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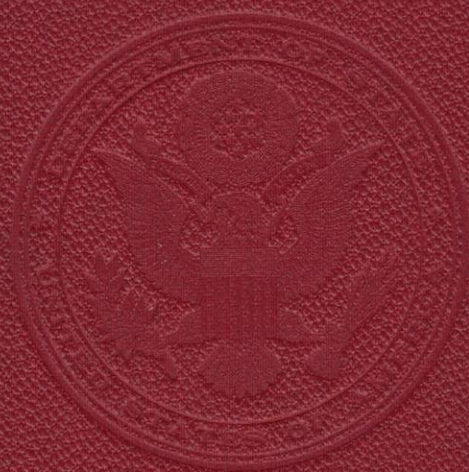
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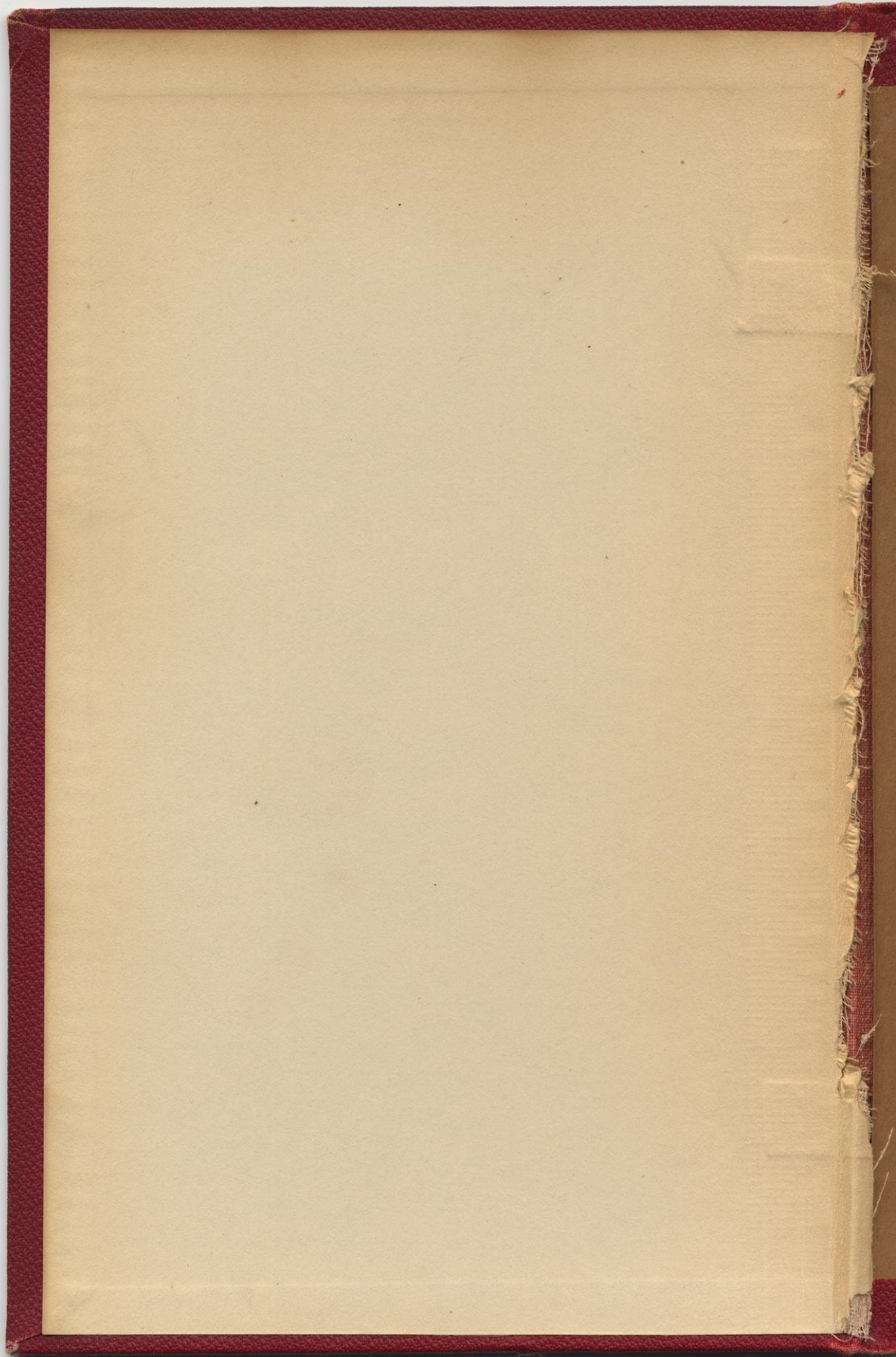
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PAPERS RELATING TO THE
FOREIGN RELATIONS
OF THE UNITED STATES

1915
SUPPLEMENT
THE WORLD WAR



UNITED STATES
GOVERNMENT PRINTING OFFICE
WASHINGTON

1923

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OFFICIAL POSITIONS OF PRINCIPAL PERSONS MENTIONED IN THE CORRESPONDENCE

Abbas Hilmi Pasha.....	Deposed Khedive of Egypt.
Addams, Jane.....	Head resident, Social Settlement of Hull House, Chicago.
Ahmed Mirza.....	Shah of Persia.
Albert, Heinrich Friedrich.....	Purchasing agent in the United States of the German Food Administration.
Albert I.....	King of the Belgians.
Anderson, Chandler P.....	Legal adviser to the Department of State and American Embassies in Europe.
Archibald, James F. J.....	American war correspondent.
Asquith, Herbert Henry.....	Prime Minister of Great Britain.
Bakhméteff, George.....	Russian Ambassador at Washington.
Barclay, Colville de R.....	Counselor of the British Embassy at Washington.
Bartholdt, Richard.....	Member of the United States House of Representatives.
Barton, Rev. James L.....	Secretary of the American Board of Commissioners for Foreign Missions and Chairman of the Board of Near East Relief.
Behnecke, P., Admiral.....	Acting chief of the German Admiralty Staff.
Bell, Edward.....	Secretary of the American Embassy at London.
Bernstorff, Johann Heinrich A., Count von.....	German Ambassador at Washington.
Bethmann Hollweg, Theobald Theodore Friedrich Alfred von.....	German Imperial Chancellor and Prussian Minister President.
Birch, Thomas Howard.....	United States Minister in Portugal.
Bissing, Moritz Ferdinand, Baron von.....	German Governor General in Belgium.
Boardman, Mabel Thorp.....	Chairman of the National Relief Board of the American Red Cross and member of the War Relief Board.
Bray, John P.....	United States Consul General at Sydney, Australia.
Brun, Constantin.....	Danish Minister at Washington.
Bryan, William Jennings.....	Secretary of State of the United States until June 9, 1915.
Bülow, Bernhard Heinrich Karl Martin, Prince von.....	Former German Imperial Chancellor.
Burian von Rajecz, Stephan, Baron.....	Austro-Hungarian Minister of Foreign Affairs.
Burleson, Albert Sidney.....	Postmaster General of the United States.
Caffery, Jefferson.....	Secretary of the United States Legation at Stockholm.
Caillaux, Joseph Marie Auguste.....	Former French President of the Council.
Caldwell, John Lawrence.....	United States Minister in Persia.
Cecil, Edgar Algernon Robert, Viscount.....	British Under Secretary of State for Foreign Affairs.
Constantine I.....	King of Greece.
Crawford, Sir Richard F.....	Commercial Adviser of the British Embassy at Washington.
Crewe, Robert Offley Ashburton.....	British Lord Privy Seal and Secretary of State for India.
Crewe-Milnes, Marquis of.....	British Assistant Under Secretary of State for Foreign Affairs.
Crowe, Sir Eyre.....	

Daniels, Josephus.....	Secretary of the Navy of the United States.
Davis, Leslie A.....	United States Consul at Harput.
Decker, Benton C.....	Commander of the U. S. S. <i>Tennessee</i> .
Delbrück, Clemens.....	German Secretary of State for the Interior.
Delcassé, Théophile.....	French Minister of Foreign Affairs.
Dennison, Edwin Haldeman.....	United States Consul at Dundee.
Droppers, Garrett.....	United States Minister in Greece.
Dumba, Constantin Theodor.....	Austro-Hungarian Ambassador at Wash- ington.
Edelman, Samuel.....	United States Vice Consul at Aleppo.
Egan, Maurice Francis.....	United States Minister in Denmark.
Einstein, Lewis.....	United States Special Agent at Sofia with rank of Chargé d'Affaires.
Ekengren, W. A. F.....	Swedish Minister at Washington.
Enver Pasha.....	Turkish Minister of War.
Estournelles de Constant, Paul Henri Benjamin d'.	French Senator.
Falkenhayn, Erich G. A. S. von.....	German Minister of War and Chief of the General Staff.
Ferdinand.....	King of Bulgaria.
Ferdinand I.....	King of Roumania.
Fisher, A. A.....	Acting Second Assistant Postmaster General of the United States.
Fleming, William B.....	Foreign Trade Adviser of the Department of State of the United States.
Flournoy, Richard W., jr.....	Chief of the Bureau of Citizenship, Depart- ment of State of the United States.
Ford, Henry.....	American automobile manufacturer and leader of a peace party to Europe.
Franz Joseph I.....	Emperor of Austria and King of Hungary.
French, Sir John D. P.....	British Field Marshal and Commander in Chief of the Expeditionary Forces in France.
Frost, Wesley.....	United States Consul at Cork.
George V.....	King of the United Kingdom of Great Britain and Ireland, etc., Emperor of India.
Gerard, James Watson.....	United States Ambassador in Germany.
Gherardi, Walter R.....	United States Naval Attaché at Berlin and The Hague.
Giers, Mikhail N.....	Russian Ambassador in Italy.
Giolitti, Giovanni.....	Former Prime Minister of Italy.
Glazebrook, Otis A.....	United States Consul at Jerusalem.
Gregory, Thomas Watt.....	Attorney General of the United States.
Grey, Sir Edward.....	British Secretary of State for Foreign Affairs.
Gustaf V.....	King of Sweden.
Haldane, Richard Burdon, Vis- count.	Lord High Chancellor of Great Britain.
Hale, William Bayard.....	American editor and newspaper correspondent.
Halim Pasha, Prince Said.....	Turkish Grand Vizier.
Haniel von Haimhausen, Edgar K.	Counselor of the German Embassy at Wash- ington.
Hardwick, Thomas W.....	United States Senator.
Harris, Ernest Lloyd.....	United States Consul General at Stockholm.
Havenith, E.....	Belgian Minister at Washington.
Hoover, Herbert Clark.....	Chairman of the Commission for Relief in Belgium.
Horton, George.....	United States Consul General at Smyrna.
House, Edward Mandell.....	Personal representative of President Wilson to the European Governments.
Jackson, Jesse B.....	United States Consul at Aleppo.
Jagow, Gottlieb E. G. von.....	German Secretary of State for Foreign Affairs.
Joffre, Joseph Jacques Césaire.....	Commander in Chief of the French Armies.
Jusserand, Jean Adrien Antoine Jules.	French Ambassador at Washington.
Karl Franz Joseph, Archduke.....	Heir presumptive to the thrones of Austria and Hungary.
Kehl, John E.....	United States Consul at Saloniki.

Kent, William P.....	United States Consul at Leipzig.
Kitchener, Horatio Herbert, Earl.....	British Secretary of State for War.
Lansing, Robert.....	Counselor for the Department of State, Mar. 27, 1914; Secretary of State <i>ad interim</i> , June 9-23, 1915; Secretary of State, June 24, 1915.
Laughlin, Irwin B.....	Secretary of the United States Embassy in Great Britain.
Lay, Julius G.....	United States Consul General at Berlin.
Leslie, Francis.....	United States Consular Agent at Urfa.
Liebknecht, Karl.....	Member of the German Reichstag.
Listoe, Soren.....	United States Consul General at Rotterdam.
Loudon, Jonkheer J.....	Netherland Minister of Foreign Affairs.
Macchi di Cellere, Vincenzo, Count.....	Italian Ambassador at Washington.
Malburn, William P.....	Assistant Secretary of the Treasury of the United States.
Marye, George Thomas.....	United States Ambassador in Russia.
Mason, Dean B.....	United States Consul at Algiers.
Matanovitch, J.....	Delegate of the Montenegrin Government on special mission in the United States.
Mather, Sir William.....	Former Member of the British Parliament.
McAdoo, William G.....	Secretary of the Treasury of the United States.
Mellor, Sir John Paget.....	British Procurator General.
Meyer-Gerhard, Dr. Anton.....	German Red Cross delegate to the United States.
Mohammed V.....	Sultan of Turkey.
Morgan, Henry H.....	United States Consul General at Hamburg.
Morgenthau, Henry.....	United States Ambassador in Turkey.
Morris, Ira Nelson.....	United States Minister in Sweden.
Nicholas II.....	Emperor of Russia.
Osborne, John E.....	Assistant Secretary of State of the United States.
Page, Thomas Nelson.....	United States Ambassador in Italy.
Page, Walter Hines.....	United States Ambassador in Great Britain.
Pashitch, Nikolas.....	Servian Minister of Foreign Affairs.
Penfield, Frederic Courtland.....	United States Ambassador in Austria-Hungary.
Peter I.....	King of Servia.
Peters, Andrew J.....	Assistant Secretary of the Treasury of the United States.
Philip, Hoffman.....	United States Secretary of Embassy at Constantinople.
Phillips, William.....	Third Assistant Secretary of State of the United States.
Poincaré, Raymond.....	President of France.
Polk, Frank Lyon.....	Counselor for the Department of State of the United States.
Praeger, Otto.....	Second Assistant Postmaster General of the United States.
Radoslavoff, Dr. V.....	Bulgarian Prime Minister, Minister of the Interior, and Minister for Foreign Affairs <i>ad interim</i> .
Rappard, Chevalier W. L. F. C. van.....	Netherland Minister at Washington.
Redfield, William C.....	Secretary of Commerce of the United States.
Reinsch, Paul S.....	United States Minister in China.
Reventlow, Ernst, Count zu.....	German writer.
Riaño y Gayangos, Don Juan.....	Spanish Ambassador at Washington.
Ritter, Dr. Paul.....	Swiss Minister at Washington.
Roosevelt, Franklin D.....	Assistant Secretary of the Navy of the United States.
Rose, Robert F.....	Foreign Trade Adviser of the Department of State of the United States.
Salandra, Antonio.....	Prime Minister of Italy.
Sauer, Emil.....	United States Consul at Göteborg.

Sazonov, Sergei D.....	Russian Minister of Foreign Affairs.
Schmedeman, Albert G.....	United States Minister in Norway.
Schwab, Charles M.....	President of the Bethlehem Steel Corporation.
Schwimmer, Mme Rosika.....	Hungarian journalist and lecturer.
Sharp, William Graves.....	United States Ambassador in France.
Simmons, F. M.....	United States Senator.
Skinner, Robert P.....	United States Consul General at London.
Skouloudis, Stephanos.....	Greek Prime Minister.
Smith, Hoke.....	United States Senator.
Sonnino, Baron Sidney.....	Italian Minister of Foreign Affairs.
Spring Rice, Sir Cecil Arthur.....	British Ambassador at Washington.
Stinnes, Hugo.....	Industrial magnate of Germany.
Stone, Melville E.....	General Manager of the Associated Press, New York.
Stovall, Pleasant Alexander.....	United States Minister in Switzerland.
Talaat Bey.....	Turkish Minister of the Interior.
Thompson, Lewis C.....	United States Vice Consul at Cork.
Tirpitz, Alfred P. Friedrich von.....	German Admiral and Secretary of State for the Navy.
Van Dyke, Henry.....	United States Minister in the Netherlands.
Victor Emmanuel III.....	King of Italy.
Viereck, George Sylvester.....	Editor of the <i>Fatherland</i> .
Vopicka, Charles J.....	United States Minister in Roumania, Servia, and Bulgaria.
Warren, Charles.....	Assistant Attorney General of the United States.
Westacott, Richard.....	United States Vice Consul at London.
Whitlock, Brand.....	United States Minister in Belgium.
Wilhelm II.....	German Emperor, King of Prussia.
Wilhelmina.....	Queen of the Netherlands.
Willard, Joseph E.....	United States Ambassador in Spain.
Wilson, Charles S.....	Secretary of the United States Embassy at Petrograd.
Wilson, Woodrow.....	President of the United States.
Winslow, Edward D.....	United States Consul General at Copenhagen.
Zimmermann, Alfred F. M.....	German Undersecretary of State for Foreign Affairs.
Zwiedinek, Baron Erich.....	Counselor of the Austro-Hungarian Embassy at Washington.

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

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

THE ATTITUDE OF EUROPEAN NEUTRAL STATES—CONDITIONS IN THE CENTRAL EMPIRES—INFORMAL DISCUSSION OF NEGOTIATIONS AND TERMS OF PEACE

No.	Date	From and to whom	Subject	Page
57	Dec. 16, 1914 [Rec'd Jan. 5]	From the Minister in Switzerland.	Effect of the war upon the internal affairs of Switzerland.	3
64	Dec. 17, 1914 [Rec'd Jan. 5]	From the Minister in Sweden.	Transmits statement of Minister of Foreign Affairs regarding Sweden's neutrality.	4
1474	Jan. 15	From the Ambassador in Great Britain (telegram).	Reports a conversation with General French on war situation and peace proposal which he says the President has submitted to England at Germany's request.	5
1489	Jan. 19 [Rec'd Jan. 20]	From the Ambassador in Great Britain (telegram).	German propaganda in the United States has aroused British suspicion of U. S. neutrality.	6
820	Jan. 6 [Rec'd Jan. 25]	From the Minister in Denmark.	Scandinavian countries agree to act in unison and preserve neutrality.	7
1538	Jan. 27	From the Ambassador in Great Britain (telegram).	Italy will probably go to war, if Turkey moves against Egypt.	8
69	Jan. 18 [Rec'd Feb. 3] Feb. 13	From the Minister in Portugal.	Portugal virtually at war with Germany although war has not been declared.	8
		From the Ambassador in Germany (telegram).	Had good reason for sending cipher message of previous day.	9
1587	Feb. 12 [Rec'd Feb. 13]	From the Ambassador in Germany (telegram).	Suggests that Colonel House will be of great help in peace plan.	9
1579	Feb. 11 [Rec'd Feb. 14]	From the Ambassador in Germany (telegram).	Germany would be agreeable to peace proposals emanating from the Allies. Suggests that representatives be sent quietly to Allied countries with this in view.	9
315	Jan. 29 [Rec'd Feb. 16]	From the Ambassador in Austria-Hungary.	Reports upon internal situation.	10
1208	Feb. 17	To the Ambassador in Germany (telegram).	Instructions to report in detail on military and economic condition of Germany.	15

PART I

THE ATTITUDE OF EUROPEAN NEUTRAL STATES, ETC.—Continued

No.	Date	From and to whom	Subject	Page
1649	Feb. 19 [Rec'd Feb. 20]	From the Am- bassador in Germany (tel- egram).	Favorable moment for peace is passing with German victory over Russia. Asks that Colonel House bring peace proposals to Germany.	15
1648	Feb. 19 [Rec'd Feb. 20]	From the Am- bassador in Germany (tel- egram).	Report on military and economic condition of Germany.	16
1672	Feb. 23 [Rec'd Feb. 24]	From the Am- bassador in Germany (tel- egram).	Victory of the Germans over Rus- sians in East Prussia complete.	16
1694	Feb. 26 [Rec'd Feb. 27]	From the Am- bassador in Germany (tel- egram).	Italy and Roumania will probably remain neutral; Bulgaria like- ly to join Germany; rumors that Japan will make separate peace and attack America; Germany winning; Allies must propose peace first.	17
15	Mar. 2	From the Min- ister in Greece (telegram).	Greek authorities are divided on war policy.	17
1714	Mar. 1 [Rec'd Mar. 2]	From the Am- bassador in Germany (tel- egram).	Von Jagow invites Colonel House to Berlin.	17
209	Mar. 4	From the Am- bassador in Italy (tele- gram).	It is proposed that neutral powers address identical peace notes to the belligerents. Italy refuses.	18
18	Mar. 6	From the Min- ister in Greece (telegram).	Greece prepares to join the Allies...	18
	Mar. 6 [Rec'd Mar. 7]	From the Min- ister in Greece (telegram).	The King opposes policy of the Prime Minister; latter resigns.	18
214	Mar. 12	From the Am- bassador in Italy (tele- gram).	Austria is negotiating with Italy to gain her alliance.	18
548	Mar. 12 [Rec'd Mar. 13]	From the Am- bassador in Austria- Hungary (telegram).	Believes that Austria is attempt- ing to purchase Italy's non- entry into the war.	19
1847	Mar. 15 [Rec'd Mar. 16]	From the Am- bassador in Germany (telegram).	Discussion of Germany's retention of Belgium; hatred against the United States is far-reaching.	19
558	Mar. 15 [Rec'd Mar. 16]	From the Am- bassador in Austria- Hungary (telegram).	Allies seeking support of Italy; Germany pressing for her con- tinued neutrality.	20
216	Mar. 17	From the Am- bassador in Italy (tele- gram).	Neither he nor British Ambassador thinks Italy and Austria will come to terms.	20

PART I

THE ATTITUDE OF EUROPEAN NEUTRAL STATES, ETC.—Continued

No.	Date	From and to whom	Subject	Page
672	Mar. 11 [Rec'd Mar. 29]	From the Ambassador in Germany.	Further report on military and economic conditions in Germany.	20
	Feb. 28 [Rec'd Mar. 30]	From the Consul at Leipzig.	Report of internal situation in Germany, hostile attitude toward the United States, and potential influences on the outcome of the war.	22
229	Mar. 31	From the Ambassador in Italy (telegram).	Semiofficial news article declares it America's duty to restore peace.	29
1484	Apr. 8	To the Ambassador in Germany (telegram).	Prominent Americans are <i>en route</i> to a peace conference at The Hague.	29
1542	Apr. 21	To the Ambassador in Germany (telegram).	Asks that protection be given American women sailing on the <i>Noordam</i> for conference at The Hague.	29
2110	Apr. 25 [Rec'd Apr. 26]	From the Ambassador in Germany (telegram).	Semiofficially stated that there will be no peace until object of the war is attained.	29
1472	Apr. 26	To the Ambassador in Great Britain (telegram).	Instructions to arrange for safe passage of American delegates to the International Peace Congress.	30
1995	Apr. 27	From the Ambassador in Great Britain (telegram).	Steamer <i>Noordam</i> has proceeded to Rotterdam.	30
207	Apr. 29	To the Ambassador in Italy (telegram).	Instructions to keep Department advised as to status of negotiations between Italy and Austria.	30
255	Apr. 30	From the Ambassador in Italy (telegram).	Rumors that Italy has declined Austria's offer of the Trentino and has secured a loan in England.	30

ITALY'S ENTRANCE INTO THE WAR—THE DIPLOMATIC CONTEST IN THE NEAR EAST—FURTHER INFORMATION CONCERNING THE CENTRAL EMPIRES—PRIVATE EFFORTS TOWARD PEACE

137	May 1	From the Ambassador in France (telegram).	Italy is reported to have signed agreement with the Allies guaranteeing to her territorial extension in exchange for military support.	31
256	May 1	From the Ambassador in Italy (telegram).	Events point to Italy's decision to join the Allies.	31
210	May 4	From the Ambassador in Italy (telegram).	Negotiations with Austria are resumed.	31

PART I

ITALY'S ENTRANCE INTO THE WAR, ETC.—Continued

No.	Date	From and to whom	Subject	Page
263	May 7	From the Ambassador in Italy (telegram).	Is convinced that war between Austria and Italy is imminent. Will take charge of Austrian affairs provisionally.	32
265	May 7	From the Ambassador in Italy (telegram).	Probability of immediate denunciation of treaty with Austria and Germany as first step towards war, which can only be obviated by Austria's acceding to Italy's demands.	32
2068	May 8	From the Ambassador in Great Britain (telegram).	Foreign editor of the <i>Times</i> states confidentially that the Allies have agreed to cede part of Austria to Italy if she comes into the war within a month.	32
272	May 12	From the Ambassador in Italy (telegram).	Rumor of division in the Cabinet.	33
273	May 14	From the Ambassador in Italy (telegram).	Giolitti's antiwar policy seemingly predominates. Ministry has resigned.	33
277	May 14	From the Ambassador in Italy (telegram).	Rumored that King has refused to accept resignation of Ministry.	33
278	May 16	From the Ambassador in Italy (telegram).	It is believed that War Ministry will be reinstated and that war is probable.	33
159	Apr. 26 [Rec'd May 17]	From the Minister in Roumania, Servia, and Bulgaria.	Triple Entente is working to secure alliance of Bulgaria; latter now more favorably inclined toward the Entente.	34
279	May 17	From the Ambassador in Italy (telegram).	War feeling increasing, pointing to alliance with Triple Entente.	34
284	May 20	From the Ambassador in Italy (telegram).	Vote for war in the Chamber and Senate almost certain.	35
285	May 20	From the Ambassador in Italy (telegram).	Chamber of Deputies approves a defense program.	35
288	May 21 [Rec'd May 22]	From the Ambassador in Italy (telegram).	Senate confers full powers on the Government. War imminent.	35
293	May 22 [Rec'd May 23]	From the Ambassador in Italy (telegram).	Mobilization called and state of war declared in provinces on Austrian border and Adriatic.	35
294	May 23 [Rec'd May 24]	From the Ambassador in Italy (telegram).	Transmits Italy's announcement of war with Austria-Hungary.	35

PART I

ITALY'S ENTRANCE INTO THE WAR, ETC.—Continued

No.	Date	From and to whom	Subject	Page
701	May 24	To the Ambassador in Turkey (telegram).	American Embassy is asked to take charge of Russian interests in Turkey in case of war between those countries.	36
296	May 25	From the Ambassador in Italy (telegram).	Austrian and German Ambassadors have left Italy.	36
	May 24 [Rec'd May 26]	From the Italian Ambassador.	Transmits Italy's justification for war against Austria-Hungary.	36
304	May 27	From the Ambassador in Italy (telegram).	No declaration of war with Germany but German Embassy demanded passports.	39
85	May 25 [Rec'd May 29]	From the Minister in Roumania, Serbia, and Bulgaria (telegram).	Roumania ready to join Triple Entente if demands are granted. Bulgaria waiting for completion of contract agreed upon with Triple Entente. Typhus in Serbia checked; credit given to Americans.	40
694	May 25 [Rec'd June 1]	From the Ambassador in Turkey (telegram).	Prefers to decline care of Russian interests and act for Italy alone.	40
732	June 4	To the Ambassador in Turkey (telegram).	The President desires American Embassy to take over representation of Russia in Turkey to increase influence for peace.	40
	June 7 [Rec'd June 8]	From the Minister in Roumania, Serbia, and Bulgaria (telegram).	Because of Russian reverses, Roumania may remain neutral.	41
733	June 6 [Rec'd June 9]	From the Ambassador in Turkey (telegram).	Will represent Russian interests in Turkey, since it is part of the President's plan.	41
312	June 8 [Rec'd June 9]	From the Ambassador in Italy (telegram).	Jane Addams reports on economic conditions and public opinion in Austria and Germany. Cooperation of the Pope in her peace movement is promised.	41
324	June 11	From the Ambassador in Italy (telegram).	Gives views of the Russian Ambassador regarding German-American relations and predicts Italy's declaration of war with Germany and Turkey.	41
328	June 15 [Rec'd June 16]	From the Ambassador in Italy (telegram).	Greece will probably enter the war. Allies still treating with Serbia to cede part of Macedonia to Bulgaria.	42
927	June 17	To the Ambassador in Germany.	Requests report on relations between Foreign Office and General Staff; the strength and attitude of Socialistic Party; the <i>Bund Neues Vaterland</i> ; the attitude of the public toward the war; and the future of Belgium.	42

PART I

ITALY'S ENTRANCE INTO THE WAR, ETC.—Continued

No.	Date	From and to whom	Subject	Page
341	June 29	From the Ambassador in Italy (telegram).	Italy will give her subjects time to leave the Ottoman Empire before declaring war on Turkey. Bulgaria may join the Allies if Italy sends forces to the Dardanelles.	43
1200	July 13	From the Ambassador in Germany.	Report on the points requested by the Department.	43
911	Aug. 5 [Rec'd Aug. 7]	From the Ambassador in Turkey (telegram).	Ottoman Government yielded to ultimatum allowing Italians to depart. Interests of Italy, Russia, and Montenegro, except at Constantinople, are in his charge.	44
2734	Aug. 14 [Rec'd Aug. 15]	From the Ambassador in Germany (telegram).	Germany has hope of capturing Russian Army; demarcation between parties favoring annexations and those opposing them, is plain.	45
646	July 30 [Rec'd Aug. 17]	From the Ambassador in Austria-Hungary.	Report on conditions in the Monarchy at the end of one year of warfare.	45
1173	Aug. 6 [Rec'd Aug. 19]	From the Ambassador in France.	Peace appeal of the Pope received coldly because he fails to distinguish between those contending for the independence of nations and those showing contempt of right and principle. Poincaré demands a peace that will guarantee security of Europe.	52
2651	Aug. 21 [Rec'd Aug. 23]	From the Italian Ambassador.	Sets forth Italy's grievances against the Turkish Government and reasons for declaration of war.	53
1412	Aug. 23 [Rec'd Sept.10]	From the Ambassador in Germany.	Transmits text of Chancellor's speech before the Reichstag, Aug. 19, 1915, charging the Allies with responsibility for the war.	55
267	Aug. 25 [Rec'd Sept.13]	From the Minister in Roumania, Servia, and Bulgaria.	If Bulgaria enters the war Roumania's position between her and Austria-Hungary will be bad. Latter demands transit of ammunition through to Turkey.	57

BULGARIA'S ENTRANCE INTO THE WAR—THE ALLIES' INTERVENTION IN GREECE—
CONDITIONS IN RUSSIA AND THE BALKAN STATES—DISCUSSIONS IN VARIOUS
COUNTRIES OF THE POSSIBILITIES OF PEACE: INFORMAL AND PRIVATE EFFORTS

2900	Sept. 16 [Rec'd Sept.17]	From the Ambassador in Germany (telegram).	Germany and Bulgaria have signed a military convention.	58
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PART I

BULGARIA'S ENTRANCE INTO THE WAR, ETC.—Continued

No.	Date	From and to whom	Subject	Page
130	Sept. 14 [Rec'd Sept. 17]	From the Minister in Roumania, Servia, and Bulgaria (telegram).	It is believed that an agreement has been signed between Bulgaria and Turkey, and that German-Austrian army will attack Servia, in which case Roumania will join Servia.	58
138	Sept. 24	From the Minister in Roumania, Servia, and Bulgaria (telegram).	Bulgarian mobilization announced.	59
231	Aug. 31 [Rec'd Sept. 27]	From the Ambassador in Russia.	German influence and corruption of high officials cause reverses in Russia. Duma investigates expenditures for army supplies. Russia will make no separate peace.	59
404	Oct. 4	From the Ambassador in Italy (telegram).	Russia's ultimatum to Bulgaria probably means hostilities. Allied forces expected in Saloniki.	61
160	Oct. 5	To the Minister in Roumania, Servia, and Bulgaria (telegram).	Requests opinion on Balkan situation and frequent reports.	62
59	Oct. 5 [Rec'd Oct. 6]	From the Minister in Greece (telegram).	Prime Minister resigned. Situation critical.	62
	Oct. 8	From the Italian Ambassador (telegram).	Italian Minister at Sofia and Bulgarian Minister at Rome requested to leave.	62
143	Oct. 8 [Rec'd Oct. 9]	From the Minister in Roumania, Servia, and Bulgaria (telegram).	Russian ultimatum to Bulgaria and answer thereto.	62
148	Oct. 12 [Rec'd Oct. 13]	From the Minister in Roumania, Servia, and Bulgaria (telegram).	Bulgaria has attacked Servia. Roumania will remain neutral. Rumored Greek Prime Minister forced to resign because he failed to induce Roumania to join Greece in aid of Servia.	63
54	Sept. 21 [Rec'd Oct. 14]	From the Minister in Roumania, Servia, and Bulgaria.	Servia has decided to cede territory to Bulgaria; apprehensive of being overrun by German-Austrian armies <i>en route</i> to Turkey.	63
	Sept. 7 [Rec'd Oct. 14]	From the Minister in the Netherlands.	Has learned that Great Britain will consider no terms of peace that do not include the restoration of Belgium and northern France.	64
412	Oct. 15	From the Ambassador in Italy (telegram).	Reports indicate that Bulgaria has attacked Servia without declaring war.	65

PART I

BULGARIA'S ENTRANCE INTO THE WAR, ETC.—Continued

No.	Date	From and to whom	Subject	Page
3028	Oct. 16	From the Ambassador in Great Britain (telegram).	Was informed on Oct. 15 of war between Great Britain and Bulgaria.	65
1051	Oct. 18	From the Ambassador in France (telegram).	Transmits text of declaration of state of war between France and Bulgaria.	65
	Oct. 19	From the Third Assistant Secretary of State.	Reports official notice of a state of war between Italy and Bulgaria.	65
154	Oct. 19 [Rec'd Oct. 21]	From the Minister in Roumania, Servia, and Bulgaria (telegram).	Bulgaria expects to gain more by joining the Central powers. Roumanian people for the Quadruple Entente, but King and higher powers favorable to Germany. Servia facing defeat.	66
217	Oct. 30	From the Minister in Switzerland (telegram).	Rumored that Von Bülow is making offers to Italy to withdraw from the war.	67
1234	Nov. 3 [Rec'd Nov. 6]	From the Ambassador in Turkey (telegram).	Minister of War sends message to the President that the time is opportune for peace negotiations.	67
224	Nov. 10	From the Minister in Switzerland (telegram).	Repeated rumor that Von Bülow is trying to associate the Pope with a league of neutral nations.	67
70	Nov. 13	From the Minister in Greece (telegram).	Germany and Bulgaria have raised question of neutrality of Greece if Servians, French, and English are driven back on Greek soil. French warn Greece against disarming Allied soldiers.	67
230	Nov. 19	From the Minister in Switzerland (telegram).	Peace conference is postponed because no French or English delegates can be secured.	68
451	Nov. 22	From the Ambassador in Italy (telegram).	Greece impressed by Allies' suggestion of blockade and will remain neutral for the present.	68
297	Oct. 27 [Rec'd Nov. 23]	From the Minister in Roumania, Servia, and Bulgaria.	Roumania seeks to remain neutral; Central and Allied powers striving to gain her support. War loan will be made by Great Britain. Roumania refuses to permit Germany and Austria to transport ammunition through to Turkey.	68
178	Oct. 27 [Rec'd Nov. 23]	From the Minister in Roumania, Servia, and Bulgaria.	Speculations as to why Bulgaria joined the Central powers instead of the Allies.	70

PART I

BULGARIA'S ENTRANCE INTO THE WAR, ETC.—Continued

No	Date	From and to whom	Subject	Page
	Nov. 24 [Rec'd Nov. 25]	From the Minister in Persia (telegram).	Russia demands that Persia declare war on Turkey. Desultory fighting between Persian and Russian troops unauthorized by Persian Government; conditions unsettled.	71
464	Nov. 27	From the Ambassador in Italy (telegram).	Germany, on overrunning Servia, will make proposals of peace, demanding control of Belgium, Poland, and Servia. Bulgaria to be given territory in Macedonia. Italy asks cooperation of Allies in sending forces to Albania.	72
115	Nov. 1 [Rec'd Nov. 30]	From the Consul at Saloniki.	Mobilization of Greek army. Occupation of Saloniki by Anglo-French troops. Forces sent to Servia.	72
	Undated [Rec'd Dec. 2]	From the Ambassador in Italy (telegram).	Italy has signed London agreement not to make separate peace; will aid Servian army. Greece has given assurance of conforming with her agreement.	77
470	Dec. 2 [Rec'd Dec. 3]	From the Ambassador in Italy (telegram).	Italy's part in Albania considered to be sending of troops.	77
3174	Dec. 2 [Rec'd Dec. 3]	From the Ambassador in Germany (telegram).	Large peace demonstration in Berlin.	78
	Dec. 3	To the Minister in Denmark (telegram).	Department assumes no responsibility for activities of the Ford peace party.	78
	Dec. 3	To the Ambassadors and Ministers in all European Countries and Japan (telegram).	The Government is not concerned in the Ford peace movement.	78
1	Oct. 27 [Rec'd Dec. 7]	From the Special Agent in Bulgaria.	Discusses with officials the prospects of peace and the position Bulgaria will hold among the nations.	79
3	Nov. 1 [Rec'd Dec. 7]	From the Special Agent in Bulgaria.	Explains influences which decided Bulgaria in joining the Central powers.	80
4	Nov. 10 [Rec'd Dec. 7]	From the Special Agent in Bulgaria.	Defines Bulgaria's attitude towards other Balkan states and relations with Turkey, including signing of protocol for the cession of Turkish territory.	82
382	Nov. 22 [Rec'd Dec. 8]	From the Minister in the Netherlands.	Résumé of official memorandum showing neutrality policy of the Netherlands.	83

PART I

BULGARIA'S ENTRANCE INTO THE WAR, ETC.—Continued

No.	Date	From and to whom	Subject	Page
197	Dec. 10 [Rec'd Dec. 12]	From the Minister in Roumania, Servia, and Bulgaria (telegram).	Austria and Germany arrange to buy wheat of Roumania.	84
201	Dec. 15 [Rec'd Dec. 18]	From the Minister in Roumania, Servia, and Bulgaria (telegram).	Defeat of French and English troops in Macedonia causes Roumania to lean towards the Central powers.	84
	Dec. 22	To the Ambassadors in Great Britain, France, Germany, Austria-Hungary, Italy, and Russia (telegram).	Colonel House is sent by the President to impart information to our ambassadors concerning the attitude of this Government and to obtain the points of view of the belligerents.	85
268	Dec. 24	From the Minister in Switzerland (telegram).	Switzerland will not propose peace until the belligerents desire it.	85
48	Dec. 23 [Rec'd Dec. 24]	From the Minister in Norway (telegram).	Ford peace party failed in its object.	86
508	Dec. 25	From the Ambassador in Italy (telegram).	Lorillard reports rupture of relations between Austria and Albania.	86
204	Dec. 30	From the Minister in Denmark (telegram).	Ford peace party had no effect upon public opinion.	87
	Dec. 31	From the Consul at Saloniki (telegram).	Following bomb dropping by German-Austrian aeroplanes, the British and French have seized the consulates of the Central powers and deported their consuls.	87
24	Dec. 8 [Rec'd Jan. 4, 1916]	From the Special Agent in Bulgaria.	Unofficially informed that the Central powers are satisfied with the territory gained in the war and are ready for peace.	87
26	Dec. 9 [Rec'd Jan. 4, 1916]	From the Special Agent in Bulgaria.	Discusses Bulgaria's ambitions. Ultimate disposition of Servia is undecided.	89

PART II: NEUTRAL RIGHTS

PROCLAMATIONS, ORDERS, AND DECREES OF BELLIGERENT GOVERNMENTS AFFECTING THE TRADE OF NEUTRAL STATES—ATTITUDE OF THE UNITED STATES AND OTHER NEUTRAL GOVERNMENTS

THE GERMAN DECLARATION OF A NAVAL WAR ZONE (FEBRUARY 4, 1915): POSITION TAKEN BY THE UNITED STATES—NEGOTIATIONS RELATIVE TO THE ADMISSION OF FOOD SUPPLIES INTO GERMANY—USE OF NEUTRAL FLAGS BY BELLIGERENT MERCHANT VESSELS

