign affairs of the Republic of Uruguay, at a banquet given by him to Mr. Root in the foreign office at Montevideo on August 10, 1906.

When, after plowing through the waters of the Caribbean Sea and running along the eastern coast of Brazil, the North American cruiser *Charleston* entered into the magnificent bay of Rio de Janeiro, I had the opportunity of sending to the illustrious representative of the United States, who to-day is our distinguished guest, a telegraphic greeting on the occasion of his arrival in South America and expressing the desire that with his arrival might be the beginning of an era of fraternity and of labor advantageous to all the nations of the American Continent.

The words of that telegram, the significant reply of the Secretary, and the very eloquent words he delivered before the Pan-American Congress at Rio de Janeiro are not, in this case, a mere act of international courtesy; they are, in my judgment, the expression of the popular sentiment. They constitute the aspiration of all America. They are, at the least, the fervent desires of the Uruguayan people and of its Government, who see in the visit of the illustrious Secretary of State the foreshadowing of progress, of culture, and fraternity, which bring the peoples closer together, contributing to their prosperity and to their greatness, through which they may figure with honor in the concert of civilized nations.

These sentiments, as is well known, have been increasing along with the events that have made a vigorous people of the great northern Republic, capable of preponderating in the destinies of humanity on account of the enterprising genius of all its sons, on account of the irresistible force of its energies and of its abundant riches, and, very especially, on account of its redeeming influence of republican virtues, a characteristic mark of the Puritans and the other elements who organized the Federal Government on the immovable base of liberty, justice, and democracy.

The pages of history show us that the ideals of its own Constitution, like every great and generous ideal, passing over the distance from the Potomac to the banks of the River Plate, penetrated immediately to the farthest corner of the American Continent, there arising soon afterwards a new world of free countries where the undertakings of Solís or Pizarro and of Cortes will initiate a civilization destined to prosper in the life-giving blast of liberty and in the vigorous impulse which democracy infused into the old organizations of the colonial régime. The example of the United States and its moral assistance animated the patriots.

Put to the proof in the memorable struggle for emancipation, its fortitude and its heroism overturned all obstacles until the desired moment of consolidation, by its own effort, of the independence of the American Continent. Indeed, the influence of the United States in the diplomatic negotiation which preceded the recognition of the new nationalities and the chivalrous declaration which President Monroe launched before the world contributed efficaciously to assure

the stability of the growing Republic. Its development and its greatness were, from that instant, intrusted to the patriotism of its sons, to the confraternity of the American peoples, and to the fecund labor of the coming generations.

In spite of such social upheavals, which bring with them the ready-made collisions of arms, the antagonism of interests, and the struggle of ideas—inherent factors of every movement of emancipation—the nations of the new continent should not, nor will they, ever forget that from Spanish ground Columbus's three-masted vessel—a Homeric expedition—set forth, founders of numerous peoples and flourishing colonies, leaving in our land mementos, tongue, customs, sentiments, and traditions which the evolutions of the human spirit do not easily obliterate. From noble France and its glorious revulsion against the remnants of feudalism arose the declaration of the rights of man and equitable ideas which are faithfully portrayed in our democratic institutions. Italy, Germany, and Spain send to America a valuable contingent of their emigration. The currents of commerce and progress were at one time, and they are at the present time, largely fomented by the navy and the capital of Great Britain. From the foreign office of that nation, among all the powers of old Europe, emanated the first disposition toward the recognition of American independence. All these circumstances are bonds of consideration which tie us to the European countries, but which do not hinder, nor can they hinder, our relations with the great northern Republic, as with all those of Latin origin, always being cordially maintained, strengthened, tightened, and increased toward the ends of highly noble and patriotic progress, developing a world policy of wise prevision, tending to consolidate the destinies of the American countries.

Difficulties, soon to disappear, due to the distance and lack of rapid and direct communications, have impeded the active interchange between the United States and this country, barring which no reason exists why their social and commercial relations may not be extended and fomented with reciprocal advantages.

In giving welcome to Mr. Root on his arrival in Uruguayan territory, I consider as one of my most pleasing personal gratifications the fact of having initiated the idea of inviting our distinguished guest to visit the River Plate countries.

If, as I do not doubt, the visit of the distinguished member of the Government of the United States contributes toward the peoples of the north and the south knowing one another—if the era of pan-American fraternity takes the flight to which we should aspire—if these demonstrations of courtesy are to tend, therefore, toward the progress of the nations of the continent and the mutual respect and consideration of their respective governments, the satisfaction of having promoted some of these benefits and the honor of a happy initiative, deferentially received by the illustrious Secretary of State, to whom the oriental people to-day offer the testimony of their esteem and sympathy, belong, at least in part, to the Uruguayan foreign office.

I drink, ladies and gentlemen, to pan-American fraternity, to the greatness of the United States of North America, to the health of His Excellency President Roosevelt, to the happiness of Mr. Elihu Root and of his distinguished family.

[Inclósure 7.]

Reply of Mr. Root.

YOUR EXCELLENCY: I have already thanked you for that welcome message which greeted my first advent in the harbor of Rio de Janeiro. I have now to add my thanks, both for the gracious invitation which brings me here and for the surpassing kindness and hospitality with which I and my family have been welcomed to Montevideo. It is most gratifying to hear from the lips of one of the masters of South American diplomacy, one who knows the reality of international politics, so just an estimate of the attitude of my own country toward her South American sisters. The great declaration of Monroe, made in the infancy of Latin-American liberty, was an assertion to all the world of the competency of Latin-Americans to govern themselves and their countries. That assertion my country has always maintained, and my presence here is, in part, for the purpose of giving evidence of her belief that the truth of the assertion has been demonstrated; that, in the progressive development which attends the course of nations, the peoples of South America have proved that their national tendencies and capacities are, and will be, on and ever on in the path of ordered

liberty. I am here to learn more, and also to demonstrate our belief in the substantial similarity of interests and sympathies of the American self-governing republics.

You have justly indicated that there is nothing in the growing friendship between our countries which imperils the interests of those countries in the Old World from which we have drawn our languages, our traditions, and the bases of our customs and our laws.

I think it may be safely said that those nations who planted their feeble colonies on these shores, from which we have spread so widely, have profited far more from the independence of the American republics than they would have profited if their unwise system of colonial government had been continued. In the establishment of these free and independent nations in this continent they have obtained a profitable outlet for their trade, employment for their commerce, food for their people, and refuge for their poor and their surplus population. We have done more than that. We have tried here their experiments in government for them. The reflex action of the American experiments in government has been felt in every country in Europe without exception, and has been far more effective in its influence than any good quality of the old colonial system could have been. And now our prosperity but adds to their prosperity. Intercourse in trade, exchange of thought in learning, in literature, in art—all add to their power and their prosperity, their intellectual activity, and their commercial strength. We still draw from their stores of wealth commercially, spiritually, intellectually, and physically, and we are beginning to return, in a rich measure, with interest, what we have got from them. We have learned that national aggrandizement and national prosperity are to be gained rather by national friendship than by national violence. The friendship for your country that we from the North have is a friendship that imperils no interest of Europe. It is a friendship that springs from a desire to promote the common welfare of mankind by advancing the rule of order, of justice, of humanity, and of the Christianity which makes for the prosperity and happiness of all mankind. It is not as a messenger of strife that I come to you; but I am here as the advocate of universal friendship and peace.

The Secretary of State to Minister O'Brien.

[Telegram.]

DEPARTMENT OF STATE,
Washington, October 1, 1906.

Advise Government of Uruguay ^a of safe arrival of myself and family at Washington, and convey my salutation and sincere good wishes.

Root.

ANNUAL MESSAGE OF THE PRESIDENT OF PARAGUAY.

Minister O'Brien to the Secretary of State.

No. 126.]

AMERICAN LEGATION,
Montevideo, April 26, 1906.

SIR: I inclose herewith clipping in duplicate taken from the Buenos Aires Herald of April 19, 1906, commenting upon the President of Paraguay's message at the opening of Congress on the 1st instant.

From this editorial it would appear that there has been considerable material and moral progress in the country since the close of the last civil war.

^a Same, mutatis mutandis, to American diplomatic representatives in Argentine Republic, Brazil, Chile, Colombia, Peru, and Panama.

I am expecting printed copies of President Baéz's message, and when received I will forward the same to the department.

I am, etc.,

EDWARD C. O'BRIEN.

[Inclosure.]

PARAGUAY—THE PRESIDENT'S MESSAGE.

[From the Buenos Aires Herald, April 19, 1906.]

The message of the President of the Republic of Paraguay read at the opening of the ordinary sessions of Congress on the 1st instant, considered as an indication of the very considerable material and moral progress realized in that country since the close of the last civil war, is a document pregnant with more than usual interest.

We are impressed, from its attentive perusal, with the manifest improvement in the general situation, evidenced as it is by the influx of foreign capital and the development of the nation's resources, due to the regular working of its institutions and the growing sense of social and economic security.

As evidence of these assertions we have the fact that La Industrial Paraguaya, as stated in the opening part of the message, has increased its capital from eight to thirty million dollars. This is the most important limited liability company in the Republic, but in its wake we have the insurance company La Nacional, with a capital of five millions; La Paraguay, with ten millions; La Paraguay, a carrying company, with two millions; La Selratuca, with three millions; El Quebracho de Puerto Maria, with five millions; El Gran Hotel del Paraguay, with one million, etc.

The national exchequer.—In 1905 the customs receipts reached a total of ₧22,467,970, as contrasted with ₧8,428,705 in 1900, and the product of the internal taxation has doubled.

The extract of quebracho, together with the yerba mate, is now one of the most important items in the national revenue. The Crane dues of 1 centavo gold have produced in five months a total of ₧381,888, and the tax of 46 centavos gold to be paid per cubic meter on exportation has not yet begun to be levied.

The President promises the adoption of measures tending to reduce the standard currency and to fix the same so as to obviate the fluctuations which are so detrimental to business transactions.

The message continues:

"The establishment of a standard currency will accrue naturally from the regularization of our financial system, at present still in embryo; from the development of the institutions of credit, which will cheapen loans and foster national production; from the regular investment of the public revenues in such a manner that the ordinary budget may be normally served without being thrown out of equilibrium by extraordinary expenses, as, for instance, special taxation and loans."

The President states that an agreement has been arrived at with the railway company, which will be submitted to the consideration of Congress; he recounts the history of this affair, which has certain unfortunate phases, and concludes as follows:

"That which is of importance for the nation is not the repurchase of the railway nor the acquisition of the value of its shares for \$1,050,000, but rather the improvement of the railway service and the construction of branch lines in other directions.

"This railway, in spite of deficiencies in its working, has rendered, and continues to render, important services to the country. By its means it is possible to export great quantities of wood and other products which feed our international commerce and contribute to the public revenues. If this railway were to disappear Paraguay would return to the life of isolation, poverty, obscurity, and ignorance in which have vegetated our country districts for the last fifty years."

International relations.—With reference to this point the President mentions that the Republics of Argentina and Brazil cultivate the most cordial and neigh-

borly relations with Paraguay, and that the commercial policy of the Argentine Republic is entirely favorable to Paraguayan interests.

On the question of boundaries he expresses himself as follows:

"Bolivia has sent to Asuncion a new plenipotentiary with a view to an amicable solution of the territorial differences existing between the two countries. I refer to the mission confided to His Excellency Dr. Emeterio Cano. As the just desires of that friendly nation coincide with those of Paraguay, the Government has hastened to appoint a special plenipotentiary, in the person of Dr. Manuel Dominguez, to agree upon a new boundary treaty with the Bolivian diplomatists. With the Argentine Government there has been an agreement entered upon for the determination of the principal arm or channel of the river Pilcomayo, in consequence of the award in arbitration of President Hayes. This operation, purely technical as it is, is identical with that undertaken with Brazil in the matter of the determination of the river Apa."

Administration and political matters.—Public instruction, roads, army organization, immigration, and colonization receive very attentive consideration from the President in his message. With respect to the latter topic, he enunciates an important reform in the following paragraphs:

"The ambition of the immigrant is the possession of a certain extent of land, as personal property for himself and family. The legislation in the matter only accords him, at cost price, an extent not greater than 20 hectares, which is insufficient for his personal needs, and likewise fails to meet his legitimate aspiration to leave behind him an inheritance that can be divided amongst his heirs.

"For this reason there should be granted at least from 75 to 100 hectares to each family of agriculturists whose productive capacity is in excess of the value thereof."

President Baéz concludes his message by eulogizing a policy of conciliation between the various parties and by declaring that he will call to public posts men of any and every party, without requiring from them any other qualification than that of fitness.

GOVERNMENTS OF THE REPUBLIC OF URUGUAY, 1828-1906.

Minister O'Brien to the Secretary of State.

No. 98.]

AMERICAN LEGATION,
Montevideo, March 16, 1906.

SIR: I have the honor to inclose herewith a chronological record of the different administrations of government of the Republic of Uruguay from November, 1828, when the general constitutional and legislative assembly was installed, to March 1, 1906.

This record shows, among other things, that during the seventy-seven years since the adoption of its constitution the Government of Uruguay has had 15 Presidents, 4 Vice-Presidents who became Presidents, 15 presidents of the Senate who exercised the duties of President without relinquishing the duties of the presidency of the Senate, 5 dictators, a triumvirate of dictators, and 4 provisional governors, with 1 triumvirate of governors.

This is the first of a series of papers being carefully arranged by me from the government records, intended to give a complete chronological history of the political and financial affairs of the Republic since the adoption of the constitution.

I am, etc.,

EDWARD C. O'BRIEN.

[Inclosure.]

Chronological record of the different administrations of government of the Republic of Uruguay from November, 1828, when the general constitutional and legislative assembly was installed, to March 1, 1906.

Incumbency.	Name.	Title.	Yrs.	Mos.	Days.
Dec. 1, 1828	Don Joaquín Suarez.....	} Provisional governors.....	1	10	21
to	General Rondeau.....				
Oct. 22, 1830	General Lavalleja..... ("Triumvirate.")				
Oct. 22, 1830	Not accounted for.....				2
Oct. 24, 1830	Gen. Fructuoso Rivera.....	President.....	4		
Oct. 24, 1834	Don Carlos Anaya.....	President of Senate.....		4	7
Mar. 1, 1835	Gen. Manuel Oribe.....	President.....	3	7	23
Oct. 24, 1838	Don Gabriel Antonio Pereyra.....	President of Senate.....			18
Nov. 11, 1838	Gen. Fructuoso Rivera.....	Dictator.....		3	17
Nov. 11, 1838	Don Gabriel Antonio Pereyra.....	President of Senate.....			1
Mar. 1, 1839	Gen. Fructuoso Rivera.....	President.....	4		
Mar. 1, 1843	Don Joaquín Suarez.....	Provisional governor.....	8	11	15
Feb. 16, 1852	Don Bernardo P. Berro.....	President of Senate.....			12
Mar. 1, 1852	Don Juan Francisco Giro.....	President.....	1	6	24
Sept. 25, 1853	General Lavalleja.....	} Dictators.....		5	20
Sept. 25, 1853	General Flores.....				
Mar. 15, 1854	General Rivera..... ("Triumvirate.")				
Mar. 15, 1854	Gen. Venancio Flores.....	Vice-President.....	1	5	25
Sept. 10, 1855	Don Pedro Bustamante.....	President of Senate.....		5	5
Feb. 15, 1856	Don José María Pla.....	do.....			13
Mar. 1, 1856	Don Gabriel Pereira.....	President.....	4		
Mar. 1, 1860	Don Bernardo P. Berro.....	do.....	4		
Mar. 1, 1864	Don Atanasio Aguirre.....	Provisional governor.....		11	15
Feb. 16, 1865	Don Tomás Villalba.....	do.....			4
Feb. 20, 1865	Gen. Venancio Flores.....	Dictator.....	2	11	26
Feb. 16, 1868	Don Pedro Varela.....	President of Senate.....			12
Mar. 1, 1868	Gen. Lorenzo Batlle.....	President.....	4		
Mar. 1, 1872	Don Tomás Gomensoro.....	Provisional governor.....		11	14
Mar. 1, 1872					
Feb. 15, 1873					

Chronological record of the different administrations of government of the Republic of Uruguay from November, 1828, etc.—Continued.

Incumbency.	Name.	Title.	Yrs.	Mos.	Days.
Feb. 15, 1873 to Mar. 1, 1873	Don Jose E. Ellauri.....	President of Senate.....			13
Mar. 1, 1873 to Jan. 15, 1875	Don Jose E. Ellauri.....	President.....	1	9	14
Jan. 15, 1875 to Jan. 22, 1875	Don Pedro Varela.....	Dictator.....			7
Jan. 22, 1875 to Jan. 22, 1875	Don Pedro Carve.....	President of Senate.....			1
Jan. 22, 1875 to Mar. 10, 1876	Don Pedro Varela.....	Vice-President.....	1	1	18
Mar. 10, 1876 to Feb. 14, 1879	Col. Lorenzo Latorre.....	Dictator.....	2	11	14
Feb. 14, 1879 to Mar. 1, 1879	Dr. Francisco A. Vidal.....	President of Senate.....			14
Mar. 1, 1879 to Mar. 13, 1880	Col. Lorenzo Latorre.....	President.....	1		12
Mar. 13, 1880 to Mar. 15, 1880	Not accounted for.....				2
Mar. 15, 1880 to Feb. 28, 1882	Dr. Francisco A. Vidal.....	Vice-President.....	1	11	13
Feb. 28, 1882 to Mar. 1, 1882	Don Alberto Flangini.....	President of Senate.....			1
Mar. 1, 1882 to Mar. 1, 1886	Gen. Maximo Santos.....	President.....	4		
Mar. 1, 1886 to Nov. 18, 1886	Dr. Francisco A. Vidal.....	do.....		2	23
Nov. 18, 1886 to May 24, 1886	Gen. Maximo Santos.....	President of Senate.....		5	24
Nov. 18, 1886 to Mar. 1, 1890	Gen. Maximo Tajés.....	Vice-President.....	3	3	12
Mar. 1, 1890 to Mar. 1, 1894	Dr. Julio Herrera y Obes.....	President.....	4		
Mar. 1, 1894 to Mar. 21, 1894	Don Duncan Stewart.....	President of Senate.....			20
Mar. 21, 1894 to Aug. 25, 1897	Don Juan Idiarte Borda.....	President.....	3	4	4
Aug. 25, 1897 to Feb. 10, 1898	Don Juan Lindolfo Guestas.....	President of Senate.....		5	15
Feb. 10, 1898 to Feb. 14, 1899	Don Juan Lindolfo Guestas.....	Dictator.....	1		4
Feb. 14, 1899 to Feb. 15, 1899	Not accounted for.....				1
Feb. 15, 1899 to Mar. 1, 1899	Don José Batlle y Ordoñez.....	President of Senate.....			13
Mar. 1, 1899 to Mar. 1, 1903	Don Juan Lindolfo Guestas.....	President.....	4		
Mar. 1, 1903 to Mar. 1, 1906	Don José Batlle y Ordoñez.....	do.....	3		

VENEZUELA.

PROTECTION OF FRENCH INTERESTS IN VENEZUELA AND OF VENEZUELAN INTERESTS IN FRANCE.

The Acting Secretary of State to Minister Russell.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, January 9, 1906.

(Mr. Bacon informs Mr. Russell that the French ambassador has notified the Government of the United States that, in view of the substance of his two telegrams transmitting the communications of the Venezuelan Government, the French Government sees no other course than that of breaking off relations by recalling its chargé d'affaires and handing passports to the representative of Venezuela in Paris.

Mr. Bacon further informs Mr. Russell that the French Government has asked of the United States the usual friendly offices for the care and protection of the archives of the French legation at Caracas, and for the protection of French citizens in Venezuela.

Mr. Russell is instructed to assume the friendly protection of the French citizens when he has been informed of the withdrawal of the French representative, and give appropriate notice thereof to the Government of Venezuela.

Mr. Russell is also instructed to take temporary charge of the archives and property of the French mission, informing the Venezuelan Government that he has done so, and take all necessary steps to provide for the inviolability of these archives.

Mr. Bacon adds for Mr. Russell's information that the chancellor of the French legation will remain at Caracas as care taker of these archives, under his protection.)

Minister Russell to the Secretary of State.

[Telegram.—Paraphrase.—Extract.]

CARACAS, *January 10, 1906.*

(Mr. Russell reports that he has advised the Venezuelan Government that France has severed diplomatic relations with it, and that after the departure of the French chargé d'affaires he will take charge of the French interests and archives. He says he thinks it is advisable for the chargé d'affaires to leave at once, and as no steamer leaves immediately, a naval vessel should be sent for him.)

Minister Russell to the Secretary of State.

[Telegram.—Paraphrase.]

CARACAS, *February 1, 1906.*

(Mr. Russell reports that the Venezuelan Government wishes to know if the American consuls in Paris, Marseilles, Bordeaux, etc., can take charge of the archives of the Venezuelan consulates in said towns.)

Minister Russell to the Secretary of State.

[Telegram.—Paraphrase.—Extract.]

CARACAS, *February 1, 1906.*

(Mr. Russell states that it is reported that France has forbidden entrance to Venezuelan imports. He says that merchants are shipping by vessels of other nationalities to Havre, as no French vessel can touch at Venezuelan ports, and he wants to know if our consuls can certify to such invoices from Venezuela to French ports.)

Minister Russell to the Secretary of State.

No. 53.]

AMERICAN LEGATION,
Caracas, February 4, 1906.

SIR: I have the honor to inclose for the French Government a translation of a note to me from the French vice-consul here in regard to the retiring of the exequaturs of the French consular officers in Venezuela.

I am, etc.,

W. W. RUSSELL.

[Inclosure.—Translation.]

*Mr. Desmartis to Minister Russell.*FRENCH LEGATION,
Caracas, January 24, 1906.

MR. MINISTER: I had occasion day before yesterday, regarding M. Doyeux, and yesterday, in a general way, to point out to you the measure which the Venezuelan Government had taken against all the consular agents of France in Venezuela, and which should, without fail, paralyze French interests in this country. It is that all direct movement of importation from France to Venezuela finds itself, indeed, suppressed; also there are the interests of our Trans-Atlantic Company, which are gravely touched, as it seems that henceforth its ships can no longer make land at La Guaira and at Puerto Cabello; nor must it be forgot that this company is officially charged with the transport of correspondence and parcels post.

This situation would be explainable if a state of war existed between France and Venezuela. Moreover, although in spite of the rupture of telegraphic communication—I ignore the future intentions of my Government—the fact that it (French Government) designated me to look after the archives of the French legation in this city seems to prove that in breaking off diplomatic relations with Venezuela France had no idea of going further than this. The atti-

tude of the Venezuelan Government is, then, in this affair, as it has not ceased to be in other ways during ten days, truly vexating, and I find myself obliged, in order to cover my responsibility, to protest formally against these acts which nothing has justified up to the present moment.

Believe, etc.,

(Signed) P. DESMARTIS,

*The Vice-Consul of France Charged with the care of the
Archives of the Legation of the Republic at Caracas.*

The Secretary of State to Minister Russell.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, February 5, 1906.

(Mr. Root refers to Mr. Russell's telegram of the 27th,^a in which he says that as there are no French consuls in Venezuela nor Venezuelan consuls in France, French vessels will not be allowed to enter nor to be cleared from Venezuelan ports.

Mr. Root inquires whether this is a statement of something which will happen in the future, or if such a rule has already been adopted by Venezuela and is not actually in force? Mr. Root states that such action on the part of Venezuela would terminate her commercial convention with France and make French general tariff applicable to Venezuelan ports, including the practically prohibitory duty on coffee. Also states that France is accordingly desirous to know, and that a speedy answer is desired.)

The Secretary of State to the American Embassy at Paris.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, February 7, 1906.

(Mr. Root instructs the embassy to ascertain if it is agreeable to French Government that our consuls take charge of archives of Venezuelan consulates in France and at Port de France as requested by the Venezuelan Government, and if so to instruct consuls at Paris, Bordeaux, Havre, Nice, Marseilles, and Nantes for St. Nazaire, where the agent, a Frenchman, could probably not assume custody.)

The Secretary of State to Minister Russell.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, February 7, 1906.

(Mr. Root states that the embassy at Paris has been cabled to instruct consuls to take charge of archives of Venezuelan consulates, if agreeable to the Government of France.)

Minister Russell to the Secretary of State.

[Telegram.—Paraphrase.—Extract.]

Caracas, February 13, 1906.

(Mr. Russell reports that Mr. Root's telegram of the 6th [5th] of February reached Caracas on the 10th, via Trinidad, and a duplicate arrived in La Guaira via Curacao on the morning of the 12th. He says he had a conference with the minister for foreign affairs this morning, and the minister told him that the question in regard to vessels clearing from France to Venezuelan ports is the same as that of vessels formerly from Curaçao to Venezuela; that is, if said vessels do not have their papers duly signed by Venezuelan consuls they can not enter Venezuelan ports, according to the consular regulations. He says this is an official statement from the Venezuelan minister for foreign affairs.)

Chargé Vignaud to the Secretary of State.

No. 103.]

AMERICAN EMBASSY,
Paris, February 16, 1906.

SIR: I have to acknowledge receipt of your cable of the 8th [7th] instant concerning the taking charge, by our consuls, of the archives of the Venezuelan consulates at certain posts in France, which formed the basis of a note addressed to the foreign office on the same day.

Receiving no reply, I called on the minister and ascertained that the delay was due to the fact that the Government had not yet been exactly informed as to the true character of the action of the Venezuelan Government with regard to the French consuls and that M. Jusserand had been telegraphed to for information on the subject.

On the 14th instant M. Rouvier wrote that there was no objection to the proposed arrangement, provided our consuls would confine themselves simply to the custody of the Venezuelan archives and would not presume to exercise any consular function for the Venezuelan Government. This being in accordance with what this embassy was instructed to ask by your cable of the 8th, I notified the consuls accordingly.

Inclosed please find copy of your cable, of Mr. Rouvier's note, together with a translation of the same, and of my circular notice to the consuls named in your cable.

I have, etc.,

HENRY VIGNAUD.

[Inclosure 1.—Translation.]

*The Minister for Foreign Affairs to Chargé Vignaud.**PARIS, February 14, 1906.*

MR. CHARGÉ D'AFFAIRES: In reply to your letter of the 8th instant, I have the honor to inform you that our ambassador in Washington has acquainted me with a communication from the Government of the United States to the effect that the American consuls in France should take charge of archives of the Venezuelan consulates.

I have instructed M. Jusserand to reply to the Secretary of State that the Government of the Republic had no objection to such an arrangement, under

the reserve that the intervention of the consuls of the United States in France would be limited, in conformity with the terms of your own afore-mentioned communication of February 8, to the custody of the archives of the Venezuelan consulates; it could not extend to the working of these consulates, which has been rendered impossible by the action of President Castro's Government. That Government has indeed taken the initiative to withdraw their exequaturs from the French consular agents, and to recall its consuls exercising in France. It even appears from a telegram from the American minister at Caracas that French vessels and merchandise coming from France are no longer admitted in Venezuelan ports. The commercial relations between the two countries would be thus severed by the action of Venezuela, and such measures, as long as they shall be maintained, entail, as a necessary consequence, the application of the Venezuelan consulates in France of the ruling applied to the French consular agencies in Venezuela, and which for the time being seems to consist of the complete suppression of their function.

Accept, etc.,

(Signed) ROUVIER.

[Inclosure 2.]

Chargé Vignaud to Consul-General Mason.

AMERICAN EMBASSY,
Paris, February 15, 1906.

SIR: By direction of the Secretary of State, I have to instruct you to take charge of the archives of the Venezuelan consulate-general at Paris. This is done with the consent of the French Government and with the understanding that you will confine yourself simply to what is stated above.

Very respectfully, yours,

(Signed) HENRY VIGNAUD, *Chargé.*

Letters to the same purport sent to—
Robert P. Skinner, consul-general at Marseilles;
Dominic I. Murphy, consul at Bordeaux;
Alphonse Gaulin, consul at Havre;
Harold S. Van Buren, consul at Nice;
Louis Goldschmidt, consul at Nantes, and
John F. Jewell, consul at Fort de France.

The Secretary of State to Minister Russell.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, February 19, 1906.

(Mr. Root informs Mr. Russell that the French Government has consented to allow our consuls in France to take charge of the papers and archives of Venezuela, without performing consular functions.)

The Acting Secretary of State to Minister Russell.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, April 10, 1906.

(Mr. Bacon directs Mr. Russell to ascertain whether the Venezuelan Government has decided to allow French vessels, sailing direct from French ports, to discharge passengers and cargo in Venezuelan ports, and whether consuls of a third power in France will be allowed to visé the necessary documents for French ships and merchandise proceeding from French ports to Venezuela.)

Minister Russell to the Secretary of State.

[Telegram.—Paraphrase.—Extract.]

PORT OF SPAIN, *April 21, 1906.*

(Mr. Russell states that in compliance with the department's cable instructions he has communicated officially with the Government of Venezuela in regard to the entry of French vessels sailing direct from French ports into Venezuelan ports, and that he received a reply last night. Mr. Russell informs the department that after a long preamble as to the breaking of relations by France and the unjust expulsion of the Venezuelan chargé d'affaires from France, the note reads as follows:

The Government of Venezuela found itself obliged to withdraw its consuls from France, for which reason a difficulty is met with at present in regard to the consular clearance for merchandise that leaves French ports; and, lastly, your excellency knows that our consular law does not allow of clearance by other consuls, who, although they may be of a friendly nation, have not the authorization of the respective governments, being as, unfortunately, there is to-day a break of relations with France, according to a statement from your excellency on the above-mentioned date.

Mr. Russell states that the note further says that the French steamers have been delivering correspondence in all the Venezuelan ports where they have touched, and that they can continue to take on board all the correspondence and merchandise in Venezuelan ports which Venezuela may ship to foreign parts. The note says in regard to passengers that these will always be received, provided that they comply with the requisites prescribed by law.)

Minister Russell to the Secretary of State.

[Extract.]

No. 73.]

AMERICAN LEGATION,
Caracas, *April 29, 1906.*

SIR: Referring to my cable on the subject, sent through Bogota and duplicated through Trinidad, I have the honor to inclose herewith translation of the answer from the Venezuelan Government to my communications in regard to French vessels sailing from French ports direct to Venezuela.

I am, etc.,

WILLIAM W. RUSSELL.

[Inclosure.—Translation.]

D. P. E. No. 532.]

MINISTRY FOR FOREIGN AFFAIRS OF THE
UNITED STATES OF VENEZUELA,
Caracas, *April 20, 1906.*

MR. MINISTER: I acknowledge the receipt of your excellency's note of the 16th of the current month.

In turn I have instructions from the first vice-president of the Republic, in charge of the presidency, to say to your excellency as follows:

The minister knows that by his official communication of January 10 of the current year the relations between France and Venezuela have been broken since that date; the minister also knows that in consequence of the expulsion from French territory without just cause of our chargé d'affaires, Mr. H. Maubourguet, the Government of Venezuela found itself obliged to withdraw, in turn, its consuls from France, for which reason there exists at present a difficulty in regard to the consular clearance for merchandise that leaves French

ports; and, lastly, the minister knows that our consular law does not allow of clearance by other consuls who, although they may be of a friendly nation, have not the authorization of the respective Governments, being, as unfortunately there is to-day, a break of relations with France, according to a statement from your excellency on the above-mentioned date.

It is opportune, in conformity with your excellency's wish, to state to you that the French steamers on their several trips have been delivering correspondence in all of the ports of Venezuela wherever they have touched, and that they have also taken in said ports and can continue taking the correspondence and merchandise which Venezuela sends to foreign parts, and that in regard to passengers, these will be received always, provided that they comply with the requisites prescribed by the laws of the Republic.

I take, etc.,

LUIS CHURION.

RELATIONS BETWEEN COLOMBIA AND VENEZUELA—GOOD OFFICES OF THE UNITED STATES.

(Continued from Foreign Relations, 1905, p. 1030-1036.)

The Secretary of State to Minister Russell.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, January 20, 1906.

(Mr. Root states, referring to the department's telegram December 27 and Mr. Russell's reply of 29th, that Minister Barrett telegraphs as follows at the request of Colombian minister for foreign affairs:

First. The present prefect at Cucuta being persona non grata to the President of Venezuela, the President of Colombia, desirous of promoting amicable relations with Venezuela, will appoint a new prefect.

Second. The Government of Colombia, through her confidential agent, has expressed desire to Venezuela that both Governments, in accordance with the protocol of the 8th last December, would appoint plenipotentiaries and resume diplomatic relations on the 1st next February.

Mr. Root further states that Mr. Barrett adds that the minister for foreign affairs will be grateful if our good offices can be used toward Venezuelan acceptance of Colombian suggestion. Mr. Root directs Mr. Russell to do under the circumstances what courtesy, friendship, and good offices permit toward resumption of friendly relations.)

Minister Russell to the Secretary of State.

[Telegram.—Paraphrase.]

CARACAS, *January 22, 1906.*

(Mr. Russell reports that Mr. Root's telegram in regard to the propositions from the Colombian minister for foreign affairs for a settlement of the question with Venezuela was received on the 22d instant. He says that this morning he had a conference with the minister for foreign affairs and that the minister authorized him to report to Mr. Root that plenipotentiaries would be named simultaneously by both Governments on the 1st of February, and diplomatic relations would be then resumed.)

Minister Russell to the Secretary of State.

[Telegram.—Paraphrase.]

CARACAS, February 6, 1906.

(Mr. Russell reports that on the 1st of February Venezuela named a plenipotentiary to Colombia.)

Minister Russell to the Secretary of State.

[Telegram.—Paraphrase.]

PORT OF SPAIN, April 27, 1906.

(Mr. Russell informs Mr. Root that the plenipotentiary appointed by Colombia to arrange with Venezuelan plenipotentiary a treaty of navigation frontiers and frontier and transit commerce arrived about three weeks ago, and requested to be received by the Acting President in a formal audience. Mr. Russell states that the Government replied that the Colombian plenipotentiary could not be received in accordance with the terms of the protocol of last December until the treaty had been signed and put into execution. The Colombian plenipotentiary insisted until finally the Government of Venezuela stated that it could have no further relations with him and that Colombian Government must send some one else.)

Minister Russell to the Secretary of State.

No. 74]

AMERICAN LEGATION,

Caracas, April 29, 1906.

SIR: I have the honor to inform you that a rather unlooked-for hitch has occurred in the negotiations between Venezuela and Colombia for a renewal of diplomatic relations.

Gen. Benjamin Herrera, Colombia's minister plenipotentiary on special mission to arrange a treaty, arrived in Caracas about three weeks ago. General Herrera made an official visit to the minister for foreign affairs, which was returned within forty-eight hours, and a few days after requested to be received in solemn audience by the Acting President, inclosing his credentials and a copy of the remarks he intended to make on the occasion of his presentation. The Venezuelan Government in a very polite note acknowledged the receipt of this communication, but stated that in accordance with the spirit and letter of the protocol of December 8 the reestablishment of diplomatic relations was "an immediate consequence and ipso facto" of the treaty that was to be arranged, and that consequently the Vice-President in charge of the presidency would be very glad to receive him in solemn audience as minister plenipotentiary on special mission after the celebration of the treaty, "when he would then reveal his character as minister plenipotentiary on special mission."

Several notes were passed, and the Venezuelan Government claimed that the only thing for the Colombian plenipotentiary to do was to exchange credentials with Venezuela's plenipotentiary and proceed

to arrange a treaty. Finally the Venezuelan Government declined to proceed any further except through a new representative of Colombia.

General Herrera has written a letter to the members of the diplomatic corps stating his position and why he has not been able to call on them officially.

I inclose you a translation of the protocol of December 8, and copies ^a of the correspondence as published in *El Constitucional*.

I am, etc.,

WILLIAM W. RUSSELL.

[Inclosure.—Translation.]

Act for the renewal of diplomatic relations between Venezuela and Colombia.

We the undersigned, Dr. Rafael López Baralt and Dr. José Ignacio Díaz Granados, invested with the character of confidential agents of the United States of Venezuela and of the Republic of Colombia, as appears from the credentials which have been presented and found in due form, desirous of fulfilling faithfully the wishes of our Governments to make effective that harmony which the many bonds uniting the two nations have ever required and with a view to assure the common good of both peoples, have agreed as follows:

First. The Governments of the United States of Venezuela and of the Republic of Colombia shall name simultaneously ministers plenipotentiary on special missions to arrange the bases of a treaty in regard to navigation, frontiers, and frontier and transit commerce, with a view to satisfying the necessities and aspirations of the two countries.

Second. Having reestablished, in the way above stated, diplomatic relations between the two Governments, absolutely forgetting all causes of complaint which either one may have against the other, the special plenipotentiaries named shall proceed to celebrate, in conformity with the conditions or bases already agreed upon, the treaty above mentioned, and this latter having once been done, the two Governments shall accredit their respective legations to Caracas and Bogota.

Third. Until the treaty referred to shall be celebrated and put into execution, which treaty must be arranged, the commercial and the friendly relations between the two nations shall continue on the same footing of cordiality as they are at present.

The present act shall be submitted by the undersigned confidential agents to their respective Governments in order that they may give their approval to it.

Made, signed, and sealed in duplicate in Caracas the 8th of December, 1905.

R. LÓPEZ BARALT,
JOSÉ IGNACIO DÍAZ GRANADOS.

TEMPORARY RETIREMENT OF PRESIDENT CASTRO.

Minister Russell to the Secretary of State.

[Telegram.—Paraphrase.]

WILLEMSTAD, *April 10, 1906.*

(Mr. Russell reports that General Castro has retired temporarily from office and turned it over to First Vice-President Gomez yesterday. Mr. Russell says that the President states that his health is impaired and he needs rest; supposed to be going to Victoria. No political significance is apparent at present to this move.

States that second Vice-President is said to be leaving shortly for the United States on a financial mission.)

Minister Russell to the Secretary of State.

[Extract.]

No. 69.]

AMERICAN LEGATION,
Caracas, April 15, 1906.

SIR: Referring to my cable of the 10th instant, confirmed in another dispatch, I have the honor to inform you that on Monday, April 9, General Castro turned over the presidency to General Gomez, first Vice-President, and on the morning of the 10th left very quietly for Los Teques, where he has property. The cabinet resigned in a body, and the resignations were accepted, but no new cabinet officers have been named as yet, the under secretaries having been placed in charge of their respective ministries.

I inclose you herewith a translation of the proclamation of the President upon retiring.

I am, etc.,

WILLIAM W. RUSSELL.

[Inclosure.—Translation.]

*Proclamation of President Castro.**Venezuelans:*

Fatigue, produced by constant labor, and which I have been endeavoring to overcome for some time past, makes it imperative for me now, in order to restore my broken health, to retire from the exercise of the office of prime magistrate.

In accordance with a provision of the constitution I have called to power Gen. Juan Vincente Gomez, a very meritorious citizen of well-known civic virtues, who in my absence will fulfill strictly the duties of his office. You all know him, and you know perfectly well that in view of his character you must support him without any hesitation whatever, in order that the administration may continue, as it has up to now, under the surest bases of stability, order, and progress, thus making the action of the executive the most expeditious possible.

On retiring from power I wish you to take into consideration my effort and my sacrifices for the country's cause, which has been, and still is, the cause of the people, of reason, justice, and right, so that you will agree with me that he who has thus labored has a right to even a slight rest, and this can not be taken except in retirement and solitude.

On the other hand, our present international situation, completely defined and clear, gives us reason to hope that everything will continue harmoniously and on a basis of mutual respect and consideration. Our right is universally recognized, and per force the pending questions will either reach a friendly solution or be submitted to arbitration as the last and supreme resource counseled by civilization. As to our financial and economic situation, it could not be more flattering, in spite of the disastrous times we have gone through up to now, as even nature itself has denied us its kindly benefits. [Long drought.]

However, the whole of Venezuela, as well as the foreigner, knows that in this important branch of the public administration we are keeping up with the time and that all obligations will be religiously fulfilled.

Nothing is necessary, therefore, except a good administration with the support of all truly patriotic and well-intentioned men, in order that, with a continuance of peace, the cardinal foundation for the structure of the future, we may devote ourselves with the greatest confidence and security to work, in the enjoyment of all our constitutional guaranties; work which honors and dignifies, and which is absolutely necessary in order that the cause of the liberal restoration may at length arrive to a realization of its grand ideals and purposes, and that the structure of the Republic may be solidified without detriment to its sovereignty and independence.

On retiring then to private life I must call upon the patriotism of all Venezuelans to lay aside hatred and rancor and support the Government for the common good; and if my retirement, which may be only temporary, shall contribute to the union and confraternity of all Venezuelans and for the complete agrandizement of the country, I shall be very glad to remain in retirement.

CIPRIANO CASTRO.

CARACAS, April 9, 1906.

Minister Russell to the Secretary of State.

[Telegram.—Paraphrase.—Extract.]

WILLEMSTAD, May 24, 1906.

(Mr. Russell informs Mr. Root that at 3 p. m. yesterday General Castro issued a proclamation to the Venezuelans in which he stated that he had decided to retire absolutely from public eye, and that he would present his resignation at the next session of Congress, in accordance with the statement in said proclamation.)

Minister Russell to the Secretary of State.

No. 77.]

AMERICAN LEGATION,
Caracas, May 27, 1906.

SIR: I have the honor to inform you that General Castro returned to Caracas on the 14th instant, and that on the 17th instant General Gomez announced a new cabinet, as follows:

Interior—Dr. Leopoldo Baptista.

Foreign affairs—Dr. Jose de J. Paul.

Finance and public credit—Francisco de Salas Perez.

War and marine—Gen. Diego Bta. Ferrer.

Fomento—Gen. Aristides Telleria.

Public works—Dr. Luis Mata.

Public instruction—Dr. Carlos Leon.

Governor of Federal District—Gen. Alejandro Ybarra.

The new cabinet is an exceptionally strong one, and appears to have given general satisfaction.

The new minister of interior, Doctor Baptista, comes from one of the most prominent families in Los Andes, and has been a member of former cabinets. He is a very intelligent man, and in the last revolution took the field at the head of an army division on the side of General Castro and won renown as a fighter.

The new minister for foreign affairs, Doctor Paul, is well known to the department as special commissioner to the United States last year, and also Venezuelan commissioner in the arbitration of French claims by Judge Plumley.

The new minister of finance, Francisco de Salas Perez, comes from the governorship of the State of Carabobo, where he made an excellent record.

The new minister of war and marine, General Ferrer, was minister of fomento in the old cabinet.

The new minister of fomento, General Telleria, was president of the State of Coro at the beginning of the Matos revolution, when the State was captured by the revolutionists, and General Telleria has been out of office since that time.

The new minister of public works, Doctor Mata, comes from the governorship of the Territory of the Amazon.

The new minister of public instruction, Doctor Leon, is a prominent lawyer, and up to a few months ago was a member of the high federal court.

The new governor of the Federal District, General Ybarra, comes from the portfolio of foreign affairs in the old cabinet.

I am, etc.,

WILLIAM W. RUSSELL.

Minister Russell to the Secretary of State.

[Extract.]

No. 80.]

AMERICAN LEGATION,
Caracas, May 27, 1906.

SIR: I have the honor to inform you that the 23d day of May was celebrated all over the Republic as a national holiday and the day in Caracas was one of extraordinary ceremony. The day is commemorative of May 23, 1899, when General Castro left the place of his exile on the Colombian frontier at the head of the revolutionary movement that placed him in power.

The greatest surprise of last Wednesday was the proclamation of General Castro, in which he stated that he had decided to retire absolutely from public life, and would present his resignation to the next Congress. I inclose you herewith a translation of Castro's proclamation, of which I have already informed you by cable.

I am, etc.,

WILLIAM W. RUSSELL.

[Inclosure.—Translation.]

AN OFFERING TO MY COUNTRY ON THIS 23D DAY OF MAY, 1906.

Seven years ago to-day I undertook the restoration of my country from the exile where chance and destiny had placed me.

In those seven years of perpetual strife I have offered to the country all that a truly patriotic spirit can offer—repose, tranquillity, my existence, and that of my family.

In the struggle of these seven years all Venezuelans, friends or enemies of the restoration, conquered or conquerors, will have suffered the effects of the strife, but the country has gained; and it is not venturesome to say that the march of this grand cause is assured, convinced as the majority of the Venezuelan people are of its beneficent influence.

The consequent fatigue, and even disgust, if I may be permitted to say it, obliged me, as you all know, to retire temporarily from power on the 9th of April, with the sole and exclusive object of obtaining a rest so indispensable to my mind and body.

In a discourse to the Venezuelans I said: "And if my retirement, which may be only temporary, shall contribute to the union and confraternity of all Venezuelans for the complete aggrandizement of the country, I shall be very glad to retire permanently."

Under such circumstances the gratitude of the people was not wanting, and it was manifested through the press and public opinion in general, begging me to return as soon as possible to preside over the destinies of the Republic as the head of the liberal restoring cause.

As these manifestations, which were suppressed, were considered by me not only as spontaneous but as genuine, loyal, and sincere, in the first place I must say to all my compatriots and friends in this regard that I am profoundly grateful; for this means that I live and will continue to live in the heart of my countrymen. I state, then, that I am sufficiently recompensed for all my labors and griefs, and that I shall always preserve this memento as the most appreciable verdict which mortal man can obtain.

These manifestations, as we all know, have produced, on the other hand, impressions the spread of which might bring about fatal consequences and even paralyze the cause of the restoration, and with it the cause of the Republic, as the former is to-day not the cause of any one party but the cause of the whole people, who feel a pride and satisfaction in its progress up to the present moment.

After what was said in that document, and as I have never been guided and never will be guided by any other sentiments than those of the strictest duty and the most ardent patriotism, to the exclusion of base ambition and of passion and treachery, I will fulfill that sacred duty and comply with those obligations which patriotism in this historic moment, the most solemn of my life, imposes upon me, to avoid the difficulties which may present themselves; suppressing the noble sentiments of some and the suspicions of others, with the only sacrifice that can be made, if there is any sacrifice in it; declaring now my absolute retirement from public life, to continue only as a loyal and sincere friend of Venezuelans, with the desire to unite all.

I offer, then, to my beloved country, on this ever memorable day, my power, and even my glory, if necessary. What else can he do to-day for his country and his friends, who on other occasions has offered his life, his tranquillity, and that of his family?

Thus I take it that there will be no more grudges, no ill will, and all those who have contributed their grain of sand to the grand cause of the restoration will be designated with equal titles and on equal conditions with distinction of no kind. There will be a new provision in our political and administrative code against exclusiveness, which has worked so much damage to the Republic; and the government will thus feel itself always strong to administer well, giving justice to whomsoever may hunger and thirst for it. In a word, the work of the restoration will continue firm in its tendencies and purposes, which were initiated on that memorable 23d of May, 1899, not only on a basis of the most perfect union between the members of our grand party, with which is linked the future of the country, but with a due regard for all Venezuelans who, although enemies, shall come loyally and honorably to enlist themselves in that cause.

If unfortunately any international conflict, which I do not look for, should present itself to disturb the tranquillity of the Republic, then you must know that he who in thirty years of public life has known how to fulfill his duty will ever be ready to be called to the side of all Venezuelans however grave said conflict may be.

At the next session of Congress I will duly present my resignation in accordance with this manifest.

My last wishes to-day are for the grandeur of my country and for the happiness of all Venezuelans on a plane of union and confraternity.

CIPRIANO CASTRO.

LA VICTORIA, May 23, 1906.

Minister Russell to the Secretary of State.

[Telegram.—Paraphrase.—Extract.]

PORT OF SPAIN, May 29, 1906.

(Mr. Russell reports that an open rupture between Castro and Gomez seems imminent. Castro, in response to repeated requests from Gomez to take charge of the Presidency at once, replied that if

Gomez would appoint him private secretary he would act as such and aid the reorganization of the Republic until Congress assembled to act on his resignation. Mr. Russell states that Gomez again telegraphed Castro proposing that they meet in conference for a final understanding, but that Castro paid no attention to this proposition, and Gomez telegraphed yesterday that if Castro still refused to take charge he would call Congress in extra session and present his resignation as vice-president. Castro replied to this, telling Gomez to go ahead and do what his friends might suggest to him.)

Minister Russell to the Secretary of State.

[Extract.]

No. 83.]

AMERICAN LEGATION,
Caracas, June 10, 1906.

SIR: Referring to my cable and last dispatch on the subject, I have the honor to inform you that the difficulty between General Castro and General Gomez has been arranged, as appears from a proclamation of General Gomez, a translation of which is herewith inclosed.

On the 5th instant General Gomez went to La Victoria to have an interview with General Castro, and when he returned on the 7th the whole cabinet resigned. On the 8th a new cabinet was named, four of the old ministers being reappointed, viz, interior, foreign affairs, war, and public works. The new ministers are as follows:

Fomento—Arnaldo Morales.

Finance—Gustavo Sanabria.

Public instruction—Dr. Eduardo Blanco.

Governor of Federal District—Gen. Emilio Rivas.

After General Castro's retirement, and when a new cabinet was named by Gomez, Castro was much displeased with the appointments for the portfolios of finance, fomento, and public instruction; all these have been replaced by others acceptable to both Castro and Gomez.

The new minister of fomento, Dr. Arnaldo Morales, was minister of public works when Castro retired, and went out at the same time.

The new minister of finance, Gustavo Sanabria, is perhaps known to the department as foreign minister during Mr. Bowen's term of office.

The new minister of public instruction, Dr. Eduardo Blanco, has had the same portfolio under General Castro, as also that of foreign affairs.

The new governor of the Federal District, Gen. Emilio Rivas, is an Andino and the personal friend of General Castro.

Two delegates from each State and Territory have been named to meet in Caracas on the 12th and proceed to La Victoria to present to General Castro the proclamations of the people requesting him to desist from his purpose of resigning and come back to power. It is not believed that General Castro will return for some time, but no one can tell what he intends to do.

I am, etc.,

WILLIAM W. RUSSELL.

[Inclosure.—Translation.]

J. V. Gomez, First Vice-President, in charge of the Constitutional Presidency of the Republic, to the Venezuelans:

From my letter of the 24th of last May to the illustrious Gen. Cipriano Castro, constitutional President and restorer of Venezuela, you know the motives by which I considered myself obliged to retire from the exercise of the functions of first magistrate of the nation; and you also know the state of excitement the country has passed through in these last days, causing profound regret to my patriotic spirit as a faithful servant of the liberal restoring cause.

Laying aside completely a pride misinterpreted when the affairs of the country are at stake, and in consideration of the very loyal sentiments which have linked me during many years of struggle to the invincible chief of the liberal restoring cause, I deemed it opportune as a pledge of that mortal authority which we must all try to give to the illustrious chief, to go to the city of La Victoria for the purpose of securing in a personal interview an immediate solution to a state of affairs incompatible with the serene and beneficent march of the public administration.

I am very pleased to announce to you that having found in the lofty mind of General Castro the most noble desires to put an end to this question, he has ratified to me his purposes and offers of aid by collaborating with me in the discharge of my delicate duties. Counting upon this patriotic promise, and with the hope, moreover, that the illustrious chief of the Republic will consider the request which the people are making to him to desist from his purpose of resigning the chief magistracy and continue to preside over the destinies of the country, I have gladly consented to continue in the meanwhile to discharge my official duties.

I therefore call upon all of my compatriots to cooperate with their good will and generous effort to cement the union of the Venezuelan family and to maintain intact the conquests of the liberal restoring cause with the progressive development in the interests of the Republic and the maintenance of respect for its integrity and sovereignty abroad.

J. V. GOMEZ.

CARACAS, June 8, 1906.

Minister Russell to the Secretary of State.

No. 84.]

AMERICAN LEGATION,
Caracas, June 24, 1906.

SIR: I have the honor to inform you that the "acclamation" delegates from all the States and Territories of the Republic went to La Victoria and presented to General Castro the petitions from the people to return to power. General Castro informed the delegates that he would take charge of the presidency on July 5, Venezuela's independence day.

The occasion of General Castro's return to power is to be made one of much ceremony. Official orders have been issued containing the programme to be observed on July 4 and 5; the President entering Caracas on July 4. Triumphal arches are to be erected along the route from the station to the President's residence. General Gomez is to give a grand ball on the evening of July 4, and other balls and receptions are to follow for some time after.

I am, etc.,

WILLIAM W. RUSSELL.

Minister Russell to the Secretary of State.

No. 89.]

AMERICAN LEGATION,
Caracas, July 8, 1906.

SIR: I have the honor to inform you that General Castro entered Caracas on July 4, and the next day, July 5, anniversary of Venezuela's independence, resumed charge of the presidency.

The day of General Castro's entrance was made a national holiday, and on his way from the station to his residence he passed under five triumphal arches. At Washington Square an immense arch was erected, and the President left his carriage and placed a wreath at the foot of the statue of George Washington.

The Government had sent me a wreath of beautiful design for Washington's statue, and this wreath I placed at the same time that General Castro placed his. The Federal District of Caracas also gave a wreath for the statue.

On the 5th General Castro issued a proclamation to the Venezuelans in which he stated that all the political prisoners would be set free, with the exception of "traitors," and this includes two prominent generals who were tried and sentenced by court-martial. Up to this time there have been liberated about 85 prisoners, and the list includes the celebrated General Rolando, who operated for a time so successfully in the east.

The confiscated property of General Matos and Ortega Martinez have been returned.

On the 5th an executive decree was issued to the effect that the present cabinet ministers would remain in charge of their respective portfolios until the government was reorganized. The only appointments so far have been a new secretary-general and a new governor of the Federal District.

I am, etc.,

WILLIAM W. RUSSELL.

Minister Russell to the Secretary of State.

[Extract.]

No. 95.]

AMERICAN LEGATION,
Caracas, July 22, 1906.

SIR: I have the honor to inform you that on the 16th instant General Castro named a new cabinet, as follows:

Interior—Dr. Julio Torres-Cardenas.

Foreign affairs—Dr. José de J. Paúl.

Finance—Dr. Eduardo Celis.

War and marine—Gen. Manuel Salvador Araujo.

Fomento—Jesus M. Herrera Irigoyen.

Public works—Juan Casanova.

Public Instruction—Dr. Laureno Villanueva.

Governor of the Federal District—Dr. Luis Mata Illas.

The new minister of interior, Doctor Torres-Cardenas, has been secretary-general to the President ever since the latter came to power and is one of his most trusted advisers.

The new minister for foreign affairs, Dr. José de J. Paúl, holds over from the last cabinet. The new minister for finance, Doctor

Celis, was formerly collector of the port at La Guaira, and is said to be a very capable man.

The new minister of war, General Araujo, was one of Castro's fighters in the last revolution and has lately been commandant of arms of the Federal District.

The new minister of fomento, Mr. Herrera Irigoyen, is the owner and editor of *El Cojo*, a Caracas illustrated monthly magazine.

The new minister of public works, Mr. Casanova, is a rich planter, and a member of one of the prominent families of Caracas.

The new minister of public instruction, Doctor Villanueva, was rector of the university before he was called to the cabinet.

The new governor of the Federal District, Dr. Luis Mata, was minister of public works in the old cabinet.

I am, etc.,

WILLIAM W. RUSSELL.

IMMUNITIES OF A RETIRING DIPLOMATIC OFFICER.

Minister Russell to the Secretary of State.

No. 48.]

AMERICAN LEGATION,
Caracas, January 21, 1906.

SIR: Your cable of the 10th instant, in regard to the decision of the French Government to sever diplomatic relations with Venezuela, was received by me the same day, and was immediately followed by an official note from the French chargé d'affaires here advising me to the same effect. I accordingly wrote an official communication to the Venezuelan Government (inclosure 1) and handed it in person to the minister for foreign affairs in the afternoon of the 10th. This note was answered the next day (inclosure 2). On the morning of the 11th, I had a long interview with the minister for foreign affairs and told him as there were no passenger steamers leaving at once, Mr. Taigny might be delayed here two or three days, and that in all probability a man-of-war would call at La Guaira. I explained that if a war vessel was coming I would notify him in due time when it was expected and when Mr. Taigny would leave Caracas.

It was also arranged that upon my request the Government of Venezuela would give Mr. Taigny a salvo conducto (safe conduct).

On the morning of the 11th the La Guaira cable office was closed.

On Saturday, the 13th, Mr. Taigny and his vice-consul went to La Guaira, in order to be in the port on the arrival of the French steamer *Martinique*, due on Sunday, 14th. On Sunday morning, about 9 o'clock, I was advised from La Guaira that Mr. Taigny had gone on board the French steamer and was to be arrested and taken off by soldiers; the Venezuelan Government alleges that he forced his way past the custom-house guards, who had requested from him the necessary permission.

I immediately communicated with the minister for foreign affairs, but in the meantime I had been advised that Mr. Taigny had been detained on board the ship, and that the vessel had been made to haul off from the dock. I again made an earnest appeal to the

minister for foreign affairs, but could do nothing; the only answer I could get was that Mr. Taigny had defied the laws of the Republic. I kept in close communication with our consul in La Guaira, but could get no communication with Mr. Taigny until Monday morning, when our consul went on board. Late Sunday afternoon the consul informed me that Mr. Taigny had informed the agents of the steamship line that he would leave on the *Martinique*, and I instructed the vice-consul, Mr. Desmarts, to prepare his baggage and take it down to La Guaira on Monday morning.

The Government had been advised of the arrival of a French man-of-war, and had sent notification to this effect to the captain of the *Martinique*, and that the transfer of Mr. Taigny could take place outside of the harbor. No war vessel having arrived up to midnight on Monday, the *Martinique* left and carried Mr. Taigny to Curaçao, where he arrived on the 17th instant.

The first communication I had from Mr. Taigny was delivered to the American consul, who went aboard the *Martinique* on Monday morning. Mr. Taigny delivered to the consul two letters, one for me (inclosure 3) and one for the dean of the diplomatic corps (inclosure 4).

I had instructed the consul not to deliver these letters to anyone, but to bring them to Caracas himself; but the consul could not leave La Guaira, and sent the letters to me on Thursday by his clerk. A meeting of the diplomatic corps was held on Thursday afternoon, and it was agreed to address a communication to the Government (inclosure 5). This communication was answered by the minister for foreign affairs (inclosure 6), and on the same day the diplomatic corps was again called in reunion, and the note of the minister for foreign affairs was answered (inclosure 7).

I inclose you the report of the French vice-consul, Mr. Desmarts, to the French minister for foreign affairs (inclosure 8), and the report of the American consul (inclosure 9).

The Venezuelan minister for foreign affairs takes the strange position that Mr. Taigny's immunities ceased when I wrote my note of the 10th instant, and that he was merely a French citizen.

I await your instructions before taking any other action with the diplomatic corps, and I trust that my course so far in this matter will meet your approval.

I am, etc.,

W. W. RUSSELL.

[Inclosure 1.]

Minister Russell to the Minister for Foreign Affairs.

AMERICAN LEGATION,
Caracas, January 10, 1906.

MR. MINISTER: I have the honor to inform you that, in accordance with instructions from Washington received this morning and an official note just received from the French legation in Caracas, the French Government has decided to discontinue diplomatic relations with the Government of Venezuela and to withdraw its representative from Caracas.

I have also been instructed to take charge of the property and archives of the French legation and to assume the friendly care of the interests of French citizens in Venezuela temporarily.

I take, etc.,

WILLIAM W. RUSSELL.

[Inclosure 2.—Translation.]

The Minister for Foreign Affairs to Minister Russell.

CARACAS, January 11, 1906.

MR. MINISTER: I have the honor to acknowledge the receipt of your courteous note of the 10th instant, and the constitutional President of the Republic has been informed of the contents thereof.

I take, etc.,

ALEJANDRO YBARRA.

[Inclosure 3.—Translation.]

*The French Chargé to Minister Russell.*ON BOARD THE MARTINIQUE,
La Guaira, January 15, 1906.

MR. MINISTER: You being charged with the care and the protection of French interests in Venezuela by reason of the rupture of diplomatic relations between France and this country, I come as the representative of France and French citizens to formulate the most energetic protest against the treatment which was inflicted upon me yesterday, January 14, by the Venezuelan Government, preventing me from leaving the mail boat *Martinique*, on which I had been called by my professional duties. I have been kept prisoner on board up to this hour, without being able to communicate with the consular agent of France, nor the mail agent, nor the vice-consul with whom I came down from Caracas, and who was prevented from coming on board. I am forced to embark, on the war vessel which is coming to look for me, in a clandestine manner and contrary to the importance of the functions which I have exercised for eight months at Caracas and the courtesy professed by all civilized nations as regards diplomatic representatives, as well as nations with whom relations have been broken off.

I shall be very much obliged to you if you will bring to the knowledge of your Government the arbitrary and unworthy proceedings of a people who count amongst themselves—*qui compte dans son sein*—so many persons friendly to my country, and I leave the responsibility of this violation of the law of nations to the executive power who has dictated its orders without, however, caring to leave any written trace of them.

Believe, etc.,

OLIVIER TAIGNY.

[Inclosure 4.—Translation.]

*The French Chargé to the Diplomatic Corps in Venezuela.*ON BOARD THE PACKET BOAT MARTINIQUE,
January 15, 1906.

MR. DEAN AND DEAR COLLEAGUES: In your quality as dean of the diplomatic corps of Caracas I address to you my very strong and formal protest against the proceedings of which I was a victim on the part of the Venezuelan Government in La Guaira on January 14.

The fact of retaining arbitrarily a diplomatic representative, whose person should have been the more sacred as relations had just been broken between his country and Venezuela, should be called to the attention of all the nations who have representatives in Venezuela. I pray you to make this fact known to all my colleagues in order that their respective Governments may be informed of the little protection which agents accredited to the Government of General Castro find in the fulfillment of their mission.

I pray you to give my respects to all my colleagues and to tell them how much I regret not being able to bid them good-by as I should have desired.

Please accept, etc.,

OLIVIER TAIGNY.

[Inclosure 5.—Translation.]

*The Dean of the Diplomatic Corps to the Minister for Foreign Affairs.*LEGATION OF THE UNITED STATES OF BRAZIL,
Caracas, January 18, 1906.

MR. MINISTER: The diplomatic corps accredited to the Venezuelan Government, having learned of an incident which happened last Sunday, the 14th instant, in the port of La Guaira to the chargé d'affaires of France, Mr. Olivier Taigny, who writes us in a letter received to-day that he was detained aboard the French steamer *Martinique*, deprived of his liberty, and even obliged to leave on said steamer before he had received his passports, and without any delay being granted him, which would not be in accord with his diplomatic immunities, have requested me in my character of dean to beg your excellency to please furnish to the chiefs of mission the details of the incident and the reasons for the measure taken against the above-mentioned chargé d'affaires by the Government of this Republic, in order that they may refer the matter to their Governments and explain to them the motives for this action which, in accordance with what has been told them, seems strange to said foreign representatives.

In thanking your excellency in advance for a reply which your habitual good will and courtesy will not refuse to a request which seems so justifiable to all, I gladly, etc.,

M. DE OLIVEIRA LIMA.

[Inclosure 6.—Translation.]

The Minister for Foreign Affairs to the Dean of the Diplomatic Corps.

CARACAS, January 20, 1906.

MR. MINISTER: I acknowledge the receipt of your excellency's note of the 18th instant. I am instructed to say to your excellency, in order that you may likewise inform the honorable diplomatic corps, that the Government regrets to find itself obliged to excuse itself from answering the question asked of it, as Mr. Taigny, on the date on which he forcibly went aboard the French steamer anchored in the port of La Guaira, had no diplomatic character after Minister Russell, in charge of the negotiations between Venezuela and France, passed to this ministry his official note of the 10th instant, and of which note the national executive was immediately informed, and to which note said American Minister Russell received an official answer on the 11th instant, both of which notes the diplomatic corps will have seen published laterly; so that the affair is one of mere internal police.

The Government of Venezuela laments, moreover, this incident, as the note of your excellency was entirely diplomatic in character, and as the Venezuelan Government is extremely anxious to maintain and preserve its correct and sincere relations of good friendship which it cultivates as well with the nations represented as with their worthy representatives.

I reiterate, etc.,

ALEJANDRO YBARRA.

[Inclosure 7.—Translation.]

*The Dean of the Diplomatic Corps to the Minister for Foreign Affairs.*LEGATION OF THE UNITED STATES OF BRAZIL,
Caracas, January 20, 1906.

MR. MINISTER: I have the honor to acknowledge the receipt of your excellency's note of to-day, which I immediately made known to my honorable colleagues of the diplomatic corps, who charge me in my character as dean to say to your excellency that they will forward the contents of your note to their respective governments; but at the same time to say to your excellency that they can not agree with the statements made in the above-mentioned note of your excellency, viz, that an agent loses his diplomatic character and the immunities inherent thereto from the fact of a rupture of relations and with-

out the fulfillment of the usual formalities. In this particular case the exchange of notes between the United States minister and the Venezuelan minister for foreign affairs did not cause the chargé d'affaires of France to lose his diplomatic character, and as a principle would be in opposition to the generally accepted rules of the law of nations.

The representatives accredited to this Republic charge me likewise to say to your excellency that their desire is none the less sincere to cultivate with the Government of Venezuela cordial relations of good friendship, the maintenance of which is the principal object of the mission that has been confided to them by their governments.

I take, etc.,

M. DE OLIVEIRA LIMA.

[Inclosure 8.—Translation.]

Report of Mr. Desmartis, French Vice-Consul at Caracas, to the Minister for Foreign Affairs in Paris.

On January 15, 1906, Mr. Taigny, accompanied by Mr. Desmartis, went to the wharf where was tied up the French mail packet *Martinique*, which had come from Trinidad. In accordance with a custom established since the time at least when Mr. Wiener took charge in 1903, undoubtedly in view of superior orders, and which custom Mr. Taigny had continued to observe all the time that he was French chargé d'affaires in Caracas, he did not ask permission from the custom-house to go on board. Preceded by Mr. Grane, postal agent of the steamer, he went on board and the custom-house guard who was stationed at the head of the gangway made no effort to oppose him.

Only when Mr. Taigny went to the quarters of the captain the employees of the custom-house must have done something, for Taigny appeared on the bridge and begged Mr. Doyeux, French consular agent in La Guaira, who had not been able to join him, to call up by telephone Mr. Russell, United States minister, and to request him in his name to take the necessary steps with the minister for foreign affairs in order that he should not be expelled from on board and that he should have the liberty of his movements. Telephonic communication with the United States legation could not be obtained immediately, and Mr. Jaccoux, chief of the cable at Caracas, was charged to communicate to Mr. Russell the request of Mr. Taigny. A little later Mr. Desmartis, who had not been permitted to go on board, and who up to that moment had been engaged with an incident connected with the diplomatic mail pouch, confirmed to Mr. Russell the mission of Mr. Jaccoux.

About 11 o'clock in the morning an order was given by General Castro not to permit Mr. Taigny to disembark. The prefect of La Guaira, in order to make sure the execution of the order, informed the agent of the Trans-Atlantic Company in La Guaira that if the captain of the French steamer allowed the chargé d'affaires of France to leave the ship by day or night at La Guaira or at any other place in Venezuela not only the packet boat would not be authorized to take out its clearing papers, but Mr. Hellmund would be held as personally responsible for the nonexecution of the orders of General Castro and would be severely punished with fine and imprisonment. Although Mr. Hellmund is not a French citizen, his quality as representative of a French navigation company serves as an example of the arbitrary threats and methods to which the Venezuelan Government has not hesitated to have recourse to compel Mr. Taigny to obey orders contrary to the law of nations. Only when Mr. Taigny was informed of these dispositions of the Venezuelan authorities and in order not to compromise the situation and the liberty of Mr. Hellmund, he declared himself ready to submit, not without protest, however, to this measure of expulsion. He only requested that his personal effects be sent to him, a favor which Mr. Russell obtained for him.

It is well to remark in conclusion, on the one hand, that Mr. Taigny had not asked for his passports and that the Venezuelan Government had not delivered them to him, and, on the other hand, that the Venezuelan Government knew through Mr. Russell that the French Government was taking measures to provide for the departure of Mr. Taigny and that very probably a war vessel would come to seek him in a very short time. In these conditions the measure taken against the chargé d'affaires of France, for he preserved this character in spite of the rupture of relations and according to the usages and diplomatic courtesy, is less explainable still and appears to be more condemnatory from the point of view of international law.

[Inclosure 9.]

*Consul Moffat to Minister Russell.*AMERICAN CONSULAR SERVICE,
La Guaira, January 17, 1906.

SIR: I have the honor to advise in regard to the Taigny incident the following: Mr. Taigny, upon going on board of the French steamship *Martinique*, which arrived at this port at 8 a. m. on Sunday, as has been his custom upon the arrival of French steamers recently in order to get his mail, was intercepted by the customs official stationed at the gangway, who demanded the presentation of the customary permit, a pass issued by the administrador del aduana (collector of customs). Mr. Taigny informed the officer that no such permit was necessary, and was never demanded of diplomatic representatives, and that, he being a minister, as such had the right to board a vessel of French registry without molestation or hindrance, as he considered a French vessel as French soil.

The customs officer thereupon was instructed by his superior to arrest Mr. Taigny, but Mr. Taigny brushed the officer aside and stepped on board. The ship's officers refused to permit the arrest of Mr. Taigny when once on board.

The government officers then withdrew and after communicating with Caracas ordered the ship to lay off from the dock some 15 feet, Mr. Taigny still being on board. Orders were almost immediately issued by President Castro, from Caracas, not to permit Mr. Taigny to again come ashore, and that no communication be permitted between the ship and the shore.

While these events were transpiring I had been leisurely walking around from the entrance gate of the harbor corporation to go out alongside of the ship, merely as an exercise, when I was met and told of the incident, it just having happened. The ship was then being moved away from the dock. A policeman was on guard at the berth where the *Martinique* lay moored.

Thinking if such a condition of affairs existed as had been described to me I might be of service in getting a message from Mr. Taigny to you, I called upon the commandante and requested a permit to go on board, but was informed that while extremely sorry to be compelled to refuse me, as it was my first request of the kind, that the President's orders were that there should be no communication and that no one be permitted to either board or leave the vessel.

At 4 o'clock the administrator, who had just arrived from Macuto, notified the agents of the steamer that her cargo could be discharged in the morning (January 15), but that no communication of any kind could be had with those on board, that Mr. Taigny must remain on the vessel, and that should he desire to have his effects sent to him the same might be placed on board. The captain of the ship and agent of the line were notified that in the event of Mr. Taigny leaving the vessel during its stay in port the ship would not be permitted to discharge her cargo, and likewise that the agent would be placed under arrest. This information the agent gave to me, all of which I telephoned you.

Acting upon instructions received from you, I called upon the administrator at about 6 o'clock and requested permission in your name to visit the vessel, in order to inform Mr. Taigny of your efforts and that his baggage would be sent to him. The administrador informed me that the granting of the request was impossible, owing to the lateness of the hour, but that a permit would be issued to me in the morning (January 15).

The following morning (January 15) I again called upon the administrator for the promised permit, when I was informed, in the presence of my clerk, that it could not be issued. I thereupon stated to the administrador that I requested the permission as a consul of the United States, and that the visit was to be made for the purpose of advising Mr. Taigny that you had been unsuccessful in efforts in his behalf, and that his baggage would be sent from Caracas in time to be placed on board, and that I would attend to its transfer to the ship. After thus stating the purpose of my proposed visit, I left the office and returned to the consulate. The officials were most cordial in their treatment and regretted the conditions that made refusal necessary.

Within thirty minutes a messenger was sent from the administrator's office to say that I now had permission, if I made the usual written request. This I did, and the application was approved.

I at once took a boat and went on board of the *Martinique*. Mr. Taigny met me and I delivered the message, further advising him that his baggage

was at that moment being placed on ship. He was greatly pleased at this information, and said that up to that time he had been unaware of what was being done in his interest. Mr. Taigny then asked me if I would take a letter addressed to you ashore, also one addressed to the dean of the diplomatic corps. I agreed to do so, but stipulated that should the officials ask if I carried any written dispatches from him that I should admit and make no concealment of the fact, my mission being simply that of an intermediary nature only and as bearer of information to you as minister, further saying that if requested to deliver them up to the government officers would do so only in the presence of a witness. I came ashore, however, without hindrance or inquiry being made.

The agents of the line, before going aboard, and Mr. Taigny on board, advised me that the President had telegraphed instructions to the administrator to permit the *Martinique* to lay off after clearing, at her pleasure, as a French man-of-war had passed Carupano on her way to this port to take away Mr. Taigny. In anticipation of this being a fact, the *Martinique* awaited at anchor to transfer Mr. Taigny thereto until 11.45 p. m., at which hour, the vessel advised by the President not having arrived, weighed anchor and departed.

I might state that I have never requested, nor has it been required, that I produce a permit when visiting American vessels. The customs officers have once or twice inquired if I had a permit when going on board, but upon stating that I was "consul americano" have been allowed to proceed without further comment. In fact, I have visited the Royal Mail steamers (English) several times without permit or question.

The two customs officers who permitted Mr. Taigny to pass up the gangway and on board were immediately placed under arrest.

I have, etc.,

THOMAS P. MOFFAT.

Minister Russell to the Secretary of State.

No. 51.]

AMERICAN LEGATION,
Caracas, February 4, 1906.

SIR: I have the honor to inclose herewith a copy and translation of the last note from the Venezuelan minister for foreign affairs in answer to the last note from the dean of the diplomatic corps regarding the detention of Mr. Taigny, chargé de affaires of France, aboard the French steamer *Martinique* in La Guaira.

I am, etc.,

W. W. RUSSELL.

[Inclosure.—Translation.]

The Minister for Foreign Affairs to the Dean of the Diplomatic Corps.

MINISTRY OF FOREIGN RELATIONS,
Caracas, January 21, 1906.

MR. MINISTER: In advising your excellency of the receipt of your note of yesterday, the 20th, I am charged by the constitutional President of the Republic to say to you the following, so that your excellency can bring it to the knowledge of the diplomatic corps:

When the Government of Venezuela, in conformity with its former note, wished to avoid a categorical reply concerning the matter which was the motive of your excellency's note, it was wishing and did in effect wish to give a proof of great deference and extreme courtesy toward the resident representatives of friendly governments in Venezuela, avoiding entering with them into the bottom of an affair which did not merit the diplomatic character which had been given it and the false situation in which the said diplomatic corps would be placed. The Venezuelan Government, obliged then by your excellency's second note to take up the question, the Government of the Republic hastens at once to make the preliminary declaration for the reasons noted; it excused itself from having to treat with the honorable diplomatic corps such a disagreeable question without signifying that this chancellerie would not be ready and pleased to give to each one in particular of the representatives of friendly governments the explanations which in such cases are part of international

courtesy and of good friendship with the governments with whom such relations are cultivated. Unfortunately, the diplomatic corps at present residing in Caracas has confounded the incident concerning M. Taigny, because the case was not one to be treated in diplomatic form, unless by the government to whom the foreigner belonged, who may have been affected, and never to be treated with all the diplomatic corps together in a diplomatic way—*que no cabe*—it not being a proper case.

And so we see that if the case which occurred with M. Taigny might have been, let us say for example, with a Brazilian, it is clear that it would be the Government of Brazil to whom the right of asking explanations would belong and not to the diplomatic corps. Indeed, the precedent which would be established, if the Government will not accept the intervention in the form expressed, would be fatal, because any one of the nations represented by the said diplomatic corps to-morrow would be committed to accept like cases. If the Government of Venezuela—insulted by the French Government, which has gone so far as to qualify it as a despoiler, after hovering over the troubles and misfortunes of the fatherland, with the war in which conjointly with Venezuelan citizens it trampled on the fatherland, and which by proven documents already known to the public stands compromised—had done what it ought to have done, that is to say, immediately cut off its relations with the Government of France, then, yes, that would have been a case for handing passports to the fatal Taigny, passports which would have been respected by the Venezuelan authorities, as M. Taigny himself would have been without those passports even if he had been retired by his Government, had he not become liable for the infraction of an ordinary police regulation. Indeed, after the handing in of the note by Mr. Russell in the name of the French Government and the answer by the Venezuelan Government, what character can be given to M. Taigny from the moment when the French Government categorically and finally declared that relations were broken off and that M. Taigny was withdrawn from the representation which he had? For the Government of Venezuela, and for those who represent the diplomatic corps, surely M. Taigny from this moment was nothing more than a French citizen in Venezuela, under the protection of our laws and our Government, but also liable to the action of these same laws, which give him no immunity, even supposing that he still had a diplomatic character, unless it were permissible to think that M. Taigny, after being divested by his Government of the character which he had, could continue to trample on the sacred and august laws of the Republic, a fatal precedent which could be invoked to-morrow in the respective countries represented by the diplomatic corps when similar cases arose. As your excellency said in your answering note that the former note from this chancellerie would be brought in its entirety to the knowledge of the respective Governments represented by the diplomatic corps, the Government of the Republic has made haste to answer your excellency so that the said diplomatic corps may deign to transmit simultaneously the present note also, containing the reasons for which this Government had foundation for sending your excellency the former note.

I renew, etc.,

ALEJANDRO YBARRA.

Minister Russell to the Secretary of State.

No. 65.]

AMERICAN LEGATION,
Caracas, March 18, 1906.

SIR: Referring to my No. 51, of February 4, inclosing a copy and translation of the last note from the Venezuelan minister for foreign affairs to the dean of the diplomatic corps regarding the Taigny incident, I have the honor to inform you that the note referred to was sent by all of the diplomatic representatives here to their respective governments.

I have been advised that up to the present instructions have been sent to the representatives of England, Holland, and Italy to protest against the position taken by the Venezuelan Government.

I await your instructions.

I am, etc.,

WILLIAM W. RUSSELL.

The Secretary of State to Minister Russell.

No. 35.]

DEPARTMENT OF STATE,
Washington, April 2, 1906.

SIR: I have to acknowledge the receipt of your No. 65, of the 18th ultimo, in which you ask for an expression of the views of this Government respecting the Taigny incident.

In reply I have to say that this Government concurs in the position which, it is assumed, is taken by the powers that under international law diplomatic immunities and the right to be protected attach to a diplomatic agent even though his powers to represent and negotiate for his government may have been suspended or terminated by recall or otherwise, so long as he may be within the jurisdiction of the state to which he has been accredited, a reasonable time for his withdrawal therefrom being accorded.

I am, etc.,

ELIHU ROOT.

Minister Russell to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN LEGATION,
Caracas, April 17, 1906.

(Mr. Russell asks to be informed if he is to join his colleagues in note to the Government, embodying the department's views as stated in No. 35, of 2d of April.)

The Acting Secretary of State to Minister Russell.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, April 23, 1906.

(Mr. Bacon states that the department prefers, if agreeable to the diplomatic corps, that Mr. Russell should state its views in a separate note coincidentally with the presentation of the joint note of his colleagues, in the language of instruction No. 35.)

ADDRESS BY SECRETARY ELIHU ROOT BEFORE THE TRANSMISSISSIPPI COMMERCIAL CONGRESS.*The Acting Secretary of State to Minister Russell.*DEPARTMENT OF STATE,
Washington, November 21, 1906.

SIR: I transmit under separate cover to-day, for your use, six copies of an address delivered by the Secretary of State on November 20, 1906, before the Trans-Mississippi Commercial Congress.

I am, etc.,

ROBERT BACON.

Same mutatis mutandis to American diplomatic representatives in Mexico and Central and South American countries.

[Inclosure.]

Text of Address.

MR. PRESIDENT AND GENTLEMEN OF THE CONGRESS:

A little less than three centuries of colonial and national life have brought the people inhabiting the United States, by a process of evolution, natural and with the existing forces inevitable, to a point of distinct and radical change in their economic relations to the rest of mankind.

During the period now past the energy of our people, directed by the formative power created in our early population by heredity, by environment, by the struggle for existence, by individual independence, and by free institutions, has been devoted to the internal development of our own country. The surplus wealth produced by our labors has been applied immediately to reproduction in our own land. We have been cutting down forests and breaking virgin soil and fencing prairies and opening mines of coal and iron and copper and silver and gold, and building roads and canals and railroads and telegraph lines and cars and locomotives and mills and furnaces and school-houses and colleges and libraries and hospitals and asylums and public buildings and storehouses and shops and homes. We have been drawing on the resources of the world in capital and in labor to aid us in our work. We have gathered strength from every rich and powerful nation and expended it upon these home undertakings; into them we have poured hundreds of millions of money attracted from the investors of Europe. We have been always a debtor nation, borrowing from the rest of the world, drawing all possible energy toward us and concentrating it with our own energy upon our own enterprises. The engrossing pursuit of our own opportunities has excluded from our consideration and interest the enterprises and the possibilities of the outside world. Invention, discovery, the progress of science, capacity for organization, the enormous increase in the productive power of mankind, have accelerated our progress and have brought us to a result of development in every branch of internal industrial activity marvelous and unprecedented in the history of the world.

Since the first election of President McKinley the people of the United States have for the first time accumulated a surplus of capital beyond the requirements of internal development. That surplus is increasing with extraordinary rapidity. We have paid our debts to Europe and have become a creditor instead of a debtor nation; we have faced about; we have left the ranks of the borrowing nations and have entered the ranks of the investing nations. Our surplus energy is beginning to look beyond our own borders, throughout the world, to find opportunity for the profitable use of our surplus capital, foreign markets for our manufactures, foreign mines to be developed, foreign bridges and railroads and public works to be built, foreign rivers to be turned into electric power and light. As in their several ways England and France and Germany have stood, so we in our own way are beginning to stand and must continue to stand toward the industrial enterprise of the world.

That we are not beginning our new rôle feebly is indicated by \$1,518,561,666 of exports in the year 1905 as against \$1,117,513,071

of imports, and by \$1,743,864,500 exports in the year 1906 as against \$1,226,563,843 of imports. Our first steps in the new field indeed are somewhat clumsy and unskilled. In our own vast country, with oceans on either side, we have had too little contact with foreign peoples readily to understand their customs or learn their languages; yet no one can doubt that we shall learn and shall understand and shall do our business abroad, as we have done it at home, with force and efficiency.

Coincident with this change in the United States the progress of political development has been carrying the neighboring continent of South America out of the stage of militarism into the stage of industrialism. Throughout the greater part of that vast continent revolutions have ceased to be looked upon with favor or submitted to with indifference; the revolutionary general and the dictator are no longer the objects of admiration and imitation; civic virtues command the highest respect; the people point with satisfaction and pride to the stability of their governments, to the safety of property and the certainty of justice; nearly everywhere the people are eager for foreign capital to develop their natural resources and for foreign immigration to occupy their vacant land. Immediately before us, at exactly the right time, just as we are ready for it, great opportunities for peaceful commercial and industrial expansion to the south are presented. Other investing nations are already in the field—England, France, Germany, Italy, Spain; but the field is so vast, the new demands are so great, the progress so rapid, that what other nations have done up to this time is but a slight advance in the race for the grand total. The opportunities are so large that figures fail to convey them. The area of this newly awakened continent is 7,502,848 square miles—more than two and one-half times as large as the United States without Alaska, and more than double the United States including Alaska. A large part of this area lies within the Temperate Zone, with an equable and invigorating climate, free from extremes of either heat or cold. Farther north in the Tropics are enormous expanses of high tablelands, stretching from the Atlantic to the foothills of the Andes, and lifted far above the tropical heats; the fertile valleys of the western cordilleras are cooled by perpetual snows even under the equator; vast forests grow untouched from a soil of incredible richness. The plains of Argentina, the great uplands of Brazil, the mountain valleys of Chile, Peru, Ecuador, Bolivia, and Columbia are suited to the habitation of any race, however far to the north its origin may have been; hundreds of millions of men can find healthful homes and abundant sustenance in this great territory.

The population in 1900 was only 42,461,381, less than six to the square mile. The density of population was less than one-eighth of that in the State of Missouri, less than one-sixtieth of that in the State of Massachusetts, less than one-seventieth of that in England, less than 1 per cent of that in Belgium:

With this sparse population the production of wealth is already enormous. The latest trade statistics show exports from South America to foreign countries of \$745,530,000, and imports of \$499,858,600. Of the five hundred millions of goods that South America buys we sell them but \$63,246,525, or 12.6 per cent. Of the seven hundred and forty-five millions that South America sells we

buy \$152,092,000, or 20.4 per cent—nearly two and one-half times as much as we sell.

Their production is increasing by leaps and bounds. In eleven years the exports of Chile have increased 45 per cent, from \$54,030,000 in 1894 to \$78,840,000 in 1905. In eight years the exports of Peru have increased 100 per cent, from \$13,899,000 in 1897 to \$28,758,000 in 1905. In ten years the exports of Brazil have increased 66 per cent, from \$134,062,000 in 1894 to \$223,101,000 in 1905. In ten years the exports of Argentina have increased 168 per cent, from \$115,868,000 in 1895 to \$311,544,000 in 1905.

This is only the beginning; the coffee and rubber of Brazil, the wheat and beef and hides of Argentina and Uruguay, the copper and nitrates of Chile, the copper and tin of Bolivia, the silver and gold and cotton and sugar of Peru, are but samples of what the soil and mines of that wonderful continent are capable of yielding. Ninety-seven per cent of the territory of South America is occupied by ten independent republics living under constitutions substantially copied or adapted from our own. Under the new conditions of tranquillity and security which prevail in most of them their eager invitation to immigrants from the Old World will not long pass unheeded. The pressure of population abroad will inevitably turn its streams of life and labor toward those fertile fields and valleys. The streams have already begun to flow; more than two hundred thousand immigrants entered the Argentine Republic last year; they are coming this year at the rate of over three hundred thousand. Many thousands of Germans have already settled in southern Brazil. They are most welcome in Brazil; they are good and useful citizens there, as they are here; I hope that many more will come to Brazil and every other South American country, and add their vigorous industry and good citizenship to the upbuilding of their adopted home.

With the increase of population in such a field, under free institutions, with the fruits of labor and the rewards of enterprise secure, the production of wealth and the increase of purchasing power will afford a market for the commerce of the world worthy to rank even with the markets of the Orient as the goal of business enterprise. The material resources of South America are in some important respects complementary to our own; that continent is weakest where North America is strongest as a field for manufactures; it has comparatively little coal and iron. In many respects the people of the two continents are complementary to each other; the South American is polite, refined, cultivated, fond of literature and of expression, and of the graces and charms of life, while the North American is strenuous, intense, utilitarian. Where we accumulate, they spend. While we have less of the cheerful philosophy which finds sources of happiness in the existing conditions of life, they have less of the inventive faculty which strives continually to increase the productive power of man and lower the cost of manufacture. The chief merits of the peoples of the two continents are different; their chief defects are different. Mutual intercourse and knowledge can not fail to greatly benefit both. Each can learn from the other; each can teach much to the other, and each can contribute greatly to the development and prosperity of the other. A large part of their products find no domestic competition here; a large part of our products will find no

domestic competition there. The typical conditions exist for that kind of trade which is profitable, honorable, and beneficial to both parties.

The relations between the United States and South America have been chiefly political rather than commercial or personal. In the early days of the South American struggle for independence the eloquence of Henry Clay awakened in the American people a generous sympathy for the patriots of the south as for brethren struggling in the common cause of liberty. The clear-eyed, judicious diplomacy of Richard Rush, the American minister at the Court of St. James, effected a complete understanding with Great Britain for concurrent action in opposition to the designs of the Holy Alliance, already contemplating the partition of the Southern Continent among the great powers of Continental Europe. The famous declaration of Monroe arrayed the organized and rapidly increasing power of the United States as an obstacle to European interference and made it forever plain that the cost of European aggression would be greater than any advantage which could be won even by successful aggression.

That great declaration was not the chance expression of the opinion or the feeling of the moment; it crystallized the sentiment for human liberty and human rights which has saved American idealism from the demoralization of narrow selfishness, and has given to American democracy its true world power in the virile potency of a great example. It responded to the instinct of self-preservation in an intensely practical people. It was the result of conference with Jefferson and Madison and John Quincy Adams and John C. Calhoun and William Wirt—a combination of political wisdom, experience, and skill not easily surpassed. The particular circumstances which led to the declaration no longer exist; no Holy Alliance now threatens to partition South America; no European colonization of the west coast threatens to exclude us from the Pacific. But those conditions were merely the occasion for the declaration of a principle of action. Other occasions for the application of the principle have arisen since; it needs no prophetic vision to see that other occasions for its application may arise hereafter. The principle declared by Monroe is as wise an expression of sound political judgment to-day, as truthful a representation of the sentiments and instincts of the American people to-day, as living in its force as an effective rule of conduct whenever occasion shall arise, as it was on the 2d of December, 1823.

These great political services to South American independence, however, did not and could not in the nature of things create any relation between the people of South America and the people of the United States except a relation of political sympathy.

Twenty-five years ago Mr. Blaine, sanguine, resourceful, and gifted with that imagination which enlarges the historian's understanding of the past into the statesman's comprehension of the future, undertook to inaugurate a new era of American relations which should supplement political sympathy by personal acquaintance, by the intercourse of expanding trade, and by mutual helpfulness. As Secretary of State under President Arthur he invited the American nations to a conference to be held on the 24th of November, 1882, for the purpose of considering and discussing the subject of preventing war between the nations of America. That invitation, abandoned by Mr. Frelinghuysen, was renewed under Mr. Cleveland, and on the 2d of

October, 1889, Mr. Blaine, again Secretary of State under President Harrison, had the singular good fortune to execute his former design and to open the sessions of the First American Conference at Washington. In an address of wisdom and lofty spirit, which should ever give honor to his memory, he described the assembly as—

an honorable, peaceful conference of seventeen independent American powers, in which all shall meet together on terms of absolute equality; a conference in which there can be no attempt to coerce a single delegate against his own conception of the interests of his nation; a conference which will permit no secret understanding on any subject, but will frankly publish to the world all its conclusions; a conference which will tolerate no spirit of conquest, but will aim to cultivate an American sympathy as broad as both continents; a conference which will form no selfish alliance against the older nations from which we are proud to claim inheritance—a conference, in fine, which will seek nothing, propose nothing, endure nothing that is not, in the general sense of all the delegates, timely, wise, and peaceful.

The policy which Blaine inaugurated has been continued; the Congress of the United States has approved it; subsequent Presidents have followed it. The First Conference at Washington has been succeeded by a Second Conference in Mexico, and now by a Third Conference in Rio de Janeiro; and it is to be followed in years to come by further successive assemblies in which the representatives of all American States shall acquire better knowledge and more perfect understanding and be drawn together by the recognition of common interests and the kindly consideration and discussion of measures for mutual benefit.

Nevertheless, Mr. Blaine was in advance of his time. In 1881 and 1889 neither had the United States reached a point where it could turn its energies away from its own internal development and direct them outward toward the development of foreign enterprises and foreign trade, nor had the South American countries reached the stage of stability in government and security for property necessary to their industrial development.

Now, however, the time has come; both North and South America have grown up to Blaine's policy; the production, the trade, the capital, the enterprise of the United States have before them the opportunity to follow, and they are free to follow, the pathway marked out by the far-sighted statesmanship of Blaine for the growth of America, North and South, in the peaceful prosperity of a mighty commerce.

To utilize this opportunity certain practical things must be done. For the most part these things must be done by a multitude of individual efforts; they can not be done by government. Government may help to furnish facilities for the doing of them, but the facilities will be useless unless used by individuals. They can not be done by resolutions of this or any other commercial body; resolutions are useless unless they stir individual business men to action in their own business affairs. The things needed have been fully and specifically set forth in many reports of efficient consuls and highly competent agents of the Department of Commerce and Labor, and they have been described in countless newspapers and magazine articles; but all these things are worthless unless they are followed by individual action. I will indicate some of the matters to which every producer and merchant who desires South American trade should pay attention:

1. He should learn what the South Americans want and conform his product to their wants. If they think they need heavy castings, he should give them heavy castings and not expect them to buy light ones because he thinks they are better. If they want coarse cottons, he should give them coarse cottons and not expect them to buy fine cottons. It may not pay to-day, but it will pay to-morrow. The tendency to standardize articles of manufacture may reduce the cost and promote convenience, but if the consumers on the River Plate demand a different standard from the consumers on the Mississippi, you must have two standards or lose one market.

2. Both for the purpose of learning what the South American people want and of securing their attention to your goods you must have agents who speak the Spanish or Portuguese language. For this there are two reasons: One is that people can seldom really get at each other's minds through an interpreter, and the other is that nine times out of ten it is only through knowing the Spanish or Portuguese language that a North American comes to appreciate the admirable and attractive personal qualities of the South American and is thus able to establish that kindly and agreeable personal relation which is so potent in leading to business relations.

3. The American producer should arrange to conform his credit system to that prevailing in the country where he wishes to sell goods. There is no more money lost upon commercial credits in South America than there is in North America, but business men there have their own ways of doing business; they have to adapt the credits they receive to the credits they give. It is often inconvenient and disagreeable, and it is sometimes impossible, for them to conform to our ways, and the requirement that they should do so is a serious obstacle to trade.

To understand credits, it is, of course, necessary to know something about the character, trustworthiness, and commercial standing of the purchaser, and the American producer or merchant who would sell goods in South America must have some means of knowledge upon this subject. This leads naturally to the next observation I have to make.

4. The establishment of banks should be brought about. The Americans already engaged in South American trade could well afford to subscribe the capital and establish an American bank in each of the principal cities of South America. This is, first, because nothing but very bad management could prevent such a bank from making money; capital is much needed in those cities, and 6, 8, and 10 per cent can be obtained for money upon just as safe security as can be had in Kansas City, St. Louis, or New York. It is also because the American bank would furnish a source of information as to the standing of the South American purchasers to whom credit may be extended, and because American banks would relieve American business in South America from the disadvantage which now exists of making all its financial transactions through Europe instead of directly with the United States. It is unfortunately true that among hundreds of thousands of possible customers of the United States now stands in a position of assumed financial and business inferiority to the countries through whose banking houses all its business has to be done.

5. The American merchant should himself acquire, if he has not already done so, and should impress upon all his agents, that respect for the South American to which he is justly entitled and which is the essential requisite to respect from the South American. We are different in many ways as to character and methods. In dealing with all foreign people it is important to avoid the narrow and uninstructed prejudice which assumes that difference from ourselves denotes inferiority. There is nothing that we resent so quickly as an assumption of superiority or evidence of condescension in foreigners; there is nothing that the South Americans resent so quickly. The South Americans are our superiors in some respects. We are their superiors in other respects. We should show to them what is best in us and see what is best in them. Every agent of an American producer or merchant should be instructed that courtesy, politeness, and kindly consideration are essential requisites for success in the South American trade.

6. The investment of American capital in South America under the direction of American experts should be promoted, not merely upon simple investment grounds, but as a means of creating and enlarging trade. For simple investment purposes the opportunities are innumerable. Good business judgment and good business management will be necessary there, of course, as they are necessary here; but, given these, I believe that there is a vast number of enterprises awaiting capital in the more advanced countries of South America, capable of yielding great profits, and in which the property and the profits will be as safe as in the United States or Canada. A good many such enterprises are already begun. I have found a graduate of the Massachusetts Institute of Technology, a graduate of the Columbia School of Mines, and a graduate of Colonel Roosevelt's Rough Riders smelting copper close under the snow line of the Andes; I have ridden an American car upon an American electric road, built by a New York engineer, in the heart of the coffee region of Brazil, and I have seen the waters of that river along which Pizarro established his line of communication in the conquest of Peru harnessed to American machinery to make light and power for the city of Lima. Every such point is the nucleus of American trade—the source of orders for American goods.

7. It is absolutely essential that the means of communication between the two countries should be improved and increased.

This underlies all other considerations and it applies both to the mail, the passenger, and the freight services. Between all the principal South American ports and England, Germany, France, Spain, and Italy lines of swift and commodious steamers ply regularly. There are five subsidized first-class mail and passenger lines between Buenos Aires and Europe; there is no such line between Buenos Aires and the United States. Within the past two years the German, the English, and the Italian lines have been replacing their old steamers with new and swifter steamers of modern construction, accommodation, and capacity.

In the year ending June 30, 1905, there entered the port of Rio de Janeiro steamers and sailing vessels flying the flag of Austria-Hungary 120, of Norway 142, of Italy 165, of Argentina 264, of France 349, of Germany 657, of Great Britain 1,785, of the United States no steamers and 7 sailing vessels, 2 of which were in distress.

An English firm runs a small steamer monthly between New York and Rio de Janeiro; the Panama Railroad Company runs steamers between New York and the Isthmus of Panama; the Brazilians are starting for themselves a line between Rio and New York; there are two or three foreign concerns running slow cargo boats, and there are some foreign tramp steamers. That is the sum total of American communications with South America beyond the Caribbean Sea. Not one American steamship runs to any South American port beyond the Caribbean. During the past summer I entered the ports of Para, Pernambuco, Bahia, Rio de Janeiro, Santos, Montevideo, Buenos Aires, Bahia Blanca, Punta Arenas, Lota, Valparaiso, Coquimbo, Tocopilla, Callao, and Cartagena—all of the great ports and a large proportion of the secondary ports of the Southern Continent. I saw only one ship, besides the cruiser that carried me, flying the American flag. The mails between South America and Europe are swift, regular, and certain; between South America and the United States they are slow, irregular, and uncertain. Six weeks is not an uncommon time for a letter to take between Buenos Aires or Valparaiso and New York. The merchant who wishes to order American goods can not know when his order will be received or when it will be filled. The freight charges between the South American cities and American cities are generally and substantially higher than between the same cities and Europe. At many points the deliveries of freight are uncertain and its condition upon arrival doubtful. The passenger accommodations are such as to make a journey to the United States a trial to be endured, and a journey to Europe a pleasure to be enjoyed. The best way to travel between the United States and both the southwest coast and the east coast of South America is to go by way of Europe, crossing the Atlantic twice. It is impossible that trade should prosper or intercourse increase or mutual knowledge grow to any great degree under such circumstances. The communication is worse now than it was twenty-five years ago. So long as it is left in the hands of our foreign competitors in business we can not reasonably look for any improvement. It is only reasonable to expect that European steamship lines shall be so managed as to promote European trade in South America rather than to promote the trade of the United States in South America.

This woeful deficiency in the means to carry on and enlarge our South American trade is but a part of the general decline and feebleness of the American merchant marine, which has reduced us from carrying over 90 per cent of our export trade in our own ships to the carriage of 9 per cent of that trade in our own ships, and dependence upon foreign shipowners for the carriage of 91 per cent. The true remedy and the only remedy is the establishment of American lines of steamships between the United States and the great ports of South America, adequate to render fully as good service as is now afforded by the European lines between those ports and Europe. The substantial underlying fact was well stated in the resolution of this Trans-Mississippi Congress three years ago:

That every ship is a missionary of trade; that steamship lines work for their own countries just as railroad lines work for their terminal points, and that it is as absurd for the United States to depend upon foreign ships to distribute its products as it would be for a department store to depend upon wagons of a competing house to deliver its goods.

How can this defect be remedied? The answer to this question must be found by ascertaining the cause of the decline of our merchant marine. Why is it that Americans have substantially retired from the foreign transport service? We are a nation of maritime traditions and facility; we are a nation of constructive capacity, competent to build ships; we are eminent, if not preeminent, in the construction of machinery; we have abundant capital seeking investment; we have courage and enterprise shrinking from no competition in any field which we choose to enter. Why, then, have we retired from this field in which we were once conspicuously successful?

I think the answer is twofold:

1. The higher wages and the greater cost of maintenance of American officers and crews make it impossible to compete on equal terms with foreign ships. The scale of living and the scale of pay of American sailors are fixed by the standard of wages and of living in the United States, and those are maintained at a high level by the protective tariff. The moment the American passes beyond the limits of his country and engages in ocean transportation he comes into competition with the lower foreign scale of wages and of living. Mr. Joseph L. Bristow, in his report upon trade conditions affecting the Panama Railroad, dated June 14, 1905, gives in detail the cost of operating an American steamship, with a tonnage of approximately 3,500 tons, as compared with the cost of operating a specified German steamship of the same tonnage, and the differences aggregate \$15,315 per annum greater cost for the American steamship than for the German; that is, \$4.37 per ton. He gives also in detail the cost of maintaining another American steamship, with a tonnage of approximately 2,500 tons, as compared with the cost of operating a specified British steamship of the same tonnage, and the differences aggregate \$18,289.68 per annum greater cost for the American steamship than for the British; that is, \$7.31 per ton. It is manifest that if the German steamship were content with a profit of less than \$15,000 per annum and the British with a profit of less than \$18,000 per annum the American ships would have to go out of business.

2. The principal maritime nations of the world, anxious to develop their trade, to promote their shipbuilding industry, to have at hand transports and auxiliary cruisers in case of war, are fostering their steamship lines by the payment of subsidies. England is paying to her steamship lines between six and seven million dollars a year. It is estimated that since 1840 she has paid to them between two hundred and fifty and three hundred millions. The enormous development of her commerce, her preponderant share of the carrying trade of the world, and her shipyards crowded with construction orders from every part of the earth indicate the success of her policy. France is paying about \$8,000,000 a year; Italy and Japan, between three and four millions each, and Germany, upon the initiative of Bismarck, is building up her trade with wonderful rapidity by heavy subventions to her steamship lines and by giving special differential rates of carriage over her railroads for merchandise shipped by those lines. Spain, Norway, Austria-Hungary, Canada, all subsidize their own lines. It is estimated that about \$28,000,000 a year are paid by our commercial competitors to their steamship lines.

Against these advantages to his competitor the American ship-owner has to contend; and it is manifest that the subsidized ship can

afford to carry freight at cost for a long enough period to drive him out of business.

We are living in a world not of natural competition, but of subsidized competition. State aid to steamship lines is as much a part of the commercial system of our day as state employment of consuls to promote business.

It will be observed that both of these disadvantages under which the American shipowner labors are artificial; they are created by governmental action—one by our own Government in raising the standard of wages and living, by the protective tariff; the other by foreign governments in paying subsidies to their ships for the promotion of their own trade. For the American shipowner it is not a contest of intelligence, skill, industry, and thrift against similar qualities in his competitor; it is a contest against his competitors and his competitors' governments and his own Government also.

Plainly, these disadvantages created by governmental action can be neutralized only by governmental action, and should be neutralized by such action.

What action ought our Government to take for the accomplishment of this just purpose? Three kinds of action have been advocated:

1. A law providing for free ships—that is, permitting Americans to buy ships in other countries and bring them under the American flag. Plainly, this would not at all meet the difficulties which I have described. The only thing it would accomplish would be to overcome the excess in cost of building a ship in an American shipyard over the cost of building it in a foreign shipyard; but since all the materials which enter into an American ship are entirely relieved of duty, the difference in cost of construction is so slight as to be practically a negligible quantity and to afford no substantial obstacle to the revival of American shipping. The expedient of free ships, therefore, would be merely to sacrifice our American shipbuilding industry, which ought to be revived and enlarged with American shipping, and to sacrifice it without receiving any substantial benefit. It is to be observed that Germany, France, and Italy all have attempted to build up their own shipping by adopting the policy of free ships, have failed in the experiment, have abandoned it, and have adopted in its place the policy of subsidy.

2. It has been proposed to establish a discriminating tariff duty in favor of goods imported in American ships—that is to say, to impose higher duties upon goods imported in foreign ships than are imposed on goods imported in American ships. We tried that once many years ago and have abandoned it. In its place we have entered into treaties of commerce and navigation with the principal countries of the world expressly agreeing that no such discrimination shall be made between their vessels and ours. To sweep away all those treaties and enter upon a war of commercial retaliation and reprisal for the sake of accomplishing indirectly what can be done directly should not be seriously considered.

3. There remains the third and obvious method; to neutralize the artificial disadvantages imposed upon American shipping through the action of our own Government and foreign governments by an equivalent advantage in the form of a subsidy or subvention. In my opinion this is what should be done; it is the sensible and fair thing

to do. It is what must be done if we would have a revival of our shipping and the desired development of our foreign trade. We can not repeal the protective tariff; no political party dreams of repealing it; we do not wish to lower the standard of American living or American wages. We should give back to the shipowner what we take away from him for the purpose of maintaining that standard; and unless we do give it back we shall continue to go without ships. How can the expenditure of public money for the improvement of rivers and harbors to promote trade be justified upon any grounds which do not also sustain this proposal? Would anyone reverse the policy that granted aid to the Pacific railroads, the pioneers of our enormous internal commerce, the agencies that built up the great traffic which has enabled half a dozen other roads to be built in later years without assistance? Such subventions would not be gifts. They would be at once compensation for injuries inflicted upon American shipping by American laws and the consideration for benefits received by the whole American people—not the shippers or the shipbuilders or the sailors alone, but by every manufacturer, every miner, every farmer, every merchant whose prosperity depends upon a market for its products.

The provision for such just compensation should be carefully shaped and directed so that it will go to individual advantage only so far as the individual is enabled by it to earn a reasonable profit by building up the business of the country.

A bill is now pending in Congress which contains such provisions; it has passed the Senate and is now before the House Committee on Merchant Marine and Fisheries; it is known as Senate bill No. 529, Fifty-ninth Congress, first session. It provides specifically that the Postmaster-General may pay to American steamships, of specified rates of speed, carrying mails upon a regular service, compensation not to exceed the following amounts: For a line from an Atlantic port to Brazil, monthly, \$150,000 a year; for a line from an Atlantic port to Uruguay and Argentina, monthly, \$187,500 a year; for a line from a Gulf port to Brazil, monthly, \$137,500 a year; for a line from each of two Gulf ports and from New Orleans to Central America and the Isthmus of Panama, weekly, \$75,000 a year; for a line from a Gulf port to Mexico, weekly, \$50,000 a year; for a line from a Pacific coast port to Mexico, Central America, and the Isthmus of Panama, fortnightly, \$120,000 a year. For these six regular lines a total of \$720,000. The payments provided are no more than enough to give the American ships a fair living chance in the competition.

There are other wise and reasonable provisions in the bill relating to trade with the Orient, to tramp steamers, and to a naval reserve; but I am now concerned with the provisions for trade to the south. The hope of such a trade lies chiefly in the passage of that bill.

Postmaster-General Cortelyou, in his report for 1905, said:

Congress has authorized the Postmaster-General, by the act of 1891, to contract with the owners of American steamships for ocean mail service and has realized the impracticability of commanding suitable steamships in the interest of the postal service alone by requiring that such steamers shall be of a size, class, and equipment which will promote commerce and become available as auxiliary cruisers of the Navy in case of need. The compensation allowed to such steamers is found to be wholly inadequate to secure the proposals contemplated; hence advertisements from time to time have failed to develop any bids for much-needed service. This is especially true in regard to several of the

countries of South America with which we have cordial relations and which, for manifest reasons, should have direct mail connections with us. I refer to Brazil and countries south of it. Complaints of serious delay to mails for these countries have become frequent and emphatic, leading to the suggestion on the part of certain officials of the Government that for the present and until more satisfactory direct communication can be established important mails should be dispatched to South America by way of European ports and on European steamers, which would not only involve the United States in the payment of double transit rates to a foreign country for the dispatch of its mails to countries of our own hemisphere, but might seriously embarrass the Government in the exchange of important official and diplomatic correspondence.

The fact that the Government claims exclusive control of the transmission of letter mail throughout its own territory would seem to imply that it should secure and maintain the exclusive jurisdiction, when necessary, of its mails on the high seas. The unprecedented expansion of trade and foreign commerce justifies prompt consideration of an adequate foreign mail service.

It is difficult to believe, but it is true, that out of this faulty ocean mail service the Government of the United States is making a large profit. The actual cost to the Government last year of the ocean mail service to foreign countries other than Canada and Mexico was \$2,965,624.21, while the proceeds realized by the Government from postage between the United States and foreign countries other than Canada and Mexico was \$6,008,807.53, leaving the profit to the United States of \$3,043,183.32; that is to say, under existing law the Government of the United States, having assumed the monopoly of carrying the mails for the people of the country, is making a profit of \$3,000,000 per annum by rendering cheap and inefficient service. Every dollar of that three millions is made at the expense of the commerce of the United States. What can be plainer than that the Government ought to expend at least the profits that it gets from the ocean mail service in making the ocean mail service efficient. One quarter of those profits would establish all these lines which I have described between the United States and South and Central America and give us, besides a good mail service, enlarged markets for the producers and merchants of the United States who pay the postage from which the profits come.^a

In his last message to Congress President Roosevelt said:

To the spread of our trade in peace and the defense of our flag in war a great and prosperous merchant marine is indispensable. We should have ships of our own and seamen of our own to convey our goods to neutral markets, and in case of need, to reinforce our battle line. It can not but be a source of regret and uneasiness to us that the lines of communication with our sister Republics of South America should be chiefly under foreign control. It is not a good thing that American merchants and manufacturers should have to send their goods and letters to South America via Europe if they wish security and dispatch. Even on the Pacific, where our ships have held their own better than on the Atlantic, our merchant flag is now threatened through the liberal aid bestowed by other governments on their own steam lines. I ask your earnest consideration of the report with which the Merchant Marine Commission has followed its long and careful inquiry.

The bill now pending in the House is a bill framed upon the report of that Merchant Marine Commission. The question whether it shall become a law depends upon your Representatives in the House. You have the judgment of the Postmaster-General, you have the judg-

^a There would be some modification of these figures if the cost of getting the mails to and from the exchange offices were charged against the account; but this is not separable from the general domestic cost and would not materially change the result.

ment of the Senate, you have the judgment of the President; if you agree with these judgments and wish the bill which embodies them to become a law, say so to your Representatives. Say it to them individually and directly, for it is your right to advise them and it will be their pleasure to hear from you what legislation the interests of their constituents demand.

The great body of Congressmen are always sincerely desirous to meet the just wishes of their constituents and to do what is for the public interest; but in this great country they are continually assailed by innumerable expressions of private opinion and by innumerable demands for the expenditure of public money; they come to discriminate very clearly between private opinion and public opinion, and between real public opinion and the manufactured appearance of public opinion; they know that when there is a real demand for any kind of legislation it will make itself known to them through a multitude of individual voices. Resolutions of commercial bodies frequently indicate nothing except that the proposer of the resolution has a positive opinion and that no one else has interest enough in the subject to oppose it. Such resolutions by themselves, therefore, have comparatively little effect; they are effective only when the support of individual expressions shows that they really represent a genuine and general opinion.

It is for you and the business men all over the country whom you represent to show to the Representatives in Congress that the producing and commercial interests of the country really desire a practical measure to enlarge the markets and increase the foreign trade of the United States, by enabling American shipping to overcome the disadvantages imposed upon it by foreign governments for the benefit of their trade, and by our Government for the benefit of our home industry.

INTERNATIONAL DIPLOMATIC CONFERENCES.

ALGECIRAS CONFERENCE.

(Continued from *Foreign Relations*, 1905, pp. 668-684.)

Delegates White and Gummeré to the Secretary of State.

No. 1.]

ALGECIRAS, *January 25, 1906.*

SIR: We have the honor to present to you the following report concerning the organization and deliberations of the Moroccan conference up to the present time, as well as confirmation of telegrams dispatched to you, copies of which are inclosed herewith.^a The conference met for organization on the afternoon of January 16 at the Hotel de Ville, Algeciras, which has been handsomely arranged for the sittings.

Before entering the hall of conference the delegates were called to order by M. de Radowitz, first German delegate, who nominated the Duke of Almodovar, Spanish minister of foreign affairs, as president of the conference, who was thereupon unanimously elected. After this, with some ceremony, the delegates were ushered into the large hall, being seated alphabetically according to countries. The president opened the proceedings with a brief address, in which he suggested that the basis of the proceedings of the conference should be the restoration of order, organization of police, suppression of contraband, creation of revenues for public expenses, and the improvement of ports, dwelling especially upon the point that all reforms should be based upon the triple principles of the sovereignty of the Sultan, the integrity of Morocco, and the "open door."

Mr. Revoil, French delegate, thereupon arose and said that he associated himself with the sentiments expressed by the president, and proposed that the conference should give its adhesion thereto. He was followed by Mr. de Radowitz, first German delegate, who said that he agreed entirely with the declarations of the president and Mr. Revoil, and hoped that the labors of the conference might have good results. Shortly afterwards the conference adjourned.

As a result of consultation among the delegates it was agreed that informal sessions of the conference should be held from time to time for an exchange of views on subjects to be presented at the regular sittings, and the first such meeting was called on the afternoon of the 16th instant, when the question of the suppression of contraband of arms and ammunition, the first subject to be presented to the conference, was discussed; and it was agreed that it be referred to a committee of experts, consisting of Count Tattenbach, second German delegate; M. Malmusi, second Italian delegate; M. Perez Caballero,

^a Not printed.

Spanish delegate; and M. Regnault, French expert, who should report a programme of regulations to be presented for discussion and adopted at a formal sitting to be held at a later date.

This committee of experts accordingly drew up and presented a series of articles, 16 in number, which were submitted to the conference at a sitting held on the morning of January 22, and after considerable discussion 5 of them were adopted. The remainder were again referred to the committee of experts, and after further change and enlargement, to the number of 18 in all, were discussed by the conference at a sitting on the morning of January 24 and unanimously adopted, with the sole exception of article 14, which the Moroccan delegates desired to refer to the Sultan for his decision.

The next project to be considered is that of taxes, and an informal meeting to discuss the same is fixed for the afternoon of the 25th instant.

Copies of the lists of delegates plenipotentiary and of the official reports of the meetings so far printed are herewith inclosed, together with the articles embodying the regulations for the suppression of contraband in arms and ammunition, as adopted.^a

We have the honor, etc.,

HENRY WHITE.
S. R. GUMMERÉ.

Delegate White to the Secretary of State.

No. 2.]

ALGECIRAS, *January 30, 1906.*

SIR: With reference to your instructions of November last, regarding the alleged Jewish disabilities in Morocco and directing me to impress their abolition upon this conference, I have the honor to inform you that until very lately I intended availing myself of the earliest possible opportunity to address the conference on this subject and to lay before it the list of restrictions set forth in Mr. Jacob H. Schiff's letter to you of November 21 last.^b

As I mentioned to you, however, in my cablegram No. 4, of the 23d instant, the British and French ambassador, Sir Arthur Nicolson and Monsieur Revoil, having evidently conferred previously, approached me together to say that they hoped my instructions were not mandatory in this respect, as they deemed it most undesirable to introduce any subject not strictly within the programme, and they did not consider the Jewish disabilities could be raised as a matter pertaining to the police question. Both nevertheless expressed great anxiety that any wish of the President's should be carried out and suggested plans which I outlined to you, along with my answer to them, in my dispatch of that date.

Another element has, however, been introduced into this question. Already in my telegram of the 23d instant I stated that I was convinced that many of the restrictions mentioned in the memorandum furnished by Mr. Schiff had fallen into disuse, and that most of the remainder appeared to be *de jure* rather than *de facto*. Since then my doubts on the subject have been further confirmed.

^a Not printed.

^b Printed in *Foreign Relations 1905*, p. 681.

There is now present at Algeciras an assembly of authorities on Morocco, furnishing a unique opportunity for obtaining information respecting conditions in that country. I have therefore caused extensive inquiries to be made among these experts by Mr. Einstein, secretary to our delegation, who previous to the conference had gone over to Tangier to investigate the condition of the Moroccan Jews, and I have the honor to inclose herewith his report on the subject, based upon these inquiries and investigations, which disproves, I think, most of the alleged Jewish disabilities. Mr. Gummeré fully concurs in these views.

A further element has prompted me to refrain from any precipitate action in laying the subject of the Jews before the conference. This is the very evident disinclination of Moroccan Hebrews in respect to any intervention implying grievances in their behalf. Not only, according to their own testimony, do they experience no present hardships at the hands of the Moors, but for reasons dealt with in Mr. Einstein's report they manifest considerable reluctance to have the subject broached at all in any save the very modified form which they themselves suggest. Anything in the nature of a complaint they deem not only unjustified but prejudicial to their best interests. They therefore request that our action may be confined to an acknowledgment to the Sultan of the humanitarian and liberal policy he has invariably pursued toward the Jews, with an expression of the hope that he will direct his officers to continue in these traditions of tolerance. Such a statement they regard as most serviceable, since it would prove to the Moors that a great power interests itself in the welfare of the Jews. An address to this effect, which I have the honor to inclose as showing what their wishes are on this subject, has therefore been drawn up at my request by Mr. A. Pimienta, a prominent and highly respected Israelite of Tangier.

In view, therefore, of the inaccuracies in the list of restrictions furnished by Mr. Schiff, and of the feeling of representative Moroccan Hebrews as to the mode of our intervention, if any, in their behalf, I beg to request that you will be so good as to inform me what course of action the President would wish me to pursue.

I have, etc.,

HENRY WHITE.

[Inclosure 1.]

A report on the restrictions suffered by the Jews in Morocco.

Those whose knowledge of Morocco springs only from the narratives of former travelers have every reason to learn with surprise the recent rapid amelioration in the general condition of the Jewish population. Dating especially from the representations of Sir John Drummond Hay, when English minister at Tangier, and the missions to Fez of Sir Moses Montefiore, this improvement has continued in unbroken succession to the present day. If the efforts of foreign representatives in Morocco, diplomatic and consular, have thus succeeded in righting many of the abuses which once oppressed the native Jews, great credit is likewise due to the enlightened tolerance of the present Sultan, who in this respect has wisely continued the policy inaugurated by his father. One by one their former restrictions have been abolished or else have fallen into abeyance. Hence it is that, almost unknown to the outside world, a peaceful humanitarian reform has silently been accomplished, and the Jews of Morocco are well-nigh emancipated from the oppression which formerly burdened their lot.

It would none the less be unfair to judge the country by western standards. Among the most fanatical of people with whom the Koran still provides the only native law, conditions can not be interpreted as they would appear among the civilized nations. In a country where a chronic state of anarchy prevails local differences and exceptions can doubtless be found. Nor is it always easy to state with precision the actual situation in each circumstance. Certain general deductions can none the less be drawn, and it may be useful to indicate the manner in which these have been reached.

Apart from such personal investigations as it was possible to undertake at Tangier itself, the list of Jewish restrictions in Morocco, forwarded by Mr. Schiff to the Secretary of State, has been submitted independently to Mr. Walter Harris, the correspondent of the London Times, a resident for sixteen years in Morocco, and knowing the country thoroughly; to Mr. H. Gaillard, French vice-consul at Fez, and regarded as the greatest authority on Moroccan institutions; and to Mr. Pimenta, a native of Tangier, who is at once member of its Hebrew junta and of the committee of the Alliance Israélite Universelle. Mr. Pimenta in particular has made a lifelong study of the Jews in Morocco, and no one speaks on the subject with more authority. In each case the answers given to the alleged restrictions suffered by the Jews were carefully noted down and the opinions found to be in complete concordance. Further corroborative testimony confirming these views was likewise obtained from the following: Sir Arthur Nicolson, for many years British envoy to Morocco; Mr. Gerard Lowther, the present English minister at Tangier; Mr. Budgett Meakin, author of various books on Morocco; Mr. Leriche, French vice-consul at Rabat, and technical expert at the Algeciras Conference; and Signor Malmusi, Italian minister at Tangier.

In examining the alleged restrictions, the first mentioned refers to the segregation of Jews in "ghettos" or "mellahs."

A. RESTRICTIONS IN LODGING AND DRESS.

1. (All references are to the Jewish restrictions in Morocco. Memorandum supplied by Mr. Schiff.)

This concentration, according to the testimony of native Jews, far from being a hardship, is in reality welcomed by them. The Sultan, under whose protection they have always lived, originally granted them these quarters as a shield from mob violence, and Jews, not Moors, shut the gates at night. It is unfortunately true that certain "mellahs," notably those at Fez and Mogador, are too small for their present population, but even in these towns the fault lies not entirely with the Moor. At the instance of the late British minister at Tangier, Sir Arthur Nicolson, the present Sultan readily granted a new quarter at Mogador on which the Jews might build; but a few Jewish landlords who owned the entire "mellah" prevented their poorer coreligionists from moving. Under actual conditions, nothing but preference forbids Hebrews living in the Moorish quarters of most towns. At Tangier the "mellah" has long ceased to exist, and in several other places, even at Fez, many of the richer Jews no longer inhabit it. Elsewhere the "mellah" will doubtless disappear in time with the Europeanization of the country. But its forcible abolition now would be a measure most unwelcome to the Jews.

2. In the sixteenth century the Mohammedan revival led to a series of oppressive measures directed against the Jews, but the rigorous enforcement of these has long fallen into desuetude. Jews are no longer compelled to wear a special garb. Many now dress as Europeans, especially at Tangier and the coast towns, and even at Fez. To this Moors are indifferent. Jews would never think of wearing garments which might cause them to be mistaken for Mohammedans.

3. No present obligation exists for their going barefooted; this was formerly the case in a part of Fez regarded by the Moors as a sacred city. Even there of late years they need no longer remove their shoes before mosques. Such as go barefooted do so because of their poverty. There was never any question of removing their headgear, which would be regarded as a sign of disrespect.

4. There exists no obligation for them to go on foot, nor are they forbidden to carry canes, nor restricted in their use of certain streets, nor, in fact, are any of the vexations alluded to herein now practiced; such indignities are to-day unknown.

5. Jews found outside the "mellah" after sunset are subjected to no ill-treatment. Except in times of civil war they can readily return to their quarters

until late at night. The worst that can happen to them if their gates are shut is to be obliged to sleep the night in the Moorish part of the town.

6. Jews traveling require no permission, nor are their wives and children retained as hostages. Jews can, in fact, go freely, not only where Europeans dare not penetrate, but in regions unsafe for Moors of tribes other than the one among whom they travel. Quit money for permission to leave the country is unknown. Many Moroccan Hebrews have emigrated to Senegal and Brazil.

7. Jews are not allowed to build houses above a certain height only where the same are contiguous to the houses of Mohammedans. Their object is to prevent their overlooking harems; this is true as well of Moorish houses, which must be of equal height. Within the "mellah" itself no building restrictions exist.

8. Jews may drink at public fountains and draw water there. It can, in fact, not be obtained elsewhere. They may not use the Moorish baths, since these serve for religious ablutions. As a rule, permission to erect baths in the "mellah" has been freely granted of late years. There are certain exceptions in some of the smaller towns of the interior.

B. RESTRICTIONS IN TRADE AND COMMERCE.

1. In many cases Jews own real estate outside the "mellah." The maghzen, it is true, in cases where it anticipates trouble, forbids the notaries registering transfers of property, but it is much more likely to exercise this right in the case of Europeans than of Jews. Instances have occurred where transfers of property to Jews have been forbidden because Europeans were suspected to be the real purchasers.

2. Jews own both stores and shops in the Moorish quarters. Nor are they compelled to have their goods sold through Mohammedans. On the contrary, the commerce of the country passes almost entirely through their hands. Everywhere they are the bankers and brokers. The Moorish official, moreover, is nearly always the silent partner of a Jew whom he protects, while the Jew looks after the Moor's moneyed interests.

3. There is no foundation for saying that Jews are forced to buy damaged goods which have been stored in government warehouses. Instances have doubtless occurred of local governors abusing their authority and squeezing the people by similar measures, but the injustice suffered is equally applicable to the Moors.

4. Jewish provision dealers are not forced to furnish their goods gratis to officials. This may have occurred as a voluntary contribution in the nature of a bribe following the Moorish example, but is never compulsory.

C. TRIBUTES IN MONEY AND LABOR.

1. There is no foundation for stating that Jews with their wives and daughters are forced to work for public officials, nor are Jewish women compelled to labor.

2. Nor are they forced to perform tasks which the Moor thinks beneath him. Sewers there are none; hence they need not be cleaned. Executions are the rarest of occurrences. Only three have taken place in twenty years in Morocco, and those executed were shot in the back by soldiers.

3. It is true that Jews are called on to salt the heads of rebels. The rabbi selects for this task certain poorer members of his community who receive adequate compensation. But that Jews expose themselves to great cruelty for refusing the work on the Sabbath appear to be without foundation.

D. LEGAL RESTRICTIONS.

1. That a Jew may not testify in court is more oppressive in theory than practice. Although by koranic law the Moorish *cadi* can accept the oath of neither Jew nor Christian, their testimony is taken as hearsay evidence and as such is generally regarded as of equal value to that of a Mohammedan. As justice in our sense of the word is a thing unknown in Morocco, as bribery counts alone in influencing the judge's decision, the real position of the Jew before the law is little different from that of the Mussulman. Furthermore, the Jew has need only in certain cases to appear before the Moorish courts where the jurisdiction is confined to koranic law. Not only do the Jewish rabbinical courts, whose authority is recognized by the Moorish Government, cover in

great part a similar field, but penal cases, etc., are brought before the pasha or kaid, who administers summary justice, in which there is neither counsel, nor is testimony taken.

2. In cases heard before a *cadi* a Jew is obliged to intrust his suit to a Mohammedan lawyer as the natural consequences of the fact that the only law administered is the canon law of the Koran.

3. That a Mohammedan should have it in his power to bring suit against a Jew and have him convicted and sentenced by false testimony is a danger more hypothetical than real. Since bribery counts alone in the Moorish courts, the Jew has at least an equal chance.

4. The fact that little or no punishment awaits the murderer of a Jew in Morocco, and that even the blood money he is called upon to pay is largely pocketed by the authorities, is an inevitable consequence of the chronic anarchy and corruption prevailing in the land, which the restoration of order can alone remedy. At the same time the Jew is only worse off than the Mohammedan in that being richer he is more exposed to attack. Such outrages, however, are of rarer occurrence than might be supposed. One every four or five years has been given as the average. (Statement by A. Pimienta.)

5. While religious desecration is punished by death, there is no inducement for perpetrating it. Punishment by *bastonnado* has been abolished, so far as the Jews are concerned, as the result of Sir John Drummond Hay's intervention. In this respect they are better off than the Moors, who are still exposed to it. Jews can not be said to be especially liable to capital punishment, since there has been no execution of Israelites in Morocco since 1862.

6. Both Jews and Mohammedans pay the fees of their gaolers. But this is scarcely a hardship as the amount collected is trifling.

7. Jewish prisoners are usually better treated than Moorish, as their families look after them; even the poorer Jews are helped by their solidarity. It is doubtful if 12 Jews could to-day be found in Moorish prisons. (Statement by Mr. Harris.)

8. There is slight foundation for the statement that a Jew must become a Mohammedan if a Moor should accuse him of having abjured his faith. Conversions to Islam must be formally testified to before a notary in the presence of witnesses, and only after a preparation extending over a period of time. Moreover, instances have occurred of Jewesses who on their marriage to Moors became Mohammedans, but returned to Judaism after their husband's death. It was, however, thought wiser for them to change their place of residence.

E. OTHER POLITICAL AND SOCIAL RESTRICTIONS.

1. It may almost be said that no liberal professions exist in Morocco. Notaries and lawyers must be Mohammedans, since they deal with koranic law; but physicians are frequently Jews, and these are even preferred by Moors.

2. There is no prohibition against Jews carrying arms, and in the south of Morocco they do so not infrequently. That, as a general rule, they refrain from bearing weapons is for their own safety. The same is true of Europeans in Morocco.

3. The head tax paid by the Jews is in accordance with the law of the Koran, which requires the same of non-Mohammedans living in a Moslem country. Its payment is in lieu of other taxes as well as of military service. It is therefore regarded by the Jews as a distinct advantage. (Mr. A. Pimienta.) So true is that at Tangier, where, owing to the disturbed condition of the country, taxes are no longer collected, the Jews think it politic to pay this tax as a voluntary offering. It is quite incorrect that they suffer humiliations in so doing.

4. That Jews as a rule hold no political offices is not regarded by them as a hardship.

A distinction arising from internal causes must, however, be made in speaking of the Jews in Morocco. The country is divided between that part which is under the direct control of the Sultan, including the larger towns with the fertile plains of the south, and the mountainous Atlas region, occupied by the warring Berber tribes, who refuse to recognize the Shereefian authority. Among the latter, where Europeans dare not penetrate, the condition of the Jews may vary locally from tribe to tribe. These Jews, who are chiefly agriculturists, occupy a feudal relation to the sheikhs under whose protection they live. An insult to one of their number is regarded by the protecting sheikh as an insult to his own dignity and as such must be revenged. Intertribal war-

fare undertaken on their behalf is far from uncommon, and the Jews themselves take part in all the battles of their tribe. In summing up the present condition of the Jews in Morocco, when examined from the point of view of their ancient restrictions, it may seem unduly optimistic to state that they suffer from no crying injustice. It is undoubtedly true, especially in the interior of the country, that the conditions of many of their numbers, with its inheritance of centuries of oppression, still remains degraded. But no amount of legislation alone can remedy this evil. Laws occupy a very subordinate place in Morocco. The ancient restrictions have been removed not so much by decree as they have fallen into disuse. The Moors have become less fanatical; the Jews more powerful. They live, moreover, on excellent terms with their Moorish neighbors. They have freer access to the Sultan than the Mohammedans. Their loyalty to his authority is unquestioned. Far more than Christians do they enjoy the Moorish confidence. Any violent movement, therefore, on their behalf, resting as it would on no genuine grievance or complaints, might readily do the Jewish community more injury than good. The tolerance of the Moor, which springs largely from his contemptuous indifference to other faiths, has allowed the Jews the greatest liberty in developing their institutions. Their own ability has placed the commerce of the country largely in their hands. Further than this a future awaits them. The fact that so many are the descendants of exiles from Spain, who have always spoken the Spanish tongue, had aided their Europeanization. In the coast towns especially they have shown great readiness to accept modern ideas. Already they form a link between Europe and the Moor, and in the further opening of Morocco to the commerce of the world it is likely that the Jews will be destined as intermediaries to play a more and more important part. Realizing this, fully appreciative of their present favorable situation, they thus prefer no friendly intervention on their behalf. Not only do they dread the resentment of the Moors at what would be considered ingratitude for past favors, which might provoke reprisals, but another reason as well restrains them. Numbers of Jews are the protected subjects of European powers and as such receive the same treatment as citizens of nations whose protection they enjoy. It would appear, however, that this benefit has frequently been obtained in an illegal way, contrary to the terms of the Madrid convention of 1880, and any too close examination into the Jewish question in Morocco might not unnaturally give rise to counter inquiries on the part of the Moors as to the legitimacy of protection enjoyed by so many native Israelites in reality subjects of the Sultan.

Moroccan Jews stand thus to-day in no need of especial solicitude. When once security has been established in the country, when roads have been built and policed, they will be the first to profit from the establishment of law and order in the new era which will then have opened for Morocco. Their present desire is only for an expression of interest in their welfare as an acknowledgment on the part of a great power that the enlightened policy of toleration pursued by the Sultan has met with its full approval.

LEWIS EINSTEIN.

Headquarters of the American delegation, Algieras conference, 30th January, 1906.

[Inclosure 2.—Translation.]

Mr. A. Pimienta's suggestion as to the form of our intervention in behalf of the Jews.

The Government of the United States has always regarded it as a national duty to bear in mind everywhere the interests of humanity and that respect which all religions merit. Further, it has had ancient relations of friendship with the Moorish Empire, in whose prosperity it has always been interested.

For these two reasons the United States realizes with satisfaction that His Majesty the Sultan, Mouley Abd El Aziz, faithful to the wise traditions of his late father, Mouley El Hassan, has always treated his Jewish subjects with equity and good will.

The American Government hopes that the Sultan will continue along this course, and that the maghzen will see to it that his Jewish subjects may never be denied justice nor suffer violence from any of his officers, which would be contrary to the Sultan's feelings and to his country's good name.

Delegate White to the Secretary of State.

No. 4.]

ALGECIRAS, February 5, 1906.

SIR: With reference to my dispatch No. 2, of the 30th ultimo, relative to the degradations to which the Jews in Morocco are alleged to be subjected, I have the honor to transmit herewith for your information a letter from the grand rabbi of Tangier (original and type-written copy inclosed) received by Mr. Einstein, from which you will see that in his opinion the Jews in Morocco have been well treated since the beginning of the reign of the late Sultan and "have absolutely no reason of complaint." It would seem, however, from the grand rabbi's letter that he would like me to make a statement at the conference similar to that suggested by Mr. Pimienta and forwarded in my previous dispatch on this subject.

If an opportunity should occur for me to bring the matter up at the conference before this can reach you, which I doubt, I shall cable you the substance of the grand rabbi's letter and ask for your instructions.

I have, etc.,

HENRY WHITE.

[Inclosure.]

Grand Rabbi Mardochee Bengio to Secretary Einstein.

JANUARY 31, 1906.

SIR: I have the honor to inform you that Mr. A. Pimienta, correspondent of the Temps, of Paris, in Morocco, has been good enough to communicate to me the substance of the conversation you had with him respecting the intervention of the United States of America on behalf of the Jews in Morocco.

Apparently the American Government is under the impression that Morocco Jews are badly treated and oppressed, but this is not the case at all. In justice to the Moorish Government I declare that the Jews in Morocco are well treated since the beginning of the reign of His late Majesty Mouley Hassan, and we have absolutely no reason of complaint.

We would rather like a declaration by the American ambassador at the conference that the United States, as friends of Morocco and constant supporters of the interests of humanity, see with satisfaction that His Majesty the Sultan Abd-El-Aziz, following the good traditions of his father, treats his Jewish subjects with justice and kindness, hoping that he will persevere in his good course and that the makhzen should have great care to avoid acts of injustice or violence by their subordinates against the Jews.

I avail myself of this opportunity to request you to ask His Excellency Mr. White, the American ambassador, to be good enough to convey to His Excellency President Roosevelt my most heartfelt thanks, in my own name and on behalf of the Jews of Morocco, for the humanitarian interest he takes in them.

I pray Almighty God to bestow His blessings on President Roosevelt and the great liberal American nation.

I have, etc.,

(Signed)

MARDOCHÉE BANGIO.

Delegates White and Gummeré to the Secretary of State.

No. 5.]

ALGECIRAS, February 12, 1906.

SIR: Having outlined to you in our dispatch No. 1, of the 25th ultimo, the result of the first two meetings of this conference, we now have the honor to acquaint you with its further proceedings to this date.

The actual discussion must not be looked for in the official accounts of the sessions of the conference, which show a marked tendency to register decisions rather than to provide an opportunity for argument. The questions thus far at issue, which have been largely of a technical order, are debated mostly in the frequent meetings of the committee of the whole, whose proceedings are not to be published.

The work is further prepared for this body by a committee of experts composed of the second delegates to the conference, most of whom, being diplomatic representatives at Tangier, are familiar with the workings of the Moorish administration. There has been little real difficulty in settling these details, which are largely of a nonpolitical order; but their final adoption will necessarily depend to a great extent on the solution of the more important questions which the conference still has to consider.

We herewith inclose (inclosure No. 1^a) the report of the proceedings of the second session, which, appearing too late for our first dispatch, contains the articles agreed upon for the suppression of contraband of arms, and the reply of the Sultan to whom they had been submitted (inclosure No. 2^a).

Beginning at the meeting of the committee of the whole on January 27, the conference proceeded to the examination of measures intended to improve the finances of Morocco (article 3 of the draft programme of last July). The feature of this session was the project of taxation (inclosure No. 3^a) submitted by the Moorish delegates. While including a very considerable increase in import duties, it also recommended the creation of new taxes on carriages, theaters, telephones, etc.; in other words, on articles at present for the most part either nonexistent in Morocco or restricted in their use to foreigners. This project revealed to a marked degree the fact that in the Moorish mind the chief advantage for Morocco to be expected from the conference is the increase of the Sultan's revenues by means of taxation levied principally upon foreigners. In justice to the Moors it must be said that their position is not an easy one, as apart from their not unnatural disinclination to foreign interference they are powerless to accept any of the proposals of the conference without submitting them to the Sultan. They have, therefore, adopted the usual tactics of oriental diplomacy in the direction of delay and dilatoriness; but the conference has overcome this difficulty to a great extent by agreeing to submit the final regulation of technical details to the diplomatic body at Tangier.

That the present system of taxation is full of anomalies and injustice is readily apparent. Yet the conference, aware of the impossibility of now enforcing any radical change in the methods practiced, did not feel justified in doing more than slightly increasing already existing taxes and agreeing that foreigners and protected subjects in Morocco should no longer be exempt from their burdens.

The powers are not opposed in principle to a reasonable increase in taxation, but they desire to obtain guaranties for the proper expenditure of the new revenues on actual improvements. The special committee to which the proposals regarding taxation had been referred accordingly drew up a plan consisting of seventeen articles, the first eight of which were adopted at the official session on February 1

^a Not printed.

(inclosure No. 4^a). As mentioned to you in our telegram No. 7 of that date certain suggestions of the Moorish delegates, notably a stamp tax on legal documents and a 2 per cent tax on the proceeds of real-estate sales, were accepted. A paragraph (2) was also inserted tending to carry out, at least so far as is now practicable, article 11 of the Madrid convention, permitting foreigners to own property in Morocco, which, save at Tangier, had always remained a dead letter.

At this sitting Mr. White suggested an amendment, the object of which was to make temporary instead of permanent a percentage proposed to be taken by the consuls from the taxes they are to collect from their fellow-citizens to cover expenses, on the theory that when the Sultan's Government shall be in a position to collect its own taxes it will not be fair to make the Moorish treasury suffer a loss from the retention by foreign powers of a right insisted upon by them when it will no longer be necessary. This amendment was opposed by the Spanish delegates and accordingly withdrawn. The matter was of slight importance, but we have reason to believe that the Spanish delegates appreciated our conciliatory attitude in yielding to their desires. They admitted afterwards the justice of Mr. White's argument, but said they felt obliged for political requirements to oppose it.

At the informal meeting held on February 3 the conference decided that its special committee should examine the conditions in which a slight additional tax on imports could be levied and a general reform of the customs service be effected.

The remaining 9 articles of the 17 previously drawn up by the special committee were adopted at the fifth session of the conference (inclosure No. 5^a), held on February 7. The most important of these, article 8, accepted as a temporary measure, is an additional tax of 25 per cent on already existing import duties. It is to be levied subject to an understanding that the proceeds thereof should be lodged in a special *caisse* and used exclusively for the improvement of the ports of Morocco. The administration of such *caisse* is reserved, however, as a matter for subsequent discussion.

It is proper to add that in addition to the proceedings described in this dispatch the most important questions, the organization of the police and the proposed state bank for Morocco, in respect to which there is a divergence of opinion between France and Germany, have formed the subject of daily private conversations, almost ever since the conference met, among the senior delegates of those two countries, of Great Britain, Italy, and the United States, and occasionally of those of Austria and Russia.

We have been fully cognizant of what transpired at these conversations, the object of which has been to bring about an agreement satisfactory to the two countries first mentioned outside the conference, in the hope of avoiding any discussion at the latter which might reveal to the Moorish delegates a lack of unanimity among the powers.

As the conversations were, however, absolutely confidential and no one participating therein is to be bound by any opinion or suggestion expressed, we feel that we are not authorized to mention any details of the same. But it may be permitted to us to say that, while their object has not yet been attained, we have reason to hope that it still

^a Not printed.

may be, as the private meetings between the French and German delegates resulting therefrom still continue and the personal relations existing between the latter are perfectly cordial.

We further have the honor to inclose^a copies of such telegrams as have been sent to you from January 25 to this date.

We have, etc.,

HENRY WHITE.
S. R. GUMMERÉ.

Delegates White and Gummeré to the Secretary of State.

[Extract.]

No. 7.]

ALGECIRAS, *March 2, 1906.*

SIR: Referring to our dispatch No. 5, of the 12th ultimo, we have the honor to report to you the further proceedings of the conference since that date.

We inclose herewith the official reports of the sixth, seventh, eighth, and ninth meetings,^a which took place on the 10th, 13th, 14th, and 17th ultimo, respectively, and with regard to which there is no particular comment to be made. They for the most part confirm decisions previously arrived at in committee of the whole, after previous discussion by the committee of experts, relative to customs and port regulations. You will observe that at the ninth session Mr. White proposed that training ships of the mercantile marine not engaged in commercial operations be added to the category of vessels exempted, in the same manner as ships of war, from the deposit of their manifests at the custom-house on their arrival in Moorish ports, a proposal which was unanimously adopted. It may also be perhaps worthy of note that at the same meeting the Moorish delegates refused their assent to a proposal for the expropriation of real estate when necessary for works of public utility, even though sanctioned by the Government and the diplomatic body at Tangier, upon the payment of a fair price for the same, on the ground that it is contrary to koranic law to compel proprietors to part with their landed possessions against their will. It was humorously suggested by some of those present who were familiar with Moorish customs that there is apparently nothing contrary to koranic law in depriving a man of his life with a view to obtaining his possessions, which is not unusual, but the objection of the Moorish delegates seemed to be to the legal expropriation of landed property during the owner's life.

The interest in the proceedings of the conference, however, continues, as stated in our previous dispatch, to be not in the official sessions, but in the conversations and meetings between the French, German, and certain other delegates, with the view, if possible, to reach an agreement upon the organization of the proposed police for the Moroccan ports and of the state bank.

These conversations, which were intended by those at whose instance they were brought about to be entirely private, can no longer be so described, in so far at all events as the French and German delegates are concerned. Not only has their substance been immedi-

^a Not printed.

ately communicated to the press, but written memoranda, unsigned, have latterly been exchanged between the French and German ambassadors on the occasion of each of their meetings, beginning with that of February 13. Copies of all these documents were communicated to us immediately after they were handed in, sometimes previously, and a translation thereof was forthwith cabled to you.

We herewith inclose copies of the same with translations.^a

It has been our earnest endeavor to urge upon our French and German colleagues that each of these memoranda afford a basis for further negotiations, and with a little good will on both sides and a few further concessions that an agreement on the bank and police questions could easily be reached.

We also inclose for your information copies^a of the three bank projects which have been laid by the French, German, and Moorish delegates before the conference in committee of the whole, and which served as the basis for a discussion conducted in a friendly spirit, whereby numerous points of agreement were discovered. This discussion has been continued during the present week by the committee of experts and it is now proposed that the agreements arrived at shall be confirmed and approved at an official meeting to-morrow. The French and Germans have both made concessions and the original project of each has been considerably modified.

We have, etc.,

HENRY WHITE.
S. R. GUMMERÉ.

The Secretary of State to the German Ambassador.

No. 347.]

DEPARTMENT OF STATE,
Washington, March 17, 1906.

EXCELLENCY: It may be useful for me to restate in writing the answer of the United States, already given to you orally, to the questions which you have asked regarding our course upon the proposal made by Austria on the 8th instant in the Algeciras conference.^b

We do not approve that proposal. We regard it as an essential departure from the principle declared by Germany and adhered to by the United States, that all commercial nations are entitled to have the door of equal commercial opportunity in Morocco kept open, and the corollary to that principle that no one power ought to acquire such a control over the territory of Morocco as to justify the belief that she might ultimately come to regard and treat that territory as her own, to the exclusion of others.

This view of international right was interposed against the claim of France to organize the police in Moroccan ports through the agency of her officers alone. France has yielded to this view of international right to the extent of offering to become, jointly with Spain, the mandatory of all the powers for the purpose of at once maintaining order and preserving equal commercial opportunities for all of them. It was further proposed that an officer of a third power, acting in behalf of all the powers, should have the right of

^a Not printed.

^b See dispatch No. 8 of March 27 infra.

general inspection for the purpose of keeping the powers advised whether their agents, France and Spain, were observing the limits and performing the duties of their agency. This arrangement seemed accomplish the desired purpose. It seemed with the mandatories jointly charged, no individual claim of possession or control was likely to grow up; that with the constant reminder of the general right involved in the inspectorship the duties of the agency were not likely to be forgotten; and it seemed that the proximity of France and Spain to Morocco and their special interest in having order maintained in that territory made it reasonable that they should be selected as the mandatories rather than any other powers.

The Austrian proposal offers an alternative to the arrangement which I have described. It is that the eight Moroccan ports shall be distributed; that in four the police shall be organized by the French, in three the police shall be organized by the Spanish, and that in the eighth port the police shall be organized by the Swiss or Dutch. This seems to us to provide for a potential partition of the territory in violation of the principle upon which we have agreed with Germany. From our point of view all the reasons which existed against leaving to France the control of all the ports exist against leaving to France the control of some, to Spain the control of some, and to Switzerland, either in its own interest or in the interests of any other power, the control of one. The very fact of division of the ports implied the existence of a special right on the part of the three countries in the ports assigned to them respectively. The immediate effect can only be the creation of three separate spheres of influence, with inferior right and opportunity on the part of all other powers. And the nations to whom these spheres are assigned may be expected in the ordinary course of events to enter into complete control. We do not care whether the inspector, if there shall be one, is Italian or Swiss.

We do not care whether he reports to his own Government, or to the corps diplomatique in Tangier, or communicates the information he obtains to the powers in any other way. We do consider that the distribution of ports to separate single powers is wrong in principle and destructive of the declared purpose of both Germany and the United States. If we had sufficient interest in Morocco to make it worth our while, we should seriously object, on our own account, to the adoption of any such arrangement.

We have not, however, any such substantial interest in Morocco as to lead us to take that course. Our chief wish is to be of service in promoting a peaceable settlement of the controversy which brought the conference together. Under the guidance of that wish we shall accept whatever arrangement the European powers represented at Algeciras agree upon. If the agreement is upon the Austrian proposal, or upon any modification of it which includes the principle of distribution of ports, we shall regret what we deem to be the failure of the true principle to which we have given our adherence. We still hope that there may be no such result.

Accept etc.,

ELIHU ROOT.

Delegates White and Gummeré to the Secretary of State.

No. 8.]

ALGECIRAS, *March 27, 1906.*

SIR: Referring to our dispatch No. 7, of the 2d instant, we have the honor to send you the following account of the course of events at the conference since that date.

We inclose copies of the official reports^a of the tenth, eleventh, and twelfth meetings held, respectively, on the 3d, 8th, and 10th instants, at the first of which a majority of the articles of a "Project for the establishment of a state bank of Morocco" were agreed upon, and the conference decided that those numbered 4, 5, 7, 8, 9, 15, 17, 19, 20, and 23, in respect to the wording of which an agreement was not reached, should be further considered. A brief discussion followed as to whether a meeting in committee of the whole should be fixed for Monday, the 5th instant, to discuss the organization of the "police in Morocco," and after each delegation had been consulted a sentiment favorable to that suggestion was found to be pretty general. The meeting was held accordingly, and speeches were made by the French, British, Russian, Spanish, and Portuguese delegates expressing the opinion that a body of police should be organized under the authority of the Sultan of Morocco and should be composed of Moors with Moorish officers, but that the instruction and supervision of the proposed force, which would be for the eight ports only and not for the interior of the country, should be in the hands of French and Spanish officers. We inclose a report^a of the French delegate's speech. The German delegate also made a few brief remarks (a report of which we inclose^a) to the effect that his Government could not approve of that arrangement on the ground that the entire police force would be thereby placed under the control of France and Spain, a state of things which, in the opinion of Germany, would not furnish an adequate guaranty for the observance of the "open-door" policy and commercial equality for all nations in Morocco.

The meeting, which lasted a short time and the proceedings at which were of a harmonious nature, was thereupon adjourned until Thursday, the 8th instant, on which occasion the conference first of all held an official session to discuss certain features connected with the organization of the proposed state bank and adopted certain articles in respect to which an agreement had been previously reached in the committee of experts.

It was then decided, on the proposal of the president, to go into committee of the whole for the further discussion of the organization of the police. The senior German delegate, M. de Radowitz, opened the proceedings with a short speech, of which we inclose the official version, and in which he admitted that there are good reasons for the employment of French and Spanish officers, but added that in the opinion of his Government it would be impossible to place the police entirely under the instruction and guidance of officers of those two countries without any guaranty of supervision as to the manner in which they might be carrying out the duties wherewith it was proposed that they should be intrusted. He concluded by saying that his Government is ready to examine any proposal for the organization of the police which should be based upon such adequate supervision.

^a Not printed.

M. de Radowitz was followed by the French delegate, who laid a proposal on the table, of which we inclose a copy and translation herewith.^a It provides, as you will observe, for a body of from 2,000 to 2,500 men, all Moors, to be distributed between the different ports according to their importance and population, in detachments varying between 150 and 500 men; the number of French and Spanish officers not to exceed 16 nor the noncommissioned officers 32. The second Spanish delegate, M. Perez Caballero, also made a speech, which is inclosed herewith.^a

The Austro-Hungarian senior delegate, Count Welsersheimb, thereupon rose and said he had a proposal to make, but before doing so he wished to say a few words. He then set forth in an exceedingly conciliatory manner the differences existing between France and Germany in respect to the organization of the police, and added that his Government had, with a view to bringing these divergent opinions into harmony, instructed him to make the proposal which the president then read and which we inclose.^a It provides for the organization and supervision of the police force by French officers at the ports of Tangier, Safi, Rabat, and Tetuan; by Spanish officers at Mogador, Larache, and Mazagan; and for the establishment at the eighth port, Casablanca, of an inspector-general who should be in command thereof and should also inspect the police at the other seven ports, reporting the results of such inspection to the diplomatic body at Tangier.

The action of the Austrian ambassador undoubtedly produced a considerable impression upon the conference, and there was a general feeling that for the first time a proposal had been made on the subject of the police which, if not actually acceptable, would serve as a basis for negotiations and not improbably, with some modifications, for settlement; the more so, as no one supposed that Count Welsersheimb would have brought forward that or any other proposal without previously ascertaining that it would not be objectionable to Germany. The committee therefore adjourned on the 8th instant with a hopeful feeling that a settlement on all the questions at issue might, with a few concessions on the part of France and Germany, be arrived at before long.