No.	Date	From and to whom	Subject	Page
1503	Feb. 2 [Rec'd Feb. 3]	From the Ambassador in Germany (telegram).	Germany warns merchant vessels of her intention to employ war measures against English transports and shipments of ammunition to France.	93
1504	Feb. 2 [Rec'd Feb. 4]	From the Ambassador in Germany (telegram).	Submarine blockade of England probable.	93
1519	Feb. 4 [Rec'd Feb. 5]	From the Ambassador in Germany (telegram).	Germany declares a naval war zone and suggests a safe route for neutral shipping.	94
179	Feb. 6	From the Ambassador in Italy (telegram).	Italian Government asks the attitude of the United States regarding the German declaration of a naval war zone.	94
157	Feb. 8	To the Ambassador in Italy (telegram).	Position of the United States on naval war zone not yet determined.	94
A 868/ 15	Feb. 6 [Rec'd Feb. 8]	From the German Ambassador.	Suggests U. S. representations to Great Britain regarding use of American flag by British merchant vessels.	94
A 874	Feb. 7 [Rec'd Feb. 8]	From the German Embassy.	German Government gives assurance that foodstuffs imported to Germany will be used by civilian population only.	95
A 876	Feb. 7 [Rec'd Feb. 8]	From the German Ambassador.	Transmits copy of memorandum of the German Government of Feb. 4 concerning retaliation against Great Britain's illegal interference with trade between neutrals and Germany.	95
	Undated [Rec'd Feb. 8]	From the Netherlands Minister of Foreign Affairs to the Netherlands Minister at Washington (telegram).	Netherlands Government protests against the extent of the German war zone.	97
1611	Feb. 8	From the Ambassador in Great Britain (telegram).	Foreign Office announces that use of neutral flag with limitations is an established <i>ruse de guerre</i> and that Germany has no right to destroy vessels and cargo before ascertaining their character.	97
1163	Feb. 10	To the Ambassador in Germany (telegram).	Protest against proclamation of a war zone in waters surrounding Great Britain.	98

PART II

PROCLAMATIONS, ORDERS, AND DECREES, ETC.—Continued

No.	Date	From and to whom	Subject	Page
1105	Feb. 10	To the Ambassador in Great Britain (telegram).	Instructions to call attention of the British Government to menace to Americans in use of American flag by British vessels.	100
1561	Feb. 10 [Rec'd Feb. 11]	From the Ambassador in Germany (telegram).	The campaign of hate against America will be increased if the Department takes no action against the use of American flag by the <i>Lusitania</i> .	101
10	Feb. 12	From the Minister in Norway (telegram).	Scandinavian countries will send a joint note to Germany protesting against extent of war zone, also a note to Great Britain protesting against use of neutral flag by British vessels.	101
1631	Feb. 12	From the Ambassador in Great Britain (telegram).	Grey will reply to telegram of Feb. 10 after conferring with Cabinet and Admiralty.	101
1586	Feb. 12 [Rec'd Feb. 13]	From the Ambassador in Germany (telegram).	German proclamation will be withdrawn if England will adopt Declaration of London or allow food for civil population to enter Germany.	102
2567	Feb. 13	From the German Ambassador.	Statement of the German Government regarding plan for supplying the civil population with foodstuffs.	102
1575	Feb. 11 [Rec'd Feb. 14]	From the Ambassador in Germany (telegram).	Campaign of hate against America approved by Government. American ships to be destroyed without investigation.	103
1594	Feb. 13 [Rec'd Feb. 15]	From the Ambassador in Germany (telegram).	Germany may propose that American merchant vessels be convoyed by warships.	103
1595	Feb. 14 [Rec'd Feb. 15]	From the Ambassador in Germany (telegram).	Germans claim Americans are partial to England and are supplying Allies with ammunition.	104
A 1062	Feb. 15	From the German Ambassador.	The new German method of naval warfare is justified. Describes British naval policy.	104
1134	Feb. 15	To the Ambassador in Great Britain (telegram).	Protests against placing American steamer <i>Wilhelmina</i> in British prize court.	105
1140	Feb. 16	To the Ambassador in Great Britain (telegram).	German Government is willing that foodstuffs sent to Germany be distributed by American organizations to civil population.	107
	Feb. 16	To the German Embassy.	German assurances regarding foodstuffs for civil population have been communicated to Great Britain, and representations made for release of <i>Wilhelmina</i> .	108

PART II

PROCLAMATIONS, ORDERS, AND DECREES, ETC.—Continued

No.	Date	From and to whom	Subject	Page
1196	Feb. 16	To the Ambassador in Germany (telegram).	Colonel House is commissioned to act in matters where several governments are involved. Instructions to act only upon his advice.	108
190	Feb. 16	From the Ambassador in Italy (telegram).	Comment of Minister for Foreign Affairs upon U. S. note to Germany regarding use of neutral flag by belligerents.	109
21	Feb. 16	From the Minister in Sweden (telegram).	Swedish notes of protest sent to England and Germany regarding neutral shipping; Norway and Denmark to file identical notes.	109
151	Feb. 16	From the Minister in the Netherlands (telegram).	Could Netherlands count on moral support of United States if a Dutch ship is sunk by Germans under naval declaration of Feb. 4?	109
164	Feb. 17	To the Ambassador in Italy (telegram).	Instructions to keep Department advised as to situation.	109
104	Feb. 17	To the Minister in the Netherlands (telegram).	The Netherlands may count on sympathetic attitude of the United States in shipping difficulties.	110
1617	Feb. 16 [Rec'd Feb. 17]	From the Ambassador in Germany (telegram).	Unofficial suggestions for neutral shipping in British waters.	110
1668	Feb. 17	From the Ambassador in Great Britain (telegram).	British may propose not putting food on contraband list if Germany will refrain from submarine war on commerce. Offensive language of Bernstorff's note a hindrance to agreement.	111
1156	Feb. 19	To the Ambassador in Great Britain (telegram).	Instructions to urge admission into Germany of food for non-combatants in exchange for concessions equally important to be made by Germany.	111
1621	Feb. 17 [Rec'd Feb. 19]	From the Ambassador in Germany (telegram).	Transmits reply to U. S. protest against war zone in waters surrounding Great Britain.	112
1638	Feb. '18 [Rec'd Feb. 19]	From the Ambassador in Germany (telegram).	Germany willing to grant River Tyne as port free of mines and submarines for neutral vessels which guarantee not to carry contraband.	115
1622	Feb. 17 [Rec'd Feb. 19]	From the Ambassador in Germany (telegram).	If England permits foodstuffs and raw material to enter Germany proposed blockade will be withdrawn. Otherwise safe routes around north of Scotland under convoy of war vessels can be arranged.	116

PART II

PROCLAMATIONS, ORDERS, AND DECREES, ETC.—Continued

No.	Date	From and to whom	Subject	Page
	Feb. 19	From the British Ambassador.	Regarding the <i>Wilhelmina</i> . Germany's submarine warfare was begun before England's interference with food for Germany.	116
191	Feb. 19	From the Ambassador in Italy (telegram).	Italy has informed Germany that she can not tolerate any restrictions on high seas except in accordance with international law. She suggests concerted action on part of neutrals.	117
1674	Undated [Rec'd Feb. 20]	From the Ambassador in Great Britain (telegram).	Transmits Grey's justification for action of <i>Lusitania</i> and use of neutral flag.	117
1677	Feb. 20	From the Ambassador in Great Britain (telegram).	No hope of agreement between Germany and England regarding blockade and food.	118

PROPOSALS OF THE UNITED STATES FOR AN AGREEMENT BETWEEN THE BELLIGERENTS RESTRICTING THE USE OF MINES, SUBMARINES, AND NEUTRAL FLAGS AND FOR THE ADMISSION OF FOODSTUFFS INTO GERMANY (FEBRUARY 20, 1915)

1169	Feb. 20	To the Ambassador in Great Britain (telegram). The same to the Ambassador in Germany.	Suggestions as basis for an agreement that will relieve neutral shipping.	119
1656	Feb. 20 [Rec'd Feb. 21]	From the Ambassador in Germany (telegram).	Admiralty requests information as to sailing of American ships in order to safeguard their passage.	121
140	Feb. 21 [Rec'd Feb. 22]	From the Minister in Denmark (telegram).	German Admiralty is resolved to starve England; the Government considers America unjust.	121
	Feb. 21 [Rec'd Feb. 22]	From the Netherland Minister of Foreign Affairs to the Netherland Minister at Washington (telegram).	Inquiry and comment concerning reservation of River Tyne for traffic of neutral vessels.	121
1693	Feb. 23	From the Ambassador in Great Britain (telegram).	U. S. suggestions of agreement between Germany and England regarding neutral shipping submitted to Allies.	122
1182	Feb. 24	To the Ambassador in Great Britain (telegram).	Netherland Government states that British Admiralty furnishes arms to merchant vessels. Requests confirmation of this.	122
168	Feb. 25	To the Ambassador in Italy (telegram).	Department conferring daily with representatives of neutrals on subject of concerted action.	122

PART II

PROCLAMATIONS, ORDERS, AND DECREES, ETC.—Continued

No.	Date	From and to whom	Subject	Page
1680	Feb. 24 [Rec'd Feb. 25]	From the Ambassador in Germany (telegram).	Germany inclined to accept proposed basis for an agreement with Great Britain under certain conditions.	123
201	Feb. 25 [Rec'd Feb. 26]	From the Ambassador in Italy (telegram).	Transmits copies of Italian memoranda: one to Germany protesting methods of maritime warfare and one to Great Britain protesting the use of Italian flag by British ships.	123
170	Feb. 27	To the Ambassador in Italy (telegram).	Instructions to report upon truth of statement regarding Germany's assurance of respect for Italian flag.	125
1714	Feb. 27	From the Ambassador in Great Britain (telegram).	Grey states that British policy regarding food for Germany is the consequence and not the cause of Germany's practice of torpedoing merchant ships.	125
23	Feb. 27	From the Minister in Sweden (telegram).	Sweden is discussing with Great Britain questions of convoy, neutral zone, or neutral port to aid neutral shipping.	125
1710	Feb. 27 [Rec'd Feb. 28]	From the Ambassador in Germany (telegram).	Suggests that distribution of foodstuffs in Germany be superintended by committee not connected with the Government. If England objects, suggests that America place embargo on export of arms.	126
1695	Feb. 26 [Rec'd Feb. 28]	From the Ambassador in Germany (telegram).	Regarding the agreement with England, Germany asks passage not only for food but for raw material.	126
203	Feb. 28	From the Ambassador in Italy (telegram).	Von Jagow states Germany has given instructions to respect <i>bona-fide</i> neutral flags.	126

THE BRITISH AND FRENCH DECLARATION PROHIBITING ALL TRADE WITH GERMANY (MARCH 1, 1915)—ORDERS AND DECREES FOR ITS ENFORCEMENT—PROTESTS OF THE UNITED STATES—PROCLAMATIONS CONCERNING CONTRABAND OF WAR—REPLIES TO THE PROPOSALS AND PROTESTS OF THE UNITED STATES

	Mar. 1	From the British Ambassador.	Germany's opponents driven to retaliatory measures regarding commodities, but they will be enforced without risk to neutral or non-combatant life.	127
	Feb. 28 [Rec'd Mar. 1]	From the British Secretary of State for Foreign Affairs to the British Ambassador at Washington (telegram).	U. S. proposal to restrict use of submarines in exchange for permission for food to enter Germany is under consideration.	128

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PROCLAMATIONS, ORDERS, AND DECREES, ETC.—Continued

No.	Date	From and to whom	Subject	Page
147	Mar. 1	From the Minister in Denmark (telegram).	Diplomatic opinion regarding latest U. S. proposal.	128
1305	Mar. 2	To the Ambassador in Germany (telegram).	Department cannot accept suggestion regarding embargo on munitions from America if England refuses food to Germany.	129
1719	Mar. 1 [Rec'd Mar. 2]	From the Ambassador in Germany (telegram).	Admiralty declares the extent of war area and requests that English, Japanese, and Servian Governments be notified.	129
1717	Mar. 1 [Rec'd Mar. 2]	From the Ambassador in Germany (telegram). Repeated to the Ambassador in Great Britain.	Transmits German reply to U. S. suggestion that certain principles be agreed upon by Germany and England in maritime warfare.	129
210	Feb. 17 [Rec'd Mar. 3]	From the Minister in the Netherlands.	Suggests unity of action by United States and other neutrals to protect their citizens and commerce.	131
1753	Mar. 4 [Rec'd Mar. 5]	From the Ambassador in Germany (telegram).	Emperor bitter against America. Military and naval heads have made terms of agreement with England impossible.	132
1233	Mar. 5	To the Ambassador in Great Britain (telegram). Similar telegram to the Ambassador in France.	Proposed method of blockade of German ports unknown to international law; gives neutrals no standard by which to measure rights or avoid danger.	132
1743	Mar. 6	From the Ambassador in Great Britain (telegram).	American efforts for peace unappreciated in England.	134
	Mar. 4 [Rec'd Mar. 6]	From the Netherlands Minister to the Counselor for the Department of State.	Transmits text of Netherland note to Great Britain protesting against the abuse of neutral flags and of note to Germany protesting the war-zone declaration.	134
	Mar. 10	From the British Ambassador.	Transmits list of lubricating oils to be treated as conditional contraband.	136
1762	Mar. 10	From the Ambassador in Great Britain (telegram).	No evidence that British have ordered transatlantic merchantmen to arm; and no arming prior to German submarine "blockade."	137
1818	Mar. 11 [Rec'd Mar. 12]	From the Ambassador in Germany (telegram).	German Government attempting to stir up hatred for America.	138

PART II

PROCLAMATIONS, ORDERS, AND DECREES, ETC.—Continued

No.	Date	From and to whom	Subject	Page
1780	Mar. 13	From the Ambassador in Great Britain (telegram).	Proclamation of Mar. 11 makes additions to lists of contraband.	138
114	Feb. 18 [Rec'd Mar.15]	From the Minister in Sweden.	Transmits copies of Swedish notes to Germany and Great Britain protesting against conditions of neutral shipping and misuse of neutral flags.	139
1795	Mar. 15	From the Ambassador in Great Britain (telegram).	Transmits Grey's reply of Mar. 13 to U. S. note suggesting terms of agreement with Germany as to conduct of the war at sea.	140
1798	Mar. 15 [Rec'd Mar.16]	From the Ambassador in Great Britain (telegram).	Transmits order in council of Mar. 11, and note from Grey regarding restriction of German trade.	143
616	Mar. 14 [Rec'd Mar.16]	From the Ambassador in France (telegram).	Transmits French reply to U. S. note regarding restriction of German trade.	145
13	Mar. 20	From the Minister in Norway (telegram).	Scandinavian countries have sent notes to Great Britain and France protesting against interruption of trade.	146
1816	Mar. 21 [Rec'd Mar.22]	From the Ambassador in Great Britain (telegram).	New methods of warfare have changed the definition of blockade. German submarine blockade is failure; provoked English blockade of Germany, which is effective.	146
70	Feb. 26 [Rec'd Mar.22]	From the Chargé in Russia.	Transmits copies of Russian prize laws with recent modifications.	148
216	Mar. 6 [Rec'd Mar.23]	From the Minister in the Netherlands.	Public opinion looks to the United States for leadership in maintaining neutral rights.	148
	Undated [Rec'd Mar.23]	From the Netherlands Foreign Office to the Netherlands Legation at Washington (telegram).	Netherlands takes exception to encroachment upon neutral rights by Allies.	149
334	Mar. 18 [Rec'd Mar.30]	From the Ambassador in France.	Encloses decree of Mar. 13, 1915, regarding treatment of shipping bound to or from German ports.	149
1343	Mar. 30	To the Ambassador in Great Britain (telegram).	Protests Allies' methods of warfare and maintains rights of neutrals under rules of international law.	152
682	Mar. 30	To the Ambassador in France (telegram).	Reply to Great Britain protesting against restriction of trade with Germany.	156
A2341	Apr. 4	From the German Ambassador.	Transmits memorandum on German-American trade and the question of delivery of arms to Allies.	157

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PROCLAMATIONS, ORDERS, AND DECREES, ETC.—Continued

No.	Date	From and to whom	Subject	Page
80	Mar. 23 [Rec'd Apr. 5]	From the Minister in Norway.	Transmits copy of identic note from Norway to France and Great Britain protesting their war measures.	158
1892	Apr. 7	From the Ambassador in Great Britain (telegram).	Press comment on U. S. note is friendly and shows appreciation of American position.	158
1399	Apr. 9	To the Ambassador in Great Britain (telegram).	Inquires whether British merchant vessels have armed to resist submarines.	159
238	Mar. 25 [Rec'd Apr. 12]	From the Minister in the Netherlands.	Proposes that the United States cooperate with the Netherlands in protecting their trade.	159
	Apr. 10 [Rec'd Apr. 13]	From the British Ambassador.	Defines lubricants and notes transfer of articles to list of absolute contraband.	160
1379	Apr. 21	To the German Ambassador.	Statement of position of the United States in maintaining its neutrality.	160
2097	Apr. 21 [Rec'd Apr. 23]	From the Ambassador in Germany (telegram).	Modifications of German prize ordinance.	162
	May 24	From the Italian Embassy.	Submits for approval of United States a list of contraband in revision of treaty of 1871.	164
	May 25	To the Italian Embassy.	United States will raise no question as to list of contraband proposed by the Italian Government.	164
2188	May 29	From the Ambassador in Great Britain (telegram).	Additions and amendments to list of contraband.	165

BLOCKADES IN THE MEDITERRANEAN AREA—THE BRITISH ARGUMENT FOR THE BLOCKADE OF GERMANY—FURTHER EXTENSIONS OF CONTRABAND LISTS

307	May 29	From the Ambassador in Italy (telegram).	Transmits Italian declaration of blockade of Austro-Hungarian and Albanian coasts.	166
310	May 31	From the Ambassador in Italy (telegram).	Transmits Italian note defining the limits of the Albanian blockade.	166
2212	June 2	From the Ambassador in Great Britain (telegram).	Transmits British note proclaiming blockade of the Asia Minor coast including the Dardanelles.	167
344	July 7	From the Ambassador in Italy (telegram).	Transmits Italian note extending blockade of the Adriatic.	167

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PROCLAMATIONS, ORDERS, AND DECREES, ETC.—Continued

No.	Date	From and to whom	Subject	Page
	July 16 [Rec'd July 19]	From the Italian Ambassador.	Transmits Italian contraband list and statement of principles to be applied by Italy in the war.	168
2522	July 24	From the Am- bassador in Great Britain (telegram).	Transmits note from Grey in an- swer to American criticism of blockade.	168
292	Aug. 3	To the Ambassa- dor in Italy (telegram).	Protests against Italian restrictions of neutral rights on coasts of Al- bania and the Adriatic.	172
374	Aug. 21	From the Am- bassador in Italy (tele- gram).	Gallipoli designated as convenient place for visit and search. As- surances of safety to American shipping.	172
379	Aug. 21 [Rec'd Aug. 22]	From the Am- bassador in Italy (tele- gram).	Transmits Italian note giving further explanations of blockade and assurances of consideration for neutrals.	173
2685	Aug. 24	From the Am- bassador in Great Britain (telegram).	Encloses proclamation placing cot- ton and its products on absolute contraband list.	174
972	Aug. 28	From the Am- bassador in France (tele- gram).	France has declared blockade of coast of Asia Minor and Syria.	174
3015	Oct. 15	From the Am- bassador in Great Britain (telegram).	Transmits revised contraband list of Oct. 14, 1915.	175
3035	Oct. 18	From the Am- bassador in Great Britain (telegram).	Transmits British note declaring blockade of Bulgarian coast on the Aegean.	177
235	Nov. 2	To the Amba- sador in Italy.	Protests against blockade of neutral shores on Adriatic.	177

THE ANNULMENT BY GREAT BRITAIN AND FRANCE OF ARTICLE 57 OF THE DECLARATION OF LONDON

3104	Oct. 28	From the Am- bassador in Great Britain (telegram).	Transmits order in council of Oct. 20, 1915, annulling Art. 57 of the Declaration of London.	179
	Nov. 4	From the Vice Consul at London (tele- gram).	Subsequent to abrogation of Art. 57, nationality of a prize is to be determined by prize court.	179
1545	Oct. 29 [Rec'd Nov. 10]	From the Am- bassador in France.	Encloses copy of French report showing difficulties in applica- tion of Art. 57 of Declaration of London, and decree of Oct. 23, 1915, modifying it.	179
	Nov. 2 [Rec'd Nov. 13]	From the Vice Consul at London.	Parliamentary discussion of abro- gation of Art. 57 of Declaration of London.	181

PART II

CORRESPONDENCE AND INFORMAL ARRANGEMENTS REGARDING THE EXPORTATION TO EUROPEAN COUNTRIES OF VARIOUS PARTICULAR COMMODITIES AFFECTED BY THE PROCLAMATIONS, ORDERS, AND DECREES OF BELLIGERENT GOVERNMENTS ON CONTRABAND OF WAR AND TRADE WITH ENEMY COUNTRIES

SHIPMENTS OF COPPER

No.	Date	From and to whom	Subject	Page
1415	Jan. 5	From the Ambassador in Great Britain (telegram).	British Government offered to buy whole output of copper from America during the war, but producers refused.	182
1512	Jan. 22	From the Ambassador in Great Britain (telegram).	Definition of the term "copper unwrought."	183
	Apr. 24	To Mr. Alvin Untermeyer.	Department not in position to object to classification of copper as contraband; quotes authorities regarding "continuous voyage."	183
	Nov. 12	From C. W. Leavitt & Co.	Asks aid of Department in securing British Admiralty certificate to ship copper.	184
	Dec. 7	To C. W. Leavitt & Co.	Arrangement for special shipments of copper can be made with the British Admiralty.	184
44	Dec. 11	From the Minister in Norway (telegram).	British demand that American copper for Norway must be shipped on British vessels via Great Britain.	185

SHIPMENTS OF COTTON

1234	Dec. 31, 1914 [Rec'd Jan. 2]	From the Ambassador in Germany (telegram).	Inquires if cotton may be shipped to Germany.	185
947	Jan. 5	To the Ambassador in Germany (telegram).	England and France give assurances that cotton will not be seized.	185
	Jan. 27	From Inman, Akers & Inman (telegram).	Inquiry regarding linters for shipment to Austria.	186
	Jan. 29	To Inman, Akers & Inman (telegram).	Linters for manufacture of ammunition would probably be held contraband.	186
132	Jan. 29	From the Minister in the Netherlands (telegram).	American Ambassador, London, telegraphs that cottonseed oil may be shipped without hindrance.	186
	Feb. 9	To the Consul General at London (telegram).	Instructions to inquire if cotton yarn is non-contraband.	186

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No.	Date	From and to whom	Subject	Page
	Feb. 10	From the Consul General at London (telegram).	Cotton yarn is not contraband.---	187
	Feb. 11	From Knauth, Nachod & Kuhne (telegram).	Asks if cotton linters may be shipped as non-contraband.	187
	Feb. 15	To Knauth, Nachod & Kuhne (telegram).	Cotton linters for manufacture of ammunition may be considered contraband.	187
	Feb. 23	To the Consul General at London (telegram).	Asks if cotton linters are considered contraband.	187
	Feb. 24	From the Consul General at London (telegram).	Cotton linters are not contraband.	187
1219	Mar. 3	To the Ambassador in Great Britain (telegram).	Transmits request from Spring Rice to Grey that cotton owners be permitted to fill German orders contracted for prior to issuance of contraband declaration.	188
1222	Mar. 4	To the Ambassador in Great Britain (telegram).	Instructions to ask British Government for exemption for vessels and cotton cargoes under charter contracted for prior to Mar. 1.	188
	Mar. 8	Public announcement by the British Embassy.	Arrangement made for shipment of cotton contracted for prior to Mar. 2.	189
369	Apr. 7 [Rec'd Apr. 21]	From the Consul General at London.	Possibility that cotton will be placed on contraband list; matter again being discussed.	189
407	Apr. 22 [Rec'd May 6]	From the Consul General at London.	Blockade measures seem to make special action on cotton unnecessary.	190
1603	May 22	To the Ambassador in Great Britain (telegram).	Cotton arrangements between British Government and Americans have no official connection with our Government.	190
2159	May 25	From the Ambassador in Great Britain (telegram).	British understand that cotton arrangement does not involve our Government nor affect the American attitude towards the order in council.	191
	June 25	From the Augusta Cotton Exchange and Board of Trade (telegram).	Resolution protesting the confiscation by England of cotton shipped to neutral countries.	191
	July 2	From the Galveston Commercial Association (telegram).	Urges measures for prompt relief of cotton market.	192

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No.	Date	From and to whom	Subject	Page
2463	July 15	From the Ambassador in Great Britain (telegram).	Increasing agitation regarding cotton as contraband.	192
2510	July 22	From the Ambassador in Great Britain (telegram).	Cotton will be declared contraband and England will offer to buy large quantities.	193
2627	Aug. 13	From the Ambassador in Great Britain (telegram).	Allies discussing question of cotton with view to declaring it contraband.	193
A 5238	Aug. 22 [Rec'd Aug. 24]	From the German Ambassador.	Wood cellulose substituted for cotton in making munitions. Germany ready to assure that cotton will be used solely for civilians.	194
2118	Sept. 15	To the Ambassador in Great Britain (telegram).	Instructions to take up with British the subject of cotton shipments to neutral European countries.	195
2830	Sept. 20	From the Ambassador in Great Britain (telegram).	Arrangements with the British Government to send American cotton to Swedish Cotton Spinners Association.	195

SHIPMENTS OF FRUIT

	Sept. 2	From the Consul General at London (telegram).	American fruit must be consigned to Netherlands Oversea Trust; not so with southern fruits.	196
192	Sept. 4	To the Minister in the Netherlands (telegram).	Instructions to protest if discrimination is shown against American fruit.	196
365	Sept. 3 [Rec'd Sept. 6]	From the Minister in the Netherlands (telegram).	The Netherlands makes no discrimination in receiving fruit.	196
2102	Sept. 11	To the Ambassador in Great Britain (telegram).	Restriction against American fruit appears unjust.	196
2890	Sept. 30	From the Ambassador in Great Britain (telegram).	British allow certain goods to enter Holland in exchange for special concessions; would probably cooperate with United States in same way.	197
	Dec. 2	From Steinhardt & Kelly (telegram).	Requests Department to arrange for shipments of apples to Holland. Tobacco on free list.	197
	Dec. 9	To Steinhardt & Kelly.	Fruit may be consigned to Oversea Trust. Agreement between Great Britain and Holland explained.	197

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SHIPMENTS OF NAVAL STORES

No.	Date	From and to whom	Subject	Page
871	Jan. 2	To the Ambassador in Great Britain (telegram).	Asks definition of "resinous substances" and on what grounds they are ranked as contraband.	198
	Jan. 5	To the British Ambassador.	Emphasizes importance of the rosin trade in the south.	198
	Jan. 6 [Rec'd Jan. 8]	From the British Ambassador.	Rosin shipped prior to declaration may be seized but must be paid for.	199
	Jan. 9 [Rec'd Jan. 11]	From the British Ambassador.	Explains attitude of the British Government on shipments of rosin.	199
516	Jan. 21	To the Ambassador in Great Britain.	Instructions to request the British Government to remove rosin from contraband list.	200
835	Feb. 2 [Rec'd Feb. 15]	From the Ambassador in Great Britain.	Transmits British note setting forth reason for declaring resinous products contraband.	201

SHIPMENTS OF TOBACCO

1122	June 15	To the Ambassador in Great Britain.	Quotes messages from the American Minister at The Hague regarding discrimination in tobacco trade; forwards U. S. views for presentation to British Government.	202
1872	July 26 [Rec'd Aug. 9]	From the Ambassador in Great Britain.	Transmits British note in reply to representations regarding discrimination in tobacco trade.	203
1758	Oct. 12	To the Ambassador in Great Britain.	Sets forth complaints of tobacco exporters. The United States expects American tobacco to be accorded same privileges as other tobacco.	204
2452	Nov. 13	To the Ambassador in Great Britain (telegram).	Instructions to urge Foreign Office to allow shipments of tobacco to neutrals without proof that it will not reach Germany.	205
3281	Nov. 25	From the Ambassador in Great Britain (telegram).	British agree not to interfere with tobacco shipped to neutral countries.	206
2504	Nov. 27	To the Ambassador in Great Britain (telegram).	Inquiries whether tobacco in all forms may be shipped to neutrals without question of ultimate destination.	206
3317	Nov. 30	From the Ambassador in Great Britain (telegram).	Confirms report that tobacco and its extracts may be shipped without interference.	206

PART II

CORRESPONDENCE AND INFORMAL ARRANGEMENTS REGARDING THE IMPORTATION OF GOODS FROM GERMANY AND OCCUPIED TERRITORY UNDER THE BRITISH AND FRENCH DECLARATION OF MARCH 1, 1915, AND THE ORDERS AND DECREES FOR ITS ENFORCEMENT

IMPORTATION OF GOODS BOUGHT OR ORDERED BEFORE MARCH 1, 1915

No.	Date	From and to whom	Subject	Page
	Mar. 10	From the Secretary of the National Association of Importers.	Transmits resolution petitioning the Department to obtain modification of British embargo on dyestuffs, etc.	207
	Mar. 15	From E. R. Squibb & Sons.	Appeal for protection against unlawful interference by Great Britain with trade in botanical medicinal drugs from Germany.	207
1846	Mar. 15 [Rec'd Mar. 16]	From the Ambassador in Germany (telegram).	American importers must accept and pay for goods for which they have signed contracts with German manufacturers.	208
	Mar. 20	From the Commercial Adviser of the British Embassy to the Foreign Trade Adviser of the Department of State.	Gives assurance that contracts made before Mar. 1 will be dealt with leniently.	208
	Mar. 27	From the Cutlery Importers Association.	Resolutions asking Government to take steps to secure importation of non-contraband goods necessary to American industry.	209
	Apr. 3	From the Foreign Trade Adviser of the Department of State to the Commercial Adviser of the British Embassy.	Inquires British interpretation of term "American ownership." Case of Mr. Wolf.	209
	Apr. 9	Printed circular of Foreign Trade Advisers of the Department of State.	Movement of American-owned goods in Germany. Importers advised to submit evidence of ownership and payment to the British Embassy.	211
148	Apr. 29	To the Minister in the Netherlands (telegram).	Instructions to ascertain procedure of Oversea Trust in importation from Germany and Austria to America.	212
257	Apr. 30 [Rec'd May 1]	From the Minister in the Netherlands (telegram).	Method of procedure in exportation from Germany to the United States.	212
2141	Apr. 30 [Rec'd May 2]	From the Ambassador in Germany (telegram).	Requirements for proof of ownership of goods shipped from Germany to the United States.	213

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No.	Date	From and to whom	Subject	Page
	May 6	From the Foreign Trade Adviser of the Department of State to the Commercial Adviser of the British Embassy.	Asks for written statement of understanding of negotiations facilitating shipments of goods.	213
	May 10	From the Commercial Adviser of the British Embassy to the Foreign Trade Adviser of the Department of State.	Negotiations facilitating shipment of goods to and from countries at war with Great Britain are unofficial and do not commit either Government.	214
1687	May 15	To the Ambassador in Germany (telegram). The same, <i>mutatis mutandis</i> , to the Ambassador in Austria-Hungary.	Consuls authorized to issue certificates of transfer of title to American ownership.	214
266	May 17	From the Minister in the Netherlands (telegram).	Oversea Trust arrangement limited to goods in Holland before May 15 and shipped from Holland before June 1. Applies also to Belgian goods.	215
	May 19	From the Commercial Adviser of the British Embassy to the Foreign Trade Adviser of the Department of State.	Goods of enemy origin, paid for before Mar. 1, must be shipped before June 15—a special concession to the United States.	215
	May 21	From the Foreign Trade Adviser of the Department of State.	<i>Résumé</i> of unofficial conversations with British representatives regarding cotton shipments to Germany.	216
	May 22	Public statement issued by the Department of State.	The U. S. Foreign Trade Advisers have declined to continue conferring with the Commercial Advisers of the British Embassy until difficulties have been removed.	221
	May 22	From the Counselor of the British Embassy to the Counselor for the Department of State.	Requests withdrawal of communication in which "United States Government" is misapplied to negotiations with private shipping interests.	221

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CORRESPONDENCE AND INFORMAL ARRANGEMENTS, ETC.—Continued

No.	Date	From and to whom	Subject	Page
	May 22	From the Counselor for the Department of State to the Counselor of the British Embassy.	Returns requested note. Denies official nature of negotiations regarding American trade.	221
	May 25 [Rec'd May 26]	From the Counselor of the British Embassy to the Counselor for the Department of State.	Transmits public statement by the British Embassy that the unofficial arrangements made with American shippers do not involve the U. S. Government.	222
	May 26	From the Commercial Adviser of the British Embassy to Foreign Trade Adviser of the Department of State.	June 15 is latest date under which goods of enemy origin may be shipped from neutral ports.	223
	May 29	From the Foreign Trade Adviser of the Department of State to the Commercial Adviser of the British Embassy.	Unofficially requests that time limit for shipping goods from neutral ports to this country be removed.	223
	June 5	From the Commercial Adviser of the British Embassy to the Foreign Trade Adviser of the Department of State.	Removal of American-owned goods from Germany involves principles which must be settled by respective Governments.	225
1665	June 7	To the Ambassador in Great Britain (telegram).	Instructions to represent to Great Britain unofficially the difficulties in moving American-owned goods from Germany within time limit.	225
1750	June 22	To the Ambassador in Great Britain (telegram).	Proposes plan for shipment of goods of German origin contracted for prior to Mar. 1.	226
2449	July 13	From the Ambassador in Great Britain (telegram).	Foreign Office sees no advantage in chartering a vessel to move goods of German origin.	227
1904	July 26	To the Ambassador in Great Britain (telegram).	Instructions to place shipping difficulties before the Foreign Office and urge consideration of Department's plan.	227

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No.	Date	From and to whom	Subject	Page
	Aug. 19	From the Foreign Trade Adviser of the Department of State to the Commercial Adviser of the British Embassy.	Quotes Grey's note regarding the <i>Neches</i> , and states why consideration should be shown in such cases.	228
	Aug. 20	From the Commercial Adviser of the British Embassy to the Foreign Trade Adviser of the Department of State.	Is of opinion that the <i>Neches</i> note refers to goods taken before a prize court.	229
	Aug. 20	From the Consul General at London (telegram).	Representatives of German importers have obtained permits covering goods ordered prior to Mar. 1 under circumstances rendering purchaser liable.	230
2010	Aug. 23	To the Ambassador in Great Britain (telegram).	Certain goods have been permitted to go forward. Instructions to ascertain under what conditions and why same treatment cannot apply to all.	230
2730	Sept. 1	From the Ambassador in Great Britain (telegram).	Subject of permits for shipping goods of German origin from neutral ports under discussion in England and France.	230
2065	Sept. 3	To the Ambassador in Great Britain (telegram).	Importers indignant because private attorneys are getting permits to move goods from neutral ports. Department pressed for information.	231
2759	Sept. 6	From the Ambassador in Great Britain (telegram).	British agreeable to presentation of applications by foreign trade advisers: no discrimination.	232
2775	Sept. 9	From the Ambassador in Great Britain (telegram).	Transmits British note giving assurances that cases concerning goods of enemy origin will be dealt with expeditiously and without discrimination.	232
2103	Sept. 11	To the Ambassador in Great Britain (telegram).	Requests details of procedure in making applications of American owners for goods of German, Austrian, or Turkish origin.	232
	Sept. 13	From the Counsel for the American Importers' Association.	Protests unfair treatment of American shippers by Great Britain and advocates embargo on ammunition in retaliation.	233
2800	Sept. 14 [Rec'd Sept. 15]	From the Ambassador in Great Britain (telegram).	Foreign Office delays information as to shipping from neutral ports, pending decision of France.	235

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No.	Date	From and to whom	Subject	Page
2123	Sept. 15	To the Ambassador in Great Britain (telegram).	Repeats request for full information as to conditions under which permits are granted importers for movement of goods.	236
2122	Sept. 15	To the Ambassador in Great Britain (telegram).	Attorneys in London claim ability to obtain permits for release of goods, charging certain per cent of value of shipment. Instructions to include this statement in protest.	236
2819	Sept. 17	From the Ambassador in Great Britain (telegram).	Applications for shipments must be accompanied by proof. Foreign Office willing to make arrangement for cases to be presented by American trade advisers.	237
2852	Sept. 23	From the Ambassador in Great Britain (telegram).	Grey agrees to request that cases of importers be presented by trade advisers.	238
2171	Sept. 25	To the Ambassador in Great Britain (telegram).	British Embassy advises foreign trade advisers that it is prepared to receive applications of importers.	238
2861	Sept. 25	From the Ambassador in Great Britain (telegram).	Transmits memorandum from Foreign Office regarding delivery of imports, running contracts, etc.	238
2233	Oct. 6	To the Ambassador in Great Britain (telegram).	Asks consideration for importers who purchased before Mar. 15 without notice of time limit.	239
	Oct. 23	From the Foreign Trade Adviser of the Department of State to the Commercial Adviser of the British Embassy.	Requests an extension of time in which to prepare cases of American importers who have contracted to pay for goods of German, Austrian, or Turkish origin before Mar. 15.	239
3099	Oct. 27	From the Ambassador in Great Britain (telegram).	British Government is unable to extend favorable treatment to applicants in respect of goods contracted for after Mar. 1.	240
2370	Oct. 28	To the Ambassador in Great Britain (telegram).	Impracticable for all applicants to present their cases by Nov. 1. Requests extension of time to Dec. 1.	240
	Oct. 29	From the Commercial Adviser of the British Embassy to the Foreign Trade Adviser of the Department of State.	Preliminary applications for all cases of importers should be made by Nov. 1, additional details to be furnished later.	241

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No.	Date	From and to whom	Subject	Page
3123	Oct. 30	From the Ambassador in Great Britain (telegram).	Time limit for filing claims will not be extended beyond Nov. 1. Foreign Office will consider claims if preliminary data are submitted before that time.	241
2388	Nov. 1	To the Ambassador in Great Britain (telegram).	Instructions to try to obtain reconsideration in cases of running contracts. Explanation of difficulty.	241
3150	Nov. 3	From the Ambassador in Great Britain (telegram).	Claims arising out of running contracts will be considered impartially if presented before Nov. 1.	242
2406	Nov. 4	To the Ambassador in Great Britain (telegram).	Instructions to present to Foreign Office the protests of importers who ordered goods between Mar. 1 and Mar. 15 and have not obtained them.	242
2418	Nov. 6	To the Ambassador in Great Britain (telegram).	Requests extension of time for submitting cases of running contracts.	243
3252	Nov. 20	From the Ambassador in Great Britain (telegram).	British Government unable to extend time for submitting claims for running contracts.	243
3247	Nov. 20 [Rec'd Nov. 21]	From the Ambassador in Great Britain (telegram).	Transmits note from Grey regarding goods ordered and paid for in Germany and Austria between Mar. 1 and Mar. 15.	243

IMPORTATION OF BOOKS

1315	Mar. 25	To the Ambassador in Great Britain (telegram).	Instructions to ask if books published in Germany will be molested when exported to the United States.	244
1900	Apr. 8	From the Ambassador in Great Britain (telegram).	Foreign Office cannot exempt books of German origin from operations of order in council of Mar. 11.	244
698	Apr. 17	From the Ambassador in France (telegram).	German publications considered effective means of propaganda; may not be exported.	244
	Oct. 8	From the Commercial Adviser of the British Embassy to the Foreign Trade Adviser of the Department of State.	British Government will permit shipment of books of educational character for public institutions if vouched for by U. S. Government.	245

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No.	Date	From and to whom	Subject	Page
	Oct. 23	From the Foreign Trade Adviser of the Department of State to the Commercial Adviser of the British Embassy.	Librarian of Congress to vouch for German publications; desires to know the character of voucher required.	245
	Oct. 24	From the Commercial Adviser of the British Embassy to the Foreign Trade Adviser of the Department of State.	Describes the character of voucher required for permits to import German books.	246
	Nov. 12	Statement for the press issued by the Department of State.	Notification of requirements for permits to import books from Germany.	246

IMPORTATION OF SUGAR-BEET SEED

1482	May 25 [Rec'd June 4]	From the Ambassador in Great Britain.	Transmits correspondence regarding attitude of British Government toward the shipment of German beet seed to the United States.	247
	July 30	From the Foreign Trade Adviser of the Department of State to the Commercial Adviser of the British Embassy.	Requests permit for W. B. Rosevear, jr., to import beet seed from Germany.	248
2017	July 30	To the Ambassador in Germany (telegram).	Department of Agriculture willing to act as consignee for beet seed. Requests cooperation of Dippe Bros. in obtaining German permit to export.	249
	Aug. 4	From the Commercial Adviser of the British Embassy to the Foreign Trade Adviser of the Department of State.	British Government permits shipment of beet seed from Germany to the United States under conditions agreed upon.	250
2887	Sept. 10 [Rec'd Sept. 15]	From the Ambassador in Germany (telegram).	Transmits report from the Consul at Magdeburg: Germany will permit exportation of sugar-beet seed to the United States in exchange for foodstuffs and cotton.	250

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No.	Date	From and to whom	Subject	Page
2257	Oct. 2	To the Ambassador in Germany (telegram).	Instructions to obtain permission for shipment of sugar-beet seed from specified firms. Exchange of commodities impracticable.	250
3075	Nov. 3	From the Ambassador in Germany (telegram).	Transmits German reply to U. S. note regarding shipments of sugar-beet seed.	251
2381	Nov. 6	To the Ambassador in Germany (telegram).	Specifies number of permits granted by British Embassy for uninterrupted shipment of sugar-beet seed. Instructions to arrange for shipments.	251
3170	Dec. 1 [Rec'd Dec. 2]	From the Ambassador in Germany (telegram).	Permit granted for shipment of sugar-beet seed from certain firms. Further exportation refused without equivalent.	252

IMPORTATION OF DYES

1930	Apr. 14	From the Ambassador in Great Britain (telegram).	Transmits British agreement not to interfere with shipments of dyestuffs released by Germany; conditions stipulated.	252
1518	Apr. 14	To the Ambassador in Germany (telegram).	Arrangements for shipments of dyestuffs in exchange for cotton.	253
1629	May 5	To the Ambassador in Germany (telegram).	British permit passage of two shiploads dyestuffs from a neutral port. Plans for other shipments.	253
2199	May 10 [Rec'd May 11]	From the Ambassador in Germany (telegram).	German inquiry regarding cargo of the <i>Neches</i> .	254
1654	May 12	To the Ambassador in Germany (telegram).	Cotton shipments to Germany ten times the value of released dyestuffs. Urges release of dyestuffs for shipment on <i>Neches</i> .	254
2253	May 19 [Rec'd May 20]	From the Ambassador in Germany (telegram).	Transmits German reply to U. S. protest against smallness of amount of dyestuffs released and request for shipment on the <i>Neches</i> .	254
2434	June 15 [Rec'd June 16]	From the Ambassador in Germany (telegram).	Transmits German note requiring guaranteed safe passage of cotton in exchange for dyestuffs.	255
1862	June 22	To the Ambassador in Germany (telegram).	Proposed exchange of cotton for dyestuffs is but isolated feature of question of protecting neutral trade.	255

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CORRESPONDENCE AND INFORMAL ARRANGEMENTS, ETC.—Continued

IMPORTATION OF DRUGS

No.	Date	From and to whom	Subject	Page
2073	Sept. 4	To the Ambassador in Great Britain (telegram).	Instructions to aid in shipment of certain drugs obtained only in Germany.	255
2809	Sept. 16	From the Ambassador in Great Britain (telegram).	Transmits British refusal to permit shipments of drugs from Germany. Equivalents obtainable from France.	256
2236	Oct. 7	To the Ambassador in Great Britain (telegram).	Instructions to urge prompt release of drugs bought in Germany before Jan. 1, and paid for.	256
2975	Oct. 9	From the Ambassador in Great Britain (telegram).	Foreign Office authorized to issue permit for shipment of certain amount of drugs from Germany. No further shipments guaranteed.	256
3066	Oct. 21	From the Ambassador in Great Britain (telegram).	No decision reached by the French regarding drugs. British unwilling to permit shipment of any but tissue dyes.	257
1638	Oct. 14 [Rec'd Nov. 1]	From the Ambassador in Germany.	German Government grants permission for desired exportation of drugs with certain guarantees.	257
2402	Nov. 3	To the Ambassador in Great Britain (telegram).	U. S. patents grant sole right to make certain drugs. Need is urgent. Requests reconsideration by Foreign Office.	258
1487	Nov. 9	To the Ambassador in Germany.	German Government will grant desired exportation of drugs to the United States under guarantee that they will not be reexported.	259
1094	Nov. 10	From the Ambassador in France (telegram).	Drugs can be supplied by France and Great Britain. Tissue dyes from Germany are authorized.	260
3344	Dec. 4	From the Ambassador in Great Britain (telegram).	The French and British will allow six months' supply of needed drugs imported from Germany.	260
3206	Dec. 9 [Rec'd Dec. 10]	From the Ambassador in Germany (telegram).	Requests information concerning telegram from Metz to ship drugs to Rotterdam.	261
2509	Dec. 16	To the Ambassador in Germany (telegram).	Metz has permits from British Government for shipments of certain drugs from Germany. Requests German permission to export.	261

IMPORTATION OF PORCELAIN GUIDES FOR TEXTILE MACHINERY

1677	June 7	To the Ambassador in Great Britain (telegram).	Instructions to ascertain if permit can be obtained for shipment of porcelain guides from Rotterdam.	261
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CORRESPONDENCE AND INFORMAL ARRANGEMENTS, ETC.—Continued

No.	Date	From and to whom	Subject	Page
2437	July 10	From the Ambassador in Great Britain (telegram).	Porcelain guides can be obtained in Great Britain.	262
1302	July 26	To the Ambassador in Great Britain.	Impossible to obtain porcelain guides of requisite character anywhere outside of Germany. Urges authorization for release.	262
2652	Aug. 19	From the Ambassador in Great Britain (telegram).	Foreign Office wishes details as to character of porcelain guides.	263
1526	Aug. 31	To the Ambassador in Great Britain.	Additional evidence regarding porcelain guides sent for British authorities.	263
2304	Oct. 19	To the Ambassador in Great Britain (telegram).	Instructions to present facts to Foreign Office concerning shipment of porcelain guides and urge prompt action.	264
2443	Oct. 29 [Rec'd Nov.12]	From the Ambassador in Great Britain.	Transmits British note permitting shipment to United States of German porcelain guides.	264

IMPORTATION OF GOODS OF BELGIAN ORIGIN

	June 11	To the Consul General at London (telegram).	Instructions to report status of goods made in parts of Belgium occupied by German forces.	265
	June 12	From the Consul General at London (telegram).	Goods from Belgium presumably of German origin. Each case considered on its own merits.	265
	June 14	From the Consul General at London (telegram).	Cabinet is to be consulted regarding exports from Belgium.	266
2769	Sept. 8 [Rec'd Sept.9]	From the Ambassador in Great Britain (telegram).	Transmits British printed form for use in exporting goods of Belgian origin from Holland.	266
2817	Sept. 17	From the Ambassador in Great Britain (telegram).	Transmits British note of Sept. 16 requiring deposit of documents covering sale and shipment of Belgian goods.	266
2190	Sept. 30	To the Ambassador in Great Britain (telegram).	Inquires the nature of documents required for deposit in shipment of Belgian goods.	267
2932	Oct. 5	From the Ambassador in Great Britain (telegram).	Documents referred to covering sale and shipment of Belgian goods, are such documents as are deposited in banks in business transactions.	267
3337	Dec. 3	From the Ambassador in Great Britain (telegram).	Foreign Office complains that conditions imposed upon exports from Belgium have not been complied with. Added instructions forwarded.	267

PART II

ARRANGEMENTS FOR THE REGULATION OF IMPORT AND TRANSIT TRADE MADE
BY EUROPEAN NEUTRAL COUNTRIES

THE NETHERLANDS OVERSEA TRUST COMPANY

No.	Date	From and to whom	Subject	Page
	Dec. 21, 1914 [Rec'd Jan. 4] Undated [Rec'd Jan. 4]	From the Consul General at Rot- terdam.	Describes organization and object of Netherlands Oversea Trust.	268
		From the Neth- erland Govern- ment to the Netherland Minister at Washington (telegram).	British, French, and Russians agree to pass contraband merchandise consigned to Oversea Trust.	269
191	Jan. 9 [Rec'd Jan. 25]	From the Minis- ter in the Netherlands.	Working plan of the Oversea Trust explained for the benefit of shippers.	269
201	Feb. 1 [Rec'd Feb. 17]	From the Minis- ter in the Netherlands.	Transmits articles of the Nether- lands Oversea Trust Co.	270
117	Mar. 4	To the Minister in the Nether- lands (tele- gram).	Instructions to ascertain if Oversea Trust will act as consignee for American cotton.	273
186	Mar. 5	From the Minis- ter in the Netherlands (telegram).	Oversea Trust will probably ac- cept cotton consignments.	273
130	Mar. 16	To the Minister in the Nether- lands (tele- gram).	Suggests that Oversea Trust ac- cept non-contraband shipments and that Holland-America Line accept consignments to the Trust.	273
230	Mar. 31 [Rec'd Apr. 1]	From the Minis- ter in the Netherlands (telegram).	Oversea Trust will only accept non-contraband in special cases.	273
142	Apr. 14	To the Minister in the Nether- lands (tele- gram).	Inquires if Oversea Trust will ac- cept consignments of non-con- traband specified by Great Britain.	274
243	Apr. 16	From the Minis- ter in the Netherlands (telegram).	Oversea Trust will receive non- contraband goods shipped before Apr. 30, including tobacco, cocoa, and coffee.	274
269	May 22	From the Minis- ter in the Netherlands (telegram).	Oversea Trust forbids further im- ports of cotton oil.	274
155	May 22	To the Minister in the Neth- erlands (tele- gram).	Inquires whether American tobacco is discriminated against.	275
270	May 25	From the Minis- ter in the Netherlands (telegram).	Tobacco from Netherland colonies unrestricted, by agreement with England.	275
127	June 19	To the Minister in the Neth- erlands.	Department to be kept informed as to operations of Oversea Trust.	275

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ARRANGEMENTS FOR THE REGULATION OF IMPORT AND TRANSIT TRADE, ETC.—CON.

No.	Date	From and to whom	Subject	Page
129	June 29	To the Minister in the Netherlands.	Instructions to investigate statement that Oversea Trust receives no goods except from Dutch concerns.	275
167	June 30	To the Minister in the Netherlands (telegram).	Steamship lines refuse Morris & Company's shipments. Instructions to endeavor to secure permit from Oversea Trust.	276
308	July 2	From the Minister in the Netherlands (telegram).	Overabundant supply of fats and oils. Oversea Trust refuses more.	276
299	July 8 [Rec'd July 21]	From the Minister in the Netherlands.	Explains position and activities of the Netherlands Oversea Trust.	277
317	July 24 [Rec'd Aug. 6]	From the Minister in the Netherlands.	Explanation has been given regarding charge that Oversea Trust discriminates against America.	278
199	Sept. 18	To the Minister in the Netherlands (telegram).	Instructions to ask Oversea Trust to accept consignment of oleo oil, etc., for D. B. Martin Co.	279
379	Undated [Rec'd Sept. 20]	From the Minister in the Netherlands (telegram).	Oversea Trust refuses Martin consignment.	279
375	Nov. 4 [Rec'd Nov. 24]	From the Minister in the Netherlands.	Encloses announcement by Oversea Trust of right to refuse clients who violate their obligations.	279
233	Dec. 16	To the Minister in the Netherlands (telegram).	Revocation of licenses after shipment of goods is detrimental to interests of Dutch-American trade.	280
455	Dec. 18 [Rec'd Dec. 19]	From the Minister in the Netherlands (telegram).	Oversea Trust is instructed to suspend delivery of suspicious goods until investigated by British.	280

THE SWEDISH COTTON SPINNERS ASSOCIATION AND THE TRANSITO COMPANY

	June 30	From the Southern Products Co. (telegram).	Inquires as to report that cotton may be shipped to Sweden.	281
	July 2	From the Foreign Trade Adviser of the Department of State to the Southern Products Co. (telegram).	British Government has made agreement for importation of cotton into Sweden.	281
27	July 16	To the Minister in Sweden (telegram).	Inquires attitude of Sweden towards cotton shipped from America to Russia via Sweden.	282

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No.	Date	From and to whom	Subject	Page
47	July 17 [Rec'd July 18]	From the Chargé in Sweden (telegram).	Swedish agreement with Great Britain to allow merchandise to pass into Russia in exchange for equal quantities for Sweden.	282
246	July 3 [Rec'd July 26]	From the Chargé in Sweden.	British Government has sent com- mission to Sweden to settle trade difficulties.	282
302	July 27 [Rec'd Aug. 14]	From the Chargé in Sweden.	Reports of reciprocal trade ar- rangements between Great Brit- ain and Sweden.	283
347	Aug. 13 [Rec'd Aug. 31]	From the Chargé in Sweden.	The British and Swedish trade commissioners have failed to reach an agreement.	283
68	Oct. 30	From the Minis- ter in Sweden (telegram).	Negotiations between Swedish and English commissioners have been broken off.	284
453	Oct. 30 [Rec'd Nov. 23]	From the Minis- ter in Sweden.	British suspect Sweden of allowing goods to go to Germany. Nego- tiations are discontinued.	284
491	Nov. 26 [Rec'd Dec. 17]	From the Minis- ter in Sweden.	Transmits statement from Foreign Office regarding traffic passing through Sweden.	285
489	Nov. 24 [Rec'd Dec. 21]	From the Minis- ter in Sweden.	Transmits communication from Bildt, explaining the purpose of the Transito Co.	286
497	Dec. 1 [Rec'd Dec. 28]	From the Minis- ter in Sweden.	Transmits publication by the Brit- ish Legation explaining the or- ganization and object of the Aktiebolaget Transito.	287

THE DANISH CHAMBER OF MANUFACTURERS AND MERCHANTS GUILD

2653	Dec. 7 [Rec'd Dec. 18]	From the Am- bassador in Great Britain.	Arrangements concluded between British Foreign Office and Mer- chants' Guild of Copenhagen and Danish Chamber of Manu- facturers regarding imports.	288
134	Dec. 17 [Rec'd Jan. 5, 1916]	From the Consul General at Copenhagen.	Society of Wholesale Dealers and Association of Industry of Den- mark have agreed with England for importation of goods.	289

THE SWISS SOCIETY OF SURVEILLANCE

159	July 16 [Rec'd Aug. 3]	From the Minis- ter in Switzer- land.	Switzerland's economic difficulties.	290
188	Sept. 15 [Rec'd Sept. 16]	From the Minis- ter in Switzer- land (tele- gram).	Agreement reached with Allies reg- ulating imports into Switzerland.	292
199	Oct. 1	From the Minis- ter in Switzer- land (tele- gram).	Details of agreement between Switzerland and the Allies not perfected.	292

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No.	Date	From and to whom	Subject	Page
	Nov. 23	From the Vice Consul at London (telegram).	Swiss import trust in operation.---	292
423	Dec. 4 [Rec'd Dec. 27]	From the Ambassador in Italy.	Discussion of conditions under which Switzerland may receive imports through Italy.	293
	Jan. 4, 1916	Statement issued by the Swiss Legation.	Instructions for shipments to Switzerland.	293
1824	Dec. 31 [Rec'd Jan. 12, 1916]	From the Ambassador in France.	American merchandise for Switzerland in transit through France.	294

INTERFERENCE BY BELLIGERENT GOVERNMENTS WITH NEUTRAL SHIPS, CARGOES, AND PASSENGERS

CASES AND CORRESPONDENCE ARISING UNDER ORDERS, DECREES, AND PROCLAMATIONS OF 1914—THE BRITISH PRELIMINARY NOTE OF JANUARY 7, 1915, ON DETENTION OF NEUTRAL SHIPS AND CARGOES

780	Dec. 18, 1914	To the Ambassador in Great Britain (telegram).	Instructions to investigate reports regarding advantages reaped by British in trade with neutrals.	295
797	Dec. 21, 1914	To the Ambassador in Great Britain (telegram).	Instructions to consuls in British Isles to obtain statistics regarding copper exports.	295
	Dec. 28, 1914	From the Danish Minister.	Asks if the United States recognizes right of England to seize American vessels carrying conditional contraband to Denmark.	296
40AIII	Dec. 28, 1914	From the Danish Minister.	Asks that the United States take steps to defend her trade with smaller neutral countries.	296
877	Jan. 4	To the Ambassador in Great Britain (telegram).	Transmits Treasury notice warning against inaccuracy in ships' manifests.	297
1414	Jan. 5	From the Ambassador in Great Britain (telegram).	Report of Consul General Skinner on shipments of copper and rubber from England.	298
	Jan. 7	To the Danish Legation.	Cannot state in advance whether the United States would recognize right of England to seize vessels carrying contraband to ports of Denmark.	298
1434	Jan. 7 [Rec'd Jan. 8]	From the Ambassador in Great Britain (telegram).	Transmits note from Grey in justification of British policy regarding neutral trade.	299

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No.	Date	From and to whom	Subject	Page
1440	Jan. 8	From the Ambassador in Great Britain (telegram).	Grey promises better shipping arrangements for neutrals.	302
	Jan. 8	From the Swiss Minister.	Arrangement made for transit of Swiss goods through Italy. Swiss embargo on exports.	303
1450	Jan. 11	From the Ambassador in Great Britain (telegram).	British merchants failed to get agency for American copper. No copper being shipped from England.	304
215	Jan. 1 [Rec'd Jan. 12]	From the Consul General at London.	Discusses British requirements and encloses British reply to protest regarding freight on diverted cargoes.	304
939	Jan. 12	To the Ambassador in Great Britain (telegram).	Acknowledges British note regarding freight on diverted cargoes.	305
	Jan. 13 [Rec'd June 12]	From the British Secretary of State for Foreign Affairs to the British Embassy at Washington (telegram).	To relieve shortage of tonnage British are willing to release ships on bail.	306
12	Jan. 13	From the Minister in Sweden (telegram).	Decree prohibits transit of war material over Sweden.	306
475	Jan. 13	To the British Ambassador.	Protests against inclusion of turpentine and rosin within contraband list and their seizure.	306
	Jan. 13	From Crossman & Sielcken.	Encloses message from Paulsen & Co. explaining increase of imports of American goods to Denmark.	307
476	Jan. 14	To the British Ambassador.	Steamship companies refuse to accept freight for Switzerland.	308
964	Jan. 15	To the Ambassador in Great Britain (telegram).	Instructions to request release of copper for Switzerland detained at Gibraltar.	308
728	Jan. 7 [Rec'd Jan. 18]	From the Ambassador in Great Britain.	Transmits British memorandum regarding neutral trade.	309
14	Jan. 19	From the Minister in Sweden (telegram).	Swedish official statistics regarding imports.	311
	Jan. 20	To Crossman & Sielcken.	Expresses appreciation of letter regarding increase of Danish imports.	311
	Jan. 20	From the Secretary of the German-American Chamber of Commerce.	Allies are pressing Sweden to cancel the prohibition against transit of war material through Sweden.	311

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No.	Date	From and to whom	Subject	Page
27	Jan. 18 [Rec'd Jan. 21]	From the British Ambassador.	Transmits published statement that no restrictions are placed upon shipments to Switzerland. Instructions to assist in release of copper for Switzerland.	312
1015	Jan. 22	To the Amba- sador in Great Britain (tele- gram).		312

THE CASE OF THE "WILHELMINA"—THE CONTROL OF FOODSTUFFS BY THE
GERMAN GOVERNMENT

	Jan. 22	From Hays, Kaufmann & Lindheim.	Statement regarding the shipment of foodstuffs on the <i>Wilhelmina</i> , consigned to an American in Germany.	313
16	Jan. 22 [Rec'd Jan. 23]	From the Minis- ter in Sweden (telegram).	Foreign Office states that only fair comparison of imports is weight or volume, not value.	314
249	Jan. 15 [Rec'd Jan. 26]	From the Con- sul General at London.	Correspondence with British offi- cials regarding payment of freight on seized cargoes.	314
1537	Jan. 27	From the Am- bassador in Great Britain (telegram).	German military powers have taken over food supplies. <i>Wil- helmina</i> cargo will be bought by the British Government.	317
1536	Jan. 27	From the Am- bassador in Great Britain (telegram).	Swiss Minister has secured the trade conditions desired.	317
	Jan. 28 [Rec'd Jan. 29]	From the Ger- man Amba- sador.	The German Government will guarantee not to interfere with importation and sale of food- stuffs from the United States to the civil population.	317
	Feb. 1	From the As- sistant Secre- tary of the Treasury to the Solicitor for the De- partment of State.	Transmits letter from Geo. E. Warren regarding cargo of food- stuffs for Germany.	318
	Feb. 3	To the Secre- tary of the Treasury.	British Government regards food- stuffs for Germany as enemy goods because of German decree permitting military to take over all foodstuffs for distribution.	318
	Feb. 4	To Mr. J. H. Morrison.	Department does not see in the <i>Dacia</i> case any complications in- volving the United States.	319
1592	Feb. 4	From the Am- bassador in Great Britain (telegram).	Transmits British decision that cargo of the <i>Wilhelmina</i> is condi- tional contraband.	319
66	Jan. 20 [Rec'd Feb. 4]	From the Minis- ter in Norway.	Transmits report of the Norwegian National Victualing Commis- sion, showing imports in 1914 as compared with 1913.	320

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140	Feb. 6	To the Consul General at London.	Approves action regarding payment of freight, etc., in release of American cargoes.	321
	Feb. 6 [Rec'd Feb. 8]	From the French Ambassador.	German decree makes all food-stuffs for Germany liable to seizure.	322
1607	Feb. 8	From the Ambassador in Great Britain (telegram).	Effect of Department's order prohibiting publication of ship manifests till after thirty days.	322
1462	Mar. 1	To the French Ambassador.	Transmits German communication giving assurance that cereals imported to Germany will be used exclusively by civil population.	323

THE BRITISH NOTE OF FEBRUARY 10, 1915, IN JUSTIFICATION OF THE DETENTION OF NEUTRAL SHIPS AND CARGOES—THE SEIZURE OF THE "WILHELMINA" AND THE "DACIA"

1627	Undated [Rec'd Feb. 12]	From the Ambassador in Great Britain (telegram).	Transmits British note of Feb. 10 justifying detention of neutral ships and cargoes.	324
1138	Feb. 16	To the Ambassador in Great Britain (telegram).	Order prohibiting publication of ship manifests until after thirty days has been rescinded.	334
1662	Feb. 17	From the Ambassador in Great Britain (telegram).	Public is grateful for rescission of order forbidding publication of ship manifests for thirty days.	334
1157	Feb. 19	To the Ambassador in Great Britain (telegram).	Proposes satisfactory arrangement for release of copper held at Gibraltar.	334
1672	Feb. 19 [Rec'd Feb. 20]	From the Ambassador in Great Britain (telegram).	Transmits memorandum regarding repeal of German decree as affecting seizure of the <i>Wilhelmina</i> and in justification of British policy of retaliation.	335
1165	Feb. 20	To the Ambassador in Great Britain (telegram).	Instructions to continue efforts to secure release of copper.	337
872	Feb. 9 [Rec'd Feb. 24]	From the Ambassador in Great Britain.	Copper from the <i>Regina d'Italia</i> , the <i>Palermo</i> and the <i>Ascot</i> will be purchased by the British.	337
877	Feb. 11 [Rec'd Feb. 24]	From the Ambassador in Great Britain.	Transmits memorandum from Grey enclosing circular of a German firm in New York regarding restrictions on exports.	338
1659	Feb. 22 [Rec'd Feb. 24]	From the Ambassador in Germany (telegram).	Reports the sinking of the <i>Evelyn</i> ---	339

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No.	Date	From and to whom	Subject	Page
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574	Feb. 28	From the Ambassador in France (telegram).	Ministry of Marine announces that the <i>Dacia</i> was captured in English Channel by French cruiser.	340
1728	Mar. 2 [Rec'd Mar. 3]	From the Ambassador in Germany (telegram).	Captains of the <i>Evelyn</i> and the <i>Carib</i> report both ships sunk by mines.	340
594	Mar. 6	From the Ambassador in France (telegram).	The <i>Dacia</i> considered an enemy vessel, France not recognizing change of flag after hostilities commence.	340

THE CASES OF THE "WILLIAM P. FRYE," "VITALIA," AND "WICO"—THE PACKERS' CASES—GERMAN PRIZE-COURT RULES AND DECISIONS

	Mar. 10	From Arthur Sewall & Co. (telegram).	Reports sinking of the <i>William P. Frye</i> . Requests the Department to investigate and protect the company.	341
	Mar. 12 [Rec'd Mar. 13]	From the British Embassy.	Calls attention to a German warship carrying neutral prisoners, some of them U. S. citizens, thus exposing them to attack.	341
	Mar. 13	From the Consul General at London (telegram).	Protests treatment of the <i>Vitalia</i> , the <i>A. A. Raven</i> , and the <i>Ruby</i> ; and suggests that British Government be requested to state rules regarding shipments to Holland.	342
939	Feb. 22 [Rec'd Mar. 15]	From the Ambassador in Great Britain.	Transmits Grey's denial of charge that copper seized by British had been sold to neutral countries at a profit.	342
	Mar. 15	From the Assistant Secretary of the Treasury to the Counselor for the Department of State.	Forwards statement of the commander of the <i>Prinz Eitel Friedrich</i> regarding the destruction of the <i>William P. Frye</i> .	343
1789	Mar. 15	From the Ambassador in Great Britain (telegram).	Meat and lard shipped by Armour and by Swift to Göteborg will be placed in prize court.	344
1281	Mar. 16	To the Ambassador in Great Britain (telegram).	Encloses telegram from Governor General of the Philippines stating that merchants in Manila complain that goods are held by British at Singapore. Instructions to ask explanation of British Government.	344

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No.	Date	From and to whom	Subject	Page
306	Feb. 25 [Rec'd Mar.18]	From the Consul General at London.	Transmits propositions relative to British seizure of shipments of American meat products.	345
204	Feb. 17 [Rec'd Mar.18]	From the Consul General at Hamburg.	Forwards German law regarding prize-court procedure and calls attention to time-limit and other conditions in entering claims.	346
209	Feb. 18 [Rec'd Mar.18]	From the Consul General at Hamburg.	Transmits decision of the Hamburg prize court in the case of the <i>Glitra</i> .	350
1020	Mar. 9 [Rec'd Mar.19]	From the Ambassador in Great Britain.	Transmits statement from Grey that conditional contraband sent to the Netherlands will not be detained if consigned to the Oversea Trust.	353
1296	Mar. 20	To the Ambassador in Great Britain (telegram).	Instructions to protest against detention in British port of American S. S. <i>Wico</i> with cargo of oil for Stockholm.	354
1885	Mar. 21 [Rec'd Mar.22]	From the Ambassador in Germany (telegram).	German embargoes and discriminations against American trade a sufficient reason for our not warring against English blockade of Germany.	354
	Mar. 23	To the Consul General at London (telegram).	Instructions to ascertain owner of the cargo of the <i>William P. Frye</i> .	355
	Mar. 24	From the Consul General at London (telegram).	Reports ownership of cargo of <i>William P. Frye</i> .	355
	Mar. 26	To the British Embassy.	Department declines to comment on the practice of sinking neutral ships and carrying their crews on ships of war.	355
	Mar. 27	From the Consul General at London (telegram).	Prize claims committee formed to consider claims of British, Allied or neutral third parties.	356
1342	Mar. 30	To the Ambassador in Great Britain (telegram).	Inquiry and instructions regarding meat packers' consignments.	356
1446	Mar. 31	To the Ambassador in Germany (telegram).	Transmits claim against German Government for destruction of the <i>William P. Frye</i> .	357

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CASES ARISING UNDER THE GERMAN WAR-ZONE PROCLAMATION OF FEBRUARY 4, 1915: TORPEDOING OF THE "FALABA" AND "GULFLIGHT," ATTACK ON THE "CUSHING"—CASES ARISING UNDER THE BRITISH ORDER IN COUNCIL OF MARCH 11, 1915: DETENTION OF THE "SEGURANÇA," "OGEECHEE," AND "JOSEPH W. FORDNEY"—NOTE OF APRIL 28, 1915, TO GERMANY ASKING DIPLOMATIC SETTLEMENT OF THE "FRYE" CASE—BRITISH PRIZE-COURT RULES

No.	Date	From and to whom	Subject	Page
1864	Mar. 31 [Rec'd Apr. 1]	From the Ambassador in Great Britain (telegram).	Thrasher, an American citizen, thought to have been drowned when British ship <i>Falaba</i> was sunk by German submarine.	358
	Apr. 3	From the Consul General at Rotterdam (telegram).	Sinking of <i>Greenbrier</i> due to mine explosion.	358
	Apr. 5	To the Consul General at London (telegram).	Instructions to obtain details of sinking of <i>Falaba</i> and death of Thrasher.	358
1471	Apr. 6	To the Ambassador in Germany (telegram).	Instructions to report details of sinking of the <i>Falaba</i> .	358
1889	Apr. 6	From the Ambassador in Great Britain (telegram).	Cargo of the <i>Segurança</i> should be reconsigned to the Netherlands Oversea Trust.	359
	Apr. 7	From the Consul General at London (telegram).	Forwards testimony of passengers regarding sinking of the <i>Falaba</i> . No doubt of Thrasher's death.	359
1984	Apr. 6 [Rec'd Apr. 7]	From the Ambassador in Germany (telegram).	Transmits reply of Apr. 4 to claim for damages for the sinking of the <i>William P. Frye</i> .	360
	Apr. 8	To the Consul General at London (telegram).	Instructions to ascertain whether the <i>Falaba</i> carried guns and ammunition.	361
1907	Apr. 8	From the Ambassador in Great Britain (telegram).	The <i>Wico</i> allowed to proceed to destination. Further oil trade with Stockholm will be considered by British Government.	361
	Apr. 8 [Rec'd Apr. 9]	From the Consul General at London (telegram).	Appealed in vain to prize court to free ships and cargo from expenses incidental to detention.	361
1398	Apr. 9	To the Ambassador in Great Britain (telegram).	Does not admit right of British to require cargo of <i>Segurança</i> to be reconsigned to Oversea Trust, but owners willing.	362
	Apr. 9	From the Consul General at London (telegram).	Report on sinking of the <i>Falaba</i> .	362
1903	Apr. 8 [Rec'd Apr. 9]	From the Ambassador in Great Britain (telegram).	Transmits official offers of indemnification in <i>Wilhelmina</i> case.	363

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	April 10	From the Consul General at London (telegram).	Affidavits to effect that ammunition and guns were not carried on the <i>Falaba</i> .	364
2026	Apr. 10 [Rec'd Apr. 11]	From the Ambassador in Germany (telegram).	Quotes from <i>North German Gazette</i> an article on sinking of the <i>Falaba</i> as an official answer to American inquiry.	364
1407	Apr. 12	To the Ambassador in Great Britain (telegram).	Owners of the <i>Wilhelmina</i> accept the proposal for British compensation.	365
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2543	July 3 [Rec'd July 5]	From the Ambassador in Germany (telegram).	Advises Foreign Office that proposed reply to <i>Lusitania</i> note will not be satisfactory. Changes discussed.	459
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1918	July 8	To the Ambassador in Germany (telegram).	President will not compromise rights of the United States, but will exercise good offices in behalf of neutrals.	462
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1968	July 19	To the Ambassador in Germany (telegram).	The United States maintains the right of its citizens to traverse the high seas.	477
1969	July 19	To the Ambassador in Germany (telegram).	The <i>Lusitania</i> case incidental to principle involved. Avoidance of similar acts must be assured.	478
	July 19	From the Consul General at London (telegram).	Compulsory consignment to Swedish Cotton Spinners Association required. The <i>Texas</i> detained.	478
2491	July 19	From the Ambassador in Great Britain (telegram).	Grey's opinion of the effect of unrestricted American trade.	478
592	July 9 [Rec'd July 20]	From the Consul General at London.	Encloses monthly trade report showing increase in exports from England and U. S. ships detained.	479
1878	July 20	To the Ambassador in Great Britain (telegram).	Instructions to verify report that British Government refused responsibility for British subjects leaving Shanghai during Russo-Japanese War.	480

THE NOTE OF JULY 21, 1915, TO GERMANY ON THE "LUSITANIA" CASE—THE TORPEDOING OF THE "ORDUNA," THE "LEELANAW," AND THE "IBERIAN"—GERMAN NOTE OF JULY 30, 1915, OFFERING SETTLEMENT OF THE "FRYE" CASE

1981	July 21	To the Ambassador in Germany (telegram).	German note regarding the <i>Lusitania</i> unsatisfactory; demands freedom of the seas without compromise.	480
2609	July 21 [Rec'd July 22]	From the Ambassador in Germany (telegram).	Foreign Office requests that notification of sailings be made known a month in advance.	482
565	July 3 [Rec'd July 22]	From the Consul General at London.	Report on the seizure of the <i>Neches</i> by British.	482
	July 22	To the Consul General at London (telegram).	Requests report on amount of American cotton seized by British since Mar. 11 and amount paid for.	484
2511	July 22	From the Ambassador in Great Britain (telegram).	Validity of order in council of Mar. 11.	484

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INTERFERENCE BY BELLIGERENT GOVERNMENTS WITH NEUTRAL SHIPS, ETC.—CON.

No.	Date	From and to whom	Subject	Page
1987	July 23	To the Ambassador in Germany (telegram).	Notification of sailings of passenger steamers to be sent to the German Admiralty.	484
2617	July 23	From the Ambassador in Germany (telegram).	Campaign of hate against America, backed by Von Tirpitz and Reventlow, continues.	484
2527	July 24	From the Ambassador in Great Britain (telegram).	Transmits note from Grey regarding the <i>Neches</i> case and measures taken in March.	485
1993	July 24	To the Ambassador in Germany (telegram).	Requests information regarding submarine attack on the <i>Orduna</i> .	485
	Undated [Rec'd July 26]	From the Consul at Dundee (telegram).	American steamer <i>Leelanaw</i> reported sunk by German submarine.	486
	July 26	To the Swedish Minister.	Desires to discuss subject of uniform representations to British Government in behalf of neutrals.	486
2432	July 26	From the Ambassador in Great Britain (telegram).	Accusation unfounded that British export at a profit the American cotton they seize.	486
	July 27	From the Consul General at London (telegram).	Reports on sinking of the <i>Leelanaw</i> .	487
	July 27	From the Consul General at London (telegram).	Holman Gregory to pass on <i>Ogeechee</i> cargo cases; if transactions are <i>bona fide</i> , will favor release.	487
	July 27	From the Consul General at London (telegram).	Report on American cotton seized by British after Mar. 11.	487
606	July 16 [Rec'd July 27]	From the Consul General at London.	Settlement of charges in <i>Neches</i> and <i>Seaconnet</i> cases.	488
1194	July 9 [Rec'd July 27]	From the Ambassador in Germany.	Transmits German <i>note verbale</i> relative to reciprocity of treatment of claimants in prize-court proceedings in Germany and the United States.	489
2536	July 27	From the Ambassador in Great Britain (telegram).	British approve our latest note to Germany and believe war inevitable.	489
2538	July 27	From the Ambassador in Great Britain (telegram).	Grey gives assurance that British action will bear lightly as possible on American trade. Cotton to be declared contraband.	489
1917	July 28	To the Ambassador in Great Britain (telegram).	Placing cotton on contraband list has aroused indignation of Americans.	490

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No.	Date	From and to whom	Subject	Page
2634	July 27 [Rec'd July 28]	From the Ambassador in Germany (telegram).	Germans anxious to end the war before winter; will try to avoid break with America.	490
2547	July 28	From the Ambassador in Great Britain (telegram).	Report on British orders refusing protection to subjects leaving Shanghai during the Russo-Japanese War.	491
2652	July 29 [Rec'd July 30]	From the Ambassador in Germany (telegram).	Germany will offer verbally to submit question of damages for the <i>Lusitania</i> to The Hague.	491
362	July 30	To the Consul General at London.	Approves his action in the <i>Neches</i> case.	491
	Undated [Rec'd July 31]	From the Consul at Cork (telegram).	Steamer <i>Iberian</i> submarined. American muleteer killed.	492
	Undated [Rec'd July 31]	From the Consul at Cork (telegram).	Report on destruction of the <i>Iberian</i> and death of Wiley.	492
2022	July 31	To the Ambassador in Germany (telegram).	Instructions to report on destruction of the <i>Leelanau</i> .	492
2656	July 30 [Rec'd July 31]	From the Ambassador in Germany (telegram).	Transmits note from Von Jagow on sinking of the <i>Frye</i> ; liability for indemnification acknowledged.	493

BRITISH REPLIES TO THE STATEMENTS OF JULY 14 AND 15, 1915—SWEDISH OVERTURES FOR COOPERATION—NOTE OF AUGUST 10, 1915, TO GERMANY ON THE "FRYE" CASE—CONDEMNATION OF THE "DACIA" BY FRENCH PRIZE COURT—BRITISH NOTE OF AUGUST 13, 1915, ON THE EFFECTS OF ORDERS IN COUNCIL ON NEUTRAL TRADE

2573	July 31	From the Ambassador in Great Britain (telegram).	Transmits note from Grey regarding <i>Neches</i> case. British willing to consider neutral interests.	495
	Undated [Rec'd July 31]	From the Consul at Cork (telegram).	Second statement regarding sinking of the <i>Iberian</i> .	496
2575	July 31	From the Ambassador in Great Britain (telegram).	Transmits note from Grey regarding the principles of law applicable in prize-court cases.	496
	Aug. 2	To the Secretary of the Treasury.	Reply to inquiry of Bureau of War Risk Insurance regarding claims for detained or seized cargoes.	499
49	Aug. 3	From the Chargé in Sweden (telegram).	Foreign Office inquiry regarding trade with Scandinavia.	499
29	Aug. 5	To the Chargé in Sweden (telegram).	Government is preparing note to British in regard to trade with neutral countries.	499

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No.	Date	From and to whom	Subject	Page
	July 31 [Rec'd Aug. 5]	From the Swedish Minister.	British limitation of American trade; cooperation of Sweden and the United States in maintaining neutral rights.	500
	Aug. 6	To the Swedish Minister.	British limitation of American trade with Sweden.	500
	Aug. 6	From the British Ambassador.	Explanation of note of July 31 concerning the <i>Neches</i> .	501
2700	Aug. 7 [Rec'd Aug. 8]	From the Ambassador in Germany (telegram).	Chancellor has begged submarine commanders to be careful; Von Tirpitz enraged.	501
629	July 28 [Rec'd Aug. 9]	From the Consul General at London.	Report on British trade in cotton.	502
1873	July 26 [Rec'd Aug. 9]	From the Ambassador in Great Britain.	Transmits note from Grey and summary of official report on the interception of the <i>Joseph W. Fordney</i> .	503
2057	Aug. 10	To the Ambassador in Germany (telegram).	Note for Foreign Office on <i>Frye</i> case: Indemnity to be settled by representatives of each Government; question of treaty interpretation to be submitted to arbitration.	504
363	Aug. 10	To the Consul General at London.	Permission to suggest meeting of shipping interests with view to rendering shipping less hazardous.	505
2706	Aug. 9 [Rec'd Aug. 11]	From the Ambassador in Germany (telegram).	Press comments on the arming of British merchantmen.	506
	Aug. 10 [Rec'd Aug. 12]	From the Swedish Minister.	Discussion of right of belligerent to limit the commercial intercourse of neutrals.	507
942	Aug. 12 [Rec'd Aug. 13]	From the Ambassador in France (telegram).	Summary of prize court decision in case of the <i>Dacia</i> .	508
2719	Aug. 12 [Rec'd Aug. 13]	From the Ambassador in Germany (telegram).	Transmits telegram from Consul General Morgan on <i>Frye</i> case.	508
2726	Aug. 13 [Rec'd Aug. 14]	From the Ambassador in Germany (telegram).	American vessels passing Drogden lightship to be searched at Swinemünde for contraband. Desires instructions regarding protests.	509
309	July 29 [Rec'd Aug. 14]	From the Chargé in Sweden.	Trade between the United States and Sweden.	509
94	July 31 [Rec'd Aug. 16]	From the Consul at Cork.	Confirmation of report on the <i>Iberian</i> and death of Wiley.	510
2634	Aug. 16 [Rec'd Aug. 17]	From the Ambassador in Great Britain (telegram).	Transmits note from Grey and quotes his memorandum to the Foreign Office on British exports.	511

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No.	Date	From and to whom	Subject	Page
2083	Aug. 17	To the Ambassador in Germany (telegram).	Admits established right of visit and search but protests taking of vessels to belligerent ports without just cause for suspicion.	515
	Aug. 18	To the Consul General at London (telegram).	<i>Questionnaire</i> regarding detained cotton cargoes.	515
	Aug. 20	From the Consul General at London (telegram).	Answer to <i>questionnaire</i> regarding detained cotton cargoes.	516

THE SINKING OF THE "ARABIC"—GERMAN PRIZE-COURT DECISION IN THE CASE OF THE "INDIAN PRINCE" DISMISSING CLAIMS FOR AMERICAN CARGO—USE OF THE AMERICAN FLAG BY BRITISH AUXILIARY CRUISER "BARALONG"