Unfortunately, however, for these hopes, the cabinet, presided over by Mr. Rouvier, was defeated on a question of domestic policy in the French Parliament on the 7th and resigned. Very soon afterwards it came to be realized that this circumstance would materially delay, if not actually bring to a standstill for a certain length of time, the work of the conference, which turned out to be the case.

It was impossible in the first place for the French delegate to make any concessions, however unimportant, without the consent of the new Government, and it was unreasonable to expect the new French minister of foreign affairs at the moment of assuming office to be in a position to give any instructions, much less to yield on any of the questions at issue, until he had had time to become thoroughly familiar with the course of the negotiations up to the moment of his predecessor's resignation. Nor was it to be expected that Germany

^a Not printed.

should be otherwise than indisposed to make further concessions until the policy of the new French cabinet should be ascertained.

Under these circumstances the conference met on Monday, March 10, first of all in plenary session, during which some little progress was made in the matter of the Morocco state bank, as will be seen from the report of the proceedings of the twelfth session, inclosed herewith,^a and afterwards in committee of the whole for the further discussion of the police.

The impression left upon the mind of everyone present at this meeting was optimistic, and we have reason to believe that most of the governments represented were informed, many of them probably for the first time, that there was little doubt of a settlement being reached at no distant date on all points still at issue.

The French and German delegates both made speeches stating that in the Austrian proposal and in one which was presented by the French delegate for the organization of the police a basis might be found for an agreement, and each of those delegates recognized the conciliatory disposition shown by the other. We inclose herewith^a copies of the French and Austrian proposals, the chief difference between them being that in the former the instruction of the Moorish police is to be left to French and Spanish officers in all the eight ports of Morocco, whereas in the Austrian proposal such would be the case in seven ports only, and in the eighth a Swiss or Dutch officer would command, with the additional duty of inspecting the organization and working of the police in the other seven ports.

But for reasons previously stated it was soon found, while no one has, we think, seriously doubted since the meeting of the 8th that a settlement would be eventually arrived at, that no further progress could be made in the committee of experts, and the conference remained practically at a standstill in so far as arriving at any decisions officially for about a fortnight, the meeting fixed for Tuesday, March 13, being postponed.

It must not be supposed, however, that during this period the delegates were idle. On the contrary, the private conversations and consultations referred to in our previous dispatches were continued daily, and we have no doubt that while no formal conclusions were reached the constant discussion by certain delegates of the points in respect to which if an agreement were to be reached concessions must be made was of material advantage to those participating in them when the meetings of the conference were resumed, as they were yesterday.

It is not necessary for us to trouble you with details of these discussions or of the various suggestions which were either made or foreshadowed in respect to questions at issue with regard to the organization of the proposed state bank and Moroccan police.

On the 18th instant we received your telegram embodying the note addressed by you on the 17th to the German ambassador at Washington in reply to an inquiry from his excellency as to your view of the Austrian proposal, stating that for reasons therein set forth our Government does not approve of that proposal and considers that the control of the police in all the eight ports should be left to France

^a Not printed.

and Spain jointly as mandatories of the powers here assembled in conference.

We have reason to believe that this expression of our Government's opinion affected the situation very materially, as on the 20th instant the German senior delegate informed ours that he thought a proposal would be brought forward at the next meeting by the Austrian ambassador, modified in accordance with suggestions embodied in a communication received by the German Government from that of the United States, evidently your note aforesaid, to the effect that there should be French and Spanish officers together in all the ports of Morocco, of which M. de Radowitz said his Government entirely approved.

We have the honor to inclose herewith ^a a copy of the official report of the meeting of the conference held on Monday, the 26th instant, on which occasion a project prepared by the committee of experts for the organization of the police was under discussion, and the Austrian ambassador withdrew that part of his proposal for a Dutch or Swiss inspector of police to command at Casablanca and now proposed instead, as set forth more fully in the accompanying report of the meeting, (1) that the control of the working of the police be under the diplomatic body at Tangier, with which the inspector should cooperate; (2) a paragraph relative to the manner in which the diplomatic body should exercise that control; and (3) a paragraph providing that French officers be charged with the organization and instruction of the police in certain ports not settled, and Spanish officers in certain others not stated, his idea being that the conference should decide which ports should be assigned to the officers of France and which to those of Spain.

Several articles of the expert committee's project were adopted and others were, after discussion, referred back to it for further alterations, notably the first of Count Welsersheimb's new proposals, which was as follows:

The control of the working of the police shall be exercised by the diplomatic body at Tangier. To this end the inspector shall afford the diplomatic body his assistance.

Some anxiety was felt when the conference adjourned in respect to this proposed article, to which the British and French delegates strongly objected; whereas the German ambassador had gone so far as to say that the principle it embodied was, from the German point of view, a matter of the highest importance (un point capital), and that if it could not be settled in accordance with the ideas of his Government he thought "it would be difficult to continue usefully the discussion upon the organization of the police."

We shall not fail to report to you at as early a date as may be practicable the further proceedings of the conference, which we have good reason to hope is likely before long to terminate its labors.

We have, etc.,

HENRY WHITE.
S. R. GUMMERÉ.

^a Not printed.

Delegate White to the Secretary of State.

[Telegram.—Paraphrase.—Extract.]

ALGECIRAS, *March 28, 1906.*

(Mr. White states that, referring to his two dispatches two and seven, he would be glad to hear the department's views on the Jewish question, which he hopes to bring before the conference probably next Saturday or Monday. Mr. White also states that he fears the form suggested by grand rabbi and others will be inadequate and unsatisfactory to our Jewish fellow-citizens, and yet it would not be wise to say anything likely to be prejudicial to Jews in Morocco.

The Secretary of State to Delegate White.

[Telegram.]

DEPARTMENT OF STATE,
Washington, March 28, 1906.

In view of the statement in your dispatch of January 30 and Mr. Einstein's report and Mr. Pimienta's suggestion, we do not consider it necessary or desirable that you should present the subject of the treatment of Jews in Morocco to the conference as directed by the special instructions to you on that subject. You need not present the subject to the conference at all. You are, however, at liberty to ask for an expression in the sense of your dispatch of January 20, and in general conformity to the views of Mr. Pimienta, if, upon further consultation, you are of the opinion that it would be of practical benefit.

Root.

Delegates White and Gummeré to the Secretary of State.

[Extract.]

No. 10.]

ALGECIRAS, *April 3, 1906.*

SIR: Referring to our dispatch No. 8, of the 27th ultimo, we have the honor to confirm the cablegram, of which a copy is inclosed herewith, informing you that an agreement had been reached by the conference on all the questions still remaining for settlement, at a meeting which was held at half past 5 on Saturday afternoon, the 31st ultimo.

At the close of our last dispatch we stated that there was some anxiety among the delegates when the conference adjourned on the 26th, owing to the words used by the senior German delegate in respect to the first amendment proposed by the Austrian ambassador, which provided for the control of the diplomatic body over the working of the police by means of the inspector, who would thereby, the French delegate maintained, have become practically the subordinate of that body, to which he strongly objected. During that evening this feeling of anxiety in no way diminished, and the next morning a private meeting was held by the British, French, Italian, Russian, and American senior delegates to see whether some means could not be devised

to bring the German and French delegates together in the matter, and thereby end the tension on the subject which, it was felt, being known to and shared by the numerous correspondents of French and other newspapers, might, if it lasted, create an unfortunate impression upon public opinion, especially in France and Germany, thereby further postponing the termination of the conference.

The delegates in question eventually asked their French colleague to draw up a paragraph which would meet his views, and to which Mr. White undertook to endeavor to obtain the assent of the German delegation. Mr. White thereupon went backward and forward between the French and German delegates, making modifications to suit each of them, until a final compromise was effected. Whereupon the paragraph agreed to was immediately proposed by Mr. Gummeré in the committee of experts which happened to be sitting, and it was brought the same afternoon by the reporter of that committee before the conference, where it was accepted by the French, German, and all the other delegates with the exception of the Moorish, who said they must refer it to Fez; a course which they have adopted in respect to nearly every proposal made.

At this meeting (March 27) several other matters were disposed of which are set forth in the accompanying report ^a of that sitting. The British delegate suggested, for reasons which he stated, that in the police regulations it should be a question of a Swiss and not a Dutch inspector-general; whereupon, the conference being evidently of that opinion, the delegate of the Netherlands said that his Government had no desire that one of its citizens should have that post unless such should be the unanimous wish of the conference, and that he would refer what had been said to his Government.

The question of the number of censors for the proposed state bank was also discussed, the point at issue being that if Italy, which had intimated a desire to have the appointing of one, should be allowed that privilege, Austria, Portugal, and one or two other countries announced their intention of claiming it also. Whereas if Italy should not press her claim on that point, it was understood that there would be unanimous assent to the number of censors being limited to four, to be appointed by the banks of England, France, Germany, and Spain. Eventually the matter was referred to the next meeting, which took place on Saturday, March 29.

At this meeting the Italian delegate withdrew the suggestion that the Bank of Italy appoint a censor and proposed that the number of censors be limited to four, to be appointed as aforesaid, which was unanimously accepted, and Austrian, Portuguese, and Belgian delegates similarly withdrew the suggestions they had made in respect to the state banks of their countries.

The question of the "open door" and equality of treatment for all nations in the competition for the execution of public works was also discussed, chiefly in respect to phraseology; the Germans being in favor of detailed explanation in the proposed regulations as to the probable nature of the public works; whereas the French desire was that the phraseology of the regulations should be general rather than specific. Eventually the matter was left over to the next sitting of the conference, which the president said he hoped and

^a Not printed.

thought might be the last. After Sir Arthur Nicolson had presented a letter addressed to the president of the conference, whereof the purport was the restriction of the consumption of alcohol in Morocco, which he suggested should be sent to the diplomatic body in Tangier for its consideration, the conference adjourned until Saturday, the 31st, when the sixteenth meeting was accordingly held.

Prior to the date of this meeting all outstanding questions between the French and German delegates were settled by the mediation of a few of the others, friendly to both. When, therefore, the conference met on Saturday, the 31st ultimo, every remaining point had been settled, and its functions were limited to the formal adoption of agreements already reached privately. A full account of the proceedings will be found in the report of the sixteenth meeting.

The Dutch delegate asked that the name of his Government be withdrawn as one of those which are to submit names to the Sultan for the post of inspector-general of police, and the second Russian delegate announced that an understanding had been reached by France and Spain whereby officers of both nationalities are to act as instructors of police at the ports of Tangier and Casablanca; those of Spain alone at Tetuan and Larache; and French officers alone at Rabat, Safi, Mogador, and Mazagan. With regard to the state bank, it was agreed that two shares of the capital, equal to that reserved to the group of subscribers from each nation, be allotted to the syndicate of French banks, signatory of the contract for the loan of 1904, in compensation for the surrender by the syndicate to the Bank of Morocco: (1) The right of preference specified in article 33 of the contract; (2) the rights in article 32, paragraph 2, of the contract relating to the available surplus of the customs receipts, subject to the condition that the general privilege of priority conferred on bondholders with regard to the total yield of the customs, in article 11 of the same contract, be not infringed. The contract here referred to is to be found in the Yellow Book entitled "Affaires du Maroc," 1901-1905, issued by the French foreign office.

An arrangement was made in respect to the board of appraisers of customs which will be found duly set forth in the report of the meeting. This had been one of the most difficult questions to settle throughout the duration of the conference, owing to certain rights of control over the customs possessed by the holders of the Moroccan bonds for which a large percentage of the customs is the security, and these rights could not be made over to the bank without the consent of the bondholders, to obtain which would have been a very complicated proceeding.

An agreement was also arrived at relative to the adjudication of rights in respect to the construction of public works, which will be found in the convention shortly to be signed embodying the result of the labors of the conference.

A further meeting was held on Monday, the 2d of April, to discuss and settle the form which the convention should assume, and it was decided that the various declarations and regulations made by the conference, to the number of six, containing together 119 articles, should be embodied in the document, which should be designated as the "General act of the conference of Algeciras." It was also decided that at the moment of signing the act in question a separate

protocol should also be signed by the delegates of all the powers except Morocco, to the effect that, in view of the inability of the Moorish delegates to sign the general act, distance from Fez not admitting of their receiving permission from the Sultan in time to do so, Signor Malmusi, the Italian delegate, be authorized to proceed to Fez as the representative of the signatory powers with a view to obtaining His Shereefian Majesty's adhesion.

At this meeting Mr. White, in accordance with your instructions, requested the assent of the conference to the expression of a hope that the Sultan would see that the functionaries of his Government treat his Jewish subjects and all others, without distinction of religion, with justice and equity. Each delegate, including Count Cassini, thereupon in succession rose in his place and expressed cordial sympathy with Mr. White's proposal, the British, French, Italian, and other delegates making short speeches, and even the Moors, after Mr. White's words had been translated to them, saying that the Sultan would do his best to continue his father's policy of kindness toward the Jews.

Sir Arthur Nicolson expressed a similar wish in respect to the abolition of slavery and the improvement of prisons, which was generally supported; but the Moors suggested pointedly that it was not one of the subjects mentioned in the programme of the conference.

A degree of good-fellowship, indicative of the general relief and satisfaction experienced by all the delegates at the successful issue of the conference, was prevalent at this meeting, which adjourned amid mutual felicitations until Saturday, the 7th instant, the date now fixed for the signature of the general act, the substance of which we have telegraphed you, and we await your instructions relative to the signature thereof.

It can not be too emphatically asserted, the accounts more or less sensational which have from time to time been telegraphed from here to the newspapers notwithstanding, that from the day on which the conference first met until now no uncivil or unkind word has been uttered by one delegate to another at any meeting, and at the present moment complete harmony prevails among them all in their personal relations with each other. This circumstance has been a by no means unimportant factor in the successful issue of the conference, of which we have never had any doubt, although we did not expect that its results would have been so satisfactory as they really seem to be.

It is to be regretted that this end could not have been attained in rather less time than has been occupied, but apart from the reasons—some of them unexpected—which have kept us here so long, we consider upon looking back that not very much time has been uselessly occupied. It requires a considerable period for two governments who came, as the French and Germans did, to this conference with distinctly opposite views in respect to many of the points to be discussed to realize (1) whether it would be more to their interest to retire from the conference rather than give way on any of those points, or, (2) if not, to which points it would be possible to adhere and on which it would be indispensable to make concessions in order to avoid a rupture. Our previous dispatches will, we hope, have made clear at what period of the proceedings the views of both France and Germany began to undergo modifications in the positions originally assumed by them and so long maintained.

In any case, we venture to hope that you will consider, while we have missed no opportunity for impressing upon our colleagues the importance of arriving at a solution of all the questions at issue and the gravity of the international situation which would arise in the event of a rupture of the conference, that we have kept well within the instructions you sent us in November last without becoming in any way involved, much less involving our Government, in any of the political questions at issue between continental powers.

The general act appears to contain satisfactory provisions in respect to the questions set forth in your instructions, and with regard to the State Bank of Morocco provision has been made for the admission of an American bank or group of banks, to participate in a share of the capital equal to that accorded to any other nation save France, the special position of certain of whose banks, as we have explained, has been recognized.

In short, it may be said that while every principle of international interest advocated by Germany has been sustained by the conference, the position acquired by France financially in Morocco during many years past has been fully recognized without allowing that position to militate against the open door in matters of commerce, competition for the execution of public works, or the future development of the great mineral wealth of Morocco.

We shall have the honor to forward the general act, with a translation thereof after it has been signed, in another dispatch; and before concluding this one, we beg to express our appreciation of the services rendered to us by Mr. Einstein, secretary of the delegation, and by Mr. Iselin, who accompanied the ambassador from Rome.

Both of them have shown zeal and efficiency in the multifarious and varied work which they have had to perform for us. Mr. Einstein's knowledge of the French language has been constantly at our disposal in the many translations from that language which have had to be made, notably that of the general act, which he accomplished in a very short space of time; Mr. Iselin by facility in the use of the typewriter, and both of them in the rapid enciphering and deciphering of the long telegrams in cipher which we have had to send you and which appear to have arrived with very few mistakes, as well as in many other ways, have rendered us valuable service, to which we deem it proper to call your attention.

We have, etc.,

HENRY WHITE,
S. R. GUMMERÉ.

The Secretary of State to Delegate White.

[Telegram.]

DEPARTMENT OF STATE,
Washington, April 5, 1906.

Your telegram ^a reciting provisions of general act indicates that there was not any stipulation to which we may not safely give acquiescence with the understanding that the United States assumes

^a Not printed.

no responsibility or obligation for their enforcement. This reservation should be made before signing. You will therefore take occasion to make in plenary session the following declaration: "The Government of the United States, having no political interest in Morocco, and no desire or purpose having animated it to take part in this conference other than to secure for all peoples the widest equality of trade and privilege with Morocco and to facilitate the institution of reforms in that country tending to insure complete cordiality of intercourse without and stability of administration within for the common good, declares that, in acquiescing in the regulations and declarations of the conference, in becoming a signatory to the general act of Algeciras, and to the additional protocol, subject to ratification according to constitutional procedure, and in accepting the application of those regulations and declarations to American citizens and interests in Morocco, it does so without assuming obligation or responsibility for the enforcement thereof." Upon signing the general act the following statement should precede your names: "Under reserve of the declaration made in the plenary sitting of the conference of April (blank), 1906. Signatures follow." This procedure follows the precedent of The Hague peace conference, and should be entirely satisfactory to all.

With this reservation expressed in some clear form, you and Mr. Gummeré are authorized to sign the general act.

Root.

Delegates White and Gummeré to the Secretary of State.

No. 11.]

AMERICAN DELEGATION,
Algeciras, April 7, 1906.

SIR: Referring to our dispatch No. 9 of the 3d instant and to your telegram of the 5th, of which we inclose the copy, we have the honor to inform you that at the session of the conference held this morning, Mr. White made the following declaration in behalf of our delegation:

[Translation of the declaration made in the French language.]

The Government of the United States, having no political interest in Morocco and no desire or purpose having animated it to take part in this conference other than to secure for all peoples the widest equality of trade and privilege with Morocco and to facilitate the institution of reforms in that country tending to insure complete cordiality of intercourse without and stability of administration within, for the common good, declares that, in acquiescing in the regulations and declarations of the conference, in becoming a signatory to the general act of Algeciras, subject to ratification according to constitutional procedure, and in accepting the application of those regulations and declarations to American citizens and interests in Morocco, it does so without assuming obligations or responsibility for the enforcement thereof.

We thereafter signed the general act of the conference and the "Protocol additionnel" relative to the mission to Fez of the Italian minister, our signatures to both documents being preceded by the words:

[Translation into English.]

with reservation of the declaration made in the plenary session of the conference on April 7, 1906.

We inclose copies of these documents.

The official copies duly certified by the Spanish Government will be forwarded to you in due course, as provided by the signatory clause of the general act, through the ordinary diplomatic channel.

You will observe that under article 56 it is necessary within four weeks from this day that the Spanish Government be notified in the event of our desiring to avail ourselves of the share in the capital of the state bank, to which we are entitled.

We inclose a confirmation of the telegram ^a we have sent you to-day announcing the termination of the conference; also official reports of the seventeenth and eighteenth meetings, the latter being that of to-day.

We have, etc.,

HENRY WHITE.
S. R. GUMMERÉ.

Delegate White to the Secretary of State.

No. 12.]

ALGECIRAS, April 8, 1906.

SIR: Referring to your telegram of the 28th ultimo, I have the honor to inform you that in accordance therewith I asked the conference on the 2d instant to express a "vœu" (which is stronger than the English word "hope") in favor of the equitable treatment of the Jews particularly, as well as of the other non-Mussulman subjects of the Sultan of Morocco, in words of which I inclose a copy herewith.

The response was unanimously favorable; every delegate, except the Moorish, rising in his place to express his approval and support of my proposal, and several of them, including the Duke of Almodovar in behalf of Spain, the British, French, German, Italian, Belgian, and other delegates making short speeches. The Moors said that they were sure the Sultan would pay the attention which such a unanimous expression of opinion on the part of the conference merited and, furthermore, that he would be happy to keep up the system inaugurated by his father, of treating the Jews with fairness.

I have, etc.

HENRY WHITE.

[Inclosure.—Translation.]

Motion of the American Delegation.

The Government of the United States has always considered it as a duty to associate itself to all that can contribute to the progress of humanitarian ideas and that can secure the respect due to all religious beliefs. Animated by these sentiments and by the friendship that has so long subsisted between it and the Moroccan Empire, whose development it follows with profound interest, my Government has charged me to invoke the support of the conference, at the moment when it is going to end its labors, in order to express a vœu for the welfare of the Jews in Morocco.

I am happy to notice that the condition of the Jewish subjects of His Shereefian Majesty has been much ameliorated during the reign of the late Sultan Mouley-el-Hassan and that the present Sultan appears, as much as it has been possible for him, to have treated them with equity and kindness. But the agents of the Maghzen in the parts of the country far removed from the

central power are not always sufficiently inspired with the feelings of tolerance and justice that animate their sovereign.

The American delegation therefore begs the conference to be pleased to express the vœu that His Shereefian Majesty continue the good policy inaugurated by his father and maintained by His Majesty himself as regards his Jewish subjects, and that he should see that his Government neglects no opportunity to make known to its functionaries that the Sultan insists that the Jews of his Empire and all his subjects, without any distinction of belief, be treated with justice and equity.

Ambassador White to the Secretary of State.

No. 178.]

AMERICAN EMBASSY,
Rome, April 26, 1906.

SIR: I have the honor to transmit herewith the copy, with translation, of a letter which I have received from the president and secretary of the Alliance Israelite Universelle relative to the suggestion which I made at the Algeciras conference with respect to the better treatment of the Jews of Morocco.

I have, etc.,

HENRY WHITE.

[Inclosure.—Translation.]

The Alliance Israélite Universelle to Ambassador White.

MR. AMBASSADOR: The whole of the Jewish world is profoundly grateful to you for the motion ("vœu") in favor of the Israelites of Morocco which you presented at the Algeciras conference. No one will be surprised that the initiative in this manifestation of tolerance and of lofty liberalism was taken by the delegate of the great country which receives with so magnificent a generosity the victims of religious persecutions and which has intervened, on many an occasion, to cause liberty of conscience and unrecognized rights of humanity to be respected. The Moroccan Israelites have been able, for many years past, to appreciate the value of the protection which the United States bestows upon them. Through you your noble country gives them a new and magnificent evidence of her precious benevolence.

The Alliance Israelite Universelle, which has occupied itself for nearly fifty years past with the uplifting of the Moroccan Israelites, has the honor to address to you in their behalf, in the name of the Israelites of the whole world, the expression of its most profound gratitude for the great service which you have just rendered to the cause of civilization and progress.

Pray accept, Mr. Ambassador, the assurance of our profound respect.

N. LEVEN, *President.*
L. BIGART, *Secretary.*

The Secretary of State to Minister Collier.

No. 44.]

DEPARTMENT OF STATE,
Washington, May 4, 1906.

SIR: Article 56 of the Moroccan act signed at Algeciras on April 7, 1906, provides, with reference to the State Bank of Morocco, as follows:

The initial capital of the bank is to be divided into as many equal parts as there are participants among the powers represented at the conference.

* * * * *

States wishing to avail themselves of their rights of such subscription must notify such intention to the Royal Government of Spain within a period of four weeks from the signature of the act by the representatives of the powers.

In pursuance of this latter provision you will make to the Spanish Government the following declaration in behalf of the Government of the United States:

While the United States was quite willing to procure American bankers to take one of the shares of the proposed Moroccan bank, for the purpose of aiding in bringing about a settlement of the financial question by the conference at Algeciras, and would still do so if it were necessary to carry out the arrangement reached, inasmuch as the conclusion reached by the conference was that an option should be given to the several countries either to take or to refrain from taking a share, the United States assumes that the exercise of the option thus provided for in either way leaves the arrangement of the conference unaffected, and that it is not now important to have a share taken by the United States. This being so, the United States elects not to avail itself of its right of subscription under article 56 of the act signed at Algeciras.

I am, etc.,

ELIHU ROOT.

The Secretary of State to Ambassador White.

DEPARTMENT OF STATE,
Washington, June 2, 1906.

MY DEAR MR. WHITE: The authenticated copy of the convention signed at Algeciras has been received from the Spanish Government and has been laid before the Senate with a view to its advice and consent.

I wish to express to you the high approval with which the President and the Department of State regard your performance of the duty imposed upon you as the first representative of the United States in the conference at Algeciras. Your task was exceedingly delicate and difficult, and it was admirably performed. Your colleague and yourself appear to have worked together with entire harmony. You evidently secured an esteem and kindly feeling among the other delegates to the congress which gave weight and consideration to your opinions and wishes. You have avoided any results which might have been distasteful to the United States and have contributed materially to the settlement of a controversy which threatened the peace of Europe. The President is much gratified and feels that his selection of representatives has been abundantly justified.

With great respect, etc.,

ELIHU ROOT.

Minister Gummeré to the Secretary of State.

[Telegram.—Paraphrase.]

TANGIER, June 22, 1906.

(Mr. Gummeré states that the Italian minister announces the ratification by the Sultan of the general act without reserve on the 18th instant.)

TEXT OF THE GENERAL ACT OF THE INTERNATIONAL CONFERENCE OF ALGECIRAS.

[Translation.]

“In the name of Almighty God.”

His Majesty the Emperor of Germany, King of Prussia, in the name of the German Empire; His Majesty the Emperor of Austria, King of Bohemia, etc.,

and Apostolic King of Hungary; His Majesty the King of the Belgians; His Majesty the King of Spain; the President of the United States of America; the President of the French Republic; His Majesty the King of the United Kingdom of Great Britain and Ireland, and of the British Dominions beyond the Seas, Emperor of India, etc.; His Majesty the King of Italy; His Majesty the Sultan of Morocco; Her Majesty the Queen of the Netherlands; His Majesty the King of Portugal and of the Algarves, etc.; His Majesty the Emperor of All the Russias; His Majesty the King of Sweden:

Inspired by the interest attaching itself to the reign of order, peace, and prosperity in Morocco, and recognizing that the attainment thereof can only be effected by means of the introduction of reforms based upon the triple principle of the sovereignty and independence of His Majesty the Sultan, the integrity of his domains, and economic liberty without any inequality, have resolved, upon the invitation of His Shereefian Majesty, to call together a conference at Algeciras for the purpose of arriving at an understanding upon the said reforms, as well as examining the means for obtaining the resources necessary for their application, and have appointed as their delegates plenipotentiary the following:

His Majesty the Emperor of Germany, King of Prussia, in the name of the German Empire:

Mr. Joseph de Radowitz, his ambassador extraordinary and plenipotentiary to His Catholic Majesty, and

Christian, Count of Tattenbach, his envoy extraordinary and minister plenipotentiary to His Very Faithful Majesty.

His Majesty the Emperor of Austria, King of Bohemia, etc., and Apostolic King of Hungary:

Rudolph, Count of Welsersheimb, his ambassador extraordinary and plenipotentiary to His Catholic Majesty, and

Leopold, Count Bolesta-Koziebrodzki, his envoy extraordinary and minister plenipotentiary to Morocco.

His Majesty the King of the Belgians:

Maurice, Baron Joostens, his envoy extraordinary and minister plenipotentiary to His Catholic Majesty, and

Conrad, Count of Buissereet Steenbecque de Blarengem, his envoy extraordinary and minister plenipotentiary to Morocco.

His Majesty the King of Spain:

Don Juan Manuel Sanchez y Gutiérrez de Castro, Duke of Almodóvar del Rfo, his minister of state, and

Don Juan Pérez-Caballero y Ferrer, his envoy extraordinary and minister plenipotentiary to His Majesty the King of the Belgians.

The President of the United States of America:

Mr. Henry White, ambassador extraordinary and plenipotentiary of the United States of America to His Majesty the King of Italy, and

Mr. Samuel R. Gummeré, envoy extraordinary and minister plenipotentiary of the United States of America to Morocco.

The President of the French Republic:

Mr. Paul Révoil, ambassador extraordinary and plenipotentiary of the French Republic to the Swiss Confederation, and

Mr. Eugène Regnault, minister plenipotentiary.

His Majesty the King of the United Kingdom of Great Britain and Ireland, and of the British Dominions beyond the Seas, Emperor of India:

Sir Arthur Nicolson, his ambassador extraordinary and plenipotentiary to His Majesty the Emperor of All the Russias.

His Majesty the King of Italy:

Emile, Marquis Visconti Venosta, Knight of the Order of the Very Holy Anunciacion, and

Mr. Giulio Malmusi, his envoy extraordinary and minister plenipotentiary to Morocco.

His Majesty the Sultan of Morocco:

El Hadj Mohammed Ben-el Arbi Ettorrés, his delegate at Tangier and ambassador extraordinary,

El Hadj Mohammed Ben Abdesselam El Mokri, his minister of expenses,

El Hadj Mohammed Es-Seffar, and Sid Abderrhaman Bennis.

Her Majesty the Queen of the Netherlands:

Jonkheer Hannibal Testa, her envoy extraordinary and minister plenipotentiary to His Catholic Majesty.

His Majesty the King of Portugal and of the Algarves, etc.:

Anthony, Count of Tovar, his envoy extraordinary and minister plenipotentiary to His Catholic Majesty, and

Francis Robert, Count of Martens Ferrao, Peer of the Kingdom, his envoy extraordinary and minister plenipotentiary to Morocco.

His Majesty the Emperor of All the Russias:

Arthur, Count Cassini, his ambassador extraordinary and plenipotentiary to His Catholic Majesty, and

Mr. Basile de Bacheracht, his minister to Morocco

His Majesty the King of Sweden:

Mr. Robert Sager, his envoy extraordinary and minister plenipotentiary to His Catholic Majesty and His Very Faithful Majesty.

Who, furnished with full powers, which were found in good and due form, have, in conformity with the programme upon which His Shereefian Majesty and the powers have agreed, successively discussed, and adopted:

I. A declaration relative to the organization of the police.

II. A regulation concerning the detection and repression of the contraband of arms.

III. An act of concession for a Moroccan state bank.

IV. A declaration concerning a better return of taxes, and the creation of new revenues.

V. A regulation concerning the customs of the Empire and the repression of fraud and smuggling.

VI. A declaration relative to public services and public works.

And having decided that these different documents might usefully be coordinated in a single instrument, they have united them in a general act composed of the following articles:

CHAPTER I.—DECLARATION RELATIVE TO THE ORGANIZATION OF THE POLICE.

ARTICLE 1. The conference summoned by His Majesty the Sultan to pronounce on the measures necessary to organize the police declares that the following provisions should be made:

ART. 2. The police shall be under the sovereign authority of His Majesty the Sultan. It shall be recruited by the maghzen from Moorish Mohammedans, commanded by Moorish kaid, and distributed in the eight ports open to commerce.

ART. 3. In order to aid the Sultan in the organization of this police, Spanish officers and noncommissioned officers as instructors, and French officers and noncommissioned officers as instructors, shall be placed at his disposal by their respective Governments, which shall submit their designation to the approval of His Shereefian Majesty. A contract drawn between the maghzen and these instructors, in conformity to the regulation provided by article 4, shall determine the conditions of their engagement and fix their pay, which must not be less than double of the pay corresponding to the rank of each officer or noncommissioned officer. In addition they will be allowed living expenses, varying according to their residences. Proper lodgings will be placed at their disposal by the maghzen, which will likewise supply them with their horses and the necessary fodder.

The Governments having jurisdiction over the instructors reserve the right to recall them and replace them by others, accepted and engaged under the same conditions.

ART. 4. These officers and noncommissioned officers for a period of five years, to date from the ratification of the act of the conference, shall give their service to the organization of a body of Shereefian police. They shall assure instruction and discipline in conformity with the regulations to be drawn up in respect thereto. They shall also see that the men enlisted are fit for military service. In a general way they shall supervise the administration of the soldiers and superintend the payment of their salary, which shall be effected by the "Amin," assisted by the accounting officer instructor. They shall extend to the Moorish authorities invested with the command of these bodies their technical aid in the exercise of the said command.

The regulations to assure the recruitment, discipline, instruction, and administration of the bodies of police shall be established by mutual agreement between the Shereefian minister of war or his delegate, the inspector provided by article 7, and the highest ranking French and Spanish instructors.

The regulations shall be submitted to the diplomatic body at Tangier, which will formulate its opinion within a month's time. After that period the regulations shall be enforced.

ART. 5. The total strength of the police shall not be more than 2,500 men, nor less than 2,000. It shall be distributed, according to the importance of the ports, in groups varying between 150 and 600 men. The number of Spanish and French officers shall be between sixteen and twenty; of Spanish and French noncommissioned officers, between thirty and forty.

ART. 6. The funds necessary to maintain and pay soldiers and officers and noncommissioned officer instructors shall be advanced by the state bank to the Shereefian treasury within the limits of the annual budget assigned to the police, which shall not exceed two million and a half pesetas for an effective strength of 2,500 men.

ART. 7. During the same period of five years a general inspection shall be made into the working of the police. Such inspection shall be intrusted by His Shereefian Majesty to a superior officer of the Swiss army, who will be submitted to his approval by the Swiss Federal Government. This officer will be styled inspector-general, and reside at Tangier.

He shall inspect at least once a year the different bodies of the police, and after such inspection he shall draw up a report, which he will address to the maghzen.

In addition to such regular reports, he will, if he regards it as necessary, draw up special reports with reference to the working of the police.

Without directly intervening either in the command or the instruction, the inspector-general will ascertain the results obtained by the Shereefian police, as regards the maintenance of order and security in the places where this police shall have been established.

ART. 8. A copy of the reports and communications made to the maghzen by the inspector-general, with reference to his mission, shall at the same time be transmitted to the dean of the diplomatic body at Tangier, in order that the diplomatic body be enabled to satisfy itself that the Shereefian police acts in conformity to the decisions taken by the conference, and to see whether it guarantees effectively, and in conformity with the treaties, the security of person and property of foreign citizens, subjects, and protégés, as well as that of commercial transactions.

ART. 9. In the case of complaints filed with the diplomatic body by the legation concerned, the diplomatic body may, upon notice given to the representative of the Sultan, direct the inspector-general to investigate and report for all available purposes in the matter of such complaints.

ART. 10. The inspector-general shall receive an annual salary of 25,000 francs. In addition, he will be allowed 6,000 francs for the expenses of his tours. The maghzen will place at his disposal a suitable residence and will look after the maintenance of his horses.

ART. 11. The material conditions of his engagement and of his establishment, as provided by article 10, shall be the subject of a contract drawn up between him and the maghzen. A copy of this contract shall be communicated to the diplomatic body.

ART. 12. The staff of instructors of the Shereefian police (officers and non-commissioned officers) shall be Spanish at Tetuan, mixed at Tangier, Spanish at Larache, French at Rabat, mixed at Casablanca, and French in the other three ports.

CHAPTER II.—REGULATIONS CONCERNING THE DETECTION AND REPRESSION OF THE CONTRABAND OF ARMS.

ART. 13. Throughout the Shereefian Empire, except in the cases specified by articles 14 and 15, the importation and sale is forbidden of arms of war, parts of guns, ammunition of any nature, loaded or unloaded, powder, saltpeter, gun cotton, nitroglycerin, and all compositions destined exclusively for the manufacture of ammunition.

ART. 14. Such explosives as are necessary for industry and public works may, however, be introduced. A regulation drawn up in the manner indicated by article 18 shall determine the conditions under which their importation may be effected.

ART. 15. The arms, parts of guns, and ammunition intended for the troops of His Shereefian Majesty will be admitted after the fulfillment of the following formalities:

A declaration signed by the Moorish minister of war, describing the number and nature of such articles ordered abroad, must be presented to the legation of the country of their origin, whose visé shall be affixed thereto.

The passage through the customs of the cases and packages containing the arms and munitions, delivered at the order of the Moorish Government, shall be effected upon the presentation:

1. Of the aforesaid declaration;
2. Of the invoice indicating the number and weight of the packages and the number and kind of the arms and munitions contained therein. This document must be viséed by the legation of the country of their origin, which will mark on the back the successive amounts previously passed through the customs. This visé will be refused when the order shall have been entirely delivered.

ART. 16. The importation of sporting and high-priced arms, parts of guns, cartridges loaded and unloaded, is likewise forbidden. It may none the less be authorized—

1. For the strictly personal requirements of the importer;
 2. For supplying the gunshops authorized by article 18.
- ART. 17. Sporting and high-priced arms and the ammunition for the same will be admitted for the strictly personal requirements of the importer on presentation of a permit issued by the representative of the maghzen at Tangier. If the importer is a foreigner, this permit will only be granted at the request of his legation.

With respect to ammunition for sporting purposes, each permit shall allow a maximum of a thousand cartridges or the supplies necessary for the manufacture of a thousand cartridges. The permit shall only be issued to those who have never been sentenced for any offense.

ART. 18. The trade in sporting and high-priced arms, not rifled, of foreign manufacture, as well as of the ammunition appertaining to the same, shall be regulated, as soon as circumstances permit, by a Shereefian decision made in conformity with the advice of a majority of the diplomatic body at Tangier. This shall be the case, as well, with decisions intended to suspend or restrict the exercise of such trade.

Only such persons as have secured a special and temporary license from the Moorish Government shall be allowed to open and operate retail shops for the sale of sporting guns and ammunition. This license shall only be given at the written request of the applicant, indorsed by his legation.

Regulations drawn up in the manner indicated by the first paragraph of this article shall determine the number of such retail shops which may be opened at Tangier and, if occasion arises, in the ports that may be later designated. They shall fix the formalities to be imposed on the importation of explosives intended for industry and public works, of arms and ammunition intended to supply such shops, as well as the maximum quantity of stock that can be kept.

In case of the violation of the regulating ordinances, the license may be temporarily or permanently withdrawn without prejudice to other penalties incurred by the offenders.

ART. 19. Every introduction of, or attempt to introduce, the prohibited merchandise shall make it liable to confiscation, and further to the punishments and fines mentioned below, which shall be pronounced by the competent jurisdiction.

ART. 20. The introduction or attempt to introduce in a port open to commerce, or through a custom-house, shall be punished:

1. By a fine of from 500 to 2,000 pesetas and an additional fine equal to three times the value of the imported merchandise;
2. By imprisonment of from five days to a year, or else by only one of these two punishments.

ART. 21. The introduction or attempt to introduce outside a port open to commerce or a custom-house shall be punished:

1. By a fine of from 1,000 to 5,000 pesetas and an additional fine equal to three times the value of the imported merchandise;
2. By imprisonment of from three months to two years, or else by only one of these two punishments.

ART. 22. The fraudulent sale, the receiving and peddling of merchandise prohibited by the present regulations shall be punished according to the penalties specified in article 20.

ART. 23. The accomplices in the offenses set forth in articles 20, 21, and 22 shall be liable to the same penalties as the principals. The elements determining complicity shall be adjudged according to the laws of the court in charge of the case.

ART. 24. When there is good reason to suppose that a vessel anchored in a port open to commerce carries guns, ammunition, or other prohibited merchandise, with a view of introducing the same into Morocco, the officers of the Shereefian customs shall so inform the competent consular authority, in order that the latter may carry out, in company with a delegate of the Shereefian customs, such investigations, verifications, or searches as may be judged necessary.

ART. 25. In the case of the introduction or the attempted introduction by sea of prohibited merchandise outside of a port open to commerce, the Moorish customs authorities may bring the vessel to the nearest port, to be turned over to the consular authority, who shall have the right to seize it and continue such seizure until payment of the fines decreed. The vessel may, however, be released at any period of the trial, provided that the judicial proceedings shall not be impeded thereby, on the deposit made with the consular authority of the maximum of the fine, or else under responsible bail accepted by the customs.

ART. 26. The Maghzen may retain the confiscated merchandise either for its own use, if able to utilize it, on condition that the subjects of the Empire shall not be able to get possession of it, or it shall dispose of it abroad.

The conveyances of the same on shore may be confiscated and shall be sold for the profit of the Shereefian treasury.

ART. 27. The sale of arms condemned by the Moorish Government shall be prohibited throughout the Shereefian Empire.

ART. 28. Rewards taken out of the amount of the fines levied are to be given to the informants who have been instrumental in discovering forbidden merchandise and to the agents who have effected its seizure. Such rewards shall be assigned after deducting, if necessary, the costs of the trial, one-third to be distributed by the customs among the informants, one-third to the officers who seized the merchandise, and one-third to the Moroccan treasury.

If the seizure has been effected without the intervention of an informer one-half of the fines shall go to the officer making the seizure and the other half to the Shereefian treasury.

ART. 29. The Moorish customs authorities shall notify directly the diplomatic or consular agents of any violations of this regulation, committed by those under their jurisdiction, in order that the same may be prosecuted before the proper jurisdiction.

Similar violations committed by Moorish subjects shall be submitted directly by the customs to the Shereefian authority.

A delegate of the customs shall be assigned to follow the procedure of cases pending before the different jurisdictions.

ART. 30. In the region bordering on Algeria, the enforcement of the regulations on the contraband of arms shall be the exclusive concern of France and Morocco.

Similarly, the enforcement of the regulation on the contraband of arms in the Riff and in general in the regions bordering on the Spanish possessions shall be the exclusive concern of Spain and Morocco.

CHAPTER III.—ACT OF CONCESSION FOR A STATE BANK.

ART. 31. A bank shall be established in Morocco under the name of the "State Bank of Morocco," to exercise the following specified rights, which are granted to it by His Majesty the Sultan for a period of forty years, to date from the ratification of this act.

ART. 32. The bank, which will have power to carry on all transactions entering into the operations of a bank, shall have the exclusive privilege of issuing notes to bearer, payable on presentation and receivable for public dues throughout the Moorish Empire.

The bank shall maintain for a period of two years, to date from its going into operation, cash on hand at least equal to half its notes in circulation, and equal to at least one-third after the expiration of said period of two years. At least one-third of such cash on hand is to be gold bullion or gold coin.

ART. 33. The bank shall, to the exclusion of every other bank or establishment of credit, discharge the duty of disbursing treasurer of the Empire. To this end the Moorish Government shall take all necessary measures to deposit in the bank the proceeds of the customs revenues, exclusive of the part thereof applied to the loan of 1904, and such other revenues as it may designate.

With reference to the special tax established in order to carry out certain public works, the Moorish Government must have the same deposited in the

bank, as well as the revenues it may later pledge for its loans, the bank being especially charged with the payments thereon, except, however, in the case of the loan of 1904, which is governed by special contract.

ART. 34. The bank shall be the financial agent of the Government both within and without the Empire, without prejudice to the Government's right to apply to other banking houses or establishments of credit for its public loans. The bank, however, shall enjoy, in regard to such loans, a right of preference, other conditions being equal, over any banking or credit establishment.

For treasury notes or other short-term notes which the Moorish Government may wish to negotiate without making it a public issue, the bank shall, however, be charged, to the exclusion of every other establishment, with negotiating the same for the account of the Moorish Government, either in Morocco or abroad.

ART. 35. The bank shall make advances to the Moroccan Government on account current up to a million francs, chargeable against treasury receipts.

The bank shall likewise open a credit account for the Government for the period of ten years, to date from its establishment, such account not to exceed two-thirds of its initial capital.

This credit account shall be distributed over several years and employed primarily for the expenses of establishing and maintaining the bodies of police, organized in conformity to the decisions adopted by the conference, and secondarily for the expenses of such works of public interest as might not be charged to the special fund as provided for by the following article:

The maximum rate for these two advances will be 7 per cent, bank commission included, and the bank may ask the Government to give as security an equal amount in treasury notes.

If before the expiration of the said term of ten years the Moorish Government should contract a loan, the bank would have the right to obtain the immediate reimbursement of its advances made in accordance with the second paragraph of the present article.

ART. 36. The proceeds of the special tax (articles 33 and 66) shall form a special fund for which the bank shall keep a separate account. This fund shall be employed in conformity to the regulations adopted by the conference.

In the case of its insufficiency, and chargeable to later receipts, the bank may open a special credit for such fund, the amount of which should not exceed the total of the receipts for the previous year.

The conditions of the rate and commission shall be the same as those established by the preceding article for advances to the treasury on account current.

ART. 37. The bank shall take such measures as it may deem conducive to a sounder monetary situation in Morocco. Spanish currency shall continue to be permitted to circulate as legal tender.

In consequence, the bank shall have the exclusive charge of purchasing precious metals, of striking and melting coins, as well as of all its other monetary operations for the account and profit of the Moorish Government.

ART. 38. The home office of the bank shall be at Tangier, but it shall establish branches and agencies in the principal cities of Morocco or in any other place it may deem expedient.

ART. 39. The land necessary for the establishment of the bank, as well as its branches and agencies in Morocco, shall be placed gratuitously at its disposal by the Government, and at the expiration of the concession the Government shall retake possession of it and reimburse the bank for the cost of building these establishments. The bank shall further be authorized to purchase such houses and land as it may require for the same purpose.

ART. 40. The Shereefian Government shall insure and be responsible for the safety and protection of the bank, its branches and agencies. To this end it shall place an adequate guard at the disposal of each establishment in every city.

ART. 41. The bank, its branches and agencies, shall be exempt from all imposts or dues, ordinary or extraordinary, existing or to be created. The same exemption shall be extended to real estate devoted to its use, and to the certificates and coupons of its shares and to its notes. The importation and exportation of metals and coins intended for banking operations shall be authorized and exempted from every tax.

ART. 42. The Shereefian Government shall exercise its high supervision over the bank by a high commissioner, whom it shall appoint after a previous agreement with the bank's board of directors.

This high commissioner shall have the right to examine into the management of the bank. He shall supervise the issuance of bank notes and shall see that the provisions of the concession are strictly observed.

The high commissioner shall sign every note or affix thereto his seal. He shall be charged with the supervision of the relations between the bank and the imperial treasury.

He shall take no part in the administration or transaction of the banking business, but he shall always have the right to attend the meetings of the censors.

The Shereefian Government shall appoint one or two deputy commissioners, who shall be especially charged with the supervision of the financial transactions of the treasury with the bank.

ART. 43. A set of rules defining the relations of the bank and of the Moorish Government shall be framed by the special committee provided for in article 57 and approved by the censors.

ART. 44. The bank, organized with the approval of the Government of His Shereefian Majesty in the form of a corporation, shall be governed by the French law relative thereto.

ART. 45. Actions instituted in Morocco by the bank shall be brought before the consular court of the defendant or before the jurisdiction of Morocco, in accordance with the rules of competence established by the Shereefian treaties and firmans.

Actions instituted in Morocco against the bank shall be brought before a special tribunal consisting of three consular magistrates and two associates. The diplomatic body shall, each year, arrange the list of magistrates, associates, and substitutes.

This tribunal shall apply to such cases the rules of law, procedure, and competence established by the French legislation in commercial matters. Appeals from judgments pronounced by this tribunal shall be taken to the federal court of Lausanne, whose decision shall be final.

ART. 46. In case of dispute over the clauses of the concession or litigation arising between the Moorish Government and the bank, the difference shall be referred, without appeal or recourse, to the federal court of Lausanne.

All disputes arising between the shareholders and the bank in regard to the enforcement of the by-laws or by reason of the corporate business shall likewise be referred, without appeal or recourse, to the same court.

ART. 47. The by-laws of the bank shall be framed on the following bases by a special committee provided for in article 57. They shall be approved by the censors and ratified by the general assembly of shareholders.

ART. 48. The general constituent assembly of the corporation shall fix the place where the meetings of the shareholders and the sessions of the board of directors shall be held; the latter, however, shall have the faculty of meeting at any other city if it deems it expedient.

The officer of the manager of the bank shall be at Tangier.

ART. 49. The bank shall be administered by a board of directors consisting of as many members as there are parts in the initial capital.

The directors shall have the most extensive powers for the administration and management of the corporation; they shall especially appoint the managers, assistant managers, and members of the commission indicated in article 54, as well as the managers of branches and agencies.

The employees of the company shall be recruited so far as possible from among the citizens, subjects, or protégés of the several powers which have taken part in subscribing the capital.

ART. 50. The directors, who shall be appointed by the general assembly of shareholders, shall be nominated by the groups subscribing the capital.

The first board shall remain five years in office. At the expiration of this period, there shall be a renewal at the rate of three members annually. The order of outgoing directors shall be determined by lot; they may be reelected.

On the constitution of the corporation, each subscribing group shall have the right to nominate as many directors as it shall have subscribed entire parts, but such groups shall not be compelled to select candidates of their own nationality.

The subscribing groups shall not retain their right of nominating directors when the latter are superseded or reelected, unless they can prove that they still have in their possession at least one-half the share conferring that right upon them.

In a case where, by reason of these provisions, a subscribing group should be no longer in a position to nominate a director, the general assembly of shareholders shall make a direct nomination.

ART. 51. Each of the following institutions, the Bank of the German Empire, the Bank of England, the Bank of Spain, and the Bank of France, shall, with their Government's approval, appoint a censor for the State Bank of Morocco.

The censors shall remain in office four years. The outgoing censors may be reappointed.

In the case of death or resignation, the institution which had appointed the former incumbent shall fill the vacancy, but only for the unexpired term of the vacated office.

ART. 52. The censors who shall exercise their mandate by virtue of this act of the signatory powers shall, in the interests of the latter, see that the bank in efficiently operated and insure the strict observance of the clauses of the concession and of the statutes. They shall see that the regulations governing the issuance of notes are precisely fulfilled, and shall supervise the operations tending to put the monetary situation on a sound basis, but they shall never, under any pretext, interfere in the conduct of business or in the internal administration of the bank.

Each of the censors shall be empowered to examine at all times the bank accounts, and to call for information either from the board of directors or the manager's office with regard to the management of the bank, and attend the meetings of the board of directors, but only in an advisory capacity.

The four censors shall meet at Tangier in the discharge of their duties at least once every two years, at a time to be fixed by them. Other meetings at Tangier or elsewhere may take place if three of the censors should demand it.

The four censors shall draw up in common accord an annual report, which shall be annexed to that of the board of directors. The board of directors shall transmit without delay a copy of such report to each of the governments signatory to the act of the conference.

ART. 53. The censors' emoluments and traveling expenses shall be fixed by the committee on by-laws. They shall be paid directly by the banks charged with their nomination, and the amount reimbursed to these institutions by the State Bank of Morocco.

ART. 54. To assist the manager's office a committee shall be established at Tangier, the members of which shall be chosen by the board of directors, without distinction of nationality, from among the notables residing at Tangier and holding shares of the bank.

This committee, which shall be presided over by one of the managers or assistant managers, shall give its advice on questions of discounts and opening of credit accounts.

It shall transmit a monthly report on these various subjects to the board of directors.

ART. 55. The capital, of which the amount shall be fixed by the special committee designated in article 57, shall be not less than 15,000,000 francs nor more than 20,000,000 francs, and shall be of gold coin, and the shares thereof, of the value of 500 francs each, shall be inscribed with the various gold coins at a fixed rate of exchange, as determined by the by-laws.

The said capital may thereafter be increased at one or more times by a decision of the general assembly of shareholders.

The subscription to the increased capital shall be reserved for all shareholders, without distinction of groups, in proportion to their individual holdings.

ART. 56. The initial capital of the bank shall be divided into as many equal parts as there are participants among the powers represented at the conference.

To this end, each power shall designate a bank which shall exercise either for itself or for a group of banks the above-specified right of subscription, as well as the right of nomination of the directors, as provided in article 50. Any bank selected as head of a group may, with its Government's authorization, be superseded by another bank of the same country.

States wishing to avail themselves of their rights of subscription must notify such intention to the Royal Government of Spain within a period of four weeks from the signature of this act by the representatives of the powers.

Two parts, however, equal to those reserved to each of the subscribing groups, shall be assigned to the consortium of banks signatory of the contract of June 12, 1904, in compensation for the cession which shall be made by the consortium to the State Bank of Morocco:

- (1) Of the rights specified in article 33 of the contract;

(2) Of the right inscribed in article 32 (paragraph 2) of the contract concerning the available balance of the customs receipts, with the express reservation of the general preferential right to the aggregate proceeds of customs granted to bondholders by article 11 of the same contract.

ART. 57. Within a period of three weeks from the time of closing the subscriptions, notified by the Royal Government of Spain to the powers interested, a special committee composed of delegates appointed by the subscribing groups, as provided in article 50 for the appointment of directors, shall meet with a view to elaborating the by-laws of the bank.

The general constituent assembly shall meet two months after the ratification of this act.

The functions of such special committee shall cease upon the organization of the corporation.

The special committee shall fix the place of its meetings.

ART. 58. No modification shall be made in the by-laws except on the motion of the board of directors and with the advice and consent of the censors and the imperial high commissioner.

Such modifications must be voted by a three-quarters majority, either present or represented, of the general assembly of shareholders.

CHAPTER IV.—A DECLARATION CONCERNING A BETTER RETURN OF TAXES AND THE CREATION OF NEW REVENUES.

ART. 59. As soon as the "tertib" shall have been put into regular operation with regard to Moorish subjects, the representatives of the powers at Tangier shall subject their citizens, subjects, and protégés in the Empire to the application thereof. But it is understood that this tax shall not be applied to foreign subjects except—

(a) Under the conditions stipulated by the regulation of the diplomatic body at Tangier on November 24, 1903;

(b) At places where it shall effectively be collected from Moorish subjects.

The consular authorities shall retain a certain percentage of the receipts of the taxes they collect from those subject to their jurisdiction to cover the cost of tax bills and collection.

The rate of such percentage shall be fixed by mutual agreement between the maghzen and the diplomatic body at Tangier.

ART. 60. In accordance with the right granted by article 11 of the Madrid convention, foreigners shall have the right to acquire property throughout the Shereefian Empire, and His Majesty the Sultan shall issue to his administrative and judicial officers such instructions as may be necessary for them not to refuse the registration of deeds without lawful cause. Subsequent transfers, either by deeds between living parties or by death, shall continue without hindrance.

In the ports open to commerce and within a radius of 10 kilometers around such ports, His Majesty the Sultan, generally and without it being necessary henceforth for foreign subjects to obtain a special permission for each purchase of property, now grants the consent required by article 11 of the Madrid convention.

At Ksar el Kebir, Arzila, Azemour, and eventually in other towns of the coast or the interior, the general authorization stated above is likewise granted to foreigners, but only for purchasers within a radius of 2 kilometers around those towns.

Wherever foreigners may have acquired property they will be permitted to erect buildings in compliance with regulations and usage.

Before authorizing the execution of deeds for transferring property, the *cadi* will have to satisfy himself of the validity of the title in conformity to the Mohammedan law.

The maghzen shall designate in each city and district specified in this article the *cadi* who shall have charge of such verification.

ART. 61. With a view to creating new resources for the magazines, the conference recognizes in principle that a tax may be established on city buildings.

A part of the receipts thus realized shall be set aside for the requirements of municipal streets and hygiene, and generally for the expense of improvement and conservation of the cities.

The tax is due from the Moorish or foreign owner, without distinction, but the tenant or the holder of the key shall be responsible to the Moorish treasury.

Regulations issued jointly by the Shereefian Government and the diplomatic body at Tangier shall establish the rate, its method of collection and applica-

tion, and shall determine the quota of revenue thus created which shall be devoted to the expense of improvement and conservation of the cities.

At Tangier this quota shall be turned over to the international sanitary council, which shall decide as to its use until the creation of a municipal organization.

ART. 62. His Shereefian Majesty having decided in 1901 that the Moorish officials who collect the agricultural taxes should no longer receive either the "sokhra" or the "mouna," the conference is of the opinion that this rule should be made general, so far as is possible.

ART. 63. The Shereefian delegates have stated that habou property, or certain state property, notably buildings of the maghzen, occupied at a rental of 6 per cent, are held by persons subject to foreign jurisdiction without regular title or by virtue of contracts subject to revision. The conference, desirous of remedying this state of affairs, charges the diplomatic body at Tangier to solve these two questions equitably, in accord with the special commissioner whom His Shereefian Majesty may be pleased to designate to that effect.

ART. 64. The conference takes formal note of the proposition formulated by the Shereefian delegates on the subject of taxes to be created on certain trades, industries, and professions.

If as the result of the collection of such taxes from Moorish subjects the diplomatic body at Tangier should deem it advisable to extend the same to those under foreign jurisdiction, it is hereby specified that the said taxes shall be exclusively municipal.

ART. 65. The conference adheres to the proposition proposed by the Moorish delegation to create, with the assistance of the diplomatic body—

(a) A stamp tax on contracts and notarial acts brought before "adouls."

(b) A maximum transfer tax of 2 per cent on sales of real estate.

(c) A statistical and weighing tax of a maximum of 1 per cent ad valorem on merchandise transported by coasting vessels.

(d) A passport fee to be collected from Moorish subjects.

(e) Eventually, wharfage and light-house dues, the proceeds of which shall be devoted to harbor improvement.

ART. 66. Merchandise of foreign origin shall temporarily be subject on entry into Morocco to special taxes amounting to 2½ per cent ad valorem. The whole proceeds of this special tax shall form a special fund, which shall be devoted to the execution of and expenses connected with public works for the development of navigation and the general trade of the Shereefian Empire.

The programme of works and their order of priority shall be determined jointly by the Shereefian Government and the diplomatic body at Tangier.

The surveys, estimates, plans, and specifications appertaining thereto shall be made by a competent engineer, appointed by the Shereefian Government jointly with the diplomatic body. This engineer may, if necessary, be assisted by one or more assistant engineers. Their salaries shall be charged to the special fund.

The special fund will be deposited with the State Bank of Morocco, which is to keep its accounts.

Public contracts shall be awarded in the form and under the general terms prescribed by the regulations that the diplomatic body at Tangier is charged to frame, together with the representative of His Shereefian Majesty.

The board of awards shall consist of one representative of the Shereefian Government, of five delegates of the diplomatic body, and of the engineer.

The award shall be given in favor of the bidder who, in conformity with the specifications, may submit the bid offering the most advantageous general terms.

As for the sums yielded by the special tax and collected at the customs-houses in the districts specified in article 103 of the customs regulations, their expenditure will be determined upon by the Maghzen, with the consent of the neighboring power, in accordance with the clauses of this article.

ART. 67. The conference, without detriment to the observations offered upon this point, expresses the wish that the export duties on the following merchandise be reduced as follows:

	Per cent.
Chick-peas	20
Corn	20
Barley	50
Wheat	34

ART. 68. His Shereefian Majesty will consent to increase from six to ten thousand the number of head of cattle of the bovine species which each power shall have the right to export from Morocco. Such exportation may be effected through any custom-house. If by misfortune there should be a scarcity of cattle in any particular district His Shereefian Majesty shall have the right to temporarily forbid the exportation of cattle through the port or ports of that district. Such measure shall not exceed two years; nor shall it be applied at the same time to all the ports of the Empire.

It is further understood that the preceding provisions do not modify the other conditions for the exportation of cattle as fixed by previous firmans.

The conference expresses the additional wish that a veterinary inspection be organized as soon as possible at the seaports.

ART. 69. In accordance with the previous decisions of His Shereefian Majesty, and notably the decision of September 28, 1901, the transportation is allowed by coasting vessels, between all ports of the Empire, of cereals grains, vegetables, fruits, eggs, poultry, and in general of merchandise and animals of every kind, of Moroccan origin or not, except horses, donkeys, and camels, for which a special permit from the Maghzen will be necessary. Such coasting trade may be carried on by vessels of every nationality without such articles being subjected to payment of the export duties, but subject to the special taxes and regulations relative thereto.

ART. 70. The rate of sojourn and anchorage dues levied on ships in Moorish ports being fixed by treaties with certain powers, the said powers are disposed to consent to a revision of such dues. The diplomatic body at Tangier is therefore charged to effect an agreement with the Maghzen on the terms of such revision, which can not, however, take place until after the improvement of the ports.

ART. 71. The customs storage dues shall be collected in all Moorish ports where there are adequate warehouses, in conformity to the regulations existing or to be adopted in regard thereto by the Government of His Shereefian Majesty in accord with the diplomatic body at Tangier.

ART. 72. Opium and kiff will continue to be a monopoly of the Shereefian Government. The importation of opium specially intended for medicinal purposes will, however, be allowed by special permit issued by the Maghzen at the request of the legation, the physician, or apothecary importing the same. The Shereefian Government and the diplomatic body shall jointly determine the maximum quantity which may be thus introduced.

ART. 73. The representatives of the powers take note of the Shereefian Government's intention to extend to tobacco of all kinds the monopoly existing in the case of snuff. They reserve the right of their citizens, subjects, and protégés to be duly indemnified for damages which the said monopoly may cause such of them as carry on a tobacco business established under the present system. In case no amicable agreement shall be reached, the damages shall be fixed by experts designated by the Maghzen and the diplomatic body, in conformity with the provisions governing expropriation for public purposes.

ART. 74. The principle of awarding contracts on bids without preference of nationality shall be applied to the farming of the monopoly of opium and kiff. The same rule would apply to the tobacco monopoly, if created.

ART. 75. If the occasion should arise to modify any of the provisions of this declaration, the Maghzen and the diplomatic body at Tangier shall reach an understanding on this point.

ART. 76. In all the cases provided for by the present declaration where the diplomatic body shall be called upon to intervene, except in what concerns articles 64, 70, and 75, the decision shall be reached by a majority of the votes.

CHAPTER V.—A REGULATION CONCERNING THE CUSTOMS OF THE EMPIRE AND THE REPRESSION OF FRAUD AND SMUGGLING.

ART. 77. Every captain of a merchantman coming from a foreign or a Moorish port shall, within twenty-four hours after having been granted free pratique in any of the ports of the Empire, deposit at the customs an exact copy of his manifest, signed by him and certified to by the vessel's consignee. He shall furthermore, if required to do so, produce before the customs authorities the original of his manifest.

The customs shall have power to station one or more watchmen on board to prevent illicit trade.

ART. 78. The following are exempt from depositing the manifest:

1. Men-of-war or ships chartered for the account of a power.
2. Boats belonging to private individuals for their personal use and never carrying any merchandise.
3. Boats or craft used for shore fisheries.
4. Yachts intended only as pleasure boats and registered as such at their home ports.
5. Ships especially charged with laying down and repairing telegraphic cables.
6. Boats exclusively used in life-saving service.
7. Hospital ships.
8. Training ships of the merchant marine not engaged in commercial operations.

ART. 79. The manifest deposited at the customs shall state the nature and origin of the cargo, with the marks and numbers of the cases, bales, bundles, casks, etc.

ART. 80. If there is serious reason to suspect the accuracy of the manifest, or in case the captain of the ship should refuse to allow the visit and verifications of customs officers, the case shall be brought to the attention of the proper consular authority, in order that the latter, in company with a delegate of the Shereefian customs, shall undertake the investigations, visits, and verifications that he may judge necessary.

ART. 81. If after twenty-four hours, as stated in article 77, the captain has not deposited his manifest, he shall incur, unless the delay be a case of vis major, a fine of 150 pesetas for each day's delay: *Provided, however,* That the fine shall not exceed 600 pesetas. If the captain has fraudulently presented an inaccurate or incomplete manifest, he shall be personally condemned to pay a sum equal to the value of the merchandise for which he has failed to produce the manifest, and a fine of from 500 to 1,000 pesetas, and the vessel and merchandise shall be further liable to seizure by consular authority as security for such fine.

ART. 82. Any person about to pass through the customs merchandise imported or intended for exportation shall file in the custom-house a detailed statement setting forth the nature, quality, weight, number, measurement, and value of the merchandise, as well as the nature, marks, and numbers of the packages containing the same.

ART. 83. If there should be found at the time of the visit fewer packages or less merchandise than declared, the declarant, unless able to prove that he has acted in good faith, shall pay double duties for the missing merchandise, and the merchandise presented shall be retained in the customs as security for such double duty. If, on the contrary, there should be found at the time of the visit an excess of packages, or quantity, or weight of the merchandise, this excess shall be seized and confiscated for the benefit of the Maghzen, unless the person making the declaration can prove his good faith.

ART. 84. If the declaration should be found inaccurate as to kind or quality, and the declarant is unable to prove his good faith, the merchandise wrongly declared shall be seized and confiscated by the proper authority for the benefit of the Maghzen.

ART. 85. If the declaration should be found inaccurate as to the declared value, and the declarant should be unable to prove his good faith, the customs may either levy the duty in kind, then and there, or, if the merchandise is indivisible, take the said merchandise by at once paying to the declarant its declared value plus 5 per cent.

ART. 86. If the declaration should be found false as to the nature of the merchandise the latter shall be considered as not having been declared, and the offense shall fall under articles 88 and 90 hereinbelow, and shall be punished by the penalties provided for in the said articles.

ART. 87. The smuggling, flagrant or attempted, in or out of the country, by land or by sea, of merchandise subject to duty shall be punishable by confiscation of the merchandise, without prejudice to the penalties and fines hereinbelow, which shall be imposed by the proper jurisdiction.

In addition, the conveyances on shore shall be seized and confiscated when smuggled goods form the greater part of the load.

ART. 88. The smuggling, flagrant or attempted, in or out of the country, through a port open to commerce or through a custom-house, shall be punished by a fine not to exceed triple the value of the merchandise so smuggled and by imprisonment of from five days to six months, or by only one of these penalties.

ART. 89. The smuggling, flagrant or attempted, in or out of the country, outside of a port open to commerce or of a custom-house, shall be punished by

a fine of from 300 to 500 pesetas, and by an additional fine equal to three times the value of the merchandise, or by imprisonment of from a month to a year.

ART. 90. The accomplices in offenses as provided by articles 88 and 89 shall be liable to the same penalties as the principals. The elements constituting complicity shall be adjudged according to the law of the tribunal in charge of the case.

ART. 91. In the case of smuggling, flagrant or attempted, in or out of the country, by a vessel outside of a port open to commerce, the Moorish customs shall have the right to take such vessel to the nearest port, to be turned over to the consular authority, and the said authority may seize and detain the vessel until it shall have paid the amount of the penalties imposed.

The vessel shall be released at any stage of the action, in so far as the preliminary judicial proceedings are not impeded thereby, upon deposit made with the consular authority of the maximum of the fine, or else under responsible bail accepted by the customs.

ART. 92. The provisions of the preceding articles are also applicable to coasting vessels.

ART. 93. Such merchandise as is not subject to an export duty, shipped in a Moorish port to be transported by sea to some other port in the Empire, shall be accompanied by a certificate issued by the customs, under penalty of being subjected to the payment of import duties, and even of being confiscated, if not entered in the manifest.

ART. 94. The transportation by coasting vessels of products subject to export duties can only be effected by depositing at the custom-house of the port of departure the amount of export duties on such merchandise and taking receipt therefor.

This money shall be returned to the depositor by the custom-house where it was deposited, on production of a declaration on which the customs certify the arrival of such merchandise and of the receipt for the deposit of the amount of the duties. The documents proving the arrival of the merchandise shall be produced within three months from the time of shipment. After this term, unless the delay be a case of *vis major*, the amount deposited shall become the property of the Maghzen.

ART. 95. The import and export duties shall be paid cash at the custom-house where liquidation has been made. The *ad valorem* duties shall be liquidated according to the cash wholesale value of the merchandise delivered in the custom-house and free from customs duties and storage dues. Damages to the merchandise, if any, shall be taken into account in appraising the depreciation thereby caused. Merchandise can only be removed after the payment of customs duties and storage.

The holding of the goods or the collection of duty shall, in every case, be made the subject of a regular receipt delivered by the officer in charge.

ART. 96. The value of the chief articles of merchandise dutiable in the Moorish customs is to be appraised every year under the conditions specified in the foregoing article by a committee on customs valuations, meeting at Tangier, and consisting of—

1. Three members appointed by the Moorish Government.
2. Three members appointed by the diplomatic body at Tangier.
3. One delegate of the State Bank.
4. One agent of the delegation of the 5 per cent Moroccan loan of 1904.

This committee shall appoint from twelve to twenty honorary members resident in Morocco, whom it shall consult when called to determine the value, and whenever it may see fit. These honorary members shall be selected from the lists of notables drawn up in the case of foreign subjects by each legation, and in the case of Moors by the Sultan's representative. They shall be appointed as far as possible in proportion to the importance of the commerce of each nation.

The committee shall be appointed for the term of three years.

The schedule of values fixed by it shall serve as a basis for the appraisals which the administration of Moorish customs shall make in every custom-house. It shall be posted at all custom-houses and in the chanceries of the legations and consulates at Tangier.

The schedule may be revised at the end of six months in case of considerable changes in the values of certain articles.

ART. 97. A permanent committee, to be known as the "Committee of customs," shall be organized at Tangier and appointed for a term of three years.

It shall consist of a special commissioner of His Shereefian Majesty, of a member of the diplomatic or consular body appointed by the diplomatic body at Tangier, and of a delegate from the State Bank. It shall be empowered to add to its members, in an advisory capacity, one or more representatives of the customs service.

This committee shall exercise its high supervision over the customs service, and shall have the right to propose to His Shereefian Majesty such measures as are likely to effect improvement in the service and assure the regularity and supervision of operations and collections (landing, shipping, land transportation, handling, the incoming and outgoing of merchandise, storage, appraisal, liquidation, and collection of duties). The creation of such a committee of customs shall in no way infringe the rights stipulated in favor of the bondholders by articles 15 and 16 in the loan contract of June 12, 1904.

Instructions to be drawn up by the committee of customs and the services interested therein shall determine the details of the enforcement of article 96 and of the present article. They shall be submitted to the advice and consent of the diplomatic body.

ART. 98. In custom-houses where sufficient warehouses exist the customs service shall take charge of the disembarked merchandise as soon as it is turned over by the captain of the vessel to the officers in charge of the lighterage, who shall receipt therefor, and until such time as it shall have been regularly cleared from the customs. The customs service is responsible for injuries caused by loss of or damage to merchandise which may be imputed to the fault or negligence of its officers. It is not responsible for damages resulting either from the natural decay of merchandise, or from too lengthy a storage in the warehouse, or from cases of vis major.

In custom-houses where there are not sufficient warehouses the agents of the maghzen are required only to employ such means of preservation as may be at the disposal of the custom-house.

A revision of the storage regulations now in force shall be made under the direction of the diplomatic body, whose decisions shall be taken by a majority vote, in concert with the Shereefian Government.

ART. 99. Confiscated merchandise and conveyances shall be sold under direction of the customs service within eight days from the date of final judgment rendered by the competent tribunal.

ART. 100. The net proceeds of the sale of confiscated merchandise and articles become the final property of the state; as to pecuniary fines and compromises thereof, the amount, after deduction of costs of all kinds, shall be divided between the Shereefian treasury and those who have participated in the repression of fraud or smuggling:

One-third to be distributed by the customs among the informants,

One-third to the officers who have seized the goods,

One-third to the Moorish treasury.

If the seizure has been made without the intervention of an informant, one-half the fine shall be awarded to the officers making the seizure and the other half to the Moorish treasury.

ART. 101. The Moorish customs authorities shall directly inform the diplomatic or consular agents of any violations of this regulation which may have been committed by those under their jurisdiction, in order that they may be prosecuted before the competent court.

Similar violations by Moorish subjects shall be brought directly by the customs before the Shereefian authority.

A delegate of the customs shall be charged to follow the legal proceedings in cases pending before the several jurisdictions.

ART. 102. Every confiscation, fine, or penalty must be imposed on foreigners by consular jurisdiction, and on Moorish subjects by Shereefian jurisdiction.

ART. 103. In the region bordering on Algeria the enforcement of these regulations shall be the exclusive concern of France and Morocco.

The enforcement of these regulations in the Riff and in general in the regions bordering on the Spanish possessions shall likewise be the exclusive concern of Spain and Morocco.

ART. 104. The provisions of the present regulations, other than those relating to penalties, may be revised by unanimous decision of the diplomatic body at Tangier and in accord with the Maghzen, at the expiration of a term of two years from the date of their taking effect.

CHAPTER VI.—A DECLARATION RELATIVE TO PUBLIC SERVICES AND PUBLIC WORKS.

ART. 105. With a view to assuring the application of the principle of economic liberty without any inequality, the signatory powers declare that none of the public services of the Shereefian Empire can be alienated for the advantage of private interests.

ART. 106. In case the Shereefian Government should invoke the aid of foreign capital or foreign industry for the working of public services or for the operation of public works, roads, railways, ports, telegraphs, and other public works, the signatory powers reserve to themselves the right to see to it that the authority of the state over these great enterprises of general interest remains entire.

ART. 107. The validity of the concessions which may be made under the terms of article 106, as well as for government supplies, shall, throughout the Shereefian Empire, be subordinated to the principle of public awards on proposals, without preference of nationality, whenever applicable under the rules followed in foreign laws.

ART. 108. As soon as the Shereefian Government shall have decided to invite proposals for execution of public works, it shall so inform the diplomatic body. It shall later communicate to it the plans, specifications, and all documents annexed to the call for proposals, in order to enable the nationals of all the signatory powers to form a clear idea of the contemplated works and compete for the same. A sufficient term for this shall be specified in the call for proposals.

ART. 109. The specifications shall not contain, either directly or indirectly, any condition or provision which may be prejudicial to free competition and which may give advantage to competitors of one nationality over those of another nationality.

ART. 110. The contracts shall be awarded in the form and according to the general conditions prescribed by the regulations which the Shereefian Government shall draw up with the assistance of the diplomatic body.

The contracts shall be awarded by the Shereefian Government to the bidder who, while conforming himself to the specifications, shall have submitted the bid fulfilling the most advantageous general conditions:

ART. 111. The rules of articles 106 to 110 shall be applied to concessions for working cork forests, in accordance with the customary provisions in foreign laws.

ART. 112. A Shereefian firman shall determine the conditions of the concession and the working of mines and quarries. In the composition of this firman the Shereefian Government shall be guided by foreign laws relating to such matters.

ART. 113. If in the cases mentioned in articles 106 to 112 it should become necessary to occupy certain property, its expropriation may be effected by previous payment of a fair indemnity, in conformity to the following rules:

ART. 114. Expropriation can only be effected on the ground of public utility, and when necessity for the same shall have been ascertained by an administrative investigation, the formalities of which shall be determined by Shereefian regulations drawn up with the assistance of the diplomatic body.

ART. 115. If the property holders are Moorish subjects, His Shereefian Majesty shall take the necessary measures that no hindrance shall impede the execution of works that he shall have declared to be of public utility.

ART. 116. If the owners are foreigners, the method of expropriation shall be as follows:

In case of disagreement between the competent administration and the owner of the property to be expropriated, the indemnity shall be fixed by a special jury, or, if the occasion arises, by arbitration.

ART. 117. This jury shall be composed of six expert appraisers, three to be selected by the owner, three by the administration desiring to expropriate. A majority vote shall rule.

If there be no majority, the owner and the administration shall each appoint an arbitrator, and the two arbitrators shall name an umpire.

In case no agreement can be reached in selecting an umpire, he shall be appointed by the diplomatic body at Tangier.

ART. 118. The arbitrators shall be selected from a list drawn up at the beginning of each year by the diplomatic body, and they shall be selected, as far as possible, from experts not living within the district in which the work is to be carried out.

ART. 119. The owner may appeal from the arbitrators' decision to a competent jurisdiction, and in accordance with the rules set for arbitration cases by the law of the country to which he belongs.

CHAPTER VII.—GENERAL PROVISIONS.

ART. 120. With a view to harmonizing its legislation, if the occasion arises, with the engagements contracted under the present general act, each of the signatory powers engages to take the necessary steps leading to the enactment of such legislation as may be necessary so far as it is concerned.

ART. 121. The present general act shall be ratified according to the constitutional laws of each state. The ratifications shall be deposited at Madrid as soon as practicable, and at the latest by December 31, 1906.

A procès verbal shall be made of such deposit and a certified copy sent to each of the signatory powers through the diplomatic channel.

ART. 122. The present general act shall enter into effect as soon as all the ratifications shall have been deposited, and at the latest on December 31, 1906.

In case the special legislative measures which may be necessary in certain countries to insure the application to their nationals living in Morocco of certain stipulations of this present general act shall not have been enacted by the date fixed for ratification, these stipulations shall only become applicable in respect to them after the legislative measures above referred to shall have been promulgated.

ART. 123, and last. All treaties, conventions, and arrangements of the signatory powers with Morocco remain in force. It is understood, however, that in case of conflict between their provisions and those of the present general act the stipulations of the latter shall prevail.

In faith whereof the delegates plenipotentiary have signed the present general act and have affixed their seals thereto.

Done at Algeciras this 7th day of April, 1906, in a single copy, which shall remain deposited in the archives of the Government of His Catholic Majesty, and of which certified copies shall be transmitted through the diplomatic channel to the signatory powers.

For Germany :

[L. S.] JOSEPH DE RADOWITZ.
[L. S.] TATTENBACH.

For Austria-Hungary :

[L. S.] WELSERSHEIMB.
[L. S.] BOLESTA-KOZIEBRODZKI.

For Belgium :

[L. S.] JOOSTENS.
[L. S.] COMTE CONRAD DE BUISSERET.

For Spain :

[L. S.] EL DUQUE DE ALMODÓVAR DEL
Rfo.
[L. S.] J. PÉREZ-CABALLERO.

For the United States of America, with reservation of the declaration made in the plenary session of the conference on April 7, 1906 :^a

[L. S.] HENRY WHITE.
[L. S.] SAMUEL R. GUMMERÉ.

For France :

[L. S.] RÉVOIL.
[L. S.] REGNAULT.

For Great Britain :

[L. S.] A. NICOLSON.

For Italy :

[L. S.] VISCONTI VENOSTA.
[L. S.] G. MALMUSI.

For Morocco :

For the Netherlands :

[L. S.] H. TESTA.

^a See No. 11, p. 1492.

For Portugal:

[L. S.] CONDE DE TOVAR.

[L. S.] CONDE DE MARTENS FERRAO.

For Russia:

[L. S.] CASSINI.

[L. S.] BASILE DE BACHERACHT.

For Sweden:

[L. S.] ROBERT SAGER.

ADDITIONAL PROTOCOL.

On the point of signing the general act of the conference of Algeciras, the delegates of Germany, Austria-Hungary, Belgium, Spain, the United States of America, France, Great Britain, Italy, the Netherlands, Portugal, Russia, and Sweden,

Taking into account the declaration of the delegates of Morocco that they were not, for the present, in position to affix their signatures thereto, they being unable, owing to the distance, to receive an early reply from His Shereefian Majesty concerning the points in regard to which they deemed it their duty to refer to him,

Reciprocally engage, by virtue of their respective full powers, to unite their efforts toward the ratification of the said general act in its entirety by His Shereefian Majesty and toward the simultaneous enforcement of the reforms therein provided which are interdependent.

They therefore agree to charge his excellency Mr. Malmusi, minister of Italy to Morocco and dean of the diplomatic corps at Tangier, to take the necessary steps to that end by calling the attention of His Majesty the Sultan to the great advantages that his Empire would derive from the stipulations adopted at the conference by the unanimous action of the signatory powers.

The adhesion given by His Shereefian Majesty to the general act of the conference of Algeciras shall be communicated through the Government of His Catholic Majesty to the governments of the other signatory powers. This adhesion shall have the same force as if the delegates of Morocco had affixed their signatures to the general act and will take the place of ratification by His Shereefian Majesty.

In witness whereof the delegates of Germany, Austria-Hungary, Belgium, Spain, the United States of America, France, Great Britain, Italy, the Netherlands, Portugal, Russia, and Sweden have signed the present additional protocol and affixed their seals thereto.

Done at Algeciras on the 7th day of April, 1906, in a single copy, which shall remain filed in the archives of the Government of His Catholic Majesty, and of which certified copies shall be delivered to the signatory powers through the diplomatic channel.

For Germany:

[L. S.] JOSEPH DE RADOWITZ.

[L. S.] TATTENBACH.

For Austria-Hungary:

[L. S.] WELSERSHEIMB.

[L. S.] BOLESTA-KOZIEBRODZKI.

For Belgium:

[L. S.] JOOSTENS.

[L. S.] COMTE CONRAD DE BUISSET.

For Spain:

[L. S.] EL DUQUE DE ALMODÓVAR DEL RÍO.

[L. S.] J. PÉREZ-CABALLERO.

For the United States of America, with reservation of the declaration made in the plenary session of the conference on April 7, 1906:^a

[L. S.] HENRY WHITE.

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[L. S.] RÉVOIL.

[L. S.] REGNAULT.

^a See No. 11, p. 1492.

For Great Britain:	[L. s.] A. NICHOLSON.
For Italy:	[L. s.] VISCONTI VENOSTA. [L. s.] G. MALMUSI.
For Morocco:	
For the Netherlands:	[L. s.] H. TESTA.
For Portugal:	[L. s.] CONDE DE TOVAR. [L. s.] CONDE DE MARTENS FERRAO.
For Russia:	[L. s.] CASSINI. [L. s.] BASILE DE BACHERACHT.
For Sweden:	[L. s.] ROBERT SAGER.

INTERNATIONAL WIRELESS TELEGRAPHY CONVENTION.

The German Ambassador to the Secretary of State.

[Translation.]

IMPERIAL GERMAN EMBASSY,
Washington, April 7, 1906.

MR. SECRETARY OF STATE: As your excellency is aware, the Government of His Majesty the Emperor some time ago resolved to postpone the conference on wireless telegraphy and reserved the right to propose to the invited states another date for the meeting of the conference.

Circumstances now permit that the question of drafting international rules in regard to wireless telegraphy be taken up anew. We propose the date of June 28, 1906, as that of the meeting of the conference. The Universal Postal Congress that meets at Rome in the first week of April, 1906, will not require more than five or six weeks to complete its labors, so that delegates to that congress who may have also to attend the Berlin conference will have ample time to travel the intermediate distance.

Invitations will be extended to the states that have taken part in the previous conference, viz, France, Great Britain, Italy, Austria-Hungary, Russia, Spain, and the United States of America; and also to the states that had been previously invited—Belgium, Bulgaria, Denmark, Monaco, Montenegro, the Netherlands, Norway, Portugal, Roumania, Sweden, Turkey; finally, Egypt, the Argentine Republic, Brazil, Chile, China, Japan, Mexico, Persia, Peru, Siam, and Uruguay.

The conference is not considered as a diplomatic but a technical one, in accordance with the character of the object of its labors. It is intended to let each invited government determine upon the international agreement to be eventually agreed upon through delegates furnished with full powers to that effect. The Imperial Government, acting on suggestions from other sources and desisting from its previous proposition, deems it best to leave it to the judgment of each invited government to decide as to the number of delegates that should be furnished with full powers to conclude the agreement.

As to the form to be given to the agreement, if concluded, we believe it would be advisable to proceed on the lines followed in the Berne treaty of October 9, 1874, concerning the foundation of the Universal Postal Union and the Washington Universal Postal Convention of June 15, 1897.

The title and preamble of the draft previously submitted of a "convention internationale concernant la télégraphie sans fil" would have to be modified as follows:

"Convention internationale concernant la télégraphie sans fil, conclue entre —."

"Les soussignés, plénipotentiaires des Gouvernements ci-dessus énumérés, ont d'un commun accord, et sous réserve de ratification, arrêté la convention suivante —."

While having the honor to renew, in the name of the Imperial Government, to the Government of the United States of America the invitation to take part in the conference and reserving for a future note communication of the names of the German delegates, I venture to ask for an answer at the earliest possible date and that the names of the American representatives be made known to me in due course.

Accept, etc.,

STERNBURG.

The Acting Secretary of State to Brig. Gen. James Allen, Rear-Admiral Henry M. Manney, and John I. Waterbury, esq.

DEPARTMENT OF STATE,
Washington, June 22, 1906.

GENTLEMEN: You having been respectively nominated by the departments of War, Navy, and Commerce and Labor for designation as delegates on the part of the United States to the international conference on wireless telegraphy, which is to meet at Berlin on October 3 next, I inclose herewith a certificate of your designation as such.

I also inclose a translation of the note of April 7, 1906, from the German ambassador extending, by direction of his Government, an invitation to that of the United States to participate in the conference, fixed therein for June 28, 1906, but by a subsequent note of May 13 following postponed to October 3, 1906.

You will observe by the note of April 7 that "it is intended to let the invited governments determine upon the international agreement to be eventually agreed upon," but that as to the form to be given to the agreement, if concluded, "the German Government believes it would be advisable to proceed on the lines followed in the Berne treaty of October 9, 1874, concerning the foundation of the Universal Postal Union and the Washington Universal Postal Convention of June 15, 1897.

As the scope of the conference is largely technical and practical, this department believes it best not to restrict the discretion of the delegates by detailed instructions, but to leave them free to deal with the various phases of the subject as they arise in the course of the conference. It is to be understood, however, that you have no plenary powers and that such action as you may take will be ad referendum.

Mr. Charlemagne Tower, the ambassador of the United States at Berlin, will also be authorized to attend the conference as the head of the delegation from the United States. He will place the facilities of the embassy at your disposal, and should you have occasion during the progress of the conference to consult the department the cipher code of the embassy may be availed of.

I am, etc.,

ROBERT BACON.

The Acting Secretary of State to Ambassador Tower.

No. 513.]

DEPARTMENT OF STATE,
Washington, June 25, 1906.

SIR: I inclose herewith a copy of the instructions to Brig. Gen. James Allen, Chief Signal Officer, U. S. Army; Rear-Admiral Henry N. Manney, U. S. Navy, retired; and Mr. John I. Waterbury, who will attend the international conference on wireless telegraphy to meet at Berlin on October 3 next as delegates on the part of the United States.

The President desires you also to attend this conference as the head of the American delegation.

I am, sir, etc.,

ROBERT BACON.

Ambassador Tower to the Secretary of State.

No. 1058.]

AMERICAN EMBASSY,
Berlin, November 17, 1906.

SIR: I have the honor to inclose to you herewith a copy of the convention of international radio telegraph entered into at the conference held in Berlin by representatives of Germany, the United States of America, the Argentine Republic, Austria-Hungary, Belgium, Brazil, Bulgaria, Chile, Denmark, Spain, France, Great Britain, Greece, Italy, Japan, Mexico, Monaco, Norway, the Netherlands, Persia, Portugal, Roumania, Russia, Sweden, Turkey, and Uruguay, with a copy of the rules and regulations, called "règlement de service," which were annexed to the convention and agreed to by the respective countries represented at the conference.

The conference of radio-telegraphy assembled in the building of the Reichstag on the 3d of October, 1906, under the presidency of His Excellency Herr von Krätke, secretary of state for the imperial German postal department, who delivered the inaugural address and declared the conference opened. The sessions were continued subsequently without interruption until the 3d day of November, when the final meeting was held and the convention and the *règlement de service* were duly signed by the delegates, respectively, of the countries represented; the signatures having been appended to the convention, to the *règlement de service*, to the *engagement additionnel*, as well as to the *protocole final*, subject to the ratification of the governments themselves which the delegates severally and respectively represented, it being understood that the convention is to be ratified by each government and the ratifications deposited in Berlin with as little delay as possible.

I inclose to you herewith also copies of each amendment introduced and discussed during the sessions of the conference (101 amendments in all), and copies of the minutes (*procès-verbaux*) of each session, showing the debates which took place in regard to each one of these amendments and the final disposition which was made of each of them. I inclose also the comparison of the original text of the convention, as proposed by Germany at the beginning of the conference, and the text which was adopted at the first reading; also the comparison of the text of the proposed *règlement de service* with the text which was adopted by the conference at the first reading, and I also inclose a list of the names and official designations of all of the delegates who attended this conference.

The discussions took a very wide range in regard to the subjects to be contained in the convention itself, as well as in the details of the rules and regulations to be appended to it, these being induced largely by the difference in point of view and the difference in individual interests, as well as the geographical situation, of the participants in the discussion. The attitude of the United States, as declared at the outset, was distinctly in support of unrestricted interchange of communication between all stations, without regard to the system of radio-telegraphy used by either, and this principle was maintained by it throughout the debates. It was evident from the beginning, however, that certain countries, like Great Britain and Italy, had already entered into engagements with Mr. Marconi based upon the exclusive use of his system, which prohibited by contract their right to interchange messages with stations either on shipboard or ashore which did not use the Marconi instruments. This gave rise to a great deal of difficulty in adjusting of interests that were involved.

Article 3 of the original text of the convention set forth this principle as follows:

Coastal stations and stations aboard ship shall be obliged to interchange telegrams with each other without distinction as to the system of radio-telegraphy adopted by these stations.

This brought at once the question of the Marconi contracts into the foreground; and while article 3 was accepted in principle, a vote upon it was postponed, at the proposal of Great Britain, until after the other articles of the conference and of the *règlement de service* should have been discussed and adopted. The United States delegation, having agreed to this postponement, gave notice that it did not modify its views as to the principle involved, and as the other articles were discussed and amended from day to day in the sessions of the conference, the delegation of the United States became solicitous lest amendments might be introduced of such character that they would weaken the provisions of article 3, and destroy its validity before it could be debated in the conference; therefore the delegation of the United States made a formal declaration as follows:

The proceedings of this conference have reached a point at which the delegates representing the United States of America find themselves obliged to make the following declaration:

The acceptance of article 3 in the terms proposed to the conference is, in their opinion, indispensable to the due consideration of the convention submitted to our deliberations. Its incorporation into the convention without modification is necessary in order that that article may serve as the basis of an international agreement.

The only objection which has been made to the provisions of this article is the assertion that the different systems of radio-telegraphy are not able to communicate effectively one with the other; and, further, that all well-organized systems already installed are susceptible to disturbance.

It has been fully demonstrated by the Government of the United States of America, through experiments carried out in climates of every kind, that the different systems of radio-telegraphy can be effectively used simultaneously one with the other. In fact, a combination made by selecting among the elements of different systems of radio-telegraphy has produced better results than those which any one system has been able to give by itself.

The United States Navy is actually using at present eight different systems upon its coastal stations and its station aboard ship, and during the three years in which it has been making these experiments it has reason to be entirely satisfied with the results obtained.

As to the question of interruption between one station and another, we have been able to operate without interruption telegraph stations in the immediate vicinity of others having a different system of radio-telegraphy, while stations close to each other, although equipped with the same system of installation, have not succeeded in securing freedom from disturbance.

Very voluminous debates took place subsequent to this declaration, with the result, however, that when the convention was signed the article 3 was adopted without alteration. As it was impossible for Great Britain to accept article 3 in its entirety without conflicting with her contracts with Mr. Marconi, it was agreed by the conference that in the protocole final, a copy of which is herewith inclosed; an article should be adopted as follows:

Each contracting government may reserve to itself the right to designate, according to the circumstances, certain coastal stations which shall be exempt from the provisions of article 3, upon condition that immediately upon the application of this measure there shall be erected within its territory one or more stations which shall be subject to the provisions of article 3, and which shall assure a radio-telegraphic service in the territory occupied by these exempted stations in a manner which shall satisfy the interests of public communication. Those governments which wish to reserve this right shall give notice thereof in the form provided in the second paragraph of article 16 of the convention, at latest three months before the present convention shall take effect.

It was agreed at the same time that those governments which did not approve of this article should formally declare that they would not, for their part, reserve the right given by this article; and such a declaration was made accordingly by Germany, the United States of America, the Argentine Republic, Austria-Hungary, Belgium, Brazil, Bulgaria, Chile, Greece, Mexico, Monaco, Norway, the Netherlands, Roumania, Russia, Sweden, and Uruguay.

The principle having been established thus, largely through the determination of the delegation of the United States, with which the German delegation was entirely in accord and cooperated very greatly to bring about this result, and provision having been made thus for intercommunication between ship and shore, the next task which devolved upon the delegation of the United States was to assure intercommunication, without regard to system of radio-telegraphy, between ship and ship. Upon this point a particularly hostile opposition was presented in the conference and for a time the delegation of the United States stood absolutely alone, the principal delegate of Great Britain going so far upon one occasion as to declare to us formally that his delegation would never allow us to carry that point and that they "would fight us tooth and nail." However, the delegation of the United States determined that it would not make any

concessions, but would prefer to be defeated, if necessary, in order that it might bring its proposition before the conference and stand for the principle that intercommunication must be obligatory between ship and ship.

As the discussion went on the delegation of the United States began to win ground, and ultimately several important countries began to show indications of sympathy with us, notably Germany, France, Austria-Hungary, Belgium, Holland, and Russia. The British delegation then offered to concede to us the obligation of interchange between ship and ship in so far as such messages should relate to the saving of life and property at sea, and the German delegation proposed that the same proposition should be adopted in so far as the messages related to navigation. But having once put itself upon record as the champion of this principle of free interchange, the American delegation declined to accept any modifications or make any concession, and it had the satisfaction at the end of a spirited and somewhat heated contest to find that it was victorious and carried its principle by an almost unanimous vote of the conference.

This success and the introduction into the convention of a paragraph which it was absolutely impossible for Great Britain to accept under her agreements with Mr. Marconi threatened at one moment to make it necessary for Great Britain to withdraw from the conference, but an arrangement was finally agreed to by which Great Britain could participate to the end of the conference and sign the convention by placing the amendment of the United States of America as to communication between ship and ship in an additional agreement attached to the convention, to be separately signed by the countries represented. This left Great Britain and Italy free to sign the convention itself, and whilst accepting in principle the interchange between ship and ship, did not oblige their delegations to sign the article binding them against the private contracts of their Government. The delegation of the United States has been the recipient of the expressions of thanks and congratulations upon the part of all the countries of the world for the benefit which it has secured through the establishment of this principle to commerce, to civilization, and to humanity at large. The delegation trusts that the course which it adopted in this and other respects may meet with the approval of the Government of the United States.

Soon after the opening of the conference the question arose as to the number of votes which each country should be entitled to have at the next conference of radio-telegraphy that should be called, the provisions relating to this matter being contained in article 12 of the convention.

As Great Britain made the claim that she would be entitled to a number of votes in the next conference, which should represent not only Britain itself, but also her colonies and possessions, the delegation of the United States declared verbally that in view of our own widely extended interests in connection with radio-telegraphy we should also make a claim for plural votes based upon our extensive territory if the equilibrium of the present conference were disturbed and any one of the countries represented at the conference should be given more than one vote. The delegation telegraphed to you, therefore, on the 11th of October, 1906, asking for instructions in this connection, and received your reply, dated the 18th of Octo-

ber, both of which I have the honor to confirm herewith by the copies which are hereto attached.

The delegates representing the United States at the conference were:

Admiral Henry M. Manney, U. S. Navy, retired;

Brig. Gen. James Allen, Chief of the Signal Service of the United States Army;

John I. Waterbury, esq., of New York, representing the Department of Commerce and Labor; and

Commander F. M. Barber, of the United States Navy, retired, representing the United States Navy as scientific expert in Europe.

With these gentlemen I had the honor also of being appointed a delegate of the United States, under the instructions contained in your dispatch No. 513, of the 25th of June, 1906.

It was decided that the provisions of the present convention shall take effect from the 1st day of July, 1908, and shall remain in force for all of the governments who have become parties to it until one year after the date at which any one of the said governments shall denounce the said convention.

The conference agreed to accept the invitation extended to it by Great Britain to meet again in the spring of the year 1911 at London.

I have, etc.,

CHARLEMAGNE TOWER.

TEXT OF THE INTERNATIONAL WIRELESS TELEGRAPH CONVENTION.

The undersigned plenipotentiaries of the governments of the countries enumerated above, having met in conference at Berlin, have agreed on the following convention, subject to ratification:

ARTICLE 1.

The high contracting parties bind themselves to apply the provisions of the present convention to all wireless telegraph stations open to the service of public correspondence between the coast and vessels at sea—both coastal stations and stations on shipboard—which are established or worked by the contracting parties.

They further bind themselves to make the observance of these provisions obligatory upon private enterprises authorized either to establish or work coastal stations for wireless telegraphy open to public service between the coast and vessels at sea, or to establish or work wireless telegraph stations, whether open to general public service or not, on board of vessels flying their flag.

ARTICLE 2.

By "coastal stations" is to be understood every wireless telegraph station established on shore or on board a permanently moored vessel used for the exchange of correspondence with ships at sea.

Every wireless telegraph station established on board any vessel not permanently moored is called a "station on shipboard."

ARTICLE 3.

Coastal stations and shipboard stations are bound to exchange radio-telegrams reciprocally without distinction of the radio-telegraphic system adopted by those stations.

ARTICLE 4.

Notwithstanding the provisions of article 3, a station may be reserved for a limited public service determined by the object of the correspondence or by other circumstances independent of the systems employed.

ARTICLE 5.

Each of the high contracting parties undertakes to connect the coastal stations to the telegraph system by special wires, or, at least, to take other measures which will insure a rapid exchange between the coastal stations and the telegraph system.

ARTICLE 6.

The high contracting parties shall notify one another of the names of coastal stations and stations on shipboard referred to in article 1, and also of all data necessary to facilitate and accelerate the exchange of wireless telegrams, as specified in the regulations.

ARTICLE 7.

Each of the high contracting parties reserves the right to prescribe or permit at the stations referred to in article 1, apart from the installation the data of which are to be published in conformity with article 6, the installation and working of other devices for the purpose of establishing special wireless communication without publishing the details of such devices.

ARTICLE 8.

The working of the wireless telegraph stations shall be organized as far as possible in such manner as not to disturb the service of other wireless stations.

ARTICLE 9.

Wireless telegraph stations are bound to give absolute priority to calls of distress from ships, to similarly answer such calls, and to take such action with regard thereto as may be required.

ARTICLE 10.

The total charge for wireless telegrams shall comprise:

1. The charge for the maritime transmission; that is:

(a) The coastal rate, which shall fall to the coastal station;

(b) The shipboard rate, which shall fall to the shipboard station.

2. The charge for transmission over the lines of the telegraph system, to be computed according to the general regulations.

The coastal rate shall be subject to the approval of the government of which the coastal station is dependent, and the shipboard rate to the approval of the government whose flag the ship is flying.

Each of these rates shall be fixed in accordance with the tariff per word, pure and simple, with an optional minimum rate per wireless telegram, on the basis of an equitable remuneration for the wireless work. Neither rate shall exceed a maximum to be fixed by the high contracting parties.

However, each of the high contracting parties shall be at liberty to authorize higher rates than such maximum in the case of stations of ranges exceeding 800 km. or of stations whose work is exceptionally difficult owing to physical conditions in connection with the installation or working of the same.

For wireless telegrams proceeding from or destined for a country and exchanged directly with the coastal stations of such country, the high contracting parties shall advise one another of the rates applicable to the transmission over the lines of their telegraph system. Such rates shall be those resulting from the principle that the coastal station is to be considered as the station of origin or of destination.

ARTICLE 11.

The provisions of the present convention are supplemented by regulations, which shall have the same force and go into effect at the same time as the convention.

The provisions of the present convention and of the regulations relating thereto may at any time be modified by the high contracting parties by common consent. Conferences of plenipotentiaries or simply administrative conferences, according as the convention or the regulations are affected, shall take place from time to time; each conference shall fix the time and place of the next meeting.

ARTICLE 12.

Such conferences shall be composed of delegates of the Governments of the contracting countries.

In the deliberations each country shall have but one vote.

If a government adheres to the convention for its colonies, possessions, or protectorates, subsequent conferences may decide that such colonies, possessions, or protectorates, or a part thereof, shall be considered as forming a country as regards the application of the preceding paragraph. But the number of votes at the disposal of one government, including its colonies, possessions, or protectorates, shall in no case exceed six.

ARTICLE 13.

An international bureau shall be charged with collecting, coordinating, and publishing information of every kind relating to wireless telegraphy, examining the applications for changes in the convention or regulations, promulgating the amendments adopted, and generally performing all administrative work referred to it in the interest of international wireless telegraphy.

The expenses of such institution shall be borne by all the contracting countries.

ARTICLE 14.

Each of the high contracting parties reserves to itself the right of fixing the terms on which it will receive wireless telegrams proceeding from or intended for any station, whether on shipboard or coastal, which is not subject to the provisions of the present convention.

If a wireless telegram is received the ordinary rates shall be applicable to it.

Any wireless telegram proceeding from a station on shipboard and received by a coastal station of a contracting country, or accepted in transit by the administration of a contracting country, shall be forwarded.

Any wireless telegram intended for a vessel shall also be forwarded if the administration of the contracting country has accepted it originally or in transit from a non-contracting country, the coastal station reserving the right to refuse transmission to a station on shipboard subject to a non-contracting country.

ARTICLE 15.

The provisions of articles 8 and 9 of this convention are also applicable to wireless telegraph installations other than those referred to in article 1.

ARTICLE 16.

Governments which are not parties to the present convention shall be permitted to adhere to it upon their request. Such adherence shall be communicated through diplomatic channels to the contracting government in whose territory the last conference shall have been held, and by the latter to the remaining governments.

The adherence shall carry with it to the fullest extent acceptance of all the clauses of this convention and admission to all the advantages stipulated therein.

ARTICLE 17.^a

The provisions of articles 1, 2, 3, 5, 6, 7, 8, 11, 12, and 17 of the international telegraph convention of St. Petersburg of July 10/22, 1875, shall be applicable to international wireless telegraphy.

ARTICLE 18.

In case of disagreement between two or more contracting governments regarding the interpretation or execution of the present convention or of the regulations referred to in article 11, the question in dispute may, by mutual agreement, be submitted to arbitration. In such case each of the governments

^a See translation of the articles of the international telegraph convention referred to in article 17, affixed.

concerned shall choose another government not interested in the question at issue.

The decision of the arbiters shall be arrived at by the absolute majority of votes.

In case of a division of votes, the arbiters shall choose, for the purpose of settling the disagreement, another contracting government which is likewise a stranger to the question at issue. In case of failure to agree on a choice, each arbiter shall propose a disinterested contracting government, and lots shall be drawn between the governments proposed. The drawing of the lots shall fall to the government within whose territory the international bureau provided for in article 13 shall be located.

ARTICLE 19.

The high contracting parties bind themselves to take, or propose to their respective legislatures, the necessary measures for insuring the execution of the present convention.

ARTICLE 20.

The high contracting parties shall communicate to one another any laws already framed, or which may be framed, in their respective countries relative to the object of the present convention.

ARTICLE 21.

The high contracting parties shall preserve their entire liberty as regards wireless telegraph installations other than provided for in article 1, especially naval and military installations, which shall be subject only to the obligations provided for in articles 8 and 9 of the present convention.

However, when such installations are used for general public service they shall conform, in the execution of such service, to the provisions of the regulations as regards the mode of transmission and rates.

ARTICLE 22.

The present convention shall go into effect on the 1st day of July, 1908, and shall remain in force for an indefinite period or until the expiration of one year from the day when it shall be denounced by any of the contracting parties.

Such denunciation shall affect only the government in whose name it shall have been made. As regards the other contracting powers, the convention shall remain in force.

ARTICLE 23.

The present convention shall be ratified and the ratifications exchanged at Berlin with the least possible delay.

In witness whereof the respective plenipotentiaries have signed one copy of the convention, which shall be deposited in the archives of the Imperial Government of Germany, and a copy of which shall be transmitted to each party.

Done at Berlin, November 3, 1906.

For Germany:

KRAETKE.
SYDOW.

For United States:

CHARLEMAGNE TOWER.
H. N. MANNEY.
JAMES ALLEN.
JOHN I. WATERBURY.

For Argentina:

J. OLMÍ.

For Austria:

BARTH.
FRIES.

For Hungary:

PIERRE DE SZALAY.
DR. DE HENNYEY.
HOLLÓS.

For Belgium:

F. DELARGE.
E. BUELS.

For Brazil :	CESAR DE CAMPOS.
For Bulgaria :	IV. STOYANOVITCH.
For Chile :	J. MUÑOZ HURTADO. J. MERY.
For Denmark :	N. R. MEYER. I. A. VOEHTZ.
For Spain :	IGNACIO MURCIA. RAMÓN ESTRADA. RAFAEL RÁVENA. ISIDRO CALVO. MANUEL NORIÉGA. ANTONIO PELÁEZ-CAMPOMANES.
For France :	J. BORDELONGUE. L. GASCHARD. BOULANGER. A. DEVOS.
For Great Britain :	H. BABINGTON SMITH. A. E. BETHELL. R. L. HIPPISELY.
For Greece :	T. ARGYROPOULOS.
For Italy :	J. COLOMBO.
For Japan :	OSUKE ASANO. ROKURE YASHIRO. SHUNKICHI KIMURA. ZIRO TANAKA. SABURO HYAKUTAKE.
For Mexico :	JOSÉ M. PÉREZ.
For Monaco :	J. DEPELLEY.
For Norway :	HEFTYE. O. T. EIDEM.
For Netherlands :	KRUYT. PERK. HOVEN.
For Persia :	HOVHANNÈS KHAN.
For Portugal :	PAULO BENJAMIN CABRAL.
For Roumania :	GR. CERKEZ.
For Russia :	A. EICHHOLZ. A. EULER. VICTOR BILIBINE. A. REMMERT. W. KÉDRINE.
For Sweden :	HERMAN RYDIN. A. HAMILTON.
For Turkey :	NAZIF BEY.
For Uruguay :	F. A. COSTANZO.

Supplementary agreement.

The undersigned plenipotentiaries of the Governments of Germany, the United States of America, Argentina, Austria, Hungary, Belgium, Brazil, Bulgaria, Chile, Denmark, Spain, France, Greece, Monaco, Norway, the Netherlands, Roumania, Russia, Sweden, Turkey, and Uruguay bind themselves mutually from the date of the going into effect of the convention, to conform to the provisions of the following supplementary articles:

I.

Each station on shipboard referred to in article 1 of the convention shall be bound to correspond with any other station on shipboard without distinction of the wireless telegraph system adopted by such stations respectively.

II.

The governments which have not adhered to the foregoing article may at any time signify, by following the procedure prescribed by article 16 of the convention, that they bind themselves to conform to its provisions.

Those which have adhered to the foregoing article may at any time, under the same conditions as provided for in article 22, signify their intention to cease conforming to its provisions.

III.

This agreement shall be ratified and the ratifications exchanged at Berlin with the least possible delay.

In witness whereof the respective plenipotentiaries have signed one copy of the present agreement, which shall be deposited in the archives of the Imperial Government of Germany, and a copy of which shall be transmitted to each of the parties.

Done at Berlin, November 3, 1906.

For Germany :

KRAETKE.
SYDOW.

For United States :

CHARLEMAGNE TOWER.
H. N. MANNEY.
JAMES ALLEN.
JOHN I. WATERBURY.

For Argentina :

J. OLMÍ.

For Austria :

BARTH.
FRIES.

For Hungary :

PIERRE DE SZALAY.
DR. DE HENNYEY.
HOLLÓS.

For Belgium :

F. DELARGE.
E. BUELS.

For Brazil :

CESAR DE CAMPOS.

For Bulgaria :

IV. STOYANOVITCH.

For Chile :

J. MUÑOZ HURTADO
J. MERY.

For Denmark :

N. R. MEYER.
I. A. VOEHTZ.

For Spain :

IGNACIO MURCIA.
RAMÓN ESTRADA.
RAFAEL RÁVENA.
ISIDRO CALVO.
MANUEL NORIÉGA.
ANTONIO PELÁEZ-CAMPOMANES

For France :	J. BORDELONGUE. L. GASCHARD. BOULANGER. A. DEVOS.
For Greece :	T. ARGYROPOULOS.
For Monaco :	J. DEPELLEY.
For Norway :	HEFTYE. O. T. EIDEM.
For Netherlands :	KRUÏT. PERK. HOVEN.
For Roumania :	GR. CERKEZ.
For Russia :	A. EICHOLZ. A. EULER. VICTOR BILIBINE. A. REMMERT. W. KÉDRINE.
For Sweden :	HERMAN RYDIN. A. HAMILTON.
For Turkey :	NAZIF BEY.
For Uruguay :	F. A. COSTANZO.

Final protocol.

At the moment of signing the convention adopted by the International Wireless Telegraph Conference of Berlin the undersigned plenipotentiaries have agreed as follows:

I.

The high contracting parties agree that at the next conference the number of votes to which each country is entitled (article 12 of the convention) shall be decided at the beginning of the deliberations, so that the colonies, possessions, or protectorates admitted to the privilege of voting may exercise their right to vote during the entire course of the proceedings of such conference.

This decision shall be of immediate effect and remain in force until amended by a subsequent conference.

As regards the next conference, applications for the admission of new votes in favor of colonies, possessions, or protectorates which may have adhered to the convention shall be addressed to the international bureau at least six months prior to the date of the convening of such conference. Notice of such applications shall at once be given to the remaining contracting governments, which may within the period of two months from the receipt of the notice formulate similar applications.

II.

Each contracting government may reserve the right to designate, according to circumstances, certain coastal stations to be exempted from the obligations imposed by article 3 of the convention, provided that, as soon as this measure goes into effect, there shall be opened within its territory one or several stations subject to the obligations of article 3, insuring, within the region where the exempted stations are located, such wireless telegraph service as will satisfy the needs of the public service. The governments desiring to reserve this right shall give notice thereof in the form provided for in the second paragraph of article 16 of the convention, not later than three months before the convention goes into effect, or, in case of subsequent adhesion, at the time of such adhesion.

The countries whose names follow below declare now that they will not reserve such right:

Germany,	Greece,
United States,	Mexico,
Argentina,	Monaco,
Austria,	Norway,
Hungary,	Netherlands,
Belgium,	Roumania,
Brazil,	Russia,
Bulgaria,	Sweden,
Chile,	Uruguay.

III.

The manner of carrying out the provisions of the foregoing article shall be at the discretion of the government which takes advantage of the right of exemption; such government shall be at liberty to decide from time to time, in its own judgment, how many stations and what stations shall be exempted. Such government shall likewise be at liberty as regards the manner of carrying out the provision relative to the opening of other stations subject to the obligations of article 3, insuring, within the region where the exempted stations are located, such wireless telegraph service as will satisfy the needs of the public service.

IV.

It is understood that, in order not to impede scientific progress, the provisions of article 3 of the convention shall not prevent the eventual employment of a wireless telegraph system incapable of communicating with other systems, provided, however, that such incapacity shall be due to the specific nature of such system and that it shall not be the result of devices adopted for the sole purpose of preventing intercommunication.

V.

The adherence to the convention by the government of a country having colonies, possessions, or protectorates shall not carry with it the adherence of its colonies, possessions, or protectorates, unless a declaration to that effect is made by such government. Such colonies, possessions, and protectorates as a whole, or each of them separately, may from the subject of a separate adherence or a separate denunciation within the provisions of articles 16 and 22 of the convention.

It is understood that the stations on board of vessels whose headquarters is a port in a colony, possession, or protectorate, may be deemed as subject to the authority of such colony, possession, or protectorate.

VI.

Note is taken of the following declaration:

The Italian delegation in signing the convention does so with the reservation that the convention can not be ratified on the part of Italy until the date of the expiration of her contracts with Mr. Marconi and his company, or at an earlier date if the Government of the King of Italy shall succeed in fixing such date by negotiations with Mr. Marconi and his company.

VII.

In case one or several of the high contracting parties shall not ratify the convention, it shall nevertheless be valid as to the parties which shall have ratified it.

In witness whereof the undersigned plenipotentiaries have drawn up the present final protocol, which shall be of the same force and effect as though the provisions thereof had been embodied in the text of the convention itself to which it has reference, and they have signed one copy of the same, which shall be deposited in the archives of the Imperial Government of Germany, and a copy of which shall be transmitted to each of the parties.

Done at Berlin, November 3, 1906.

For Germany:

KRAETKE,
SYDOW.

For United States:	CHARLEMAGNE TOWER. H. N. MANNEY. JAMES ALLEN. JOHN I. WATERBURY.
For Argentina:	J. OLMI.
For Austria:	BARTH. FRIES.
For Hungary:	PIERRE DE SZALAY. DR. DE HENNYEY. HOLLÓS.
For Belgium:	F. DELARGE. E. BUELS.
For Brazil:	CESAR DE CAMPOS.
For Bulgaria:	IV. STOYANOVITCH.
For Chile:	J. MUÑOZ HURTADO. J. MEYER.
For Denmark:	N. R. MEYER. I. A. VOEHTZ.
For Spain:	IGNACIO MURCIA. RAMÓN ESTRADA. RAFAEL RÁVENA. ISIDRO CALVO. MANUEL NORÍEGA. ANTONIO PELÁEZ-CAMPOMANES.
For France:	J. BORDELONGUE. L. GASCHARD. BOULANGER. A. DEVOS.
For Great Britain:	H. BABINGTON SMITH. A. E. BETHELL. R. L. HIPPISELY.
For Greece:	T. ARGYROPOULOS.
For Italy:	J. COLOMBO.
For Japan:	OSUKE ASANO. ROKURE YASHIRO. SHUNKICHI KIMURA. ZIRO TANAKA. SABURO HYAKUTAKE.
For Mexico:	JOSÉ M. PÉREZ.
For Monaco:	J. DEPELLEY.
For Norway:	HEFTYE. O. T. EIDEM.
For Netherlands:	KRUÿT. PERK. HOVEN.
For Persia:	HOVHANNÈS KHAN.
For Portugal:	PAULO BENJAMIN CABRAL.

For Roumania :

For Russia :

For Sweden :

For Turkey :

For Uruguay :

GR. CERKEZ.

A. EICHOLZ.
A. EULER.
VICTOR BILIBINE.
A. REMMERT.
W. KÉDRINE.

HERMAN RYDIN.
A. HAMILTON.

NAZIF BEY.

F. A. COSTANZO.

GENEVA (RED CROSS) CONFERENCE.

The Swiss Minister to the Secretary of State.

[Translation.]

LEGATION OF SWITZERLAND,
Washington, April 4, 1901.

MR. SECRETARY OF STATE: My Government has instructed me to request your excellency (as I hereby have the honor to do) to inform me whether the Government of the United States of America thinks that the time has arrived for a revision of the Geneva Convention (Conference), according to the wish expressed by the conference at The Hague, and whether it is disposed to be represented at a conference to be convoked by the Swiss Federal Council for this purpose in the course of the present year.

I am at the same time instructed to send your excellency the six inclosed copies of the printed paper containing the "Statement of some ideas to be examined for the revision of the Geneva Convention." This statement is but a cursory view of the questions to which my Government now desires to call the attention of the Governments, without pretending to limit the deliberations of the conference which is to busy itself with this matter.

Awaiting the communication which it will please your excellency to send me in relation to this question, I avail myself, etc.,

J. B. PIODA,
Minister of Switzerland.

[Inclosure.—Translation.]

STATEMENT OF SOME IDEAS TO BE EXAMINED FOR THE REVISION OF THE GENEVA CONVENTION.

A.—*Propositions relating to the text of 1864.*

I. To declare the persons employed in sanitary work neutral under all circumstances, and not only "when they are acting and when there are wounded persons to be taken up and succored" (art. 2).

II. To declare sanitary material neutral to a greater extent (art. 1).

III. To give a precise definition of the word "ambulance" (art. 4).

IV. To proclaim the cessation of neutrality:

(a) For the persons employed in sanitary work, if they commit hostile acts otherwise than in self-defense, they not being forbidden to bear arms (art. 2).

(b) For sanitary material, if it is diverted from its normal destination (art. 1).

V. To abolish the provisions relative to the inhabitants of the seat of war (art. 5).

VI. To oblige every army on the retreat to leave, on the field of battle and in its hospitals which have been taken by the enemy, a part of its personnel and of its sanitary appliances, in order that its wounded may be cared for (art. 3).

VII. To stipulate that the personnel mentioned in No. VI. (art. 3) :

(a) Shall not have the right to facilitate the return of their wounded to their own army.

(b) Shall act under the superior authority of the enemy.

(c) Shall be treated, their grades being equal, like the sanitary personnel of the enemy as regards pay and subsistence.

VIII. To guarantee that the wounded shall be protected on the field of battle, after a combat, from pillage and ill treatment (art. 6).

B.—*Sundry propositions.*

IX. To require :

(a) That the inhumation or incineration of the dead shall be preceded by a careful examination of their bodies.

(b) That every officer or soldier shall bear upon his person a mark whereby his identity may be established.

(c) That a list of the dead, wounded, and sick who have been taken by the enemy shall be sent, with as little delay as possible, by said enemy to the authorities of their country or their army.

X. To declare neutral, on certain conditions to be determined hereafter, the personnel and the matériel of civil organizations devoted to the care of wounded soldiers.

XI. To make the use of the sign of the red cross on a white background a legal monopoly, to be extended in time of peace to certain civil organizations to be designated hereafter.

XII. To provide penalties for violations of the provisions of the convention.

XIII. To adopt the most indispensable measures for bringing the provisions of the convention and the penalties incurred by those violating them to the knowledge of the troops and of the people.

The Acting Secretary of State to the Swiss Minister.

No. 293.]

DEPARTMENT OF STATE,
Washington, May 13, 1901.

SIR: In reply to your note of the 4th ultimo, I have now the honor to inform you that both the Secretaries of War and of the Navy write—the first on the 3d instant, the latter on the 20th ultimo—that they think that the present is a most proper time for a revision of the Geneva Convention for the amelioration of the condition of the wounded in war. The Government of the United States will therefore gladly be represented at a congress which the Swiss Confederation may call for the purpose stated.

Accept, etc.,

DAVID J. HILL.

The Swiss Chargé d'Affaires to the Assistant Secretary of State.

[Translation.]

LEGATION OF SWITZERLAND,
Washington, D. C., August 12, 1901.

MR. ASSISTANT SECRETARY OF STATE: I am instructed by my Government to make the following communication in the matter of the contemplated revision of the Geneva Convention of 1864.

Like the United States of America, France, Italy, and Russia have declared, in reply to the invitation of the Swiss Federal Council, that they believed the time had come for a remodeling of the convention under consideration, and that they would be represented at the conference contemplated for the purpose.

The Government of Great Britain, while of opinion that a revision of the convention of 1864 is imperative, expressed a wish that the conference be postponed so as to be able thoroughly to examine the various questions connected therewith and also utilize the experiments recently made in South Africa and China.

The German Government answered that it would not be in a position to be represented at any conference that would meet in the course of this year.

Austria-Hungary has not yet returned any positive answer, but my Government has reason to believe that it also deems it expedient to postpone the meeting of the conference.

Under the circumstances, the Federal Council has decided to forego, for this year, the execution of its project. It hopes, however, that circumstances next year will permit of its renewing its proposal and that the latter will then meet with the assent of all the states signatory of the Geneva Convention.

I embrace this opportunity, etc.,

CHARLES L. E. LARDY.

The Swiss Minister to the Secretary of State.

[Translation.]

LEGATION OF SWITZERLAND,
Washington, D. C., March 11, 1903.

MR. SECRETARY OF STATE: The Geneva Convention of August 22, 1864, has proved a boon to suffering humanity. It has helped in alleviating the evils inseparable from war and in ameliorating the lot of wounded or injured soldiers of armies in the field. And so there is no longer anyone who will question its usefulness; yet its shortcomings and the necessity for modifications suggested by the experience acquired since 1864 are admitted. As early as 1868 a conference met for the purpose at Geneva and adopted a draft of 15 articles, additional to the convention of 1864, 9 of which related to naval warfare. These articles failed to receive diplomatic sanction and could not be enacted. The conference of 1874, convened at Brussels for the purpose of codifying the usages of war, also took up the revision of the Geneva Convention (see protocols Nos. 8 and 9, sessions of the 10th and 11th of August), and a subcommittee elaborated a draft that was to be submitted to the Governments "in view of the modifications and improvements that might be introduced by joint accord into the Geneva Convention." Lastly, the International Peace Conference, called at The Hague upon the generous initiative of His Majesty the Emperor of All the Russias, achieved a great advance in the convention signed on July 29, 1899, relative to the application of the principles of the Geneva Convention to naval warfare. This con-

ference was unable to take up the revision of the Geneva Convention and confined itself to adopting the following resolution:

The conference, taking into consideration the preliminary steps taken by the Swiss Federal Government toward the revision of the Geneva Convention, utters the wish that a special conference, having for its object the revision of that convention, may be called in the near future.

The Swiss High Federal Council is of the opinion that the time has now come to take action on that wish, and has in consequence the honor to invite the governments of the states, parties to the Convention of Geneva, to send representatives to a conference which it proposes to convene at Geneva on the 14th of September of this year, in contemplation of the suggested reform.

Your excellency will receive with this letter a few copies of a brief statement of the questions to be discussed in the proposed conference. It is not the High Swiss Federal Council's purpose to circumscribe by this statement the field of the conference's deliberations, or to restrict the right of each delegate to lay before the conference any motion that he may deem expedient to formulate. Its only wish has been to epitomize the points which, in its judgment, will chiefly command the attention of the conference.

Your excellency will also receive a few copies of a note addressed to the Swiss High Federal Council on July 22, 1901, by the legation of Great Britain at Berne, and which contains propositions connected with the revision of the Geneva Convention.

The Swiss High Federal Council cherishes the hope that your Government will favorably receive its proposition and be so good as to communicate, in good time, the names of its delegates.

Be pleased to accept, etc.,

F. DU MARTHERAY.

[Inclosure 1.]

[Same as set of questions inclosed with Swiss minister's note of March 22, 1906.]^a

[Inclosure 2.]

BRITISH LEGATION,
Berne, July 22, 1901.

MONSIEUR LE PRESIDENT: I have the honor to state to your excellency, by direction of the Marquess of Lansdowne, that the interpretation of the Geneva Convention of 1864 and its application to voluntary aid societies for the succor of the sick and wounded are questions which have been engaging the consideration of the British military authorities.

In the above connection, I am instructed to draw your attention to the fact that the Red Cross flag and armband prescribed by Article VII of the convention are, in most countries, not protected by legislation, and that their employment is open to serious abuse.

Having regard to this abuse, the British military authorities are of opinion that authority to use the Red Cross flag or badge should be granted only by specified naval and military departments; that unauthorized use should be subjected to heavy penalties; and that improper, fraudulent, or dishonorable employment of the flag or badge by authorized persons should be subject to severe punishment.

^a *Infra.*

Up to the present time frequent instances of misuse have fallen under the notice of the British military authorities, but, so far at any rate as Great Britain is concerned, no means of repressing them at present exists.

The Geneva flag has been used as a trade-mark on provisions, as an advertisement by tradesmen, by voluntary societies having no connection with the Red Cross, by the organizers of dishonorable stratagems, by spies, by marauders, and by irresponsible individuals.

Under these circumstances, the British authorities have formulated certain proposals to regulate the treatment of voluntary aid societies, pending a revision of the Geneva Red Cross Convention of 1864.

They consider that in order to merit recognition a neutral aid society should comply with the following conditions, viz:

1. The society shall have received the formal sanction and recognition of the government of the state of which it belongs before the outbreak of hostilities.

2. Notification of the nature of the "material" and the names of the "personnel" proposed to be furnished shall be communicated by the neutral state to both belligerents, and application made and consent obtained for their employment.

3. The "personnel" shall collectively and individually give an undertaking to obey the regulations and orders of the army to which they are attached, or into the power of which they may happen to fall; and to conform to the laws and customs of war and the obligations of neutrals.

Upon these conditions being complied with and accepted by the neutral and both belligerents, the military authorities would be prepared to undertake that, as a matter of grace and in so far as the necessities of war permit, the "material" and "personnel" of the aid societies of neutral states shall receive the same treatment as the ambulances and hospitals of belligerents are entitled to under the Geneva Convention of 1864.

Violations of these conditions to be punished by the military authorities, and to entail, if considered requisite, the complete withdrawal of the neutral ambulance.

It is conceived that the imposition of these terms would constitute an adequate check upon the abuses referred to in the earlier portion of this communication, conferring suitable privileges and immunities upon the humane and charitable persons who devote themselves in good faith to the succor of the sick and wounded.

In bringing the foregoing proposals informally to the knowledge of the Swiss Government, I have the honor to request your excellency to be good enough to invite the observations thereon of the powers signatories to the convention of 1864.

I avail, etc.,

CONYNGHAM GREENE.

The Secretary of State to the Swiss Minister.

No. 4.]

DEPARTMENT OF STATE,

Washington, March 30, 1903.

SIR: Referring to your note of the 11th instant, with respect to the conference to be held at Geneva on September 14 next, to consider certain changes proposed to be made in the Red Cross convention of August 22, 1864, I have the honor to inform you that the United States will be represented at the conference by delegates. Brig. Gen. George B. Davis, Judge-Advocate-General United States Army, has been designated by the Secretary of War to attend, and the United States Navy Department will, later on, nominate an officer of the line and an officer of the Medical Corps for this duty.

Accept, etc.,

JOHN HAY.

The Secretary of State to the Swiss Minister.

No. 7.]

DEPARTMENT OF STATE,
Washington, May 9, 1903.

SIR: Referring to your note of March 11 last, and to the department's reply of the 30th of that month, I have the honor to inform you that Commander Nathan Sargent, U. S. Navy, has been designated as delegate on the part of the United States to the conference which is to be held at Geneva on September 14 next to consider certain changes in the Red Cross convention of August 22, 1864.

Accept, etc.,

JOHN HAY.

[On May 19, 1903, the department again addressed the Swiss minister, stating that Mr. Francis B. Loomis, Assistant Secretary of State, has been designated as a delegate to the conference at Geneva.]

The Swiss Minister to the Secretary of State.

[Translation.]

LEGATION OF SWITZERLAND,
Washington, July 24, 1903.

MR. SECRETARY OF STATE: Referring to the note which I had the honor to address to your excellency under date of the 11th of March, and to those which you were pleased to send to me under date of the 14th and 30th of March, the 9th and 19th of May last, I have the honor to inform your excellency of a telegram which I have just received from the president of the confederation.

By the tenor of that communication, various states having not yet responded to the note of the Federal Council of the 17th of February inviting the powers signatory of the Geneva convention to a conference which should be held at Geneva the 14th of September with a view to revising the aforesaid convention, the Federal Council has decided to postpone the said conference indefinitely.

Be pleased to receive, etc.,

F. DU MARTHERAY.

The Swiss Minister to the Secretary of State.

[Translation.]

LEGATION OF SWITZERLAND,
Washington, D. C., February 8, 1904.

MR. SECRETARY OF STATE: Giving effect to the wish expressed in 1899 by the International Conference of The Hague, the Swiss Federal Council invited, on the 17th of February, 1903, all the states signatories of the convention of the 22d of August, 1864, for the amelioration of the condition of wounded soldiers in armies in the field, to participate in a conference which would be held at Geneva

on the 14th of September, 1903, for the purpose of revising said convention. On the 24th of July, 1903, I had the honor to notify your excellency that the said conference had been postponed to a more propitious time.

Now, all obstacles to the realization of the wish of the Conference of The Hague being removed, the Federal Council has determined to invite anew the conference for the 16th of May next at Geneva.

By direction of my Government, I have, therefore, the honor to invite the Government of the United States of America to take part in the deliberations of this conference, and to be good enough to communicate to me its decision, as well as the names of its delegates, by the end of the month of March next at latest.

Be pleased to accept, etc.,

F. DU MARTHERAY.

The Swiss Minister to the Secretary of State.

[Translation.]

LEGATION OF SWITZERLAND,
Washington, D. C., March 2, 1904.

MR. SECRETARY OF STATE: On February 8 last I had the honor, by order of my Government, to inform your excellency that the Federal Council had decided to convene anew at Geneva on May 16 next, a conference for the revision of the convention of August 22, 1864, for the amelioration of the fate of soldiers wounded during army campaigns.

By a note dated the 23d of last month your excellency kindly acknowledged the receipt of my communication.

Meanwhile, on account of the war which has broken out between Russia and Japan, the federal council has deemed it opportune to postpone the proposed conference.

Under these circumstances, the Swiss political department has instructed me, and I hasten to make known to your excellency this decision of the Federal Council, adding at the same time that my Government hopes that a near return of peace will enable it to realize the wish of The Hague Conference.

F. DU MARTHERAY.

The Russian Ambassador to the Secretary of State.

[Memorandum.]

RUSSIAN EMBASSY,
Washington, D. C., December 4, 1905.

While acceding to Russia's proposal to participate in a second peace conference at The Hague, the Government of Switzerland has stated in its reply to the Russian invitation "that all questions bearing upon the revision of the Geneva Conference form the object of a special conference, the programme of which has been already accepted by the powers and which, as soon as circumstances allow, will be called by

the Federal Government, the latter having been 'commissioned' to this effect by The Hague Conference of 1899."

It will be remembered that on January 20, 1905, Switzerland accepted President Roosevelt's invitation to a peace conference unconditionally, and without any restriction as to the revision of the Geneva Conference.

A careful examination of the respective proceedings at the First Peace Conference prove, moreover, that Switzerland did in no wise receive on this occasion the alleged "commission" (mandate). It has even been expressly stated by the Swiss delegate "that his Government possesses no exclusive right to the initiative of calling the said conference."

But though not granting to Switzerland the alleged monopoly, The Hague Peace Conference, which at that time did not intend to reassemble, had expressed the wish that the revision of the Geneva articles should take place through the instrumentality of Switzerland without much delay. This last stipulation the Federal Government has, however, utterly failed to comply with; for though invitations to the said conference were issued soon after the closing of The Hague Conference, and although all governments had notified their readiness to participate in it, the actual convocation of the conference has been repeatedly and arbitrarily postponed by the Swiss Government under various pretenses, and even in its present reply to the Russian proposal it fails to fix a definite term for its final assembling.

Under these circumstances, the attitude of the Swiss Government is hardly justifiable, especially in view of the fact that the revision of the Geneva Conference is closely connected with various questions that will be under consideration at the next universal peace conference and that a speedy unification of the now existing three separate conventions bearing upon the wounded is indispensable from a practical point of view.

The Russian Government therefore deem it essential that the great powers, before adopting a definite programme for the Second Peace Conference, should agree, after a confidential exchange of views, upon the four following points:

1. Is it advisable to combine the revision of the Geneva Conference with the assembling of the Second Hague Conference? The latter alone could pass a single act containing all regulations bearing upon the wounded. In that case the number of its delegates has to be increased by representatives of the medical world, as well as of the Red Cross societies, who could, however, form a subcommission of the conference.

2. Or shall, on the contrary, the privilege of calling a separate conference for the revision of the Geneva articles be recognized as belonging to the Swiss Government, which, together with Turkey and China, has refused to ratify one of The Hague conventions?

3. If this latter view prevails do the great powers deem it possible to take a collective step to induce the Swiss Government to fix in the nearest possible future a definite term for the assembling of the proposed conference?

4. If Switzerland is entitled to call a separate conference for the revision of the Geneva articles, shall this conference also consider the application of the stipulations of the Geneva Conference during war

on sea, basing itself upon the experience gained during the recent war, or shall this question rather form the object of the universal peace conference at The Hague?

It must be noted, however, that in the latter case the peace conference would have to deliberate upon the application during war on sea of regulations which have been recognized by all governments as obsolete and unsatisfactory.

The Secretary of State to the Russian Ambassador.

DEPARTMENT OF STATE,
Washington, December 13, 1905.

DEAR MR. AMBASSADOR: I take pleasure in handing you herewith a memorandum in reply to your memorandum of the 4th instant in regard to the proposed conference of the powers concerned to modify the provisions of the Geneva Red Cross Convention of 1864.

I am, etc.,

ELIHU ROOT.

The Secretary of State to the Russian Ambassador.

[Memorandum.]

The Secretary of State has had the honor to receive from the Russian ambassador on the 4th instant an undated memorandum in regard to the pending convocation of a second universal peace conference at The Hague upon the initiative of His Imperial Majesty the Tsar, and to the outstanding invitation of the Government of the Swiss Confederation looking to a conference of the powers signatories of the Geneva Red Cross Convention of 1864 with a view to modifying the provisions of the latter convention. The statements and suggestions of the Russian memorandum have had attentive consideration. Note is especially taken of the inquiry whether it is "advisable to combine the revision of the Geneva Convention with the assembling of the second Hague Conference; the latter alone could pass a single act containing all regulations bearing upon the wounded. In that case the number of its delegates has to be increased by representatives of the medical world, as well as of the Red Cross societies, who could, however, form a subcommission of the conference."

While on the one hand, it is usual and appropriate that the amendment of a multipartite international convention is a matter to be discussed by the plenipotentiaries of the several parties thereto and not by a general international conference in which nonsignatory and non-adherent governments take part, yet, on the other hand, it is recognized that the subject-matter of the Geneva Convention is so intimately bound up with the objects of the forthcoming second Hague Conference, and particularly with the purpose of the second and third conventions framed by the first Hague Conference of 1899, as to make it reasonable and expedient that congruity of treatment and of resultant engagements should be secured. The Government of the United States does not see how such congruity can be conveniently brought about by separate international conferences acting independently and

at different periods. It would even seem difficult to insure the necessary correlation of results if two conferences made up of different members were to be held simultaneously, inasmuch as to do so would require the interdependence of two deliberative bodies, each possessing independent powers and having no common relation.

Regarding the objects of the Second Hague Conference as general, embracing purposes of the highest sovereign concern to all the powers of the earth, and looking upon the technical objects to be attained by a revision of the Geneva Convention by its signatories as of subordinate importance, the Government of the United States would be glad to see an understanding reached by the parties to the Geneva Convention by which the revision thereof could be combined with the proceedings of the Second Hague Conference. It is thought that this may be accomplished by the parties to the Geneva Convention giving to their Hague plenipotentiaries separate special powers to revise the Geneva Convention so that these special plenipotentiaries could confer separately from the universal peace assembly, and at the same time act in harmony with the general conference. Such an arrangement would not prevent accessory expert delegates being joined to the special plenipotentiaries, if that course be deemed desirable, for the purpose of the contemplated revision.

In this way it would seem that the initiative of the Swiss Government could be respected, and the treaty relations of the parties to the Geneva Convention of 1864 be preserved intact, while at the same time giving needful uniformity to the general result.

DEPARTMENT OF STATE, *December 13, 1905.*

Draft of a note from the Russian Minister at Berne to the Swiss Federal Council.

[Handed to the Secretary of State, March 22, 1906.]

[Translation.]

Before communicating the detailed programme prepared by Russia for the Second Peace Conference (which I shall do shortly), I am directed by the Imperial Government to invite the kind attention of the Swiss Federal Government to the following considerations:

The representatives of Switzerland at the First Peace Conference declared in the name of their Government that it was disposed to convene an international conference for the revision of the Geneva Convention of 1864. The Hague Conference took note of this declaration and included in its final act the wish that the said Geneva Convention should be revised within a short time. Various circumstances have prevented this wish from being realized until recently, but, on the other hand, these events made it evident that the revision of the convention of 1864 was an imperative necessity. Now, this revision will imply the examination of the sanitary orders which are allied to others connected with subjects to be introduced in the convention relative to laws and customs of war. It being necessary that the codification of the laws of war be characterized by unity and harmony between its parts, it would seem preferable that the revision of the Geneva Convention should take place simultane-

ously and in connection with the elaboration of new regulations for the general war code.

Consequently, the Imperial Government, appreciating highly the eminent services which Switzerland has rendered to humanity by the development of the idea instituting the Red Cross, and inspired by the wish expressed by the conference of 1899, considers that in the paramount interest of the great work of peace it would be very desirable if the Swiss Federal Council would kindly take advantage of the forthcoming reunion of the proposed international conference to enable it to proceed to the revision of the convention of 1864, and to the agreement of its conclusions with the acts that are to be signed in this conference. To this end, the Imperial Government ventures to express the hope that the Swiss Federal Council will invite the powers signatories of the convention of 1864, as well as those who adhered to it later, to give to their representatives at the next peace conference special powers with regard to the revision of the Geneva Convention of 1864, which revision could be undertaken in special reunions at the same time as are the labors of the plenum of the conference. The plenipotentiaries might be assisted by delegates and technical experts whose special mission would be to collaborate in the revision of the Geneva Convention.

It goes without saying that the new convention, destined to replace that of 1864, would maintain in their integrity the bases of the special organization of the Red Cross and would preserve the name, so respected and so justly dear to the civilized world, of Geneva Convention.

While calling attention to the advantages which the combination explained above would seem to offer toward the realization of the common work, the Imperial Government does not fail to appreciate that the Swiss Government may have already decided upon another method of procedure, viz, the convening of a new conference at Geneva for the revision of the convention of 1864. If such should be the case, and if the decision of the Federal Council is irrevocable, the Imperial Government will not insist on the adoption of the Russian proposal above mentioned, provided that the revision of the convention of 1864 be effected at Geneva before the reunion of the peace conference, so that the states taking part in this last conference may be able to agree upon the conclusions reached at the two reunions. In this case it would be desirable to have the Swiss Government kindly request the powers who are to take part in the Geneva Convention to meet on a date not later than the second part of May, new style, of this year.

While thus carrying out the orders of my Government and awaiting a favorable reply from the Federal Council, I avail myself of this occasion, etc.

The Swiss Minister to the Secretary of State.

[Translation.]

LEGATION OF SWITZERLAND,
Washington, D. C., March 22, 1906.

MR. SECRETARY OF STATE: On two previous occasions the Swiss Federal Council had invited the Governments to be represented at a

conference that was to meet at Geneva for the purpose of revising the convention of August 22, 1864, for the amelioration of the condition of soldiers wounded in armies in the field, but unforeseen circumstances have prevented the meeting.

Nothing now seeming to stand in the way of the realization of the recommendation of The Hague Conference, the Federal Council has decided to call the conference under consideration for June 11 next at Geneva.

While confirming to your excellency the oral communications that I had been instructed, by the political department of the Swiss Confederation, to make on the subject, I have the honor to advise you that I have just received from the Federal Council an order to transmit to the Government of the United States of America an invitation to participate in the labors of that conference and to ask that it will kindly communicate to the Federal Council its decision, as well as the names of its delegates, not later than the end of the month of April next.

I append hereto a few copies of the programme of the conference, and gladly embrace this opportunity to renew to your excellency the assurance of my highest consideration.

L. VOGEL.

[Inclosure.—Translation.]

Programme of the Conference.

1. The Geneva Convention lays down the principle that wounded or sick soldiers shall be received and attended to, whatever their nationality (article 6, 1st section). Is it advisable to add that soldiers, when disabled, shall be protected against ill treatment and plunder?

Should it be further stipulated:

(a) That no burial or cremation of the dead shall take place without a previous careful examination of the bodies?

(b) That every soldier shall carry on his person a mark by which he can be identified?

(c) That the list of the dead, sick, and wounded taken in charge by the enemy shall be delivered by the latter as soon as possible to the authorities of their country or army?

2. Lay down the principle that the sick and wounded remain subject to the general laws of war, and that when they fall into the hands of the enemy they will be considered as prisoners of war. Rescind the provisions relative to the return of the sick and wounded (art. 6, secs. 2, 3, and 4).

3. Would it not be well to enumerate more fully the sanitary personnel protected by the convention (art. 2)? Is it desirable to mention the personnel of voluntary relief societies and to determine the conditions on which such personnel will be neutralized?

4. Under article 2 of the convention the sanitary and religious personnel participates in the benefit of neutrality only while on duty and as long as there remain wounded men to raise and to succor. Should it not be declared inviolable under all circumstances?

5. Stipulate that the sanitary personnel shall continue to discharge its duties, even after occupation by the enemy, under the orders of the latter's military authorities. As soon as its services shall no longer be required by the sick and wounded, the military authority shall, on its request, send it back and, if it be possible without detriment to military operations, furnish it with an escort to the outposts of its army over the shortest route. On so retiring, the said personnel shall carry away articles and surgical instruments of its private property.

6. Stipulate that the belligerents shall guarantee to the sanitary personnel that may fall into their hands full enjoyment of their whole salaries. (See art. 7

of the Hague convention for the adaptation of the principles of the Geneva convention to maritime warfare.)

7. Provide that neutrality ceases for the sanitary personnel if it commits hostile acts otherwise than in self-defense, there being, however, no prohibition of the carrying of arms.

8. Rescind the provisions relative to inhabitants of the seat of war. (Art. 5.)

9. Article 1 of the convention stipulates that military ambulances and hospitals will be recognized as neutrals and protected and respected as such by the belligerents so long as any sick and wounded are therein.

Would it not be opportune to modify this provision in the sense that ambulances—that is to say, according to the interpretation given by the conference of 1868—the field hospitals, and other temporary establishments that follow the troops on the field of battle for the relief of the sick and wounded are to be considered as neutrals under all circumstances, and that therefore if they should fall into the hands of the enemy they should be returned to their army by him as soon as they are no longer required for the care of the sick and wounded?

The same article declares that neutrality ceases if the ambulances or hospitals are under a military guard. It might be preferable to say that the neutrality of sanitary establishments ceases if they are used by the enemy for warlike purposes, and to add that the fact of their being protected by a picket or by sentries does not deprive them of that prerogative. The picket or sentries, if captured, will be considered as prisoners of war.

10. Examine whether it would not be appropriate to insert in the new convention a clause providing that the buildings and equipments of standing government hospitals will remain subject to the laws of war, but shall not be used for other purposes as long as they may be needed for the sick and wounded soldiers therein.

11. Examine whether it would be appropriate to stipulate that the stock of recognized and authorized relief societies shall be considered under all circumstances as private property.

12. Examine the question as to whether it is fit to adhere to the red cross on a white ground as the sole distinctive badge (art. 7 of the convention) or whether it would be well to admit exceptions for non-Christian states, such as Turkey, for instance, which substituted the red crescent for the red cross.

13. Examine whether it will be advisable to stipulate that the contracting states shall be bound to take requisite legislative action for the punishment of all infringements of the convention.

14. Examine, lastly, whether it is desirable to insert in the new convention a clause binding the signatory states to see to it that the convention and the penalties incurred by the transgressors are made known to the troops and people.

The Secretary of State to the Swiss Minister.

No. 9.]

DEPARTMENT OF STATE,
Washington, April 28, 1906.

SIR: I have the honor to acknowledge the receipt of your note of the 22d ultimo by which you communicate to the department the invitation of the Swiss Federal Council to the Government of the United States to be represented at the conference that is to meet on June 11 next for the purpose of revising the convention of August 22, 1864, for the amelioration of the condition of soldiers wounded in armies in the field.

The courteous invitation of the Swiss Federal Council thus extended is accepted with great pleasure by the Government of the United States, which will be represented at the conference by the Hon. William Cary Sanger, formerly Assistant Secretary of War; Brig. Gen. George B. Davis, Judge-Advocate General of the Army; Brig. Gen. Robert M. O'Reilly, Surgeon-General of the Army; and Rear-Admiral Charles S. Sperry, U. S. Navy, president of the Naval War College.

Accept, etc.,

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ELIHU ROOT.

Instructions to the United States delegates to the Second Geneva Conference.

DEPARTMENT OF STATE,
Washington, May 16, 1906.

GENTLEMEN: The President has chosen and appointed you to represent him, in the capacity of plenipotentiaries, at an international conference, which has been called, upon the invitation of the Swiss Federal Council, to meet at Geneva on the 11th of June next, for the purpose of revising the international convention of August 22, 1864, for the amelioration of the condition of soldiers wounded in armies in the field.

The United States was not party to the negotiations conducted in the Geneva Conference in 1864, which framed the convention now about to be revised. It was, however, duly invited to accede thereto in accordance with the terms of its ninth article. The President's act declaratory of accession, having been advised and consented to by the Senate on March 16, 1882, was, upon communication to the Swiss Federal Council, accepted by the Swiss Confederation, and the convention was proclaimed by the President and notified to all the signatory and adhering powers on July 26, 1882.

Originally concluded between a limited number of European states—the signatories being Switzerland, Baden, Belgium, Denmark, France, Hesse, Italy, the Netherlands, Portugal, Prussia, Spain, and Wurttemberg—it has been extended by subsequent adhesions to embrace the remaining countries of Europe, with Salvador, Bolivia, Chile, Argentine Republic, Peru, Venezuela, Uruguay, Guatemala, as well as the United States, in the Western Hemisphere, and Persia, Japan, and Korea in the Orient.

Since 1866 the operation of the convention has stood the test of frequent wars, and it has proved to be a beneficial and effective measure toward the realization of the large humanitarian purposes that inspired it. Very early in its life efforts were made to enlarge its scope, as in the Geneva Conference of 1868, which formulated additional articles aiming to extend to armed forces on the sea the advantages of the convention of 1864. This latter project did not reach the stage of exchanged ratifications, but its provisions have been adopted in part by many states in actual warfare. In the war of 1898 between the United States and Spain, Articles VI and XV were adopted as a *modus vivendi* by the two belligerents.

This circumstance having drawn general attention to the subject, the problem of regulating and extending the provisions of the Geneva agreements to include the conditions developed in modern war by land and sea naturally came up before the Peace Conference of The Hague, held in 1899. The result was the signature of two conventions, one specifically “for the adaptation to maritime warfare of the principles of the Geneva Convention of August 22, 1864,” while the other, “With respect to the laws and customs of war on land,” necessarily touch upon many features of the Geneva Convention.

The circumstance that the subject-matter of the discussions of the Peace Conference of 1899 was in many respects closely allied to the provisions of the Geneva conventions led the Conference of The

Hague, in its final act, to adopt by unanimity a declaration as follows:

1. The conference, taking into consideration the preliminary steps taken by the Swiss Federal Government for the revision of the Geneva Convention, expresses the wish that steps may shortly be taken for the assembly of a special conference having for its object the revision of that convention.

The conference to which you are now sent is the outcome of that declaration.

In summoning this conference, the Swiss Federal Council has prepared a memorandum of "Questions to be examined by the international conference to be held with a view to a revision of the Geneva Convention of August 22, 1864." A copy of that memorandum is annexed for your information.

It is to be observed that the questions so propounded appear for the most part to relate to details and formalities which have been put to practical test in many wars since 1864. The amendments proposed aim to meet the needs of actual experience. When it is remembered that the conditions of modern war, especially upon the seas, change from year to year and tend to make obsolete the procedure followed when the Geneva Convention was framed, it is a remarkable tribute to the sagacity of its framers that it has so well stood the test of time.

It should not, however, be inferred that the convention needs only amendment in particular details. A lesson may be learned from the history of the Peace Conference of The Hague in 1899. The proposition before that body was the same as that before the Geneva Conference of 1868, namely, the extension of the principles of the convention of 1864 to include maritime war. That subject had been carefully dealt with in the Genevan project of 1868, with results that happily stood the severe test of adoption by mutual consent in actual warfare; yet in 1899 The Hague Conference found it necessary to draw up a new convention—not a mere amendment of the old design—and to incorporate a number of new features.

The work now contemplated is of far-reaching importance, and it is a matter of moment that it should possess the elements of durability, so far as the changing conditions of modern war permit its requirements to be forecast. Harmonious codification is needed to give effect to the larger principles of humanitarianism. These principles should be applied on similar, or at least so far as permissible analogous, lines on sea as on land, so that the high purpose of limiting the loss of life and alleviating suffering may be realized and the responsibility for its alleviation fixed as well upon the belligerent as upon the neutral within whose jurisdiction the wounded in war may come through stress of pursuit or otherwise.

The program of topics suggested by Russia for discussion at The Hague Conference of 1899 comprised:

5. Adaptation to naval war of the stipulations of the Geneva Convention of 1864, on the basis of the additional articles of 1868.

6. Neutralization, for the same reason, of boats or launches employed in the rescue of the shipwrecked during or after naval battles.

7. Revision of the declaration concerning the laws and customs of war elaborated in 1874 by the Conference of Brussels and not yet ratified.

In the instructions to the American delegates to The Hague Conference, Mr. Hay thus commented on these points:

The fifth, sixth, and seventh articles, aiming in the interest of humanity to succor those who by the chance of battle have been rendered helpless, thus los-

ing the character of effective combatants, or to alleviate their sufferings, or to insure the safety of those whose mission is purely one of peace and beneficence, may well awake the cordial interest of the delegates, and any practicable propositions based upon them should receive their earnest support.

The Hague Conference of 1899 went far toward realizing the purposes of its promoters. Its work was great, and perhaps greatest in this, that the principles of just humanity which the Geneva Convention sought to enforce within a limited field were applied at The Hague to the whole practice of land and naval war. The Hague Conference applied the principles of Geneva to war in general, and thus to some extent revised the Geneva Convention and the additional articles of 1868. It now is the turn of the Second Geneva Conference to revise and broaden the work of the First Hague Conference, and in doing so it is not to be forgotten that the approaching Second Peace Conference of The Hague, to follow close upon the Second Geneva Conference, will in turn be called upon to adopt and broaden, and perhaps revise, the work in which you share. The task before you at Geneva is in a measure preparatory for the larger task to come, and needs all possible care and prevision to make your results fit harmoniously with those yet to be achieved.

In view of the foregoing, and notwithstanding the action which was taken by The Hague Conference of 1899 in amending and incorporating into a new convention the rules framed by the Geneva Conference of 1868 to extend the principles of the Geneva Convention of 1864 to the sick and wounded in maritime warfare, it may not be inappropriate that this subject be considered at the approaching conference. Although the subject is not mentioned among the questions submitted to the powers by the Government of the Swiss Confederation, the changes which have been brought about in maritime warfare since 1899 have been so numerous and important as to warrant the reconsideration of the requirements of the Geneva Convention of 1868 and the rules of The Hague Conference of 1899 in reference to the neutralization of the sick and wounded in maritime war. If an occasion presents itself to bring the subject to the attention of the conference, it is believed that it would be wise to take advantage of it, to the end that the delegates who are subsequently to attend the conference at The Hague, as military and naval advisers, may receive such benefit as may ensue upon the discussion of that question at the approaching Geneva Conference.