	Undated [Rec'd Aug. 19]	From the Vice Consul at Cork (telegram).	<i>Arabic</i> sunk off Queenstown.....	516
	Undated [Rec'd Aug. 20]	From the Vice Consul at Cork (telegram).	Report on sinking of the <i>Arabic</i> and statement of a passenger.	517
	Aug. 21	To the Consul at Cork (telegram).	Instructions to report summary of affidavits in the <i>Arabic</i> case.	517
	Aug. 21	To the Swedish Minister.	Desires to know Swedish Government's position on limitation of Swedish imports by Great Britain.	517
	Undated [Rec'd Aug. 22]	From the Consul at Cork (telegram).	No evidence that the <i>Arabic</i> was warned by submarine or conveyed by war vessel.	518
	Aug. 23	From the Consul General at London (telegram).	The <i>Baron Erskine</i> destroyed by submarine.	518
2105	Aug. 23	To the Ambassador in Germany (telegram).	Instructions to inquire unofficially if report has been made on the <i>Arabic</i> .	518
2680	Aug. 23	From the Ambassador in Great Britain (telegram).	Summary of facts regarding the <i>Arabic</i> with affidavits of the captain and others.	518
315	Aug. 5 [Rec'd Aug. 23]	From the Consul General at Hamburg.	Transmits prize-court decision in <i>Indian Prince</i> case.	520
651	Aug. 10 [Rec'd Aug. 24]	From the Consul General at London.	Transmits report of proceedings in packing-house cases in prize court.	523
	Aug. 24	From the German Ambassador (telegram).	No official information about sinking of the <i>Arabic</i> .	524

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No.	Date	From and to whom	Subject	Page
2686	Aug. 24	From the Ambassador in Great Britain (telegram).	Gives conservative public opinion and press comment on U. S. failure to act.	524
	Aug. 24 [Rec'd Aug. 25]	From the German Ambassador.	Submits for transmission to his Government suggestion regarding attacks on passenger ships without warning.	525
2272	Aug. 24 [Rec'd Aug. 25]	From the Ambassador in Germany (telegram).	Attack on the <i>Arabic</i> supposedly by order of Von Tirpitz. Von Jagow requests suspension of judgment.	525
2777	Aug. 25 [Rec'd Aug. 26]	From the Ambassador in Germany (telegram).	Torpedoing of <i>Arabic</i> , if as reported, contrary to instructions regarding passenger ships; act may be disavowed and reparation made.	526
2780	Aug. 25 [Rec'd Aug. 26]	From the Ambassador in Germany (telegram).	Suggests that Department make road to disavowal easy in <i>Arabic</i> case, lest Von Tirpitz again get upper hand in Germany.	526
2703	Aug. 26 [Rec'd Aug. 27]	From the Ambassador in Great Britain (telegram).	American sailor affirms that the <i>Nicosian</i> was attacked by a submarine which was in turn sunk by a naval auxiliary ship.	527
2791	Aug. 28 [Rec'd Aug. 29]	From the Ambassador in Germany (telegram).	Fight between Von Tirpitz and Chancellor over submarine policy. Decision rests with the Emperor. Foreign Office and Reichstag against war with America.	527
2716	Aug. 29	From the Ambassador in Great Britain (telegram).	Affidavits of American citizens describing attack on the <i>Nicosian</i> .	528
2803	Aug. 30 [Rec'd Aug. 31]	From the Ambassador in Germany (telegram).	Chancellor prevailed in dispute with Von Tirpitz regarding submarine war. German program.	529
	Aug. 31	To Breitung & Co., Ltd.	The <i>Dacia</i> : Local legal remedies should be exhausted before diplomatic intervention is appropriate.	530
2809	Aug. 31 [Rec'd Sept. 1]	From the Ambassador in Germany (telegram).	German Government anxious that <i>Arabic</i> case and <i>Lusitania</i> case be considered separately.	530

THE GERMAN PROMISE OF SEPTEMBER 1, 1915, NOT TO SINK LINERS WITHOUT WARNING—THE CASE OF THE "HESPERIAN"

	Sept. 1	From the German Ambassador.	Liners will not be sunk by German submarines without warning, provided they do not offer resistance or try to escape.	530
2819	Sept. 1 [Rec'd Sept. 2]	From the Ambassador in Germany (telegram).	Foreign Office of opinion that there is little danger of break with the United States.	531

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No.	Date	From and to whom	Subject	Page
2817	Sept. 1 [Rec'd Sept. 2]	From the Ambassador in Germany (telegram).	Germany working for delay. The sooner demands are made, the greater probability that they will be granted.	531
	Sept. 2	To the Consul General at London (telegram).	Inquires whether charges for unloading seized shipments have been imposed upon vessels.	531
	Sept. 3	From the Consul General at London (telegram).	Communicates ruling regarding expenses of vessels seized and brought to port.	532
2824	Sept. 2 [Rec'd Sept. 3]	From the Ambassador in Germany (telegram).	Bernstorff given wide discretion in settlement of submarine question.	532
2744	Sept. 3	From the Ambassador in Great Britain (telegram).	Transmits announcement of prize-claims committee recommending procedure in making claims for seized cargoes.	533
	Sept. 3	From the German Ambassador.	Only submarine which might have sunk the <i>Arabic</i> has not returned. No explanation possible.	533
	Sept. 5	From the Consul at Cork (telegram).	The <i>Hesperian</i> torpedoed by submarine.	533
2838	Sept. 5 [Rec'd Sept. 6]	From the Ambassador in Germany (telegram).	Pope responsible for change of German submarine policy.	534
	Undated [Rec'd Sept. 7]	From the Consul at Cork (telegram).	Transmits joint affidavit of the officers regarding the torpedoing of the <i>Hesperian</i> .	534
A 5476	Sept. 4 [Rec'd Sept. 7]	From the German Ambassador.	Protests that certain merchant vessels have fired on German submarines.	535
397	Sept. 7	To the Consul General at Hamburg.	Transmits copy of letter to J. H. Hayden regarding the <i>Indian Prince</i> . Legal remedies must be exhausted before recourse to diplomatic intervention.	535
2154	Sept. 7	To the Ambassador in Germany (telegram).	Requests official statement regarding the <i>Arabic</i> .	536
2155	Sept. 7	To the Ambassador in Germany (telegram).	Requests official information regarding sinking of the <i>Hesperian</i> .	537
2854	Sept. 7 [Rec'd Sept. 8]	From the Ambassador in Germany (telegram).	Inquiry as to developments in submarine negotiations.	537
2771	Sept. 8 [Rec'd Sept. 9]	From the Ambassador in Great Britain (telegram).	The United States is losing the respect of foreign governments because of delayed action on submarine outrages.	537

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No.	Date	From and to whom	Subject	Page
	Sept. 9	To the Ambassador in Germany (telegram).	Department impatiently awaiting instructions to submarine commanders.	538
	Sept. 8 [Rec'd Sept. 9]	From the German Ambassador.	The case of the <i>Hesperian</i> , an armed vessel, has no bearing on destruction of unarmed merchantmen.	538

THE GERMAN NOTES OF SEPTEMBER 7, 1915, ON THE "ARABIC," SEPTEMBER 9, 1915, ON THE "ORDUNA," AND SEPTEMBER 19, 1915, ON THE "FRYE"

2855	Sept. 7 [Rec'd Sept. 9]	From the Ambassador in Germany (telegram).	Transmits official report of the sinking of the <i>Arabic</i> .	539
	Sept. 8 [Rec'd Sept. 9]	From the German Ambassador.	Attack on the <i>Arabic</i> , if without warning, was contrary to instructions.	540
1241	Sept. 9	To the Ambassador in Germany.	Reply to German note regarding reciprocity of treatment of claimants in prize-court proceedings in Germany and the United States.	540
	Sept. 9	To the Consul General at London (telegram).	The <i>Seaconnet</i> : Release of shipments would show improper seizure. Asks if officials are not trying to avoid payment of indemnity.	541
666	Aug. 17 [Rec'd Sept. 10]	From the Consul General at London.	Shipping interests are adjusting themselves to order in council of Mar. 11. Fewer ships detained.	541
	Aug. 31 [Rec'd Sept. 10]	From the Consul General at London.	Prize court directs Crown to pay demurrage to owners of the <i>Stigstad</i> .	542
2861	Sept. 9 [Rec'd Sept. 10]	From the Ambassador in Germany (telegram).	Von Tirpitz seems to overrule the Chancellor and the Emperor. Internal politics complicate war policy.	542
2860	Sept. 9 [Rec'd Sept. 10]	From the Ambassador in Germany (telegram).	Change in submarine policy due to Navy rather than Foreign Office.	543
	Sept. 10	From the Consul General at London (telegram).	Payment by owners of expenses incurred in connection with detention of cargoes.	544
2866	Sept. 10 [Rec'd Sept. 11]	From the Ambassador in Germany (telegram).	Request for report on the <i>Hesperian</i> refused.	545
2182	Sept. 11	To the Ambassador in Germany (telegram).	The United States is as concerned in cases where American citizens are endangered as in cases where there has been loss of American lives.	545

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No.	Date	From and to whom	Subject	Page
2867	Sept. 10 [Rec'd Sept. 11]	From the Ambassador in Germany (telegram).	Transmits official report of attack on the <i>Orduna</i> .	545
664	Aug. 17 [Rec'd Sept. 14]	From the Consul General at London.	Transmits copy of his protest to procurator general regarding claims for compensation.	546
2186	Sept. 14	To the Ambassador in Germany (telegram).	Note for Foreign Office giving summary of evidence on sinking of the <i>Arabic</i> .	547
376	Sept. 15	From the Minister in the Netherlands (telegram).	Public opinion here is that Germany is indifferent to America's attitude.	548
2891	Sept. 14 [Rec'd Sept. 15]	From the Ambassador in Germany (telegram).	Transmits Foreign Office note disclaiming responsibility for sinking of the <i>Hesperian</i> .	548
	Sept. 16	From the Consul General at London (telegram).	Prize-court judgment against American packing houses.	549
2900	Sept. 16 [Rec'd Sept. 17]	From the Ambassador in Germany (telegram).	Military convention between Germany and Bulgaria. Germans and Austrians to invade Servia.	549
2214	Sept. 20	To the Ambassador in Germany (telegram).	Interview with Bernstorff giving status of <i>Arabic</i> case.	549
	Sept. 20	From the Consul General at London (telegram).	Norwegian ship <i>Vitalia</i> detained. New conditions imposed by the Netherlands Trust.	550
2911	Sept. 20 [Rec'd Sept. 22]	From the Ambassador in Germany (telegram).	Transmits German note on reparation in the <i>Frye</i> case.	551
420	Sept. 22	To the Consul General at London (telegram).	Approves protest regarding claims for compensation.	552
A 5764	Sept. 22 [Rec'd Sept. 23]	From the German Ambassador.	His Government pleased that settlement of submarine question is left to him.	552
2921	Sept. 22 [Rec'd Sept. 23]	From the Ambassador in Germany (telegram).	Bernstorff empowered to offer to refer <i>Lusitania</i> and <i>Arabic</i> cases to The Hague. Orders to submarines regarding liners.	553

REPORTS OF ADVANTAGES GAINED BY BRITISH TRADE UNDER THE ORDERS IN COUNCIL

	Sept. 21	From Stanley Jordan & Co.	Protests against British restrictions on neutral trade.	553
	Sept. 9 [Rec'd Sept. 22]	From the Consul General at London.	Monthly report on British trade...	555

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No.	Date	From and to whom	Subject	Page
2930	Undated [Rec'd Sept.24]	From the Consul at Cork (tele- gram).	Report of torpedoing of the <i>Anglo- Columbian</i> .	556
	Sept. 24 [Rec'd Sept.25]	From the Am- bassador in Germany (telegram).	Transmits German note claiming that drifting mines which sank the <i>Hesperian</i> were not of Ger- man origin.	556
2178	Sept. 27	From the Consul General at London (tele- gram).	Packers propose that <i>Vitalia</i> cargo be sent to Rotterdam to be re- sold through the Trust. Pro- cureur refuses request.	556
	Sept. 27	To the Amba- sador in Great Britain (tele- gram).	Department agreeable to simul- taneous publication of Em- bassy's memorandum of June 3 and Foreign Office note of Aug. 13.	557
2869	Sept. 27 [Rec'd Sept.28]	From the Am- bassador in Great Britain (telegram).	Transmits British request for per- mission to publish correspond- ence regarding reports on British trade.	557
2879	Sept. 28	From the Am- bassador in Great Britain (telegram).	Sets date for simultaneous publi- cation of correspondence regard- ing British trade.	558
174	Sept. 28	From the Minis- ter in Den- mark (tele- gram).	Progress of British secret methods of destruction of German sub- marines.	558
726	Sept. 16 [Rec'd Oct. 2]	From the Consul General at London.	Reports improvement in trading conditions. Arrangements made with guarantee companies.	559

THE GERMAN NOTE OF OCTOBER 5, 1915, OFFERING DISAVOWAL AND REPARATION IN THE "ARABIC" CASE: ACCEPTANCE BY THE UNITED STATES—DISCUSSION OF ADVERSE DECISION OF BRITISH PRIZE COURT IN THE PACKERS' CASES—NOTE OF OCTOBER 12, 1915, TO GERMANY ACCEPTING ARBITRATION IN THE "FRYE" CASE

2241	Oct. 5	From the Ger- man Amba- sador.	German Government disavows at- tack on the <i>Arabic</i> ; will negotiate regarding indemnity.	560
	Oct. 6	To the German Ambassador.	German note on the <i>Arabic</i> satis- factory. Department ready to negotiate regarding indemnity.	560
	Oct. 6	From Messrs. Henry Veeder, Charles J. Faulkner, jr., and Luther M. Walter, coun- sel for the American packers.	Comments on British judgment of confiscation of shipments on the <i>Kim</i> group of vessels.	561
	Oct. 8	To the Ambassa- dor in Great Britain (tele- gram).	Instructions to protest against detention of Standard Oil steam- er <i>Petrolite</i> .	564

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No.	Date	From and to whom	Subject	Page
	Oct. 8	To the Consul General at London (telegram).	Instructions to report on prize-court proceedings in cases of seizure.	564
363	Oct. 6 [Rec'd Oct. 9]	From the British Ambassador.	Gives explanation of British action in meat packers' claims.	564
2990	Oct. 9 [Rec'd Oct. 10]	From the Ambassador in Germany (telegram).	Transmits official notice denying great submarine losses.	566
	Oct. 11	From the Consul General at London (telegram).	Omnibus writ covers seizure as suspected contraband and German destination.	566
	Undated [Rec'd Oct. 12]	From the British Embassy.	Memorandum on the ultimate destination of meat shipments to Scandinavian ports.	566
2291	Oct. 12	To the Ambassador in Germany (telegram).	Note for Foreign Office on details for settlement of the <i>Frye</i> case.	570
2272	Oct. 13	To the Ambassador in Great Britain (telegram). The same to the Minister in Denmark.	Instructions to investigate report that to avoid seizure of foodstuffs permission must be obtained from London before shipment.	571
350	Sept. 23 [Rec'd Oct. 14]	From the Consul General at Hamburg.	Transmits decision of German supreme prize court in <i>Glitra</i> case, with comments.	571
	Oct. 14	From the Consul General at London (telegram).	Board of Trade decides to make final settlement on American cotton.	575
A 6385	Oct. 15	From the German Ambassador.	Submits affidavits of Americans regarding British use of American flag in attack on German submarine.	575
177	Oct. 16 [Rec'd Oct. 17]	From the Minister in Denmark (telegram). Communicated to the Ambassador in Great Britain.	British intention to seize all packers' goods. Effect upon Scandinavian American Line.	576
2297	Oct. 18	To the Ambassador in Great Britain (telegram).	Instructions to investigate report that British ships flying the American flag have attacked German submarines.	576
3058	Oct. 20 [Rec'd Oct. 21]	From the Ambassador in Great Britain (telegram).	The <i>Petrolite</i> : Foreign Office deems it necessary to check up evidence on board ship regarding neutral trade.	577

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THE NOTE OF OCTOBER 21, 1915, TO GREAT BRITAIN CONTESTING THE LEGALITY OF INTERFERENCES WITH NEUTRAL SHIPS AND CARGOES

No.	Date	From and to whom	Subject	Page
	Oct. 21	To the Ambassador in Great Britain.	Note to Foreign Office contesting the legality of interference with neutral ships and cargoes.	578
2299	Oct. 8 [Rec'd Oct. 26]	From the Ambassador in Great Britain.	Transmits Foreign Office statement of reasons for proceedings against the <i>Joseph W. Fordney</i> .	601
2300	Oct. 8 [Rec'd Oct. 28]	From the Ambassador in Great Britain.	Transmits British note on the <i>Vitalia</i> , denying that Government has created a carrying monopoly.	602
2350	Oct. 28	To the Ambassador in Germany (telegram).	Inquiry regarding military control over imports.	603
3121	Oct. 30	From the Ambassador in Great Britain (telegram).	British Government has informal arrangement with Danish steamship lines.	603
3059	Oct. 30 [Rec'd Nov. 1]	From the Ambassador in Germany (telegram).	Transmits note from Foreign Office on settlement of the <i>Arabic</i> case.	603
1170	Nov. 1	To the Ambassador in France (telegram).	Instructions to present to the Foreign Office copy of Department's note to Great Britain regarding interference with trade.	604
2392	Oct. 22 [Rec'd Nov. 1]	From the Ambassador in Great Britain.	Report on use of American flag by British and arming of British merchantmen.	604
1843	Nov. 1	To the Ambassador in Great Britain.	Regarding the <i>Hesperian</i> and the <i>Arabic</i> , Secretary of the Navy reports that fragment of metal is part of a torpedo.	607
1672	Oct. 19 [Rec'd Nov. 1]	From the Ambassador in Germany.	Transmits Foreign Office statement on sinking of the <i>Leelanaw</i> .	607

CASES ARISING UNDER THE BRITISH ORDER IN COUNCIL OF OCTOBER 20, 1915, ANNULING ARTICLE 57 OF THE DECLARATION OF LONDON: SEIZURE OF THE "HOCKING" AND THE "GENESEE"—THE SINKING OF THE "ANCONA"

2390	Nov. 2	To the Ambassador in Great Britain (telegram).	Instructions to request explanation of seizure of the <i>Hocking</i> .	608
2394	Nov. 3	To the Ambassador in Great Britain (telegram).	Protest against detention of the <i>Joseph W. Fordney</i> and instructions to request release.	608
3154	Nov. 4	From the Ambassador in Great Britain (telegram).	Asks if note to Great Britain should imply that its policy is to increase trade at expense of America. This has repeatedly been denied.	609

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INTERFERENCE BY BELLIGERENT GOVERNMENTS WITH NEUTRAL SHIPS, ETC.—CON.

No.	Date	From and to whom	Subject	Page
2405	Nov. 4	To the Ambassador in Great Britain (telegram).	Note to Great Britain should show effect of increased British trade.	609
	Nov. 9	From the Minister in China (telegram).	British restrictions on American trade in China; merchants blacklisted.	610
375	Nov. 10	To the Ambassador in Italy (telegram).	Requests report on sinking of the <i>Ancona</i> .	611
427	Nov. 10	From the Ambassador in Italy (telegram).	Reports American lives lost on the <i>Ancona</i> .	611
3192	Nov. 10	From the Ambassador in Great Britain (telegram).	British believe the <i>Hocking</i> to be enemy-owned.	611
	Nov. 11	To the President of the American Trans-Atlantic Co.	Ownership of <i>Hocking</i> and other vessels recently registered under American flag may be challenged.	612
	Undated [Rec'd Nov.15]	From the Italian Minister of Foreign Affairs to the Italian Embassy at Washington (telegram).	Note to the United States denouncing conduct of the enemy in the sinking of the <i>Ancona</i> .	613
	Nov. 15 [Rec'd Nov. 16]	From the Austro-Hungarian Chargé.	Official announcement of Austria-Hungary on sinking of the <i>Ancona</i> .	614
987	Nov. 16	To the Ambassador in Austria-Hungary (telegram).	Instructions to report on sinking of the <i>Ancona</i> .	614
37	Nov. 17	From the Minister in Norway (telegram).	British agree to waive right of search of vessels of Norwegian American Line under certain conditions.	615
	Undated [Rec'd Nov. 18]	From the Consul at Algiers (telegram).	Deposition regarding destruction of the <i>Ancona</i> and report on number of vessels sunk.	615
3236	Nov. 19	From the Ambassador in Great Britain (telegram).	The <i>Helen W. Martin</i> damaged by a mine.	615
	Nov. 18 [Rec'd Nov. 20]	From the Swedish Minister.	Enforcement of trade rights-----	616
	Nov. 20	From the Minister in China (telegram).	British ships instructed to refuse American cargoes in China and Japan. Suggests method of retaliation.	616
1110	Nov. 21	From the Ambassador in France (telegram).	Additional information regarding the <i>Ancona</i> and the <i>France</i> .	617

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INTERFERENCE BY BELLIGERENT GOVERNMENTS WITH NEUTRAL SHIPS, ETC.—Con.

No.	Date	From and to whom	Subject	Page
2477	Nov. 3 [Rec'd Nov. 23]	From the Ambassador in Great Britain (telegram).	Transmits note relating to alleged use of U. S. flag by British vessels.	618
991	Nov. 23 [Rec'd Nov. 24]	From the Ambassador in Austria-Hungary (telegram).	Report on sinking of the <i>Ancona</i> not yet received. List of Austro-Hungarian submarines.	619
3297	Nov. 27	From the Ambassador in Great Britain (telegram).	British Government to continue proceedings <i>Joseph W. Fordney</i> case.	619
	Nov. 28	From the Consul at Algiers (telegram).	Depositions of three survivors of the <i>Ancona</i> filed with Greek Consulate.	620
2447	Nov. 30	To the Ambassador in Germany (telegram).	Owners of the <i>Leelanaw</i> not represented before prize court; this Government desires question to be settled by diplomatic negotiations.	620
2516	Nov. 30	To the Ambassador in Great Britain (telegram).	Instructions to protest against the proposed requisitioning of the <i>Hocking</i> and the <i>Genesee</i> .	620
2517	Nov. 30	To the Ambassador in Great Britain (telegram).	Hopes that seizure of the <i>Hocking</i> and the <i>Genesee</i> will be sufficient test of ownership of all vessels purchased by Transatlantic Trading Co.	621
	Dec. 3	To Messrs. Henry Veeder, Charles J. Faulkner, jr., and Luther M. Walter, counsel for American packers.	Reply to request for diplomatic interference in packers' interests.	621
3172	Dec. 2 [Rec'd Dec. 3]	From the Ambassador in Germany (telegram).	German reply to inquiry regarding military authority over importation of foodstuffs.	622
	Dec. 6	To Representative Charles P. Caldwell.	Reply to resolutions of a committee of citizens regarding the <i>Baralong</i> case: Conflicting evidence; matter under consideration.	622

THE NOTE OF DECEMBER 6, 1915, TO AUSTRIA-HUNGARY DEMANDING DISAVOWAL AND REPARATION IN THE "ANCONA" CASE—BRITISH MEMORANDUM OF DECEMBER 13, 1915, DENYING DISCRIMINATION AGAINST AMERICAN TRADE

1011	Dec. 6	To the Ambassador in Austria-Hungary (telegram).	The United States demands that Austria-Hungary denounce the sinking of the <i>Ancona</i> , punish the officers, and make reparation.	623
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INTERFERENCE BY BELLIGERENT GOVERNMENTS WITH NEUTRAL SHIPS, ETC.—CON.

No.	Date	From and to whom	Subject	Page
	Undated [Rec'd Dec. 9]	From the British Ambassador.	Grey would set up unofficial committee to examine specific cases of delayed cargoes.	625
3376	Undated [Rec'd Dec. 10]	From the Consul at Algiers (telegram).	Reports attack on the <i>Petrolite</i>	625
	Dec. 10	From the Ambassador in Great Britain (telegram).	Transmits note from Grey regarding status of ships purchased by Transatlantic Trading Co.	625
1024	Dec. 13	To the Ambassador in Austria-Hungary (telegram).	Transmits despatch from Chargé at Washington to Burian: Safety of travelers in submarine war.	626
	Dec. 13	Memorandum by the Secretary of State.	Conversation with the Austro-Hungarian Chargé regarding the <i>Ancona</i> note.	627
475	Nov. 18 [Rec'd Dec. 13]	From the Minister in Sweden.	Transmits decree of Oct. 29 concerning the convoying of Swedish merchant vessels in time of war.	627
2034	Dec. 14	To the Ambassador in Great Britain.	Protests the flagrant disregard of rights of the Standard Oil Co.	629
	Dec. 13 [Rec'd Dec. 14]	From the British Ambassador.	Gives figures showing that British shippers are not profiting by war measures to detriment of Americans.	630
3723	Dec. 13 [Rec'd Dec. 14]	From the Netherlands Minister.	His Government has protested against seizure of the <i>Hamborn</i> . Inquires attitude of the United States in the <i>Hocking</i> case.	638

THE AUSTRO-HUNGARIAN NOTE OF DECEMBER 15, 1915, REGARDING THE "ANCONA"—GERMAN NOTE OF NOVEMBER 29, 1915, PROPOSING ARBITRATION "COMPROMIS" IN THE "FRYE" CASE

1027	Dec. 15 [Rec'd Dec. 16]	From the Ambassador in Austria-Hungary (telegram).	Transmits note in reply to American demands for denunciation of sinking of the <i>Ancona</i> .	638
	Dec. 16	To the Swedish Minister.	Acknowledges note from Swedish Government regarding interference by belligerents with neutral commerce.	640
A 8257	Dec. 17	From the German Embassy.	Statement of the Austro-Hungarian Chargé, for transmission to his Government, of U. S. principles and demands in the <i>Ancona</i> case.	640
420	Dec. 17	To the Ambassador in Italy (telegram).	Instructions to obtain names of Americans on the <i>Ancona</i> and those lost or injured.	641
2599	Dec. 18	To the Ambassador in Great Britain (telegram).	Instructions to take up with Foreign Office British interference with American trade in China.	641

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INTERFERENCE BY BELLIGERENT GOVERNMENTS WITH NEUTRAL SHIPS, ETC.—Con.

No.	Date	From and to whom	Subject	Page
A 8293	Dec. 18	From the German Embassy.	Message of the Austro-Hungarian Chargé, for transmission to his Government, proposing that Austria-Hungary give same pledge as Germany and leave the <i>Ancona</i> case for diplomatic negotiations.	642
1947	Nov. 30 [Rec'd Dec. 18]	From the Ambassador in Germany.	Transmits reply of German Foreign Office relative to reciprocity of treatment of claimants in prize-court proceedings in Germany and the United States.	642
1964	Dec. 2 [Rec'd Dec. 18]	From the Ambassador in Germany.	Transmits Foreign Office note regarding settlement by committee of <i>Frye</i> indemnity and draft of arbitration <i>compromis</i> for settlement of legal questions.	644
498	Dec. 18 [Rec'd Dec. 19]	From the Ambassador in Italy (telegram).	Reports number of Americans on the <i>Ancona</i> and the known survivors.	646
3238	Dec. 18 [Rec'd Dec. 19]	From the Ambassador in Germany (telegram).	Chancellor anxious to keep friendly relations and settle <i>Frye</i> and <i>Ancona</i> cases. Cipher messages from Foreign Office to be sent through the Embassy.	647
A 8324	Dec. 19.	From the German Embassy.	Message of the Austro-Hungarian Chargé, for transmission to his Government, that suggested solution of the <i>Ancona</i> case is not acceptable to the United States.	647

THE NOTE OF DECEMBER 19, 1915, TO AUSTRIA-HUNGARY REGARDING THE "ANCONA"—RENEWAL OF EFFORTS TO SETTLE THE "LUSITANIA" CASE—BRITISH ADMIRALTY INSTRUCTIONS TO MERCHANT SHIPS WITH REFERENCE TO SUBMARINES—THE CONTROL OF FOODSTUFFS BY THE GERMAN GOVERNMENT

1039	Dec. 19	To the Ambassador in Austria-Hungary (telegram).	Note for Foreign Office repeating demands in the <i>Ancona</i> case.	647
2518	Dec. 20	To the Ambassador in Germany (telegram).	German Ambassador has privilege of communicating with Foreign Office through Department regarding the <i>Lusitania</i> .	648
A 8351	Dec. 21	From the German Embassy.	Encloses despatch for transmission to Von Jagow urging swift settlement of the <i>Lusitania</i> case.	648
	Dec. 21	To the German Embassy.	Gerard is instructed to transmit messages concerning the <i>Lusitania</i> to Bernstorff through the Department.	649
A 8470	Dec. 24	From the German Embassy.	Message of the Austro-Hungarian Chargé, for transmission to his Government, urging prompt reply to U. S. note on the <i>Ancona</i> case.	649

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INTERFERENCE BY BELLIGERENT GOVERNMENTS WITH NEUTRAL SHIPS, ETC.—CON.

No.	Date	From and to whom	Subject	Page
3269	Dec. 24 [Rec'd Dec. 25]	From the Ambassador in Germany (telegram).	Germany will try to prevent break between Austria-Hungary and the United States. Time is propitious for forcing settlement of the <i>Lusitania</i> case.	650
2675	Dec. 11 [Rec'd Dec. 29]	From the Ambassador in Great Britain.	Transmits note from Grey denying that the <i>Baralong</i> attacked a submarine while flying a neutral flag.	650
	Dec. 11 [Rec'd Dec. 29]	From the Consul General at London.	Prize-court hearings have been suspended.	651
	Dec. 27 [Rec'd Dec. 29]	From the British Ambassador.	Further statement regarding increased exports from England during the war.	651
2652	Dec. 30	To the Ambassador in Great Britain (telegram).	Representatives of packers have been sent to treat with British Government direct.	652
2013	Dec. 10 [Rec'd Dec. 30]	From the Ambassador in Germany.	Transmits photographic copies of confidential Admiralty instructions to British merchant vessels.	652
2034	Dec. 14 [Rec'd Dec. 30]	From the Ambassador in Germany.	Transmits Foreign Office note explaining to what extent German military authorities have superseded civil authorities.	654

THE AUSTRO-HUNGARIAN NOTE OF DECEMBER 29, 1915, ADMITTING LIABILITY IN THE "ANCONA" CASE

1064	Dec. 29 [Rec'd Dec. 30]	From the Ambassador in Austria-Hungary (telegram).	Transmits reply of Foreign Office to U. S. protest in the <i>Ancona</i> case.	655
3487	Dec. 31	From the Ambassador in Great Britain (telegram).	Reports recent sinking of eight ships by German submarines. Liners delay sailing.	658
2084	Dec. 21 [Rec'd Jan. 3, 1916]	From the Ambassador in Germany.	Transmits Foreign Office note explaining treatment accorded American vessels.	658
142	Jan. 13, 1916	To the Netherland Minister.	Department is not yet ready to announce its position on the <i>Hocking</i> case.	659
2745	Dec. 28 [Rec'd Jan. 13, 1916]	From the Ambassador in Great Britain.	Transmits copy of his protest to Grey regarding payment for forwarding non-contraband goods discharged from the <i>Esrom</i> .	659

PART II

BRITISH EMBARGOES ON EXPORTS

No.	Date	From and to whom	Subject	Page
	Jan. 6	From the Consul General at Sydney, Australia, (telegram).	Australian exportation of wool, etc., to America permitted in British ships under guarantee against reexport.	661
12	Jan. 8 [Rec'd Jan. 9]	From the British Ambassador.	Transmits note from Grey announcing that the United States can obtain rubber from British Empire.	661
	Jan. 14	From the Consul General at Sydney, Australia (telegram).	Wool, etc., to the United States allowed in American ships under same conditions as in British ships.	662
22	Jan. 15 [Rec'd Jan. 16]	From the British Ambassador.	Transmits note from Grey regarding exportation of wool to the United States under certain guarantee.	662
	Jan. 20	To the British Ambassador.	Inquires whether restrictions on exports include rubber obtained from countries other than Great Britain.	663
48	Feb. 3 [Rec'd Feb. 5]	From the British Ambassador.	Reply to note regarding guarantee of manufacturers desiring to obtain rubber from Great Britain.	663
	Undated	From the British Foreign Office.	Form of agreement to be signed by importers of rubber from British dominions and by manufacturers to whom such rubber is sold.	664
	Feb. 9	From the Consul General at Sydney, Australia (telegram).	Embargo on wool reimposed.	665
817	Jan. 29 [Rec'd Feb. 10]	From the Ambassador in Great Britain.	Working plan for exportation of wool from the United Kingdom to the United States. Encloses proposed agreement between the Textile Alliance and the British Board of Trade.	665
	Feb. 23	From the Consul General at London (telegram).	Inquiries concerning export of prohibited goods to be sent to War Trade Department. Wool to be forwarded under license to U. S. Textile Alliance.	667
	Undated [Rec'd Feb. 26]	From the Consul General at Sydney, Australia (telegram).	Wool may be shipped to the United States as previously provided.	667
1056	Mar. 15 [Rec'd Mar. 29]	From the Ambassador in Great Britain.	Transmits note from Grey permitting shipments of manganese to U. S. Steel Products Co., subject to guarantee. Form enclosed.	667
1137	June 19	To the Ambassador in Great Britain.	Reported issuance of license to Bradford firms to export yarns from crossbred wools when export of crossbred wool is forbidden.	668

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BRITISH EMBARGOES ON EXPORTS—Continued

No.	Date	From and to whom	Subject	Page
1772	July 8 [Rec'd July 20]	From the Ambassador in Great Britain.	Board of Trade permits export of wool to the United States on condition that equivalent quantity of manufactured tops and yarns are exported to Great Britain.	669.

REGULATIONS ISSUED BY BELLIGERENT GOVERNMENTS FOR THE NAVIGATION OF MINED WATERS

B 4884	Mar. 26	From the German Ambassador.	Reply to note on sinking of the <i>Evelyn</i> . Pilot employed was Dutch. Advises northern route and German pilots.	669.
1592	May 20	To the Ambassador in Great Britain (telegram).	Asks explanation of new notice on navigation of the North Sea.	670.
	May 19 [Rec'd June 4]	From the Consul General at London.	Transmits circular notice on navigation in the North Sea and English Channel.	671.
2236	June 5	From the Ambassador in Great Britain (telegram).	Transmits note from Foreign Office explaining that notice on navigation is a summary of existing regulations.	672.
1721	June 16	To the Ambassador in Great Britain (telegram).	Department at loss to understand object of British in regulating courses of foreign vessels on the high seas.	673.
2517	July 23	From the Ambassador in Great Britain (telegram).	Transmits note from Foreign Office explaining risk to vessels in vicinity of British Isles unless they act in accord with directions of the Admiralty.	673.
1908	July 26	To the Ambassador in Great Britain (telegram).	Inquires if special Admiralty directions apply in case of vessels sailing from America.	673.
2638	Aug. 17	From the Ambassador in Great Britain (telegram).	Transmits Grey's reply regarding route taken by ships. Should sail with consent of country whose flag they fly.	674.

THE TRANSFER OF FOREIGN MERCHANT SHIPS TO THE AMERICAN FLAG

	Jan. 2 [Rec'd Jan. 5]	Memorandum by the British Embassy.	The <i>Dacia</i> has applied for transfer to American flag. British Government reserves right to pass judgment on validity of transfer.	674.
	Jan. 5	From Mr. John T. Walsh (telegram).	Asks if Government will guarantee protection of German steamer bought by Americans, carrying cotton to Germany.	675.
	Jan. 9	To Mr. John T. Walsh (telegram).	Replies that this Government will not guarantee protection in advance. British and French may contest the transfer.	675.

PART II

THE TRANSFER OF FOREIGN MERCHANT SHIPS TO THE AMERICAN FLAG—Continued

No.	Date	From and to whom	Subject	Page
	Jan. 9	To the British Embassy.	Acknowledges receipt of memorandum on the <i>Dacia</i> .	675
	Jan. 12	From the British Ambassador.	Attitude of British Government regarding transfer of flag after outbreak of hostilities.	676
	Jan. 12	From the British Ambassador.	Opinion as to advisability of <i>bona-fide</i> purchase of German ship for trade between neutral ports.	677
	Jan. 13	To the British Ambassador.	British Government is asked not to raise question of transfer in case of the <i>Dacia</i> .	678
956	Jan. 14	To the Ambassador in Great Britain (telegram).	Instructions to present to Grey the situation regarding the <i>Dacia</i> , with request not to raise question of transfer.	678
966	Jan. 15	To the Ambassador in Great Britain (telegram).	Inquires attitude of British Government toward German vessel bought by Americans for trade with Great Britain.	679
1473	Jan. 15	From the Ambassador in Great Britain (telegram).	Cargo of the <i>Dacia</i> would be bought by British Government and vessel put in prize court.	679
	Jan. 15 [Rec'd Jan. 16]	From the British Ambassador.	Grey's views on transfer of the <i>Dacia</i> . German naval prize regulations quoted in support of stand taken.	680
	Jan. 16 [Rec'd Jan. 18]	From the French Ambassador.	Protests the transfer of German ships to American flag giving reasons.	681
1486	Jan. 18 [Rec'd Jan. 19]	From the Ambassador in Great Britain (telegram).	Grey says that for America to buy German ships and place them on the sea would annul victories England has gained with her navy.	682
	Jan. 19	From the British Ambassador.	Liberating interned ships during hostilities may be termed intervention.	683
1501	Jan. 21	From the Ambassador in Great Britain (telegram).	The Cabinet has not yet passed on subject of transfer of flag.	684
1019	Jan. 23	To the Ambassador in Great Britain (telegram).	The President's answer to notes regarding transfer of vessels to American flag. Discusses attitude of American Government and citizens toward war measures of belligerents.	684
	Jan. 21 [Rec'd Jan. 23]	From the British Ambassador.	The <i>Dacia</i> has become test case involving far-reaching consequences. Government willing to show special consideration for cargo.	687
1539	Jan. 27	From the Ambassador in Great Britain (telegram).	Asks that matter under discussion with Grey will not be acted on until after the <i>Dacia</i> case has been settled.	688

PART II

THE TRANSFER OF FOREIGN MERCHANT SHIPS TO THE AMERICAN FLAG—Continued

No.	Date	From and to whom	Subject	Page
	Jan. 29	To the Ambassador in Great Britain (telegram).	Rule for transfer of ships during war.	688
	Feb. 1	To the French Ambassador.	U. S. Government prefers not to enter into discussion of question of ship transfer prior to passage of shipping bill.	689
	Feb. 4	To the British Ambassador.	<i>Dacia</i> case: Attitude of owners of cargo toward proposed action of the British Government.	689
	Feb. 13	Memorandum by the Secretary of State.	Statement of the Russian Minister that his Government adheres to the position of the French Government regarding the transfer of ships to American flag.	690
	Feb. 16 [Rec'd Feb. 18]	From the French Ambassador.	States position of his Government on transfer of enemy ships to American flag.	690
	Mar. 19 [Rec'd Mar. 23]	From the British Ambassador.	Conditions on which British Government would recognize as valid the transfer of a ship from enemy to neutral flag.	691
1302	Apr. 29 [Rec'd May 11]	From the Ambassador in Great Britain.	Requests instructions regarding attitude of British Government toward the purchase of a German vessel by Port Blakely Mill Co.	692
	Undated [Rec'd May 17]	From the Consul General at Copenhagen (telegram).	American Transatlantic Co. purchasing Danish steamers.	692
	May 25	To the Ambassador in Great Britain.	Inadvisable to take any action which might be construed as acknowledgment of British right to determine status of vessels transferred to American flag.	692
	June 12	To the Consul General at Copenhagen (telegram).	Instructions to issue no more certificates to ships involved in transactions of Jensen and American Transatlantic Co.	693
	June 12	To the Consuls Liverpool and Christiania (telegram).	Transfer of the <i>Lapland</i> to American flag cannot be recognized.	693
	June 16	From the Commissioner of Navigation, Department of Commerce, to the New York <i>Maritime Register</i> .	Transfer of the <i>Gotland</i> and seven others to American registry not <i>bona fide</i> . Jensen imprisoned.	693
	July 29	To the Acting Secretary of Commerce.	No reason why American Transatlantic Co. may not be given American registry for eleven steamships bought from neutral countries for South American trade.	694

PART II

THE TRANSFER OF FOREIGN MERCHANT SHIPS TO THE AMERICAN FLAG—Continued

No.	Date	From and to whom	Subject	Page
	Aug. 10	To the Consul at Liverpool (telegram).	Department of Commerce directs provisional-register papers be issued to the <i>Laplant</i> .	694
	Aug. 19	To the Secretary of Commerce.	The Government can give no assurance that American claim to ownership of the <i>Laura</i> will not be challenged by belligerents.	695
	Dec. 1	From Mr. James Harold Warner.	Purchase of interned ships of belligerents by Americans. Inquiry regarding Government protection of ship and cargo.	695
	Dec. 11	To Mr. James Harold Warner.	Statement of U. S. attitude toward the purchase of interned ships by Americans.	696

CENSORSHIP OF THE CABLES BY BELLIGERENT GOVERNMENTS

864	Dec. 31, 1914	To the Ambassador in Great Britain (telegram).	Instructions to urge needs of American shippers in respect to censorship of government cable lines in Europe. Forwards Senator Hardwick's protests against interruption in delivery to Sweden and Italy.	697
1400	Jan. 4	From the Ambassador in Great Britain (telegram).	Grey requests release of a telegram from British firm to the Bahamas, stopped by censors in Florida.	697
889	Jan. 5	To the Ambassador in Great Britain (telegram).	Department will forward messages if in plain commercial language.	697
1416	Jan. 5 [Rec'd Jan. 6]	From the Ambassador in Great Britain (telegram).	Suggestions for facilitating cable service for cotton trade.	698
1430	Jan. 7	From the Ambassador in Great Britain (telegram).	Each government must insist that plain language be used in telegrams without technical terms.	698
1437	Jan. 8	From the Ambassador in Great Britain (telegram).	Suspicion of commercial technical terms continues to hamper telegraph service.	699
922	Jan. 9	To the Ambassador in Great Britain (telegram).	Inquires if senders of stopped messages can be notified.	699
923	Jan. 9	To the Ambassador in Great Britain (telegram).	U. S. Government censors only radiotelegraphic messages. Plain language necessary.	699
1454	Jan. 11	From the Ambassador in Great Britain (telegram).	Censors hold that to inform senders of stopping of messages would defeat purpose of censorship.	700

PART II

CENSORSHIP OF THE CABLES BY BELLIGERENT GOVERNMENTS—Continued

No.	Date	From and to whom	Subject	Page
938	Jan. 12	To the Ambassador in Great Britain (telegram).	Insists that commercial firms should be notified immediately of stopped messages.	700
464	Jan. 16	From the Ambassador in France (telegram).	Bentley, Broomhall, and Meyer codes admitted for telegraph messages.	700
1495	Jan. 20	From the Ambassador in Great Britain (telegram).	Explanation of stoppage of Kehler message. British claim right to prevent the use of their cables to further enemy trade.	701
1007	Jan. 21	To the Ambassador in Great Britain (telegram).	Instructions to call attention of Foreign Office to disastrous effects of their holding up cables from United States to Denmark.	701
496	Jan. 22	To the Ambassador in France (telegram).	Instructions to try to arrange that stopped telegrams be reported to him daily.	702
1514	Jan. 22 [Rec'd Jan. 23]	From the Ambassador in Great Britain (telegram).	British discriminate between <i>bona-fide</i> neutral telegrams and those suspected of promoting trade with enemy.	702
487	Jan. 23	From the Ambassador in France (telegram).	French give assurance that when message is denied, sender will be notified.	702
1030	Jan. 25	To the Ambassador in Great Britain (telegram).	Instructions to ask British to facilitate telegraphic communication.	703
1541	Jan. 28	From the Ambassador in Great Britain (telegram).	Meyer's Atlantic cotton code may be employed in certain telegrams.	703
1570	Feb. 1	From the Ambassador in Great Britain (telegram).	Censorship of commercial cables is war measure; no hope for mitigation.	703
79	Jan. 11 [Rec'd Feb. 2]	From the Consul at Göteborg.	Telegrams from Göteborg firms to New York bank intercepted.	704
1061	Feb. 2	To the Ambassador in Great Britain (telegram).	Department will continue to send copies of telegrams for submission to British authorities with request for reason for stoppage.	704
584	Feb. 3	To the Ambassador in Great Britain.	Western Union suggests that British rely upon French to stop objectionable messages passing through France via England to neutral countries.	704
1582	Feb. 3	From the Ambassador in Great Britain (telegram).	Reports percentage of telegrams stopped during three days.	705

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CENSORSHIP OF THE CABLES BY BELLIGERENT GOVERNMENTS—Continued

No.	Date	From and to whom	Subject	Page
1107	Feb. 10	To the Ambassador in Great Britain (telegram).	Protests British refusal to permit telegrams in code to South American countries.	705
83	Jan. 21 [Rec'd Feb. 11]	From the Consul at Göteborg.	Reports increasing difficulties in transmitting commercial cables.	706
836	Feb. 3 [Rec'd Feb. 15]	From the Ambassador in Great Britain.	Transmits memorandum from Grey defining British right to control telegrams and radiotelegrams.	707
	Feb. 16	From the Counselor for the Department of State to the British Ambassador.	Stresses need for arrangement whereby commercial cablegrams may pass between neutrals without interruption.	708
	Feb. 19	From the British Ambassador.	Report of investigation as to number of messages stopped and reasons therefor.	708
1694	Feb. 24	From the Ambassador in Great Britain (telegram).	British censors were instructed to pass messages between North and South America.	709
	Feb. 26	To the Consul at Göteborg (telegram). The same to the Minister in the Netherlands.	Gives permission to transmit plain commercial messages of neutral character.	709
904	Feb. 15 [Rec'd Feb. 27]	From the Ambassador in Great Britain.	Grey reports that out of 60 or 70 telegrams only 3 were stopped by British.	709
25	Mar. 4 [Rec'd Mar. 5]	From the Minister in Sweden (telegram).	Swedish Government protests interruption of cable service to America.	710
1752	Mar. 9 [Rec'd Mar. 10]	From the Ambassador in Great Britain (telegram).	Transmits note from Grey regarding private telegrams which have been sent through the Department, and comments thereon.	710
1280	Mar. 16	To the Ambassador in Great Britain (telegram).	Department has instructed its foreign officers to discontinue sending private messages through official channels.	711
1843	Mar. 26	From the Ambassador in Great Britain (telegram).	British withhold permission to publish confidential memorandum of Feb. 1 on censorship of cables but permit publication of enclosed memorandum of Mar. 25.	712
1105	Mar. 24 [Rec'd Apr. 9]	From the Ambassador in Great Britain.	Transmits reply of Grey to suggestion of Western Union Telegraph Co. regarding codes.	713
345	Mar. 24 [Rec'd Apr. 13]	From the Ambassador in France.	Foreign Office confirms its decision to permit use of Meyer's code.	713
1223	Apr. 14 [Rec'd Apr. 27]	From the Ambassador in Great Britain.	Futility of further protests against restriction of cables.	714

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CENSORSHIP OF THE CABLES BY BELLIGERENT GOVERNMENTS—Continued

No.	Date	From and to whom	Subject	Page
956	May 5	To the Ambassador in Great Britain.	Instructions to continue to present to Foreign Office copies of stopped messages, with request for reasons for not forwarding.	715
1556	May 13	To the Ambassador in Great Britain (telegram).	Instructions to ask reason for non-delivery of code telegrams concerning coffee shipments from South America.	715
	May 27	To the Western Union Telegraph Co. The same to the Postal Telegraph and Cable Co.	Requests that offices be instructed to accept messages routed via Tuckerton radio station.	716
2179	May 27	From the Ambassador in Great Britain (telegram).	Telegrams concerning coffee shipments from South America to the United States.	716
	June 2 [Rec'd June 3]	From the Western Union Telegraph Co. to the Counselor for the Department of State.	Tuckerton wireless not satisfactory, but offices notified of its availability.	717
2223	June 3 [Rec'd June 4]	From the Ambassador in Great Britain (telegram).	Censor cannot trace telegrams of coffee shipments. Advises Americans not to send messages to South America via Great Britain.	717
164	June 8	To the Minister in the Netherlands (telegram). Repeated to the Ambassador in Great Britain.	Inquires if Netherlands Oversea Trust will receive and forward commercial telegrams.	718
289	June 8 [Rec'd June 9]	From the Minister in the Netherlands (telegram).	Great Britain does not approve of transmission of messages through the Oversea Trust.	718
1715	June 15	To the Ambassador in Great Britain (telegram).	Instructions to cooperate with Oversea Trust in trying to obtain adoption of plan for transmission of cablegrams.	719
2310	June 17	From the Ambassador in Great Britain (telegram).	British Government has refused to consent to plan of the Netherlands Oversea Trust for transmission of cables.	719
1168	June 25	To the Ambassador in Great Britain.	Instructions to continue to insist upon replies as to disposition of cablegrams.	719
2368	June 28	From the Ambassador in Great Britain (telegram).	British will now permit telegrams from America to Netherlands Oversea Trust for delivery through their agency under certain circumstances.	720

PART II

CENSORSHIP OF THE CABLES BY BELLIGERENT GOVERNMENTS—Continued

No.	Date	From and to whom	Subject	Page
1847	July 13	To the Ambassador in Great Britain (telegram).	Instructions to discuss with British Government cooperation with the Victualing Commission of Norway in transmission of telegrams.	720
2447	July 13	From the Ambassador in Great Britain (telegram).	British refuse to give explanations for suppression of telegrams.	721
1711	June 30 [Rec'd July 13]	From the Ambassador in Great Britain.	Transmits note from Grey arranging for notification to senders of stopped telegrams.	721
2486	July 18 [Rec'd July 19]	From the Ambassador in Great Britain (telegram).	Censors instructed to avoid delaying telegrams between Norwegian Food Commission and American shippers.	722
1954	Aug. 6	To the Ambassador in Great Britain (telegram).	Further instructions concerning stopped telegrams.	722
1512	Aug. 28	To the Ambassador in Great Britain.	Instructions to protest against refusal of British authorities at Shanghai and Hongkong to pass official telegrams of this Government when sent in code.	722
	Aug. 24 [Rec'd Sept. 3] Sept. 10	From the Ambassador in Great Britain.	All telegrams since July 1 have been submitted to the Foreign Office.	723
		To the Ambassador in Great Britain.	Instructions to submit copies of all stopped telegrams to Foreign Office.	723
2087	Sept. 1 [Rec'd Sept. 13]	From the Ambassador in Great Britain.	Transmits new regulations of Foreign Office regarding stopped telegrams.	724
1098	Sept. 15	To the Ambassador in France (telegram).	Requests that telegraph companies be permitted to notify senders regarding delivery or non-delivery of messages between the United States and Italy.	725
874	Sept. 8 [Rec'd Sept. 30]	From the Consul General at Stockholm.	Wireless messages can now be sent to America from Stockholm by way of Nauen to Sayville.	725
1025	Oct. 4	From the Ambassador in France (telegram).	Foreign Office decides to notify senders of stopped telegrams when possible.	726
	Sept. 28 [Rec'd Oct. 9] Oct. 21	From the Ambassador in Great Britain.	Foreign Office has never agreed to give reasons why telegrams are stopped.	726
		To the Ambassador in Great Britain.	French Government furnishes reasons for detaining messages; requests similar treatment from Great Britain.	726
2294	Oct. 8 [Rec'd Oct. 26]	From the Ambassador in Great Britain.	Instructions have been issued to all British censors to pass official telegrams sent in code between Shanghai and Hongkong.	727

PART II

CENSORSHIP OF THE CABLES BY BELLIGERENT GOVERNMENTS—Continued

No.	Date	From and to whom	Subject	Page
	Nov. 18 [Rec'd Nov. 30]	From the Ambassador in Great Britain.	Head censor has agreed to give information regarding stopped telegrams along line indicated by French Foreign Office.	727
	Nov. 29 [Rec'd Dec. 17]	From the Ambassador in Great Britain.	Transmits memorandum from Grey on suppressed telegrams. Further communication on the subject seems futile.	728
2614	Dec. 22	To the Ambassador in Great Britain (telegram).	Authorities at Hongkong refuse to permit transmission of messages in naval cipher. Instructions to protest to British Foreign Office.	730
3563	Jan. 13, 1916	From the Ambassador in Great Britain (telegram).	Instructions have been issued by British to pass code telegrams for United States naval officers in Far East.	730
	Jan. 19, 1916	To the Ambassador in Great Britain.	Quotes former assurances of non-interference with business telegrams between neutral states; urges that specific cases be investigated.	730

INTERFERENCE WITH THE MAILS BY BELLIGERENT GOVERNMENTS: SUPERVISION OF THE MAILS BY AMERICAN AUTHORITIES

ORDINARY MAIL AND PARCEL POST

	Mar. 18 [Rec'd Mar. 19]	Memorandum of the Post Office Department.	The Netherlands will permit transit of parcel-post mails via that country for Germany, Austria, and Hungary if exclusion of contraband is guaranteed by the United States.	731
	Mar. 22	To the Postmaster General.	President approves plan of forwarding merchandise by parcel post to countries at war.	732
	July 30 [Rec'd July 31]	From the Postmaster General.	Parcel post service is in operation between the United States and Germany via Rotterdam.	732
	Oct. 5 [Rec'd Oct. 9]	From the British Ambassador.	Tungsten ore is being sent from New York to Germany by parcel post in canvas bags.	733
	Oct. 12 [Rec'd Oct. 15]	From the British Ambassador.	Calls attention to use of parcel post in sending contraband to Germany and Austria-Hungary.	733
2404	Nov. 4	To the Ambassador in Great Britain (telegram).	Have informed Spring Rice that sealed letter mail for neutral countries has been opened and retained in Great Britain. Notification of censorship should have been given under postal convention.	734

PART II

INTERFERENCE WITH THE MAILS BY BELLIGERENT GOVERNMENTS, ETC.—Continued

No.	Date	From and to whom	Subject	Page
	Nov. 8	To the British Ambassador.	Postmaster General states tungsten ore has not been dispatched by mail to Germany.	734
	Nov. 26 [Rec'd Nov. 29]	From the British Ambassador.	British interpretation of regulations of postal convention regarding censorship.	735
2526	Dec. 1	To the Ambassador in Great Britain (telegram).	Instructions to investigate report that British no longer intend to respect inviolability of mails on open sea.	735
3334	Dec. 3	From the Ambassador in Great Britain (telegram).	British indecision on treatment of mails on neutral vessels emanating from or addressed to the enemy.	736
	Dec. 4	From the Postmaster General.	Suspension of parcel-post service to Germany, Austria, and Hungary because of lack of transportation facilities.	736
	Dec. 8	To the British Ambassador.	New York postmaster reports that no contraband has been shipped by parcel post to Germany. Conditional contraband, however, has been sent to private parties.	737
3704	Dec. 13	From the Netherlands Minister.	Seizure of mail on Dutch steamers <i>Frisia</i> and <i>Noordam</i> .	737
79	Dec. 14 [Rec'd Dec. 15]	From the Minister in Sweden (telegram).	British seizure of mail from Danish steamer <i>Hellig Olav</i> destined for Sweden from America.	738
	Dec. 16	To the Netherlands Minister.	Acknowledges receipt of note regarding seizure of mail on the <i>Frisia</i> and the <i>Noordam</i> .	738
	Dec. 18	From the Swedish Minister.	Swedish Government has protested seizure by Great Britain of sacks of parcel post on the <i>Stockholm</i> and <i>Hellig Olav</i> . Latter bore U. S. postal seal.	738
81	Dec. 19	From the Minister in Sweden (telegram).	English removed Scandinavian parcel post from the <i>Oscar II</i> and are holding up all parcel-post traffic to America.	739
	Dec. 24	From the Consul General at London (telegram).	Customs at Kirkwall seized parcel mail from the <i>Frederik VIII</i> for Norway, Sweden, and Denmark.	739
3263	Dec. 24 [Rec'd Dec. 25]	From the Ambassador in Germany (telegram).	American merchandise seized by British from the Danish steamer <i>United States</i> .	739
463	Dec. 28 [Rec'd Dec. 29]	From the Minister in the Netherlands (telegram).	Mail from the United States to the Netherlands taken by British from the <i>Nieuw Amsterdam</i> and the <i>Noorderdijk</i> .	739

PART II

INTERFERENCE WITH THE MAILS BY BELLIGERENT GOVERNMENTS, ETC.—Continued

DIPLOMATIC AND CONSULAR MAIL

No.	Date	From and to whom	Subject	Page
306	Jan. 17 [Rec'd Jan. 18]	From the Ambassador in Turkey (telegram).	Foreign Office states that restrictions on sealed official correspondence cannot be changed.	740
495	Jan. 26 [Rec'd Jan. 27]	From the Ambassador in France (telegram).	Foreign Office maintains inviolability of official correspondence. Desires United States to guarantee that no private correspondence will be transmitted.	740
1559	Feb. 10 [Rec'd Feb. 11]	From the Ambassador in Germany (telegram).	German regulations for transmission of correspondence of American diplomatic and consular officers.	741
861	Feb. 8 [Rec'd Feb. 24]	From the Ambassador in Great Britain.	Transmits note from Foreign Office accepting proposed regulations exempting official correspondence from censorship.	741
219	Feb. 23 [Rec'd Mar. 18]	From the Ambassador in Japan.	Transmits Foreign Office note regarding regulations for transmission of official correspondence.	742
	Apr. 23	To the Ambassador in France (telegram). The same, <i>mutatis mutandis</i> , to diplomatic officers in other belligerent countries.	Rules established for Department's diplomatic and consular correspondence.	743
	June 12	To Diplomatic Officers in Belligerent Countries (telegram).	Letters from diplomatic and consular officers to their families will not be censored.	743

THE REMOVAL BY BELLIGERENT NAVAL AUTHORITIES OF FOREIGN SEAMEN FROM AMERICAN SHIPS ON THE HIGH SEAS.

357	Dec. 7, 1914	To the Ambassador in France (telegram). The same, <i>mutatis mutandis</i> , to the Ambassador in Great Britain.	Instructions to ask for release of August Piepenbrink, who was seized on the <i>Windber</i> by the French.	744
1395	Jan. 4	From the Ambassador in Great Britain (telegram).	British Government maintains that Piepenbrink is not an American citizen. Release refused.	744

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PART II

THE REMOVAL BY BELLIGERENT NAVAL AUTHORITIES, ETC.—Continued

No.	Date	From and to whom	Subject	Page
	Jan. 21	To the French Ambassador.	Protests action of French in detaining the <i>Metapan</i> and requiring German passengers to sign pledge not to bear arms for Germany.	744
484	Jan. 22	From the Ambassador in France (telegram).	Replies that the Governor of Kingston will decide upon the liberation of Piepenbrink.	745
	Jan. 23 [Rec'd Jan. 25]	From the French Ambassador.	French Government within its rights under international law in inquiring into the character of passengers, to insure their non-belligerency.	746
600	Mar. 2	To the Ambassador in France (telegram).	Instructions to request release of Piepenbrink. Quotes the <i>Trent</i> case. Encloses Department's protest to Great Britain.	747
1166	Apr. 6 [Rec'd Apr. 16]	From the Ambassador in Great Britain.	Transmits Foreign Office note announcing decision to liberate Piepenbrink, reserving question of principle involved.	748
898	Apr. 21	To the Ambassador in Great Britain.	Department glad to learn that Piepenbrink is to be released.	749
533	Apr. 21 [Rec'd May 3] May 28	From the Ambassador in France. To the German Ambassador.	Transmits Foreign Office note regarding orders for the release of Piepenbrink. U. S. jurisdiction over its merchant vessels has apparently been disregarded by Germans in seizing two members of the crew of the <i>Muskogee</i> . Suggests an official investigation.	749
	July 3	From Goulder, White & Garry (telegram).	Request for reply to letter regarding interference with seamen on the <i>Niagara</i> . The <i>Lackawanna</i> a similar case.	750
	July 12	To Goulder, White & Garry (telegram).	According to the law of nations, when a merchant vessel enters a port for purposes of trade, it is subject to law of that place.	750
A 4905	Aug. 8 [Rec'd Aug. 11]	From the German Ambassador.	The men taken by Germans from the <i>Muskogee</i> were German reservists and had requested to be taken to nearest German port to report for military duty.	751
	Aug. 28	To the German Ambassador.	This Government cannot acquiesce in practice which might be regarded as lending assistance to deserting seamen from American vessels.	751
1248	Dec. 13	To the Ambassador in France (telegram).	Protests action of French cruiser in removing certain persons from American vessels on high seas; requests release.	752
1171	Dec. 22	From the Ambassador in France (telegram).	Foreign Office will investigate the affair of the <i>Descartes</i> .	752

PART II

THE REMOVAL BY BELLIGERENT NAVAL AUTHORITIES, ETC.—Continued

No.	Date	From and to whom	Subject	Page
1276	Dec. 24	To the Ambassador in France (telegram).	Action of the <i>Descartes</i> in seizing purser of the <i>Borinquen</i> , an unwarranted invasion of sovereignty of American vessels. Instructions to urge release.	752
	Dec. 24	To the French Ambassador.	Protests action of the <i>Descartes</i> in seizing Germans and Austrians employed on American steamers.	753
1179	Dec. 27	From the Ambassador in France (telegram).	Minister for Foreign Affairs under the impression that the men removed from vessels were implicated in German intrigues in West Indies.	754
1283	Dec. 28	To the Ambassador in France (telegram).	Even though the men seized on American vessels were implicated in plots they could not rightfully be detained.	754
	Jan. 3, 1916	From the French Ambassador.	Orders have been given for the release of the Germans and Austrians arrested by the <i>Descartes</i> .	755

PART III: NEUTRAL DUTIES

ENLISTMENT IN BELLIGERENT FORCES: THE PREVENTION OF RECRUITING WITHIN THE UNITED STATES

	Mar. 8	From Mr. William Bayard Hale to the Counselor for the Department of State.	Protests against activities of British recruiting officers in the United States.	759
	Mar. 27	From the Assistant Attorney General to the Counselor for the Department of State.	Transmits copy of his reply to a letter from W. B. Hale regarding activities of British recruiting officers in the United States.	760
	May 19	To the Austro-Hungarian Ambassador.	Activities of Pupin in issuing appeals to Montenegrins in the United States for military service; no evidence to warrant prosecution.	761
	June 19	From the German Ambassador.	Calls attention to British violation of American neutrality in San Francisco by recruiting and enlisting Americans.	762
1472	June 23	To the German Ambassador.	The Attorney General will make investigation of charge of British recruiting of American citizens.	762
	July 7	From the Montenegrin Delegate (telegram).	Explains his mission to the United States and appeals for justice.	762

PART III

ENLISTMENT IN BELLIGERENT FORCES, ETC.—Continued

No.	Date	From and to whom	Subject	Page
	July 7	From the Attorney General.	Indictments in Sacramento and Blair recruiting cases; recruiting funds traced to account of British Consul.	763
	July 8	From the Russian Ambassador.	Inquires as to charges against Montenegrin Delegate.	763
260	July 7 [Rec'd July 9]	From the British Ambassador.	Inquiry as to the legality of pecuniary aid to British citizens wishing to return home for military service. Encloses circular instructions issued by British Embassy.	764
	July 19	To the Russian Ambassador.	Montenegrins have been indicted for conspiracy in recruiting of American citizens for military service abroad.	765
880	July 23	To the British Ambassador.	Reply to inquiry as to legality of pecuniary aid to British citizens wishing to return home for military service.	766
291	July 28	From the British Ambassador.	Defense of action taken by Embassy regarding British subjects desiring to return home for military service.	767
	Sept. 3 [Rec'd Sept. 7]	From the Russian Ambassador.	Apprehension of Matanovitch for violation of the U. S. neutrality laws.	769
	Sept. 24	To the Russian Ambassador.	Attorney-General has ordered dismissal of indictments against Montenegrin delegates.	770
3303	Sept. 27 [Rec'd Sept. 30]	From the Austro-Hungarian Chargé.	Furnishes further evidence of recruiting in United States for military service abroad.	770
400	Oct. 31 [Rec'd Nov. 1]	From the British Ambassador.	Inquires attitude of United States toward British subjects who wish to enlist in British army. Encloses forms for approval.	771
	Nov. 1	Circular issued by the Department of State.	Enlistment of American citizens in foreign armies.	772
202	Nov. 2	To the Austro-Hungarian Chargé.	Reply to inquiry in regard to alleged recruiting of Austro-Hungarians by Montenegrins.	773
	Nov. 10	To the British Ambassador.	Department of Justice will send copy of charge in case of <i>United States vs. Blair et al.</i> , and will arrange for conference.	773

THE ENTRANCE AND TRANSIT OF UNIFORMED MEMBERS OF BELLIGERENT FORCES

733	Apr. 5	To the British Ambassador.	Protests against appearance of armed Canadian soldiers in Detroit.	774
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PART III

THE ENTRANCE AND TRANSIT OF UNIFORMED MEMBERS, ETC.—Continued

No.	Date	From and to whom	Subject	Page
142	Apr. 8 [Rec'd Apr. 9]	From the British Ambassador.	Will bring to notice of Canadian Government complaint against appearance of armed Canadian soldiers in Detroit.	774
739	Apr. 12	To the British Ambassador.	Internment of armed Canadian soldiers who enter American territory may have to be con- sidered.	774
202	May 26 [Rec'd May 27]	From the British Ambassador.	Steps have been taken by Canadian Government to prevent Cana- dian soldiers crossing into U. S. territory.	775
	Dec. 20 [Rec'd Dec. 21]	From the British Ambassador.	Requests permission for wounded soldiers returning from Europe to pass through Maine on way to Canada.	775
	Dec. 23	To the British Ambassador.	Passage of Canadian soldiers over U. S. territory cannot be per- mitted.	776

THE SALE OF CONTRABAND GOODS: HYDRO-AEROPLANES, SUBMARINE PARTS, MOTOR-BOATS

A 395	Jan. 19 [Rec'd Jan. 20] Jan. 21	From the Ger- man Amba- sador. From the British Ambassador.	Calls attention to delivery of hydro- aeroplanes to belligerents by U. S. firms. Statements justifying tendency of British public to ascribe to Amer- ican Government an attitude of partiality in the war and of hostility to Great Britain.	776 777
1209	Jan. 29	To the German Ambassador.	Hydro-aeroplanes are not consid- ered by the United States as war vessels. German Government places them on conditional con- traband list.	780
A 615	Jan. 27 [Rec'd Jan. 29]	From the Ger- man Amba- sador.	Bethlehem Steel Works are secretly sending submarine parts to Canada.	781
	Feb. 9 [Rec'd Feb. 10]	From the British Ambassador.	Furnishes precedents for neutrals supplying war materials to bellig- erents.	781
1241	Feb. 17	To the German Ambassador.	Denies that submarine parts are being built by Bethlehem Steel Works for Canada.	782
B 2887	Feb. 19 [Rec'd Feb. 20]	From the Ger- man Amba- sador.	It is reported that submarines are being built for Great Britain in San Francisco, Boston, and Seattle.	782
	Undated [Rec'd Feb. 20]	From the Lake Torpedo Boat Co. (tele- gram).	Claims that shipments of sub- marine parts are lawful under Revised Statutes, Sec. 5283.	783
	Feb. 26	To the Lake Torpedo Boat Co. (tele- gram).	It is the duty of Americans to prevent submarines being shipped from this country, even in parts.	783

PART III

THE SALE OF CONTRABAND GOODS, ETC.—Continued

No.	Date	From and to whom	Subject	Page
A 2083	Mar. 23 [Rec'd Mar. 24]	From the German Ambassador.	Calls attention to steamers leaving New York with munitions and guns for England.	784
	Apr. 3	From the Chamber of German-American Commerce.	Quotes Ambassador White's statement that he had requested the German authorities to search a Spanish ship during the Spanish-American War. Requests reciprocity in treatment of Germany.	784
	Apr. 8	To the Secretary of the Chamber of German-American Commerce.	Explanation of Ambassador White's request that the German authorities search a Spanish ship during the Spanish-American War.	785
2060	Apr. 16 [Rec'd Apr. 17]	From the Ambassador in Germany (telegram).	Official report that the French have unlimited quantities of American ammunition at their disposal.	786
A 3090	May 3 [Rec'd May 4]	From the German Ambassador.	Inquires as to truth of statement that English officers are supervising the manufacture of arms and ammunition ordered by Great Britain from U. S. factories.	786
	May 7 [Rec'd May 10] May 15	From the British Ambassador. To the German Ambassador.	Arms and ammunition were imported by England from Germany during the Boer War. Reply to note concerning English supervision over manufacture of arms in U. S. factories.	786 787
2511	June 29 [Rec'd June 30]	From the Ambassador in Germany (telegram).	Calls attention to advertisement in <i>American Machinist</i> of high-explosive shells which will cause agonizing death, which is being reprinted in Germany.	787
	June 30	From the Postmaster General.	Advertisements regarding high-explosive shells will not be accepted as second-class matter if not in harmony with the President's attitude.	788
759	July 5 [Rec'd July 6]	From the Ambassador in Austria-Hungary (telegram).	Cites precedents for the furnishing of arms by neutral countries to belligerents.	788
1917	July 7	To the Ambassador in Germany (telegram).	Advertisement of machine to make poisonous shells will not appear again. Encloses note from French Embassy asserting that France has bought no shells from America since the war began.	789
	July 8	To the Postmaster General.	Hopes that it will be proper to suggest to publishers that they refuse unneutral advertisements in the future.	790

PART III

THE SALE OF CONTRABAND GOODS, ETC.—Continued

No.	Date	From and to whom	Subject	Page
608	July 2 [Rec'd July 20]	From the Ambassador in Austria-Hungary.	Transmits note of Burian protesting against shipment of American arms and ammunition to the Allies. Has reminded him that Americans are more concerned in permanent trade than in the temporary manufacture of arms.	790
A 4511	July 17 [Rec'd July 20]	From the German Ambassador.	Requests investigation of report that many boats equipped for destruction of submarines are being constructed in the United States for Great Britain.	793
846	Aug. 12	To the Ambassador in Austria-Hungary (telegram).	Reply to note regarding exportation of arms and ammunition from the United States to the countries at war with Austria-Hungary and Germany.	794
A 5149	Aug. 18 [Rec'd Aug. 21]	From the German Ambassador.	It is reported that speed boats are being built in large numbers for the destruction of submarines.	799
1564	Aug. 27	To the German Ambassador.	Use to which speed boats are to be put is not known.	799
	Aug. 27	From the President's Secretary.	Transmits a letter from the managing editor of the <i>Milwaukee Journal</i> regarding an embargo on arms.	800
	Aug. 30	To the Russian Ambassador (telegram).	Inquires if motor-boats ready for shipment to Russia are to be used in the war.	801
	Aug. 30	To Diplomatic Officers in European Neutral Countries (telegram).	Instructions to obtain information regarding embargoes on arms and ammunition.	801
	Aug. 31	From the Russian Ambassador (telegram).	Motor-boats are for use of Russian Government in patrolling lakes and closed seas.	801
	Sept. 1	To the Russian Ambassador (telegram).	Collector of customs has been instructed to allow exportation of motor-boats.	802
170	Sept. 1	From the Minister in Denmark (telegram).	Arms and ammunition embargoed and reasons therefor.	802
385	Sept. 1	From the Ambassador in Italy (telegram).	Italy has an embargo on arms and ammunition because they are needed at home.	802
26	Sept. 2	From the Minister in Portugal (telegram).	Portugal has not embargoed arms and ammunition.	802
56	Sept. 2	From the Chargé in Sweden (telegram).	Sweden has embargoed arms and ammunition; reasons therefor.	802
363	Sept. 4	From the Minister in the Netherlands (telegram).	Report on manufacture of arms and ammunition, and on embargo and reasons therefor.	803

PART III

THE SALE OF CONTRABAND GOODS, ETC.—Continued

No.	Date	From and to whom	Subject	Page
127	Sept. 4 [Rec'd Sept. 5]	From the Ambassador in Spain (telegram).	No Spanish embargo on arms and ammunition but policy is to prevent exportation in order to maintain neutrality and conserve supplies.	803
29	Sept. 7	From the Minister in Norway (telegram).	An embargo has been placed on arms and ammunition in order to conserve them for home use.	803
	Sept. 16	To the President's Secretary.	Report on neutral countries which have placed an embargo on arms and ammunition, with their reasons.	804
A 5629	Sept. 16 [Rec'd Sept. 18]	From the German Ambassador.	Information concerning warlike nature of speed boats built by Greenport Basin and Construction Co.	805
	Sept. 27	To the Attorney General.	Transmits a letter from the Austro-Hungarian Consul at Philadelphia to the Editor of the "A Hét" Publishing Co., requesting publication of a notice to Austro-Hungarians working in U. S. munitions factories.	806
1487	Sept. 9 [Rec'd Oct. 2]	From the Ambassador in Germany.	Transmits Foreign Office note submitting list of cases as evidence of use of American ammunition by French.	807
	Oct. 2	From the German Ambassador (telegram).	Six submarine destroyers for British loaded aboard the <i>Bohemian</i> sailing from Boston. Requests investigation.	808
	Oct. 7	From the Attorney General.	Facts relative to Austro-Hungarian subjects do not constitute a violation of Federal criminal laws.	808
942	Oct. 15 [Rec'd Oct. 16]	From the Ambassador in Austria-Hungary (telegram).	Press reports indicate that submarines constructed in the United States have been sent to England. Inquires regarding line to be taken in meeting Austro-Hungarian criticism.	809
	Oct. 19	To the Electric Boat Co. The same to the Bethlehem Steel Corporation.	Inquiry regarding shipment to England of submarines delivered to Vickers-Maxim, Montreal.	809
806	Sept. 30 [Rec'd Oct. 25]	From the Ambassador in Austria-Hungary.	Transmits further statement from Burian regarding traffic in arms and ammunition between the United States and the Allies, with comments.	809
	Oct. 27	From the President of the Electric Boat Co.	Reply to inquiry about shipment to England of submarines delivered to Vickers-Maxim, Montreal.	813
1641	Nov. 1	To the German Ambassador.	The motor-boats shipped on the <i>Bohemian</i> were not armed.	814

PART III

THE SALE OF CONTRABAND GOODS, ETC.—Continued

No.	Date	From and to whom	Subject	Page
967	Nov. 3	To the Ambassador in Austria-Hungary (telegram).	There is no evidence that submarines have been built in the United States for delivery during present war.	814
A 7690	Nov. 28 [Rec'd Nov. 29]	From the German Ambassador.	Cites cases of boats built in the United States for use of the Allies, as breaches of neutrality.	814
	Jan. 7, 1916	To the German Ambassador.	After investigation of specific cases cited, the charge of violation of neutrality is denied.	818

LOANS TO BELLIGERENT GOVERNMENTS

	Mar. 31	Notice issued to the press by the Department of State.	Loans to belligerents disapproved by this Government, but no action has been taken.	820
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TREATMENT OF BELLIGERENT WARSHIPS, THEIR CREWS AND TENDERS, IN AMERICAN PORTS—INTERMENT OF THE "FARN" ("KD-3"), THE "PRINZ EITEL FRIEDRICH," AND THE "KRONPRINZ WILHELM"

18	Jan. 13 [Rec'd Jan. 15]	From the British Ambassador.	Requests detention of the <i>Farn</i> , former British vessel, captured by Germans and named the <i>KD-3</i> .	821
26	Jan. 17 [Rec'd Jan. 18]	From the British Ambassador.	Requests protection of British ship <i>Farn</i> taken into port at San Juan.	821
	Jan. 25	Memorandum of the Counselor for the Department of State.	Explained orally to the German Ambassador the decision of this Government as to character of the <i>Farn</i> and treatment she would receive.	821
	Jan. 29	To the British Ambassador.	The <i>KD-3</i> was interned and British officers and Chinese crew released.	822
82	Feb. 26	From the British Ambassador.	Presents argument for release of the <i>Farn</i> .	822
	Mar. 13	To the British Ambassador.	Decision holds to intern the <i>Farn</i> as a fleet auxiliary until the end of the war. Reasons given.	823
	Mar. 13	Memorandum of the Counselor for the Department of State.	Conversation with the German Ambassador on the subject of internment of the <i>Prinz Eitel Friedrich</i> .	824
A 1810	Mar. 13	From the German Ambassador.	Requests time for repairs on the <i>Prinz Eitel Friedrich</i> .	825

LIST OF PAPERS BY TOPICS

CIII

PART III

TREATMENT OF BELLIGERENT WARSHIPS, ETC.—Continued

No.	Date	From and to whom	Subject	Page
	Mar. 15	From the Assistant Secretary of the Treasury to the Counselor for the Department of State.	Transmits report of Collector of Customs at Newport News regarding the <i>Prinz Eitel Friedrich</i> , with copy of his letter to the commander.	825
	Mar. 18	To the German Ambassador.	Announces the length of time that the <i>Prinz Eitel Friedrich</i> will be permitted to remain in U. S. waters for repairs.	827
	Mar. 22	From the British Embassy.	States that the <i>Prinz Eitel Friedrich</i> was not in need of repairs. Inquires what steps will be taken in the matter.	828
124	Mar. 26 [Rec'd Mar. 27]	From the British Ambassador.	British Government inquires as to whom the United States will hand over the <i>Farn</i> at the end of the war.	828
	Mar. 29	To the British Embassy.	Instruction has been given that the <i>Prinz Eitel</i> may not leave within 24 hours after departure of an enemy merchant ship.	829
	Mar. 29	From the Assistant Secretary of the Treasury to the Counselor for the Department of State.	Transmits inquiry from the commander of the <i>Prinz Eitel</i> regarding time for sailing.	829
	Mar. 30	To the British Embassy.	Repairs on the <i>Prinz Eitel</i> fall within the principles laid down by Hague Convention XIII.	830
	Apr. 1	To the British Ambassador.	The right to claim the <i>Farn</i> is a question to be decided by the British and German Governments.	831
	Apr. 2	To the Assistant Secretary of the Treasury (telegram).	Recommends that commander of the <i>Prinz Eitel</i> be informed of the departure of enemy merchant vessels, as requested.	831
	Apr. 5 [Rec'd Apr. 6]	From the Collector of Customs, Los Angeles, to the Secretary of the Treasury (telegram).	Requests instructions regarding the British collier <i>Lena</i> , which desires to make repairs and take on excess supplies.	832
	Apr. 6	To the Secretary of the Treasury (telegram).	Instructions regarding the stay of the <i>Lena</i> in San Diego port.	832
	Apr. 9	From the Secretary of the Navy.	Forwards telegram from officer of the <i>Wyoming</i> announcing internment of the <i>Prinz Eitel Friedrich</i> .	832
A 2578	Apr. 8 [Rec'd Apr. 10]	From the German Ambassador.	Expresses gratitude for protection afforded the <i>Prinz Eitel Friedrich</i> .	833

PART III

TREATMENT OF BELLIGERENT WARSHIPS, ETC.—Continued

No.	Date	From and to whom	Subject	Page
A 2681	Apr. 12 [Rec'd Apr. 13]	From the German Ambassador.	Requests permission for the <i>Kronprinz Wilhelm</i> to land certain persons and procure repairs and supplies at Newport News.	833
	Apr. 21	To the German Ambassador.	Announces time limit for repairs on the <i>Kronprinz Wilhelm</i> , after which, if vessel does not leave, she will be interned.	833
	Apr. 20 [Rec'd Apr. 21]	From the British Embassy.	Asserts that the <i>Kronprinz Wilhelm</i> was apparently damaged by ramming the <i>Wilfred M.</i>	834
	Apr. 26	From the Assistant Secretary of the Treasury to the Counselor for the Department of State.	Forwards letter from commander of the <i>Kronprinz Wilhelm</i> saying he will intern.	834
A 3188	May 8 [Rec'd May 11]	From the German Ambassador.	Expresses thanks for treatment of the <i>Kronprinz Wilhelm</i> .	835
194	May 17 [Rec'd May 18]	From the British Ambassador.	British reserve their rights in regard to release of the <i>Farn</i> .	835
281	July 21 [Rec'd July 23]	From the British Ambassador.	Arrest of officers of the <i>Prinz Eitel Friedrich</i> who had escaped from the United States. Suggests precautions to prevent further escapes.	836
921	Aug. 19	To the British Ambassador.	Reports that Halbrock had not been interned and that Max Kjier was discharged in South American port on account of sickness.	836
	Oct. 6 [Rec'd Oct. 8]	From the Secretary of the Navy.	Refusal to permit the officers of the <i>Kronprinz Wilhelm</i> to own pleasure yacht.	837
	Oct. 26 [Rec'd Oct. 28]	From the British Ambassador.	Asks for personal description of the officers of the <i>Kronprinz Wilhelm</i> who escaped on the <i>Eclipse</i> , in order to assist in their capture.	838
	Nov. 1	To the British Ambassador.	Refuses description of escaped officers.	838
A 7222	Nov. 11 [Rec'd Nov. 16]	From the German Ambassador.	Requests permission to put the <i>Kronprinz Wilhelm</i> and the <i>Prinz Eitel Friedrich</i> in repair for passenger accommodation.	838
1661	Nov. 16	To the German Ambassador.	Calls attention to escape of officers and men who were interned in American ports.	839
A 7545	Nov. 22 [Rec'd Nov. 23]	From the German Ambassador.	Requests that officers and men on interned vessels be spared the humiliation of having their pictures taken as a means of preventing their escape.	841
	Nov. 23	To the German Ambassador.	No pictures will be taken of interned German officers. Other means will be employed to prevent their escape.	841