As the matters to be discussed by the Second Geneva Conference have solely to do with the humane treatment of the sick and wounded in time of war, a cause which appeals powerfully to well-intentioned persons without regard to nationality, and as the success of the conference will largely depend upon the support which it receives from intelligent public opinion throughout the civilized world, it would seem that there would be great propriety in causing the fullest reports of its deliberations to be kept from day to day, in order that they may be communicated to the governments which are parties to the undertaking with a view to their being given publicity, should that course commend itself to the signatory powers. For the same reason it is believed that copies of the reports of the deliberations of important committees should be similarly preserved and communicated.

The scope of the Geneva Conference is in many respects technical and practical. The treatment of the matters to be discussed calls for

experience in the field and fleet, as well as for good judgment in the elaboration of humanitarian theories. Hence it is deemed best not to hamper your discretion by detailed instructions, but to leave you free to deal with the various phases of the subject as they arise in the course of the conference. Should any matters be presented requiring that particular instructions be sent to you, you will communicate freely with the Department of State by telegraph.

I have the honor to be, gentlemen,

Your obedient servant,

ELIHU ROOT.

Memorandum—Broad principles.

1. That all acts done by a neutral within his own exclusive jurisdiction, in his own territorial limits, or on his national ships on the high seas, for the preservation of his neutrality, are done of his own right, and not in discharge of an obligation or in performance of a favor toward either belligerent.

(The type of this class of acts is the disarming and internment of any belligerent force entering the neutral's jurisdiction. The principle should be extended to cover fugitive ships and seamen of either belligerent, whether fleeing from pursuit or injured in action.)

2. As a neutral may not act as the agent of either belligerent to do any act on his behalf (unless in pursuance of some agreement of the belligerents themselves) he can not parole fugitive soldiers or seamen to leave the neutral jurisdiction, neither can he surrender the fugitives of one belligerent to the other. He has the right to restrain their liberty, by confinement or parole within his own neutral jurisdiction, but he can impose no condition, valid outside of that neutral jurisdiction, to bind either belligerent except in pursuance of agreement between the belligerents themselves.

(This principle should be applied to all cases of sick, wounded, or refugee belligerents coming within the jurisdiction of a neutral.)

3. As a corollary to paragraph 2, the idea of asylum in any form is to be excluded. The neutral's action in respect of belligerent refugees within his jurisdiction is not by way of protecting them from the other belligerent, but it is the exercise of his right as a neutral. Any attempt of a belligerent to capture such refugees would be an invasion of the neutral's sovereign right. This also necessarily excludes the idea that such refugees have the character of prisoners of war, but by agreement of the belligerents arrangements for exchange may be made and notified to the neutral through the diplomatic channel.

Memorandum—General considerations.

1. The Geneva Convention for the amelioration of the condition of the wounded in time of war was concluded at Geneva, Switzerland, on August 22, 1864. The original convention contained an accession clause, in the operation of which the United States became a party to the convention on March 1, 1882.

2. Additional articles, extending the operation of the convention to maritime war, were concluded at Geneva on October 20, 1868. It was acceded to by the United States on March 1, 1882, and the accession of the United States was accepted by Switzerland, on behalf of the powers, on June 9, 1882. Promulgation was deferred by the United States until the exchange of ratifications by the contracting states. Such exchange does not seem to have been had, so that the convention of 1868 is only obligatory as to the states that were signatory parties to its adoption. It contains no accession clause.

3. A number of rules extending the principles of the Geneva Convention to maritime warfare were adopted by the Hague Conference of 1899. To this agreement the United States is a signatory party.

4. The Geneva Convention of 1864, having been the first to occupy the field of treaty legislation in the matter of neutralizing the sick and wounded and the places where they are treated, may properly retain jurisdiction over that subject and may modify, amend, or abrogate any of the clauses of the agreements of 1864 and 1868. As the convention of 1868 added a number of articles which

extended the operation of the original convention to maritime warfare, it would seem to be within the jurisdiction of the approaching conference at Geneva to amend, modify, or abrogate any of its rules on that subject or to add new articles.

5. As The Hague Conference undertook to extend the principles of the Geneva Convention to maritime warfare, it also has jurisdiction, and may add to, abrogate, or amend its own articles.

6. The original Geneva Convention was not a new discovery. It simply adopted the best existing practice in reference to the treatment of sick and wounded and undertook to extend, in the form of neutrality, a protection to the sick and wounded and to the medical staff who had them in charge, which was already generally recognized by civilized states in a practice which allowed surgeons who remained with captured wounded to return to their own lines when the wounded had been fully cared for—that is, when they had recovered or had been released or had been removed to general hospitals for treatment.

7. What may be called the professional practice in dealing with the sick and wounded has changed very radically since 1864. It is not too much to say that the treatment of the sick and wounded has undergone a complete revolution in the last forty years. The increased range and rapidity of fire of small arms and artillery must also be taken into consideration. They have operated to extend the zone of hostilities, so that the area covered by that zone, measured along the line of battle or perpendicularly to it, is very greatly increased. As a result, some of the fundamental requirements of the original convention are now impossible of execution.

8. The rules of the Geneva Conventions of 1864 and 1868 have no application to the zone of battle activity, including the firing lines of both armies and their supports and reserves. In this zone the Geneva Convention is not operative and its flag and insignia may not lawfully be displayed, or, if displayed, need not be respected by the opposing belligerent. What has been said applies, of course, to battle formations in the open. The rules in respect to siege operations against fortified places have undergone less change.

9. The original convention, due to the fact that its authors were working in the light of existing practice and were applying their rules to contentions of fact which no longer exist, is in some respects difficult, if not impossible, of execution. The attempt was not made to fix a status for the sick and wounded who fall into the hands of the enemy, although it seems to have been recognized that they were in fact prisoners of war, as were the members of the medical staff who accompanied them. The provision which the convention makes for exchanging the wounded through the outposts is now generally regarded as practically impossible of execution.

10. There is great uniformity in the practice of modern armies in respect to the administration of their medical and sanitary services and as to treatment of the wounded, which is elsewhere explained. It is sufficient to say at this place that they are collected from the battlefield and passed through first-aid dressing stations, ambulance stations, field hospitals, etc., to the base hospitals at the rear with as little delay as possible. All the administrative arrangements are organized with a view to such rapid passage of the wounded and disabled from front to rear. If it be attempted to reverse this and to deliver them at the enemy's outposts, it will involve an impairment of efficiency and will bring a very serious strain upon machinery for handling them, tending to its disorganization.

11. From what has been said of the length and depth of the battle line and the increased range of the small-arm and artillery fire, it will be apparent that the flag and the insignia of the convention confer a minimum of protection at the establishments for the relief of the wounded which are located in the vicinity of the lines of battle. For the same reason the protection afforded by the flag and insignia is at its maximum at the base hospitals and at the rest stations in their immediate vicinity.

12. Bearing in mind what has been said, it would seem to be the aim of the conference to secure, first, precision of definition in respect to the objects covered by the convention, especially in respect to the status of the sick and wounded and those in whose charge they are; second, the conference might well restrict itself to the care, treatment, and neutralization of the sick and wounded and those who have charge of them, and should not attempt to invoke other rules of war than those above stated in the operation of any modifications that may be discussed by the convention; that is to say, it should not be attempted

to vest an authority to exchange prisoners in one belligerent without the consent of the other. Similarly, the practice of giving an immunity from requisitions or contributions to inhabitants of the theater of war who entertain the sick and wounded had better be omitted. This is especially true when the modern methods of treatment are considered, which can not be efficiently applied in scattered dwelling houses.

It is the purpose of a treaty to regulate certain relations between the states which are parties to its operation. The relations which the original Geneva Convention was intended to regulate were those covering the treatment of the wounded in time of war. The most important wars in the ten years prior to 1864 were the Crimean war of 1854 to 1856 and the Italian war of 1859; and it was the practice in dealing with the wounded, which was exemplified and illustrated in those wars, that the conference had in mind in framing the convention of 1864.

The small arms then in use were old-fashioned smoothbores, with some rifles, and there was no rifled artillery, and no power at that time had taken into serious consideration the adoption of breech-loading artillery or small arms in its military service. The range of artillery and small arms was very limited, and the distances between the firing lines were correspondingly small. If a belligerent found himself encumbered with large numbers of the enemy's wounded, the most natural disposition to make of them was to send them through the lines of outposts to their own army.

With the artillery and small arms now in use, the distance between the firing lines has been very greatly increased. The zone fought over by the combatants, as each advances or retreats in conformity to the varying fortunes of the battle, is filled with hasty intrenchments for the use of infantry and artillery, and is so crossed with wire entanglements and other obstacles that communication across it is practically impossible. The impracticability of attempting to send the wounded across this zone to their own lines, in ambulances or other vehicles, is so absurd and impossible as to require no demonstration.

It should not be forgotten, too, that the medical and surgical treatment of the sick and wounded has also been revolutionized since the adoption of the original articles in 1864. In all modern armies every arrangement is made for moving the wounded to the rear as expeditiously as possible. The operations of the medical staff and the arrangement and location of dressing stations and field hospitals are now managed with a view to maintain the unobstructed flow of wounded to the rear, and they are never, under any conceivable circumstances, moved in the opposite direction.

Since the general adoption of the modern antiseptic practice of surgery in the treatment of wounds, the disposition has been to hold the wounded under constant professional observation in suitable field or general hospitals with a view to secure the enforcement of correct sanitation in their treatment. To that end the places where they are treated are constantly disinfected, and no competent surgeon would now allow his wounded to be received and treated in private dwellings, save in a case of extreme emergency. The old rule of the convention which afforded an immunity from requisitions to the inhabitants of the theater of war who received and cared for the sick and wounded has now lost most of its force; this is due in part to sanitary considerations, which have already been explained, and in part to a disposition on the part of the inhabitants of the theater of war to endeavor to receive and care for a few sick and wounded with a view to obtain immunity from requisitions or contributions in the operation of Article V of the original convention. Article V has already given occasion for considerable embarrassment to belligerents, for the reasons already stated, and for that reason has already been modified by the requirements of Article IV of the Convention of 1868, and it is now proposed by the Government of the Swiss Confederation to omit it from any rules that may be adopted at the approaching meeting of the conference.

It will thus appear that the original rules applied to a practice of warfare and of surgery and sanitary science which have undergone such radical changes that they bear no resemblance to the practice of forty years ago. It is therefore highly desirable that any modifications which may be imported into the existing agreement should conform fully to existing facts and to the present practice.

To obtain such conformity, accurate definitions should be adopted, and the rules adopted by the conference should be drawn in such clear but general terms as will be calculated to insure accuracy and certainty in their execution.

The representatives of the United States feel that, outside of the directions which have already been furnished them by the Secretary of State, two points might properly be made the subject of special instructions. The considerations which actuate the conference chiefly concern the humane treatment of the sick and wounded in time of war. This is a subject which appeals strongly to the public opinion of the civilized world, and the conclusions reached by the conference will be successful in exact proportion as they are supported by intelligent public opinion. To that end it would seem proper that reasonable publicity should be given to its deliberations, with a view to commend its humane conclusions to the respect and support of thinking men, without regard to nationality. In proportion also as there is full and free discussion of the subjects suggested to the conference by the Government of the Swiss Confederation will those who are to attend the later conference at The Hague be enabled to advise the representatives of the United States to that conference as to matters which are to come before it for discussion.

It is also suggested that the attention of the conference be invited to the existing rules in respect to the application of the principles of the convention to maritime warfare, with a view to such amendments as will embody the experience gained in the treatment of the wounded in the recent naval operations in the East. It is believed that this matter may, with great propriety, be brought to the attention of the conference by the representatives of the United States.

It is proper to say, in conclusion, that the views heretofore expressed are submitted with the approval of all the delegates.

Very respectfully,

GEO. B. DAVIS,
Judge-Advocate-General.

REPORT OF THE UNITED STATES DELEGATION.

The president of the United States delegation to the Geneva Conference to the Secretary of State.

DELEGATION OF THE UNITED STATES,
GENEVA CONFERENCE,
Geneva, July 10, 1906.

SIR: I have the honor to transmit herewith, through our embassy at Berlin, the report of the delegation of the United States to the conference to revise the Geneva Convention of 1864.

It seems proper to say that the well-known professional reputation and high official rank of the three delegates from the army and navy were appreciated by the members of the conference and added weight to the opinions which the delegation expressed.

The delegation is under especial obligation to General Davis for his aid in the preparation of their report.

Meetings of the committees appointed by the conference were held twice each week day, at 10 o'clock in the morning and 3 o'clock in the afternoon. The president of our delegation attended all the meetings of all the committees, although he was formally a member of but three of the committees.

It may not be inappropriate to add that when the question of arbitration presented by M. de Martens was under consideration, the delegation, in announcing its attitude, stated its desire "to place on record their most hearty sympathy with the general principle of international arbitration, which has always had the earnest support of the Government which they have the honor to represent;" and they further stated their "belief that the fullest and most complete opportunity for the discussion of the principle contained in the clause which M. de Martens proposed would be afforded at the second con-

ference at The Hague, which is to take place in the not distant future."

The delegation also referred "to the fact that in the meantime the existing Hague Convention provides a way for securing the arbitral results which are contemplated in M. de Marten's proposition."

I may be permitted to express the individual opinion that in voting to accept the modification of M. de Martens's proposition, as finally formulated by a special committee, the delegation acted not only in harmony with the well-known friendly attitude of the Government toward arbitration and The Hague Tribunal, both of which it has always sought to promote, but also in harmony with the ever-growing sentiment throughout the world that whenever circumstances make it right and proper international misunderstandings should be settled by arbitration.

Respectfully,

WM. CARY SANGER,
President of the Delegation.

Report of the delegation.

DELEGATION OF THE UNITED STATES,
GENEVA CONFERENCE,
Geneva, July 10, 1906.

To the HONORABLE SECRETARY OF STATE.

SIR: The delegates appointed by the President to represent the United States at the conference for the revision of the Geneva convention of August 22, 1864, beg leave to submit the following report. Their selection was accomplished in appropriate letters of designation, issued by the Department of State under date of April 26, 1906, and the delegation, as so designated, was composed of the following persons:

Hon. William Cary Sanger;

Rear-Admiral Charles S. Sperry, U. S. Navy, president of the Naval War College;

Brig. Gen. George B. Davis, Judge-Advocate-General, U. S. Army;

Brig. Gen. Robert Maitland O'Reilly, Surgeon-General, U. S. Army.

Lieut. Daniel W. Wurtsbaugh, U. S. Navy, a member of the staff of the Naval War College at Newport, R. I., was designated by the Secretary of State to accompany the delegation in the capacity of technical assistant and special disbursing officer.

The members of the delegation assembled at Geneva, Switzerland, on Sunday, June 10, 1906, and established themselves in quarters convenient to the apartments in the Hotel de Ville, which had been set apart by the cantonal authorities of Geneva as a place for the meetings of the conference.

The opening session of the conference was held in the assembly hall of the University of Geneva at 4 p. m. on June 11, 1906, when the general body of delegates was called to order by the Hon. Louis Forrer, President of the Swiss Confederation. The delegates were welcomed by President Forrer in behalf of the Swiss Confederation and by M. Henry Fazy, president of the Council of State, in behalf of the city and Canton of Geneva. An appropriate response to the addresses of welcome was made by His Excellency M. Révoil, the ambassador of the French Republic at Berne, upon whose motion the Hon. Edouard Odier, the first Swiss delegate to the conference and minister plenipotentiary of Switzerland at St. Petersburg, was unanimously chosen as president of the conference. President Odier, at the close of the felicitous address with which the proceedings of the conference were formally opened, named M. Gustave Moynier an honored citizen of Geneva, who had been deeply interested in the organization of the original Red Cross Society, as the honorary president of the conference.

The first plenary session of the conference was held in the grand council hall of the Hotel de Ville at 2 p. m. on June 12. At this meeting, after a short address by M. Moynier, the honorary president of the conference, the roll of delegates was called and the names and official designations of the representatives

of the several powers were announced. M. Vincent, the second delegate of Switzerland, was chosen vice-president, and the composition of the secretariat and administration of the conference was fixed upon and completed.

The following is the composition of the delegations representing the 35 powers which participated in the conference:

President of the conference: The Hon. Edouard Odier, minister of the Swiss Confederation to St. Petersburg.

Honorary president of the conference: M. Gustave Moynier, of Geneva, Switzerland.

Vice-president of the conference: M. Vincent, National Federal Council of Switzerland.

Argentine Republic: His Excellency Mr. Moreno, envoy extraordinary and minister plenipotentiary to Rome; Mr. Molina Salas, consul-general in Switzerland.

Austria-Hungary: His Excellency Mr. Heidler, Baron of Egeregg and Syrgenstein, privy councillor, envoy extraordinary and minister plenipotentiary to Berne, plenipotentiary; Mr. Joseph d'Uriel (chevalier), chief surgeon of the imperial and royal army of Austria-Hungary, chief of the medical corps, and chief of the fourteenth division of the imperial and royal ministry of war, associate delegate; Lieut. Col. Arthur Edler de Mecenseffy, general staff, associate delegate; Dr. Alfred Schücking, surgeon lieutenant-colonel, chief surgeon of the garrison of Salzburg, associate delegate.

Belgium: Colonel Count de T'Serclaes, general staff, chief of staff of the fourth military circumscription; Dr. A. Delterne, regimental surgeon of carbiniers.

Brazil: Dr. Carlos Lemgruber-Kropf, chargé d'affaires at Berne; Col. Roberto Trompowski, engineer corps, military attaché to the Brazilian legation at Berne.

Bulgaria: Dr. Marin Rousseff, chief medical director; Capt. Boris Sirmanoff, general staff.

Chile: His Excellency Mr. Edwards, envoy extraordinary and minister plenipotentiary; Mr. Charles Ackerman, consul from Chile to Geneva.

China: His Excellency Mr. Lou Tseng Tsiang, envoy extraordinary and minister plenipotentiary to The Hague; Mr. Ou Wen Tai, secretary of legation at The Hague; Mr. Yo Tsao Yeu, secretary of the special Chinese mission to Europe.

Congo: The delegates from Belgium are also the representatives of the Congo.

Corea: The delegates from Japan also represent Corea.

Denmark: Mr. Laub, surgeon-general, chief of the army medical corps.

France: His Excellency Mr. Révoil, ambassador to Berne; Mr. Louis Renault, minister plenipotentiary, juriconsult of the ministry of foreign affairs, professor at the "Faculté de droit," Paris; Colonel Olivier (staff certificate), reserve artillery, scientific expert; Doctor Pauzat, chief surgeon of the second class, scientific expert.

Germany: His Excellency Mr. A. de Bülow, chamberlain and privy councillor, envoy extraordinary and minister plenipotentiary to Berne; Brigadier-General Baron de Manteuffel; Doctor Villaret, medical inspector, surgeon-general (with rank of major-general); Doctor Zorn, privy councillor of justice, professor of law at the University of Bonn, and syndic of the Crown.

Great Britain and Ireland: Maj. Gen. Sir John Ardagh, K. C. M. G., K. C. I. E., C. B.; Prof. T. E. Holland, K. C., D. C. L.; Sir John Furley, C. B.; Lieut. Col. W. G. Macpherson, C. M. G., royal army medical corps; Lieut. Col. J. E. Edmonds, general staff secretary of legation.

Greece: Mr. Michel Kebedgy, professor of international law at the University of Berne.

Guatemala: Mr. Manuel Arroyo, chargé d'affaires at Paris; Mr. Henri Wiswald, consul-general at Geneva.

The Netherlands: Lieut. Gen. Jonkheer J. C. C. den Beer Poortugael (retired), member of the state council; Col. A. A. J. Quanjer, chief medical officer, first class.

Honduras: M. Oscar Hœpfl, consul at Berne.

Italy: Marquis Roger Maurigi di Castel Maurigi, ex-deputy, vice-president of the central committee of the Italian Red Cross Society; Surg. Maj. Gen. Giovanni Randone, inspector, medical corps; Mr. Vannutelli (chevalier), attaché of the legation of His Majesty the King of Italy, secretary of the delegation.

Japan: His Excellency Mr. Tsunetada Kato, envoy extraordinary and minister plenipotentiary to Brussels; Colonel of Infantry Motojiro Akashi; Dr. Eijiro Haga, chief surgeon of the first class (with rank of colonel); Commander Prince Saneteru Itchijo (rank of lieutenant-colonel); Mr. Masanosuke Akiyama, LL. D., counsellor at law for the war department.

Luxemburg: The Belgian delegates also represent the Grand Duchy of Luxemburg.

Mexico: Maj. Gen. José Maria Pérez.

Montenegro: The delegates from Switzerland also represent the principality of Montenegro.

Nicaragua: The delegate from Honduras also represents the State of Nicaragua.

Norway: Captain Daae, of the medical corps of the Norwegian army.

Peru: Mr. Gustavo de la Fuente, first secretary of the Peruvian legation at Paris.

Persia: His Excellency Mr. Samad Khan Momtaz-os-Saltaneh, envoy extraordinary and minister plenipotentiary to Paris.

Portugal: His Excellency Mr. Alberto d'Oliveira, envoy extraordinary and minister plenipotentiary to Berne; Colonel of Infantry José Nicolau Raposo-Botelho, ex-deputy, superintendent of the royal military college at Lisbon.

Roumania: Mr. Nicolas Ghica, minister plenipotentiary, general secretary of the ministry of foreign affairs; Dr. Sache Stephanesco, colonel of reserves.

Russia: His Excellency Mr. de Martens, privy councillor, life member of the council of the ministry of foreign affairs of Russia; Major-General Yermoloff, of the general staff of Russia; Mr. de Hubbenet, M. D., state councillor; Mr. de Wreden, state councillor and fellow of the Imperial Medical School; Lieut. Col. J. Owtchinnikoff, professor of international law at the Naval Academy of St. Petersburg; Mr. A. Goutchkoff, Red Cross delegate; Mr. Nicolas de Martens, secretary of the delegation.

San Salvador: Mr. Pedro J. Matheu, chargé d'affaires and consul-general in France; Mr. Santiago Pérez Triana, chargé d'affaires and consul-general in Spain.

Servia: Mr. Milan Markovitch, general secretary of the department of justice; Doctor Sondermayer, colonel, and chief of the medical division of the ministry of war.

Siam: Prince Charoon, chargé d'affaires at Paris; Mr. Corragioni d'Orelli, counsellor of the legation at Paris.

Spain: His Excellency Count Silverio de Baguer y Corsi, minister resident; Col. Don José Jofre Montojo, general staff, aid-de-camp of the war department; Don Joaquin Cortes Bayona, first-class assistant inspector of the army medical corps.

Sweden: Mr. Sörensen (O. P.), chief surgeon of the second division of the army.

Switzerland: Mr. Odier, minister to Russia; Doctor Vincent, national counsellor at Geneva; Colonel Mürset, chief surgeon of the federal army.

United States: Mr. William Cary Sanger, ex-Assistant Secretary of War; Brig. Gen. George B. Davis, Judge-Advocate-General of the Army; Brig. Gen. Robert M. O'Reilly, Surgeon-General of the Army; Rear-Admiral Charles S. Sperry, president of the Naval War College; Lieut. D. W. Wurtsbaugh, U. S. Navy, scientific expert.

Uruguay: Mr. Alexandre Herosa, chargé d'affaires at Paris.

SECRETARY'S OFFICE.

General Secretary: M. Ernest Rethlisberger (Berne).

Secretaries: Mr. Paul des Gouttes (Geneva); Mr. Philippe Dunant (Geneva); Mr. L. Vannutelli (Italy); Mr. Nicolas de Martens (Russia).

Assistant Secretary: Mr. Camille Odier (Geneva).

Attached to the secretary's office, with duties embracing all matters of a personal nature and those relating to the protocol: Mr. Gustave Goegg (Geneva).

It is interesting to observe that the membership of the conference comprised 15 ambassadors and ministers, including chargés d'affaires; 18 officers of the diplomatic or consular service; 38 officers of the army, of whom 20 were members of the medical or sanitary departments of the states which they represented; 2 officers of the navy; 8 professors and publicists; and 4 officers of volunteer Red Cross societies. Although but few of the delegates directly represented the volunteer associations which have been organized in nearly

all states of the civilized world, many of the representatives have been officially associated with these societies in various capacities, and most of the delegates were entirely familiar with the work which has been accomplished by them during the past forty years.

When the announcement of the names and designations of the delegates representing the signatory powers had been completed, a set of rules for the guidance of the conference and its committees was submitted by the president and unanimously accepted. The rules thus adopted conformed in substance to those usually followed by bodies composed of delegates representing sovereign states, and provided for the appointment of committees for the conduct of the business of the conference; they also provided for the preparation of a daily report of the proceedings of the conference and its committees, which was to be given to the public, through the secretariat, at the close of the conference.

As a basis for its deliberations the following questions were submitted to the powers, by the Government of the Swiss Confederation, some months in advance of the meeting of the conference:

1. The Geneva Convention lays down the principle that wounded or sick soldiers shall be received and attended to, whatever their nationality. (Art. 6, sec. 1.) Is it advisable to add that soldiers, when disabled, shall be protected against ill treatment and plunder?

Should it be further stipulated:

(a) That no burial or cremation of the dead shall take place without a previous careful examination of the bodies?

(b) That every soldier shall carry on his person a mark by which he can be identified?

(c) That the list of the dead, sick, and wounded taken in charge by the enemy shall be delivered by the latter as soon as possible to the authorities of their country or army?

2. Lay down the principle that the sick and wounded remain subject to the general laws of war, and that when they fall into the hands of the enemy they will be considered as prisoners of war. Rescind the provisions relative to the return of the sick and wounded. (Art. 6, secs. 2, 3, and 4.)

3. Would it not be well to enumerate more fully the sanitary personnel protected by the convention? (Art. 2.) Is it desirable to mention the personnel of voluntary relief societies and to determine the conditions on which such personnel will be neutralized?

4. Under article 2 of the convention, the sanitary and religious personnel participates in the benefit of neutrality only while on duty and as long as there remain wounded men to raise and to succor. Should it not be declared inviolable under all circumstances?

5. Stipulate that the sanitary personnel shall continue to discharge its duties, even after occupation by the enemy, under the orders of the latter's military authorities. As soon as its services shall no longer be required by the sick and wounded, the military authority shall, on its request, send it back and, if it be possible without detriment to military operations, furnish it with an escort to the outposts of its army over the shortest route. On so retiring, the said personnel shall carry away articles and surgical instruments of its private property.

6. Stipulate that the belligerents shall guarantee to the sanitary personnel that may fall into their hands full enjoyment of their whole salaries. (See art. 7 of The Hague Convention for the adaptation of the principles of the Geneva Convention to maritime warfare.)

7. Provide that neutrality ceases for the sanitary personnel if it commits hostile acts otherwise than in self-defense, there being, however, no prohibition of the carrying of arms.

8. Rescind the provisions relative to inhabitants of the seat of war. (Art. 5.)

9. Article 1 of the convention stipulates that military ambulances and hospitals will be recognized as neutral and protected and respected as such by the belligerents so long as any sick and wounded are therein.

Would it not be opportune to modify this provision in the sense that ambulances—that is to say, according to the interpretation given by the conference of 1868—the field hospitals, and other temporary establishments that follow the troops on the field of battle for the relief of the sick and wounded are to be considered as neutrals under all circumstances, and that therefore if they should fall into the hands of the enemy they should be returned to their army by him as soon as they are no longer required for the care of the sick and wounded?

The same article declares that neutrality ceases if the ambulances or hospitals are under a military guard. It might be preferable to say that the neutrality of sanitary establishments ceases if they are used by the enemy for warlike purposes, and to add that the fact of their being protected by a picket or by sentries does not deprive them of that prerogative. The picket or sentries, if captured, will be considered as prisoners of war.

10. Examine whether it would not be appropriate to insert in the new convention a clause providing that the buildings and equipments of standing government hospitals will remain subject to the laws of war, but shall not be used for other purposes as long as they may be needed for the sick and wounded soldiers therein.

11. Examine whether it would be appropriate to stipulate that the stock of recognized and authorized relief societies shall be considered under all circumstances as private property.

12. Examine the question as to whether it is fit to adhere to the Red Cross on a white ground as the sole distinctive badge (art. 7 of the convention), or whether it would be well to admit exceptions for non-Christian states, such as Turkey, for instance, which substituted the red crescent for the Red Cross.

13. Examine whether it will be advisable to stipulate that the contracting states shall be bound to take requisite legislative action for the punishment of all infringements of the convention.

14. Examine, lastly, whether it is desirable to insert in the new convention a clause binding the signatory states to see to it that the convention and the penalties incurred by the transgressors are made known to the troops and people.

With a view to facilitate the work of the conference and to expedite its proceedings, four committees were formed and the following assignment of subjects was made:

1. The sick, wounded, and dead.
2. Personnel of sanitary formation.
3. Sanitary material, medical stores, and supplies.
4. Emblem of the convention, with the measures necessary to prevent its abuse, together with questions which were not especially assigned to other committees.

At the first meeting of each committee a president, vice-president, and secretary were elected and a suitable administrative staff was agreed upon.

The following is the composition of the several committees:

First committee (treatment of the sick, wounded, and dead): President, General von Manteuffel; vice-president, Professor Holland; reporter, Colonel Olivier; secretary, Count de T'Serclaes; assistant secretaries, M. Dunant, M. Vannutelli.

Austria-Hungary: Lieutenant-Colonel de Mecenseffy, Surgeon-General d'Uriel, Lieutenant-Colonel Schücking.

Belgium: M. Logie, Colonel de T'Serclaes.

Brazil: M. Lemgruber-Kropf, Colonel Trompowski.

Bulgaria: Doctor Rousseff.

Chile: M. Edwards.

China: M. Lou Tseng-Tsiang.

Denmark: Surgeon-General Laub.

France: Professor Renault, Colonel Olivier.

Germany: General von Manteuffel, General Villaret.

Great Britain: Sir John Ardagh, Professor Holland, Lieutenant-Colonel Macpherson.

Greece: Professor Kebedgy.

Guatemala: M. Arroyo.

The Netherlands: Lieutenant-General den Beer Poortugael, Colonel Quanjer.

Italy: Marquis Maurigi, Surgeon-General Randone.

Japan: M. Kato, Colonel Akashi, Commander Prince Itchijo, Doctor Haga, Professor Akiyama.

Norway: Captain Daae.

Peru: M. de la Fuente.

Portugal: Colonel Raposo-Botelho.

Russia: M. de Martens, Doctor de Hubbenet, Doctor de Wreden, M. Goutchkoff.

Siam: Prince Charoon.

Sweden: Chief Surgeon Sörensen.

Switzerland: M. Odier.

United States: Admiral Sperry, General Davis.

Second committee (personnel of sanitary formations): President, Lieutenant-Colonel Schücking, Medical Department; vice-president, Marquis Maurigi; reporter, Surgeon Pauzat; secretary, M. Ghica; assistant secretaries, Chevalier Vannutelli, M. des Gouttes.

Argentine Republic: M. Moreno.

Austria-Hungary: Surgeon-General d'Uriel, Lieutenant-Colonel de Mecenseffy, Doctor Schücking.

Belgium: Colonel de T'Serclaes, Surgeon Delterne.

Brazil: M. Lemgruber-Kropf, Colonel Trompowski.

Bulgaria: Captain Sirmanoff.

Chile: M. Edwards.

China: M. Lou Tseng-Tsiang, M. Yo Tsao Yeu.

Denmark: Surgeon-General Laub.

France: Professor Renault, Doctor Pauzat.

Germany: General de Manteuffel, General Villaret.

Great Britain: Sir John Ardagh, Sir John Furley, Professor Holland, Lieutenant-Colonel Macpherson.

Greece: Professor Kebedgy.

Guatemala: M. Arroyo.

The Netherlands: Lieutenant-General den Beer Poortugael, Colonel Quanjer.

Italy: Marquis Maurigi, Surgeon-General Randone.

Japan: M. Kato, Colonel Akashi, Commander Prince Itchijo, Professor Akiyama, Doctor Haga.

Norway: Captain Daae.

Peru: M. de la Fuente.

Persia: M. Momtaz-os-Saltaneh.

Portugal: Colonel Raposo-Botelho.

Roumania: M. Ghica, Colonel Stephanesco.

Russia: M. de Martens, Doctor de Hubbenet, Doctor de Wreden, Lieutenant-Colonel Owtchinnikoff.

Servia: Colonel Sondermayer.

Siam: M. d'Orelli.

Sweden: Chief Surgeon Sörensen.

Switzerland: M. Vincent, Colonel Mürset.

United States: Admiral Sperry, General O'Reilly.

Uruguay: M. Herosa.

Third committee (sanitary material, medical stores, and supplies). President, Hon. William Cary Sanger; vice-president, Lieutenant-Colonel Macpherson; reporter, M. Kebedgy; secretary, M. Edwards; assistant secretaries, Nicolas de Martens and Philippe Dunant.

Austria-Hungary: Lieutenant-Colonel Schücking, Surgeon-General d'Uriel, M. de Mecenseffy.

Belgium: M. Logie.

Brazil: M. Lemgruber-Kropf, Colonel Trompowski.

Bulgaria: M. Rousseff.

Chile: M. Edwards.

China: M. Lou Tseng Tsiang.

France: Professor Renault, M. Olivier, M. Pauzat.

Germany: General Manteuffel, General Villaret.

Great Britain: Sir John Ardagh, Sir John Furley, Professor Holland, Lieutenant-Colonel Macpherson.

The Netherlands: General den Beer Poortugael, Colonel Quanjer.

Italy: Marquis Maurigi, M. Randone.

Japan: M. Kato, Colonel Akashi, Prince Itchijo, Professor Akiyama, Doctor Haga.

Mexico: General Pérez.

Norway: Captain Daae.

Peru: M. de la Fuente.

Roumania: Colonel Stephanesco.

Russia: M. de Martens, General Yermoloff, Doctor de Hubbenet, Doctor de Wreden, M. Owtchinnokoff.

Servia: Colonel Sondermayer.

Siam: M. d'Orelli.

Sweden: Doctor Sörensen.

Switzerland: M. Vincent, Colonel Mürset.

United States: General Davis, General O'Reilly.

Fourth committee (emblem of the convention, with the measures necessary to prevent its abuse, together with questions which were not especially assigned to other committees). President, M. de Martens; vice-president, M. Kato; reporter, Professor Renault; secretary, M. Markovitch; assistant secretaries, M. des Gouttes, M. Nicolas de Martens.

Argentine Republic: M. Moreno, M. Salas.

Belgium: Colonel de T'Serclaes.

Brazil: Colonel Trompowski, M. Lemgruber-Kropf.

Bulgaria: Captain Sirmanoff.

Chile: M. Edwards.

China: M. Lou Tseng Tsiang.

Denmark: Surgeon-General Laub.

France: M. Revoil, Professor Renault, Doctor Pauzat.

Germany: M. de Bülow, Professor Zorn.

Great Britain: Sir John Ardagh, Professor Holland, Sir John Furley, Lieutenant-Colonel Macpherson.

Greece: Professor Kebedgy.

Guatemala: M. Wiswald.

The Netherlands: General den Beer Poortugael.

Italy: Marquis Maurigi.

Japan: M. Kato, Colonel Akashi, Commander Prince Itchijo, Professor Akiyama, Doctor Haga.

Norway: Captain Daae.

Peru: M. de la Fuente.

Persia: M. Momtaz-os-Saltaneh.

Portugal: M. d'Oliveira.

Roumania: M. Ghica.

Russia: M. de Martens, General Yermoloff, Doctor de Hubbenet, Doctor de Wreden, Professor Ovtchinnikoff, M. Goutchkoff.

Servia: M. Markovitch.

Siam: Prince Charoon, M. d'Orelli.

Sweden: Doctor Sörensen.

Switzerland: M. Odier.

United States: Colonel Sanger, General Davis.

Uruguay: M. Herosa.

To facilitate the deliberations of the committees the paragraphs of the project submitted to the powers by the Swiss Federal Council were apportioned among them in accordance with the following arrangement:

To the first committee, paragraphs 1 and 2 of the questions submitted by the Federal Council.

To the second committee, paragraphs 3, 4, 5, 6, 7, and 8.

To the third committee, paragraphs 9, 10, and 11.

To the fourth committee, paragraphs 12, 13, and 14.

In the deliberations of the committees the widest freedom of discussion was not only permitted but encouraged. Members of one committee were permitted to attend the meetings of the other committees, to take part in their discussions, and to submit projects for consideration or adoption. In all votes, however, whether in committee or in full conference, each State was entitled to a single voice. In each committee votes were taken upon subjects submitted in the form of questions or statements of principle, leaving to the subcommittees appointed for that purpose the duty of recasting them in the form of articles, with a view to their consideration by the several committees prior to their submission to the conference in plenary session.

Triweekly sessions were held by each of the committees into which the general membership of the conference was divided, and the discussion of the questions referred to them was prosecuted with such diligence and industry during the morning and afternoon sessions of each day that their work was completed, ready for submission to the conference, on June 27. At two plenary sessions which were held on June 27 and 28 the drafts of the several paragraphs assigned to them for preparation were approved and referred to a committee for editorial revision and arrangement, with a view to their incorporation in the final draft of the convention. The treaty in the form proposed by its editing committee was formally adopted at a plenary session of the conference which was held in the hall of the Grand Council of State on July 5, 1906. The convention was signed on July 6, 1906, by the plenipotentiaries, whose full powers

had been examined and verified at a plenary session of the conference on the preceding day.

Although a copy of the convention as finally adopted is among the inclosures to this report, a brief summary of its more important provisions will now be presented.

The convention of 1864 may be said to have fairly represented the best existing practice among continental armies in respect to the management and control of the sick and wounded, and in the immunities which were habitually accorded to the personnel of the medical and sanitary services who were charged with their care and treatment. That convention embodied, in the form of an international agreement, the practice which had theretofore rested upon customs and usages and derived its obligatory force from the implied consent of the states which accepted and applied them in the conduct of their military operations. To accomplish this the framers of the old convention attempted to apply the principle of neutrality to the sick and wounded and to the personnel and matériel of the sanitary establishments which habitually accompanied the operations of armies in the field.

In the new convention much of the inexactness of expression which characterized the old undertaking has been eliminated. Descriptive words and phrases have been brought into close and exact relation with the conditions of modern war. The terms "neutral" and "neutrality," as applied to the immunity granted to those charged with the care and treatment of the sick and wounded by the convention of 1864, have been replaced by words and clauses which define their status with the greatest accuracy. The term "neutral" is used throughout the new convention in the sense attributed to it in statutes and treaties and in the works of text writers of standard authority, and is restricted, as will presently appear, to cases of internment and to volunteer aid societies, organized under the authority of neutral states, which tender their services to a belligerent in time of war.

The terms used to describe the status of the sick and wounded and the personnel and matériel of the sanitary establishments in which they are entertained and cared for have a clear and unmistakable meaning; they are calculated to conduce to efficiency and certainty of execution, and it is difficult to see how they can give occasion for variance in interpretation.

In the new instrument the term sanitary formation is applied to all establishments, whether fixed or movable, which are provided by public appropriation or private charity for the treatment of the sick and wounded in time of war. To each of the movable sanitary formations a surgical and administrative personnel is attached; tents, bedding, ambulances, and other means of transportation are provided, together with a sufficient equipment of surgical instruments and medical and hospital supplies. To the personnel and matériel constituting such a movable sanitary formation the quality of inviolability is attached by the terms of the convention, and, in the event of its falling into the hands of the enemy, the entire establishment, when its sick and wounded have been evacuated or transferred to fixed or base hospitals, is required to be returned to the lines of its own army with the least practicable delay.

The commanding general of the belligerent forces into whose hands such an establishment falls is charged with the performance of this duty, but it is permitted to exercise a reasonable discretion in respect to the time when and the method and route by which the restoration shall be accomplished. While it continues in the hands of the enemy its administrative personnel become entitled to receive the pay and allowances which are assigned to their respective grades in the service of the belligerent in whose hands they are; and, upon their return to their own lines, they are permitted to take with them their private property, including horses, personal baggage, and such arms as are habitually carried by them in active service. A similar immunity is granted the official personnel of a movable sanitary formation which has been placed at the service of a belligerent by a volunteer aid society.

When a belligerent finds it necessary to furnish a guard for the police protection of a hospital or other sanitary establishment, the individuals composing it, in the event of its capture, are returned to the lines of their own army, with the personnel and matériel of the sanitary formation, without becoming prisoners of war.

What has been said in respect to the personnel of the movable sanitary formation applies with equal force to the official personnel allowed to the buildings, hospitals, and other fixed establishments which pass into the occupation of the

enemy as a consequence of his military operations. If the matériel in possession of such establishments is the property of the belligerent state, such property, including the buildings in which it is installed, becomes subject to the laws of war, but with the express condition that it must not be diverted from the use to which it has been assigned or appropriated so long as it is necessary for the treatment and accommodation of the sick and wounded. If matériel furnished by volunteer associations, which enjoy the benefits and privileges of the convention, is found in such fixed hospitals upon their occupation by the enemy, the convention provides that it shall be regarded as private property and, as such, shall be subject to the right of requisition, as recognized by the laws and usages of war.

It will be observed that the immunity which is accorded to the matériel furnished by private societies is substantially the same as that given by the customary and conventional law of nations to private property in territory which passes by temporary conquest into the military occupation of the enemy. If it is taken, by way of requisition, its appropriation by the enemy is subject to the rules and conditions which are embodied in The Hague Convention in respect to the treatment of private property in occupied territory. It would have been desirable to secure the insertion of a clause giving a broader immunity from capture to this class of property, or restricting its application, when taken by way of requisition, to the use of the sick and wounded; but there were decided differences of view in this regard among the delegates, and the clause as adopted represents a compromise of widely divergent opinions.

The new convention contains a stipulation that the protection accorded to the personnel of all sanitary formations is forfeited if acts detrimental to the enemy are committed, save in individual self-defense or in the protection of the sick and wounded in its charge. It was for this reason that the clause recognizing their right to carry arms was inserted in the convention. The mere fact that arms, cartridges, or other articles constituting the war equipment of troops in active service are found in the possession of individuals, or in the storerooms of fixed or movable hospitals, does not confer a hostile character upon such establishments nor deprive the individuals in whose possession they are found of the benefits conferred by the convention.

The privileges conferred upon volunteer aid societies by the terms of the convention are not only extremely liberal but are in harmony with the most advanced humanitarian views in respect to the treatment of the sick and wounded in time of war. To enable such an association to take part in relief work in the theater of active military operations it is necessary that it should receive the formal recognition of its own government, the fact of such official recognition being communicated by that government to other states, either in time of peace or prior to its being employed in the theater of active operations. While employed in the field the personnel of such societies becomes subject to the control and supervision of the belligerent in whose service its aid is rendered.

If a volunteer aid society, established and authorized by a neutral state, desires to render aid to either belligerent, it must first obtain the consent of its own government and the authorization of the belligerent whom it desires to serve. The belligerent accepting the services of a neutral aid society is required to notify the enemy that such authorization has been accorded.

The details of organization of these societies, together with the preparation of regulations governing their activity in the field and fixing their relations with the sanitary department of the army, were wisely left to the discretion of the individual powers. It is proper to observe, however, that the furnishing of relief by such associations to communities suffering in time of peace from pestilence or famine, or from the visitation of floods, fires, or earthquakes, will always constitute a proper subject for their humanitarian endeavor; and the use or display of the insignia of the convention upon such occasions does not come within the prohibitory requirements which are embodied in articles 27 and 28 of the new convention.

It was the sense of the committee that the field of activity of these societies should be restricted to the second line of sanitary formations and to the fixed hospitals established at the bases of supply, in which the sick and wounded are habitually collected for permanent treatment; but as the control and supervision of their philanthropic activity is vested by the terms of the convention in the state which authorizes them, it was not deemed best to insert such a stipulation in the text of an international agreement.

The convention of 1864 was silent as to the status occupied by the sick and wounded who, by the vicissitudes of war, pass into the control and possession of the enemy. This defect, which is a very important one, is remedied in the new agreement by a clause providing that at the instant of capture the sick and wounded pass into a status of captivity, and thereby become entitled to the benefits accorded to prisoners of war by the generally accepted rules of international law. They also become entitled to the privileges and immunities which are expressly conferred upon prisoners by the terms of The Hague Convention of 1899.

The requirements of the new undertaking, in respect to the consideration to which the sick and wounded are entitled, are clear and specific, and include within their scope not only the combatant members of the military establishment, but such noncombatants as habitually accompany the army in an official capacity. All these are required to be collected and cared for, without regard to nationality, and this duty is made equally incumbent upon both belligerents by clauses which charge the occupant of the battlefield with the duty of caring for the wounded who have fallen in battle, and require a retiring belligerent to make reasonable provision for the care and treatment of the wounded who are left behind. These clauses are very broadly stated, and are intended to apply not only to the case where a successful belligerent occupies the battlefield, but also to a case in which both of the opposing armies occupy new positions at some distance from the field in which the losses were incurred.

After each combat the occupant of the field is required to take the necessary measures for the protection of the wounded and the examination and identification of the dead. To that end all individual medals, or tokens, together with all letters, valuables, and personal belongings found upon the field or upon the bodies of those who have fallen in battle, are to be collected and transmitted to the lines of the enemy. The names of the sick and wounded who have fallen into the hands of the opposing belligerent, or who have been admitted into his hospitals for treatment, and who have recovered or have died, are also to be forwarded to the enemy's outposts with a view to their transmission to relatives and friends.

Authority is vested in the commanding generals of the opposing armies to enter into cartels for the immediate return of the wounded to their own lines at the close of the battle, and to repatriate the sick and wounded when they have so far recovered as to be able to undertake the homeward journey. They may also send them to a neutral state for treatment and internment, with the consent of the neutral government, but upon the condition that the internment shall continue until the close of the war.

The important question of convoys of the sick and wounded is made the subject of detailed regulation in the new convention. If a moving convoy is intercepted by a belligerent, he is authorized, if such a course is dictated by military necessity, to take possession of the means of transportation in which the sick and wounded are being conveyed to their destination. In so doing, however, he charges himself with the care of the patients who are undergoing transportation, and must return the official sanitary and administrative personnel and matériel to their own lines with the least practicable delay. Ambulances and other vehicles, together with hospital trains and steamers, which have been specially fitted for the transportation of the sick and wounded, are to be returned to the army to which they belong, but while in the possession of the enemy are to be used exclusively for the accommodation of the sick and wounded. Means of transportation belonging to a belligerent, but not specially fitted for hospital uses, are subject to capture; and vehicles obtained by requisition, including ordinary railway trains and river boats, or commercial vessels temporarily utilized for the conveyance of the sick and wounded, together with the drivers, crews, or other employees necessary to their management or use, are made subject to the operation of the laws of war.

The appeal to the charity of the inhabitants of occupied territory in behalf of the sick and wounded, which was embodied in the convention of 1864, but which was found to be so impracticable in its application as to require substantial amendment in the agreement of 1868, has been replaced by a provision more completely in harmony with existing conditions, which authorizes commanding generals to appeal to the charitably disposed inhabitants of the theater of war to collect and care for the sick and wounded, and authorizes them to promise special protection and an immunity from the removable hardships of war to those whose favorable acceptance of the appeal is evidenced by efforts to ame-

Horate the lot and relieve the suffering of those who have been disabled by wounds or disease.

It was also recognized that the methods which now prevail in the treatment of the sick and wounded no longer permit their isolation in scattered dwellings and outbuildings, which are difficult of access and in which sanitary conditions can not be controlled. For that reason the collection of patients in tents and suitable hospital buildings, under the most advanced conditions in respect to sanitation and antiseptic treatment, was strongly favored by the conference.

The employment of the insignia of the convention was made the subject of careful and extended treatment—this with a view to prevent its abuse and restrict its use to the personnel and matériel to which its protection is intended to be accorded. The heraldic sign of the red cross upon a white ground was recognized and continued as the emblem and distinctive sign of the sanitary service of armies in the field. The use of the term "heraldic" in describing the insignia of the convention excludes the view that any religious association attaches to the distinctive emblem of the convention's philanthropic and humanitarian activity. Turkey was not represented in the conference, and it is worthy of note that the representatives of Japan, China, Persia, and Siam expressed a willingness on the part of their Governments to accept the red cross as the official insignia of the convention.

The convention contains a provision that the emblem of the red cross shall be exclusively used, both in time of peace and war, to designate the personnel and matériel of the sanitary formations which it is the purpose of the convention to protect. It also provides that, in the event of capture, the flag of the convention shall alone be displayed, so long as the sanitary formation which it protects remains under the control of the enemy. With a view to prevent the usurpation or abuse of its name or insignia, especially in the form of trade-marks or commercial labels, the signatory powers whose legislation in this regard is insufficient agree to take, or to propose to their respective legislative bodies, such measures as are necessary to secure to the name and emblem of the convention a complete immunity from abuse. As considerable time will be required for the preparation and adoption of legislation of the kind above described, the convention contains a clause requiring the signatory powers at the end of five years from its date of signature to communicate the results of their efforts in this regard to the General Council of the Swiss Confederation.

The convention also contains an undertaking that the signatory governments shall take the necessary measures to instruct the personnel of their military establishments in the detailed application of its rules to the care and treatment of the sick and wounded who are made the subject of its several stipulations. They also agree to bring a knowledge of the scope and operation of the convention to the attention of their respective citizens or subjects.

In the formal instructions which were communicated to the delegates in the department's letter of May 16, 1906, two matters were made the subject of special consideration. The first of these made it the duty of the representatives of the United States to endeavor to secure a full report of the deliberations of the conference, to the end that the public opinion of the civilized world, to which the humanitarian purpose of the convention especially appeals, might be fully advised of its proceedings. At the second plenary session of the conference, held on June 13, 1906, in the Grand Council Hall of the Hotel de Ville, a rule was unanimously adopted directing that full reports of the deliberations of the conference and its committees should be prepared, with a view to their publication through the secretariat at the termination of the work of the conference. As furnished from day to day, these reports have been duly transmitted to the department.

The suggestion that the rules governing the care and treatment of the sick and wounded in maritime warfare should be brought before the convention for discussion with a view to their adaptation to the conditions of modern naval warfare was informally discussed with the representatives of several of the great maritime powers. It was found that but two Governments, the United States and Japan, were represented by naval delegates, and that none of the delegations felt justified, in view of their instructions, in entering upon the discussion of the application of the rules of the Geneva Convention to maritime warfare without further advices from their respective governments and without the presence and assistance of naval representatives in any discussion which might arise. As the work of the conference, as outlined in the questions submitted to the powers by the Government of the Swiss Confederation, would be

considerably delayed if the consideration of this subject was insisted upon, it was determined to exercise the discretion conferred upon the delegation by its letter of instructions and to refrain from bringing it to the formal attention of the conference.

A proposition was submitted by M. de Martens, the Russian plenipotentiary, providing that questions of interpretation arising in the operation of the convention should be referred to The Hague Tribunal for decision. As such cases fall within the jurisdiction conferred upon that tribunal in the convention of 1899, it was not believed necessary, in view of the formal acceptance of that undertaking by the Government of the United States, to renew the obligation with which that Government was already charged. The proposition submitted was subsequently replaced by a voeu submitted by Baron von Bülow, the German plenipotentiary, expressing a desire on the part of the conference that questions arising in the operation of the convention in time of peace should be referred to The Hague Tribunal for adjustment. This expression of opinion, which is embodied in the acte finale of the conference, not being in contravention of the existing treaty obligations of the United States, was concurred in by the delegation.

A copy of the official text of the convention, accompanied by an English translation of the same, is inclosed herewith.

Respectfully submitted.

WM. CARY SANGER,
President of the Delegation.

C. S. SPERRY,
Rear-Admiral, U. S. Navy.

GEO. B. DAVIS,
Judge-Advocate-General, U. S. Army.

R. M. O'REILLY,
Surgeon-General, U. S. Army.

Translation of the convention for the amelioration of the condition of the wounded in armies in the field.

His Majesty the Emperor of Germany, King of Prussia; His Excellency the President of the Argentine Republic; His Majesty the Emperor of Austria, King of Bohemia, etc., and Apostolic King of Hungary; His Majesty the King of the Belgians; His Royal Highness the Prince of Bulgaria; His Excellency the President of the Republic of Chile; His Majesty the Emperor of China; His Majesty the King of the Belgians, Sovereign of the Congo Free State; His Majesty the Emperor of Korea; His Majesty the King of Denmark; His Majesty the King of Spain; the President of the United States of America; the President of the United States of Brazil; the President of the United Mexican States; the President of the French Republic; His Majesty the King of the United Kingdom of Great Britain and Ireland, Emperor of India; His Majesty the King of the Hellenes; the President of the Republic of Guatemala; the President of the Republic of Honduras; His Majesty the King of Italy; His Majesty the Emperor of Japan; His Royal Highness the Grand Duke of Luxemburg, Duke of Nassau; His Highness the Prince of Montenegro; His Majesty the King of Norway; Her Majesty the Queen of the Netherlands; the President of the Republic of Peru; His Imperial Majesty the Shah of Persia; His Majesty the King of Portugal and of the Algarves, etc.; His Majesty the King of Roumania; His Majesty the Emperor of All the Russias; His Majesty the King of Servia; His Majesty the King of Siam; His Majesty the King of Sweden; the Swiss Federal Council; the President of the Oriental Republic of Uruguay, being equally animated by the desire to lessen the inherent evils of warfare as far as is within their power, and wishing for this purpose to improve and supplement the provisions agreed upon at Geneva on August 22, 1864, for the amelioration of the condition of the wounded in armies in the field, have decided to conclude a new convention to that effect, and have appointed as their plenipotentiaries, to wit:

His Majesty the Emperor of Germany, King of Prussia: His Excellency the Chamberlain and Actual Privy Councillor A. de Bülow, envoy extraordinary and minister plenipotentiary at Berne; General of Brigade Baron de Manteuffel; Medical Inspector and Surgeon-General Doctor Villaret (with rank of general

of brigade); Doctor Zorn, privy councilor of justice, ordinary professor of law at the University of Bonn, solicitor of the Crown;

His Excellency the President of the Argentine Republic: His Excellency Mr. Enrique B. Moreno, envoy extraordinary and minister plenipotentiary at Berne; Mr. Molina Salas, consul-general in Switzerland;

His Majesty the Emperor of Austria, King of Bohemia, etc., and Apostolic King of Hungary: His Excellency Baron Heidler de Egeregg et Syrgenstein, actual privy councilor, envoy extraordinary and minister plenipotentiary at Berne;

His Majesty the King of the Belgians: Colonel of Staff Count de T'Serclaes, chief of staff of the fourth military district;

His Royal Highness the Prince of Bulgaria: Dr. Marin Rousseff, chief medical officer; Captain of Staff Boris Sirmanoff;

His Excellency the President of the Republic of Chile: Mr. Augustin Edwards, envoy extraordinary and minister plenipotentiary;

His Majesty the Emperor of China: His Excellency Mr. Lou Tseng Tsiang, envoy extraordinary and minister plenipotentiary to The Hague;

His Majesty the King of the Belgians, Sovereign of the Congo Free State: Colonel of Staff Count de T'Serclaes, chief of staff of the fourth military district of Belgium;

His Majesty the Emperor of Corea: His Excellency Mr. Tsunetada Kato, envoy extraordinary and minister plenipotentiary of Japan to Brussels;

His Majesty the King of Denmark: Mr. Laub, surgeon-general, chief of the medical corps of the army;

His Majesty the King of Spain: His Excellency Mr. Silverio de Bager y Corsi, Count of Bager, minister resident;

The President of the United States of America: Mr. William Cary Sanger, former Assistant Secretary of War of the United States of America; Vice-Admiral Charles S. Sperry, president of the Naval War College; Brig. Gen. George B. Davis, Judge-Advocate-General of the Army; Brig. Gen. Robert M. O'Reilly, Surgeon-General of the Army;

The President of the United States of Brazil: Dr. Carlos Lemgruber-Kropf, chargé d'affaires at Berne; Colonel of Engineers Roberto Trompowski; Leitao d'Almeida, military attaché to the Brazilian legation at Berne;

The President of the United Mexican States: General of Brigade José Maria Perez;

The President of the French Republic: His Excellency Mr. Révoil, ambassador to Berne; Mr. Louis Renault, member of the Institute of France, minister plenipotentiary, juriconsult of the ministry of foreign affairs, professor in the Faculty of Law at Paris; Colonel Olivier, of reserve artillery; Chief Surgeon Pauzat, of the second class;

His Majesty the King of the United Kingdom of Great Britain and Ireland, Emperor of India: Maj. Gen. Sir John Charles Ardagh, K. C. M. G., K. C. L. E., C. B.; Prof. Thomas Erskine Holland, K. C., D. L. C.; Sir John Furley, C. B.; Lieut. Col. William Grant Macpherson, C. M. G., R. A. M. C.;

His Majesty the King of the Hellenes: Mr. Michel Kebedgy, professor of international law at the University of Berne;

The President of the Republic of Guatemala: Mr. Manuel Arroyo, chargé d'affaires at Paris; Mr. Henri Wiswald, consul-general to Berne, residing at Geneva;

The President of the Republic of Honduras: Mr. Oscar Hœpfl, consul-general to Berne;

His Majesty the King of Italy: Marquis Roger Maurigi di Castel Maurigi, colonel in his army, grand officer of his Royal Order of the SS. Maurice and Lazare; Maj. Gen. Giovanni Ranodne, military medical inspector, commander of his Royal Order of the Crown of Italy;

His Majesty the Emperor of Japan: His Excellency Mr. Tsumetada Kato, envoy extraordinary and minister plenipotentiary to Brussels;

His Royal Highness the Grand Duke of Luxemburg, Duke of Nassau: Staff Col. Count de T'Serclaes, chief of staff of the fourth military district of Belgium;

His Highness the Prince of Montenegro: Mr. E. Odier, envoy extraordinary and minister plenipotentiary of the Swiss Confederation in Russia; Colonel Mürset, chief surgeon of the Swiss federal army;

His Majesty the King of Norway: Captain Daae, of the medical corps of the Norwegian army;

Her Majesty the Queen of the Netherlands: Lieut. Gen. (retired) Jonkheer J. C. C. den Beer Poortugael, member of the council of state; Col. A. A. J. Quanjer, chief medical officer, first class;

The President of the Republic of Peru: Mr. Gustavo de la Fuente, first secretary of the legation of Peru at Paris;

His Imperial Majesty the Shah of Persia: His Excellency Mr. Samad Khan Montaz-os-Saltaner, envoy extraordinary and minister plenipotentiary at Paris;

His Majesty the King of Portugal and of the Algarves, etc.: His Excellency Mr. Alberto d'Oliveira, envoy extraordinary and minister plenipotentiary at Berne; Mr. José Nicolau Raposo-Botelho, colonel of infantry, former deputy, superintendent of the Royal Military College at Lisbon;

His Majesty the King of Roumania: Dr. Sache Stephanesco, colonel of reserve;

His Majesty the Emperor of all the Russias: His Excellency Privy Councilor de Martens, permanent member of the council of the ministry of foreign affairs of Russia;

His Majesty the King of Servia: Mr. Milan St. Markovitch, secretary-general of the ministry of justice; Colonel Doctor Sondermayer, chief of the medical division of the war ministry;

His Majesty the King of Siam: Prince Charoon, chargé d'affaires at Paris; Mr. Corragioni d'Orelli, counselor of legation at Paris;

His Majesty the King of Sweden: M. Sörensen, chief surgeon of the second division of the army;

The Swiss Federal Council: Mr. E. Odier, envoy extraordinary and minister plenipotentiary in Russia; Colonel Mürset, chief surgeon of the federal army;

The President of the Oriental Republic of Uruguay: Mr. Alexandre Herosa, chargé d'affaires at Paris;

Who, after having communicated to each other their full powers, found in good and due form, have agreed on the following:

CHAPTER I.—THE SICK AND WOUNDED.

ARTICLE 1. Officers, soldiers, and other persons officially attached to armies, who are sick or wounded, shall be respected and cared for, without distinction of nationality, by the belligerent in whose power they are.

A belligerent, however, when compelled to leave his wounded in the hands of his adversary, shall leave with them, so far as military conditions permit, a portion of the personnel and matériel of his sanitary service to assist in caring for them.

ART. 2. Subject to the care that must be taken of them under the preceding article, the sick and wounded of an army who fall into the power of the other belligerent become prisoners of war, and the general rules of international law in respect to prisoners become applicable to them.

The belligerents remain free, however, to mutually agree upon such clauses, by way of exception or favor, in relation to the wounded or sick as they may deem proper. They shall especially have authority to agree:

1. To mutually return the sick and wounded left on the field of battle after an engagement.

2. To send back to their own country the sick and wounded who have recovered, or who are in a condition to be transported and whom they do not desire to retain as prisoners.

3. To send the sick and wounded of the enemy to a neutral state, with the consent of the latter and on condition that it shall charge itself with their internment until the close of hostilities.

ART. 3. After every engagement the belligerent who remains in possession of the field of battle shall take measures to search for the wounded and to protect the wounded and dead from robbery and ill treatment.

He will see that a careful examination is made of the bodies of the dead prior to their interment or incineration.

ART. 4. As soon as possible each belligerent shall forward to the authorities of their country or army the marks or military papers of identification found upon the bodies of the dead, together with a list of names of the sick and wounded taken in charge by him.

Belligerents will keep each other mutually advised of internments and transfers, together with admissions to hospitals and deaths which occur among the sick and wounded in their hands. They will collect all objects of personal use,

valuables, letters, etc., which are found upon the field of battle, or have been left by the sick or wounded who have died in sanitary formations or other establishments, for transmission to persons in interest through the authorities of their own country.

ART. 5. Military authority may make an appeal to the charitable zeal of the inhabitants, to receive and, under its supervision, to care for the sick and wounded of the armies, granting to persons responding to such appeals special protection and certain immunities.

CHAPTER II.—SANITARY FORMATIONS AND ESTABLISHMENTS.

ART. 6. Mobile sanitary formations (i. e., those which are intended to accompany armies in the field) and the fixed establishments belonging to the sanitary service shall be protected and respected by belligerents.

ART. 7. The protection due to sanitary formations and establishments ceases if they are used to commit acts injurious to the enemy.

ART. 8. A sanitary formation or establishment shall not be deprived of the protection accorded by article 6 by the fact:

1. That the personnel of a formation or establishment is armed and uses its arms in self-defense or in defense of its sick and wounded.
2. That in the absence of armed hospital attendants, the formation is guarded by an armed detachment or by sentinels acting under competent orders.
3. That arms or cartridges taken from the wounded and not yet turned over to the proper authorities are found in the formation or establishment.

CHAPTER III.—PERSONNEL.

ART. 9. The personnel charged exclusively with the removal, transportation, and treatment of the sick and wounded, as well as with the administration of sanitary formations and establishments, and the chaplains attached to armies shall be respected and protected under all circumstances. If they fall into the hands of the enemy they shall not be considered as prisoners of war.

These provisions apply to the guards of sanitary formations and establishments in the case provided for in section 2 of article 8.

ART. 10. The personnel of volunteer aid societies, duly recognized and authorized by their own governments, who are employed in the sanitary formations and establishments of armies, are assimilated to the personnel contemplated in the preceding article, upon condition that the said personnel shall be subject to military laws and regulations.

Each state shall make known to the other, either in time of peace or at the opening or during the progress of hostilities, and in any case before actual employment, the names of the societies which it has authorized to render assistance, under its responsibility, in the official sanitary service of its armies.

ART. 11. A recognized society of a neutral state can only lend the services of its sanitary personnel and formations to a belligerent with the prior consent of its own government and the authority of such belligerent. The belligerent who has accepted such assistance is required to notify the enemy before making any use thereof.

ART. 12. Persons described in articles 9, 10, and 11 will continue in the exercise of their functions, under the direction of the enemy, after they have fallen into his power.

When their assistance is no longer indispensable they will be sent back to their army or country, within such period and by such route as may accord with military necessity. They will carry with them such effects, instruments, arms, and horses as are their private property.

ART. 13. While they remain in his power, the enemy will secure to the personnel mentioned in article 9 the same pay and allowances to which persons of the same grade in his own army are entitled.

CHAPTER IV.—MATÉRIEL.

ART. 14. If mobile sanitary formations fall into the power of the enemy, they shall retain their matériel, including the teams, whatever may be the means of transportation, and the conducting personnel. Competent military authority, however, shall have the right to employ it in caring for the sick and wounded. The restitution of the matériel shall take place in accordance with the condi-

tions prescribed for the sanitary personnel, and, as far as possible, at the same time.

ART. 15. Buildings and matériel pertaining to fixed establishments shall remain subject to the laws of war, but can not be diverted from their use so long as they are necessary for the sick and wounded. Commanders of troops engaged in operations, however, may use them, in case of important military necessity, if, before such use, the sick and wounded who are in them have been provided for.

ART. 16. The matériel of aid societies admitted to the benefits of this convention, in conformity to the conditions therein established, is regarded as private property and, as such, will be respected under all circumstances, save that it is subject to the recognized right of requisition by belligerents in conformity to the laws and usages of war.

CHAPTER V.—CONVOYS OF EVACUATION.

ART. 17. Convoys of evacuation shall be treated as mobile sanitary formations subject to the following special provisions:

1. A belligerent intercepting a convoy may, if required by military necessity, break up such convoy, charging himself with the care of the sick and wounded whom it contains.

2. In this case the obligation to return the sanitary personnel, as provided for in article 12, shall be extended to include the entire military personnel employed, under competent orders, in the transportation and protection of the convoy.

The obligation to return the sanitary matériel, as provided for in article 14, shall apply to railway trains and vessels intended for interior navigation which have been especially equipped for evacuation purposes, as well as to the ordinary vehicles, trains, and vessels which belong to the sanitary service.

Military vehicles, with their teams, other than those belonging to the sanitary service, may be captured.

The civil personnel and the various means of transportation obtained by requisition, including railway matériel and vessels utilized for convoys, are subject to the general rules of international law.

CHAPTER VI.—DISTINCTIVE EMBLEM.

ART. 18. Out of respect to Switzerland the heraldic emblem of the red cross on a white ground, formed by the reversal of the federal colors, is continued as the emblem and distinctive sign of the sanitary service of armies.

ART. 19. This emblem appears on flags and brassards, as well as upon all matériel appertaining to the sanitary service, with the permission of the competent military authority.

ART. 20. The personnel protected in virtue of the first paragraph of article 9, and articles 10 and 11, will wear attached to the left arm a brassard bearing a red cross on a white ground, which will be issued and stamped by competent military authority, and accompanied by a certificate of identity in the case of persons attached to the sanitary service of armies who do not have military uniform.

ART. 21. The distinctive flag of the convention can only be displayed over the sanitary formations and establishments which the convention provides shall be respected, and with the consent of the military authorities. It shall be accompanied by the national flag of the belligerent to whose service the formation or establishment is attached.

Sanitary formations which have fallen into the power of the enemy, however, shall fly no other flag than that of the Red Cross so long as they continue in that situation.

ART. 22. The sanitary formations of neutral countries which, under the conditions set forth in article 11, have been authorized to render their services, shall fly, with the flag of the convention, the national flag of the belligerent to which they are attached. The provisions of the second paragraph of the preceding article are applicable to them.

ART. 23. The emblem of the red cross on a white ground and the words "Red Cross" or "Geneva Cross" may only be used, whether in time of peace or war, to protect or designate sanitary formations and establishments, the personnel and matériel protected by the convention.

CHAPTER VII.—APPLICATION AND EXECUTION OF THE CONVENTION.

ART. 24. The provisions of the present convention are obligatory only on the contracting powers in case of war between two or more of them. The said provisions shall cease to be obligatory if one of the belligerent powers should not be signatory to the convention.

ART. 25. It shall be the duty of the commanders in chief of the belligerent armies to provide for the details of execution of the foregoing articles, as well as for unforeseen cases, in accordance with the instructions of their respective governments, and conformably to the general principles of this convention.

ART. 26. The signatory governments shall take the necessary steps to acquaint their troops, and particularly the protected personnel, with the provisions of this convention and to make them known to the people at large.

CHAPTER VIII.—REPRESSION OF ABUSES AND INFRACTIONS.

ART. 27. The signatory powers whose legislation may not now be adequate engage to take or recommend to their legislatures such measures as may be necessary to prevent the use, by private persons or by societies other than those upon which this convention confers the right thereto, of the emblem or name of the Red Cross or Geneva Cross, particularly for commercial purposes by means of trade-marks or commercial labels.

The prohibition of the use of the emblem or name in question shall take effect from the time set in each act of legislation, and at the latest five years after this convention goes into effect. After such going into effect, it shall be unlawful to use a trade-mark or commercial label contrary to such prohibition.

ART. 28. In the event of their military penal laws being insufficient, the signatory governments also engage to take, or to recommend to their legislatures, the necessary measures to repress, in time of war, individual acts of robbery and illtreatment of the sick and wounded of the armies, as well as to punish, as usurpations of military insignia, the wrongful use of the flag and brassard of the Red Cross by military persons or private individuals not protected by the present convention.

They will communicate to each other through the Swiss Federal Council the measures taken with a view to such repression not later than five years from the ratification of the present convention.

GENERAL PROVISIONS.

ART. 29. The present convention shall be ratified as soon as possible. The ratifications will be deposited at Berne.

A record of the deposit of each act of ratification shall be prepared, of which a duly certified copy shall be sent, through diplomatic channels, to each of the contracting powers.

ART. 30. The present convention shall become operative, as to each power, six months after the date of deposit of its ratification.

ART. 31. The present convention, when duly ratified, shall supersede the convention of August 22, 1864, in the relations between the contracting states.

The convention of 1864 remains in force in the relations between the parties who signed it but who may not also ratify the present convention.

ART. 32. The present convention may, until December 31, proximo, be signed by the powers represented at the conference which opened at Geneva on June 11, 1906, as well as by the powers not represented at the conference who have signed the convention of 1864.

Such of these powers as shall not have signed the present convention on or before December 31, 1906, will remain at liberty to accede to it after that date. They shall signify their adherence in a written notification addressed to the Swiss federal council and communicated to all the contracting powers by the said council.

Other powers may request to adhere in the same manner, but their request shall only be effective if, within the period of one year from its notification to the federal council, such council has not been advised of any opposition on the part of any of the contracting powers.

ART. 33. Each of the contracting parties shall have the right to denounce the present convention. This denunciation shall only become operative one year after a notification in writing shall have been made to the Swiss federal

council, which shall forthwith communicate such notification to all the other contracting parties.

This denunciation shall only become operative in respect to the power which has given it.

In faith whereof the plenipotentiaries have signed the present convention and affixed their seals thereto.

Done at Geneva, the sixth day of July, one thousand nine hundred and six, in a single copy, which shall remain in the archives of the Swiss Confederation and certified copies of which shall be delivered to the contracting parties through diplomatic channels.

(Here follow the signatures.)

**THIRD INTERNATIONAL CONFERENCE OF AMERICAN STATES AT
RIO DE JANEIRO.**

The Brazilian Ambassador to the Secretary of State.

EMBASSY OF BRAZIL,
Washington, April 25, 1906.

MR. SECRETARY OF STATE: The Bureau of the American Republics having resolved that the Third Conference of the American Republics should meet in the city of Rio de Janeiro on July 21, 1906, the Brazilian Government instructs me to invite the Government of the United States to take part in that conference, the programme of which has been already organized by the Bureau of the American Republics under your own presidency. Sure as it feels that the United States will not fail to accept this invitation, the Brazilian Government would highly appreciate your courtesy in communicating to it the names of the delegates that would represent the United States.

I have the honor, etc.,

JOAQUIM NABUCO.

The Secretary of State to the Brazilian Ambassador.

No. 17.]

DEPARTMENT OF STATE,
Washington, April 28, 1906.

EXCELLENCY: I have received the note which you did me the honor to address to me on the 25th of April, and by which, under the instructions of your Government, you invite the Government of the United States to take part in the Third Conference of the American Republics which is to convene at the city of Rio de Janeiro on July 21 next.

I beg that you will convey to your Government this Government's thanks for the invitation so extended and will assure it that the Government of the United States will be glad to be represented at the forthcoming conference.

It has been the President's pleasure to select for this service the following-named gentlemen: Mr. William I. Buchanan, of New York, formerly minister of the United States to the Argentine Republic and later its representative in the same capacity to the Republic of Panama; Mr. James S. Harlan, of Illinois, formerly attorney-general of Porto Rico; Dr. L. S. Rowe, of Pennsylvania, professor of political science in the University of Pennsylvania; Mr. Van Leer Polk, of

Tennessee, formerly consul-general of the United States; and Mr. Tulio Larrinaga, of Porto Rico, Resident Commissioner of that island at Washington.

It is probable that one additional delegate will be named later.

Accept, etc.,

ELIHU ROOT.

The Acting Secretary of State to the Brazilian Ambassador.

No. 18.]

DEPARTMENT OF STATE,
Washington, May 23, 1906.

EXCELLENCY: I have the honor to state, for the information of your Government, that the following-named gentlemen have been appointed by the President delegates on the part of the United States to the Third International Conference of the American States to be held in Rio de Janeiro in July: Hon. William I. Buchanan, of the State of New York, formerly minister of the United States to the Argentine Republic, also to the Republic of Panama; Dr. L. S. Rowe, of the State of Pennsylvania, professor of political science in the University of Pennsylvania; Tulio Larrinaga, esq., of Porto Rico, Resident Commissioner from Porto Rico; Van Leer Polk, esq., of the State of Tennessee, formerly consul-general of the United States at Calcutta, India; the Hon. Andrew J. Montague, of the State of Virginia, formerly the governor of that State; Dr. Paul S. Reinsch, of the State of Wisconsin, professor of political science in the University of Wisconsin; Mr. Charles Ray Dean, Chief of the Bureau of Appointments of the Department of State, will act as secretary of the delegation; Mr. H. Fletcher Neighbors, of the Department of State, will act as assistant secretary of the delegation; and Mr. Frank L. Joannini, of the War Department, will act as official translator to the delegation.

Accept, etc.,

ROBERT BACON.

The Secretary of State to the delegates of the United States to the Third International Conference of American States.

DEPARTMENT OF STATE,
Washington, June 18, 1906.

GENTLEMEN: The Second International American Conference, held in Mexico, 1901-2, adopted the following resolution:

"That the Third International American Conference shall meet within five years in the place which the Secretary of State of the United States of America and the diplomatic representatives accredited by the American Republics in Washington may designate for the purpose and in accordance with what, at the meeting of the said representatives, may be resolved regarding the programme and other necessary details, for all of which they are hereby expressly authorized by the present resolution."