PART III

TREATMENT OF BELLIGERENT WARSHIPS, ETC.—Continued

No.	Date	From and to whom	Subject	Page
A 7586	Nov. 24 [Rec'd Nov. 26]	From the German Ambassador.	Communicates all facts available concerning escape of interned German officers and men.	842
1706	Dec. 22	To the German Ambassador.	Refuses permission for full repair to interned vessels and restoration for passenger accommodation.	843
2708	Dec. 16 [Rec'd Dec. 29]	From the Ambassador in Great Britain.	Transmits note from the Consul at Edinburgh containing letter from Lieutenant Koch, who escaped from internment at Norfolk, asking permission to return to his vessel in the United States.	843
3046	Jan. 7, 1916	To the Ambassador in Great Britain.	No representations will be made for return to the United States of Lieutenant Koch.	844

TREATMENT OF ARMED MERCHANT SHIPS

	Feb. 27	From the Cunard Steamship Co.	Inquires as to regulations regarding the arming of vessels for defense against submarines.	844
	Mar. 3	To the Cunard Steamship Co. (telegram).	No objection to steamships entering American port, if armed for defense only.	845
	May 22	From the Counselor for the Department of State to the British Ambassador.	Requests removal of guns from merchant ship <i>Asian</i> in New Orleans port.	846
	July 28 [Rec'd July 29]	From the Netherlands Minister.	Inquires attitude of the United States toward armed merchant vessels. Extract from <i>New York Times</i> , July 28.	846
	July 30	To the Netherlands Minister.	Reply regarding status of armed merchant vessels.	847
	Aug. 25	To the British Ambassador.	Requests removal of guns from the <i>Waimana</i> before leaving port of Norfolk.	848
	Sept. 10	From the British Ambassador.	British reluctant to compromise right of protecting merchantmen by armament. Proper measures will be taken to insure compliance with regulations.	848
	Sept. 11	To the British Ambassador.	British Government must give assurance that armament of the <i>Waimana</i> will be used only for defensive purposes; otherwise guns must be landed.	849
	Sept. 22 [Rec'd Sept. 28]	From the Collector of Customs, Norfolk, to the Secretary of the Treasury.	Reports that <i>Waimana</i> cleared after coaling and landing a gun; tonnage tax collected under protest.	850

PART III

TREATMENT OF MERCHANT SHIPS SUPPLYING BELLIGERENT WARSHIPS—THE DETENTION OF THE "ODENWALD"—THE "PISA" CASE

No.	Date	From and to whom	Subject	Page
	Mar. 4	Joint Resolution by the Senate and House of Representatives.	Customs regulations to empower the President to better enforce and maintain the neutrality of the United States.	851
98	Mar. 9 [Rec'd Mar.10]	From the British Ambassador.	U. S. Government responsible for supplying German warships from U. S. territory. Protests action of German vessels in American ports.	852
	Mar. 11 [Rec'd Mar.12]	From the German Ambassador.	Discusses neutrality resolution and inquires as to its interpretation regarding use of territorial waters as base of operations for armed forces of belligerents.	853
	Mar. 13	To the British Ambassador.	Reexamination of German vessels in U. S. ports has been ordered.	855
	Mar. 18 [Rec'd Mar.20]	From the Secretary of the Treasury.	The <i>Odenwald</i> has applied for clearance to Hamburg, carrying bunker coal. Have inquired whether any suspicious circumstances.	856
	Mar. 19	From the Assistant Secretary of the Treasury to the Counselor for the Department of State.	Have instructed collector of customs at San Juan to search the <i>Odenwald</i> for arms and make report.	856
	Mar. 20	From the Secretary of the Treasury.	Quotes cablegrams from collector of customs, San Juan, giving assurance regarding the <i>Odenwald</i> .	856
115	Mar. 20	From the British Ambassador.	Has been informed that the <i>Odenwald</i> will leave port for belligerent purposes.	857
	Mar. 21 [Rec'd Mar.22]	From the Commanding Officer in Porto Rico to the Adjutant General at New York (telegram).	The <i>Odenwald</i> attempted to leave without clearance papers. Warning shot brought her back.	857
	Mar. 27	To the British Ambassador.	After reexamination of German vessels, this Government is satisfied regarding its duties as a neutral.	858
A 2140	Mar. 26 [Rec'd Mar.27]	From the German Embassy.	The <i>Pisa</i> will sail for Hamburg with coal and provisions and will try to communicate with a German cruiser at sea. Argument to prove this not contrary to U. S. regulations.	858
135	Mar. 31 [Rec'd Apr. 2]	From the British Ambassador.	States that certain German steamships intend to leave U. S. ports to supply German warships and conduct belligerent operations.	859
A 2400	Apr. 1 [Rec'd Apr. 2]	From the German Ambassador.	Protests action of harbor authorities in firing on the <i>Odenwald</i> . Explanation desired as to why clearance papers were denied.	860

PART III

TREATMENT OF MERCHANT SHIPS, ETC.—Continued

No.	Date	From and to whom	Subject	Page
A 2433	Apr. 2 [Rec'd Apr. 3]	From the German Ambassador to the Counselor for the Department of State.	Official explanation desired as to why clearance papers were denied the <i>Pisa</i> .	861
	Apr. 10	To the German Ambassador.	Presents argument sustaining the U. S. Government in withholding permission for the <i>Pisa</i> to leave port.	861
	May 3	To the German Ambassador.	Breach of navigation laws by the <i>Odenwald</i> a justification of acts of harbor officials.	864
A 7066	Nov. 8	From the German Ambassador.	Requests postponement of trial of cases involving Hamburg-American Line pending discussion of law with respect to shipments from neutral territory of coal for belligerent vessels.	867
	Nov. 8	To the German Ambassador.	Refuses to interfere with procedure of Department of Justice in cases of the Hamburg-American Line.	868
A 7295	Nov. 13	From the German Ambassador.	Requests that questions involving military secrets of German Government be avoided in trial of the <i>Pisa</i> .	869
	Nov. 16	To the German Ambassador.	Neutral territory as a base for naval operations on the high seas and judicial investigation involving military or political secrets of a belligerent government.	869
A 7572	Nov. 22	From the German Ambassador.	Representations regarding prosecutions against the Hamburg-American Line and the violation of neutrality laws.	870

ACTIONS OF BELLIGERENT WARSHIPS OUTSIDE AND WITHIN TERRITORIAL WATERS—HOVERING

	Mar. 24	From the British Ambassador.	Renewed orders to officers on duty in the North Atlantic regarding observance of U. S. neutrality laws.	872
	Mar. 27	To the British Ambassador.	Protests against belligerent ships receiving supplies in vicinity of California. Cites case of the <i>Bellerophon</i> .	872
	Mar. 29	From the British Ambassador.	Case of the <i>Bellerophon</i> will be brought to attention of the British Government.	873
	Apr. 5	From the British Ambassador to the Counselor for the Department of State.	Forwards reasons why it would be impracticable for British warships to provision themselves from U. S. territory.	873

PART III

ACTIONS OF BELLIGERENT WARSHIPS, ETC.—Continued

No.	Date	From and to whom	Subject	Page
	Apr. 16	To the British Ambassador.	Calls attention to British cruiser <i>Suffolk</i> communicating with shore off Cape Henry.	874
	Apr. 17 [Rec'd Apr.19]	From the British Ambassador.	Cites cases similar to that of the <i>Suffolk</i> and asks what action was taken by the Government.	874
	Apr. 19 [Rec'd Apr.21]	From the British Ambassador.	Categorical denial that <i>Suffolk</i> has communicated with the shore.	875
	Apr. 28 [Rec'd Apr.29]	From the British Ambassador.	Explains operations in North Pacific of the British cruiser <i>Rainbow</i> .	875
	May 10	From the Acting Secretary of the Navy.	Transmits copies of correspondence referring to action of the <i>Iroquois</i> (1861) in receiving information of the movements of the <i>Sumter</i> .	876
	May 15	To the Secretary of the Navy.	Inquires whether the Navy Department approved of action of the <i>Iroquois</i> (1861) in arranging for shore signals regarding movements of the <i>Sumter</i> .	876
	May 24	From the Secretary of the Navy.	Record of proceedings in case of the <i>Iroquois</i> (1861) is not on file in Navy Department.	877
	Nov. 26	To the British Ambassador.	Protests against British warship chasing Danish ship <i>Vinland</i> within American waters.	877
	Nov. 27	From the British Ambassador.	Inquiry instituted regarding the <i>Vinland</i> .	878
	Dec. 1 [Rec'd Dec. 2]	From the British Ambassador.	Facts in case of the <i>Vinland</i> are not as reported.	878
429	Dec. 11 [Rec'd Dec.14]	From the British Ambassador.	Report on the <i>Vinland</i> -----	879
1016	Dec. 16	To the British Ambassador.	Protests against hovering of British warships about American coasts and ports.	879
1026	Dec. 22	To the British Ambassador.	Quotes Navy report of a British cruiser off Galveston Harbor outside of the three-mile limit.	880
	Dec. 21 [Rec'd Dec.23]	From the British Ambassador.	Acknowledges receipt of note of protest against hovering of warships near American waters.	881
	Dec. 29	To the French Ambassador.	Calls attention to hovering of French cruiser <i>Descartes</i> off coast of San Juan.	881
	Dec. 30 [Rec'd Jan. 3, 1916]	From the French Ambassador.	Investigation will be made concerning the <i>Descartes</i> .	882

PART III

CONTROL OVER WIRELESS TELEGRAPHY—ESTABLISHMENT OF A CENSORSHIP AT THE
GUAM CABLE STATION

No.	Date	From and to whom	Subject	Page
A 163	Jan. 12 [Rec'd Jan. 13]	From the German Ambassador.	Inquires whether wireless stations in the United States are forbidden to receive or forward code messages from and to the nations at war.	882
1202	Jan. 26	To the German Ambassador.	Reply to inquiry regarding transmission of radio messages in code to and from belligerents.	883
125	Mar. 26 [Rec'd Mar. 29]	From the British Ambassador.	Governor of British Honduras asks permission to send commercial messages by radio through New Orleans in code.	883
A 2687	Apr. 12	From the Counselor of the German Embassy to the Counselor for the Department of State	Requests information regarding sending of code messages through Tuckerton radio station.	884
	Apr. 17	From the Counselor for the Department of State to the Counselor of the German Embassy.	Wireless messages in code may be sent through Tuckerton on condition that key to code and plain messages are sent to Department.	884
A 2813	Apr. 20	From the German Embassy.	Sends key to cipher to be used in messages through Tuckerton and Sayville.	884
	Apr. 21	From the Counselor for the Department of State to the German Ambassador.	Asks if Embassy objects to sending messages in English between Washington and Tuckerton, cipher to be used between Tuckerton and Berlin.	885
	Apr. 21	To the Secretary of the Navy.	German Embassy to send official messages to the Navy Department for transmittal via Tuckerton: code also to be sent.	885
749	Apr. 21	To the British Ambassador.	Refuses permission to send commercial messages from British Honduras through New Orleans in code.	886
	Apr. 27	From the Secretary of the Navy.	Program of procedure to be used in handling code messages of German Embassy.	886
	June 9 [Rec'd June 12]	Memorandum by the British Embassy.	Radio station at Sayville is in hands of Germans. Requests the United States to prevent unneutral use.	887
	Aug. 10	From the Acting Secretary of the Navy.	Transmits cablegram from commandant of naval station, Guam, relative to establishment of censorship over cables.	888

PART III

CONTROL OVER WIRELESS TELEGRAPHY, ETC.—Continued

No.	Date	From and to whom	Subject	Page
	Aug. 27	From the Acting Secretary of the Navy.	Forwards telegrams sent and received relative to censorship of the cable at Guam.	888
	Aug. 30	From the Acting Secretary of the Navy.	Forwards from the commandant of naval station at Guam copy of rules governing receipt and transmission of local cable messages.	889

THE PREVENTION OF ACTIVITIES IN THE UNITED STATES FOR THE DESTRUCTION OF BELLIGERENT MERCHANT SHIPS AND PROPERTY

	Feb. 3	From the British Ambassador.	Requests extradition of Vernil Horne accused of attempting to destroy bridge in New Brunswick: suggests that international bridges be guarded by the United States.	890
	Feb. 27	To the British Ambassador.	Local authorities have sole jurisdiction and responsibility in respect of bridges. Federal authorities act only when called upon.	890
211	June 5 [Rec'd June 7]	From the British Ambassador.	Calls attention to conspiracies in America for destruction of British ships and railways.	891
924	Aug. 21	To the British Ambassador.	Special guard has been provided in New York Harbor to prevent the placing of explosives on British vessels.	892
	Oct. 3 [Rec'd Oct. 5]	From the French Ambassador.	Offers to cooperate with the U. S. authorities in suppressing conspiracies.	893
364	Oct. 7 [Rec'd Oct. 9]	From the British Ambassador.	Calls attention to German responsibility for incendiary fires discovered on British steamers leaving New York.	894
1609	Oct. 27	To the French Ambassador.	Agents of Federal Government are cooperating with New York police to prevent the placing of incendiary bombs on vessels leaving New York.	894
975	Nov. 1	To the British Ambassador. The same, except first and fourth paragraphs, to the French Ambassador.	Official investigation of attempts to destroy the British steamship <i>Asuncion de Larrinaga</i> .	896

PART IV: OTHER PROBLEMS AND RESPONSIBILITIES

NEW REGULATIONS REGARDING THE ISSUANCE AND CONTROL OF PASSPORTS

No. .	Date	From and to whom	Subject	Page
	Dec. 30, 1914 [Rec'd Jan. 2] Jan. 7	From the Minister in Belgium (telegram)	Requests that passports not be issued for travel into Belgium.	899
		To the Ambassadors and Ministers in France, Germany, Great Britain, Italy, the Netherlands, and Denmark (telegram).	Instructions not to issue emergency passports for travel in Belgium except under specified conditions.	899
383	Feb. 8	To American Diplomatic and Consular Officers (including Consular Agents).	Consular regulations: Termination, extension, and amendment of passports, and advice for Americans traveling abroad.	900
1970	Apr. 1 [Rec'd Apr. 2]	From the Ambassador in Germany (telegram).	Inquiries if a person, previously denied passport, is entitled to return to the United States to resume citizenship.	906
1492	Apr. 9	To the Ambassador in Germany (telegram).	Persons who have long resided abroad, trying to escape from war conditions should not have passports.	906
	June 1	Departmental order.	Rules governing the granting and issuing of passports to those who have declared their intention to become citizens of the United States.	906
745	May 18 [Rec'd June 1]	From the Ambassador in France.	Passports denied to applicants who intend to enlist in belligerent armies.	908
409	June 11	To the Ambassador in France.	Approves course in not issuing passports to American citizens intending to enlist in belligerent armies.	909
138.	July 22	To the Minister in Switzerland (telegram).	Instructions regarding the passport of Trumbull, of the Rockefeller Foundation.	910
190	Sept. 2	To the Minister in the Netherlands (telegram). The same to the Ambassador in Germany.	Instructions to take up passport of James Archibald and give him emergency passport for immediate return to the United States.	910
364	Sept. 6	From the Minister in the Netherlands (telegram).	Archibald expects to sail for New York Sept. 8.	910
3047	Oct. 19	From the Ambassador in Great Britain (telegram).	Proposes that no emergency passports be issued after Dec. 1 except in extraordinary emergency.	911

PART IV

NEW REGULATIONS REGARDING THE ISSUANCE AND CONTROL OF PASSPORTS—CON.

No.	Date	From and to whom	Subject	Page
2285	Dec. 15	Executive order	Foreigners leaving the United States should be provided with passports of their government.	911
2286-A	Dec. 17	Executive order	Rules governing the granting and issuing of passports in the United States.	912
	Dec. 23	To Diplomatic Representatives of Foreign Governments.	Regulations regarding passports---	913

DIPLOMATIC REPRESENTATION IN BULGARIA

161	Oct. 8	To the Minister in Roumania, Servia, and Bulgaria (telegram).	Arranging for diplomatic representation in Bulgaria if relations are severed between that country and the Entente.	914
166	Oct. 18	To the Minister in Roumania, Servia, and Bulgaria (telegram).	Awaiting approval of Bulgarian Government to send Einstein to Sofia as Chargé on special mission. He will assume charge of British interests.	915
156	Oct. 21 [Rec'd Oct. 22]	From the Minister in Roumania, Servia, and Bulgaria (telegram).	Bulgarian Government will receive Einstein.	915
176	Oct. 27	To the Minister in Roumania, Servia, and Bulgaria (telegram).	Einstein appointed special agent to assist in caring for British interests in Bulgaria and not Chargé on special mission.	915
	Undated [Rec'd Nov. 1]	From the Special Agent in Bulgaria (telegram).	Have presented letters as Chargé.	915
191	Nov. 12	To the Minister in Roumania, Servia, and Bulgaria (telegram).	Einstein may continue to enjoy individual rank of Chargé without holding office as such.	916

STATUS OF AMERICAN CONSULAR OFFICERS IN BELLIGERENT TERRITORY OCCUPIED BY ENEMY TROOPS

308	Dec. 4, 1914 [Rec'd Dec. 26]	From the Ambassador in Germany.	Transmits official notice of expiration of exequaturs of consuls in countries occupied by German Army.	916
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PART IV

STATUS OF AMERICAN CONSULAR OFFICERS, ETC.—Continued

No.	Date	From and to whom	Subject	Page
3465	Dec. 28, 1914	From the Belgian Minister.	German Government has canceled exequaturs; will create three consular posts. Belgium protests.	917
1044	Jan. 21	To the Ambassador in Germany (telegram).	Right of German Government to suspend consular officers in conquered territory recognized.	917
425	Jan. 11 [Rec'd Jan. 25]	From the Ambassador in Germany.	Transmits Foreign Office note regarding Belgian protest against suspension of neutral consuls in Belgium.	918
	Jan. 25	To the Belgian Minister.	Acknowledges note referring to German announcement of intention to cancel exequaturs of foreign consuls.	919
898	Feb. 13 [Rec'd Feb. 15]	From the Belgian Minister.	Transmits copy of second note of protest to Germany against cancellation of exequaturs of foreign consuls in Belgium.	919
664	Mar. 12 [Rec'd Mar. 29]	From the Ambassador in Germany.	Transmits Foreign Office note commending the U. S. consular officers at Antwerp and Liège and suggesting that the post at Brussels be filled.	920
976	Nov. 13 [Rec'd Nov. 14]	From the Ambassador in Austria-Hungary (telegram).	Requests information regarding position of Consul Young, who desires to return to Belgrade.	921
991	Nov. 17	To the Ambassador in Austria-Hungary (telegram).	Young should remain in Belgrade.	921
989	Nov. 20 [Rec'd Nov. 21]	From the Ambassador in Austria-Hungary (telegram).	Awaits instruction regarding status of Consul Young now within Austro-Hungarian lines.	921
997	Nov. 23	To the Ambassador in Austria-Hungary (telegram).	Young to remain at Belgrade under Austro-Hungarian control, though detached from Budapest jurisdiction.	922
1017	Dec. 7 [Rec'd Dec. 8]	From the Ambassador in Austria-Hungary (telegram).	Austro-Hungarian Government consents to Young's return to Belgrade under certain conditions. Suggestion that he be detailed to assist at Vienna.	922
1052	Dec. 23	To the Ambassador in Austria-Hungary (telegram).	Young is to seal archives in Belgrade and proceed to Vienna, where he has been assigned for temporary duty in the Consulate General.	923

PART IV

REQUEST FOR THE RECALL OF DIPLOMATIC AND CONSULAR OFFICERS OF BELLIGERENT GOVERNMENTS: VON LOEHNEISEN, GERMAN CONSUL AT SEATTLE; DUMBA, AUSTRO-HUNGARIAN AMBASSADOR; VON PAPPEN AND BOY-ED, GERMAN ATTACHÉS

No.	Date	From and to whom	Subject	Page
1084	Oct. 9, 1914	To the German Ambassador.	Requests recall of the German Consul at Seattle. Encloses letter from the Consul to Private Krüger commanding him to desert from U. S. Army for military duty in Germany.	923
A 7411	Oct. 18, 1914 [Rec'd Oct. 19]	From the German Ambassador.	Explanation of conduct of the Consul at Seattle and request that proposal to recall him be dismissed.	924
1183	Jan. 14	To the German Ambassador.	Conduct of the German Consul at Seattle is a serious offense against laws of the United States. Repeats request for his recall.	926
B 1448	Feb. 2 [Rec'd Feb. 4] Aug. 18	From the German Ambassador.	Announces that the Consul at Seattle has been recalled.	927
	Aug. 18	From the German Ambassador.	Statement regarding criticisms of conduct of German representatives in the United States.	927
	Aug. 19	To the German Ambassador.	This Government desires to remove all causes of criticism of the German representatives.	931
2722	Aug. 31	From the Ambassador in Great Britain (telegram).	Archibald, American war correspondent arrested by British on charge of performing unneutral service, freed upon confiscation of letters.	932
2732	Sept. 1 [Rec'd Sept. 2]	From the Ambassador in Great Britain (telegram).	Transmits copy of a despatch from Dumba to Burian, taken from Archibald, plotting strikes in American steel and munition factories.	932
	Sept. 8	From the Austro-Hungarian Ambassador.	Requests copy of his letter to Burian.	933
	Sept. 8	To the Austro-Hungarian Ambassador.	Dumba's letter was sent in secret cipher; paraphrase only can be furnished.	933
887	Sept. 8	To the Ambassador in Austria-Hungary (telegram).	The President requests the recall of Dumba, who is charged with conspiracy.	933
	Sept. 13	From the German Ambassador.	Request from Dumba, for transmission to his Government, for recall on leave of absence for personal report.	934
897	Sept. 14 [Rec'd Sept. 16]	From the Ambassador in Austria-Hungary (telegram).	Requests safe-conduct for Dumba to report to his Government.	934

PART IV

REQUEST FOR THE RECALL OF DIPLOMATIC AND CONSULAR OFFICERS, ETC.—CON.

No.	Date	From and to whom	Subject	Page
899	Sept. 17	To the Ambassador in Austria-Hungary (telegram).	When Dumba is definitely recalled, safe-conduct will be requested of the British and French.	935
908	Sept. 19 [Rec'd Sept.20]	From the Ambassador in Austria-Hungary (telegram).	Burian reluctant to condemn Dumba without a hearing, but does not question genuineness of the letter.	935
2112	Sept. 3 [Rec'd Sept.21]	From the Ambassador in Great Britain.	Transmits documents taken by British authorities from Archibald exposing the secret activities of Austro-Hungarian and German officials in the United States.	936
908	Sept. 22	To the Ambassador in Austria-Hungary (telegram).	Repeats request 'for recall of Dumba as <i>persona non grata</i> .	941
910	Sept. 22	To the Ambassador in Austria-Hungary (telegram).	Dumba refused safe-conduct for leave of absence. Department awaiting notice of his recall.	941
913	Sept. 24 [Rec'd Sept.25]	From the Ambassador in Austria-Hungary (telegram).	Virtual recall of Dumba.	942
2866	Sept. 25	From the Ambassador in Great Britain (telegram).	Kirk sent from Berlin with package from Department pouch containing vouchers and expense account for German propaganda in the United States and other countries. Awaiting instructions.	942
917	Sept. 28	To the Ambassador in Austria-Hungary (telegram).	Arrangements made for safe return of Dumba; correspondence on subject.	943
	Oct. 1	To the Austro-Hungarian Embassy.	British and French will permit safe passage of Dumba and party.	943
920	Sept. 30 [Rec'd Oct. 2]	From the Ambassador in Austria-Hungary (telegram).	Transmits reply to note requesting recall of Dumba, in which wish is expressed for continued friendly relations between the two countries.	944
807	Sept. 30 [Rec'd Oct. 25]	From the Ambassador in Austria-Hungary.	Interview with Burian arranging recall of Dumba.	944
932	Nov. 10 [Rec'd Nov.29]	From the Ambassador in Austria-Hungary.	Transmits Burian's formal recall of Dumba.	947
A 7808	Dec. 1	From the German Ambassador.	Requests transmission of radiogram to Berlin regarding Lansing's request for recall of Boy-Ed and Von Papen.	947

PART IV

REQUEST FOR THE RECALL OF DIPLOMATIC AND CONSULAR OFFICERS, ETC.—Con.

No.	Date	From and to whom	Subject	Page
1686	Dec. 4	To the German Ambassador.	Formal statement that Boy-Ed and Von Papen are unacceptable to this Government.	948
	Dec. 4	From the German Ambassador.	Boy-Ed is desirous of discussing question of his recall with the Secretary of State.	948
	Dec. 4	To the German Ambassador.	Refuses interview with Boy-Ed---	949
A 7921	Dec. 5	From the German Ambassador.	His Government wishes to know why the recall of the attachés is requested.	949
	Dec. 5	To the German Ambassador.	Request for recall of Boy-Ed and Von Papen repeated. Names of others who have offended also mentioned.	949
	Dec. 10	To the German Ambassador.	Urges prompt compliance with request for recall of Boy-Ed and Von Papen.	951
A 8061	Dec. 10	From the German Ambassador.	Announces recall of naval and military attachés and requests that safe-conduct be obtained for them and their successors.	951
	Dec. 11	To the German Ambassador.	Safe-conduct has been requested for the attachés. When the acceptability of their successors has been decided safe-conducts will be provided for them.	952
	Dec. 15	To the German Ambassador.	Arrangements for return home of Boy-Ed and Von Papen.	952
	Dec. 18	To the German Ambassador.	Furnishes safe-conduct and passports for Boy-Ed and Von Papen.	952

PROTECTION OF AMERICAN INSTITUTIONS AND INTERESTS IN TURKEY

198	Jan. 29 [Rec'd Feb. 26]	From the Ambassador in Turkey.	Transmits official notification of date of effect of the new regulations governing foreign institutions.	953
533	Mar. 27	From the Ambassador in Turkey (telegram).	Proposes conference of presidents of American colleges to reach an understanding with Minister of Public Instruction as to changes in the new instructions.	953
236	Mar. 5 [Rec'd Apr. 2]	From the Ambassador in Turkey.	Verbal consent of the Minister of War that the <i>Tennessee</i> and <i>North Carolina</i> may remain in Turkish waters.	954
	Apr. 5 [Rec'd Apr. 28]	From the Ambassador in Turkey.	Has succeeded in obtaining delay in enforcing regulations for foreign institutions. Requests data regarding status of foreign schools in the United States with view to obtaining reciprocity of treatment.	954

PART IV

PROTECTION OF AMERICAN INSTITUTIONS, ETC.—Continued

No.	Date	From and to whom	Subject	Page
374	July 27 [Rec'd Aug. 25]	From the Ambassador in Turkey.	Detailed report regarding assistance rendered by American cruisers along Syrian coast to Americans and others wishing to leave Turkey.	955
1008	Sept. 4 [Rec'd Sept. 6]	From the Ambassador in Turkey (telegram).	American schools will open under great difficulties and restrictions.	958

SPECIAL EFFORTS IN BEHALF OF BRITISH, FRENCH, AND ITALIAN NATIONALS, AND OF FOREIGNERS GENERALLY, IN TURKEY

418	Feb. 18 [Rec'd Feb. 19]	From the Ambassador in Turkey (telegram). Repeated to the Ambassador in Great Britain.	Three Englishmen to be shot in retaliation for killing of Moslems in bombardment at Alexandretta. An indemnity to families might prevent the incident.	958
238	Jan. 8 [Rec'd Feb. 26]	From the Consul at Aleppo.	Communication between American, British, and Syrian authorities regarding the bombardment of Alexandretta.	959
459	Feb. 28	From the Ambassador in Turkey (telegram).	Attack on Constantinople imminent. Have been asked to communicate with Allies with view to avoiding bombardment. Instructions desired.	961
446	Mar. 2	To the Ambassador in Turkey (telegram).	Grants permission to act as an intermediary to save Constantinople from bombardment.	961
1723	Mar. 2	From the Ambassador in Great Britain (telegram). Repeated to the Ambassador in Turkey.	Transmits British expression of appreciation, to be conveyed to Morgenthau for his offer to pay indemnity to Moslem families. Negotiations left in his hands.	962
467	Mar. 2 [Rec'd Mar. 3]	From the Ambassador in Turkey (telegram).	Grand Vizier disapproves threats of military commander. Discussion of indemnity for families of slain Moslems.	962
470	Mar. 3 [Rec'd Mar. 4]	From the Ambassador in Turkey (telegram).	Constantinople fortifies against attack of the Allies. Suggests that Germany be informed of her responsibility for fate of non-Moslems.	963
491	Mar. 9 [Rec'd Mar. 10]	From the Ambassador in Turkey (telegram).	Suggests that the Allies be requested to agree to neutral zone for protection of non-combatants.	963

PART IV

SPECIAL EFFORTS IN BEHALF OF BRITISH, ETC.—Continued

No.	Date	From and to whom	Subject	Page
1261	Mar. 12	To the Ambassador in Great Britain (telegram). The same, <i>mutatis mutandis</i> , to the Ambassadors in France and Russia.	Morgenthau suggests establishment of neutral zones for safety of non-combatants.	964
1360	Mar. 12	To the Ambassador in Germany (telegram). The same, <i>mutatis mutandis</i> , to the Ambassador in Austria-Hungary.	Instructions to impress upon German Government the necessity of protection of non-combatants in case the Allies attack Constantinople.	964
504	Mar. 14 [Rec'd Mar. 15]	From the Ambassador in Turkey (telegram).	Bombardment of Smyrna; truce; demands of Allies; probable resumption of hostilities.	964
505	Mar. 16	From the Ambassador in Turkey (telegram).	Assurance given that Turkish Government will endeavor to protect non-combatants.	965
565	Mar. 16 [Rec'd Mar. 17]	From the Ambassador in Austria-Hungary (telegram).	Satisfactory interview with Minister for Foreign Affairs regarding possible massacres in Turkey.	965
1891	Mar. 22 [Rec'd Mar. 23]	From the Ambassador in Germany (telegram).	German Ambassador in Turkey has been instructed by his Government to use his influence for safety of non-combatants.	966
648	Mar. 25	From the Ambassador in France (telegram).	French Government cannot accept proposals of safety zones in Turkey.	966
1844	Mar. 26	From the Ambassador in Great Britain (telegram).	British cannot accept proposals of safety zones in Turkey.	966
	Mar. 29	From the Ambassador in Russia (telegram).	Russia declares that Constantinople will not be injured by the Allies unless Turks use it for military operations.	967
540	Mar. 29 [Rec'd Mar. 30]	From the Ambassador in Turkey (telegram).	Agreement as to amount of indemnity for families of victims of British bombardment. English prisoners freed.	967
	Mar. 9 [Rec'd Apr. 8]	From the Consul General at Smyrna.	Transmits copy of his despatch to Morgenthau giving report of bombardment of Smyrna.	967

PART IV

SPECIAL EFFORTS IN BEHALF OF BRITISH, ETC.—Continued

No.	Date	From and to whom	Subject	Page
623	May 2 [Rec'd May 3]	From the Ambassador in Turkey (telegram). Transmitted to the Ambassadors in Great Britain and France.	British and French subjects in Turkey will be sent to unfortified places to be exposed to Allied bombardment. Request that their Governments be notified.	969
631	May 4 [Rec'd May 5]	From the Ambassador in Turkey (telegram).	English and French will be placed on Turkish transports as targets for Allied guns. Asks that this be brought to notice of Germany.	969
1624	May 5	To the Ambassador in Germany (telegram).	Instructions to notify German Government of Turkish intention to expose non-combatants to bombardment of the Allies.	969
639	May 4 [Rec'd May 6]	From the Ambassador in Turkey (telegram.)	Minister of War agreed to send only fifty non-combatants into the war zone, pending nature of reply from French and British Governments.	970
641	May 6 [Rec'd May 7]	From the Ambassador in Turkey (telegram).	Twenty-six British and twenty-four French placed on board a transport for Gallipoli. Philip (Embassy Staff) accompanied them.	970
654	May 7	To the Ambassador in Turkey (telegram).	Department disapproves member of Embassy staff accompanying British and French on transport. Philip to return to Embassy.	970
2228	May 14 [Rec'd May 15]	From the Ambassador in Germany (telegram).	Reported British attack on hospital and hospital ship in the Marmora. Turkey desires to carry on war in humane manner; has sent back non-combatants from Dardanelles after admonition of German and Austrian Ambassadors.	971
665	May 15	From the Ambassador in Turkey (telegram).	The fifty belligerents [non-combatants] were set free. Philip's presence most useful. Most of Gallipoli's population has departed.	971
712	May 28	To the Ambassador in Turkey (telegram).	Instructions to request the <i>Tennessee</i> to take on board at Beirut Italian consuls from Syria and those at Jerusalem and Haifa, landing them at Alexandria.	972
707	May 28 [Rec'd June 1]	From the Ambassador in Turkey (telegram).	Deportation of belligerent subjects from Aleppo commenced.	972
299	May 11 [Rec'd June 3]	From the Ambassador in Turkey.	<i>Résumé</i> of situation in Turkey ----	972

PART IV

SPECIAL EFFORTS IN BEHALF OF BRITISH, ETC.—Continued

No.	Date	From and to whom	Subject	Page
721	June 3 [Rec'd June 7]	From the Ambassador in Turkey (telegram).	New law empowers military to expel populations whenever they regard it necessary. Deportations of British and French from Damascus begun.	974
280	May 14 [Rec'd July 3]	From the Ambassador in Turkey.	Negotiations for release of British and French subjects in Turkey since beginning of the war.	974
908	July 31	To the Ambassador in Turkey (telegram).	British Government has informed Department of danger from mines in blockaded area and suggests arrangement with the Turkish Government for embarkation of the Italian colony from Sighajik.	976
911	Aug. 5 [Rec'd Aug. 7]	From the Ambassador in Turkey (telegram).	Italian, Russian and Montenegrin interests in Turkey. Arrangements being made for Italian subjects to leave Turkey.	976
936	Aug. 16 [Rec'd Aug. 19]	From the Ambassador in Turkey (telegram). Repeated to the Ambassadors in Great Britain and France.	Turkish Government has frustrated plans to transport Italians. Asks that French and British be requested to arrange for transportation of Jews.	977
947	Aug. 20 [Rec'd Aug. 23]	From the Ambassador in Turkey (telegram). Transmitted to the Ambassador in Great Britain.	Permission to distribute relief funds refused. Ill treatment of deported Armenians. Christians in danger. British Jews awaiting transportation.	977
959	Aug. 22 [Rec'd Aug. 25]	From the Ambassador in Turkey (telegram).	British and French who are forced to leave Turkey may land at Crete.	978
2749	Sept. 4	From the Ambassador in Great Britain (telegram). Repeated to the Ambassador in Turkey.	Egyptian Government has agreed to give deported Jews refuge in Egypt. Morgenthau requested to make arrangements.	978
1175	Oct. 21 [Rec'd Oct. 24]	From the Ambassador in Turkey (telegram).	War Office has promised to send civil subjects of belligerents to Aintab.	979
1386	Dec. 14 [Rec'd Dec. 18]	From the Ambassador in Turkey (telegram).	Interned persons at Urfa being sent to Konia.	979

PART IV

EFFORTS IN BEHALF OF ARMENIANS AND JEWS IN TURKEY

No.	Date	From and to whom	Subject	Page
397	Feb. 18	To the Ambassador in Turkey (telegram).	Sentiment in Syria and Palestine is against the Jews. Instructions to attempt to secure a Turkish order holding civil and military officials responsible for lives and property.	979
430	Feb. 20 [Rec'd Feb. 21]	From the Ambassador in Turkey (telegram).	Minister of Interior states that Jews and Christians are safe. Have requested Sublime Porte to send instructions for their protection to Syria and Palestine.	979
626	Apr. 27	To the Ambassador in Turkey (telegram).	Armenian Church appeals to the United States to prevent massacres.	980
608	Apr. 27 [Rec'd Apr. 28]	From the Ambassador in Turkey (telegram).	American citizen of Persian origin arrested. Concerted movement against non-Turkish element.	980
633	Apr. 29	To the Ambassador in Turkey (telegram).	Urge Turkish Government to protect Armenians and Zionists.	980
624	May 2 [Rec'd May 3]	From the Ambassador in Turkey (telegram).	Joined by Italian Ambassador in making strong representations to Sublime Porte for safety of innocent people. Movement against Zionists suspended.	981
796	May 28	From the Ambassador in France (telegram). Repeated to the Ambassador in Turkey.	Transmits Foreign Office message for Ottoman Government, protesting massacre of Armenians and holding Sublime Porte responsible.	981
778	June 18 [Rec'd June 21]	From the Ambassador in Turkey (telegram).	Grand Vizier resentful at attempted interference by foreign governments. Persecutions of Armenians increasing.	982
841	July 10 [Rec'd July 14]	From the Ambassador in Turkey (telegram).	Describes Turkish plan to crush the Armenian race.	982
	Undated [Rec'd July 14]	From the Secretary of the American Board of Commissioners for Foreign Missions (telegram).	Inhuman treatment of Armenians by the Turks.	984
865	July 16	To the Ambassador in Turkey (telegram).	Approves his urging Turkish officials to stop Armenian persecutions. Inquires if any American citizens have been injured.	984
	July 19	To the Secretary of the American Board of Commissioners for Foreign Missions.	Turkish Government claims that a large number of Armenians are in armed rebellion against Turkish authority.	984

PART IV

EFFORTS IN BEHALF OF ARMENIANS AND JEWS IN TURKEY—Continued

No.	Date	From and to whom	Subject	Page
866	July 20 [Rec'd July 23]	From the Ambassador in Turkey (telegram).	The Embassy has not heard of any injury to American citizens in Turkey.	985
929	Aug. 12 [Rec'd Aug. 16]	From the Ambassador in Turkey (telegram).	German Government objects to statements made by Turks that anti-Armenian measures originated with Germans.	985
924	Aug. 11 [Rec'd Aug. 16]	From the Ambassador in Turkey (telegram).	Suggests that the United States appeal to both Turkey and Germany in an effort to stop persecution of Armenians.	985
955	Aug. 18	To the Ambassador in Turkey (telegram).	Inquires if protest by German Ambassador has improved conditions.	987
940	Aug. 18 [Rec'd Aug. 21]	From the Ambassador in Turkey (telegram).	Protestant and Catholic Armenians exempt from deportation. Have requested exemption of all connected with colleges and institutions.	987
950	Aug. 20 [Rec'd Aug. 23]	From the Ambassador in Turkey (telegram).	German Ambassador's protest has not improved conditions. Bulgarians have made strong representations.	987
1005	Sept. 3 [Rec'd Sept. 6]	From the Ambassador in Turkey (telegram).	Suggests that a committee be formed to raise funds for assisting in emigration of Armenians to west coast of America.	988
1092	Sept. 22	To the Ambassador in Turkey (telegram).	Insurmountable difficulties in way of wholesale emigration of Armenians. Inquires if money would relieve situation.	988
1140	Oct. 4	To the Ambassador in Turkey (telegram).	Instructions to continue good offices for amelioration of Armenian conditions. Persecution is destroying U. S. good will toward Turkey.	988
1165	Oct. 6	To the Ambassador in Turkey (telegram).	Asks permission for Armenians to leave Turkey if they have relatives in America who will pay their expenses.	989
1130	Oct. 9 [Rec'd Oct. 12]	From the Ambassador in Turkey (telegram).	Sublime Porte will consider applications for emigration of Armenians to the United States.	989
400	Oct. 12 [Rec'd Oct. 13]	From the Minister in the Netherlands (telegram).	Netherland Minister at Constantinople instructed to join the U. S. Ambassador in efforts to prevent Armenian atrocities.	989
A 5952	Oct. 8 [Rec'd Oct. 16]	From the German Ambassador.	Transmits copy of German memorandum to Turkey regarding acts of violence against Armenians.	989

PART IV

PROTECTION OF GERMANS AND TURKS IN PERSIA

No.	Date	From and to whom	Subject	Page
127	Dec. 30, 1914	To the Ambassador in Russia (telegram).	Instructions to act in behalf of Germans captured on Persian territory.	990
19	Jan. 14	From the Ambassador in Russia (telegram).	Statements of German authorities regarding treatment of Germans expelled from Persia, are without foundation.	991
186	Feb. 1	To the Ambassador in Russia (telegram).	German Ambassador requests Russia to liberate Germans taken prisoner on neutral territory.	991
89	Mar. 12 [Rec'd Apr. 7]	From the Ambassador in Russia.	Transmits Russian note stating grounds for declining to liberate the Germans arrested in Persia.	991
349	May 26	To the Ambassador in Russia (telegram).	Instructions to inquire for the German Government whether Russia has freed German prisoners taken in Persia.	992
63	May 17 [Rec'd June 15]	From the Minister in Persia.	German families allowed refuge in the Embassy. Protection and use of our flag asked by the Turkish Ambassador.	992
193	June 14 [Rec'd June 15]	From the Ambassador in Russia (telegram). Communicated to the German Ambassador.	Russia will not liberate German prisoners taken in Persia.	993
21	June 30	To the Minister in Persia.	American flag may be used over Turkish Legation unless the Persian Government objects.	993
A 4904	Aug. 7 [Rec'd Aug. 11]	From the German Ambassador.	Asks on what grounds Russian Government refuses to free German prisoners.	994
1587	Sept. 13	To the German Ambassador.	Inquiry should be made of Persia as to grounds on which Germans were taken prisoner.	994
	Nov. 17 [Rec'd Nov. 19]	From the Minister in Persia (telegram).	Russian army near Teheran; Turkish Ambassador and German Minister have fled. Have assumed charge of their Legations. Persian officials ask protection.	994
	Nov. 19	To the Minister in Persia (telegram).	Approves his assuming temporary charge of German and Turkish interests.	995
	Nov. 26 [Rec'd Nov. 28]	From the Minister in Persia (telegram).	Recommends that our protection and flag be withdrawn from Turkish Embassy and German Legation until in imminent danger.	995
	Nov. 30	To the Minister in Persia (telegram).	Cannot approve of any nationals taking refuge in our Legation unless in imminent danger of their lives.	995
105	Nov. 24 [Rec'd Dec. 27]	From the Minister in Persia.	Transmits Persian expression of thanks for safekeeping of archives, and notes from British and Russian Ministers regarding German and Turkish interests in Persia.	995

PART IV

ACTIVITIES OF THE UNITED STATES IN REGARD TO PRISONERS OF WAR AND INTERNED CIVILIANS: AMERICAN GENERAL PLAN FOR INSPECTION AND RELIEF

No.	Date	From and to whom	Subject	Page
649	Dec. 11, 1914 [Rec'd Dec. 21]	From the Ambassador in Great Britain.	Transmits letter from Chandler P. Anderson and memorandum concerning treatment by belligerents of enemy aliens and prisoners of war, and American relief work.	997
1352	Dec. 28, 1914	From the Ambassador in Great Britain (telegram).	British request to communicate to Germany protest against inhuman treatment of British prisoners. Money will be furnished for their relief.	1003
927	Dec. 31, 1914	To the Ambassador in Germany (telegram).	Instructions to communicate British protest against inhuman treatment of British prisoners in German camps.	1004
963	Jan. 15	To the Ambassador in Great Britain (telegram). Repeated to the Ambassador in Germany.	This Government willing to inspect prisoners' camps and distribute food. Suggests plan of operation.	1004
1474	Jan. 15	From the Ambassador in Great Britain (telegram).	British Government requests that U. S. officials visit German prison camps and supervise distribution of money and provisions for British prisoners.	1005
1020	Jan. 16	To the Ambassador in Germany (telegram).	Plan for relief of prisoners to be communicated to the German Government.	1006
977	Jan. 16	To the Ambassador in Great Britain (telegram).	This Government will undertake the relief of British prisoners in Germany.	1007
446	Jan. 19	To the Ambassador in Austria-Hungary (telegram).	The United States is willing to tender its good offices to Austria-Hungary in behalf of prisoners of war if requested to do so.	1007
1595	Feb. 5	From the Ambassador in Great Britain (telegram).	The British Government accepts U. S. plan for the aid of prisoners.	1008
1151	Feb. 6	To the Ambassador in Germany (telegram).	British are eager to begin relief of prisoners. Preliminary sum to be supplied at once if it can be used advantageously.	1009
1641	Feb. 19 [Rec'd Feb. 20]	From the Ambassador in Germany (telegram).	No authorization needed for acceptance of money for British prisoners. German Government has not replied to relief proposal.	1009
739	Feb. 23	From the Austro-Hungarian Ambassador.	Release and relief of Russian and Austro-Hungarian prisoners. Approval of American plan.	1009
546	Mar. 1	To the Ambassador in Austria-Hungary (telegram).	Inquires whether Austria-Hungary wishes to make formal request of Russia for reciprocity in relief of prisoners.	1010

PART IV

ACTIVITIES OF THE UNITED STATES IN REGARD TO PRISONERS OF WAR, ETC.—CON.

No.	Date	From and to whom	Subject	Page
545	Mar. 11 [Rec'd Mar. 12]	From the Ambassador in Austria-Hungary (telegram).	Austro-Hungarian Government anxious to make immediate arrangements with Russia for camp inspection.	1010
1824	Mar. 11 [Rec'd Mar. 12]	From the Ambassador in Germany (telegram).	Transmits German official acceptance of relief proposals for prisoners, with certain restrictions.	1011
243	Mar. 15	To the Ambassador in Russia (telegram).	Austria-Hungary desires to make an agreement with Russia for the inspection of prison camps. Outline of plan.	1012
	Mar. 18	From the President of the United States to the Emperor of Russia.	Offers services of the U. S. Government and Red Cross for relief of prisoners in Siberia.	1013
1415	Mar. 24	To the Ambassador in Germany (telegram.)	Instructions to confirm details of plan for relief of prisoners.	1013
1926	Mar. 26 [Rec'd Mar. 27]	From the Ambassador in Germany (telegram).	Desires notice of specific acceptance by Great Britain, France, and Russia of proposals regarding prison relief.	1014
1334	Mar. 29	To the Ambassador in Great Britain (telegram).	Requests copy of British reply to German proposals regarding condition of war prisoners.	1014
1943	Mar. 29 [Rec'd Mar. 30]	From the Ambassador in Germany (telegram).	Report on the working out of prison relief plan, giving names of men who will inspect prison camps.	1015
1856	Mar. 30 [Rec'd Mar. 31]	From the Ambassador in Great Britain (telegram).	Transmits British note advocating similar arrangements in Great Britain and Germany for distribution of supplies and visitation of detention camps.	1015
1891	Apr. 6	From the Ambassador in Great Britain (telegram).	Grey requests that Germany be assured of British acceptance of the German scheme for inspection of prison camps.	1016
2064	Apr. 16 [Rec'd Apr. 17]	From the Ambassador in Germany (telegram).	Acknowledges receipt of British acceptance of German scheme of camp inspection.	1017
103	Mar. 27 [Rec'd Apr. 21]	From the Ambassador in Russia.	Transmits Russian note with regulations regarding visitation of prison camps and distribution of supplies, and states that copy has been sent to American Embassy at Vienna.	1017
2135	Apr. 29] [Rec'd May 1]	From the Ambassador in Germany (telegram).	Suggests that American and Spanish Ambassadors meet in Switzerland to confer with prison authorities regarding prisoners' exchanges, etc.	1018

PART IV

ACTIVITIES OF THE UNITED STATES IN REGARD TO PRISONERS OF WAR, ETC.—Con.

No.	Date	From and to whom	Subject	Page
119	Apr. 15 [Rec'd May 10]	From the Ambassador in Russia to the President.	Description of visit to the Tsar and delivery of the President's letter of Mar. 18 regarding prisoners.	1018
	May 1 [Rec'd June 7]	From the Ambassador in Russia to the Chief Clerk of the Department of State.	Transmits autograph letter from the Tsar to the President and note from Sazonov regarding reciprocal treatment of prisoners in Russia and in Germany and Austria-Hungary.	1020
375	June 15	To the Ambassador in Russia (telegram).	The United States is ready to cooperate in relief of Russian prisoners upon approval of Spanish, German, and Austrian Governments.	1021
1866	June 23	To the Ambassador in Germany (telegram).	A conference regarding prisoners could not properly be initiated by this Government.	1022
235	July 23 [Rec'd July 25]	From the Ambassador in Russia (telegram).	Russian Government will request Spanish approval of American relief work among Russian prisoners in Germany and Austria-Hungary.	1022
245	Aug. 3 [Rec'd Aug. 4]	From the Ambassador in Russia (telegram).	Spanish Government instructs its ambassadors to render all assistance possible to Americans in prison-relief work.	1023
253	Aug. 9	From the Ambassador in Russia (telegram).	Russian Government has given consent that American Red Cross operate throughout Russia in the most convenient way.	1023

NEGOTIATIONS RELATING TO THE WORK OF BELGIAN RELIEF

	Jan. 2	From the Minister in Belgium (telegram).	Assurances given by Von Bissing that imported foodstuffs will not be requisitioned in occupied Belgian territory.	1023
184	Dec. 29, 1914 [Rec'd Jan. 12]	From the Minister in the Netherlands.	German civil commander of Limburg has exacted a tax on foodstuffs imported for the relief of civilians. Shipments have been ordered discontinued until tax is removed and money refunded.	1024
999	Jan. 13	To the Ambassador in Germany (telegram).	Inquires if import tax is exacted on foodstuffs sent for the relief of Limburg Province.	1024
399	Jan. 2 [Rec'd Jan. 16]	From the Ambassador in Germany.	Transmits copy of his note to Zimmermann asking that no requisitions of food in Belgium be made during relief campaign and that relief ships be protected; also copy of reply.	1025

PART IV

NEGOTIATIONS RELATING TO THE WORK OF BELGIAN RELIEF—Continued

No.	Date	From and to whom	Subject	Page
1305 [1355]	Jan. 16	From the Ambassador in Germany (telegram).	Tax removed in Limburg Province and money refunded. Investigation dropped.	1026
81	Jan. 21	To the Minister in the Netherlands (telegram).	Instructions to confirm report that tax has been removed and money refunded in Limburg Province.	1026
1540	Jan. 27 [Rec'd Jan. 28]	From the Ambassador in Great Britain (telegram).	Transmits message from Hoover regarding food situation in Belgium and proposed methods of relief.	1026
	Undated [Rec'd Jan. 28]	From the German Ambassador (telegram).	German Government guarantees not to molest foodstuffs imported for civilian population.	1027
502	Jan. 28	From the Ambassador in France (telegram).	Requests permission to present to Foreign Office, Hoover's request for permission to deliver maize to Belgian civilians.	1027
528	Jan. 29	To the Ambassador in France (telegram).	Grants permission to present to Foreign Office Hoover's request to deliver maize to Belgium.	1028
1091	Jan. 30	To the Ambassador in Germany (telegram).	Visit of Hoover to Germany in the interests of Belgium.	1028
195	Jan. 22 [Rec'd Feb. 6]	From the Minister in the Netherlands.	Tax on foodstuffs to Limburg Province said to be mistake on part of German authorities. Encloses a note from Gerard.	1028
196	Jan. 22 [Rec'd Feb. 6]	From the Minister in the Netherlands.	Cooperation of the Netherlands in facilitating transportation of supplies to Belgium.	1030
538	Feb. 10	From the Ambassador in France (telegram).	Foreign Office will permit shipment of maize to Rotterdam for distribution in Belgium.	1030
46	Jan. 28 [Rec'd Feb. 15]	From the Minister in Belgium.	Transmits note from German military authorities in Belgium regarding the requisition of foodstuffs.	1030
47	Jan. 28 [Rec'd Feb. 15]	From the Minister in Belgium.	Transmits letter from German military authorities in Belgium stating that cattle and their food are exempt from requisition when imported by the Comité National.	1031
34	Jan. 26 [Rec'd Feb. 17]	From the Minister in Belgium.	German assurance that foodstuffs imported for Givet, Fumay, and other specified regions, will be exempt from requisition.	1032
52	Feb. 2 [Rec'd Feb. 24]	From the Minister in Belgium.	Encloses note from German military authorities in Belgium announcing exemption of pharmaceutical supplies from requisition.	1032
53	Feb. 3 [Rec'd Feb. 24]	From the Minister in Belgium.	Revictualing of the Maubeuge district.	1033

PART IV

NEGOTIATIONS RELATING TO THE WORK OF BELGIAN RELIEF—Continued

No.	Date	From and to whom	Subject	Page
173	Feb. 27	From the Minister in the Netherlands (telegram).	Suggests that United States protest against German refusal to give safe-conduct for ships of the Relief Commission <i>en route</i> to and from Rotterdam.	1033
181	Mar. 3	From the Minister in the Netherlands (telegram).	Germany will permit Relief Commission ships to pass through English Channel unmolested; cannot give safe-conduct through war zone.	1034
1756	Mar. 10	From the Ambassador in Great Britain (telegram).	Grey gives assurance to the Relief Commission that neither its flag nor its markings will be used by the British.	1034
215	Mar. 3 [Rec'd Mar. 16]	From the Minister in the Netherlands.	Transmits German memorandum regarding the safe-conduct of relief ships. Comments thereon.	1034
1423	Mar. 25	To the Ambassador in Germany (telegram).	Instructions to bring to attention of German Government that the <i>Elfland</i> , a relief ship, was attacked by a German aeroplane.	1035
1989	Apr. 6 [Rec'd Apr. 7]	From the Ambassador in Germany (telegram).	Foreign Office declares that attack on the <i>Elfland</i> was made by mistake; suggests that horizontal markings on ships be erected.	1035
1527	Apr. 17	To the Ambassador in Germany (telegram).	Forwards despatch from London, for communication to Foreign Office, concerning the torpedoing of the Relief Commission ship <i>Harpalyce</i> and German refusal to grant safe-conducts.	1036
1547	Apr. 21	To the Ambassador in Germany (telegram).	Transportation difficulties encountered by the Belgian Relief Commission and antagonism of German Minister at The Hague.	1036
2089	Apr. 20 [Rec'd Apr. 21]	From the Ambassador in Germany (telegram).	German Legation and submarines instructed to let Relief Commission ships pass under certain conditions.	1037
2046	May 5	From the Ambassador in Great Britain (telegram).	Grey requests that statements made by survivors of the <i>Harpalyce</i> be brought to the attention of the United States.	1038
2156	May 4 [Rec'd May 6]	From the Ambassador in Germany (telegram).	Transmits correspondence regarding permission of German Government for safe-conduct for certain relief ships.	1038
1525	May 7	To the Ambassador in Great Britain (telegram).	Transmits report of German investigation of sinking of the <i>Harpalyce</i> .	1039
	July 10	From the Minister in Belgium (telegram).	Governor General has given assurances that this year's crop in his district shall be reserved for use of the Belgian civil population.	1039
2736	Sept. 3	From the Ambassador in Great Britain (telegram).	British, German, and Dutch Governments agree to the use by the Relief Commission of German interned ships. United States consent is requested.	1040

PART IV

NEGOTIATIONS RELATING TO THE WORK OF BELGIAN RELIEF—Continued

No.	Date	From and to whom	Subject	Page
2088	Sept. 9	To the Ambassador in Great Britain (telegram).	Inquires if British Government has officially sanctioned the use of German interned ships.	1040
2986	Oct. 11	From the Ambassador in Great Britain (telegram).	Plan to use German interned ships abandoned on account of objections of France.	1040

NEGOTIATIONS RELATING TO THE WORK OF THE RED CROSS

	Jan. 23	To Diplomatic and Consular Officers.	Relation of Foreign Service officers to the Red Cross defined.	1040
77	Mar. 19	To the Minister in Roumania, Servia, and Bulgaria (telegram).	Dr. Strong to be sent [to Servia] with large stores and hospital supplies.	1041
61	Mar. 30 [Rec'd Mar.31]	From the Minister in Roumania, Servia, and Bulgaria (telegram).	Transmits note from the Servian Minister of Foreign Affairs expressing gratitude for the relief of their sick and wounded.	1042
760	June 11	To the Ambassador in Turkey (telegram).	Diplomatic and consular officers in Turkey will be allowed to serve as officers of the American Red Cross.	1042
	July 16	From the Chairman of the National Relief Board of the American Red Cross.	The Red Cross will recall the units of surgeons and nurses in Europe because of exhausted funds. It will continue to send hospital supplies.	1042
	July 21	To the Ambassadors and Ministers in European Belligerent Countries (telegram).	The Red Cross regrets the necessity of recalling its units of surgeons and nurses from belligerent countries.	1044
2744	Aug. 16 [Rec'd Aug. 17]	From the Ambassador in Germany (telegram).	German Government anxious to know if the American Red Cross will aid German and Austro-Hungarian prisoners in Russia and Siberia, expenses to be paid by Germany.	1044
1001	Sept. 20	From the Ambassador in Russia (telegram).	Application for permission for Red Cross to work among German prisoners in Russia calls forth an inquiry as to whether Russian prisoners will receive similar treatment in Germany.	1044
506	Sept. 24	To the Ambassador in Russia (telegram).	Red Cross to finance Russian mission in Germany to extent of \$10,000. German Government will finance mission in Russia.	1045

PART IV

NEGOTIATIONS RELATING TO THE WORK OF THE RED CROSS—Continued

No.	Date	From and to whom	Subject	Page
334	Oct. 28	From the Ambassador in Russia (telegram).	Foreign Office proposes that work of Red Cross be confined to visiting internment camps, distributing assistance, and studying Russian methods	1045
616	Nov. 5	To the Ambassador in Russia (telegram).	Red Cross has proffered services to German prisoners in Russia. Inquires if like services to Russians in Germany are acceptable.	1045
360	Nov. 23 [Rec'd Nov. 26]	From the Ambassador in Russia (telegram).	American Red Cross can be allowed only to distribute material aid to prisoners in Russia. Russia will not subscribe funds for support of Red Cross in Germany.	1046
2518	Nov. 30	To the Ambassador in Great Britain (telegram).	American Red Cross has asked permits to send supplies to hospitals of Central powers, but without reply.	1046
641	Dec. 1	To the Ambassador in Russia (telegram).	Instructions to ascertain exact attitude of Russian Government toward Red Cross and if withdrawal of units is desired. Forwards memorandum of the Russian Embassy.	1047
435	Dec. 15 [Rec'd Dec. 16]	From the British Ambassador.	British Government will pass medical stores to Germany if each shipment is guaranteed exclusive use by the Red Cross.	1048
379	Dec. 21 [Rec'd Dec. 22]	From the Ambassador in Russia (telegram).	Further explanation of situation in Russia regarding Red Cross work.	1048
	Dec. 24 [Rec'd Dec. 27]	From the British Ambassador.	Transmits statement to press that Great Britain has not refused shipment of hospital supplies to Central powers.	1049

EXEMPTION OF HOSPITAL SUPPLIES FROM SEIZURE AS CONTRABAND OF WAR

1409	May 17 [Rec'd June 1]	From the Ambassador in Great Britain.	Proposed list of hospital supplies would be accepted by Great Britain as non-contraband if accepted by other belligerents.	1050
	June 25	To the Ambassador in Italy. The same, <i>mutatis mutandis</i> , to the Ambassadors in France, Germany, Austria-Hungary, Russia, Japan, Turkey, and Spain.	Instructions for joint action with Spanish representative regarding hospital supplies as non-contraband.	1050

PART IV

EXEMPTION OF HOSPITAL SUPPLIES FROM SEIZURE, ETC.—Continued

No.	Date	From and to whom	Subject	Page
	July 17 [Rec'd July 19]	From the Spanish Ambassador.	Asks to be informed of views prompting recent instructions to diplomatic representatives on subject of hospital supplies.	1051
	July 27	To the Spanish Ambassador.	The United States could not withdraw from its expressed willingness to be of assistance when opportunity arrived.	1052
	Aug. 3 [Rec'd Aug. 5]	From the Spanish Ambassador.	Spanish Government has instructed its representatives to proceed jointly with the U. S. representatives in negotiations for exportation of hospital supplies.	1053
363	Aug. 7	From the Ambassador in Italy (telegram).	Italian Government will consider as non-contraband medicines, sanitary supplies and surgical appliances.	1053
1673	Oct. 19 [Rec'd Nov. 1]	From the Ambassador in Germany.	Forwards German note to the Spanish Ambassador showing willingness to consider hospital supplies as non-contraband of war on basis of reciprocity.	1053

THE DISPLAY OF DISTINGUISHING MARKS BY AMERICAN NAVAL VESSELS ON THE HIGH SEAS

A 7824	Dec. 1 [Rec'd Dec. 2]	From the German Ambassador.	German Government requests that American warships in the Mediterranean display the national flag clearly by day and by night.	1054
1692	Dec. 10	To the German Ambassador.	Transmits note from the Secretary of the Navy stating reasons why Navy Department must decline to issue orders as suggested by German Government.	1055
	Jan. 28, 1916	From the Secretary of the Navy.	Department is unable to change its attitude in relation to the matter of display of flag.	1056
2298	Jan. 24, 1916 [Rec'd Feb. 17]	From the Ambassador in Germany.	Transmits note from Von Jagow stating that request to make flag clearly visible on American ships was a friendly suggestion, not an instruction.	1056

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

AUSTRIA-HUNGARY

No.	Date	From and to whom	Subject	Page
446	Jan. 19	To the Ambassador in Austria-Hungary (telegram).	The United States is willing to tender its good offices to Austria-Hungary in behalf of prisoners of war if requested to do so.	1007
315	Jan. 29 [Rec'd Feb. 16]	From the Ambassador in Austria-Hungary.	Reports upon internal situation...	10
739	Feb. 23	From the Austro-Hungarian Ambassador.	Release and relief of Russian and Austro-Hungarian prisoners. Approval of American plan.	1009
546	Mar. 1	To the Ambassador in Austria-Hungary (telegram).	Inquires whether Austria-Hungary wishes to make formal request of Russia for reciprocity in relief of prisoners.	1010
545	Mar. 11 [Rec'd Mar. 12]	From the Ambassador in Austria-Hungary (telegram).	Austro-Hungarian Government anxious to make immediate arrangements with Russia for camp inspection.	1010
548	Mar. 12 [Rec'd Mar. 13]	From the Ambassador in Austria-Hungary (telegram).	Believes that Austria is attempting to purchase Italy's non-entry into the war.	19
569	Mar. 12	To the Ambassador in Austria-Hungary (telegram).	Instructions to impress upon Austrian Government the necessity of protection of non-combatants in case the Allies attack Constantinople.	964n
558	Mar. 15 [Rec'd Mar. 16]	From the Ambassador in Austria-Hungary (telegram).	Allies seeking support of Italy; Germany pressing for her continued neutrality.	20
565	Mar. 16 [Rec'd Mar. 17]	From the Ambassador in Austria-Hungary (telegram).	Satisfactory interview with Minister for Foreign Affairs regarding possible massacres in Turkey.	965
685	May 15	To the Ambassador in Austria-Hungary (telegram).	Consuls authorized to issue certificates of transfer of title to American ownership.	214n
	May 19	To the Austro-Hungarian Ambassador.	Activities of Pupin in issuing appeals to Montenegrins in the United States for military service; no evidence to warrant prosecution.	761

AUSTRIA-HUNGARY—Continued

No.	Date	From and to whom	Subject	Page
	May 24	To the President.	Dumba's denial of statement said to have been made by him. Further explanations.	407
	June 25	To the Ambassador in Austria-Hungary.	Instructions for joint action with Spanish representative regarding hospital supplies as non-contraband.	1050n
[Enclosure]	June 29	From the Austro-Hungarian Minister of Foreign Affairs to the American Ambassador.	Protests against shipment of American arms and ammunition to the Allies.	791
608	July 2 [Rec'd July 20]	From the Ambassador in Austria-Hungary.	Transmits note of Burian protesting against shipment of American arms and ammunition to the Allies. Has reminded him that Americans are more concerned in permanent trade than in the temporary manufacture of arms.	790
759	July 5 [Rec'd July 6]	From the Ambassador in Austria-Hungary (telegram).	Cites precedents for the furnishing of arms by neutral countries to belligerents.	788
646	July 30 [Rec'd Aug. 17]	From the Ambassador in Austria-Hungary.	Report on conditions in the Monarchy at the end of one year of warfare.	45
846	Aug. 12	To the Ambassador in Austria-Hungary (telegram).	Reply to note regarding exportation of arms and ammunition from the United States to the countries at war with Austria-Hungary and Germany.	794
[Enclosure]	Aug. 20	From the Austro-Hungarian Ambassador at Washington to the Austro-Hungarian Minister of Foreign Affairs.	German plot for strikes in American steel and munition factories.	932
[Enclosure]	Aug. 20	From the Austro-Hungarian Ambassador at Washington to the Austro-Hungarian Minister of Foreign Affairs.	Hungarian memorandum outlining plan for a strike in steel works in the United States.	936
[Enclosure]	Aug. 20	From the Austro-Hungarian Ambassador at Washington to the Austro-Hungarian Minister of Foreign Affairs.	Publication in the <i>World</i> of documents exposing the secret activities of the German Embassy and Geheimrat Albert.	938

AUSTRIA-HUNGARY—Continued

No.	Date	From and to whom	Subject	Page
	Sept. 8	From the Austro-Hungarian Ambassador.	Requests copy of his letter to Burian.	933
	Sept. 8	To the Austro-Hungarian Ambassador.	Dumba's letter was sent in secret cipher; paraphrase only can be furnished.	933
887	Sept. 8	To the Ambassador in Austria-Hungary (telegram).	The President requests the recall of Dumba, who is charged with conspiracy.	933
[Enclosure]	Sept. 13	Announcement by the Austro-Hungarian Ambassador.	Austro-Hungarian subjects who work in U. S. munitions factories will be subject to imprisonment if they return home.	807
897	Sept. 14 [Rec'd Sept.16]	From the Ambassador in Austria-Hungary (telegram).	Requests safe-conduct for Dumba to report to his Government.	934
899	Sept. 17	To the Ambassador in Austria-Hungary (telegram).	When Dumba is definitely recalled, safe-conduct will be requested of the British and French.	935
908	Sept. 19 [Rec'd Sept.20]	From the Ambassador in Austria-Hungary (telegram).	Burian reluctant to condemn Dumba without a hearing, but does not question genuineness of the letter.	935
908	Sept. 22	To the Ambassador in Austria-Hungary (telegram).	Repeats request for recall of Dumba as <i>persona non grata</i> .	941
910	Sept. 22	To the Ambassador in Austria-Hungary (telegram).	Dumba refused safe-conduct for leave of absence. Department awaiting notice of his recall.	941
[Enclosure]	Sept. 24	From the Austro-Hungarian Minister of Foreign Affairs to the American Ambassador.	Traffic in arms and ammunition between the United States and the Allies.	810
913	Sept. 24 [Rec'd Sept.25]	From the Ambassador in Austria-Hungary (telegram).	Virtual recall of Dumba.....	942
3303	Sept. 27 [Rec'd Sept.30]	From the Austro-Hungarian Chargé.	Furnishes further evidence of recruiting in United States for military service abroad.	770
917	Sept. 28	To the Ambassador in Austria-Hungary (telegram).	Arrangements made for safe return of Dumba; correspondence on subject.	943
806	Sept. 30 [Rec'd Oct. 25]	From the Ambassador in Austria-Hungary.	Transmits further statement from Burian regarding traffic in arms and ammunition between the United States and the Allies, with comments.	809

AUSTRIA-HUNGARY—Continued

No.	Date	From and to whom	Subject	Page
[Enclosure]	Sept. 30	From the Austro-Hungarian Minister of Foreign Affairs to the American Ambassador.	Reply to note requesting recall of Dumba, in which wish is expressed for continued friendly relations between the two countries.	944
807	Sept. 30 [Rec'd Oct. 25]	From the Ambassador in Austria-Hungary.	Interview with Burian arranging recall of Dumba.	944
	Oct. 1	To the Austro-Hungarian Embassy.	British and French will permit safe passage of Dumba and party.	943
942	Oct. 15 [Rec'd Oct. 16]	From the Ambassador in Austria-Hungary (telegram).	Press reports indicate that submarines constructed in the United States have been sent to England. Inquires regarding line to be taken in meeting Austro-Hungarian criticism.	809
202	Nov. 2	To the Austro-Hungarian Chargé.	Reply to inquiry in regard to alleged recruiting of Austro-Hungarians by Montenegrins.	773
967	Nov. 3	To the Ambassador in Austria-Hungary (telegram).	There is no evidence that submarines have been built in the United States for delivery during present war.	814
[Enclosure]	Nov. 8	From the Austro-Hungarian Minister of Foreign Affairs to the American Ambassador.	Formal recall of Dumba.....	947
976	Nov. 13 [Rec'd Nov. 14]	From the Ambassador in Austria-Hungary (telegram).	Requests information regarding position of Consul Young, who desires to return to Belgrade.	921
	Nov. 15 [Rec'd Nov. 16]	From the Austro-Hungarian Chargé.	Official announcement of Austria-Hungary on sinking of the <i>Ancona</i> .	614
987	Nov. 16	To the Ambassador in Austria-Hungary (telegram).	Instructions to report on sinking of the <i>Ancona</i> .	614
991	Nov. 17	To the Ambassador in Austria-Hungary (telegram).	Young should remain in Belgrade..	921
989	Nov. 20 [Rec'd Nov. 21]	From the Ambassador in Austria-Hungary (telegram).	Awaits instruction regarding status of Consul Young now within Austro-Hungarian lines.	921
991	Nov. 23 [Rec'd Nov. 24]	From the Ambassador in Austria-Hungary (telegram).	Report on sinking of the <i>Ancona</i> not yet received. List of Austro-Hungarian submarines.	619

AUSTRIA-HUNGARY—Continued

No.	Date	From and to whom	Subject	Page
997	Nov. 23	To the Ambassador in Austria-Hungary (telegram).	Young to remain at Belgrade under Austro-Hungarian control, though detached from Budapest jurisdiction.	922
1011	Dec. 6	To the Ambassador in Austria-Hungary (telegram).	The United States demands that Austria-Hungary denounce the sinking of the <i>Ancona</i> , punish the officers, and make reparation.	623
1017	Dec. 7 [Rec'd Dec. 8]	From the Ambassador in Austria-Hungary (telegram).	Austro-Hungarian Government consents to Young's return to Belgrade under certain conditions. Suggestion that he be detailed to assist at Vienna.	922
[Enclosure]	Dec. 11	From the Austro-Hungarian Chargé at Washington to the Austro-Hungarian Minister of Foreign Affairs.	Advises consideration for safety of travelers in submarine war.	626
	Dec. 13	Memorandum by the Secretary of State.	Conversation with the Austro-Hungarian Chargé regarding the <i>Ancona</i> note.	627
[Enclosure]	Dec. 15	From the Austro-Hungarian Minister for Foreign Affairs to the American Ambassador.	Note in reply to American demands for denunciation of sinking of the <i>Ancona</i> .	639
[Enclosure]	Dec. 17	From the Austro-Hungarian Chargé at Washington to the Austro-Hungarian Minister of Foreign Affairs.	Statement of U. S. principles and demands in the <i>Ancona</i> case.	640
[Enclosure]	Dec. 18	From the Austro-Hungarian Chargé at Washington to the Austro-Hungarian Minister of Foreign Affairs.	Proposal that Austria-Hungary give same pledge as Germany and leave the <i>Ancona</i> case for diplomatic negotiations.	642
[Enclosure]	Dec. 19	From the Austro-Hungarian Chargé at Washington to the Austro-Hungarian Minister of Foreign Affairs.	Suggested solution of the <i>Ancona</i> case is unacceptable to the United States.	647

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AUSTRIA-HUNGARY—Continued

No.	Date	From and to whom	Subject	Page
1039	Dec. 19	To the Ambassador in Austria - Hungary (telegram).	Note for Foreign Office repeating demands in the <i>Ancona</i> case.	647
	Dec. 22	To the Ambassador in Austria - Hungary (telegram).	Colonel House is sent by the President to impart information to our ambassadors concerning the attitude of this Government and to obtain the points of view of the belligerents.	85
1052	Dec. 23	To the Ambassador in Austria-Hungary (telegram).	Young is to seal archives in Belgrade and proceed to Vienna, where he has been assigned for temporary duty in the Consulate General.	923
[Enclosure]	Dec. 24	From the Austro-Hungarian Chargé at Washington to the Austro-Hungarian Minister of Foreign Affairs.	Urges prompt reply to U. S. note on the <i>Ancona</i> case.	650
[Enclosure]	Undated [Rec'd Dec. 30]	From the Austro-Hungarian Minister of Foreign Affairs to the American Ambassador.	Reply to U. S. protest in the <i>Ancona</i> case.	655

BELGIUM

3465	Dec. 28, 1914	From the Belgian Minister.	German Government has canceled exequaturs; will create three consular posts. Belgium protests.	917
	Dec. 30, 1914 [Rec'd Jan. 2]	From the Minister in Belgium (telegram).	Requests that passports not be issued for travel into Belgium.	899
	Jan. 2	From the Minister in Belgium (telegram).	Assurances given by Von Bissing that imported foodstuffs will not be requisitioned in occupied Belgian territory.	1023
[Enclosure]	Jan. 4	From the Chief Administrator for the German Governor General in Belgium to the American Minister.	Military requisition of foodstuffs in Belgium.	1031
[Enclosure]	Jan. 13	From the Chief Administrator for the German Governor General in Belgium to the American Minister.	Cattle and their food are exempt from requisition when imported by the Comité National.	1032

BELGIUM—Continued

No.	Date	From and to whom	Subject	Page
[Enclosure]	Jan. 21	From the Chief Administrator for the German Governor General in Belgium to the American Minister.	Announces exemption of pharmaceutical supplies from requisition.	1033
	Jan. 25	To the Belgian Minister.	Acknowledges note referring to German announcement of intention to cancel exequaturs of foreign consuls.	919
34	Jan. 26 [Rec'd Feb. 17]	From the Minister in Belgium.	German assurance that foodstuffs imported for Givet, Fumay, and other specified regions, will be exempt from requisition.	1032
[Enclosure]	Undated [Rec'd Jan. 28]	From the Chairman of the Commission for Relief in Belgium.	Food situation in Belgium and proposed methods of relief.	1026
52	Feb. 2 [Rec'd Feb. 24]	From the Minister in Belgium.	Encloses note from German military authorities in Belgium announcing exemption of pharmaceutical supplies from requisition.	1032
53	Feb. 3 [Rec'd Feb. 24]	From the Minister in Belgium.	Revictualing of the Maubeuge district.	1033
898	Feb. 13 [Rec'd Feb. 15]	From the Belgian Minister.	Transmits copy of second note of protest to Germany against cancellation of exequaturs of foreign consuls in Belgium.	919
[Enclosure]	Undated [Rec'd Feb. 15]	From the Belgian Ministry of Foreign Affairs to the German Foreign Office.	Second protest against cancellation of exequaturs of foreign consuls in Belgium.	920
	July 10	From the Minister in Belgium (telegram).	Governor General has given assurances that this year's crop in his district shall be reserved for use of the Belgian civil population.	1039

BULGARIA

159	Apr. 26 [Rec'd May 17]	From the Minister in Roumania, Servia, and Bulgaria.	Triple Entente is working to secure alliance of Bulgaria; latter now more favorably inclined toward the Entente.	34
85	May 25 [Rec'd May 29]	From the Minister in Roumania, Servia, and Bulgaria (telegram).	Bulgaria waiting for completion of contract agreed upon with Triple Entente.	40
138	Sept. 24	From the Minister in Roumania, Servia, and Bulgaria (telegram).	Bulgarian mobilization announced.	59

BULGARIA—Continued

No.	Date	From and to whom	Subject	Page
143	Oct. 8 [Rec'd Oct. 9]	From the Minister in Roumania, Servia, and Bulgaria (telegram).	Russian ultimatum to Bulgaria and answer thereto.	62
161	Oct. 8	To the Minister in Roumania, Servia, and Bulgaria (telegram).	Arranging for diplomatic representation in Bulgaria if relations are severed between that country and the Entente.	914
148	Oct. 12 [Rec'd Oct. 13]	From the Minister in Roumania, Servia, and Bulgaria (telegram).	Bulgaria has attacked Servia.....	63
166	Oct. 18	To the Minister in Roumania, Servia, and Bulgaria (telegram).	Awaiting approval of Bulgarian Government to send Einstein to Sofia as Chargé on special mission. He will assume charge of British interests.	915
154	Oct. 19 [Rec'd Oct. 21]	From the Minister in Roumania, Servia, and Bulgaria (telegram).	Bulgaria expects to gain more by joining the Central powers.	66
156	Oct. 21 [Rec'd Oct. 22]	From the Minister in Roumania, Servia, and Bulgaria (telegram).	Bulgarian Government will receive Einstein.	915
178	Oct. 27 [Rec'd Nov. 23]	From the Minister in Roumania, Servia, and Bulgaria.	Speculations as to why Bulgaria joined the Central powers instead of the Allies.	70
1	Oct. 27 [Rec'd Dec. 7]	From the Special Agent in Bulgaria.	Discusses with officials the prospects of peace and the position Bulgaria will hold among the nations.	79
176	Oct. 27	To the Minister in Roumania, Servia, and Bulgaria (telegram).	Einstein appointed special agent to assist in caring for British interests in Bulgaria and not Chargé on special mission.	915
3	Nov. 1 [Rec'd Dec. 7]	From the Special Agent in Bulgaria.	Explains influences which decided Bulgaria in joining the Central powers.	80
	Undated [Rec'd Nov. 1]	From the Special Agent in Bulgaria (telegram).	Have presented letters as Chargé..	915
4	Nov. 10 [Rec'd Dec. 7]	From the Special Agent in Bulgaria.	Defines Bulgaria's attitude towards other Balkan states and relations with Turkey, including signing of protocol for the cession of Turkish territory.	82
191	Nov. 12	To the Minister in Roumania, Servia, and Bulgaria (telegram).	Einstein may continue to enjoy individual rank of Chargé without holding office as such.	916

BULGARIA—Continued

No.	Date	From and to whom	Subject	Page
24	Dec. 8 [Rec'd Jan. 4, 1916]	From the Special Agent in Bulgaria.	Unofficially informed that the Central powers are satisfied with the territory gained in the war and are ready for peace.	87
26	Dec. 9 [Rec'd Jan. 4, 1916]	From the Special Agent in Bulgaria.	Discusses Bulgaria's ambitions. Ultimate disposition of Servia is undecided.	89

CHINA

	Nov. 9	From the Minister in China (telegram).	British restrictions on American trade in China; merchants blacklisted.	610
	Nov. 20	From the Minister in China (telegram).	British ships instructed to refuse American cargoes in China and Japan. Suggests method of retaliation.	616
[Enclosure]	Undated [Rec'd Dec. 22]	From the Consul General at Hongkong (telegram).	Authorities refuse to permit transmission of messages in naval cipher.	730

DENMARK

	Dec. 28, 1914	From the Danish Minister.	Asks if the United States recognizes right of England to seize American vessels carrying conditional contraband to Denmark.	296
40AIII	Dec. 28, 1914	From the Danish Minister.	Asks that the United States take steps to defend her trade with smaller neutral countries.	296
820	Jan. 6 [Rec'd Jan. 25] Jan. 7	From the Minister in Denmark. To the Danish Legation.	Scandinavian countries agree to act in unison and preserve neutrality.	7
	Jan. 7	To the Minister in Denmark (telegram).	Cannot state in advance whether the United States would recognize right of England to seize vessels carrying contraband to ports of Denmark.	298
140	Feb. 21 [Rec'd Feb. 22]	From the Minister in Denmark (telegram).	Instructions not to issue emergency passports to Belgium except under specified conditions.	899
	Feb. 21 [Rec'd Feb. 22]	From the Minister in Denmark (telegram).	German Admiralty is resolved to starve England; the Government considers America unjust.	121
147	Mar. 1	From the Minister in Denmark (telegram).	Diplomatic opinion regarding latest U. S. proposal.	128
	Undated [Rec'd May 17]	From the Consul General at Copenhagen (telegram).	American Transatlantic Co. purchasing Danish steamers.	692