Exercising the authority thus conferred, and accepting the courteous invitation of the Republic of Brazil, the designated representatives of the American Republics in Washington have determined that the Third Conference shall be held at the city of Rio de Janeiro on the 21st day of July, 1906. This determination has been separately confirmed by all of the American States with one possible exception, and you have been appointed to represent the United States in the proposed conference.

On the 8th of October, 1901, in preparation for the Second Conference, the President gave to the Secretary of State instructions in writing, laying down the general principles which underlie the relations of the United States to the other American Republics and which should control the action of the representatives of the United States in such a conference, and, particularly, the positions the President deemed it proper and wise to take regarding the principal questions to be considered by the conference. A review of those instructions has indicated no occasion for changing them, unless it be in some minor matters relating to the details of the conference and no longer applicable. A copy of those instructions is transmitted to you herewith and you will be guided by them.

It is important that you should keep in mind and, as occasion serves, impress upon your colleagues that such a conference is not an agency for compulsion or a tribunal for adjudication; it is not designed to compel states to make treaties or to observe treaties; it should not sit in judgment upon the conduct of any state, or undertake to redress alleged wrongs, or to settle controverted questions of right. A successful attempt to give such a character to the conference would necessarily be fatal to the conference itself, for few, if any, of the states represented in it would be willing to submit their sovereignty to the supervision which would be exercised by a body thus arrogating to itself supreme and indefinite powers. The true function of such a conference is to deal with matters of common interest which are not really subjects of controversy, but upon which comparison of views and friendly discussion may smooth away differences of detail, develop substantial agreement, and lead to cooperation along common lines for the attainment of objects which all really desire.

It follows from this view of the functions of the conference that it is not expected to accomplish any striking or spectacular final results; but is to deal with many matters which, not being subjects of controversy, attract little public attention, yet which, taken together, are of great importance for the development of friendly intercourse among nations; and it is to make such progress as may now be possible toward the acceptance of ideals the full realization of which may be postponed to a distant future. All progress toward the complete reign of justice and peace among nations is accomplished by long and patient effort and by many successive steps; and it is confidently hoped that this conference will mark some substantial advancement by all the American states in this process of developing Christian civilization.

Not the least of the benefits anticipated from the conference will be the establishment of agreeable personal relations, the removal of misconceptions and prejudices, and the habit of temperate and kindly discussion among the representatives of so many republics.

The Third Conference will have the advantage of the experience acquired in the former conferences. In them the delegates experienced the difficulties necessarily incident to the meeting of a deliberative body without previous experience, without rules or traditions or common understanding as to methods of procedure. It was to utilize the experience thus acquired that at the close of the Second Conference the representatives of all the republics in Washington were directed by the resolution above quoted to resolve upon a programme and other necessary details for the Third Conference.

Rules of procedure have accordingly been formulated, and a programme of subjects for consideration has been adopted. These have been communicated to all the different American states, and the programme has received the express and separate approval of all or nearly all of them. They will be certified to the president of the conference. It will, of course, be competent for the conference, by the proper method of procedure, to change its rules or enlarge its programme. The rules as they are, however, have had the careful consideration of the representatives of all the states, many of whom took part in the former conferences. It is believed that they will tend to prevent undue prolongation of discussion, while giving a fair opportunity for the expression of views, and, unless some very special occasion for change or addition is presented, it will be your duty to advocate the maintenance of the rules as they are, and to discourage the expenditure of time by the conference in discussion of a subject having so little permanent utility. It is believed that the programme covers all the subjects which can be usefully considered by the conference, and all that it will have time to consider. Some of the subjects have been stated in terms carefully limited, after much consideration, to exclude matters upon which there would be only fruitless controversy. You should oppose any attempt to occupy the time of the convention with matters not contained in the programme.

As to the specific questions of the programme:

1. THE BUREAU OF THE AMERICAN REPUBLICS.

This institution has served a useful purpose; its library and publications have done much to make the American republics known to each other. It is capable, however, of much greater usefulness. Its scope should be enlarged; its activity should be greater; and, to these ends, its facilities should be increased. You will favor action by the conference to this effect.

2. ARBITRATION.

The treatment of this subject by the conference should be materially affected by the new and more satisfactory relation of the American states generally to the consideration of arbitration as a world question by the peace conference at The Hague, soon to take place. The first peace conference, held at The Hague in 1899, included but two American states, the United States of America and the United States of Mexico; and the general arbitration convention concluded at that conference contained no provision for the adherence of powers not represented except upon conditions to be determined by a subsequent agreement among the contracting powers.

The Second American Conference at Mexico adopted a resolution January 15, 1902, authorizing the Governments of the United States and Mexico to negotiate with the other signatory powers for the adherence of the American states to the general arbitration convention, and the United States subsequently applied in behalf of several of the other American states for their admission to become signatories to the convention. The signatory powers, however, never came together in an agreement upon the contemplated conditions of adherence, and the requests preferred by the United States were refused.

On the 21st of October, 1904, the United States issued a proposal to the signatory powers of the First Hague Conference for a second conference, and specified as one of the things to be done the adoption of a procedure by which states non-signatory to the original acts might become adhering parties. This proposal met with general acceptance, but the calling of the conference was postponed, owing to the war between Russia and Japan. On the 13th of September, 1905, the further initiative in calling the conference was taken by the Emperor of Russia, with the ready concurrence of the President; and the Emperor of Russia included in his invitation to the Second Conference all the American States.

As a part of the preliminary arrangements for the Second Hague Conference, it has been agreed that in order that all states represented at the Second Conference may be upon the same footing in discussing modifications or extensions of the treaty of arbitration the first business of the Second Conference shall be to authorize, by a preliminary protocol, the adherence of all the non-signatory states to the arbitration treaty of the First Conference. This understanding has been communicated by Russia to all the signatory states, and their assent to it is regarded as making the proposed action certain and leaving nothing further to be done but the formal action to be taken at the opening of the Second Hague Conference.

All of the American States are accordingly at liberty to become parties to the general arbitration treaty of The Hague and to take part in the consideration by the whole civilized world of the advances which may be made in the application of the principle of arbitration.

The conference at Rio can probably render no more useful service to the cause of arbitration than by securing the general assent of the American States to the principles which should receive a new impetus and universal effect at The Hague.

3. TREATY OF ARBITRATION FOR PECUNIARY CLAIMS.

This is a matter special to the American States, and it calls for special consideration. One of the results of the Mexican conference was a treaty, signed by 17 of the states, agreeing to submit to arbitration all claims for pecuniary loss or damage which may be presented by the respective citizens and which can not be amicably adjusted through diplomatic channels. The treaty was to continue for five years. It has been ratified by only five powers, including the United States.

The treaty should be extended for another five years, and an urgent effort should be made to secure the adherence of the other powers. You can readily

ascertain whether the failure of ratification by 12 out of the 17 powers who signed the treaty was due to some objectionable feature which can be remedied, or to fundamental objections, or to indifference.

This treaty is the very simplest and narrowest form of a general agreement to arbitrate, and so long as three-fourths of the American States have not reached this point of agreement the discussion of any proposals for compulsory arbitration of a wider scope would seem to be at least premature.

4. THE RECOMMENDATION THAT THE HAGUE CONFERENCE BE REQUESTED TO CONSIDER TO WHAT EXTENT THE USE OF FORCE FOR THE COLLECTION OF PUBLIC DEBTS IS ADMISSIBLE.

It has long been the established policy of the United States not to use its armed forces for the collection of ordinary contract debts due to its citizens by other governments. We have not considered the use of force for such a purpose consistent with that respect for the independent sovereignty of other members of the family of nations, which is the most important principle of international law and the chief protection of weak nations against the oppression of the strong. It seems to us that the practice is injurious in its general effect upon the relations of nations and upon the welfare of weak and disordered states, whose development ought to be encouraged in the interest of civilization; that it offers frequent temptation to bullying and oppression and to unnecessary and unjustifiable warfare. We regret that other powers, whose opinions and sense of justice we esteem highly, have at times taken a different view and have permitted themselves, though we believe with reluctance, to collect such debts by force. It is doubtless true that the nonpayment of public debts may be accompanied by such circumstances of fraud and wrongdoing or violation of treaties as to justify the use of force. This Government would be glad to see an international consideration of the subject which shall discriminate between such cases and the simple nonperformance of a contract with a private person, and a resolution in favor of reliance upon peaceful means in cases of the latter class. You will find strong support for this view in an excellent letter written on the 29th of December, 1902, by Mr. Drago, the Argentine minister of foreign relations, to the Argentine minister in Washington, and printed in the volume of Foreign Relations of the United States for 1903, page 1.

It is not felt, however, that the conference at Rio should undertake to make such a discrimination or to resolve upon such a rule. Most of the American countries are still debtor nations, while the countries of Europe are the creditors. If the Rio Conference, therefore, were to take such action it would have the appearance of a meeting of debtors resolving how their creditors should act, and this would not inspire respect. The true course is indicated by the terms of the programme, which proposes to request the Second Hague Conference, where both creditors and debtors will be assembled, to consider the subject.

5. CODIFICATION OF PUBLIC AND PRIVATE INTERNATIONAL LAW.

You should advocate the creation of the commission proposed for this purpose. It is important in the interests of peace that the rules, especially of public international law, should be understood and that they should be understood alike by the governments and peoples of different countries. Nothing can contribute more usefully to this among the American States than the creation of a standard to which all will give assent, because all the States have united in establishing it. There are many subjects upon which great diversity of practice and opinion still exists and upon which unity of American opinion is very desirable.

6. NATURALIZATION.

The United States has struggled long and successfully to secure from other countries recognition of the right of naturalized citizens to the same protection when abroad, even in the countries of their origin, which is accorded to the native-born citizens of the United States.

It has frequently happened of late years that this protection has been abused by foreigners who have come to the United States and secured naturalization only to return and live permanently in their native country, enjoying immunities and rights as American citizens which are denied to their neighbors. The other American States toward which heavy immigration is tending, or to which

their citizens may return after emigrating, will doubtless experience similar treatment. Such cases cause natural irritation, denial of the returned emigrant's rights, and friction between the country of origin and the country of naturalization arising from the assertion of those rights. The treaty between the United States and the North German Federation, concluded in 1868, provided:

"If a German naturalized in America renews his residence in North Germany, without the intent to return to America, he shall be held to have renounced his naturalization in the United States.

"Reciprocally, if an American naturalized in North Germany renews his residence in the United States, without the intent to return to North Germany, he shall be held to have renounced his naturalization in North Germany.

"The intent not to return may be held to exist when the person naturalized in the one country resides more than two years in the other country."

A number of other treaties to the same effect have been made between the United States and other European States. It is believed that this provision states a just and wise rule. The man who returns to his native country for permanent residence and still tries to preserve the privileges incident to citizenship in the country to which he means never to return is committing a fraud upon both countries. The only way to prevent it and the evils arising from it is to fix upon some period of residence after which the burden of proof shall be thrown upon him to show that the residence is not permanent. It will be observed that the suggestion of the programme substantially coincides with the provision above quoted from the treaty with Germany.

As the presumption which under such a rule would be created by two years of residence is a presumption of renunciation of citizenship in the country of naturalization, the proof to rebut the presumption should be addressed to and passed upon by the government of that country, for no country can permit the question who are its citizens to be determined by another country.

7. DEVELOPMENT OF COMMERCIAL INTERCOURSE.

You will favor all practical suggestions tending to this end, giving special attention to the promotion of the Pan-American Railway, designed to provide railway connection between the United States and Argentina and Chile and all the intervening countries. The Government of the United States considers that this great enterprise will be productive of most important and beneficent results, and greatly desires its accomplishment. Under the resolution of the Mexican Conference a committee of five members resident in the United States was appointed to furnish all possible information on the work of the railway and to aid and stimulate the successful execution of the project, and, pursuant to the instructions of the resolution, the committee will report at the Rio Conference. Most gratifying progress in construction and provision for further construction has been made, and it is hoped that the Rio Conference will be able to take such action upon the report of the standing commission as to give additional impetus to the project. It is highly desirable that it shall receive the sanction and hearty support of all the American governments.

The success of the enterprise is desirable not merely because of the great and profitable traffic which it will secure for the United States and for all the countries along the line, contributing to the prosperity and wealth of all, but because it will contribute to the internal peace and order of every country. Nothing polices a country like a railroad. Nothing material so surely discourages revolution and unites a people as adequate railroad communication. It is for the interests of every American country that the same effect shall be produced throughout Central and South America that was produced in the United States by the Pacific railroads, in Canada by the Canadian Pacific, and by the railroad systems in Mexico and Argentina, both of them once the theaters of continual revolution and financial distress and both of them now prosperous and peaceful.

And the proposed railroad is most desirable because it will increase communication, bring the peoples of America together, enlarge their knowledge of each other, decrease misunderstanding, and promote harmony and good will.

8. SIMPLIFICATION AND COORDINATION OF CUSTOMS AND CONSULAR LAWS RELATING TO ENTRY AND CLEARANCE OF SHIPS AND MERCHANDISE.

This subject was fully considered by a customs congress which met in New York pursuant to a resolution adopted by the Second International American

Conference, on the 22d of January, 1902. This customs congress, at which 13 countries were represented, adopted a series of resolutions which were reported to the Department of State on the 4th of February, 1903, and were transmitted to the Congress of the United States on the 25th of February, 1903. The resolutions, together with the committee reports and documents upon which they were based, should receive the careful consideration and effective action of the Third Conference. They are contained in Senate Document No. 187, Fifty-seventh Congress, second session, copies of which will be furnished you.

The customs congress did not adjourn finally; it found itself without the data necessary for the completion of its work, and by its resolutions provided for the appointment of a commission by the Bureau of the American Republics to prepare and have printed in English, Spanish, and Portuguese a compilation, in succinct form, giving the practices of each country upon the treatment of vessels, merchandise, and nomenclature in use therein.

The congress then adjourned in expectation of being called together for a further session when the necessary data had been furnished and compiled. The Bureau of the American Republics has repeatedly asked for the information necessary to the proposed compilation, but up to this time only 7 of the countries which united in the congress have furnished the information. The matter accordingly stands as follows: Of the 21 American Republics but 13 united in the customs congress, and of the 13 but 7 complied with the call for the information necessary to enable the congress to go on with its work. The specific thing to be done, plainly, is to awaken interest in the project of simplification and to procure such action as shall lead to the furnishing of the necessary data, the making of the necessary compilation, and an arrangement under which all the States shall send representatives to the customs congress to be reconvened as soon as the material is ready for its action. It is hardly necessary to say that the successful treatment of this subject will greatly decrease one of the most serious hindrance to commercial intercourse.

9. PATENTS AND TRADE-MARKS.

You are referred to the convention for international protection of industrial property, concluded at Paris, March 20, 1883, and the supplementary conventions of 1891 and 1900, showing the arrangement which the United States has been willing to enter into with other countries on this subject.

So far as we are advised very few of the other American States have become parties to these conventions. You should endeavor to bring about substantially the same relations between the American States as were created by these conventions between the powers who entered into them.

10. SANITARY POLICE AND QUARANTINE.

You should urge a general acceptance of the sanitary convention signed at Washington last winter and already ratified by a part of the American nations, including the United States. That convention was based upon the sanitary convention signed at Paris in December, 1903, with additional provisions relating to yellow fever. It represents the most advanced scientific knowledge of the time, and its general acceptance will result in both conformity and improvement in quarantine methods.

This, however, is in substance a quarantine convention—that is to say, it is an agreement upon methods of keeping out of one country disease which has already gained a foothold in other countries.

It is desirable that a further step be taken and that an agreement be reached upon methods of eradicating contagious diseases in the countries where they originate. If this can be accomplished there will be no longer need for quarantines and their interference with commerce and travel. The injury done to the States of Central and South America by yellow fever alone, and the fear of yellow fever, is incalculable; yet the science and self-devotion of the medical officers of the American Army ascertained how yellow fever is communicated and completely extirpated the disease in Cuba. It seems now that the same thing has been accomplished in Panama and Colon and in the Canal Zone of the Isthmus. Manifestly, the same thing can be done everywhere, so that this dread disease will no longer exist.

A prerequisite to accomplish such results with yellow fever and other diseases is an international agreement under which the knowledge, the skill, the scientific methods attained in each country which has learned to deal success-

fully with problems of contagious disease shall be made available for each country where such problems still exist. If such an agreement can be reached at the Rio Conference, that alone will make the conference a success. Doctor Wyman, the Surgeon-General of the Public Health and Marine-Hospital Service and the chairman of the International Sanitary Bureau of the American Republics, has prepared a memorandum upon this subject which is transmitted to you herewith, and which you will lay before the conference.

11. COPYRIGHT.

It is much to be desired that a general and uniform arrangement be made under which American literary works may be protected in the Latin-American States, and reciprocal opportunities may be afforded to their authors by the United States. One effect of our Spanish-speaking possessions has been to create a great increase in the publication in the United States of books in the Spanish language, and our exports of books to Central and South America have increased from \$564,569 in 1903 to \$1,057,495 in 1905. No exports can be more valuable than these.

You should keep in mind, when dealing with this subject, that the American idea is to make reciprocal arrangements on the basis of giving to foreigners the same protection in the United States which is given to our own citizens, upon compliance with the conditions imposed upon our citizens by our laws. On the other hand, we expect only the same protection in other countries that their citizens have; that is, upon compliance with the conditions imposed upon them by their laws. We already have reciprocal copyright arrangements on this basis with Mexico, Chile, Costa Rica, and Cuba, effected by proclamation under the provisions of the copyright act of Congress of March 3, 1891. This method is to be sharply distinguished from the idea of giving to literary production protection upon conditions imposed by the laws of the country of origin of the production, which does not appear to be a practicable basis for the United States to adopt.

By request of the department, the Librarian of Congress has secured memoranda on this subject from the American Publishers' Copyright League and from the Register of Copyrights. These, together with the communication of the Librarian, are transmitted to you herewith.

It is hoped that the experience of the Third American Conference will be such as to increase the mutual respect and esteem of all the delegates; to decrease misconceptions and misunderstandings, which are the chief causes of controversy among nations; to draw the attention of all the countries to their common interests and sympathies and to the matters in which they can be helpful to each other, rather than to their differences and causes of controversy; and that the conference will conclude with such an estimate of its usefulness on the part of its members as to justify them in providing for the establishment of regular conferences at stated intervals hereafter.

Very respectfully,

ELIHU ROOT.

Mr. WILLIAM I. BUCHANAN, *Chairman,*

Mr. T. LARRINAGA,

Mr. A. J. MONTAGUE,

Mr. VAN LEER POLK,

Mr. PAUL S. REINSCH,

Mr. L. S. ROWE,

*Delegates of the United States to the
Third International Conference of American States.*

[Inclosure.]

President Roosevelt to the Secretary of State.

EXECUTIVE MANSION,
Washington, October 8, 1901.

SIR: An international conference of the American States having been proposed by the executive committee of the International Union of American Republics, to be held in Mexico in October, 1901, and the Government of the United States having accepted an invitation to send delegates thereto, my pred-

cessor in office has designated as delegates to that conference Henry G. Davis, of West Virginia; William I. Buchanan, of Iowa; Charles M. Pepper, of the District of Columbia; Volney W. Foster, of Illinois; and John Barrett, of Oregon.

The commission above named will act under the direction of the Department of State, to which it will make all necessary reports, and which will arrange for the transportation and entertainment of its members and for such clerical service as it may require, in accordance with an act of Congress making provision for this purpose.

The end toward which the proposed conference is directed is the promotion of the mutual prosperity of the American Republics and of harmony between them. The interests likely to be affected by its discussion and conclusions are (1) political, (2) commercial, and (3) special. The general principles which should guide the delegates in the performance of their duties may therefore be indicated under these heads.

I. POLITICAL QUESTIONS.

The chief interest of the United States in relation to the other Republics upon the American continent is the safety and permanence of the political system which underlies their and our existence as nations—the system of free self-government by the people. It is therefore to be desired that all the American Republics should enjoy in full measure the blessings of perfect freedom under just laws, each sovereign community pursuing its own course of orderly development without external restraint or interference. To this condition of security the peace and prosperity of all our neighbors will materially contribute. Every failure on their part to maintain social order, every economic distress which might give rise to domestic disturbance, every discord between them which could impede their industries, menace their stability, or bring upon them the calamity of foreign interference, would be a misfortune to us. It should therefore be the effort of this commission to impress upon the representatives of our sister Republics of Central and South America that we desire, above all, their material prosperity and their political security, and that we entertain toward them no sentiments but those of friendship and fraternity.

The method by which this result may be best accomplished is not, however, that of direct assurance, but of generous cooperation for the common good, and sincere interest in the efforts and aspirations of our neighbors to attain it. It is not, therefore, opportune for the delegates of the United States to assume the part of leadership in the conference, either in its official organization or in its discussions—a position which naturally belongs to Mexico, the inviting nation and host of the occasion. It is desirable that the plans and propositions of the Latin-American States should be solicited, received with consideration, and if possible, brought to fruition—if this can be done in consonance with our national interests and without offense to other powers. Great care should be taken not to wound the sensibilities of any of the Republics or to take sides upon issues between them, but to treat them with frankness, equity, and generosity, and to disabuse their minds of any false impressions, if such exist, regarding the attitude and purposes of the United States.

Owing to the fact that the executive committee of the Union of American Republics is located in Washington, many of the preliminaries to the conference have been conducted here, and the records of that committee show how careful its presiding officer, the Secretary of State, has been to avoid initiative, to leave all to the representatives of the Central and South American Republics, and to harmonize their differences of view in such a manner as to result in the presence of delegates from all the countries invited to the conference. This course of conciliation should be continued, if possible, throughout the conference and every effort made to secure the greatest possible unity of action.

With respect to political differences subsisting between the States of Central and South America, it is important for the commission to proceed with great caution. The general principle should be to enter as little as possible into these questions. At the same time, it will be useful to impress upon all the deep interest which the Government of the United States has in the peace and tranquillity of all the American States and in their territorial integrity. While no specific engagements or declarations should be made with regard to such questions, it is desirable to cause it to be generally understood that the quarrels of neighboring States can not be without effect upon the interests of the United States, and that this Government would seriously condemn any attempt to

destroy the territorial integrity or to encroach upon the sovereign rights of the existing States, or any conduct on their part which might tend to evoke such a calamity.

The attitude of the United States toward the special questions which have arisen in connection with the territorial difficulties between Chile and Peru will be considered in another place.

Nothing is of greater importance from a political point of view than that the United States should be understood to be the friend of all the Latin-American Republics and the enemy of none. To this end it will be prudent to propose nothing radical, to favor a free expression of views among the delegates of the other powers, and to favor and support only such measures as have the weight of general acceptance and clearly tend to promote the common good.

II. COMMERCIAL QUESTIONS.

With reference to questions of a commercial and industrial character, it is important to lay special stress upon the growing desire in the United States to secure the largest mutuality of interest and to avoid even the semblance of an attempt to obtain unfair advantages for ourselves. The true interest of our people, it is being more and more generally admitted, lies in helping the Latin-American countries with our more advanced industries and our characteristic forms of energy to expand into strong and flourishing communities, and not in seeking to aggrandize ourselves at their expense. In developing closer relations with them we should be most careful of their autonomy. The most beneficent form of Pan-Americanism for ourselves, as well as for our sister Republics, will be found in a free local development over the entire continent. If the influence of the United States spreads southward, it will be a pacific, not a hostile, influence.

We find in Mexico, the West Indies, and Central America the most gratifying evidence of progress on the part, not only of our manufactures and other products, but of immigration from the United States and the investment of our capital in various forms of industrial enterprise. In Mexico this movement is most marked. Within the past few years our money has flowed into that country in a constantly swelling stream, and is now largely invested in railways, mining, and banking enterprises. The natural result has been a steady increase in friendliness and appreciation of us as a people, and we in turn have benefited greatly by the increase of trade which necessarily grows out of such conditions. In Central America the growth of our business relations is not so marked, but is encouraging. We are fast gaining ground in the trade of the West Indies and are contributing largely to the financial and industrial interests of those islands.

The fact that our trade with South American countries remains nearly stationary is probably to be explained by their greater distance from us, the lack of transportation facilities, and the larger profits to be reaped by exporters in countries which can be reached more expeditiously, or more economically—as, for example, Mexico, Canada, and even the great commercial nations of Europe. It is found, however, that where our goods are properly introduced in South America they obtain a ready sale and speedily become popular. If our manufactures are successfully competing with European industries by their increasing sale in the home markets of the latter, it would seem to be a foregone conclusion that they will also compete with them successfully in distant markets, such as South America; and we may assume that, if the proper means are provided, the volume of our trade with South America will soon grow to large proportions. These means are: Adequate transportation facilities, such as steamship lines, railroads, and an isthmian canal; reciprocal trade relations; participation in the business of banking; and a corps of commercial travelers specially equipped for the Latin-American trade. It is not impossible that, following such development, the magnificent conception of an international railroad connecting the United States with the remotest parts of South America may at last be realized. All such enterprises are deserving of encouragement, but the essential thing in the efforts of our commission at the conference will be to cultivate a sympathetic spirit and endeavor to remove any prejudices that may exist against us as a people, thus sowing the seed of friendly relations, of business confidence, and of permanent feelings of good will.

It is not unworthy of attention that the accentuation of our desire for increased commercial facilities may be misunderstood and awaken the feeling that in wishing to cultivate close relations with our southern neighbors we are prompted by merely mercenary motives. Such a misconception may be best

avoided by giving prominence to the moral as well as the material advantages which these relations would bestow upon all the American nations in the development of their industries and the greater stability of their institutions resulting from a better economic condition. Whatever advantages the extension of trade has to offer are of necessity reciprocal. By opening a wider market to our productions, our sister Republics will greatly extend their own. It should be made clear to them that we shall naturally and almost inevitably take most from those who take most from us.

The policy of our Government is well and clearly expressed in the memorable address of our lamented President delivered at Buffalo, in which he said:

"We must not repose in fancied security that we can forever sell everything and buy little or nothing. If such a thing were possible it would not be best for us or for those with whom we deal. * * * Reciprocity is the natural outgrowth of our wonderful industrial development."

III. SPECIAL QUESTIONS.

1. *Programme.*—If a question should arise regarding the range and character of subjects to be discussed by the conference, or the optional or obligatory nature of the tentative programme sent out by the Mexican Government, or the application of amendments thereto by the executive committee of the Union of American Republics, the commission will hold that it is for the conference to determine, according to the usual rules of deliberative bodies, its competence to take cognizance of and discuss any matters which may be introduced by the delegates pertinent to the objects for which the conference is called.

2. *Arbitration.*—The Government of the United States is favorable to the pacific settlement of international disputes and will be gratified to see provision for such settlement promoted and applied wherever practicable. In the discussion of this subject and in the formation of any convention that may be proposed relating to it the commission will be guided by the following general principles: (1) All arbitration should be voluntary; (2) the choice of judges should be left to mutual agreement; (3) the locality in which a tribunal of arbitration is to act, in case one should be instituted, should not be definitely prescribed in a general convention.

3. *The disputes between Peru and Chile.*—While the policy of the United States in advocating the pacific settlement of disputes should be strongly impressed upon our delegates and clearly expressed by them upon proper occasion in the conference, and while the attitude and declaration of the United States at The Hague demonstrate the interest of our Government in providing an international forum whereby two States engaged in a controversy otherwise irreconcilable may have open to them a judicial means of determining the issue according to the principles of justice and with honor to both, it is not the province of a voluntary conference to enforce the employment of these honorable means of settling differences. As regards the present disputes between Peru and Chile, therefore, we can not support the view which would assert the competence of this conference to assume the responsibilities of an arbitral board by taking cognizance of these disputes and providing in terms of their settlement. The delegation of the United States could not properly join in the assumption of any such function by the conference unless it should appear that such action were to be taken upon the request of both parties for the exercise of its good offices.

The delegates will therefore, as their prudence may dictate, give such support to the principle of the pacific settlement of disputes as the occasion may seem to justify, but they will refrain from any effort to have the conference take cognizance of any existing controversy with a view to its settlement, unless the good offices of that body are invoked by both the opposing parties. If such a controversy is brought by others before the conference, they will do all in their power to preserve general harmony, and will maintain a strict neutrality.

4. *International court of claims.*—It has been thought that an organized tribunal for the adjustment of indemnity claims arising between the American Republics may not be impracticable and may constitute a distinct advance in the administration of justice by serving to adjust many vexatious differences of this nature which might not readily yield to diplomatic treatment. The expression "court of claims," however, while convenient, is objectionable, partly because certain domestic courts bear that title, and partly because the name, as applied internationally, may easily give rise to misapprehension. A better designation, perhaps, would be a "tribunal of international equity," its

precise purpose being to secure equity for those who are believed to have suffered injustice in a foreign country for which there is no existing judicial remedy.

The Government of the United States is favorable in principle to the establishment of such a tribunal for the American Republics, if it is found practicable, but the form in which it should be constituted presents a serious difficulty. It is desirable, if possible, to avoid the well-known evils of mixed commissions, and it would be a great convenience to have a well-conceived permanent tribunal to which questions of indemnity might be referred without the delay of forming a special board of arbitration. The general principles already named under the head of arbitration would also have application here. The constitution of The Hague Tribunal may suggest a general plan of organization, particularly as regards its representative idea, each constituent power furnishing one or more members, with provision for constituting a particular bench of judges ad hoc, composed of one, three, five, or seven persons, according to the importance of each particular case. The Government of the United States has no special plan to offer, however, believing it to be preferable that proposals and projects upon this subject should come from the other American States. The success of such a tribunal would depend largely upon the personnel of the court as actually constituted and the public acceptance of its earliest decisions. Opposition would no doubt be diminished if the plan presented should be of a tentative character, leaving details to subsequent evolution, as experience might justify. In case a general convention should be formulated by the conference, it would add to the probability of its general ratification if the experiment should be for a limited time and should embody nothing compulsory. Every successful effort to accomplish its purpose would then strengthen its support and gradually commend it to public confidence.

5. *Bureau of the American Republics.*—Regarding the reorganization of the Bureau of the American Republics, included in the tentative programme, the Department of State has no special suggestions to make. The reorganization contemplated has doubtless appeared desirable from the experience of the Bureau in dealing with the interests committed to its supervision, and the Director, who has probably ascertained the views of the executive committee, will be best qualified to offer suggestions upon this subject.

In conclusion, it is hoped that the personal contact and exchange of views for which the conference affords occasion may tend to tighten the bonds of friendship and good understanding between all the Republics represented and give new assurance of the relations of mutual good will and helpfulness which it is designed to cultivate. The delegates will not fail to convey to the President and Government of Mexico the pleasure felt by this Government in accepting the hospitality generously extended to the representatives of the United States and the gratification afforded by the relations of amity and cordial intercourse now existing between the two Republics.

Very respectfully,

THEODORE ROOSEVELT.

REPORT OF DELEGATES OF THE UNITED STATES TO THE SECRETARY OF STATE.

SIR: The undersigned delegates to the Third International Conference of the American States, held at Rio de Janeiro, July 23 to August 26, 1906, have the honor to submit the following report and to attach thereto the following:

- (a) A copy of the programme and of the rules and regulations of the conference.
- (b) A copy of the President's instructions received by us.
- (c) A list of delegates to the conference, together with the personnel of the different delegations.
- (d) A list of the officers and committees of the conference.
- (e) The different annexes herein referred to.
- (f) The general minutes of the conference.
- (g) The complete minutes of the conference.

THE MONROE PALACE, THE MEETING PLACE OF THE CONFERENCE, AND THE ORGANIZATION AND PROCEDURE OF THE CONFERENCE.

The programme and rules and regulations for the government of the conference having been previously agreed upon by the governing board of the International Union of the American States, and thereafter approved by the govern-

ments to participate in the conference, simplified its procedure and greatly aided delegates in expediting their work.

The sessions of the conference were held in a spacious and ornate building, erected especially for this purpose by the Brazilian Government and situated on the superb new boulevard that for nearly 4 miles follows the shore of the Bay of Rio, and at the end of the new Avenida Central. The building is a permanent one, reproduced in granite and marble from the plans of the palace erected by Brazil at the Louisiana Purchase Exposition, at St. Louis. It is surrounded by an exquisite garden, and facing as it does the entrance to the wonderfully beautiful Bay of Rio, the building is a notable landmark. It was christened "The Monroe Palace" by special action of the Brazilian Government. The Brazilian Government installed in the palace a complete telegraph, mail, and telephone service, and telegrams, cables, and mail of the different delegations and of individual delegates were transmitted free. Recognition is due in this connection to the Governments of the Argentine Republic, Paraguay, Uruguay, and Chile, which officially extended, through the director of telegraphs of Brazil, the courtesy of free transit for all telegrams sent by delegates over the telegraph lines of their respective countries. This marked courtesy on the part of Brazil and of the republics mentioned was greatly appreciated by the delegates.

In connection with the work of the conference, the Brazilian Government organized and maintained at its expense an extensive and competent corps of translators, stenographers, and clerical assistants, whose services were at all times at the command of the delegates. A buffet lunch, for the convenience and comfort of delegates and their guests, was maintained in the palace throughout the period of the conference. The palace was elaborately lighted, and was the center of attraction day and night for great crowds of people, and nothing in connection with its equipment and administration or that concerned the comfort and convenience of delegates was left undone by the Brazilian Government.

The Monroe Palace now becomes a national meeting place for the people of Brazil. It will remain as an adornment of the splendid new Rio that has risen from the old city during the past two or three years, and as an evidence of the progress and energy of the Brazilian people.

THE OPENING OF THE CONFERENCE.

The conference was formally opened in the presence of a large and distinguished audience on the evening of July 23, 1906, by His Excellency the Baron do Rio Branco, the distinguished Brazilian minister for foreign affairs. The approaches to the palace were lined with troops, the public grounds and avenues of the city brilliantly illuminated and packed with people. The minister's address, opening the conference, together with the address of Señor Licenciado Don Ascencion Esquivel, of Costa Rica, who responded on behalf of the conference, will be found under Appendix D, pp. 55-56. The conference unanimously chose as its president His Excellency Señor Dr. Joaquin Nabuco, the Brazilian ambassador to the United States; as honorary presidents, His Excellency the Baron do Rio Branco, and the Hon. Elihu Root, Secretary of State of the United States, and as its secretary-general, His Excellency Señor Dr. J. F. de Assis-Brasil, the Brazilian envoy extraordinary and minister plenipotentiary to the Argentine Republic. The latter selected as his assistants one of the most competent and distinguished groups of men that has served any of the preceding conferences. The names of the officers and their assistants are attached hereto (see Appendix C, p. 51). These officers left nothing undone toward aiding and facilitating the work of delegates, and to them the United States delegation feels greatly indebted for the many courtesies and the great kindness extended on all occasions.

THE DELEGATES TO THE CONFERENCE AND THE CONFERENCE COMMITTEES.

The conference was attended by delegates from each of the 21 American republics, with the exception of Haiti and Venezuela. A list of the delegates, together with the secretaries and attachés of the different delegations, will be found under Appendix C.^a

The committees of the conference were designated by its president in accordance with the provisions of the programme and regulations. A complete list of all committees will be found under Appendix D.^a

^a Not printed.

The United States delegates were assigned to the following committees:
 Committee on the Bureau of the American Republics: Doctor Rowe (19 members).

Committee on arbitration: Mr. Buchanan (19 members).

Committee on the arbitration of pecuniary claims: Mr. Buchanan (19 members).

Committee on the forcible collection of public debts: Mr. Buchanan, chairman of the committee (19 members).

Committee on the codification of public and private international law: Doctor Rowe (7 members).

Committee on naturalization: Doctor Rowe (7 members).

Committee on the development of commercial intercourse between the American republics: Professor Reinsch (9 members).

Committee on custom and consular laws: Professor Reinsch (9 members).

Committee on patents and trade-marks: Governor Montague (7 members).

Committee on sanitary police and quarantine: Señor Larrinaga (7 members).

Committee on the Pan-American Railway: Señor Larrinaga (16 members).

Committee on copyright: Governor Montague (7 members).

Committee on the practice of the learned professions: Governor Montague (7 members).

Committee on rules and credentials: Mr. Buchanan (5 members).

Committee on general welfare: Colonel Polk (5 members).

Committee on publications: Colonel Polk (5 members).

Committee on engraving and printing: Colonel Polk (7 members).

Committee on future conferences: Doctor Rowe (7 members).

The conference held 14 sessions, its work being largely carried out by the committees having the different topics of the programme under consideration.

The discussion on almost all programme topics was, by agreement among delegates, confined to the committee rooms, and while this fact no doubt took from the open sessions of the conference a certain public interest, the unanimous report of the different committees brought about through this method was more than gratifying and furnished the best possible evidence of the wisdom of the course followed. This was especially true with regard to the subjects of arbitration and of the collection of public debts by force.

THE ACTION OF THE CONFERENCE OF THE DIFFERENT SUBJECTS COVERED BY THE PROGRAMME.

The conference considered and concluded by unanimous vote the following: Fourteen resolutions, 4 conventions, and 3 motions, besides those of thanks to the Brazilian Government and to the president, secretary, and officers of the conference.

In considering the work of the conference the order in which the subjects appeared on the programme of the conference will be followed.

THE INTERNATIONAL BUREAU OF THE AMERICAN REPUBLICS.

The programme for the conference provided under this head:

(a) Reorganization of the International Bureau of the American Republics on a more permanent basis.

(b) Enlarging and improving the scope and efficiency of the institution.

It was most gratifying to note the deep interest taken in this subject by delegates. These were a unit in expressing their belief that the work of the Bureau of the American Republics was of such value to the several republics, and that this had been so thoroughly demonstrated, that the bureau should be placed on a more permanent and extended basis than at present, in order that opportunity for more effective and wider results might be given its governing board and director.

The committee entered into the subject with earnestness, and after many sessions and frequent conferences between its members and their respective delegations a plan of reorganization was presented by the committee and unanimously adopted by the conference, which it is believed will, if put into force, greatly add to the efficiency of the bureau by enabling it to render increasing good service to the different republics and be of wider benefit to the conference that will follow the one held at Rio de Janeiro.

There was a general agreement among delegates that the matter of reorganization should be confined to broadening the scope and simplifying the organiza-

tion of the bureau. The plan proposed expands the present scheme of the bureau by adding several new and important powers to the almost exclusively commercial functions which have heretofore been exercised by it. As adopted by the conference the plan imposes the following duties upon the bureau:

1. To compile and distribute commercial information and prepare commercial reports for publication.

2. To compile and classify for the use of succeeding conferences all available data appertaining to treaties and conventions between the American republics and between the latter and non-American states.

3. To report to succeeding conferences on educational matters.

4. To prepare reports on questions assigned by resolution of the Rio de Janeiro and of succeeding international American conferences.

5. To assist, so far as may be proper, in obtaining the ratification of the resolutions and conventions adopted by conferences in which the different republics participate.

6. To carry into effect resolutions of the American international conferences referred to the bureau for execution.

7. To recommend subjects to be considered by the next conference, these to be communicated to the governments participating at least six months before the date of the meeting of the conference.

8. To submit within the same period to the various governments connected with the bureau a complete report of the work of the bureau since the meeting of the last conference, and special reports on subjects which may have been referred to it.

9. To keep the records of the proceedings of the international American conferences held and of the action taken by the different republics on the recommendations of the conference.

Through the new functions thus assigned the bureau it becomes in reality a "permanent committee of the international American conferences." In this connection it is proper to say that the greatest difficulties met with by each of the three conferences that have been held has been the lack of adequate information and carefully compiled data covering subjects included in the programme of the conference, and it is believed that in giving to the bureau the character of a "permanent committee" the conference took a first and important step toward preparing for the Fourth International Conference whenever and wherever held, since as a "permanent committee" the bureau is not only intrusted with the duty of recommending the inclusion of definite topics in the programme for that conference, but of submitting to the participating governments for the consideration of their delegations detailed reports and data covering such tentative projects, and also with that of preparing accurate and complete data concerning subjects specifically referred to it for such action by the Rio Conference.

Closely connected with this is the duty proposed to be intrusted to the bureau of properly assisting to secure the ratification of resolutions and conventions recommended for adoption by the different conferences. In this connection it is generally agreed that a large proportion of the republics participating would ratify the resolutions and conventions recommended in these conferences if the work of aiding to secure such ratification in each country was intrusted to a committee thoroughly conversant with the matters in question. In discharging this duty it is proposed that the bureau shall act through the special committee to be designated in each republic in accordance with the terms of the special resolution of the conference covering the subject (see Appendix F, p. 110).

Another proposed addition to the bureau is the creation of a special section to be devoted wholly to commerce, customs laws, and regulations and statistics. The plan contemplates that this new section shall be in charge of a competent specialist, one of whose duties shall be, in addition to the compilation of strictly Pan-American statistical information and data for the use of succeeding conferences, to gather all possible information concerning the practical operation of the customs and consular laws and regulations of the several American republics, in order that the bureau may prepare a special report regarding the subject, which will serve the next conference as the basis for considering the extent to which it can recommend simplifications and changes regarding these matters that will facilitate, aid, and extend, to the greatest possible extent, commercial intercourse between the different republics.

Another new feature of the bureau is to be the preparation of reports and the distribution among the different republics of information concerning educational matters in each. The underlying motive which prompted the conference

to take this step was the conviction among delegates that there is to-day a constantly growing number of pupils and students of the different republics in attendance at universities and colleges in other republics, and that this is specially true with regard to those from Central and South America in preparatory schools, colleges, and universities throughout the United States. It was the belief of the conference that the bureau could do nothing that would more certainly inure to the advantage of the different republics than to devote earnest attention to every phase of educational matters that would tend to extend this movement of students among the different republics. Certainly the ties of friendship thus established between pupils will contribute much toward strengthening a spirit of mutual good understanding between the American nations, upon which their peace and prosperity so largely depends.

The bureau was further charged with the task of carrying out the provisions of a resolution presented to the conference by the United States delegation, after conference with all delegations. This resolution, unanimously approved by the conference, embraces a subject of such vital interest to the economic well-being of the different republics that its text is given here. It is as follows:

"First. To recommend to the different governments composing the conference that they cause to be prepared for the next conference a detailed study of the monetary system in force in each, its history, the fluctuations in the rate of exchange which have taken place during the last twenty years, and tables showing the influence such fluctuations have exerted on the countries' commerce and industrial development.

"Second. To recommend that these studies be transmitted to the International Bureau of American Republics in order that the latter may prepare a résumé of said studies and publish and distribute them among the several governments at least six months before the meeting of the next international conference."

This will be a first step toward a discussion by an American international conference on the subject of currency and exchange, and will, it is hoped, lead to some action by the coming conference looking toward greater uniformity in their monetary standard in the American republics.

In suggesting these and other additions to the work of the bureau the main purpose the conference had in mind was to increase the efficiency of the bureau without taking away from its governing board the power now held by that body; hence, in drafting the plan of reorganization a distinction was made between the "bases" or fundamental rules for the bureau and the "Reglamento" or "Regulations," the only important changes introduced into the basic organization of the bureau being the creation of a supervisory committee to exercise control over the bureau during the interval between sessions of its governing board, and the provision that a member of the board can act only for his own country unless holding the written authority of another to act in a specific case.

We heartily join in expressing our earnest hope that the recommendations of the conference concerning the bureau will, so far as concerns our Government, be promptly made effective, believing, as we do, that they are of material value to its measure of success, and that they will greatly benefit the relations between the American republics.

A PERMANENT BUILDING FOR THE BUREAU OF AMERICAN REPUBLICS IN WASHINGTON.

It is proper to refer here to the resolution of the conference with regard to a permanent building for the use of the bureau in Washington.

After expressing the satisfaction the conference would feel at seeing realized the idea of such a building which "will establish a permanent center of information and an exchange of views between the nations of this continent, as well as a home for the library founded in memory of Columbus," the resolution concludes by expressing the hope that the new building may be completed and occupied by the bureau before the next conference.

According to the report of the Director of the Bureau of American Republics, 16 of the 21 American republics have informed the bureau that their quotas to provide for the erection of the proposed building would be paid when desired, and that 6 of these countries (Brazil, Cuba, Honduras, Peru, Uruguay, and Venezuela) had at that time (May 1, 1906) paid in to the United States, in trust, their respective quotas. The sum appropriated by the last United States Congress for this purpose was \$200,000. The building is to be erected in Washington, and it was the desire of all the delegates at the Rio Conference that it should be a commanding and noble building, expressive through its character

of the sentiment of American unity and inspiration and purpose represented to the world by the International Union of the American States, whose home and center it would become.

ARBITRATION.

I.

The definite proposal concerning arbitration formulated in the programme of the conference made the consideration of the topic at Rio simpler and less filled with the intense interest that surrounded the subject as it came before the Mexican Conference. Another factor which added greatly to the harmonious action of the committee on arbitration and of the Conference at Rio was the fact that all the republics participating in the conference had been, through the initiative taken by the United States and Mexico, for the first time invited with the countries of the Old World to participate in the coming Hague Conference.

It is true that in preparing a draft report for the committee to present to the conference the delegates from Peru and from Bolivia wished to go much further than did the majority of the committee. They wished the committee's report to state that compulsory arbitration was the goal that must finally be reached before any international arbitration agreement could be pointed to as having specific value. It was pointed out by other delegates on the committee that if such a course was adopted it would be equivalent to fixing beforehand, so far as the Rio Conference was concerned, the character of agreement to be considered at the World's Conference at The Hague, while by the adoption of the course suggested by the majority of the committee, not only would the impressive fact stand out that the American republics had ratified the great principle of arbitration, but had given a unanimous expression of their hope that at The Hague a striking, forceful result would be attained which could be heartily accorded in by all the nations of the world. Further, that through the latter course each of the republics would be in a position to place before The Hague Conference, in such manner as might at the time seem best, its views in support of the form of world convention deemed by it best. This view was ultimately agreed to by all delegates on the committee.

By unanimous agreement of the committee, the entire discussion of the subject-matter was limited to the committee room. While this course led to more sessions of the committee than would have been the case had the usual method of debate in open conference been adopted, it resulted in the impressive effect produced by the adoption by the conference, amid applause and without debate, of the unanimous report of the committee on this important, world-wide question.

The text of the committee's report is as follows:

"The committee on arbitration received, among other matter submitted for its consideration, the following subject in the programme:

"A resolution affirming the adherence of the American republics to the principle of arbitration for the settlement of disputes arising between them, and expressing the hope of the republics taking part in the conference that the international conference to be convened at The Hague will agree upon a general arbitration convention that can be approved and put into operation by every country."

"The pacific solution of international conflicts was fully discussed in previous conferences. This being so, the Conference of Rio de Janeiro should confine itself to confirming the principle of arbitration, which all of the American republics have constantly upheld. This conclusion is further reenforced when the fact is taken into account that the arduous problem will be newly the object of special study in the coming conference of The Hague, to which all of the American nations have been invited.

"The subject is one that does not exclusively contemplate the interests of a determined group of sovereign states, and it is therefore logical, as well as practical, that the definite debate upon the subject should be left to an assembly of world-wide character with the object of reaching therein an agreement of arbitral justice which, by reason of the ample spirit of conciliation inspiring it, shall merit the adherence thereto of all nations.

"Such is the view that has influenced the members of the committee on arbitration and given form to the draft of the resolution recommended to the conference for its sanction.

DRAFT OF RESOLUTION.

"Whereas the American republics have always upheld the principle of arbitration as a means of maintaining international peace; and

"Whereas they have been invited to the next Hague conference, the Third International Conference of the American States assembled in Rio de Janeiro, resolves

"To ratify adherence to the principles of arbitration, and to the end that so high a purpose may be rendered practicable, to recommend to the nations represented at this conference that instructions be given their delegates to the second conference to be held at The Hague to endeavor to secure by said assembly of world-wide character the celebration of a general arbitration convention so effective and definite that, meriting the approval of the civilized world, it shall be accepted and put in force by every nation."

Special credit is due the distinguished chairman of the committee, Dr. Gonzales Ramirez, of Uruguay, and the committee's most able secretary, Doctor Lanuza, of Cuba, for their efforts and work in bringing about the happy results thus obtained by the committee on arbitration.

THE MEXICAN CONFERENCE TREATY COVERING THE ARBITRATION OF PECUNIARY CLAIMS.

II.

There was considerable discussion in the committee regarding the programme proposal to recommend an extension of this treaty for a further period of five years. A large majority of the committee desired to do this with a modification of the treaty through the addition of a section providing that arbitration should only take place after the legal resources afforded by the courts of a signatory country had been exhausted. These delegates held that the first article of the Mexican treaty (see Appendix F, p. 71) lent itself to the interpretation that the internal organization of a signatory state was to be ignored and an arbitral tribunal, that could not be avoided, was to be set up instead. The minority of the committee, through Mr. Buchanan, held that as no such fault had been detected by the 8 states that had ratified the Mexican treaty out of the 18 signatory countries, all of which were now represented on the committee, the minority of the committee were warranted in asking the majority, none of whose governments had ratified the treaty, to do so at the earliest moment and await some actual case after the treaty was in operation to bring up the question of interpretation of article 1 raised by them. With this marked difference of opinion in the committee, it took some time to reach a form of report acceptable to the minority and one that satisfied the majority, but this was finally secured and the extension of the treaty unanimously recommended by the committee and by the conference. The text of the committee's report is as follows:

"It has been the pleasure of the committee on arbitration to consider the second topic of the programme concerning which it was to report, exchanging opinions regarding the advisability of ratifying and extending the treaty of arbitration sanctioned by the Mexican Conference regarding pecuniary claims.

"This convention was signed by the delegates of the nations represented at said conference, but was ratified only by the United States of America, Mexico, Nicaragua, Guatemala, El Salvador, Honduras, Peru, and Bolivia.

"This partial ratification may, perhaps, have been due to the precise terms in which the first article provides for arbitral jurisdiction, this being possibly interpreted to mean that the inherent internal rights and prerogatives of a state was in all cases to be substituted by an arbitral tribunal whose jurisdiction could not be avoided.

"It is clear that such an interpretation is not well founded. If it be established that all claims for losses and damages brought against a state by the citizens of another must be submitted to arbitration, when they can not be adjusted through diplomatic channels, it is but reasonable to presume that these are cases in which diplomatic intervention is justified.

"The internal sovereignty of a state, an essential condition of its existence as an independent international power, consists explicitly in the right it always preserves of regulating such juridical acts as are consummated within its territory, by its laws, and of trying these by its tribunals, excepting in cases

where, for special reasons (and to these international law devotes particular attention), they are converted into questions of an international character.

"There is, therefore, no well-founded reason against ratifying and extending the treaty on arbitration of pecuniary claims sanctioned by the conference of Mexico without any textual alteration whatsoever.

"There is but to be suppressed the third article for the reason that the condition therein prescribed has been met and to fix the exact date on which the said treaty will terminate, since, while it may not go into effect on the same date for all the high contracting parties, because the term runs from the date they respectively ratify it, it will conclude, nevertheless, on the same date for all.

"The committee hopes that the ratification and extension provided for by the draft of convention proposed by it will be unanimously sanctioned by the conference, for the reason that it tends to attain the high end of securing by judicial means the decision of conflicts of an international character, thus avoiding, so far as may be possible, solution by force.

" DRAFT OF RESOLUTION.

"The high contracting parties, animated by the desire to extend the term of duration of the treaty on pecuniary claims, signed at Mexico, January thirtieth, nineteen hundred and two, and believing that, under present conditions, the reasons underlying the third article of said treaty have disappeared, have agreed upon the following:

"SOLE ARTICLE. The treaty on pecuniary claims, signed at Mexico, January thirtieth, nineteen hundred and two, shall continue in force, with the exception of the third article, which is hereby abolished, until the thirty-first day of December, nineteen hundred and twelve, both for the nations which have already ratified it and for those which may hereafter ratify it."

THE FORCIBLE COLLECTION OF PUBLIC DEBTS.

This subject as embodied in the programme "that the Second Peace Conference at The Hague be requested to consider whether and, if at all, to what extent, the use of force for the collection of public debt is admissible," overshadowed in interest all other topics before the conference.

It will be recalled that for several months before the conference the press of both this continent and of the Old World discussed the probable action the Conference at Rio would take on the subject, the general belief being expressed that it would take advanced and decided ground against the use of force for the collection of public debts.

In the consideration they gave to the subject the press of the world took as a text the able note directed by the then Argentine minister for foreign affairs, Dr. Don Louis Maria Drago, to the Argentine diplomatic representative at Washington at the time of Venezuela's difficulties in 1902. Therefrom arose the name given the subject by the press, "the Drago doctrine."

It is well known that the principle advanced and so ably discussed by Doctor Drago has been for a great many years maintained by the United States, one of whose statesmen, Alexander Hamilton, early gave definite form to the principle, as did Lord Palmerston also when prime minister of England.

Doctor Drago's views, as set out in his note of December, 1902, were evidently misconstrued by many of his critics, who thought they saw in them an effort to excuse the nonpayment of just obligations on the part of a nation. In the discussion which took place in the committee room at Rio it was early made clear that this unfair criticism and construction on the part of a large portion of the world's press was not only wholly unfair to Doctor Drago, but was keenly felt by the smaller debtor republics, and by some of the larger. This attitude of the press made it appear necessary on the part of these not alone to exercise great caution but even to make doubtful the wisdom on their part of asserting merely what is well understood to be a principle by the United States and by other governments, lest they should find themselves by so doing charged with the purpose of thus attempting to avoid the payment of their public debt. The importance of the subject and the part taken in its public discussion by Doctor Drago warrants the insertion here of a paragraph from an address delivered by him at Buenos Ayres in August last, when welcoming the United States Secretary of State to the Argentine Republic. In

the course of that address Doctor Drago referred to the incidents which formed the subject of his note of December, 1902, and said that in that—

“Critical moment the Argentine Republic proclaimed the impropriety of the forcible collection of public debts by European nations, not as an abstract principle of academic value or, as a legal rule of universal application outside this continent (which it is not incumbent on us to maintain), but as a principle of American diplomacy which, while being founded on equity and justice, has for its exclusive object to spare the people of this continent the calamities of conquest disguised under the mask of financial interventions, in the same way as the traditional policy of the United States, without accentuating superiority or seeking preponderance, condemned the oppression of the nations of this part of the world and the control of their destinies by the great powers of Europe.”

The subject was indeed deemed so delicate by some members of the committee, and in their opinion susceptible of so much unjust criticism, that they were inclined to favor a recommendation to the conference that no action whatever be taken on the topic, but after many patient and extended conferences between the delegates on the committee a unanimous report in the following terms was presented by the committee to the conference and unanimously adopted:

“The fourth topic of the programme, to wit: ‘A resolution recommending that the Second Peace Conference at The Hague be requested to consider whether, and if at all to what extent, the use of force for the collection of public debts is admissible,’ was referred to the committee for its consideration.

“As clearly established at the session of the governing board of the Bureau of the American Republics, held on April 21 of this year, the scope of this draft was confined to public debts, and was not in any manner intended to be an acceptance of the legitimacy of their compulsory collection. The committee believes it preferable to base the question at issue on broader and more comprehensive grounds, so that it shall comprise not only public debts, but other cases of an exclusively pecuniary nature, often the cause of deplorable conflicts.

“It was not proposed that definite conclusions should be reached at this conference, composed exclusively of American nations, but that the true principles that should govern such cases should be left to be fixed by an international assembly composed of all the nations of the world.

“The committee has not overlooked the fact that the subject-matter not only involves the application of principles of international law, but those which affect the internal sovereign rights of nations, and that these latter are to be respected in resolutions of this conference, a body zealous in its purpose to respect the prerogatives of national sovereignty.

“The committee understands that when the principles of international law, embodied in treaties or generally accepted, are violated, that the case contemplated by the programme topic arises, and that it refers solely to debts contracted by a state with private individuals, without the intervention of another state.

“Inasmuch as it is the opinion of this committee that the scope of the topic under consideration should be extended to other cases having a pecuniary origin in addition to those related distinctly to public debts, the only ones included in the topic in the programme, and as the governments represented herein may not be in accord as to the timeliness of the presentation of the subject, this committee limits itself to recommending the adoption of the following resolution:

“*Resolved, by the Third International Conference of the American States, assembled in Rio Janeiro:*

“To recommend to the governments represented therein that they consider the point of inviting the Second Peace Conference at The Hague to consider the question of the compulsory collection of public debts, and, in general, means tending to diminish between nations conflicts having an exclusively pecuniary origin.”

This action on the part of the conference leaves to each of the republics the opportunity to either bring the subject to the attention of The Hague Conference in connection with the programme for the conference, or not, as each may deem best at the time.

CODIFICATION OF PUBLIC AND PRIVATE INTERNATIONAL LAW.

A convention was signed at the Mexican Conference providing for the appointment by the governing board of the Bureau of American Republics of a com-

mission of five jurists to prepare a draft of a code of public and private international law to be submitted to the Rio Conference for its action.

The consideration given this convention by the different governments that participated in that conference apparently led them to the conclusion that the moment to attempt such a general codification as contemplated by the convention had not arrived, and as a result the convention signed at the Mexican Conference was not ratified by any of the signatory countries. Notwithstanding this fact there was, however, a very general feeling manifest in the Conference at Rio that a first step toward a more definite formulation of the rules of public and private international law for use between the American States than at present existed could and should be taken. It was recognized by delegates that a small commission would be more likely to bring a work of such a character as that contemplated to a speedier conclusion than would a larger one, and also evident that such a plan, which would fail to give representation on the commission to each country participating in the conference, would probably equally fail to receive the necessary approval of the countries represented in the conference. There was a decided belief shown by some of the delegations, notably that of Peru, that the commission should be limited to five members, to be designated by the leading universities of the American republics, and thereafter approved by each of the different governments in the conference. The view taken by the committee, and subsequently by the conference, was that in common with other divisions of jurisprudence, public international law was constantly changing in harmony with the existing international relations between nations, and that inasmuch as many questions of a quasi-political nature were involved in the formulation of rules governing the subject, it seemed reasonable to presume that the work of a commission composed of members representing each republic would command more general approval than would that of a smaller commission. The plan finally adopted by the conference embodied the committee's view, and does not fix the specific work to be undertaken by the commission, recommending merely that it should first consider the desirability of directing its attention to those rules and principles of international law which have been incorporated in treaties or conventions between two or more of the American republics—for example, the treaties of Montevideo—in other words, that it was not expected that a draft of a systematic code of international law could be at once prepared, but that the commission should begin its work by attempting a clear formulation of already accepted rules.

In the event the commission is created and this work done, it will be the task of the Fourth Conference to consider the report of the commission and to try to secure thereafter, so far as may be deemed practicable, the acceptance of such rules by the republics represented in the conference. It was believed by the conference that in this way the work of the commission would be of immediate value and a first step taken toward a more definite determination of rules to govern the relations between the republics of this continent than at present exists.

NATURALIZATION.

After considerable discussion the committee on naturalization presented a resolution to the conference embodying the principle that when a citizen, a native of one country and naturalized in another, shall again take up his residence in his native country without the intention of returning to the country in which he has been naturalized, he will be considered as having resumed his original citizenship and as having renounced the citizenship acquired by naturalization.

This principle is contained in the following treaties made by our Government: That of May 27, 1868, with the North German Confederation; that of May 6, 1872, with Ecuador, and that of March 29, 1904, with Haiti.

The provision of these treaties that the intent not to return shall be presumed to exist when a person has resided more than two years in the country of his birth was the chief element of disagreement in the committee. Some of the members of the committee desired to have the proposed treaty clause clearly define "domicile" and "residence," and to make the determination of the question a judicial rather than an administrative one. The committee, however, concluded that it would be best to limit the terms of the proposed convention clause to the formulation of a general principle, leaving the details incident thereto to be settled, the requirements of the local legislation of the different signatory governments being taken as a guide.

It is believed by the United States delegates that the action of the conference in thus agreeing upon the recommendation of the committee fixing the status of naturalized citizens who renew their residence in the country of their origin will be of marked advantage to all the republics if adopted by them, and that such general adoption will exert a strong influence with the other countries of the world in the direction of the general recognition in treaties of this distinctively American principle.

COMMERCIAL INTERCOURSE BETWEEN THE AMERICAN REPUBLICS—CUSTOMS AND CONSULAR LAWS.

These subjects cover two topics of the programme and the work of two committees, but they are so closely related that they can be treated jointly to better advantage than separately. This is made easier because of the fact that Doctor Reinsch was a member of both committees. These committees gave the most earnest consideration to their work, realizing that the two subjects represented the factor of greatest concern to the republics represented in the conference—that of commerce.

In the committee on commerce the discussion early brought its members to conclude that it would be unwise to enter upon the consideration of principles affecting the commercial intercourse between the republics, or to recommend to the conference resolutions with respect to any general form of commercial policy, such as that of commercial treaties between the different republics, or resolutions which might in any way tend to embarrass the necessary freedom of action essential in order that the republics might adjust their commercial policy to meet their different requirements or purposes.

The committee therefore limited its work to the consideration of the following specific topics:

- (1) "The more rapid communication between the different nations;"
- (2) "Measures tending to develop and extend commercial intercourse between the republics forming the conference;" and
- (3) "The greatest possible dissemination of statistical and commercial information."

In connection with the first, the Chilean delegation presented an interesting tentative project having for its purpose the development of a more efficient merchant-marine service between the American states than exists at present. By this plan any navigation company that would submit to some international American agency, like the Bureau of American Republics, its freight and passenger schedules between American ports, together with its time-tables and sailing lists, would receive, in return for reasonable rates and adequate accommodations furnished inter-American commerce, concessions in harbor and other port charges and exemption from restrictions as to the time of entry of vessels and the unloading and loading of their cargo in ports of the republics at which their vessels touched.

While this plan in many respects appealed to the committee as one that might do much toward increasing inter-American shipping, it presented many evident difficulties when considered in detail, and it was finally deemed best by the committee not to present it to the conference at the time, but to present instead the following resolution, which was unanimously adopted:

"(1) The International Bureau of American Republics, after due collection and study of the necessary material, shall elaborate a project containing the definite bases of a contract which it may be advisable to conclude with one or more steamship companies for the establishment or maintenance of navigation lines connecting the principal ports of American countries.

"(2) These bases shall be communicated in due time to the signatory governments so that they may instruct their delegates to the end that the next international American conference may give its opinion thereon.

"(3) It is recommended to the governments represented at this conference that, with the purpose of bettering the means by which trade may be facilitated, they should conclude conventions among themselves, stimulating as far as possible a rapid service of communication by railway, steamer, and telegraphic lines, as well as postal conventions for the carriage of packages and commercial samples, so that these may circulate with rapidity and economy.

"(4) It is equally recommended to the governments of the signatory countries that they should seek to connect their railroad and telegraphic lines with those of the adjoining republic.

"(5) It is further recommended that goods in through transit over routes of communication in any country whatever shall be free from all duties, paying solely for services rendered by the installations at ports and of the roads passed over, on the same schedule paid by goods destined for the consumption of the country through whose territory such transit takes place."

The reference made in this resolution to parcel-post facilities leads us to call your particular attention to the apparent unsatisfactory condition existing in the parcel-post arrangements between our country and many of those of South America, in the hope that this situation, now so disadvantageous to our interests, may be remedied. It is our conviction that this can be done and that it should be undertaken. There appears to be a different basis adopted by our Government in these matters than that in use between England and some of the South American republics. If our information is correct, it appears that in the parcels arrangements between England and some at least of these, the country that delivers the parcel receives something for its service through a division of the postage received by the country of origin.

It is understood that the republics in question claim that this principle is but fair to them, because of the fact that not one-fifth of the parcels originate with them. The advantage hence lying wholly with the manufacturers and people of the country with which they enter into parcel-post arrangements, our information is to the effect that these parcels arrangements between England and the Argentine Republic and other of the South American republics work well in practice, and that while adding to England's commerce materially they are satisfactory to the other signatory nations, because of the clause providing for a division of the postage received on parcels between the country originating and that delivering the parcel.

The committee presented the two following resolutions covering the second topic referred to above:

" RESOLUTION.

" *Natural resources.*

"1. That the Bureau of American Republics be authorized to establish as a part of its section of commerce, customs and statistics, a special service destined to facilitate the development of the natural resources and means of communication of the various republics of America.

"To this end the bureau is charged with the duty of gathering and classifying, permanently, all trustworthy information on the natural resources, projected public works, and legal conditions under which it is possible to obtain from the American governments concessions of lands, mines, and forests.

"This information shall be put at the disposal of the governments and persons interested therein, and shall be regularly published in the bulletins of the bureau.

"2. The bureau shall be bound to render its services to the governments of America, when any one of them shall demand such services, with a view to obtaining information that might be useful to it with regard to projected public works; and it shall preserve in its archives, at the disposal of interested persons, the plans and details of the said works.

"3. The next international conference of American states shall be invited to give full attention to the following subject:

"The study of the laws that regulate public concessions in the various countries of America, in order to make recommendations to the American governments what agreements or dispositions would best contribute to the industrial development and the development of the natural resources of the republics of the continent.

"In order that all the material necessary for this discussion may be gathered the bureau is hereby charged with the duty of presenting a special memoir to the next Pan-American conference on the laws relative to the above-mentioned matters which are in force to-day in the various republics of the continent.

" RESOLUTION.

"The Third International American Conference resolves:

"To recommend to the governments represented thereat the appointment of a committee responsible to the minister of foreign affairs and composed, if possible, of persons that have been delegates to some international American conferences, to the end that:

"1. The approbation shall be obtained of resolutions adopted by international American conferences;

"2. The International Bureau of American Republics shall be furnished with all information necessary for the preparation of its work, and that

"3. The committee shall exercise such further functions as the respective governments shall deem proper."

It was the belief of delegates that the greatest need of the Central and South American republics is the investment of capital to extend and increase their internal development and thus create commerce, and that an effectual advancement of this end would be secured from the work to be intrusted to the Bureau of American Republics, under the first of the two resolutions quoted; moreover, the need of some permanent correspondent body in each of the republics is apparent to those who have to deal with inter-American affairs in conferences such as that of Rio. In presenting the second of these resolutions the committee had this in mind and believed that the adoption by the different republics of the plan proposed would result in the creation of a body in each American republic which will not only serve as a center for the international interests represented therein by the Bureau of American Republics and by the different conferences, but as a medium through which the adoption of the recommendations of the different conferences may be more certainly assured. This resolution, which originated with the Chilian delegation, was by arrangement between the two committees included in the report of the committee on the reorganization of the Bureau of American Republics.

It seems clear to us that this measure, if put into force, will materially aid in increasing the efficiency of the Bureau of American Republics, and that it will equally tend to create a deeper interest in the International Union of the American Republics in each of the republics. For these reasons we heartily recommend the appointment of such a committee by the United States Government.

Another important resolution reported by the committee dealt with the fluctuations in the rate of exchange in the republics and the influence such fluctuations had exerted on the internal and external commerce and industries of these countries, and recommended to each of the republics that they cause to be prepared for submission to the next conference a detailed memorandum covering such republic's experience in these matters, in order that the possibility of taking some steps looking toward general inter-American monetary reform might be considered by that body. It was the unanimous belief of the conference that if each of the republics would prepare the report outlined in the resolution it would not only furnish such a basis for the next conference, but that possibly some definite monetary plan might be evolved by subsequent conferences that could advantageously be applied throughout the American republics, and do away with the enormous loss and inconvenience that exists where widely fluctuating rates of exchange and of monetary values are found.

The committee further recommended the indorsement by the conference of the action of the International Coffee Conference held in New York in 1903, recommending that another conference be held to consider questions in connection with the coffee industry. This subject, in which the United States is not only interested as a great consumer, but also as a minor producer, appears to us to be of sufficient importance to warrant the recommendation that if such new conference is held the United States should be represented therein.

All the resolutions and recommendations of the committee were unanimously approved by the conference.

The proposed new section of "commerce, customs, and statistics" in the Bureau of American Republics was in the report and recommendations made by the committee on customs and consular laws, and approved by the conference (see Appendix F, p. 113). The committee's plan contemplates that the new section in the bureau shall be in charge of a competent specialist specifically instructed to gather all available information upon the customs and consular laws and regulations of the American republics, and to embody these in a report which the bureau is instructed to make to the next conference. This report is to become the basis for such future action by the conference as may be found practical toward simplifying and coordinating the customs regulations and laws of the different republics.

The committee in reaching this conclusion considered three alternative suggestions looking toward the same end: (1) The calling of a second customs congress to continue the work begun at the congress held in New York in 1903; (2) the creation of a customs commission to be composed of representatives of

each of the American republics, to specially consider the subject; and (3) the course finally recommended by the committees.

The first two alternatives were rejected by the committee on the ground that the essential work to be done consisted in the collection of the necessary information upon which a report could be based that would enable the next conference intelligently to act. The committee believed, and in this the conference fully concurred, that any recommendations of the next conference for simplified customs regulations and laws should be based on complete information, and that this could best be secured through the services of a trained, responsible specialist. It was felt by the committee that the expense of future special conferences and commissions would thus be avoided and that if the preparatory work was well done by the new section of the bureau much good might result from the deliberations of future conferences.

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It will be noticed by reference to the action of the conference on these matters (see Appendix F, p. 75) that with the exception of certain modifications, to which reference will be made, the convention of the Mexican Conference respecting rights in intellectual and industrial property has been reaffirmed. For the purpose of reference and comparison the text of the Mexican convention referred to is included. It was the unanimous belief of the committee having these subjects in charge that unless uniformity, expedition, and cheapness could be obtained in connection with the registration of copyrights, patents, and trade-marks that but little actual good need be looked for. It will be noticed that the modified Mexican convention provides that the whole administrative work in connection with the subject shall be lodged in two bureaus—one to be maintained at Habana for the States of Colombia, Costa Rica, Cuba, Guatemala, Honduras, Mexico, Nicaragua, Panama, San Domingo, San Salvador, the United States, and Venezuela, and the other at Rio de Janeiro for the Argentine Republic, Bolivia, Brazil, Chile, Ecuador, Paraguay, Peru, and Uruguay.

These two bureaus are practically one and the same, since both have the same organization and system of registration, while copies of their acts, approved by the government in which the bureau is situated, are to be transmitted monthly from one bureau to the other. By this plan the registration of a trademark, for example, secured in either of the two bureaus is made effective throughout all of the republics represented in the conference, just as if obtained in each of the several signatory republics, save that any republic is allowed one year from the date of notification by the bureau within which to accept or reject such registration. This form of international registration, however, is optional with interested parties, who are free under the convention to make direct application for registration to any one or all of the republics signatory to the proposed convention. It is proposed to make a charge of \$5 as the total cost of registration under the bureau system recommended, but if the fees thus collected are insufficient to maintain the bureau then the signatory governments are to proportionately make good the deficit.

It will be noticed that the proposed modified convention substantially conforms to the amended treaty of Paris of 1883, and it was the general belief of delegates to the conference that its adoption by the several republics represented therein would greatly promote comity and commerce between them. It is the earnest hope of the United States delegates that such action will be had by our Government at the earliest practicable moment.

SANITARY POLICE.

The committee on sanitary police took into consideration the work of the two preceding conferences and the action that has been taken by the different republics concerning the subject of quarantine and sanitation, and decided that it was most desirable to have the sanitary convention celebrated at Rio de Janeiro and that signed at Washington on October 14, 1905, generally adopted and carried into effect. In this connection the committee recommended the adoption by each of the American republics of the international sanitary convention of Washington as a general standard rule of procedure.

In addition to this, the committee recommended a new measure which, if put into practice, can not but be of material benefit to every one, viz, the adoption by each republic of measures tending to assure the sanitation of cities, and especially ports, and, through state, provincial, and municipal regulations in the

different republics, steps that will lead to a strict observance of hygienic and sanitary principles among residents of cities, and especially those of the great ports of the Americas. The committee recommended that the republics should take part in the international sanitary convention which is to meet in the City of Mexico in December of the present year, and suggested that specific instructions, under four heads, be given delegates to that convention. These instructions to cover—

(a) Measures that will make effective the recommendation of the committee concerning the sanitation of cities and endeavors to bring about a better observance of hygienic and sanitary principles on the part of residents of cities.

(b) The designation in each of the American republics of a commission, composed of three medical or sanitary authorities, these commissions as a whole to constitute an international informatory sanitary commission of the American republics, under the direction of the International Sanitary Office established at Washington, with power to meet and to communicate to each other data and information relative to public sanitation.

(c) The establishment in one of the South American cities (Montevideo was later fixed upon by the conference) as a center of sanitary information, which will furnish to the International Sanitary Office, already in existence at Washington, the necessary elements in order that the latter may comply with recommendations 5, 6, and 7 upon sanitary police, made by the Mexican International Conference of the American States.

(d) The establishment of working relations between the International Sanitary Office, established in Washington, and the Bureau Sanitaire Internationale, of Paris.

The text of the committee's report and the resolution adopted by the conference, together with the text of the articles in the Mexican Conference convention, referred to under (c) above, will be found under Appendices F and G, p. 129.

THE PAN-AMERICAN RAILWAY.

The permanent committee created by the Mexican Conference to carry on the work of endeavoring to secure the construction of a complete chain of railways that would form an intercontinental American line, linking together the railway systems of the United States with those of Mexico and of the Central and South American republics, presented to the conference through the United States delegation a most important and interesting report.

The conference deemed the importance of the subject such that upon the initiative of the United States delegation a special committee, consisting of one member from each of the countries through which the chain of railways pass and one delegate from Brazil, was designated to consider this report and make such recommendation as in the opinion of the committee would aid the permanent committee in its efforts.

Deep interest was taken in the report of the permanent committee, which showed a constantly increasing railway mileage in Chile, Bolivia, Peru, and Ecuador, all tending to form additional links in the chain of the proposed Pan-American system.

It will be remembered that the original route proposed for this intercontinental line was the chain of the Andes through Colombia, Ecuador, Peru, and Bolivia, the line to connect in the latter country with the extensive Argentine system, and with the Chilean system through the new line now under construction from Chile into Bolivia. It may be interesting to note here that another route has been lately suggested by railway men in South America as worthy of consideration, connecting with the Argentine system at Asuncion, Paraguay. This proposed route would pass northward wholly through the great undeveloped table-lands of Brazil to the eastward of the Andes.

The report of the special committee, to which reference has been made, provides that—

"Each republic, when giving its support to the construction of lines destined to serve local interests, should follow, as far as possible, the intercontinental route.

"That each state should organize associations of engineers to complete the plans, specifications, and estimates that shall serve to fix the amount of capital necessary to complete the construction.

"That the different states shall determine, as soon as possible, what concessions of land, subventions, interest guaranteed on invested capital, exemptions of duty on material for the construction, and rolling stock and other concessions they deem it advisable to grant."

The conference by the same resolution continued the permanent committee created by the Mexican Conference, consisting of Hon. Henry G. Davis, of West Virginia; Mr. Andrew Carnegie, of New York; Dr. Joaquin D. Casaus, of Mexico; Dr. M. Alvarez Calderon, of Peru; Dr. A. Lazo-Arriaga, of Guatemala; Mr. Charles M. Pepper, of Illinois, and thanked them for the efforts they have made toward carrying out the contemplated great project of linking together into one intercontinental chain the railway systems of the United States with that of the Argentine Republic and of Chile, through the construction of intermediate links in Bolivia, Peru, Ecuador, Colombia, and the republics of Central America.

PRACTICE OF THE LIBERAL PROFESSIONS.

The conference adopted without change the form of treaty agreed upon at the Mexican Conference relative to the practice of the liberal professions in the different republics by citizens of other republics.

The subject is therefore again before the educational institutions of our country for their consideration and such legislative action by their respective states and by our Government as may be required to enable the proposed treaty to be made effective.

When the benefits which this treaty would bring to university and college graduates of our country desiring to locate in any one of the American republics are taken into careful consideration, they would appear amply sufficient to warrant such reciprocal legislation or action on our part and between our country and the several American states as would make the plan outlined in the treaty proposed by the Mexican Conference a definite reality; but this will not be likely to take place unless the universities and colleges of our country take interest in the subject.

THE NEXT CONFERENCE.

The subject of the time and place of the next conference gave rise to considerable discussion, both in the committee and privately among delegates, a considerable number of whom desired to fix the time at which the next conference should be held, as well as the place, while others believed it inadvisable to follow that course. These discussions, as might have been expected, led to some sharply defined differences, which increased rather than decreased as the days went by. At length, however, there was entire accord with the conclusion reached by the committee, to wit, that the precedent established by the Mexican Conference, to leave the decision both as to the time and place of subsequent conferences to be determined by the governing board of the Bureau of American Republics, should be adhered to, since it was apparent to all that it might be found to be unwise to determine four or five years in advance the time and place of meeting of a conference, because circumstances might arise that would make the designation of some other point more desirable in the opinion of the governments intending to participate in the conference.

Notwithstanding this, there was, however, a general expression on the part of all delegates of the satisfaction they would feel should the governing board of the bureau when considering the subject of the next conference choose Buenos Aires as the meeting place, and it will be noted that in the preamble to the resolution concerning the subject adopted by the conference this fact is noted.

THE VISIT OF THE SECRETARY OF STATE.

The distinguishing note of the conference was the extraordinary session convened to receive the Secretary of State of the United States, Hon. Elihu Root, who, as stated earlier in this report, had been named one of the two honorary presidents of the conference.

The reception accorded the Secretary of State by the conference was one of the most notable political events that has taken place in our relations with Central and South America, and manifested the feeling of good-fellowship and sympathy that exists between the American republics. We believe the visit of the Secretary of State to South America has resulted in greater good to our relations with Central and South America than any one thing that has heretofore taken place in our diplomatic history with them.

The extraordinary session of the conference to receive the Secretary of State was held on the evening of July 31 and was one of great brilliancy. In introducing the Secretary of State to the conference, His Excellency Dr.

Joaquim Nabuco, the Brazilian ambassador to the United States and president of the conference, delivered a notable address, to which the Secretary of State replied.^a The address of the Secretary of State was listened to with the deepest interest by the conference, and afterwards commented upon by delegates in the most cordial manner.

The address made by the president of the conference and that by the Secretary of State, together with remarks made by Doctor Cornejo, a delegate from Peru, who followed the Secretary of State, and those of Governor Montague, of the United States delegation, in reply to Doctor Cornejo, will be found under Appendix E, pages 61-65.^b

During the first session of the conference following the reception to the Secretary of State, Dr. Gonzalez Ramirez, the distinguished and eloquent president of the Uruguayan delegation, responded on behalf of the conference to the address made by the Secretary of State. His address was cordially applauded by the conference.

THE ADJUSTMENT OF PEACE IN CENTRAL AMERICA.

During the sessions of the conference the news was received of the peaceful adjustment of the difficulties that had arisen in Central America, through the mediation of the President of the United States and the President of Mexico.

The effect produced on the conference by this happy result can best be shown by the unanimous voice of all the delegates to the conference, expressed in the following resolution presented by His Excellency Doctor Portela, of the Argentine delegation, and at once adopted by the conference and transmitted by cable to the Mexican and to the United States Governments:

“Resolved, That the Third International Conference of the American States in session at Rio de Janeiro manifest to the President of the United States and to the President of Mexico the satisfaction with which the conference has received the information of their happy mediation in the adjustment of peace celebrated between the Republics of Guatemala, Salvador, and Honduras.”

THE EARTHQUAKE AT VALPARAISO.

The great catastrophe that took place at Valparaiso during the session of the conference brought out in a striking manner the common bond of sympathy and the solidarity existing between the people of the different republics, the Chilean delegation becoming at once the recipient of the most expressive sympathy and encouragement from the other delegations.

During a session of the conference at which no other business was done the following resolution, signed by each delegate, was approved and cabled to the Chilean Government:

“Resolved, That on behalf of the Third International Conference of the American States assembled in special session at Rio de Janeiro, August 21, 1906, the Brazilian Government be requested to express to the Government of Chile the deep sorrow with which it has received the news of the disaster which has befallen a sister nation; the sincerity with which the American republics share its grief; the hope that the catastrophe will not prove so grave as indicated by the first news, and that out of the actual ruins there shall shortly arise a new prosperity and greatness for their sister republic.”

On the same day the flags on the Monroe Palace were placed at half-mast by a vote of the conference, and continued so during the remainder of the conference. A relief fund was privately raised among individual delegates, and at their request transmitted by Mr. Buchanan to the Chilean minister of the interior on the 28th of August.

RESULTS OF THE CONFERENCE.

Quite aside from our conviction that the resolutions and recommendations of the conference merit the cordial approval of our Government, and that if put into effect they will do much to aid and further our relations with the republics to the south of us, we believe that the meeting of such a conference is alone of the widest value through the friendships formed and the opportunity these

^a See pp. 126-129, ante.

^b See pp. 130, 131, ante.

afford to gain a personal knowledge of the problems confronting countries other than one's own.

It is our belief that the growth of tolerance, confidence, and broad unity of purpose between the American republics that has its visual expression in the International Union of the American Republics is largely due to the conferences that have been held, and that these will be increased through the meeting of the Rio Conference and of those that will follow hereafter.

BRAZIL'S HOSPITALITY.

It would be difficult to conceive of any country extending to delegates to an international conference held within its borders a more generous or delightful hospitality than that accorded the delegates attending the conference by the Brazilian Government and people.

On the opening day of the conference a special mass in honor of the delegates was celebrated in the cathedral by the Cardinal Archbishop of Rio de Janeiro. Admittance to the cathedral was by invitation only. The mass was attended by the President and his cabinet, by representatives of all the branches of the Brazilian Government, by the diplomatic corps, and by all the delegates and their families in attendance at the conference.

Aside from the courtesies and the conveniences provided for delegates in the Monroe Palace, referred to early in this report, a succession of banquets, balls, receptions, and concerts were given by officials of the Government. Among these an orchestral and vocal concert at which only musical works by Brazilian composers were rendered, the composer in many instances directing the superb orchestra, is worthy of especial mention. These, with a number of delightful excursions to points of interest about Rio, followed each other during the whole period of the conference, and at its close such of the delegates as were able to remain were taken in special trains to São Paulo and the interior of the country, where they were equally received with every mark of hospitality and attention. The charming hospitality and welcome extended delegates and their families on every hand by the Government and the people of Brazil will be a delightful and lasting memory with each one in attendance upon the conference.

As a recognition of the feeling and sentiment of all, the conference at its closing session by a rising vote and amidst applause adopted a suitable resolution.

THE COMPLETE MINUTES OF THE CONFERENCE.

This report and its appendices will be accompanied by a copy of the complete minutes of the conference in English, Spanish, and Portuguese. It is proper to say that the laborious work of the committee on engrossing and printing, which gave so much time and attention to the translation and compilation of the minutes and acts of the conference, was highly appreciated by the conference.

We desire in this connection to especially acknowledge the constant courtesy shown by the secretaries of the conference in connection with translating, compiling, and printing the complete minutes to which reference is above made, and to express our hearty appreciation of their work.

RECENT MUNICIPAL IMPROVEMENTS IN RIO DE JANEIRO.

We can not refrain from speaking of the striking and extensive public improvements that have been carried out in Rio during the past three or four years.

These comprise the building of several wide avenues through the center of this thickly built old city by the expropriation of large areas, in some instances of entire blocks, of valuable property. These new avenues are asphalt paved, are brilliantly lighted by electricity, and lined by shade and flowering trees and beautified by a succession of flower beds in the center of the avenue. Upon these new granite and stone buildings, many of elaborate architectural treatment, notably the Monroe Palace and the opera house, have been built. These new avenues not only beautify the old city, but have had much to do with the practical elimination of many diseases, especially yellow fever, that heretofore tended to prevent people from visiting the city and enjoying its splendid winter climate and the magnificent scenery by which it is surrounded. The most striking of these improvements, however, is the magnificent asphalt-paved boulevard of over 4 miles in length extending along the entire edge of the beautiful bays upon which Rio is built. This, when completed, will make the city unique among the cities of the world in the beauty of its water front.

STEAMSHIP COMMUNICATION BETWEEN THE UNITED STATES AND SOUTH AMERICA.

The impression made upon us at Rio by the constant coming and going of the splendid passenger ships that ply between South Atlantic ports and those of England, Germany, France, Spain, and Italy, compared with the meager service of practically but two ships per month with passenger accommodations between Rio and the United States, was unpleasant. It would appear to be manifest that some means must be found to overcome this striking disparity and to give our country and people better transportation facilities with South America before we can reasonably expect to reap the advantageous development of our commerce there to which we are entitled.

CONCLUSION.

In conclusion the delegation desires to express to the entire corps of its assistants, and especially to its secretary, Mr. Charles Ray Dean, its thanks for their faithful and conscientious work.

We have the honor to be, sir, very respectfully, your obedient servants,

WM. I. BUCHANAN.
L. S. ROWE.
T. LARBINAGA.
VAN LEER POLK.
A. J. MONTAGUE.
PAUL S. REINSCH.

To the Honorable ELIHU ROOT,
Secretary of State.

WASHINGTON, *January 10, 1907.*

TEXT OF CONVENTIONS AND RESOLUTIONS.

Convention establishing the status of naturalized citizens who again take up their residence in the country of their origin.

Their Excellencies the President of Ecuador, Paraguay, Bolivia, Colombia, Honduras, Panama, Cuba, Peru, El Salvador, Costa Rica, the United States of Mexico, Guatemala, Uruguay, the Argentine Republic, Nicaragua, the United States of Brazil, the United States of America, and Chile, desiring that their respective countries should be represented at the Third International American Conference, sent thereto, duly authorized to approve the recommendations, resolutions, conventions, and treaties that they might deem convenient for the interests of America, the following delegates:

Ecuador: Dr. Emilio Arévalo; Olmedo Alfaro.

Paraguay: Manuel Gondra; Arsenio López Decoud; Gualberto Cardús y Huerta.

Bolivia: Dr. Alberto Gutiérrez; Dr. Carlos V. Romero.

Colombia: Rafael Uribe; Dr. Guillermo Valencia.

Honduras: Fausto Dávila.

Panama: Dr. José Domingo de Obaldía.

Cuba: Dr. Gonzalo de Quesada; Rafael Montoro; Dr. Antonio González Lanuza.

Peru: Dr. Eugenio Larrabure y Unánue; Dr. Antonio Miró Quesada; Dr. Mariano Cornejo.

El Salvador: Dr. Francisco A. Reyes.

Costa Rica: Dr. Ascención Esquivel.

United States of Mexico: Dr. Francisco León de La Barra; Ricardo Molina-Hübbe; Ricardo García Granados.

Guatemala: Dr. Antonio Batres Jáuregui.

Uruguay: Luis Melian Lafinur; Dr. Antonio María Rodríguez; Dr. Gonzalo Ramírez.

Argentine Republic: Dr. J. V. González; Dr. José A. Terry; Dr. Eduardo L. Bidau.

Nicaragua: Luis F. Corea.

United States of Brazil: Dr. Joaquim Aurelio Nabuco de Araujo; Dr. Joaquim Francisco de Assis Brasil; Dr. Gastão de Cunha; Dr. Alfredo de Moraes

Gomes Ferreira; Dr. João Pandiá Calogeras; Dr. Amaro Cavalcanti; Dr. Joaquim Xavier da Silveira; Dr. José P. da Graça Aranha; Antonio da Fontoura Xavier.

United States of America: William I. Buchanan; Dr. L. S. Rowe; A. J. Montague; Tulio Larrinaga; Dr. Paul S. Reinsch; Van Leer Polk.

Chile: Dr. Anselmo Hevia Riquelme; Joaquín Walker Martínez; Dr. Luis Antonio Vergara; Dr. Adolfo Guerrero.

Who, after having communicated to each other their respective full powers and found them to be in due and proper form, have agreed to celebrate a convention establishing the status of naturalized citizens who again take up their residence in the country of their origin, in the following terms:

ARTICLE I. If a citizen, native of any of the countries signing the present convention, and naturalized in another, shall again take up his residence in his native country without the intention of returning to the country in which he has been naturalized, he will be considered as having reassumed his original citizenship, and as having renounced the citizenship acquired by the said naturalization.

ART. II. The intention not to return will be presumed to exist when the naturalized person shall have resided in his native country for more than two years. But this presumption may be destroyed by evidence to the contrary.

ART. III. This convention will become effective in the countries that ratify it three months from the dates upon which said ratifications shall be communicated to the Government of the United States of Brazil; and if it should be denounced by any one of them, it shall continue in effect for one year more, to count from the date of such denouncement.

ART. IV. The denouncement of this convention by any one of the signatory states shall be made to the Government of the United States of Brazil and shall take effect only with regard to the country that may make it.

In testimony whereof the plenipotentiaries and delegates have signed the present convention and affixed the seal of the Third International American Conference.

Made in the city of Rio de Janeiro the 13th of August, 1906, in English, Portuguese, and Spanish, and deposited with the secretary of foreign affairs of the United States of Brazil, in order that certified copies thereof be made and sent through diplomatic channels to the signatory states.

[Signatures follow.]

Convention.—Pecuniary claims.

Their excellencies, the Presidents of Ecuador, Paraguay, Bolivia, Colombia, Honduras, Panama, Cuba, the Dominican Republic, Peru, El Salvador, Costa Rica, the United States of Mexico, Guatemala, Uruguay, the Argentine Republic, Nicaragua, the United States of Brazil, the United States of America, and Chile, desiring that their respective countries should be represented at the Third International American Conference, sent thereto, duly authorized to approve the recommendations, resolutions, conventions, and treaties that they might deem convenient for the interests of America, the following delegates:

Ecuador: Dr. Emilo Arévalo, Olmedo Alfaro.

Paraguay: Manuel Gondra, Arsenio López Decoud, Gualberto Cardús y Huerta.

Bolivia: Dr. Alberto Gutiérrez, Dr. Carlos V. Romero.

Colombia: Rafael Uribe Uribe, Dr. Guillermo Valencia.

Honduras: Fausto Dávila.

Panama: Dr. José Domingo de Obaldía.

Cuba: Dr. Gonzalo de Quesada, Rafael Montoro, Dr. Antonio González Lanuza.

Dominican Republic: E. C. Joubert.

Peru: Dr. Eugenio Larrabure y Unánue, Dr. Antonio Miró Quesada, Dr. Mariano Cornejo.

El Salvador: Dr. Francisco A. Reyes.

Costa Rica: Dr. Ascensión Esquivel.

United States of Mexico: Dr. Francisco León de La Barra, Ricardo Molina-Hübbe, Ricardo García Granados.

Guatemala: Dr. Antonio Batres Jáuregui.

Uruguay: Luis Melian Lafinur, Dr. Antonio María Rodríguez, Dr. Gonzalo Ramírez.

Argentine Republic: Dr. J. V. González, Dr. José A. Terry, Dr. Eduardo L. Bidau.

Nicaragua : Luis F. Corea.

United States of Brazil : Dr. Joaquim Aurelio Nabuco de Araujo, Dr. Joaquim Francisco de Assis Brasil, Dr. Gastão da Cunha, Dr. Alfredo de Moraes Gomes Ferreira, Dr. João Pandiá Calogeras, Dr. Amero Cavalcanti, Dr. Joaquim Xavier da Silveira, Dr. José P. da Graça Aranha, Antonio da Fontoura Xavier.

United States of America : William I. Buchanan, Dr. L. S. Rowe, A. J. Montague, Tulio Larrinaga, Dr. Paul S. Reinsch, Van Leer Polk.

Chile : Dr. Anselmo Hevia Riquelme, Joaquin Walker-Martinez, Dr. Luis Antonio-Vergara, Dr. Adolfo Guerrero.

Who, after having communicated to each other their respective full powers and found them to be in due and proper form, have agreed to celebrate a convention extending the treaty on pecuniary claims celebrated in Mexico on the 30th of January, 1902, in the following terms :

The high contracting parties, animated by the desire to extend the term of duration of the treaty on pecuniary claims, signed at Mexico, January 30th, 1902, and believing that under present conditions the reasons underlying the third article of said treaty have disappeared, have agreed upon the following :

Sole article : The treaty on pecuniary claims, signed at Mexico, January 30th, 1902, shall continue in force, with the exception of the third article, which is hereby abolished, until the 31st day of December, 1912, both for the nations which have already ratified it and for those which may hereafter ratify it.

In testimony whereof the plenipotentiaries and delegates have signed the present convention and affixed the seal of the Third International American Conference.

Made in the city of Rio de Janeiro the 13th of August, 1906, in English, Portuguese, and Spanish, and deposited with the secretary of foreign affairs of the United States of Brazil, in order that certified copies may thereof be made and sent through diplomatic channels to the signatory states.

[Signatures follow.]

Convention—Patents of invention, drawings and industrial models, trade-marks, and literary and artistic property.

Their Excellencies the Presidents of Ecuador, Paraguay, Bolivia, Colombia, Honduras, Panama, Cuba, the Dominican Republic, Peru, El Salvador, Costa Rica, the United States of Mexico, Guatemala, Uruguay, the Argentine Republic, Nicaragua, the United States of Brazil, the United States of America, and Chile, desiring that their respective countries should be represented at the Third International American Conference, sent thereto, duly authorized to approve the recommendations, resolutions, conventions, and treaties that they might deem convenient for the interests of America, the following delegates :

Ecuador : Dr. Emilio Arévalo, Olmeúo Alfaro.

Paraguay : Manuel Gondra, Arsenio López Decoud, Gualberto Cardús y Huerta.

Bolivia : Dr. Alberto Gutiérrez, Dr. Carlos V. Romero.

Colombia : Rafael Uribe Uribe, Dr. Guillermo Valencia.

Honduras : Fausto Dávila.

Panama : Dr. José Domingo de Obaldía.

Cuba : Dr. Gonzalo de Quesada, Rafael Montoro, Or. Antonio González Lanuza.

Dominican Republic : E. C. Joubert.

Peru : Dr. Eugenio Larrabure y Unáñue, Dr. Antonio Miró Quesada, Dr. Mariano Cornejo.

El Salvador : Dr. Francisco A. Reyes.

Costa Rica : Dr. Ascensión Esquivel.

United States of Mexico : Dr. Francisco León de La Barra, Ricardo Molina-Hübbe, Ricardo García Granados.

Guatemala : Dr. Antonio Batres Jáuregui.

Uruguay : Luis Mellan Lafinur, Dr. Antonio María Rodríguez, Dr. Gonzalo Ramirez.

Argentine Republic : Dr. J. V. González, Dr. José A. Terry, Dr. Eduardo L. Bidaú.

Nicaragua : Luis F. Corea.

United States of Brazil : Dr. Joaquim Aurelio Nabuco de Araujo, Dr. Joaquim Francisco de Assis Brasil, Dr. Gastão da Cunha, Dr. Alfredo de Moraes Gomes Ferreira, Dr. João Pandiá Calogeras, Dr. Amaro Cavalcanti, Dr. Joaquim Xavier de Silveira, Dr. José P. da Graça Aranha, Antonio da Fontoura Xavier.

United States of America: William I. Buchanan, Dr. L. S. Rowe, A. J. Montague, Tulio Larrinaga, Dr. Paul S. Reinsch, Van Leer Polk.

Chile: Dr. Anselmo Hevia Riquelme, Joaquin Walker-Martinez, Dr. Luis Antonio-Vergara, Dr. Adolfo Guerrero.

Who, after having communicated with each other their respective full powers and found them to be in due and proper form, have agreed on the following:

ARTICLE I. The subscribing nations adopt in regard to patents of invention, drawings and industrial models, trade-marks, and literary and artistic property, the treaties subscribed at the Second International Conference of American States, held in Mexico, on the 27th of January, 1902, with such modifications as are expressed in the present convention.

ART. II. A union is constituted of the nations of America, which will be rendered effective by means of two bureaus which will be maintained, one in the city of Havana and the other in that of Dio de Janeiro, each working closely with the other, to be styled Bureaus of the International American Union for the Protection of Intellectual and Industrial Property, and will have for their object the centralization of the registration of literary and artistic works, patents, trade-marks, drawings, models, etc., which will be registered in each one of the signatory nations according to the respective treaties and with a view to their validity and recognition by the others.

This international registration is entirely optional with persons interested, since they are free to apply, personally or through an attorney in fact, for registration in each one of the states in which they seek protection.

ART. III. The bureau established in the city of Havana will have charge of the registrations from the United States of America, the United States of Mexico, Venezuela, Cuba, Haiti, San Domingo, San Salvador, Honduras, Nicaragua, Costa Rica, Guatemala, Panama, and Colombia.

The bureau established in the city of Rio de Janeiro will attend to the registrations coming from the Republics of the United States of Brazil, Uruguay, Argentine Republic, Paraguay, Bolivia, Chile, Peru, and Ecuador.

ART. IV. For the purposes of the legal unification of the registration, the two international bureaus, which are divided merely with a view to greater facility of communication, are considered as one, and to this end it is established that (a) both shall have the same books and the same accounts kept under an identical system; (b) copies shall be transmitted monthly from one to the other, authenticated by the governments in whose territories they have their seat, of all the registrations, communications, and other documents affecting the recognition of the rights of proprietors or authors.

ART. V. Each one of the governments adhering to the union will send at the end of each month, to the proper bureau, according to Article III, authenticated copies of all registrations of trade-marks, patents, drawings, models, etc., and copies of the literary and artistic works registered in them, as well as of all lapses, renunciations, transfers, and other alterations occurring in proprietary rights, according to the respective treaties and laws, in order that they may be sent out or distributed and notice given of them, as the case may be, by the international bureau to those nations in direct correspondence therewith.

ART. VI. The registration or deposit of drawings, models, etc., made in the country of origin, according to the national law of the same, and transmitted by the respective administration to the international bureau shall be by such bureau laid before the other countries of the Union, by which it shall be given full faith and credit, except in the case provided for in Article IX of the treaty on patents, trade-marks, etc., of Mexico, and in case the requirements essential to the recognition of international property are lacking where literary or artistic works are involved according to the treaty thereon subscribed in Mexico.

In order that the states forming the union may accept or refuse the recognition of the rights granted in the country of origin, and for the further legal purposes of such recognition, such states shall be allowed a term of one year from the date of notification by the proper office for the purpose of so doing.

In case patents, trade-marks, drawings, models, etc., or the right to literary or artistic works shall fail to obtain recognition on the part of any one of the offices of the states forming the union, the international bureau shall be made acquainted with the facts and reasons of the case in order that, in its turn these facts may be transmitted by it to the office of origin and to the interested party, for proper action according to local law.

ART. VII. Every registration or recognition of intellectual and industrial rights made in one of the countries of the union, and communicated to the

others according to the form prescribed in the preceding articles shall have the same effect that would be produced if said registration or recognition had taken place in all of them, and every nullification or lapse of rights, occurring in the country of origin, and communicated in the same form to the others, shall produce in them the same effect that it would produce in the former.

The period of international protection derived from the registration shall be that recognized by the laws of the country where the rights originated or have been recognized, and if said laws do not provide for such matters or do not specify a fixed period, the respective periods shall be: For patents, fifteen years; for trade-marks or commercial designs, models, and industrial drawings, ten years; for literary and artistic works, twenty-five years, counting from the death of the author thereof. The first two periods may be renewed at will by giving the same form as the case of the first registration.

ART. VIII. The international bureaus for the protection of intellectual and industrial property shall be governed by identical regulations formed with the concurrence of the Governments of the Republics of Cuba and Brazil and approved by all the others belonging to the union. Their budgets, after being sanctioned by the said governments, shall be defrayed by all of the subscribing governments in the same proportion established for the International Bureau of American Republics, at Washington, and in this particular they shall be placed under the control of those governments within whose territories they are established.

To the tax on rights which the country of their origin collects for registrations or deposit and other acts resulting from the recognition or guarantee of intellectual and industrial property, shall be added a fee of \$5, American gold, which fee or the equivalent thereof in the currency of the country in which the payment is made, shall be distributed in equal parts among the governments in whose territory the international bureau shall be established, the sole object of this being to contribute to the maintenance of the said bureaus.

ART. IX. In addition to the functions prescribed in the preceding articles the international bureaus shall have the following:

First. To collect information of all kinds regarding the protection of intellectual and industrial property, and to publish and circulate the same among the countries of America at proper intervals.

Second. To encourage the study of questions regarding the said subjects, to which end they may publish one or more official reviews containing all documents forwarded to them by the offices of the subscribing countries.

Third. To lay before the governments of the union any difficulties or obstacles that may arise in the efficacious application of the present convention, and indicate means to correct or remove such difficulties or obstacles.

Fourth. To help the governments of the union in the preparation of international conferences for the study and progress of legislation and intellectual and industrial properties, for alterations which it may be proper to introduce in the regulations of the union or in the treaties in force on the said subject, and in case such conferences take place, the directors of the bureau not appointed to represent any countries, shall have a right to attend the meetings and express their opinions at them, but not to vote.

Fifth. To present to the governments of the country where they shall have their seats, a yearly report of their labors, which shall be communicated to all of the states of the union.

Sixth. To establish relations for the exchange of publications, information, and data conducive to the progress of the institution, with similar bureaus and institutions, and with scientific, literary, artistic, and industrial corporations of Europe and America.

Seventh. To cooperate as agent for each one of the governments of the union for the transaction of any business, the taking of any initiative or the execution of any act conducive to further the ends of the present convention with the offices of the other governments.

ART. X. The provisions contained in the treaties of Mexico, of January 27, 1902, on patents of invention, drawings, and industrial models and commercial trade-marks, and on literary and artistic property, so far as regards the formalities of the registration or recognition of said rights in other countries than that of origin, shall be considered as replaced by the provisions of the present convention, as soon as one of the international bureaus shall have been established, and only with regard to those states which have concurred in its constitution. In all other cases the said treaties shall remain in force and the present convention shall be considered additional thereto.

ART. XI. The Governments of the Republics of Cuba and the United States of Brazil shall proceed with the organization of the international bureaus, upon the ratification of this convention by at least two-thirds of the nations belonging to each group mentioned in Article III. The simultaneous establishment of both bureaus shall not be necessary; one may only be established if there be the number of adherent governments provided above, the government in which the bureau has its seat being charged with taking the proper steps to secure this result, availing itself of the powers contained in the eighth article.

In the event that one of the two offices referred to in this convention shall have been established, the countries belonging to a group other than that to which the bureau corresponds shall have the right to join it until the second bureau shall be established. Upon the establishment of the second bureau, the first bureau shall transmit to the same all the data referred to in Article XII.

ART. XII. As regards the adhesion of the American nations to the present convention, it will be communicated to the Government of the United States of Brazil, which will lay it before the others, these communications taking the place of an exchange of notes.

The Government of Brazil will notify the international bureau of this adhesion, and this bureau will forward to the newly adhering state a complete statement of all the marks, patents, models, drawings, and literary and artistic work registered, which at the time shall be under international protection.

In testimony whereof the plenipotentiaries and delegates have signed the present convention, and affixed the seal of the Third International American Conference.

Made in the city of Rio de Janeiro 23d day of August, 1906, in English, Portuguese, and Spanish, and deposited with the secretary of foreign affairs of the United States of Brazil, in order that certified copies thereof be made and sent through diplomatic channels to the signatory states.

[Signatures follow.]

Text of treaty on patents of invention, industrial drawings, and models and trade-marks, signed at Mexico City, January 27, 1902.

ARTICLE 1. The citizens of each of the signatory states shall enjoy in other nations the same advantages granted by them to their own citizens in regard to the trade-marks of commerce or of manufacture to the models and industrial drawings and to patents of invention.

Consequently, they shall have the right to the same protection and to identical remedies, against any attack upon their rights.

ART. 2. For the purpose of this treaty foreigners domiciled in any of the signatory countries, or who may have in them an industrial or commercial establishment, shall be considered the same as citizens.

ART. 3. Patents of invention and those of industrial drawings and models, as well as of trade-marks of commerce or manufacture, granted in the country of their origin, may be imported to the other signatory states for registration and publication, as may be required by the laws of the respective countries, and they shall be protected in the same manner as those granted in the state itself. This provision does not remove the obligation imposed by national laws requiring the privileged articles to be manufactured in the country enacting such laws.

ART. 4. The consular agents of the nation to which belong or wherein reside the owners of patents, drawings, models, or trade-marks shall be considered as the legal representatives of said owners, for the purpose of complying with the formalities and conditions established, in order to present the application and secure the filing of said patents, drawings, models, or trade-marks in the country wherein it is intended to use them.

ART. 5. The country in which the grantee has his principal establishment or domicile shall be considered as the country of origin.

In case that he should not have any such establishment in any of the signatory countries that state of the signatory nations of which the claimant is a citizen shall be considered as the country of origin.

ART. 6. For the purpose of preserving the right of priority of patents of invention, models, or designs, and of imported trade-marks a term of one year is granted as to the former and of six months as to the latter, to be counted from the date of their having been originally issued, for the presentation of the appli-

cation of the same to the respective authority of the country into which the patent right is to be imported.

ART. 7. All questions which may arise regarding the priority of an invention and regarding the adoption of a trade-mark shall be decided with due regard to the date of the application for the respective patent or trade-mark in the countries in which they have been granted.

ART. 8. The following shall be considered as inventions: Any new method of manufacturing industrial products; any mechanical or manual apparatus which may be used for the manufacture of said products; the discovery of any new industrial product; and the application of improved methods for the purpose of producing results superior to those already known. The drawings and models of manufacture are subject to the rules of inventions and discoveries in all that does not apply specially to the latter.

The signs, emblems, or exterior names that merchants or manufacturers may adopt or apply to their goods or products, in order to distinguish them from those of other manufacturers or merchants who deal in articles of the same kind, shall be considered as trade-marks of commerce or manufacture.

ART. 9. No patent of invention can be granted with respect to the following:

I. Inventions and discoveries which may have been published in any country, whether it be a party to this treaty or not.

II. Those that are contrary to morals or to the laws of the country in which the patents of inventions are to be granted or to be recognized.

ART. 10. Trade-marks of commerce or manufactures which are in the class provided for in paragraph II of the foregoing article are likewise debarred from being granted or recognized.

ART. 11. The ownership of a patent of invention or of a trade-mark of commerce or manufacture covers the right to enjoy the products of the invention or the use of the trade-mark and the right to assign them to others.

ART. 12. The number of years of the patent right shall be that which the laws of the country in which it is desired to make them effective may establish. Such term may be limited to that established by the laws of the country in which the patent of invention was originally granted, if the latter should be shorter.

ART. 13. The civil and criminal responsibilities which those who injure the rights of inventors incur shall be prosecuted and punished in accordance with the laws of the country in which the injury has been committed.

The falsification, adulteration, or unauthorized use of trade-marks of commerce and manufacture shall likewise be prosecuted in accordance with the laws of the state in whose territory the infringement has been committed.

ART. 14. The declaration of nullity of a patent or trade-mark made in the country of its origin shall be communicated in an authentic form to the other signatory countries, so that they may decide in an administrative manner regarding the recognition, which may be solicited for the respective patent or trade-mark granted in the foreign country, and as to what effect such declaration is to produce with regard to the patents or trade-marks previously imported into said countries.

ART. 15. The treaties on patents of invention and trade-marks of commerce and manufacture previously concluded by and between the countries subscribing the present treaty shall be substituted by the present treaty from the time of its being duly perfected, as far as the relations between the signatory countries are concerned.

ART. 16. The communications which the governments who may ratify the present treaty shall address to the Government of Mexico, for the purpose of making them known to the remaining contracting countries, shall be considered equal to the customary exchange of ratifications. The Government of Mexico shall likewise communicate to them its ratification of this treaty, if it should resolve to ratify the same.

ART. 17. The exchange of copies in the form of the foregoing article having been made by two or more countries, this treaty shall take effect thenceforward for an indefinite time.

ART. 18. In case any one of the signatory powers should desire to withdraw from this treaty, it shall make its abrogation known in the manner prescribed in article 16, and the effect of this treaty, as far as the respective nation is concerned, shall cease one year from the date of the receipt of the respective communication.

ART. 19. The countries of America that may not have signed this treaty originally may adhere to the same in the manner prescribed by article 16.

In testimony whereof the plenipotentiaries and delegates sign the present treaty and affix thereto the seal of the Second International American Conference.

Made in the City of Mexico this 27th day of January, 1902, in three copies written in Spanish, English, and French, respectively, which shall be deposited at the department of foreign relations of the Government of the Mexican United States, so that certified copies thereof may be made, in order to send them through the diplomatic channel to the signatory states.

Convention—International law.

Their Excellencies the Presidents of Ecuador, Paraguay, Bolivia, Colombia, Honduras, Panama, Cuba, Peru, the Dominican Republic, El Salvador, Costa Rica, the United States of Mexico, Guatemala, Uruguay, the Argentine Republic, Nicaragua, the United States of Brazil, the United States of America, and Chile, desiring that their respective countries should be represented at the Third International American Conference, sent thereto, duly authorized to approve the recommendations, resolutions, conventions, and treaties that they might deem convenient for the interests of America, the following delegates:

Ecuador: Dr. Emilio Arévalo; Olmedo Alfaro.

Paraguay: Manuel Gondra; Arsenio López Decoud; Gualberto Cardús y Huerta.

Bolivia: Dr. Alberto Gutiérrez; Dr. Carlos V. Romero.

Colombia: Rafael Uribe Uribe; Dr. Guillermo Valencia.

Honduras: Fausto Dávila.

Panama: Dr. José Domingo de Obaldía.

Cuba: Dr. Gonzalo de Quesada; Rafael Montoro; Dr. Antonio González Lanuza.

Dominican Republic: E. C. Joubert.

Peru: Dr. Eugenio Larrabure y Unánue; Dr. Antonio Miró Quesada; Dr. Mariano Cornejo.

El Salvador: Dr. Francisco A. Reyes.

Costa Rica: Dr. Ascension Esquivel.

United States of Mexico: Dr. Francisco León de La Barra; Ricardo Molina-Hübbe; Ricardo García Granados.

Guatemala: Dr. Antonio Batres Jáuregui.

Uruguay: Luís Melian Lafinur; Dr. Antonio María Rodríguez; Dr. Gonzalo Ramfrez.

Argentine Republic: Dr. J. V. González; Dr. José A. Terry; Dr. Eduardo L. Bidau.

Nicaragua: Luís F. Corea.

United States of Brazil: Dr. Joaquim Aurelio Nabuco de Araujo; Dr. Joaquim Francisco de Assis Brasil; Dr. Gastão da Cunha; Dr. Alfredo de Moraes Gomes Ferreira; Dr. João Pandiá Calogeras; Dr. Amaro Cavalcanti; Dr. Joaquim Xavier da Silveira; Dr. José P. da Graça Aranha; Antonio da Fontoura Xavier.

United States of America: William I. Buchanan; Dr. L. S. Rowe; A. J. Montague; Tulio Larrinaga; Dr. Paul S. Reinsch; Van Leer Polk.

Chile: Dr. Anselmo Hevia Riquelme; Joaquín Walker Martínez; Dr. Luís Antonio Vergara; Dr. Adolfo Guerrero;

Who, after having communicated to each other their respective full powers and found them to be in due and proper form, have agreed to establish an international commission of jurists in the following terms:

ARTICLE 1. There shall be established an international commission of jurists, composed of one representative from each of the signatory states appointed by their respective governments, which commission shall meet for the purpose of preparing a draft of a code of private international law and one of public international law, regulating the relations between the nations of America. Two or more governments may appoint a single representative, but such representative shall have but one vote.

ART. 2. Notice of the appointment of the members of the commission shall be addressed by the governments adhering to this convention to the Government of the United States of Brazil, which shall take the necessary steps for the holding of the first meeting.

Notice of these appointments shall be communicated to the Government of the United States of Brazil before April 1, 1907.

ART. 3. The first meeting of said commission shall be held in the city of Rio de Janeiro during the year 1907. The presence of at least twelve of the representatives of the signatory states shall be necessary for the organization of the commission.

Said commission shall designate the time and place for subsequent sessions, provided, however, that sufficient time be allowed from the date of the final meeting to permit of the submission to the signatory stage of all drafts or all important portions thereof at least one year before the date fixed for the Fourth International American Conference.

ART. 4. Said commission, after having met for the purpose of organization and for the distribution of the work to the members thereof, may divide itself into two distinct committees, one to consider the preparation of a draft of a code of private international law, and the other for the preparation of a code of public international law. In the event of such division being made, the committees must proceed separately until they conclude their duties, or else as provided in the final clause of article three.

In order to expedite and increase the efficiency of this work, both committees may request the governments to assign experts for the consideration of especial topics. Both committees shall also have the power to determine the period within which such special reports shall be presented.

ART. 5. In order to determine the subjects to be included within the scope of the work of the commission, the Third International Conference recommends to the commissions that they give special attention to the subjects and principles which have been agreed upon in existing treaties and conventions, as well as to those which are incorporated in the national laws of the American states; and furthermore recommends to the special attention of the commission the treaties of Montevideo of 1889 and the debates relating thereto, as well as the projects of conventions adopted at the Second International Conference of the American States, held in Mexico in 1902, and the discussions thereon; also all other questions which give promise of juridical progress or which tend to eliminate the causes of misunderstanding or conflicts between said states.

ART. 6. The expense incident to the preparation of the drafts, including the compensation for technical studies made pursuant to article four, shall be defrayed by all the signatory states in the proportion and form established for the support of the International Bureau of the American Republics, of Washington, with the exception of the compensation of the members of the commission, which shall be paid to the representatives by their respective governments.

ART. 7. The Fourth International Conference of American States shall embody, in one or more treaties, the principles upon which an agreement may be reached, and shall endeavor to secure their adoption and ratification by the nations of America.

ART. 8. The governments desiring to ratify this convention shall so advise the Government of the United States of Brazil, in order that the said Government may notify the other governments through diplomatic channels, such action taking the place of an exchange of notes.

In testimony whereof the plenipotentiaries and delegates have signed the present convention and affixed the seal of the Third International American Conference.

Made in the city of Rio de Janeiro the 23d day of August, 1906, in English, Portuguese, and Spanish, and deposited with the secretary of foreign affairs of the United States of Brazil, in order that certified copies thereof be made and sent through diplomatic channels to the signatory states.

[Signatures follow.]

Resolution.—Arbitration.

The undersigned delegates of the republics represented in the Third International American Conference, duly authorized by their governments, have approved the following resolution:

The Third International American Conference resolves—

To ratify adherence to the principle of arbitration; and to the end that so high a purpose may be rendered practicable, to recommend to the nations represented at this conference that instructions be given to their delegates to the Second Conference to be held at The Hague to endeavor to secure by the said assembly of world-wide character the celebration of a general arbitration convention, so effective and definite that, meriting the approval of the civilized world, it shall be accepted and put in force by every nation.

Made and signed in the city of Rio de Janeiro, on the 7th day of the month of August, 1906, in English, Spanish, Portuguese, and French, and deposited in the department of foreign affairs of the Government of the United States of Brazil, in order that certified copies thereof be made and forwarded through diplomatic channels to each one of the signatory states.

For Ecuador: Emilio Arévalo, Olmedo Alfaro.

For Paraguay: Manoel Gondra, Arsenio López Decoud, Gualberto Cardús y Huerta.

For Bolivia: Alberto Gutiérrez, Carlos V. Romero.

For Colombia: Rafael Uribe Uribe, Guillermo Valencia.

For Honduras: Fausto Dávila.

For Panama: José Domingo de Obaldía.

For Cuba: Gonzales de Quesada, Rafael Montoro, Antonio Gonzáles Lanuza.

For the Dominican Republic: Emilio C. Joubert.

For Peru: Eugenio Larrabure y Unánue, Antonio Miró Quesada, Mariano Cornejo.

For El Salvador: Dr. Francisco A. Reyes.

For Costa Rica: Ascensión Esquivel.

For the United States of Mexico: Francisco León de La Barra, Ricardo Molina-Hübbe, Ricardo García Granados.

For Guatemala: Antonio Batres Jáuregui.

For Uruguay: Luis Melian Lafinur, Antonio María Rodríguez, Gonzalo Ramírez.

For the Argentine Republic: J. V. González, José A. Terry, Eduardo L. Bidau.

For Nicaragua: Louis F. Corea.

For Costa Rica: Ascensión Esquivel.

For the United States of Brazil: Joaquim Aurelio Nabuco de Araujo, Gastão da Cunha, Joaquim Francisco de Assis Brasil, Alfredo de Moraes Gomes Ferreira, João Pandiá Calogeras Amaro Cavalcanti, Joaquim Xavier da Silveira, José P. da Graça Aranha, Antonio da Fontoura Xavier.

For the United States of America: William I. Buchanan, L. S. Rowe, A. J. Montague, Tulio Larrinaga, Paul S. Reinsch, Van Leer Polk.

For Chile: Anselmo Hevia Riquelme, Joaquín Walker Martínez, Luis Antonio Vergara, Adolfo Guerrero.

Resolution—Reorganization of the Bureau of the American Republics.

The undersigned delegates of the republics represented in the Third International American Conference, duly authorized by their governments, have approved the following resolution:

The Third International American Conference resolves—

ARTICLE 1. To continue the International Union of the American Republics, created by the first conference and confirmed by the second.

The purposes of the International Bureau of the American Republics, which will represent said union, are the following:

1. To compile and distribute commercial information and prepare commercial reports.

2. To compile and classify information respecting the treaties and conventions between the American republics and between the latter and non-American states.

3. To supply information on educational matters.

4. To prepare reports on questions assigned to it by resolutions of the international American conferences.

5. To assist in obtaining the ratification of the resolutions and conventions adopted by the conferences.

6. To carry into effect all resolutions the execution of which may have been assigned or may hereafter be assigned to it by the international American conferences.

7. To act as a permanent committee of the international American conferences, recommending topics to be included in the programme of the next conference; these plans must be communicated to the various governments forming the union at least six months before the date of the meeting of the next conference.

8. To submit within the same period a report to the various governments on the work of the bureau during the term covered since the meeting of the last

conference, and also special reports on any matter which may have been referred to it for report.

9. To keep the records of the international American conferences.

ART. 2. The International Bureau of the American Republics shall be administered by a governing board, consisting of the diplomatic representatives of all the governments of said republics accredited to the Government of the United States of America and of the Secretary of State of the United States, who will act as chairman of said governing board.

ART. 3. Any diplomatic representative unable to attend the meetings of the board may transmit his vote, stating his reasons therefor in writing. Representation by proxy is prohibited.

ART. 4. The governing board shall meet in regular session the first Wednesday of every month, excepting in the months of June, July, and August, and in special session at the call of the chairman, issued on his own initiative or at the request of two members of the board.

The attendance of five members at any ordinary or special session shall be sufficient to permit the board to proceed with its business.

ART. 5. In the absence of the Secretary of State of the United States the senior diplomatic representative in Washington, present, shall act as chairman.

ART. 6. At the regular session to be held in November of this year the governing board shall fix by lot the order of precedence among all the representatives of the American republics forming the union, in order to create a supervisory committee. The first four on this list and the Secretary of State of the United States will constitute the first supervisory committee, and the four members of the committee shall be replaced by turn, one every year, so that the committee will be totally renewed after four years. The outgoing members shall always be replaced by those following on the list, the same method being observed in the event of resignation.

The Secretary of State of the United States shall always be the chairman of the committee.

The supervisory committee shall hold a regular session the first Monday of every month, and three members shall be sufficient to constitute a quorum.

ART. 7. The direction and administration of the bureau shall be intrusted to a director appointed by the governing board.

ART. 8. The director shall have charge of the fulfillment of the purposes of the bureau, in accordance with these fundamental rules, regulations, and the resolutions of the governing board.

He shall have charge of the correspondence with the governments of the union through their diplomatic representatives in Washington or directly, in the absence of such representatives. He must attend, in an advisory capacity, the meetings of the governing board, of the committees, and of the international conferences of the countries of the union, except in cases of resolution to the contrary.

ART. 9. The personnel of the bureau, the number of employees, their appointment, duties, and everything pertaining thereto shall be determined by the regulations.

ART. 10. The governments of the union shall have the right to send at their own cost to the bureau a special agent to secure such data and information as may be requested, and at the same time such as his government may require as to the commerce and industries of any of the countries of America.

ART. 11. The director of the bureau shall present at the regular session in the month of May a detailed budget of the expenses for the following year. This budget, after approval by the governing board, shall be transmitted to the various governments represented in the union, with a statement of the quota due from each, which quota shall be fixed in proportion to the population of each country.

ART. 12. The bureau shall issue such publications as the governing board may determine, and shall publish a bulletin at least once a month.

All geographical maps published by the bureau shall bear a statement thereon that they do not constitute documents approved by the government of the country to which they apply, nor by the government of the countries whose boundaries appear thereon, unless the former and the latter governments shall have expressly given their approval, which shall in such case also be stated on the maps.

All these publications, with the exception of those determined by the governing board, shall be distributed gratuitously.

ART. 13. In order to assure the greatest possible accuracy in the publications of the bureau, each country belonging to the union shall transmit, directly to said bureau, two copies of the official documents or publications relating to matters connected with the purposes of the union.

ART. 14. All the publications of the bureau shall be carried free of charge by the mails of the American republics.

ART. 15. The bureau shall be governed by the regulations adopted at this conference, which regulations, however, may be amended by the governing board, but shall in no way contravene these fundamental rules.

ART. 16. The American republics bind themselves to continue to support this bureau for a term of ten years from this date, and to pay their respective quotas. Any of them may cease to belong to the union upon giving notice to the bureau two years in advance. The bureau shall continue for a new term of ten years, and thus successively under the same conditions for consecutive terms of ten years, unless twelve months before the expiration of such term a majority of the members of the union shall express the wish, through the Secretary of State of the United States, to withdraw therefrom on the expiration of the term.

ART. 17. All of the fundamental rules and regulations by which the bureau has been governed heretofore are hereby repealed.

REGULATIONS.

ARTICLE 1. Calls to meetings shall state the object thereof and shall be issued at least three days in advance, excepting in cases of great urgency.

When, during the discussion of any matter, one of the members of the board shall request a second discussion, such discussion shall be granted without further debate at the close of the first discussion but such discussion shall not take place until the next meeting.

Before the approval of the minutes of a meeting, the resolutions adopted thereat may be reconsidered, upon the request of two members of the board.

ART. 2. The supervisory committee shall examine the accounts of the bureau at least once a month. It shall recommend to the governing board the improvements to be made regarding publications, the library, and anything that it may deem advisable and beneficial to the bureau, or to give greater efficiency to its work.

The committee shall have in addition the powers determined by these regulations.

ART. 3. The personnel of the bureau shall consist of a director and such other employees as the governing board may determine and appoint. In no case shall the same person receive a salary for more than one of the offices of the bureau.

ART. 4. The director, as the chief of the bureau, shall have charge of all the matters pertaining thereto, under the immediate direction of the supervisory committee.

He shall prepare, with the approval of said committee, the internal regulations of the bureau, which must be observed by the employees.

He shall appoint and remove the messengers and other subordinate employees.

He shall supervise the proper collection and disbursement of the funds of the bureau, for which he shall be personally responsible.

He shall also supervise the publication of the Bulletin and other publications of the bureau.

He shall sign all vouchers in accordance with the budget or resolutions approved by the governing board.

He shall not absent himself except with the permission of the chairman of the board.

At the meeting in November he shall submit an annual report on the activities of the bureau, its receipts and disbursements, its work and plans, proposing such changes as may, in his opinion, be desirable in order to improve the service and extend the sphere of action of the bureau.

One week before the May meeting he shall submit an estimate of expenses for the following year.

In the absence of the director his duties shall be discharged temporarily by such employee as the supervisory committee may designate.

ART. 5. The positions in the bureau shall be filled upon examination held in the manner prescribed by the internal regulations.

TRANSITORY PROVISION.

All previous regulations are repealed, excepting those pertaining to the number and duties of the employees and other matters relating to the personnel of said bureau, which shall be subject to the provisions in force.

Made and signed in the city of Rio de Janeiro, on the 7th day of the month of August, 1906, in English, Spanish, and Portuguese, and deposited in the department of foreign affairs of the Government of the United States of Brazil, in order that certified copies thereof be made and forwarded through diplomatic channels to each one of the signatory states.

For Ecuador: Emilio Arévalo, Olmedo Alfaro.

For Paraguay: Manoel Gondra, Arsenio López Decoud, Gualberto Cardús y Huerta.

For Bolivia: Alberto Gutiérrez, Carlos V. Romero.

For Colombia: Rafael Uribe Uribe, Guillermo Valencia.

For Honduras: Fausto Dávila.

For Panama: José Domingo de Obaldía.

For Cuba: Gonzalo de Quesada, Rafael Montoro, Antonio González Lanuza.

For the Dominican Republic: Emilio C. Joubert.

For Peru: Eugenio Larrabure y Unánue, Antonio Miró Quesada, Mariano Cornejo.

For the United States of Brazil: Joaquim Aurelio Nabuco de Araujo, Joaquim Francisco de Assis Brasil, Gastão da Cunha, Alfredo de Moraes Gomes Ferreira, João Pandiá Calogeras, Amaro Cavalcanti, Joaquim Xavier da Silveira, José P. da Graça Aranha, Antonio da Fontoura Xavier.

For El Salvador: Francisco A. Reyes.

For Costa Rica: Ascensión Esquivel.

For the United States of Mexico: Francisco León de La Barra, Ricardo Molina-Hübbe, Ricardo García Granados.

For Guatemala: Antonio Batres Jáuregui.

For Uruguay: Luís Melian Lafinur, Antonio María Rodríguez, Gonzalo Ramírez.

For the Argentine Republic: J. V. González, José A. Terry, Eduardo L. Bidau.

For Nicaragua: Luís F. Corea.

For the United States of America: William I. Buchanan, L. S. Rowe, A. J. Montague, Tulio Larrinaga, Paul S. Reinsch, Van Leer Polk.

For Chile: Anselmo Hevia Riquelme, Joaquín Walker Martínez, Luís Antonio Vargara, Adolfo Guerrero.

Resolution—Building for the International Bureau of the American Republics.

The undersigned, delegates of the republics represented in the Third International American Conference, duly authorized by their governments, have approved the following resolution:

The Third International American Conference resolves—

1. To express its gratification that the project to establish a permanent center of information and of interchange of ideas among the republics of this continent, as well as the erection of a building suitable for the library in memory of Columbus, has been realized.

2. To express the hope that before the meeting of the next international American conference the International Bureau of American Republics will be housed in such a way as to permit it to properly fulfill the important functions assigned to it by this conference.

Made and signed in the city of Rio de Janeiro on the 13th day of the month of August, 1906, in English, Portuguese, and Spanish, and deposited in the department of foreign relations of the Government of the United States of Brazil, in order that certified copies thereof be made and forwarded through diplomatic channels to each one of the signatory states.

For Ecuador: Emilio Arévalo, Olmedo Alfaro.

For Paraguay: Manoel Gondra, Arsenio López Decoud, Gualberto Cardús y Huerta.

For Bolivia: Alberto Gutiérrez, Carlos V. Romero.

For Colombia: Rafael Uribe Uribe, Guillermo Valencia.

For Honduras: Fausto Dávila.

For Panama: José Domingo de Obaldía.

- For Cuba : Gonzalo de Quesada, Rafael Montoro, Antonio González Lanuza.
 For the Dominican Republic : Emilio C. Joubert.
 For Peru : Eugenio Larrabure y Unánue, Antonio Miró Quesada, Mariano Cornejo.
 For El Salvador : Francisco A. Reyes.
 For Costa Rica : Ascensión Esquivel.
 For the United States of Mexico : Francisco León de La Barra, Ricardo Molina-Hübbe, Ricardo García Granados.
 For Guatemala : Antonio Batres Jáuregui.
 For Uruguay : Luis Melian Lafinur, Antonio María Rodríguez, Gonzalo Ramírez.
 For the Argentine Republic : J. V. González, José A. Terry, Eduardo L. Bidau.
 For Nicaragua : Luis F. Corea.
 For the United States of Brazil : Joaquim Aurelio Nabuco de Araujo, Joaquim Francisco de Assis Brasil, Gastão da Cunha, Alfredo de Moraes Gomes Ferreira, João Pandia Calogeras, Amaro Cavalcanti, Joaquim Xavier da Silveira, José P. da Graça Aranha, Antonio da Foutoura Xavier.
 For the United States of America : William I. Buchanan, L. S. Rowe, A. J. Montague, Tulio Larrinaga, Paul S. Reinsch, Van Leer Polk.
 For Chile : Anselmo Hevia Riquelme, Joaquim Walker Martínez, Luis Antonio Vergara, Adolfo Guerrero.

Resolutions recommending the creation of special divisions in the departments of foreign affairs and determining their functions.

The undersigned, delegates of the republics represented in the Third International American Conference, duly authorized by their governments, have approved the following resolution :

The Third International Conference resolves—

To recommend to the governments represented the appointment of a committee responsible to the minister of foreign affairs and composed, if possible, of persons that have heretofore served as delegates to international American conferences, to the end that—

I. The resolutions adopted by the international American conferences shall be approved.

II. The International Bureau of American Republics shall be furnished with all information necessary for the preparation of its work, and that—

III. The committee shall exercise such further functions as the respective governments shall deem proper.

Made and signed in the city of Rio de Janeiro on the 13th day of the month of August, 1906, in English, Portuguese, and Spanish, and deposited in the department of foreign affairs of the Government of the United States of Brazil, in order that certified copies thereof be made and forwarded through diplomatic channels to each one of the signatory states.

For Ecuador : Emilio Arévalo, Olmedo Alfaro.

For Paraguay : Manoel Gondra, Arsenio López Decoud, Gualberto Cardús y Huerta.

For Bolivia : Alberto Gutiérrez, Carlos V. Romero.

For Colombia : Rafael Uribe Uribe, Guillermo, Valencia.

For Honduras : Fausto Dávila.

For Panama : José Domingo de Obaldía.

For Cuba : Gonzalo de Quesada, Rafael Montoro, Antonio González Lanuza.

For the Dominican Republic : Emilio C. Joubert.

For Peru : Eugenio Larrabure y Unánue, Antonio Miró Quesada, Mariano Cornejo.

For El Salvador : Dr. Francisco A. Reyes.

For Costa Rica : Ascension Esquivel.

For the United States of Mexico : Francisco León de La Barra, Ricardo Molina-Hübbe, Ricardo García Granados.

For Guatemala : Antonio Batres Jáuregui.

For Uruguay : Luis Melian Lafinur, Antonio María Rodríguez, Gonzalo Ramírez.

For the Argentine Republic : J. V. González, José A. Terry, Eduardo L. Bidau.

For Nicaragua : Luis F. Corea.

For the United States of Brazil : Joaquim Aurelio Nabuco de Araujo, Gastão da Cunha, Joaquim Francisco de Assis Brasil, Alfredo de Moraes Gomes Fer-

reira João Pandia Calogeras, Amaro Cavalcanti, Joaquim Xavier da Silveira, José P. da Graça Aranha, Antonio da Fontoura Xavier.

For the United States of America: William I. Buchanan, L. S. Rowe, A. J. Montague, Tulio Larrinaga, Paul S. Reinsch, Van Leer Polk.

For Chile: Anselmo Hevia Riquelme, Joaquín Walker Martínez, Luís Antonio Vergara, Adolfo Guerrero.

Resolution—Section of commerce, customs and customs statistics.

The undersigned, delegates of the republics represented in the Third International American Conference, duly authorized by their governments, have approved the following resolution:

The Third International American Conference resolves:

ART. I. The governing board of the Bureau of American Republics shall create a special section dependent upon it, which shall be known as the section of commerce, customs, and commercial statistics, and shall place it in charge of an expert in these matters.

ART. II. This section shall have as its chief object a special study of the customs legislation, consular regulations, and commercial statistics of the republics of America, and shall report to the governing board of the Bureau of American Republics within the shortest delay and at least one year before the meeting of the next international American conference all information concerning the measures to be adopted for the purpose of securing—

(a) The simplifying and making uniform, as far as possible, of the customs and consular regulations referring to the entrance and dispatch of ships and goods;

(b) The making uniform of the bases on which the official statistics of all the American countries shall be compiled;

(c) The greatest possible circulation of statistical and commercial data and the greatest development and amplification of commercial relations between American republics;

(d) That the custom-houses of American countries shall indicate the duties to be paid on articles of importation when samples of such articles are sent to them.

ART. III. The committee to be appointed in each country in conformity with the resolution approved by the Third Pan-American Conference at its session on the 13th August, shall be charged with the duty of collecting the data desired by the department of commerce, customs, and statistics of the Bureau of American Republics.

ART. IV. The governing board, as soon as the information shall have been presented to them, shall immediately communicate the same to the governments of the American Republics, so that it may be duly studied and may serve as a basis for the instructions to be given to the delegates to the Fourth Conference.

Made and signed in the city of Rio de Janeiro on the 16th day of the month of August, 1906, in English, Spanish, and Portuguese, and deposited in the department of foreign affairs of the Government of the United States of Brazil, in order that certified copies thereof be made and forwarded through diplomatic channels to each one of the signatory states.

For Ecuador: Emilio Arévalo, Olmedo Alfaro.

For Paraguay: Manoel Gondra, Arsenio López Decoud, Gualberto Cardús y Huerta.

For Bolivia: Alberto Gutiérrez, Carlos V. Romero.

For Colombia: Rafael Uribe Uribe, Guillermo Valencia.

For Honduras: Fausto Dávila.

For Panama: José Domingo de Obaldía.

For Cuba: Gonzalo de Quesada, Rafael Montoro, Antonio González Lanuza.

For the Dominican Republic: Emilio C. Joubert.

For Peru: Eugenio Larrabure y Unánue, Antonio Miró Quesada, Mariano Cornejo.

For the United States of Brazil: Joaquim Aurelio Nabuco de Araujo, Joaquim Francisco de Assis Brasil, Gastão da Cunha, Alfredo de Moraes Gomes Ferreira, João Pandiá Calogeras, Amaro Cavalcanti, Joaquim Xavier da Silveira, José P. da Graça Aranha, Antonio da Fontoura Xavier.

For El Salvador: Francisco A. Reyes.

For Costa Rica: Ascensión Esquivel.

For the United States of Mexico: Francisco León de La Barra, Ricardo Molina-Hübbe, Ricardo García Granados.

For Guatemala: Antonio Batres Jáuregui.

For Uruguay: Luís Melian Lafinur, Antonio María Rodríguez, Gonzalo Ramírez.

For the Argentine Republic: J. V. González, José A. Terry, Eduardo L. Bidau.

For Nicaragua: Luís F. Corea.

For the United States of America: William I. Buchanan, L. S. Rowe, A. J. Montague, Tulio Larrinaga, Paul S. Reinsch, Van Leer Polk.

For Chile: Anselmo Hevia Riquelme, Joaquín Walker Martínez, Luís Antonio Vergara, Adolfo Guerrero.

Resolution.—Public debts.

The undersigned, delegates of the republics represented in the Third International American Conference, duly authorized by their governments, have approved the following resolution:

The Third International American Conference resolves—

To recommend to the governments represented therein that they consider the point of inviting the Second Peace Conference at the Hague to examine the question of the compulsory collection of public debts, and, in general, means tending to diminish between nations conflicts having an exclusively pecuniary origin.

Made and signed in the city of Rio Janeiro on the 22d day of the month of August, 1906, in English, Portuguese, and Spanish, and deposited in the department of foreign affairs of the Government of the United States of Brazil, in order that certified copies thereof be made and forwarded through diplomatic channels to each of the signatory states.

For Ecuador: Emilio Arévalo, Olmedo Alfaro.

For Paraguay: Manoel Gondra, Arsenio López Decoud, Gualberto Cardús y Huerta.

For Bolivia: Alberto Gutiérrez, Carlos V. Romero.

For Colombia: Rafael Uribe Uribe, Guillermo Valencia.

For Honduras: Fausto Dávila.

For Panama: José Domingo de Obaldía.

For Cuba: Gonzalo de Quesada, Rafael Montoro, Antonio González Lanuza.

For the Dominican Republic: Emilio C. Joubert.

For Peru: Eugenio Larrabure y Unánue, Antonio Miró Quesada, Mariano Cornejo.

For El Salvador: Francisco A. Reyes.

For Costa Rica: Ascensión Esquivel.

For the United States of Mexico: Francisco León de La Barra, Ricardo Molina-Hübbe, Ricardo García Granados.

For Guatemala: Antonio Batres Jáuregui.

For Uruguay: Luís Melian Lafinur, Antonio María Rodríguez, Gonzalo Ramírez.

For the Argentine Republic: J. V. González, José A. Terry, Eduardo L. Bidau.

For Nicaragua: Luís F. Corea.

For the United States of Brazil: Joaquim Aurelio Nabuco de Araujo, Joaquim Francisco de Assis Brasil, Gastão da Cunha, Alfredo de Moraes Gomes Ferreira, João Pañdiá Calogeras, Amaro Cavalcanti, Joaquim Xavier da Silveira José P. da Graca Aranha, Antonio da Fontoura Xavier.

For the United States of America: William I. Buchanan, L. S. Rowe, A. J. Montague, Tulio Larrinaga, Paul S. Reinsch, Van Leer Polk.

For Chile: Anselmo Hevia Riquelme, Joaquín Walker Martínez, Luís Antonio Vergara, Adolfo Guerrero.

Resolution.—Liberal professions.

The undersigned, delegates of the republics represented in the Third International American Conference, duly authorized by their governments, have approved the following resolution:

The Third International American Conference resolves—

To confirm integrally the treaty upon the practice of the liberal professions, signed on the 28th of January, 1902, at the Second Conference, held at Mexico, and recommends the republics composing it to adopt and ratify the same.

Made and signed in the city of Rio de Janeiro, on the 22d day of the month of August, 1906, in English, Portuguese, and Spanish, and deposited in the department of foreign relations of the Government of the United States of Brazil, in order that certified copies thereof be made and forwarded through diplomatic channels to each one of the signatory states.

For Ecuador: Emilio Arévalo, Almedo Alfaro.

For Paraguay: Manoel Gondra, Arsenio López Decoud, Gualberto Cardús y Huerta.

For Bolivia: Alberto Gutiérrez, Carlos V. Romero.

For Colombia: Rafael Uribe Uribe, Guillermo Valencia.

For Honduras: Fausto Dávila.

For Panama: José Domingo de Obaldía.

For Cuba: Gonzalo de Quesada, Rafael Montoro, Antonio González Lanuza.

For the Dominican Republic: Emilio C. Joubert.

For Peru: Eugenio Larrabure y Unánue, Antonio Miró Quesada, Mariano Cornejo.

For El Salvador: Francisco A. Reyes.

For Costa Rica: Ascensión Esquivel.

For the United States of Mexico: Francisco León de La Barra, Ricardo Molina-Hübbe, Ricardo García Granados.

For Guatemala: Antonio Batres Jáuregui.

For Uruguay: Luís Melian Lafinur, Antonio María Rodríguez, Gonzalo Ramírez.

For the Argentine Republic: J. V. González, José A. Terry, Eduardo L. Bidau.

For Nicaragua: Luís F. Corea.

For the United States of Brazil: Joaquim Aurelio Nabuco de Araujo, Joaquim Francisco de Assis Brasil, Castão da Cunha, Alfredo de Moraes Gomes Ferreira, João Pandiá Calogeras, Amaro Cavalcanti, Joaquim Xavier da Silveira, José P. da Graça Aranha, Antonio da Fontoura Xavier.

For the United States of America: William I. Buchanan, L. S. Rowe, A. J. Montague, Tulio Larrinaga, Paul S. Reinsch, Van Leer Polk.

For Chile: Anselmo Hevia Riquelme, Joaquín Walker Martínez, Luís Antonio Vergara, Adolfo Guerrero.

Resolution—Commercial relations.

The undersigned, delegates of the republics represented in the Third International American Conference, duly authorized by their governments, have approved the following resolution:

The Third International American Conference resolves:

ART. I. The International Bureau of American Republics, after due collection and study of the necessary material, shall elaborate a project containing the definite bases of a contract which it may be advisable to conclude with one or more steamship companies for the establishment or maintenance of navigation lines connecting the principal ports of American countries.

ART. II. These bases shall be communicated in due time, to the signatory governments so that they may instruct their delegates to the end that the next international American conference may give its opinion thereon.

ART. III. To recommend to the governments represented at this conference that, with the aim of bettering the means of increasing trade, they should conclude conventions among themselves, stimulating as far as possible, a rapid service of communications by railway, steamer, and telegraphic lines, as well as postal conventions for the carriage of samples, so that goods and commercial advertisements may circulate with rapidity and economy.

ART. IV. To recommend as well to the governments of the signatory countries that they should seek to connect their railroads and telegraphic lines.

ART. V. To recommend that goods in transit over the routes of communication of any country whatever shall be free from all duties, paying solely for services rendered by the adequate installations of the ports and roads passed over on the same scale as such services are paid for by goods destined for the consumption of the country over whose territory the transit takes place.

Made and signed in the city of Rio de Janeiro, on the 23d of the month of August, 1906, in English, Spanish, and Portuguese, and deposited in the department of foreign affairs of the Government of the United States of Brazil in order that certified copies thereof be made and forwarded through diplomatic channels to each one of the signatory states.

- For Ecuador: Emilio Arévalo, Olmedo Alfaro.
 For Paraguay: Manoel Gondra, Arsenio López Decoud, Gualberto Cardús y Huerta.
 For Bolivia: Alberto Gutiérrez, Carlos V. Romero.
 For Colombia: Rafael Uribe Uribe, Guillermo Valencia.
 For Honduras: Fausto Dávila.
 For Panama: José Domingo de Obaldía.
 For Cuba: Gonzalo de Quesada, Amaro Cavalcanti, Joaquim Xavier da Silveira, José P. da Graça Aranha, Antonio da Fontoura Xavier.
 For the Dominican Republic: Emilio C. Joubert.
 For Peru: Eugenio Larrabure y Unánue, Antonio Miró Quesada, Mariano Cornejo.
 For the United States of Brazil: Joaquim Aurelio Nabuco de Araujo, Joaquim Francisco de Assis Brasil, Gastão da Cunha, Alfredo de Moraes Gomes Ferreira, João Pandiá Calogeras, Amaro Cavalcanti, Joaquim Xavier da Silveira, José P. da Graça Aranha, Antonio da Fontoura Xavier.
 For El Salvador: Francisco A. Reyes.
 For Costa Rica: Ascensión Esquivel.
 For the United States of Mexico: Francisco León de La Barra, Ricardo Molina-Hübbe, Ricardo García Granados.
 For Guatemala: Antonio Batres Jáuregui.
 For Uruguay: Luis Melian Lafinur, Antonio María Rodríguez, Gonzalo Ramírez.
 For the Argentine Republic: J. V. González, José A. Terry, Eduardo L. Bidau.
 For Nicaragua: Luis F. Corea.
 For the United States of America: William I. Buchanan, L. S. Rowe, A. J. Montague, Tulio Larrinaga, Paul S. Reinsch, Van Leer Polk.
 For Chile: Anselmo Hevia Riquelme, Joaquín Walker Martínez, Luis Antonio Vergara, Adolfo Guerrero.

Resolution—Future conferences.

The undersigned, delegates of the republics represented in the Third International American Conference, duly authorized by their governments, have approved the following resolution:

Given the satisfactory results that have been attained at past international American conferences, it is undoubtedly convenient to continue to celebrate them periodically, at short intervals so as to maintain and increase at each meeting the unity of plan and of purpose which has guided their important deliberations.

The committee while considering the place of meeting of the next conference received from a number of delegates the suggestion of the city of Buenos Aires.

Although this suggestion was received with unanimous sympathy, a fact duly registered in the minutes, the committee considered that it ought not to alter established precedents, as a premature naming of the place might be attended with various inconveniences.

In accordance with these views of the committee, the Third International American Conference resolves:

I. The governing board of the International Bureau of American Republics is authorized to designate the place at which the Fourth International Conference shall meet, which meeting shall be within the next five years; to provide for the drafting of the programme and regulations and to take into consideration all other necessary details; and to set another date in case the meeting of the said conference can not take place within the prescribed limit of time.

II. It is recommended to the said governing board to designate the date and place for the next conference, one year in advance if possible, and to formulate the programme six months before the prescribed date.

Made and signed in the city of Rio de Janeiro, on the 23d day of the month of August, 1906, in English, Spanish, and Portuguese, and deposited in the department of foreign affairs of the Government of the United States of Brazil, in order that certified copies thereof be made and forwarded through diplomatic channels to each one of the signatory states.

- For Ecuador: Emilio Arévalo, Olmedo Alfaro.
 For Paraguay: Manoel Gondra, Arsenio López Decoud, Gualberto Cardús y Huerta.
 For Bolivia: Alberta Gutiérrez, Carlos V. Romero.

For Colombia: Rafael Uribe Uribe, Guillermo Valencia.

For Honduras: Fausto Dávila.

For Panama: José Domingo de Obaldía.

For Cuba: Gonzalo de Quesada, Rafael Montoro, Antonio González Lanuza.

For the Dominican Republic: Emilio C. Joubert.

For Peru: Eugenio Larrabure y Unánue, Antonio Miró Quesada, Mariano Cornejo.

For the United States of Brazil: Joaquim Aurelio Nabuco de Araujo, Joaquim Francisco de Assis Brasil, Gastão da Cunha, Alfredo de Moraes Gomes Ferreira, João Pandiá Calogeras, Amaro Cavalcanti, Joaquim Xavier da Silveira, José P. da Graça Aranha, Antonio da Fontoura Xavier.

For El Salvador: Francisco A. Reyes.

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For the United States of Mexico: Francisco León de La Barra, Ricardo Molina-Hübbe, Ricardo García Granados.

For Guatemala: Antonio Batres Jáuregui.

For Uruguay: Luís Melián Lafinur, Antonio María Rodríguez, Gonzalo Ramírez.

For the Argentine Republic: J. V. González, José A. Terry, Eduardo L. Bidau.

For Nicaragua: Luís F. Corea.

For the United States of America: William I. Buchanan, L. S. Rowe, A. J. Montague, Tulio Larrinaga, Paul S. Reinsch, Van Leer Polk.

For Chile: Anselmo Hevia Riquelme, Joaquín Walker Martínez, Luís Antonio Vergara, Adolfo Guerrero.

Resolution.—Natural resources.

The undersigned, delegates of the republics represented in the Third International American Conference, duly authorized by their governments, have approved the following resolution:

The Third International American Conference resolves—

1. That the Bureau of American Republics be authorized to establish as a part of its section of commerce, customs, and statistics, a special service destined to facilitate the development of the natural resources and means of communication within the various republics of America.

To this end the bureau is charged with the duty of gathering and classifying, permanently, all trustworthy information on the natural resources, projected public works, and legal conditions under which it is possible to obtain from the American governments, concessions of lands, mines, and forests.

This information shall be put at the disposition of the governments and persons interested therein, and shall be regularly published in the bulletins of the bureau.

2. The bureau shall be bound to render its services to the governments of America when any one of them shall demand such services, with a view to obtaining information that might be useful to them with regard to projected public works; and it shall preserve in its archives, at the disposal of interested persons, the plans and specifications of the said works.

3. The next international conference of American states shall consider the following subject:

The study of the laws that regulate public concessions in the various countries of America, in order to recommend to the American governments, for their consideration, such agreements or dispositions as would best contribute to the development of the industries and natural resources of the republics.

In order that all the material necessary for this discussion may be gathered, the bureau is hereby charged with the duty of presenting a special memoir to the next Pan-American conference on the laws relative to the above-mentioned matters, which are in force to-day in the various American republics.

Made and signed in the city of Rio de Janeiro, on the 23d day of the month of August, 1906, in English, Portuguese, and Spanish, and deposited in the department of foreign relations of the Government of the United States of Brazil, in order that certified copies thereof be made, and forwarded through diplomatic channels to each one of the signatory states.

For Ecuador: Emilio Arévalo, Olmedo Alfaro.

For Paraguay: Manoel Gondra, Arsenio López Decoud, Gualberto Cardús y Huerta.

- For Bolivia: Alberto Gutiérrez, Carlos V. Romero.
 For Colombia: Rafael Uribe Uribe, Guillermo Valencia.
 For Honduras: Fausto Dávila.
 For Panama: José Domingo de Obaldía.
 For Cuba: Gonzalo de Quesada, Rafael Montoro, Antonio González Lanuza.
 For the Dominican Republic: Emilio C. Joubert.
 For Peru: Eugenio Larrabure y Unánue, Antonio Miró Quesada, Mariano Cornejo.
 For the United States of Brazil: Joaquim Aurelio Nabuco de Araujo, Joaquim Francisco de Assis Brasil, Gastão da Cunha, Alfredo de Moraes Gomes Ferreira, João Pandiá Calogeras, Amaro Cavalcanti, Joaquim Xavier da Silveira, José P. da Graça Aranha, Antonio da Fontoura Xavier.
 For El Salvador: Francisco A. Reyes.
 For Costa Rica: Ascensión Esquivel.
 For the United States of Mexico: Francisco León de La Barra, Ricardo Molina-Hübbe, Ricardo García Granados.
 For Guatemala: Antonio Batres Jáuregui.
 For Uruguay: Luís Melian Lafinur, Antonio María Rodríguez, Gonzalo Ramfrez.
 For the Argentine Republic: J. V. González, José A. Terry, Eduardo L. Bidau.
 For Nicaragua: Luís F. Corea.
 For the United States of America: William I. Buchanan, L. S. Rowe, A. J. Montague, Tulio Larrinaga, Paul S. Reinsch, Van Leer Polk.
 For Chile: Anselmo Hevia Riquelme, Joaquín Walker Martínez, Luís Antonio Vergara, Adolfo Guerrero.

Resolution.—Sanitary police.

The Third International American Conference recognizes the utility of the principles of international sanitary police which inspired the last convention, celebrated in Rio de Janeiro, applicable to a definite region, and the convention signed in Washington on the 14th of October, 1905, which is applicable to all the nations of America, and in virtue of this recommends to the countries here represented—

1. That as a general rule they adopt the said international sanitary convention of Washington, adhering to it and putting its precepts into practice.

2. The adoption of measures tending to obtain the sanitation of the cities, and especially of the ports, and to attain as far as possible to a better knowledge and a greater observance of hygienic and sanitary principles.

3. The advisability that all American nations attend the next international sanitary convention to be celebrated in the City of Mexico in December, 1907, and that they instruct their respective delegates to study and solve the following points:

A. Practical means of rendering effective the second of the present recommendations.

B. Establishment and regulation in each of the American countries of a committee composed of three medical or sanitary authorities to constitute, under the direction of the international sanitary bureau, established at Washington, an international sanitary informing committee of the American republics, contributions to meet and to communicate between themselves data referring to public health and for any other purpose that the convention may think proper.

C. Establishment and regulation in some place in South America designated by the convention of a center of sanitary information that shall supply to the already existing international sanitary bureau the elements necessary to carry out the recommendations 5, 6, and 7 on sanitary police made by the Second International American Conference.

D. Establishment of relations between the international bureau established at Washington and the bureau sanitaire international, of Paris, in order to obtain the best information in sanitary matters and take resolutions tending to the object intrusted to both bureaus.

4. In accordance with the provisions of the article 3, paragraph C, the city of Montevideo is hereby designated as the seat of the center of sanitary information.

August 23, 1906.

Resolution.—Intercontinental Railway.

The Third International American Conference resolve—

I.

1. To confirm the existence of the permanent committee on the continental railway; and
2. That the governing board of the International Bureau of American Republics shall be empowered to increase the number of members of the committee, or to replace them, if necessary, in view of the information presented by the president of the former.

II.

1. That with the object of contributing within the shortest possible time to the termination of the Pan-American Railway, each republic, when giving its support to the construction of lines destined to serve local interests, should follow, as far as possible, the intercontinental route;
2. That each state in which there are sections to be built should seek to organize associations of engineers destined to complete the plans, specifications, and estimates that shall serve to fix the amount of capital necessary to complete the construction;
3. That the governments of the different states shall determine, as soon as possible, what concessions of land, subventions, interest guaranties on invested capital, exemptions of duty on material for the construction and rolling stock, and any other concessions they deem it advisable to grant; and
4. That the governments shall designate a person or center that shall maintain itself in constant communication with the permanent committee on the continental railway, so as to impart to it and obtain from it information and data relative to the undertaking.

III.

To express its gratitude to that body for the zeal, intelligence, and perseverance which it has placed at the service of a work which will contribute to strengthen and will bring about the practical consummation of the unity of America.

August 23, 1906.

Resolution.—The coffee industry.

The Third International American Conference resolves—

1. To recommend to the governments the celebration of an international American conference which shall adopt efficacious measures for the benefit of coffee products, and tend to combat the crisis which during many years has overwhelmed this important branch of the wealth of many of the republics of the continent.
2. The city of São Paulo, in the United States of Brazil, is hereby designated as the seat of the said conference.

August 23, 1906.

Resolution.—Fluctuations in exchange.

The Third International American Conference resolves—

1. To recommend to the governments that they cause to be prepared for the next conference a detailed study of the monetary system in force in each one of the American republics, its history, the fluctuations of the type of exchange which have taken place in the last twenty years, the preparation of tables showing the influence of the said fluctuations on commerce and industrial development.
2. To recommend also that these studies be transmitted to the International Bureau of American Republics, in order that the latter may prepare a résumé of the said studies, publish and distribute them among the several governments at least six months before the meeting of the next international conference.

August 23, 1906.

Motion.—Peace in Central America.

That the Third International American Conference shall address to the Presidents of the United States of America and of the United States of Mexico a note in which the conference which is being held at Rio expresses its satisfaction at the happy results of their mediation for the celebration of peace between the Republics of Guatemala, Honduras, and Salvador.

July 23, 1906.

Motion.—The disaster by earthquake at Valparaiso.

That, according to the usual forms, it shall express to the Government of Chile the deep sorrow with which it has received the news of the disaster which has befallen a sister nation; that it shall inform it of the sincerity with which the American republics share its grief, and that it shall manifest to it in due time the hope that it entertains that the catastrophe will not prove to have the grave character attributed to it by the first news.

This assembly wishes to express its hope that out of the actual ruins shall shortly arise a greater prosperity and greatness for the sister republic.

August 21, 1906.

Motion.—Greeting to Chile.

The conference, about to close its sessions, desires to have the following wish registered in the minutes:

That, at the opening of the Fourth International American Conference, days of joy may again have arisen for the Chilean nation, which lies to-day struck to the heart by a great disaster.

The penultimate session of the conference was fixed for the 26th day of August, at 11 o'clock in the morning.

August 23, 1906.

 REPORT OF THE PERMANENT PAN-AMERICAN RAILWAY COMMITTEE.

WASHINGTON, June 15, 1906.

To the Third International American Conference, Rio de Janeiro.

MESSRS. DELEGATES: I beg leave to submit, in accordance with the instructions of the Second International American Conference, which created the permanent Pan-American Railway committee, the following report:

The second conference, at the sessions held in the City of Mexico, appointed a committee on the Pan-American railway, which made a full report on the general subject. This action was in furtherance of the resolutions adopted by the first conference at the meeting in Washington in 1889-90, which recommended an international commission. This commission was appointed, and under its direction the intercontinental survey of the Pan-American railway routes was made and published, the Congress of the United States and the governments of the other republics having cooperated in providing the funds. No other steps, however, were taken for making the project a continuous one until the second conference assembled.

The Mexican conference in ratifying the resolution of the Washington conference, which recommended "the construction of the complementary lines of the International Railway which is to traverse the different republics," made provision for the continuity and permanence of the project by authorizing the appointment of a permanent committee whose members should be resident in the United States. The resolution provided:

"That the president of the conference shall appoint a committee of five members, resident in the United States of America, which shall enter upon its functions after the adjournment of this conference, with power to increase the number of its members and to substitute them whenever necessary; to appoint such subcommittee as may be deemed proper, and to report to the next conference on the result of its labors; to furnish all possible information on the work of the International Railway, and to aid and stimulate the successful execution of said project as much as possible." * * *

Under these instructions the president of the Mexican conference appointed the following committee: H. G. Davis, of West Virginia, chairman; Andrew

Carnegie, of New York; Manuel de Aspiroz, ambassador from Mexico; Manuel Alvarez Calderon, minister from Peru; A. Lazo-Arriaga, minister from Guatemala.

The committee met in Washington for organization and held meetings from time to time. At the meeting January 21, 1903, it was decided, in conformity with the resolutions adopted by the Mexican conference, that a commissioner should be sent to the various republics, whose duty it should be accurately to determine the resources of the different countries and the condition of the railway lines in operation, the prospects of business for an intercontinental line, and what concessions or assistance the respective governments might be willing to grant the enterprise.

Mr. Charles M. Pepper, who had been one of the delegates from the United States to the Mexican conference, was selected as the representative of the committee. The Congress of the United States, following the recommendation of the Mexican conference, authorized the appointment of a commissioner and made a small appropriation for the expenses of the mission. This was supplemented by the chairman and by Mr. Carnegie.

At a meeting of the committee held March 5, 1903, a resolution was adopted recommending to President Roosevelt and Secretary Hay the appointment of Mr. Pepper, which was done, and the representative of the committee thus became the official representative of the United States also. It is proper to refer here to the sympathetic interest taken by Secretary Hay in the work of the committee, which was shown both by his personal consultations with its members and by his official instructions to the diplomatic representatives of the United States, directing them to extend all the facilities of their position in furtherance of the project of the Pan-American Railway and especially in bringing to the attention of the governments of the various republics the interest that the Government of the United States felt.

A year was spent by the special commissioner in visiting the different countries, gathering the general information that was desired, especially in regard to their internal and external trade, and in helping to make the purpose of the intercontinental line and its benefits better known to the nations directly interested. On his return in the spring of 1904 a full report was submitted, giving the results of the investigation made and accompanied by a map drawn under the direction of the committee, which showed both the general intercontinental route and branches and the actual railway construction at that time. This report was transmitted to Congress by President Roosevelt, and Congress, in providing for its general distribution, set aside several thousand copies for the use of the committee. In addition to the regular methods of distribution a special provision was made for the St. Louis Exposition. The document was translated into Spanish by the Bureau of American Republics and was published in the monthly bulletin. A copy of the report is submitted herewith for the general information it contains on the subject under discussion. For the same reason a copy of the report presented to the second conference by the committee on the Pan-American railway is annexed.

Additional reports concerning the progress of the enterprise and the activity of the various republics in sustaining it were received at a dinner given by the chairman of the committee in March, 1905, which was attended by the diplomatic representatives, who gave the details of railway construction in their respective countries and explained the policies of their governments. On this occasion a letter was read from Mr. Andrew Carnegie in which he advocated that the United States should give \$100,000,000 toward the Intercontinental Railway, conditioned upon the Spanish-American republics pledging their credit for an equal sum. Hon. S. B. Elkins, chairman of the Senate Committee on Interstate Commerce, who was a guest, expressed his satisfaction at being brought into association with international commerce, for that was what the Pan-American Railway meant, he said. Senator Elkins also promised that in the future the recommendations of the Pan-American conferences should have his support, so that the work of the Pan-American Railway committee might go on, for, he said, it was a beneficent labor which when realized would be of enormous utility to all the countries. The remarks made on this occasion and the letters read were published both in English and in Spanish in a pamphlet which received a wide circulation and a copy of which accompanies this report.

During the last year the work of the committee has been confined largely to carrying out the provision of the resolution of the Mexican conference that it shall "furnish all possible information on the work of the Intercontinental

Railway and aid and stimulate the successful execution of said project as much as possible." This has been done through correspondence in answering the numerous inquiries addressed to it; through the publicity obtained by supplying the data for publications in the newspapers, magazines, and reviews; and through a number of articles contributed by members of the committee to the press. The demand for this information is the best evidence that could be afforded of the very general interest which is being awakened in the project, and the committee believes that the information thus furnished has been of great benefit in educating the public of the United States concerning not only the commercial opportunities and the rich resources of the countries which will be traversed by the Pan-American Railway, but also in promoting a better understanding among the different peoples, and thus drawing the nations closer together.

It is also gratifying to state that the committee has reason to believe very substantial results already have accrued to several of the republics by interesting capitalists in their railway enterprises and enabling the different countries to strengthen their own credit and to procure the financial means necessary for carrying on railway enterprises. It is noteworthy that the feasibility of a through intercontinental railway line has received the indorsement of leading capitalists representing many forms of investment, such as Mr. Andrew Carnegie, President Cassatt, of the Pennsylvania system, and Mr. Thomas F. Ryan.

In connection with the widespread interest which has been manifested, the chairman is permitted to quote a letter received from President Roosevelt, in which the President, in thanking him for a communication in reference to the subject, says:

"I am fully awake to the importance of the All-American Railway."

Secretary Root, in acknowledging a letter of the chairman on the subject of the Pan-American Railway, says:

"I have read with great interest your letter of October 20 and the table showing our trade relations with Mexico, Brazil, etc. I fully agree with you as to the immense importance and value of railroad communication."

The committee does not think it necessary in this report to enter into a detailed discussion concerning the immense influence of railways on the development of the internal resources and on the domestic and foreign commerce any more than to repeat the special advantages resulting from the Pan-American Railway line with its feeders and branches.

This aspect of the subject was summed up in an article contributed by the chairman to the North American Review for May, 1906. In that article, among other statements, these points were made:

"It is proper to take into account the general subject and foundation of the proposed intercontinental trunk line and branches. The basis is a business one whether looked at from the standpoint of the individual, of a single nation, or of the group of nations which constitute the American continent. Railroads are built to earn dividends.

* * * * *

"For a nation, the dividends can not be estimated in direct terms of interest on bonds or of net earnings for capital stock. For it the dividends are the development of the local resources, the wider market obtained for the products of the country, the increase of the population through immigration, and, in a word, the addition to the wealth of the nation. There is also the dividend which can not be estimated in terms of dollars and cents, because it comes from the better knowledge which the people of different regions of the country obtain of one another, and from the cultivation of the national patriotic spirit. This is a clear case of the influence of frequent and cheap communication among diverse sections of a country.

* * * * *

The international, like the national, dividends are wider markets and the enlarged trade which come from increasing the means of intercourse between different countries. A better understanding by one people of another people is certainly a desirable result, and this is secured by furnishing means of communication. The international dividend may be said to be one of dollars and cents in way of more commerce, and of peace in the way of avoiding the misunderstanding which comes from the lack of intercourse. In the light of these facts, the proposed Pan-American Railway may be said to offer returns to indi-

viduals, to the nations as separate republics, and to them as part of the family of nations of the Western Hemisphere.

* * * * *

Given sufficient tonnage to be created, there is justification and encouragement for railway building. Where this traffic, or a reasonable portion of it, may be international there is ground for an intercontinental railway.

The Pan-American routes, as surveyed, parallel the Pacific coast along the trend of the Andes, but they provide for branches or feeders which will shoot out toward the Atlantic as well as toward the Pacific. If their construction is much more difficult and costly than when the water line can be followed, there is in its business aspect the value of the traffic that comes from the tonnage of mineral regions. This tonnage is of the kind that quickly pays for itself.

It is likely that the intercontinental line, in its engineering features, has to overcome more difficult conditions in the way of grades, curves, tunnels, bridges, cuts, and embankments than any similar line of the same length, but it is also true that nowhere is so vast an area of mineral resources—silver, copper, coal, tin—still to be opened up to traffic as along the Andes Mountains. It must also be kept in mind that there are enormous timber areas and agricultural regions which are likewise to be developed, and which will create tonnage.

The steamship service, from its nature, is of little benefit in developing the interior of the country; the coast line does not furnish a large traffic, and the points not reached by railroads create little tonnage. When this tonnage has to be brought to the market by pack mules or wagon carts the cost is often equal to the value of the products. The railway picks up freight every few miles, but the steamship service of South America, on an average, requires a land haul of 150 miles each way, or 300 miles in all. This is one reason, and a strong one, why intercontinental reports do not enter into a detailed discussion concerning the immense influence of railways on the internal resources and on the domestic and foreign commerce any more than to repeat the special advantages resulting from the Pan-American Railway line with its feeders and branches.

The committee in making this report is gratified that in almost every phase of the Pan-American project it is able to tell of progress. This progress is best shown by a condensed account of the condition in the respective republics, and this account is herewith presented based on information furnished the committee by the diplomatic representatives of the different governments. It is not complete and final since the time required for communication between Washington and several of the countries has made it impracticable to secure the latest information in time to be included. Yet the committee is assured that where the information is not as full as might be desired, it will be supplemented, and if necessary corrected, by the delegates to the third conference, who will be able to present the very latest facts regarding railway progress in their countries. But the general situation as to the Pan-American line and the prospects of through railway communication between New York and Buenos Ayres and the capitals of the other American republics, either on the direct trunk line route or on the branches, may be had from the following summary:

MEXICO.

The Republic of Mexico now has railway communication from its northern border along the Rio Grande at El Paso, Eagle Pass, and Laredo through the capital city to the isthmus of Tehuantepec and thence from the junction with the Pan-American line at San Geronimo to within 125 miles of Tapachula, which is about 12 miles from the frontier of Guatemala.

This is in consummation of the policy of the Mexican Government entered upon years ago of securing through railway communication from its northern to its southern limit by a series of connecting systems. The final steps in this policy were the construction of the Vera Cruz and Pacific, the Tehuantepec National, and the railway known as the Pan-American. The railway across the isthmus of Tehuantepec has been rebuilt within the last two years, the great terminal works at Coatzacoalcos and Salina Cruz are now nearly completed, and this line is open for international commerce across the isthmus. While this railroad has a very important relation to international commerce it is considered here only in reference to its value in connection with the Vera Cruz and Pacific Railway as a link in the Pan-American system. The line from the junction at San Geronimo toward the border of Guatemala has advanced beyond Tonalá to within about 125 miles of its proposed terminus, but

since the construction is proceeding from both ends and probably will be completed within a year the committee thinks it may be said that through railway communication now exists from New York City as far as Guatemala, 3,770 miles. The Mexican links in the intercontinental trunk line may be considered the consummation of the railroad policy inaugurated by Gen. Porfirio Diaz.

GUATEMALA.

On the Pan-American location a gap of only 28 or 30 miles has existed for some years past between the Guatemalan system of roads and the Mexican border. The extension of the Guatemala Central in 1903 from Santa Maria to Mazatenango added to the links constructed in the intercontinental system, but it was not considered desirable to close the final gap until the Mexican lines approached nearer the Guatemala boundary. Now that these lines are thus approaching, the committee is informed that without question one of the various projects which have received attention will be adopted and the section will be built, thus providing through railway communication between New York City and Guatemala City.

Guatemala is now completing its very important interoceanic line known as the Northern Railway, which will place the capital in direct railway communication with Puerto Barros, on the Atlantic, and will give a through route to San Jose, on the Pacific, a distance of 270 miles.

The committee is informed that one result of this interoceanic line may be to utilize the route to Zacaca and from that point to follow the location of a line into Salvador, for which concessions have already been granted. This line would be an alternative section of the Pan-American.

SALVADOR AND HONDURAS.

Detailed reports have not been received from Salvador and Honduras, but unofficially the committee has been informed of the expectation that the building of the extension of the Guatemala system from the north and of the Nicaragua system from the south, which are in contemplation, are awaited by the governments of those countries before perfecting the plans for the construction of the intermediate links. On this subject it is presumed that the delegates to the third conference from Salvador and Honduras will be able to give later information than is obtainable at the present time in Washington.

NICARAGUA.

In Nicaragua the Government has given concessions for the construction of a line from Managua to Matagalpa, and work has already begun on the surveys. This will be an important part of the main trunk line, since it runs from there to Honduras to meet the line coming from Mexico through Guatemala.

The Nicaraguan Government is also building a line 100 miles in length from Monkey Point on the Atlantic coast to San Miguelito on Lake Nicaragua, and though this line is not in the intercontinental path it is expected to contribute to the early completion of the main line through Nicaragua. The committee is also given to understand that enterprises for construction which are under consideration will place the Nicaraguan lines closer to a junction with those of Costa Rica.

COSTA RICA.

In 1902 there were 220 miles of railway in operation in Costa Rica, and at the present time there are 364 miles, thus showing that 142 miles have been built since the Mexican conference. An extension of the Pacific Railway to the northwest to the city of Liberia, in the Province of Guanacaste, 96 miles in length, over the intercontinental survey, is now projected, as is also a line in connection with the Atlantic system to the southeast, about 85 miles in length, to Bocas del Toro, in the Republic of Panama. The latter line is in conformity with the suggestion for alternating from the Pacific to the Atlantic coast in the Pan-American location through Costa Rica. These two lines, when completed, will add materially to the progress in joining together the through intercontinental sections.

In relation to the Costa Rica railways, the committee also calls attention to the construction of the line between Santo Domingo and Esparta, near the Pacific coast, which will complete the Interoceanic Railroad from Port Limon,

on the Atlantic, to Punta Arenas, on the Pacific. United States Minister Merry, in an official report, says that the distance from Punta Arenas to Esparta is about 15 miles, and thence to Santo Domingo approximately the same. But the survey adopted makes the new section to be constructed about 25 miles long through a country mostly level, with only one bridge of considerable length.

As in the case of Guatemala and Nicaragua the construction of a through interoceanic line in Costa Rica is important to the general project of the Pan-American line, because the Pan-American will serve as a main trunk or backbone for all of them, and the result will be a mutual development of commerce and interchange of traffic.

PANAMA.

In the Republic of Panama at this time the information received is that no definite enterprise is underway for building along the Pacific coast location of the intercontinental trunk line, but there is a possibility that railway construction will be undertaken from Bocas del Toro to the Canal Zone, and in this manner, by following the Atlantic slope, connection will be made with the projected Costa Rican line and thus with the parts of the system joining Central America and Mexico. From the Canal Zone southeast there is as yet no project for a railway following the intercontinental survey, but the hardwood forests and the mineral resources which may be opened up give promise that before many years railway construction will be attempted in these regions and the natural route will be along the intercontinental location.

COLOMBIA.

The distinguished President of the Republic of Colombia, Gen. Rafael Reyes, was a member of the Mexican conference, and added greatly to the value of its labors by his report of the explorations made by him and his brothers of the river systems of South America and their relation to the intercontinental trunk line. It was therefore very gratifying to the members of the Permanent Pan-American Railway Committee, on the occasion of General Reyes's inauguration as President, to receive from him the assurance that among the measures of his administration he hoped would be the construction of railways, and particularly of the Pan-American system.

While there has not been time for full development of these plans the committee, through information forwarded to the State Department by United States Minister Barrett and through other sources, is able to report the definite measures which have been taken in Colombia. In 1905 a concession was granted for the construction and exploitation of a railroad line from the Gulf of Uraba or Darien to the city of Medellin. This railway, which is to be known as the Colombia Central Railroad, follows the intercontinental survey for several hundred miles, and the committee is informed by the concessionaires that the preliminary work has been done and that construction will not be long delayed.

Another very definite step has been the provision made for a line from Buenaventura on the Pacific coast through the Cauca Valley to Palmira, a distance of 110 miles, and then from Palmira to Bogota. According to the advices of Minister Barrett, immediate work is to be begun, and the present short line at Buenaventura is to be rebuilt, after which the extension to Palmira will be carried through. Much of the distance traversed will be along the intercontinental location.

ECUADOR.

From unofficial sources the committee learns that the Guayaquil and Quito Railroad in Ecuador is advancing steadily toward completion and the sections already built are handling considerable traffic. The railroad has now advanced beyond Ambato and from Guamate through Ambato to Quito is directly in the line of the intercontinental location. The Ecuador Government, with a view to reaching the rubber regions of the tributaries of the Amazon, has granted a concession for building a line 110 miles in length from Ambato to Cuarey, and more recently a concession has been given for building a line from Esmeraldas on the coast, passing through Ibarra to Quito. While this is a feeder to the Pan-American line Ibarra is on the direct route of the intercontinental survey, and the section between this point and Quito will form a link in the Pan-American line. General Alfaro, the President of Ecuador, during his previous administration initiated the policy of railway construction, and there is every reason

to expect that this policy will be continued during his present term and that considerable progress may be looked for in the construction of the Ecuador system of railways.

PERU.

In Peru it is gratifying to report that since the Mexican conference an era of activity in railway construction has been inaugurated. One very important section in the Pan-American line has been completed and opened to traffic, and is serving a valuable purpose in developing the mineral wealth of the Republic. This is the Oroya and Cerro de Pasco Railway, which runs from Oroya to Cerro de Pasco, a distance of 90 miles on the direct intercontinental location. This line is owned and operated by an American company.

The Government of Peru has taken advanced steps for railway construction. The first measure was the passage of a law creating a special railway fund and setting aside the proceeds of the tobacco tax solely for this fund, thus establishing a permanent guaranty for railroad construction. The Government also contracted for the extension of existing railway from Sicuani along the route to Cuzco, placing Cuzco in direct rail communication with the Pacific Ocean, by uniting Mollendo on the Pacific with Puno on the banks of Lake Titicaca. When the contracts were made for this construction and the first sections were begun contracts were also entered into for the extension of the Central Railway from Oroya to Huancayo. Both these extensions are parts of the Pan-American trunk line, Huancayo being about 450 miles distant from Cuzco.

The committee is informed that the Peruvian Government expects to have these two contemplated terminals of the Central and Southern trunks join within two years. This will establish rail communication between Lima, the actual capital, and Cuzco, the ancient capital, of Peru, and it is the belief that with the railway construction now being carried on in Bolivia and Argentina within four years there will be across the Southern Continent an oblique line from Buenos Aires on the Atlantic to Mollendo on the Pacific, and not long thereafter the through trunk between Cuzco and Oroya also will be completed, thus forming the great southern section of the Pan-American line.

The committee is further informed that the negotiation of a Government loan for \$15,000,000 is expected to be ultimately accomplished with the sanction of the Peruvian Congress, and that part of the proceeds of this loan will be used for the building of a railway to the eastern region from a point on the Oroya and Cerro de Pasco Railway to a navigable point on the Ucayali. The Government attaches great importance to this branch, 300 miles in length, which will open new and rich country, and will be to a certain extent tributary to the Pan-American route. Other railroads are also projected, some of which may be constructed by private concerns. These include lines from Pisco to Lima, Cerro de Pasco to Huacho, Piura to Marañon, and Chimbote to Huaraz.

BOLIVIA.

Bolivia, whose railway system is a direct development of the Pan-American project, has been able to make marked progress in railway construction. The National Congress authorized the Executive to cause surveys to be made which, when the lines following them are completed, will close up all the gaps in the Pan-American system from the boundary of the Argentine Republic to Lake Titicaca. The lines for which definite provision was made included the routes from the left bank of the Desageudero River opposite Ulloma to Oruro; from Oruro to Cochabamba; from Uyuni to Potosi, and from Potosi to Tupiza. These lines with those already existing, which place La Paz in communication with Lake Titicaca, assure the through connection, since the section from Tupiza to Quiaca on the frontier of Argentina is provided for under a treaty entered into with the Argentine Government several years ago.

The Government of Bolivia, under a treaty with Chile, also secures a line from Ulloma to the Pacific port of Arica, and provision is made which later will secure a line to Puerto Pando, thus opening up communication with the navigable waters which are tributary to the Amazon.

Because of its topography and geographical location, all railroad building in Bolivia, while opening up ways to the ocean, may be said to be directly dependent on the spinal column which is formed by the intercontinental location. These systems are therefore important, both in themselves and as feeders to the main trunk line.

It is a source of satisfaction to state that the cash capital with which Bolivia is provided to the amount of \$10,000,000 is supplemented by capital raised in the United States, and that the construction of the lines which constitute links in the Pan-American route will be undertaken by important New York financial interests. The committee is unofficially informed that the lines which New York financial interests have contracted with the Bolivian Government to build make a total of more than 600 miles to be constructed during the next five years.

ARGENTINE REPUBLIC.

The Argentine Republic system of railways had been carried on so steadily that when the Mexican Conference was held Buenos Aires was already in communication with the town of Jujuy 1,000 miles to the northwest. The Argentine delegation to that Conference, in presenting the report which showed how progressive their Government had been in railway construction and how fully the national resources had been developed, stated the measures for prolonging the lines north into Bolivia. This prolongation has been going forward over the intercontinental route, though retarded for a time by engineering difficulties and by other causes. Nevertheless, the work at no time was abandoned, and at different periods announcement has been made of short sections opened up for traffic.

The committee at the present time is not definitely informed when the boundary at La Quiaca will be reached, but unofficially it has information that this may be expected within another year, and that then the work will be pushed rapidly over the Bolivian section to Tupiza. The Bolivian Government having decided to build the line from Tupiza to Potosi instead of from Tupiza to Uyuni, this Tupiza-Potosi section may be looked upon as the natural prolongation of the Argentine system. The committee is not advised up to this time whether the tentative propositions for its construction under guaranty from the Argentine Republic have been made the basis of a formal contract between the two Governments, but the railway developments indicate the union of the railway lines of Argentina, Bolivia, and Peru within a few years.

CHILE.

Railway construction in Chile proceeds along routes which insure that the lines of that country will be connected with the Pan-American system. The longitudinal railroad system of the Government has advanced to the south of latitude 40° and in the far north it is being prolonged to communicate with La Serena in latitude 30°. Studies have been made with the purpose of uniting various branches which will place the longitudinal line in communication with Iquique, latitude 20°. From there it is projected to continue the work north toward Arica. The contract has been made for the construction of the railroad from Arica to La Paz, the capital of Bolivia, and this line will be constructed by the Government of Chile.

At the beginning of the present year the railway which joins the central system of Chile with the western entrance of the tunnel through the Cordillera of the Andes, communicating with the Argentine railways, was completed and it is expected that the tunnel will be finished within two years. The importance of this trans-Andine tunnel, which will unite the city of Valparaiso on the Pacific with Buenos Aires on the Atlantic, was fully understood for many years and numerous efforts were made to carry the project through, but from time to time they were abandoned. It is very gratifying to note that the legislation and the financial guaranty authorized by the Congress of Chile, which insure success, have been enacted since the Mexican conference and this trans-Andine tunnel may be considered as one of the most important advances in South American railway projects that has been undertaken since the report was made to that conference. Its completion will be the consummation of a really gigantic enterprise that has been an aspiration for half a century.

URUGUAY.

The committee is informed that the definite railway policy which was adopted by Uruguay several years since is now being followed out and the lines of the country are being extended in accordance with that policy, which recognized the exceptional importance of the Uruguayan railway as a means of inter-

national communication. The lines in operation are the Central Railroad, which starts from Montevideo and reaches the Brazilian frontier at Santa Anna do Livramento, so that it could easily be made to form a junction with the Brazilian lines, and the Midland Railway, which follows a northwesterly route till it reaches the Brazilian town of San Juan Baptista.

It is proper to recall here the very important contribution to the literature of the Pan-American Railway which was made by Señor Juan José Castro, a distinguished citizen of Uruguay, in his treatise on the South American Railways. This volume has been a mine of useful information in showing the basis of the Pan-American project and the relation of the various South American countries to it. It also has been of great value in exhibiting the other important interoceanic project of a line from the Atlantic to the Pacific starting at Brazil, crossing the Andes, and reaching the ports of Chile. The Uruguay railways have now advanced to the Brazilian border and the through communication it may be confidently expected will some day be established.

The most recent project is the prolongation of the Central Railway from Nico Perez to Paso de Centurion at the boundary with Brazil to the northeast through the City of Melo with a branch to the town of Treinta y Tres. This line will cover a distance of 185 miles, crossing the only fertile zone lacking railroad communication with the rest of the country.

PARAGUAY.

Official information has not been received regarding the railways of Paraguay, but the project for bringing Buenos Ayres within a sixty hours' railway journey to Asuncion via Entre Rios by completing the line from Port Ruiz to Ibicuy and ferrying to Zarate may be considered even more important to Paraguay than to Argentina. The committee recalls with satisfaction that the President of that Republic, Dr. Cecilio Baez, was a member of the Mexican conference and was active in his cooperation in the work of the Pan-American Railway committee. Under his administration there is every reason to hope that the national aspirations of Paraguay, which include railway connection with the Pan-American system through a line to the boundary of Bolivia, will be encouraged by practical measures.

BRAZIL.

Since the sessions of the conference will be held in the capital of Brazil, where the fullest and most recent information regarding railway construction in that progressive nation will be obtainable, the committee does not attempt to present the facts here, but contents itself with expressing the hope that the policy of the Brazilian Government, as explained to the special Commissioner, heretofore referred to, when visiting that country, which policy contemplates lines reaching from the Amazon and from the Atlantic ports to the great undeveloped regions of the interior to the foothills of the Andes, will be realized.

VENEZUELA.

The relation of Venezuela to the Pan-American Railway project, as is well understood, is that of a branch from the main trunk in Colombia which would form a junction in Venezuela with lines to the seaports and also with a railway system stretching out toward Brazil. The facilities for transportation afforded by the river systems of Venezuela have caused the attention of railway builders to be turned chiefly to the opportunities for construction in the northern part of the country. The branch from the intercontinental main line would run from Medellin in Colombia via Puerto Barrio, Pamplona, Merida, and Trujillo to Valencia, where it would effect a junction with the railway now in operation to Caracas.

While no steps are in prospect in the immediate future for building this branch the committee is nevertheless informed that it has not been overlooked in the general railway legislation of the country.

In order to show the position of the Pan-American lines with reference to the various countries the map is annexed which was prepared under the direction of the committee to accompany the report of the special commissioner. The map does not indicate everything that has been done, because it is gratifying to state there has been additional construction since it was prepared, but it may be found useful in showing the progress that the project is making.

In view of the fact that the data received by the committee will be supplemented by later intelligence presented to the conference, the committee does not deem it advisable to undertake a full description of the existing lines, the lines under actual construction, and those for which provision has been made. However, it summarizes these in the general statement that out of the 10,400 miles between New York and Buenos Ayres along the line of the proposed Pan-American Railway, at this date there are not more than 3,700 miles of intercontinental railway sections not specifically provided for.

The committee, under whose direction the intercontinental surveys were made, and of which Mr. A. J. Cassatt was chairman, approximated the cost at about \$32,000 a mile; but allowing the largest estimate for railway construction, which is \$50,000 per mile, this would mean that the expenditure of \$185,000,000 would insure the completion of all these sections. This certainly is not beyond the resources of the twelve or fifteen republics which are interested, and which could give substantial aid by large concessions of land and the granting of credit. It is very little more than what the Dominion of Canada will pay for its new transcontinental line, the main trunk of which from ocean to ocean will be about as long as the uncompleted sections of the Pan-American line. It is not too much to assume that the various republics by cooperation among themselves and with the United States can do as much as the Dominion of Canada is doing for itself. The total sum distributed among them would not be large, and the returns would justify the expenditures made by each nation within its own borders, because every section of the Pan-American line that is built both develops the local traffic and by widening the trade zone helps to create traffic in adjoining regions.

In reviewing the work of the committee and in giving the status of the project in the various republics, it is fitting to acknowledge the very cordial assistance which has been afforded by the diplomatic representatives accredited in Washington. They have at all times endeavored to furnish the committee with the information sought, and have aided in its efforts to give publicity to the general subject.

Since its original appointment some changes have been made in the personnel of the committee. In April, 1905, the committee added Mr. Charles M. Pepper to its membership. In March of the same year the committee suffered the loss of one of its most active and respected members in the death of Señor Manuel de Aspiroz, the ambassador from Mexico. Ambassador de Aspiroz was a member of the committee from its organization, and he gave to its work the same earnest endeavor and intelligent effort that were conspicuous in his career as a soldier of his country, a statesman, and a diplomat.

In February of the present year, Mr. Joaquin de Casaus, the worthy successor of Ambassador de Aspiroz, was elected a member of the committee, and he has since given it the benefit of his counsel and advice.

The Pan-American Railway to-day is as deserving of support as when Mr. Blaine, then Secretary of State, in presenting to President Harrison the report of the railway committee of the Washington conference, said:

"No more important recommendation has come from the International American Conference, and I earnestly recommend it to your attention, with full confidence that prompt action will be taken by Congress to enable this Government to participate in the promotion of the enterprise. In no other way could the Government and people of the United States contribute so much to the development and prosperity of our sister republics, and at the same time, to the expansion of our commerce."

President Harrison, in transmitting the report to Congress recommending the survey of a route for an intercontinental line of railroad to connect the systems of North America with those of the southern continent, declared:

"It should not be forgotten that it is possible to travel by land from Washington to the southernmost capital of South America, and that the opening of railroad communication between these friendly states will give to them and to us facilities for intercourse and the exchange of trade that are of special value. The work contemplated is vast, but entirely practicable."

President Roosevelt in his instructions to the United States delegation to the Mexican conference gave expression to this sentiment:

"The magnificent conception of an international railroad connecting the United States with the remotest parts of South America may at last be realized."

A review of the work accomplished since that conference shows steady progress both in educating public sentiment to the benefits of the interconti-

mental line and in the practical measures which have resulted in the construction of numerous sections of the main trunk. How far the sentiments of fraternity among all the nations and peoples of the three Americas have been strengthened the holding of international American conferences shows. The past conferences have given every encouragement to continue the work, and with the results achieved now laid before the delegates of the various republics gathered in the Brazilian conference the committee leaves the subject to that distinguished international assembly with the hope that it will give this most important question the consideration it deserves and determine what further steps can best be taken toward the realization of the Pan-American Railway project.

The chairman regrets his inability to accept the invitation so kindly extended him by the governing board of the International Bureau of the American Republics to attend the conference, but has pleasure in presenting this report and accompanying documents through the courtesy of Mr. W. I. Buchanan, chairman of the United States delegation.

Respectfully submitted.

H. G. DAVIS,
Chairman Permanent Pan-American Railway Committee.

THE SECOND PEACE CONFERENCE.

[Continued from Foreign Relations, 1905, pp. 828-830.]

The Secretary of State to the Russian Ambassador.

DEPARTMENT OF STATE,
Washington, March 21, 1906.

MY DEAR MR. AMBASSADOR: Referring to your note of the 5th of October,^a with which you inclosed the draft of the general invitation to the powers to be represented at the proposed second peace conference at The Hague, I beg to inquire if you can now kindly furnish me with the names of the countries of the American hemisphere to which that invitation was sent, and whether you have any information as to the acceptance of any of them; and, if so, which ones.

I am, etc.,

ELIHU ROOT.

The Russian Ambassador to the Secretary of State.

[Translation.]

IMPERIAL RUSSIAN EMBASSY,
Washington, March 21, 1906.

MY DEAR MR. SECRETARY: In reply to your letter of this date, I beg to state that besides the United States the following are the countries of the American hemisphere to which preliminary invitations from my Government were sent through the imperial embassy at Washington to the Second Peace Conference at The Hague: Bolivia, Chile, Colombia, Costa Rica, Cuba, Santo Domingo, Ecuador, Guatemala, Haiti, Honduras, Nicaragua, Panama, Paraguay, Peru, Salvador, and Venezuela.

Of these Republics only the Republic of Panama has declined to accept the invitation. Nicaragua, Venezuela, and Ecuador have, so

far given no answer to our proposition. The remaining twelve countries have declared their willingness to attend the conference as soon as a formal invitation is received by them.

The invitations to Brazil, Argentina, and Uruguay were to have been conveyed to the Governments of these countries through the Russian legation, Rio de Janeiro. I have reason to believe, though I have no official information on the subject, that Brazil and Uruguay have accepted our invitation, but I know nothing about Argentina's answer.

I am, etc.,

ROSEN.

The Russian Ambassador to the Secretary of State.

[Translation.]

IMPERIAL RUSSIAN EMBASSY,
Washington, D. C., April 3, 1906.

MR. SECRETARY OF STATE: I have just received from my Government order by telegraph to bring the following to the knowledge of the United States Government.

The Imperial [Russian] Government, in agreement with the Dutch Government, proposes to call The Hague Conference during the first half of the month of July of the present year.

Russia at the same time invites the nations which did not sign the convention relative to the laws of war on land, nor that relative to the adaptation of the Geneva Convention to war at sea, to inform the Royal Government of the Netherlands of their adhesion to these conventions. With regard to further adhesions to the convention concerning international arbitration, the Imperial Government is conferring on this subject with the Governments which signed the acts of 1899.

I deem it proper at the same time to inclose herewith a summary of the programme which the Imperial Government proposes to submit to the Conference of The Hague, and I should thank your excellency to inform me of the response of your Government to this proposition, in order that I may transmit it to St. Petersburg by telegraph.

Please accept, etc.,

ROSEN.

[Inclosure.—Translation.]

PROGRAMME.

1. Amelioration of the provisions of the convention regarding the peaceful settlement of international controversies as far as the court of arbitration and the investigation committees are concerned.

2. Additions to the convention of the laws and usages of land warfare—among others, opening of hostilities, rights of neutrals on land, etc.; declarations of 1899—renewal of one of them.

3. Preparation of a convention regarding the laws and usages of naval warfare, concerning the special operations of naval warfare, such as the bombardment of ports, cities, and villages by a naval force; placing of torpedoes, etc.; transformation of merchant vessels into war vessels; private property of belligerents at sea; period granted merchant vessels in order to leave neutral or hostile ports after the beginning of hostilities; rights and duties of neutrals at

seat, among others the question of contraband; rules to which belligerent vessels shall be subjected in neutral ports; destruction by vis major of merchant vessels captured as prizes. Into this convention would be inserted provisions relative to land warfare which would be applicable also to naval warfare.

4. Supplements to the convention for the adaptation to naval warfare of the principles of the Geneva convention of 1864.

All political questions will be excluded.

The Secretary of State to the Russian Ambassador.

No. 20.]

DEPARTMENT OF STATE,
Washington, April 6, 1906.

EXCELLENCY: I have great pleasure in acknowledging the receipt of your note of the 3d instant, whereby you acquaint me with the instructions telegraphed to you by your Government to inform the Government of the United States that, in concert with the Dutch Government, it is proposed to convoke the Conference of The Hague during the first half of the month of July of the present year.

The President, to whom I hastened to communicate this information, charges me to express his deep sympathy with the contemplated purpose thus announced by His Imperial Majesty and his gratification at the prospect of the realization of a project in which he has heretofore expressed great interest, and which he trusts will redound to the welfare of all nations by promoting peace among them. It is the President's purpose to appoint plenipotentiaries to represent the United States at the forthcoming conference.

It behooves me, however, to say that, in the judgment of the President, the date suggested by the Imperial and the Dutch Governments for the assembling of the conference would be in a high degree embarrassing and inconvenient, not only to the United States, but doubtless also to many other nations of the American hemisphere, owing to the fact that the 21st of July next has long been fixed for the meeting of the conference of all the American nations at Rio de Janeiro. Furthermore, so early a date as the first half of July does not appear to be conformable to the understanding arrived at in respect to the Red Cross Congress to be held at Geneva in mid-June, which would manifestly not have an opportunity to complete its work in season for consideration and action by the participating governments before the time proposed for the meeting at The Hague. For these reasons, as well as for other practical considerations in regard to the difficulty that would beset the several governments taking part in these three important conferences at the same season, both as to their representation thereat and as to the need of preserving a consistent harmony in the discussion of the allied topics which would necessarily come before the three conferences, the President is constrained to say, in all frankness, that so early a date as is proposed for the meeting of the Conference of The Hague appears to be extremely inexpedient; and that he would be obliged to say so in response to the formal joint invitation of the Imperial and Dutch Governments which is foreshadowed in your announcement of their intended proposal. As your note merely intimates the proposal of those two Governments to act in concert in the indicated sense it is assumed that the present purpose of the Imperial Government is to invite the general acquiescence of the interested

powers in the contemplated proposal in advance of the later communication of the formal invitation; hence it is proper to acquaint the Imperial Government with the views of the United States in the matter of the date to be agreed upon.

I take note of the further statement that "Russia at the same time invites the nations which did not sign the convention relative to the laws of war on land, nor that relative to the adaptation of the Geneva Convention to war at sea, to inform the Royal Government of the Netherlands of their adhesion to these conventions. With regard to further adhesions to the convention concerning international arbitration, the Imperial Government is conferring on this subject with the governments which signed the acts of 1899."

As respects the latter proposition, the President has already, in the circulars of the Secretary of State dated October 21 and December 16, 1904, advocated the extension of the option of adherence to powers not represented at the conference of 1899, and he will welcome the suggested comparison of views looking to the conclusion of an agreement among the contracting powers in that sense, as contemplated by Article LX of the First Hague Convention of 29 July, 1899.

The United States, being already an adhering party to the conventions mentioned, would gladly see other nations, not heretofore signatories or adherents, become in like manner parties to the beneficent engagements which were framed by the First Conference of The Hague and to which the approaching second conference may rightly be expected to give wider scope and more effective application in the light of recent military developments and in view of the practical needs suggested by experience.

Due note is also taken of the programme of subjects for examination and discussion which the Imperial Government proposes to submit to the conference, and the Government of the United States reserves consideration thereof, with liberty to advance other proposals of an allied character should its own needs and experience counsel such a course.

Be pleased to accept, etc.,

ELIHU ROOT.

The Russian Ambassador to the Secretary of State.

[Translation.]

IMPERIAL EMBASSY OF RUSSIA,
Washington, April 6, 1906.

MR. SECRETARY OF STATE: In continuation of my note of the 3d instant, I have the honor to communicate to your excellency the text of a telegram I have just received from Count Lamsdorff:

It is mainly in deference to the wish of Holland that the second half of July has been proposed as the time of meeting of the conference at The Hague. The Dutch Government believes that the Geneva Conference will have completed its labors by that time and the palace destined for the peace conference must be ready in September to receive the States-General. If it be impossible to convene the conference in July, the meeting must be postponed to a very remote date, as there is no other available building at The Hague.

Attaching special importance to the participation of the two Americas in the conference, and believing that the United States shares the general desire for the earliest possible meeting, we have proposed the date suggested by Holland.

Your excellency will notice from the foregoing that the date proposed for the meeting of the conference is the second half of July of the present year, corresponding to the first half in the Russian calendar, which is erroneously mentioned in my previous note.

Be pleased to accept, etc.,

ROSEN.

The Acting Secretary of State to the Argentine Minister.

DEPARTMENT OF STATE,
Washington, April 7, 1906.

SIR: I beg to inclose for your information a copy of a correspondence^a between the Russian ambassador at Washington and the Secretary of State in regard to the proposed convoking of the Second Conference at The Hague during the first half of the month of July next.

Accept, etc.,

ROBERT BACON.

Same to all the diplomatic representatives of American Republics.

The Russian Ambassador to the Secretary of State.

[Translation.]

IMPERIAL EMBASSY OF RUSSIA,
Washington, April 12, 1906.

MR. SECRETARY OF STATE: When it assumed the initiative of calling a second peace conference, the Imperial Government had in view the necessity of further developing the humanitarian principles on which was based the work accomplished by the great international assemblage of 1899.

At the same time, it deemed it expedient to enlarge as much as possible the number of States participating in the labors of the contemplated conference, and the alacrity with which the call was answered bears witness to the depth and breadth of the present sentiment of solidarity for the application of ideas aiming at the good of all mankind.

The first conference separated in the firm belief that its labors would subsequently be perfected from the effect of the regular progress of enlightenment among the nations and abreast of the results acquired from experience. Its most important creation, the International Court of Arbitration, is an institution that has already proved its worth and brought together, for the good of all, an areopagus of jurists who command the respect of the world. How much good could be accomplished by international commissions of inquiry toward the settlement of disputes between States has also been shown.

There are, however, certain improvements to be made in the convention relative to the peaceful settlement of international disputes. Following recent arbitrations, the jurists assembled in court have

^a Notes of April 3 and 6 from and to the Russian Embassy, supra.

raised certain questions of details which should be acted upon by adding to the said convention the necessary amplifications. It would seem especially desirable to lay down fixed principles in regard to the use of languages in the proceedings in view of the difficulties that may arise in the future as the cases referred to arbitral jurisdiction multiply. The *modus operandi* of international commissions of inquiry would likewise be open to improvement.

As regards the regulating of the laws and customs of war on land, the provisions established by the first conference ought also to be completed and defined, so as to remove all misapprehensions.

As for maritime warfare, in regard to which the laws and customs of the several countries differ on certain points, it is necessary to establish fixed rules in keeping with the exigencies of the rights of belligerents and the interests of neutrals.

A convention bearing on these subjects should be framed and would constitute one of the most prominent parts of the tasks devolved upon the forthcoming conference.

Holding, therefore, that there is at present occasion only to examine questions that demand special attention as being the outcome of the experience of recent years, without touching upon those that might have reference to the limitation of military or naval forces, the Imperial Government proposes for the programme of the contemplated meeting the following main points:

1. Improvements to be made in the provisions of the convention relative to the peaceful settlement of international disputes as regards the court of arbitration and the international commissions of inquiry.

2. Additions to be made to the provisions of the convention of 1899 relative to the laws and customs of war on land—among others, those concerning the opening of hostilities, the rights of neutrals on land, etc. Declarations of 1899: One of these having expired, question of its being revived.

3. Framing of a convention relative to the laws and customs of maritime warfare, concerning—

The special operations of maritime warfare, such as the bombardment of ports, cities, and villages by a naval force; the laying of torpedoes, etc.;

The transformation of merchant vessels into war ships;

The private property of belligerents at sea;

The length of time to be granted to merchant ships for their departure from ports of neutrals or of the enemy after the opening of hostilities;

The rights and duties of neutrals at sea, among others, the questions of contraband, the rules applicable to belligerent vessels in neutral ports; destruction, in cases of *vis major*, of neutral merchant vessels captured as prizes;

In the said convention to be drafted, there would be introduced the provisions relative to war on land that would be also applicable to maritime warfare.

4. Additions to be made to the convention of 1899 for the adaption to maritime warfare of the principles of the Geneva convention of 1864.

As was the case at the conference of 1899, it would be well understood that the deliberations of the contemplated meeting should not

deal with the political relations of the several states, or the condition of things established by treaties, or in general with questions that did not directly come within the programme adopted by the several cabinets.

The Imperial Government desires distinctly to state that the data of this programme and the eventual acceptance of the several states clearly do not prejudice the opinion that may be delivered in the conference in regard to the solving of the questions brought up for discussion. It would likewise be for the contemplated meeting to decide as to the order of the questions to be examined and the form to be given to the decisions reached as to whether it should be deemed preferable to include some of them in new conventions or to append them, as additions, to conventions already existing.

In formulating the above-mentioned programme, the Imperial Government bore in mind, as far as possible, the recommendations made by the First Peace Conference, with special regard to the rights and duties of neutrals, the private property of belligerents at sea, the bombardment of ports, cities, etc. It entertains the hope that the Government of the United States will take the whole of the points proposed as the expression of a wish to come nearer that lofty ideal of international justice that is the permanent goal of the whole civilized world.

By order of my Government, I have the honor to acquaint you with the foregoing, and awaiting the reply of the Government of the United States with as little delay as possible, I embrace this opportunity to beg you, Mr. Secretary of State, to accept the assurance of my very high consideration.

ROSEN.

The Russian Ambassador to the Secretary of State.

[Translation.]

IMPERIAL EMBASSY OF RUSSIA,
Washington, April 12, 1906.

MR. SECRETARY OF STATE: Supplementing the note dated April 12, relative to the programme of the Second Peace Conference, I am charged by the Imperial Government to submit to the favorable attention of the Government of the United States the following considerations:

The inclosed list shows that among the States invited to participate in the labors of the contemplated meeting there are several that have not taken part in the first conference of 1899. It can but subserve the lofty purpose pursued by these great humanitarian gatherings to increase the number of the powers which join in agreements so beneficial to universal peace. But, on the other hand, a difficulty, of form only, that stands in the way of the admission, pure and simple, of new states must be taken into account. If, as supposed by the Imperial Government, the forthcoming conference is to be called upon to perfect the provisions of 1899, a formal adhesion to the three conventions of The Hague should be formulated by the states which have newly convoked and would thereafter take part in the general deliberations over the additions or amendments to the said provisions.

As to the convention relative to the peaceful settlement of international disputes, it contains in article 60 the following stipulation concerning eventual accessions: "The conditions on which the powers who were not represented at the International Peace Conference can adhere to the present convention shall form the subject of a subsequent agreement among the contracting powers." As the agreement thus referred to has not been effected, it seems necessary to find a practical means of adjusting this formality, and the Imperial Government suggests that, on the opening of the second conference, the representatives of the states parties to the first conference sign the following protocol:

The representatives at the Second Peace Conference of the states signatories of the convention of 1899 relative to the peaceful settlement of international disputes, duly authorized to that effect, have agreed that in case the states that were not represented at the First Peace Conference, but have been convoked to the present conference, should notify the Government of the Netherlands of their adhesion to the above-mentioned convention they shall be forthwith considered as having acceded thereto.

If the Government of the United States, as well as the governments of other states parties to the First Peace Conference to which the foregoing has likewise been made known, should express its assent to this course being adopted, the Imperial Government would lose no time in advising the states newly convoked to the second conference.

As there is no clause similar to that of article 60 in the convention relative to the peaceful settlement of international disputes applicable to the other two conventions of 1899, the Imperial Government has addressed to the newly convoked states a request that they immediately forward to the Government of the Netherlands their adhesion to the last two conventions mentioned.

Awaiting a favorable answer of the Government of the United States in regard to the suggestion herein above formulated as to the mode of accession of the new states to the convention concerning the peaceful settlement of international disputes, I embrace the opportunity to renew to you the assurance of my high consideration.

ROSEN.

[Inclosure—Translation.]

List of states invited to participate in the labors of the second conference of The Hague.

[Arranged in the English alphabetical order.]

- | | | |
|-------------------------|--------------------|--------------------|
| 1. Argentine Republic. | 17. Germany. | 33. Paraguay. |
| 2. Austria-Hungary. | 18. Great Britain. | 34. Persia. |
| 3. Belgium. | 19. Greece. | 35. Peru. |
| 4. Bolivia. | 20. Guatemala. | 36. Portugal. |
| 5. Brazil (U. S. of). | 21. Haiti. | 37. Roumania. |
| 6. Bulgaria. | 22. Honduras. | 38. Salvador. |
| 7. Chile. | 23. Italy. | 39. Servia. |
| 8. China. | 24. Japan. | 40. Siam. |
| 9. Colombia. | 25. Korea. | 41. Spain. |
| 10. Costa Rica. | 26. Luxemburg. | 42. Sweden. |
| 11. Cuba. | 27. Mexico. | 43. Switzerland. |
| 12. Denmark. | 28. Montenegro. | 44. Turkey. |
| 13. Dominican Republic. | 29. Netherlands. | 45. United States. |
| 14. Ecuador. | 30. Nicaragua. | 46. Uruguay. |
| 15. Ethiopia. | 31. Norway. | 47. Venezuela. |
| 16. France. | 32. Panama. | |

State that has declined the invitation: Panama.

States that have not yet returned an answer: Korea, Ecuador, Nicaragua, Uruguay, and Venezuela.

The Russian Ambassador to the Secretary of State.

[Translation.]

IMPERIAL EMBASSY OF RUSSIA,

Washington, D. C., April 12, 1906.

MR. SECRETARY OF STATE: By order of my Government, I have the honor to bring the following statement to your excellency's knowledge.

In proposing the month of July as an available time for the meeting of the Peace Conference, the Imperial Government in no wise intended to insist on that date. It was so fixed solely because it seemed to be the most convenient to Holland, which had offered hospitality to the conference.

Having now ascertained that the Government of the Netherlands finds it possible to convene the conference at some other time, and that the date originally proposed is inconvenient to several powers, the Imperial Government is quite ready to postpone the conference, in accord with them, until such time as would be acceptable to all the interested powers.

Be pleased to accept, etc.,

ROSEN.

The Secretary of State to the Russian Ambassador.

No. 22.]

DEPARTMENT OF STATE,

Washington, April 13, 1906.

EXCELLENCY: I have had the honor to receive your note of the 12th instant. Your excellency kindly informs me that in proposing the month of July as an available time for the meeting of the Second Peace Conference at The Hague, the Imperial Government in nowise intended to insist on that date, fixing it solely because of its seeming convenience to Holland; and that, the latter Government finding some other time acceptable, and the suggested date being inconvenient to several of the powers, the Imperial Government is ready to fix upon a time acceptable to all the interested powers.

The President has been much pleased to take note of your communication and desires me to request your excellency to convey to the Imperial Government his thanks for its very kind consideration of the circumstances which made the date first suggested inconvenient for the United States. He charges me further to say that any date after the 20th of September which may suit the convenience of the other powers will be entirely agreeable to this Government.

Adverting to your reference, in your previous note, to the purpose of the Imperial Government to confer with the powers signatory of The Hague convention of 1899 looking to the conclusion of an agreement, as contemplated by Article LX, to extend the option of adher-

ence to powers not represented at the conference, I have the honor to suggest whether the status of the nonadhering States ought not to be settled before the meeting of the congress, and whether such status may not be determined by exchange of notes among the several powers.

Be pleased to accept, etc.,

ELIHU ROOT.

The Minister of the Netherlands to the Secretary of State.

[Translation.—Memorandum.]

ROYAL LEGATION OF THE NETHERLANDS,
Washington, April 13, 1906.

The Government of the Netherlands, in advising the Russian Government that the second half of July would be a convenient time for the opening of the peace conference, had no other object than to carry out the wishes of the powers.

The Government of the Queen, keenly regretting that the proposed date should, by reason of its coincidence with the Pan-American Congress, arouse any susceptibilities, has informed the Imperial Government that it is quite ready to receive the conference at any other time that the powers may deem more desirable. If, however, it should be determined to have the opening in the month of September, it would be necessary, for material reasons, to select one of the last days of that month.

The Government of the Netherlands will disclaim any responsibility for delaying the conference and will allay the physical difficulties of a fall or winter meeting, while adding that the delegates will obviously find the spring season a more pleasant one for their sojourn.

The Secretary of State to the Russian Ambassador.

No. 24.]

DEPARTMENT OF STATE,
Washington, April 19, 1906.

EXCELLENCY: I have the honor to acknowledge the receipt of your second note of the 12th instant and to inform you that the Government of the United States cheerfully gives its assent to the course proposed in the said note for permitting the adhesion to the convention for the pacific settlement of international disputes, in accordance with article 60 of that convention, on the part of the powers which did not take part in the First Conference at The Hague.

It is the understanding of the United States that should the other powers who took part in that conference assent to the proposal of your note of April 12, that assent in itself will have the effect of making it certain that the adhesion of the powers which did not take part in the First Conference will be accepted, so that their representatives can go to the Second Conference without feeling that there is any uncertainty as to whether they can take full part in the conference.

Under this view of the effect of the proposal of your note of April 12, the United States considers it as fully meeting the suggestion of my note to you of April 13, which was written before your second note of the 12th had been brought to my attention.

Accept, etc.,

ELIHU ROOT.

The Russian Ambassador to the Secretary of State.

[Translation.]

IMPERIAL EMBASSY OF RUSSIA,
Washington, April 9/22, 1906.

MR. SECRETARY OF STATE: I have lost no time in transmitting by cable to Count Lamsdorff the contents of your excellency's note of the 19th instant. In reply the minister for foreign affairs telegraphs me to-day as follows:

The desire that the newly invited powers be permitted from the outset to participate in the conference is the basis of our project for the settlement of the question of their adhering to the first convention of 1899. If all the signatory powers accept this procedure, the conference will not have to pass upon the question of adhesion. To our mind, the conference will have but to take formal notice of that fact at its first session in which all the powers that have adhered to the second and third conventions and declared their desire to adhere to the first shall be permitted to take part. In any case Russia will use her best efforts toward the most practical and expeditious settlement of the question of the participation of all the invited powers in the conference and on this point entirely shares the ideas of the Government of the United States.

I am at the same time instructed to call the attention of the other governments to which I transmitted Russia's invitation to the necessity of giving forthwith to the Government of the Netherlands notice of their adhesion to the second and third conventions of 1899, and to be in readiness to notify the same Government of their adhesion to the first as soon as they receive telegraphic advice from us as to the consent of all the powers that took part in the first conference at The Hague.

Be pleased to accept, etc.,

ROSEN.

The Secretary of State to the Russian Ambassador.

No. 27.]

DEPARTMENT OF STATE,
Washington, June 7, 1906.

EXCELLENCY: The Government of the United States has given careful consideration to the views expressed in your note of April 12 as to the programme which should be adopted for consideration and discussion by the Second Hague Conference.

In your memorandum handed to the President on the 13th of September, 1905,^a you had already advised him that the plenipotentiaries of Russia at a future meeting would lay before the conference a detailed programme which would serve as a starting point for its deliberations, and on the 12th of October, 1905, I had expressed to

^a Printed in Foreign Relations, 1905, p. 828.

you the satisfaction of this Government that the Government of Russia should undertake such a task for the common benefit. You had also been good enough, on the 3d of April last, to hand me a summary of the programme which the Imperial Government proposed to submit to the conference, and as to that the Government of the United States reserved consideration, with liberty to advance other proposals of a like character, should its own needs and experience counsel such a course.

The Government of the United States finds the present proposals to be in entire conformity with the spirit that animated His Imperial Majesty in the proposal to bring about a Second Peace Conference, to which the President gave such ready and cheerful assent.

In full accord with the hope which you express this Government sees in the entirety of the points proposed the expression of a wish to approach nearer to that lofty ideal of international justice which is the permanent goal of the whole civilized world. It finds itself in agreement with the suggestions in your note that the deliberations of the meeting should not deal with the political relations of the several States, or with the conditions of things established by treaties, and that neither the solution of the questions brought up for discussion, nor the order in which they are to be examined, nor the form to be given to the decisions reached, should be subject for determination in advance of the conference. It considers also that all the questions proposed by your Government should be included in the programme.

The Government of the United States is, however, so deeply in sympathy with the noble and humanitarian views which moved His Imperial Majesty to the calling of the First Peace Conference that it would greatly regret to see those views excluded from the consideration of the Second Conference.

In the memorandum of August 12, 1898, which accompanied the call for that conference, Count Mouravieff, expressing the sentiment of His Majesty the Emperor, said :

The maintenance of general peace and a possible reduction of the excessive armaments which weigh down upon all nations present themselves, in the actual present situation of the world, as the ideal toward which should tend the efforts of all governments.

* * * * *

This conference will be, with the help of God, a happy augury for the century which is about to open. It will gather together in a powerful unit the efforts of all the powers which are sincerely desirous of making triumphant the conception of a universal peace. It will, at the same time, strengthen their mutual harmony by a common consideration of the principle of equity and right, upon which rest the security of states and the well-being of nations.

The truth and value of the sentiments thus expressed are surely independent of the special conditions and obstacles to their realization by which they may be confronted at any particular time. It is true that the First Conference at the Hague did not find it practicable to give them effect, but long-continued and patient effort has always been found necessary to bring mankind into conformity with great ideals. It would be a misfortune if that effort, so happily and magnanimously inaugurated by His Imperial Majesty, were to be abandoned.

This Government is not unmindful of the fact that the people of the United States dwell in comparative security, partly by reason of

their isolation and partly because they have never become involved in the numerous questions to which many centuries of close neighborhood have given rise in Europe. They are therefore free from the apprehensions of attack which are to so great an extent the cause of great armaments, and it would ill become them to be insistent or forward in a matter so much more vital to the nations of Europe than to them. Nevertheless, it sometimes happens that the very absence of a special interest in a subject enables a nation to make suggestions and urge considerations which a more deeply interested nation might hesitate to present. The Government of the United States, therefore, feels it to be its duty to reserve for itself the liberty to propose to the Second Peace Conference, as one of the subjects of consideration, the reduction or limitation of armaments, in the hope that, if nothing further can be accomplished, some slight advance may be made toward the realization of the lofty conception which actuated the Emperor of Russia in calling the First Conference.

There is one other subject which it seems to the Government of the United States might well engage the attention of the conference. The subjects already proposed relate chiefly to lessening the evils and reducing the barbarity of war. Important as this is war will still be cruel and barbarous, and the thing most important is to narrow the cause of war and reduce its frequency. It seems doubtful, in view of the numerous reservations which accompanied the signatures of the powers to the very moderate provisions of the convention for international arbitration agreed upon at the First Conference, whether it will be practicable to secure any very general assent to an agreement for compulsory arbitration without such extensive exceptions as to do away in great measure with its compulsory effect. It does not follow, however, that there may not be agreement upon the rules of conduct which ought to be followed in particular cases out of which controversy is liable to arise; or that these rules, if observed, may not greatly decrease the probabilities of war. The United States feels that it would be well worth while for the powers assembled at the peace conference to consider whether such an effect could not be produced by an agreement to observe some limitations upon the use of force for the collection of ordinary public debts arising out of contracts. The United States, accordingly, reserves to itself the liberty to propose this further subject for the consideration of the conference.

In suggesting these further subjects for consideration, the Government of the United States believes that your Government will find them in entire accord with the spirit and purpose which have dictated the proposals of your note, and it hopes for the sympathy and agreement of your Government.

Accept, etc.,

ELIHU ROOT.

Minister Hill to the Secretary of State.

No. 87.]

AMERICAN LEGATION,
The Hague, Netherlands, June 12, 1906.

SIR: I have the honor to inclose herewith, in duplicate, a copy of a bill now before the States-General, together with a translation of the same, whereby the Netherlands Government seeks the sanction

of the legislature to the conclusion of treaties which will facilitate the admission to the Second Peace Conference of such powers as were not represented at the First Peace Conference in 1899.

It will be observed from the minister for foreign affairs' explanatory statement in connection with this bill that the reasons for this measure are based on the invitation of other than the signatory powers of The Hague conventions of 1899 to the Second Peace Conference and proposals that the representatives of such additional powers shall immediately upon the signing of a treaty relating to the matter in question be allowed to participate in the deliberations of the conference.

I forward the above-mentioned copy of the bill, together with the minister for foreign affairs' reasoning on the same, as an indication of the preliminary steps taken by Her Majesty's Government toward the realization of the Second Peace Conference, and hence of possible interest to the department.

In this regard it may likewise be of interest to the department to know that the Netherlands Government has asked for a special appropriation to meet the expenses of the Government in connection with the entertainment of the delegates to the Second Peace Conference.

I have, etc.,

DAVID J. HILL.

[Inclosure.—Translation.]

ROYAL MESSAGE.

To the Second Chamber of the States-General.

GENTLEMEN: We present you herewith for your consideration a bill re the reservation of the right to conclude agreements respecting the adhesion of powers which were not represented at the international peace conference of the year 1899 to the treaty for the pacific settlement of international disputes, concluded at The Hague on the 29th of July, 1899.

The explanatory statement accompanying the bill contains the grounds on which it is based.

And herewith, gentlemen, we commend you to God's Holy care.

Het Loo, this 17th day of May, 1906.

WILHELMINA.

BILL.

We Wilhelmina, by the Grace of God, Queen of the Netherlands, Princess of Orange-Nassau, etc.

To all whom this shall concern, greeting, to wit:

Whereas we having deemed it desirable that we reserve the right to conclude agreements respecting the adhesion of foreign powers to the treaty for the pacific settlement of international disputes, concluded at The Hague on the 29th of July, 1899;

In observance of the second and third clause of article 59 of the constitution;

Hence, we, having heard the council of state, and with the general consent of the States-General, have decided and agreed, as we do hereby decide and agree:

ARTICLE 1. We reserve the right to conclude agreements respecting the adhesion of powers, which were not represented at the International Peace Conference of the year 1899, to the treaty for the pacific settlement of international disputes, concluded at The Hague on the 29th of July, 1899, approved by the law of the 9th of April, 1900 (Official Gazette No. 54).

ARTICLE 2. This law shall take effect on the day of its promulgation.

We do order and command that this shall be inserted in the Official Gazette, and that all ministerial departments, authorities, corporations, and officials concerned shall strictly observe the same.

The Minister for Foreign Affairs.

EXPLANATORY STATEMENT.

In a note dated April 3, 1906, the minister of His Majesty the Emperor of Russia, in the name of his Government, laid before Her Majesty's Government a programme of the operations of the Second Peace Conference, in which, among other things, as one of the subjects to be treated, is mentioned: Improvements in the provisions of the treaty of the 29th of July, 1899, for the pacific settlement of international disputes. A number of states have been invited to the proposed conference which did not participate in the conference of the year 1899.

As the participation of states in debates and decisions regarding the revision of a treaty in which they did not participate is a matter of serious consideration, it is necessary that such states should first be able to adhere to the said treaty.

Article 60 of that treaty, ratified by the law of April 9, 1900 (Official Gazette No. 54), reads as follows:

"The conditions under which powers which have not been represented at the International Peace Conference shall be allowed to adhere to this treaty shall form the subject of a subsequent conference between the contracting powers."

This subsequent arrangement has not yet been made and the above-mentioned states have not as yet been able to adhere.

In order, therefore, with a view to the operations of the conference, to render this necessary adhesion possible the Russian Government has proposed to all the signatory powers of the said treaty that immediately upon the opening of the Second Conference their representatives shall sign a protocol containing a provision that the powers which were not represented at the First Peace Conference, but have been invited to the second, shall be regarded as having adhered to the treaty for the pacific settlement of international disputes from the moment at which they notified the Netherlands Government of their adhesion to the said treaty.

The direct result of this protocol will be the creation of the same obligations between the Netherlands and those states which subsequent to the signing of the protocol have given notice of their adhesion as are embraced in the treaty of the 29th of July, 1899.

For this reason the Government considers that this protocol, which moreover in a certain sense is a deviation from the above-mentioned article 60, as well as from the treaty of the 29th of July, 1899, itself, requires the approval of the States-General.

This approval can not be obtained in the usual way, subsequent to the signing and before the ratification of an international convention. Indeed, in that case the insertion of a proviso relating to ratification would be required in the protocol, which would exclude adhesion until after the deposit of the act of ratification or its going into effect, which would annul the object of the protocol. The object is to secure that alone the parties (contracting as well as adhering) to the treaty of 1899 shall have equal rights in regard to the revisions to be made; it is not sufficient, therefore, that those states can become parties, to wit, provided the protocol be ratified and provided they thereafter give notice of their adherence; in order to participate in the debates, they must do this immediately after the signing of the protocol and by so doing immediately become parties.

In the given circumstances it therefore seems imperative to make use of the third clause of article 59 of the constitution.

The first article of the bill in question, which is expressly made to read as amply as possible, in order that all possible subsequent agreements relating to the adhesion of all powers which were not represented at the conference in 1899 may be rendered possible, is based on these considerations.

Whereas the law will have to take effect before the meeting of the conference, the insertion of the second article seemed advisable.

VAN TETS VAN GOUDRIAN,
The Minister for Foreign Affairs.

The Russian Ambassador to the Secretary of State.

[Memorandum received November 12, 1906.]

In regard to the note of the honorable the Secretary of State, dated June 7, 1906, which was duly transmitted to the Imperial Government, the Russian ambassador is instructed in the following sense:

If the United States Government, in making the reservations mentioned in the note of the Secretary of State, had in view solely to reserve the right to raise at the Second Peace Conference the two questions referred to in that note, the Imperial Government have no objections whatever to offer, as they do not consider it possible to prevent the representatives of any power invited to the conference from submitting any proposal which their governments may consider expedient, and as they hold that it will depend on the conference itself to determine whether such proposal comes within the range of the established programme, and whether, therefore, it should be examined or not.

But if the United States, by their declaration, had in view to make certain in advance that the above-mentioned two questions would be included in the deliberations of the conference, it would be advisable to point out that in issuing their invitations to the Second Peace Conference the Imperial Government proposed that questions not included in the programme agreed upon by the powers should not be made subject to the deliberations of the conference.

The programme as proposed by Russia has already been approved of in toto by a majority of the powers invited, including the Netherlands, Germany, Austria-Hungary, France, and Italy.

If, therefore, the Imperial Government now wished to alter its programme by including the two questions mentioned in the note of the Secretary of State of June 7, it would become necessary to previously consult the views of the powers who have already approved the programme as proposed by Russia, as well as those powers who have not yet communicated their views on the subject.

Before doing so, however, the Imperial Government, animated by the sincerest regard for the United States and desiring to avoid any disagreement with them, deem it their duty to request the Cabinet of Washington to inform them whether they wish that Russia should take steps to consult the views, as above outlined, of the powers invited to the conference—which might, of course, considerably delay the meeting of the conference—or whether they would prefer to retard the bringing forward of their proposals and, perhaps, to postpone these proposals until the meeting of a further conference in the future.

The Imperial Government would also point out that, should even one only of the great powers decline to discuss these questions, their practical solution at present would in any case be impossible. Moreover, such a refusal, consequent upon such an initiative of the Cabinet of Washington, would in all probability even render extremely difficult the very convocation of the conference in which the Government of the United States takes so earnest an interest.

The Japanese Ambassador to the Secretary of State.

[Memorandum received December 6, 1906.]

IMPERIAL JAPANESE EMBASSY,
Washington.

On November 10 the Japanese Minister for Foreign Affairs answered the note of the Russian minister in Tokyo on the subject of the proposed Second Peace Conference. The reply of the Imperial Government is in the following sense:

In reference to the subject of the proposed conclusion of a protocol among the signatory powers of the convention of The Hague for the peaceful adjustment of international differences, the Japanese Government understands from the note of the Russian minister that the South American republics are the only states which Russia intends to invite to the Second Peace Conference besides the powers that were represented at the First Peace Conference. Therefore, upon the understanding that the invitations to the proposed conference are to be so limited the Japanese Government withdraws its objection and signifies its approval of the proposed protocol relating to the adhesion of states not represented at the First Conference.

With reference to the programme of the conference as proposed by Russia in the note of May 4, 1906, of the Russian minister in Tokyo, the Japanese Government accepts the same in principle as the basis of discussion. The proposed programme includes many important subjects on which widely divergent views are entertained and on which practice greatly varies. It is the sincere hope of the Japanese Government that all conflicting issues may be freely discussed and satisfactory solution arrived at. Nevertheless, the Imperial Government can not dispel apprehension that such discussion might in some cases take undesirable direction. In order, therefore, to provide for such eventual possibilities the Japanese Government reserves the right to abstain or withdraw from any discussion not likely to lead to useful results.

On the other hand, the Japanese Government believes that some questions which are not enumerated in the Russian programme, but which have become prominent of late years, might very appropriately be included in the programme. One important example of such subjects would be the questions relating to the rights and duties of neutrals and, correlatively, the duties and rights of belligerents.

The Japanese Government, believing in the efficacy of international understanding on such subjects, reserves the right to suggest hereafter, but within a reasonable time in advance of the meeting of the conference, such subjects as appear to them to be appropriate for the examination and deliberation of the conference.

The above is the résumé of the reply of the Japanese Government to the Russian note.

The Japanese Government has no objection to the proposal of the United States Government to submit to the deliberations of the forthcoming conference the question of the reduction or limitation of armament.

The Secretary of State to the Russian Ambassador.

[Memorandum.]

DEPARTMENT OF STATE,
Washington, December 20, 1906.

The Secretary of State has given careful consideration to the memorandum which was handed to him by the Russian ambassador on the 12th of November in regard to the wish of the Government of the United States, as expressed in the note of the Secretary of State dated June 7 last, regarding its reservation of the right to propose two additional questions at the Second Hague Conference.

The purpose of the Government of the United States in putting forward that reservation was solely to make it possible to propose to the peace conference the two questions referred to, with the understanding that it will depend upon the conference itself to determine whether or not those questions shall be considered and discussed. This Government had no intention to make certain in advance that the two questions should be accepted as subjects of deliberation; neither had it any desire to bring about an international determination in advance by which the conference should be committed to a rejection of the proposed questions because of their not being specifically included in the programme. This being so, the Government of the United States has no desire that the participating powers shall now be asked for an expression as to the inclusion of the two questions in the programme, for that would be tantamount to inviting a decision beforehand as to the deliberative powers of the conference. What is desirable is, not that the questions shall be put in the programme in advance, but that the conference shall be at liberty to give them consideration if it deem them germane to the purpose for which it is convoked.

[To be continued in Foreign Relations, 1907.]

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