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DENMARK—Continued

No.	Date	From and to whom	Subject	Page
	June 12	To the Consul General at Copenhagen (telegram).	Instructions to issue no more certificates to ships involved in transactions of Jensen and American Transatlantic Co.	693
170	Sept. 1	From the Minister in Denmark (telegram).	Arms and ammunition embargoed and reasons therefor.	802
174	Sept. 28	From the Minister in Denmark (telegram).	Progress of British secret methods of destruction of German submarines.	558
43	Oct. 13	To the Minister in Denmark.	Instructions to investigate report that to avoid seizure of foodstuffs permission must be obtained from London before shipment.	571a
177	Oct. 16 [Rec'd Oct. 17]	From the Minister in Denmark (telegram).	British intention to seize all packers' goods. Effect upon Scandinavian American Line.	576
	Dec. 3	To the Minister in Denmark (telegram).	Department assumes no responsibility for activities of the Ford peace party.	78
134	Dec. 17 [Rec'd Jan. 5, 1916]	From the Consul General at Copenhagen.	Society of Wholesale Dealers and Association of Industry of Denmark have agreed with England for importation of goods.	289
204	Dec. 30	From the Minister in Denmark (telegram).	Ford peace party had no effect upon public opinion.	87

FRANCE

357	Dec. 7, 1914	To the Ambassador in France (telegram).	Instructions to ask for release of August Piepenbrink, who was seized on the <i>Windber</i> by the French.	744
	Jan. 7	To the Ambassador in France (telegram).	Instructions not to issue emergency passports to Belgium except under specific conditions.	899
	Jan. 16 [Rec'd Jan. 18]	From the French Ambassador.	Protests the transfer of German ships to American flag, giving reasons.	681
464	Jan. 16	From the Ambassador in France (telegram).	Bentley, Broomhall, and Meyer codes admitted for telegraph messages.	700
	Jan. 21	To the French Ambassador.	Protests action of French in detaining the <i>Metapan</i> and requiring German passengers to sign pledge not to bear arms for Germany.	744
496	Jan. 22	To the Ambassador in France (telegram).	Instructions to try to arrange that stopped telegrams be reported to him daily.	702

FRANCE—Continued

No.	Date	From and to whom	Subject	Page
484	Jan. 22	From the Ambassador in France (telegram).	Replies that the Governor of Kingston will decide upon the liberation of Piepenbrink.	745
487	Jan. 23	From the Ambassador in France (telegram).	French give assurance that when message is denied sender will be notified.	702
	Jan. 23 [Rec'd Jan.25]	From the French Ambassador.	French Government within its rights under international law in inquiring into the character of passengers, to insure their non-belligerency.	746
495	Jan. 26 [Rec'd Jan.27]	From the Ambassador in France (telegram).	Foreign Office maintains inviolability of official correspondence. Desires United States to guarantee that no private correspondence will be transmitted.	740
502	Jan. 28	From the Ambassador in France (telegram).	Requests permission to present to Foreign Office, Hoover's request for permission to deliver maize to Belgian civilians.	1027
528	Jan. 29	To the Ambassador in France (telegram).	Grants permission to present to Foreign Office Hoover's request to deliver maize to Belgium.	1028
	Feb. 1	To the French Ambassador.	U. S. Government prefers not to enter into discussion of question of ship transfer prior to passage of shipping bill.	689
	Feb. 6 [Rec'd Feb. 8]	From the French Ambassador.	German decree makes all food-stuffs for Germany liable to seizure.	322
538	Feb. 10	From the Ambassador in France (telegram).	Foreign Office will permit shipment of maize to Rotterdam for distribution in Belgium.	1030
	Feb. 16 [Rec'd Feb.18]	From the French Ambassador.	States position of his Government on transfer of enemy ships to American flag.	690
574	Feb. 28	From the Ambassador in France (telegram).	Ministry of Marine announces that the <i>Dacia</i> was captured in English Channel by French cruiser.	340
	Mar. 1	From the French Ambassador.	Germany's opponents driven to retaliatory measures regarding commodities, but they will be enforced without risk to neutral or non-combatant life.	127 ⁿ
1462	Mar. 1	To the French Ambassador.	Transmits German communication giving assurance that cereals imported to Germany will be used exclusively by civil population.	323
600	Mar. 2	To the Ambassador in France (telegram).	Instructions to request release of Piepenbrink. Quotes the <i>Trent</i> case. Encloses Department's protest to Great Britain.	747

FRANCE—Continued

No.	Date	From and to whom	Subject	Page
615	Mar. 5	To the Ambassador in France (telegram).	Proposed method of blockade of German ports unknown to international law; gives neutrals no standard by which to measure rights or avoid danger.	133n
594	Mar. 6	From the Ambassador in France (telegram).	The <i>Dacia</i> considered an enemy vessel, France not recognizing change of flag after hostilities commence.	340
607	Mar. 12	From the Ambassador in France (telegram).	Reports changes in lists of absolute and conditional contraband.	138n
629	Mar. 12	To the Ambassador in France (telegram).	Morgenthau suggests establishment of neutral zones for safety of non-combatants.	964n
[Enclosure]	Undated [Rec'd Mar. 16]	From the French Government to the American Ambassador.	France retaliates against submarine warfare by restriction of German trade.	145
334	Mar. 18 [Rec'd Mar. 30]	From the Ambassador in France.	Encloses decree of Mar. 13, 1915, regarding treatment of shipping bound to or from German ports.	149
345	Mar. 24 [Rec'd Apr. 13]	From the Ambassador in France.	Foreign Office confirms its decision to permit use of Meyer's code.	713
665	Mar. 25	To the Ambassador in France (telegram).	Instructions to ask if books published in Germany will be molested when exported to the United States.	244n
648	Mar. 25	From the Ambassador in France (telegram).	French Government cannot accept proposals of safety zones in Turkey.	966
682	Mar. 30	To the Ambassador in France (telegram).	Reply to Great Britain protesting against restriction of trade with Germany.	156
[Enclosure]	Apr. 15	From the French Minister of Foreign Affairs to the American Ambassador.	Release of Piepenbrink has been ordered.	749
698	Apr. 17	From the Ambassador in France (telegram).	German publications considered effective means of propaganda; may not be exported.	244
137	May 1	From the Ambassador in France (telegram).	Italy is reported to have signed agreement with the Allies guaranteeing to her territorial extension in exchange for military support.	31
776	May 3	To the Ambassador in France (telegram).	Transmits communication from the Ambassador in Turkey: British and French subjects will be sent to unfortified places for exposure to Allied bombardment.	969n

FRANCE—Continued

No.	Date	From and to whom	Subject	Page
745	May 18 [Rec'd June 1]	From the Ambassador in France.	Passports denied to applicants who intend to enlist in belligerent armies.	908
796	May 28	From the Ambassador in France (telegram).	Transmits Foreign Office message for Ottoman Government, protesting massacre of Armenians and holding Sublime Porte responsible.	981
816	June 7	From the Ambassador in France (telegram).	Reports that blockade of the Asia Minor coast will be maintained by France jointly with Great Britain.	167n
409	June 11	To the Ambassador in France.	Approves course in not issuing passports to American citizens intending to enlist in belligerent armies.	909
	June 25	To the Ambassador in France.	Instructions for joint action with Spanish representative regarding hospital supplies as non-contraband.	1050n
[Enclosure]	July 1	Statement of the French Embassy.	France has bought no shells of any kind from America since the war began.	790
935	July 2	To the Ambassador in France (telegram).	Discussion of differences between this Government and French postponed until after settlement of the <i>Dacia</i> case.	458
1173	Aug. 6 [Rec'd Aug. 19]	From the Ambassador in France.	Peace appeal of the Pope received coldly because he fails to distinguish between those contending for the independence of nations and those showing contempt of right and principle. Poincaré demands a peace that will guarantee security of Europe.	52
942	Aug. 12 [Rec'd Aug. 13]	From the Ambassador in France (telegram).	Summary of prize court decision in case of the <i>Dacia</i> .	508
1041	Aug. 20	To the Ambassador in France (telegram).	Turkish Government has frustrated plans to transport Italians. Morgenthau asks that French and British arrange for transportation of Jews.	977n
	Aug. 23	From the Consulate General at Paris (telegram).	Cotton and its products on absolute contraband list.	174n
972	Aug. 28	From the Ambassador in France (telegram).	France has declared blockade of coast of Asia Minor and Syria.	174
1098	Sept. 15	To the Ambassador in France (telegram).	Requests that telegraph companies be permitted to notify senders regarding delivery or non-delivery of messages between the United States and Italy.	725
	Oct. 3 [Rec'd Oct. 5]	From the French Ambassador.	Offers to cooperate with the U. S. authorities in suppressing conspiracies.	893

FRANCE—Continued

No.	Date	From and to whom	Subject	Page
1025	Oct. 4	From the Ambassador in France (telegram).	Foreign Office decides to notify senders of stopped telegrams when possible.	726
1051	Oct. 18	From the Ambassador in France (telegram).	Transmits text of declaration of state of war between France and Bulgaria.	65
1609	Oct. 18	From the French Ambassador.	Blockade of Bulgarian coast on the Aegean has been declared.	177n
	Oct. 27	To the French Ambassador.	Agents of Federal Government are cooperating with New York police to prevent the placing of incendiary bombs on vessels leaving New York.	894
1545	Oct. 29 [Rec'd Nov.10]	From the Ambassador in France.	Encloses copy of French report showing difficulties in application of Art. 57 of Declaration of London, and decree of Oct. 23, 1915, modifying it.	179
1170	Nov. 1	To the Ambassador in France (telegram).	Instructions to present to the Foreign Office copy of Department's note to Great Britain regarding interference with trade.	604
1611	Nov. 1	To the French Ambassador.	Official investigation of attempts to destroy the British steamship <i>Asuncion de Larrinaga</i> .	896n
1180	Nov. 3	To the Ambassador in France (telegram).	U. S. patents grant sole right to make certain drugs. Need is urgent. Requests reconsideration by Foreign Office.	258n
1094	Nov. 10	From the Ambassador in France (telegram).	Drugs can be supplied by France and Great Britain. Tissue dyes from Germany are authorized.	260
	Nov. 12	From the French Embassy.	Transmits revised contraband list of Oct. 14.	175n
1110	Undated [Rec'd Nov.18]	From the Consul at Algiers (telegram).	Deposition regarding destruction of the <i>Ancona</i> and report on number of vessels sunk.	615
	Nov. 21	From the Ambassador in France (telegram).	Additional information regarding the <i>Ancona</i> and the <i>France</i> .	617
	Nov. 28	From the Consul at Algiers (telegram).	Depositions of three survivors of the <i>Ancona</i> filed with Greek Consulate.	620
1248	Undated [Rec'd Dec. 10]	From the Consul at Algiers (telegram).	Reports attack on the <i>Petrolite</i> ----	625
	Dec. 13	To the Ambassador in France (telegram).	Protests action of French cruiser in removing certain persons from American vessels on high seas; requests release.	752
	Dec. 22	To the Ambassador in France (telegram).	Colonel House is sent by the President to impart information to our ambassadors concerning the attitude of this Government and to obtain the points of view of the belligerents.	85

FRANCE—Continued

No.	Date	From and to whom	Subject	Page
1171	Dec. 22	From the Ambassador in France (telegram).	Foreign Office will investigate the affair of the <i>Descartes</i> .	752
1276	Dec. 24	To the Ambassador in France (telegram).	Action of the <i>Descartes</i> in seizing purser of the <i>Borinquen</i> , an unwarranted invasion of sovereignty of American vessels. Instructions to urge release.	752
	Dec. 24	To the French Ambassador.	Protests action of the <i>Descartes</i> in seizing Germans and Austrians employed on American steamers.	753
1179	Dec. 27	From the Ambassador in France (telegram).	Minister for Foreign Affairs under the impression that the men removed from vessels were implicated in German intrigues in West Indies.	754
1283	Dec. 28	To the Ambassador in France (telegram).	Even though the men seized on American vessels were implicated in plots they could not rightfully be detained.	754
	Dec. 29	To the French Ambassador.	Calls attention to hovering of French cruiser <i>Descartes</i> off coast of San Juan.	881
	Dec. 30 [Rec'd Jan. 3, 1916]	From the French Ambassador.	Investigation will be made concerning the <i>Descartes</i> .	882
1824	Dec. 31 [Rec'd Jan. 12, 1916]	From the Ambassador in France.	American merchandise for Switzerland in transit through France.	294
	Jan. 3, 1916	From the French Ambassador.	Orders have been given for the release of the Germans and Austrians arrested by the <i>Descartes</i> .	755

GERMANY

1084	Oct. 9, 1914	To the German Ambassador.	Requests recall of the German Consul at Seattle. Encloses letter from the Consul to Private Krüger commanding him to desert from U. S. Army for military duty in Germany.	923
A 7411	Oct. 18, 1914 [Rec'd Oct. 19]	From the German Ambassador.	Explanation of conduct of the Consul at Seattle and request that proposal to recall him be dismissed.	924
[Enclosure]	Nov. 30, 1914	From the German Foreign Office to the American Embassy.	Notice of expiration of exequaturs of consuls in countries occupied by German Army.	916

GERMANY—Continued

No.	Date	From and to whom	Subject	Page
[Enclosure]	Dec. 28, 1914	From the American Ambassador to the German Undersecretary of State for Foreign Affairs.	Requests that no requisitions of food in Belgium be made during the relief campaign; also that relief ships be protected.	1025
1234	Dec. 31, 1914 [Rec'd Jan. 2]	From the Ambassador in Germany (telegram).	Inquires if cotton may be shipped to Germany.	185
927	Dec. 31, 1914	To the Ambassador in Germany (telegram).	Instructions to communicate British protest against inhuman treatment of British prisoners in German camps.	1004
[Enclosure]	Dec. 31, 1914	From the German Undersecretary of State for Foreign Affairs to the American Ambassador.	Reply to request regarding requisitioning of food and protection of relief ships.	1025
[Enclosure]	Jan. 3	From the German Foreign Office to the American Embassy.	Belgian protest against suspension of neutral consuls in Belgium.	918
947	Jan. 5	To the Ambassador in Germany (telegram).	England and France give assurances that cotton will not be seized.	185
[Enclosure]	Jan. 6	From the American Ambassador in Germany to the Minister in the Netherlands.	Has protested to the German Government against import tax in Limburg Province.	1029
	Jan. 7	To the Ambassador in Germany (telegram).	Instructions not to issue emergency passports to Belgium except under specified conditions.	899
A 163	Jan. 12 [Rec'd Jan. 13]	From the German Ambassador.	Inquires whether wireless stations in the United States are forbidden to receive or forward code messages from and to the nations at war.	882
999	Jan. 13	To the Ambassador in Germany (telegram).	Inquires if import tax is exacted on foodstuffs sent for the relief of Limburg Province.	1024
1183	Jan. 14	To the German Ambassador.	Conduct of the German Consul at Seattle is a serious offense against laws of the United States. Repeats request for his recall.	926

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No.	Date	From and to whom	Subject	Page
1007	Jan. 15	To the Ambassador in Germany (telegram).	This Government willing to inspect prisoners' camps and distribute food. Suggests plan of operation.	1004 ⁿ
1020	Jan. 16	To the Ambassador in Germany (telegram).	Plan for relief of prisoners to be communicated to the German Government.	1006
1305 [1355]	Jan. 16	From the Ambassador in Germany (telegram).	Tax removed in Limburg Province and money refunded. Investigation dropped.	1026
1191	Jan. 18	To the German Ambassador.	Statements of German authorities regarding treatment of Germans expelled from Persia, are without foundation.	991 ⁿ
A 395	Jan. 19 [Rec'd Jan. 20]	From the German Ambassador.	Calls attention to delivery of hydro-aeroplanes to belligerents by U. S. firms.	776.
1044	Jan. 21	To the Ambassador in Germany (telegram).	Right of German Government to suspend consular officers in conquered territory recognized.	917
	Jan. 25	Memorandum of the Counselor for the Department of State.	Explained orally to the German Ambassador the decision of this Government as to character of the <i>Farn</i> and treatment she would receive.	821
1202	Jan. 26	To the German Ambassador.	Reply to inquiry regarding transmission of radio messages in code to and from belligerents.	883.
A 615	Jan. 27 [Rec'd Jan. 29]	From the German Ambassador.	Bethlehem Steel Works are secretly sending submarine parts to Canada.	781
	Jan. 28 [Rec'd Jan. 29]	From the German Ambassador.	The German Government will guarantee not to interfere with importation and sale of foodstuffs from the United States to the civil population.	317
	Undated [Rec'd Jan. 28]	From the German Ambassador (telegram).	German Government guarantees not to molest foodstuffs imported for civilian population.	1027
1209	Jan. 29	To the German Ambassador.	Hydro-aeroplanes are not considered by the United States as war vessels. German Government places them on conditional contraband list.	780.
1091	Jan. 30	To the Ambassador in Germany (telegram).	Visit of Hoover to Germany in the interests of Belgium.	1028
A 869	Feb. 1	German declaration.	Warns merchant vessels of intention to employ war measures against English transports and shipments of ammunition to France.	93 ⁿ
1503	Feb. 2 [Rec'd Feb. 3]	From the Ambassador in Germany (telegram).	Germany warns merchant vessels of her intention to employ war measures against English transports and shipments of ammunition to France.	93.

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No.	Date	From and to whom	Subject	Page
1504	Feb. 2 [Rec'd Feb. 4]	From the Ambassador in Germany (telegram).	Submarine blockade of England probable.	93
B 1448	Feb. 2 [Rec'd Feb. 4]	From the German Ambassador.	Announces that the Consul at Seattle has been recalled.	927
1519	Feb. 4 [Rec'd Feb. 5]	From the Ambassador in Germany (telegram).	Germany declares a naval war zone and suggests a safe route for neutral shipping.	94
[Enclosure]	Feb. 4	From the German Government.	Memorandum concerning retaliation against Great Britain's illegal interference with trade between neutrals and Germany.	96
A 868/15	Feb. 6 [Rec'd Feb. 8]	From the German Ambassador.	Suggests U. S. representations to Great Britain regarding use of American flag by British merchant vessels.	94
1151	Feb. 6	To the Ambassador in Germany (telegram).	British are eager to begin relief of prisoners. Preliminary sum to be supplied at once if it can be used advantageously.	1009
A 874	Feb. 7 [Rec'd Feb. 8]	From the German Embassy.	German Government gives assurance that foodstuffs imported to Germany will be used by civilian population only.	95
1163	Feb. 10	To the Ambassador in Germany (telegram).	Protest against proclamation of a war zone in waters surrounding Great Britain.	98
1561	Feb. 10 [Rec'd Feb. 11]	From the Ambassador in Germany (telegram).	The campaign of hate against America will be increased if the Department takes no action against the use of American flag by the <i>Lusitania</i> .	101
1559	Feb. 10 [Rec'd Feb. 11]	From the Ambassador in Germany (telegram).	German regulations for transmission of correspondence of American diplomatic and consular officers.	741
1579	Feb. 11 [Rec'd Feb. 14]	From the Ambassador in Germany (telegram).	Germany would be agreeable to peace proposals emanating from the Allies. Suggests that representatives be sent quietly to Allied countries with this in view.	9
1575	Feb. 11 [Rec'd Feb. 14]	From the Ambassador in Germany (telegram).	Campaign of hate against America approved by Government. American ships to be destroyed without investigation.	103
1587	Feb. 12 [Rec'd Feb. 13]	From the Ambassador in Germany (telegram).	Suggests that Colonel House will be of great help in peace plan.	9
1586	Feb. 12 [Rec'd Feb. 13]	From the Ambassador in Germany (telegram).	German proclamation will be withdrawn if England will adopt Declaration of London or allow food for civil population to enter Germany.	102

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No.	Date	From and to whom	Subject	Page
	Feb. 13	From the Ambassador in Germany (telegram).	Had good reason for sending cipher message of previous day.	9
2567	Feb. 13	From the German Ambassador.	Statement of the German Government regarding plan for supplying the civil population with foodstuffs.	102
1594	Feb. 13 [Rec'd Feb. 15]	From the Ambassador in Germany (telegram).	Germany may propose that American merchant vessels be conveyed by warships.	103
1595	Feb. 14 [Rec'd Feb. 15]	From the Ambassador in Germany (telegram).	Germans claim Americans are partial to England and are supplying Allies with ammunition.	104
A 1062	Feb. 15	From the German Ambassador.	The new German method of naval warfare is justified. Describes British naval policy.	104
	Feb. 16	To the German Embassy.	German assurances regarding foodstuffs for civil population have been communicated to Great Britain, and representations made for release of <i>Wilhelmina</i> .	108
1196	Feb. 16	To the Ambassador in Germany (telegram).	Colonel House is commissioned to act in matters where several governments are involved. Instructions to act only upon his advice.	108
1617	Feb. 16 [Rec'd Feb. 17]	From the Ambassador in Germany (telegram).	Unofficial suggestions for neutral shipping in British waters.	110
[Enclosure]	Feb. 16	From the German Minister for Foreign Affairs to the Ambassador in Germany.	Reply to U. S. protest against war zone in waters surrounding Great Britain.	112
1208	Feb. 17	To the Ambassador in Germany (telegram).	Instructions to report in detail on military and economic condition of Germany.	15
1622	Feb. 17 [Rec'd Feb. 19]	From the Ambassador in Germany (telegram).	If England permits foodstuffs and raw material to enter Germany proposed blockade will be withdrawn. Otherwise safe routes around north of Scotland under convoy of war vessels can be arranged.	116
204	Feb. 17 [Rec'd Mar. 18]	From the Consul General at Hamburg.	Forwards German law regarding prize-court procedure and calls attention to time-limit and other conditions in entering claims.	346
1241	Feb. 17	To the German Ambassador.	Denies that submarine parts are being built by Bethlehem Steel Works for Canada.	782
1638	Feb. 18 [Rec'd Feb. 19]	From the Ambassador in Germany (telegram).	Germany willing to grant River Tyne as port free of mines and submarines for neutral vessels which guarantee not to carry contraband.	115

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No.	Date	From and to whom	Subject	Page
209	Feb. 18 [Rec'd Mar.18]	From the Consul General at Hamburg.	Transmits decision of the Hamburg prize court in the case of the <i>Glitra</i> .	350
1649	Feb. 19 [Rec'd Feb. 20]	From the Ambassador in Germany (telegram).	Favorable moment for peace is passing with German victory over Russia. Asks that Colonel House bring peace proposals to Germany.	15
1648	Feb. 19 [Rec'd Feb. 20]	From the Ambassador in Germany (telegram).	Report on military and economic condition of Germany.	16
B 2887	Feb. 19 [Rec'd Feb. 20]	From the German Ambassador.	It is reported that submarines are being built for Great Britain in San Francisco, Boston, and Seattle.	782
1641	Feb. 19 [Rec'd Feb. 20]	From the Ambassador in Germany (telegram).	No authorization needed for acceptance of money for British prisoners. German Government has not replied to relief proposal.	1009
1237	Feb. 20	To the Ambassador in Germany (telegram).	Suggestions as basis for an agreement that will relieve neutral shipping.	119n
1656	Feb. 20 [Rec'd Feb. 21]	From the Ambassador in Germany (telegram).	Admiralty requests information as to sailing of American ships in order to safeguard their passage.	121
1659	Feb. 22 [Rec'd Feb. 24]	From the Ambassador in Germany (telegram).	Reports the sinking of the <i>Evelyn</i> .	339
1672	Feb. 23 [Rec'd Feb. 24]	From the Ambassador in Germany (telegram).	Victory of the Germans over Russians in East Prussia complete.	16
1680	Feb. 24 [Rec'd Feb. 25]	From the Ambassador in Germany (telegram).	Germany inclined to accept proposed basis for an agreement with Great Britain under certain conditions.	123
1687	Feb. 25 [Rec'd Feb. 26]	From the Ambassador in Germany (telegram).	Reports the sinking of the <i>Carib</i> ...	339
1694	Feb. 26 [Rec'd Feb. 27]	From the Ambassador in Germany (telegram).	Italy and Roumania will probably remain neutral; Bulgaria likely to join Germany; rumors that Japan will make separate peace and attack America; Germany winning; Allies must propose peace first.	17
1695	Feb. 26 [Rec'd Feb.28]	From the Ambassador in Germany (telegram).	Regarding the agreement with England, Germany asks passage not only for food but for raw material.	126
1710	Feb. 27 [Rec'd Feb.28]	From the Ambassador in Germany (telegram).	Suggests that distribution of food-stuffs in Germany be superintended by committee not connected with the Government. If England objects, suggests that America place embargo on export of arms.	126

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No.	Date	From and to whom	Subject	Page
	Feb. 28 [Rec'd Mar. 30]	From the Consul at Leipzig.	Report of internal situation in Germany, hostile attitude toward the United States, and potential influences on the outcome of the war.	22
[Enclosure]	Feb. 28	From the German Minister of Foreign Affairs to the American Ambassador.	Reply to U. S. suggestion that certain principles be agreed upon by Germany and England in maritime warfare.	129
1714	Mar. 1 [Rec'd Mar. 2]	From the Ambassador in Germany (telegram).	Von Jagow invites Colonel House to Berlin.	17
1719	Mar. 1 [Rec'd Mar. 2]	From the Ambassador in Germany (telegram).	Admiralty declares the extent of war area and requests that English, Japanese, and Servian Governments be notified.	129
1305	Mar. 2	To the Ambassador in Germany (telegram).	Department cannot accept suggestion regarding embargo on munitions from America if England refuses food to Germany.	129
1728	Mar. 2 [Rec'd Mar. 3]	From the Ambassador in Germany (telegram).	Captains of the <i>Evelyn</i> and the <i>Carib</i> report both ships sunk by mines.	340
1753	Mar. 4 [Rec'd Mar. 5]	From the Ambassador in Germany (telegram).	Emperor bitter against America. Military and naval heads have made terms of agreement with England impossible.	132
[Enclosure]	Mar. 9	From the German Foreign Office to the American Embassy.	Commends the U. S. consular officers at Antwerp and Liège and suggests that the post at Brussels be filled.	920
672	Mar. 11 [Rec'd Mar. 29]	From the Ambassador in Germany.	Further report on military and economic condition in Germany.	20
1818	Mar. 11 [Rec'd Mar. 12]	From the Ambassador in Germany (telegram).	German Government attempting to stir up hatred for America.	138
[Enclosure]	Mar. 11	From the Collector of Customs at Newport News to the Commander of the <i>Prinz Eitel Friedrich</i> .	Official instructions regarding stay in American waters.	827
	Mar. 11 [Rec'd Mar. 12]	From the German Ambassador.	Discusses neutrality resolution and inquires as to its interpretation regarding use of territorial waters as base of operations for armed forces of belligerents.	853
1360	Mar. 12	To the Ambassador in Germany (telegram).	Instructions to impress upon German Government the necessity of protection of non-combatants in case the Allies attack Constantinople.	964

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No.	Date	From and to whom	Subject	Page
[Enclosure]	Undated [Rec'd Mar.12]	From the German Foreign Office to the American Embassy.	Acceptance of proposals for the relief of prisoners, with certain restrictions.	1011
	Mar. 13	Memorandum of the Counselor for the Department of State.	Conversation with the German Ambassador on the subject of internment of the <i>Prinz Eitel Friedrich</i> .	824
A 1810	Mar. 13	From the German Ambassador.	Requests time for repairs on the <i>Prinz Eitel Friedrich</i> .	825
1847	Mar. 15 [Rec'd Mar.16]	From the Ambassador in Germany (telegram).	Discussion of Germany's retention of Belgium: hatred against the United States is far-reaching.	19
1846	Mar. 15 [Rec'd Mar.16]	From the Ambassador in Germany (telegram).	American importers must accept and pay for goods for which they have signed contracts with German manufacturers.	208
[Enclosure]	Undated [Rec'd Mar.16]	Memorandum of the German Government.	Ships of the Relief Commission will be allowed to pass through English Channel but safe-conducts through war zone cannot be issued.	1035
	Mar. 18	To the German Ambassador.	Announces the length of time that the <i>Prinz Eitel Friedrich</i> will be permitted to remain in U. S. waters for repairs.	827
1885	Mar. 21 [Rec'd Mar.22]	From the Ambassador in Germany (telegram).	German embargoes and discriminations against American trade a sufficient reason for our not warring against English blockade of Germany.	354
1891	Mar. 22 [Rec'd Mar.23]	From the Ambassador in Germany (telegram).	German Ambassador in Turkey has been instructed by his Government to use his influence for safety of non-combatants.	966
A 2083	Mar. 23 [Rec'd Mar.24]	From the German Ambassador.	Calls attention to steamers leaving New York with munitions and guns for England.	784
1415	Mar. 24	To the Ambassador in Germany (telegram).	Instructions to confirm details of plan for relief of prisoners.	1013
1423	Mar. 25	To the Ambassador in Germany (telegram).	Instructions to bring to attention of German Government that the <i>Elfland</i> , a relief ship, was attacked by a German aeroplane.	1035
B 4884	Mar. 26	From the German Ambassador.	Reply to note on sinking of the <i>Evelyn</i> . Pilot employed was Dutch. Advises northern route and German pilots.	669
A 2140	Mar. 26 [Rec'd Mar.27]	From the German Embassy.	The <i>Pisa</i> will sail for Hamburg with coal and provisions and will try to communicate with a German cruiser at sea. Argument to prove this not contrary to U. S. regulations.	858

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No.	Date	From and to whom	Subject	Page
1926	Mar. 26 [Rec'd Mar.27]	From the Ambassador in Germany (telegram).	Desires notice of specific acceptance by Great Britain, France, and Russia of proposals regarding prison relief.	1014
1943	Mar. 29 [Rec'd Mar.30]	From the Ambassador in Germany (telegram).	Report on the working out of prison relief plan giving names of men who will inspect prison camps.	1015
1446	Mar. 31	To the Ambassador in Germany (telegram).	Transmits claim against German Government for destruction of the <i>William P. Frye</i> .	357
A 2400	Apr. 1 [Rec'd Apr. 2]	From the German Ambassador.	Protests action of harbor authorities in firing on the <i>Odenwald</i> . Explanation desired as to why clearance papers were denied.	860
1970	Apr. 1 [Rec'd Apr. 2]	From the Ambassador in Germany (telegram).	Inquires if a person, previously denied passport, is entitled to return to the United States to resume citizenship.	906
A 2433	Apr. 2 [Rec'd Apr. 3]	From the German Ambassador to the Counselor for the Department of State.	Official explanation desired as to why clearance papers were denied the <i>Pisa</i> .	861
A 2341	Apr. 4	From the German Ambassador.	Transmits memorandum on German-American trade and the question of delivery of arms to Allies.	157
[Enclosure]	Apr. 4	From the German Minister of Foreign Affairs to the American Ambassador.	Reply to claim for damages for the sinking of the <i>William P. Frye</i> .	360
1471	Apr. 6	To the Ambassador in Germany (telegram).	Instructions to report details of sinking of the <i>Falaba</i> .	358
1989	Apr. 6 [Rec'd Apr. 7]	From the Ambassador in Germany (telegram).	Foreign Office declares that attack on the <i>Elfland</i> was made by mistake; suggests that horizontal markings on ships be erected.	1035
1479	Apr. 7	To the Ambassador in Germany (telegram).	Grey sends assurance of British acceptance of the German scheme for inspection of prison camps.	1017n
1484	Apr. 8	To the Ambassador in Germany (telegram).	Prominent Americans are <i>en route</i> to a peace conference at The Hague.	29
A 2578	Apr. 8 [Rec'd Apr. 10]	From the German Ambassador.	Expresses gratitude for protection afforded the <i>Prinz Eitel Friedrich</i> .	833
1492	Apr. 9	To the Ambassador in Germany (telegram).	Persons who have long resided abroad, trying to escape from war conditions should not have passports.	906

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No.	Date	From and to whom	Subject	Page
2026	Apr. 10 [Rec'd Apr. 11]	From the Ambassador in Germany (telegram).	Quotes from <i>North German Gazette</i> an article on sinking of the <i>Falaba</i> as an official answer to American inquiry.	364
	Apr. 10	To the German Ambassador.	Presents argument sustaining the U. S. Government in withholding permission for the <i>Pisa</i> to leave port.	861
A 2681	Apr. 12 [Rec'd Apr. 13]	From the German Ambassador.	Requests permission for the <i>Kronprinz Wilhelm</i> to land certain persons and procure repairs and supplies at Newport News.	833
A 2687	Apr. 12	From the Counselor of the German Embassy to the Counselor for the Department of State.	Requests information regarding sending of code messages through Tuckerton radio station.	884
1518	Apr. 14	To the Ambassador in Germany (telegram).	Arrangements for shipments of dyestuffs in exchange for cotton.	253
2044	Apr. 14 [Rec'd Apr. 16]	From the Ambassador in Germany (telegram).	Transmits official statement on sinking of the <i>Falaba</i> .	370
2060	Apr. 16 [Rec'd Apr. 17]	From the Ambassador in Germany (telegram).	Official report that the French have unlimited quantities of American ammunition at their disposal.	786
2064	Apr. 16 [Rec'd Apr. 17]	From the Ambassador in Germany (telegram).	Acknowledges receipt of British acceptance of German scheme of camp inspection.	1017
	Apr. 17	From the Counselor for the Department of State to the Counselor of the German Embassy.	Wireless messages in code may be sent through Tuckerton on condition that key to code and plain messages are sent to Department.	884
1527	Apr. 17	To the Ambassador in Germany (telegram).	Forwards despatch from London, for communication to Foreign Office, concerning the torpedoing of the Relief Commission ship <i>Harpalyce</i> and German refusal to grant safe-conducts.	1036
A 2813	Apr. 20	From the German Embassy.	Sends key to cipher to be used in messages through Tuckerton and Sayville.	884
2089	Apr. 20 [Rec'd Apr. 21]	From the Ambassador in Germany (telegram).	German Legation and submarines instructed to let Relief Commission ships pass under certain conditions.	1037
1542	Apr. 21	To the Ambassador in Germany (telegram).	Asks that protection be given American women sailing on the <i>Noordam</i> for conference at The Hague.	29

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No.	Date	From and to whom	Subject	Page
1379	Apr. 21	To the German Ambassador.	Statement of the position of the United States in maintaining its neutrality.	160
2097	Apr. 21 [Rec'd Apr. 23]	From the Ambassador in Germany (telegram).	Modifications of German prize ordinance.	162
	Apr. 21	To the German Ambassador.	Announces time limit for repairs on the <i>Kronprinz Wilhelm</i> , after which, if vessel does not leave, she will be interned.	833
	Apr. 21	From the Counselor for the Department of State to the German Ambassador.	Asks if Embassy objects to sending messages in English between Washington and Tuckerton, cipher to be used between Tuckerton and Berlin.	885
1547	Apr. 21	To the Ambassador in Germany (telegram).	Transportation difficulties encountered by the Belgian Relief Commission and antagonism of German Minister at The Hague.	1036
2110	Apr. 25 [Rec'd Apr. 26]	From the Ambassador in Germany (telegram).	Semiofficially stated that there will be no peace until object of the war is attained.	29
1583	Apr. 28	To the Ambassador in Germany (telegram).	<i>William P. Frye</i> case to be settled by diplomatic negotiations. Advises transfer of negotiations to German Embassy at Washington.	376
2135	Apr. 29 [Rec'd May 1]	From the Ambassador in Germany (telegram).	Suggests that American and Spanish Ambassadors meet in Switzerland to confer with prison authorities regarding prisoners' exchanges, etc.	1018
2141	Apr. 30 [Rec'd May 2]	From the Ambassador in Germany (telegram).	Requirements for proof of ownership of goods shipped from Germany to the United States.	213
[Enclosure]	May 1	From the German Foreign Office to American Embassy.	Reply to request for safe-conducts for relief ships from Falmouth to Rotterdam.	1039
1612	May 3	To the Ambassador in Germany (telegram).	Requests detailed report of torpedoing of the <i>Gulflight</i> .	378n
A3090	May 3 [Rec'd May 4]	From the German Ambassador.	Inquires as to truth of statement that English officers are supervising the manufacture of arms and ammunition ordered by Great Britain from U. S. factories.	786
	May 3	To the German Ambassador.	Breach of navigation laws by the <i>Odenwald</i> a justification of acts of harbor officials.	864
2156	May 4 [Rec'd May 6]	From the Ambassador in Germany (telegram).	Transmits correspondence regarding permission of German Government for safe-conduct for certain relief ships.	1038

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[Enclosure]	Undated [May 4]	From the Ambassador in Germany (telegram).	Report of German investigation of the sinking of the <i>Harpalyce</i> .	1039
1629	May 5	To the Ambassador in Germany (telegram).	British permit passage of two shiploads dyestuffs from a neutral port. Plans for other shipments.	253
[Enclosure]	May 5	From the German Foreign Office to the American Embassy.	Memorandum advising illumination and plain markings of neutral ships in war zone.	384
1624	May 5	To the Ambassador in Germany (telegram).	Instructions to notify German Government of Turkish intention to expose non-combatants to bombardment of the Allies.	969
2175	May 7	From the Ambassador in Germany (telegram).	German Admiralty has no news of the <i>Gulflight</i> .	384
1639	May 8	To the Ambassador in Germany (telegram).	Instructions to forward official German report on sinking of the <i>Lusitania</i> .	385
A 3188	May 8 [Rec'd May 11]	From the German Ambassador.	Expresses thanks for treatment of the <i>Kronprinz Wilhelm</i> .	835
2198	May 9 [Rec'd May 10]	From the Ambassador in Germany (telegram).	Transmits official statement regarding attacks made by mistake by German submarines.	387
	May 10	Memorandum by the Secretary of State.	German Ambassador called and expressed regret for loss of American lives.	387
2199	May 10 [Rec'd May 11]	From the Ambassador in Germany (telegram).	German inquiry regarding cargo of the <i>Neches</i> .	254
[Enclosure]	Undated [Rec'd May 11]	From the German Foreign Office to the German Embassy at Washington.	Germany regrets loss of American lives on the <i>Lusitania</i> ; places blame on England.	389
1654	May 12	To the Ambassador in Germany (telegram).	Cotton shipments to Germany ten times the value of released dyestuffs. Urges release of dyestuffs for shipment on the <i>Neches</i> .	254
1664	May 13	To the Ambassador in Germany (telegram).	Protests against hostile acts, demanding disavowal, reparation, and assurances.	393
2228	May 14 [Rec'd May 15]	From the Ambassador in Germany (telegram).	Reported British attack on hospital and hospital ship in the <i>Marmora</i> . Turkey desires to carry on war in humane manner; has sent back non-combatants from Dardanelles after admonition of German and Austrian Ambassadors.	971

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1687	May 15	To the Ambassador in Germany (telegram).	Consuls authorized to issue certificates of transfer of title to American ownership.	214
2234	May 15 [Rec'd May 17]	From the Ambassador in Germany (telegram).	<i>Lusitania</i> note was submitted by Von Jagow to the authorities.	396
	May 15	To the German Ambassador.	Reply to note concerning English supervision over manufacture of arms in U. S. factories.	787
2226	May 17 [Rec'd May 18]	From the Ambassador in Germany (telegram).	Asks instructions, in view of certainty of German refusal to abandon submarine warfare.	398.
2243	May 17 [Rec'd May 18]	From the Ambassador in Germany (telegram).	Press comment on the <i>Lusitania</i> note is that Germany will refuse to change her methods of warfare.	398
	May 18	To the Ambassador in Germany (telegram).	Instructions to keep in touch with Americans in Germany.	398
2253	May 18 [Rec'd May 19]	From the Ambassador in Germany (telegram).	Probable German reply to the <i>Lusitania</i> note.	400
1704	May 19	To the Ambassador in Germany (telegram).	Message from Colonel House asking that German Government delay answer to the <i>Lusitania</i> note.	400n.
1712	May 19	To the Ambassador in Germany (telegram).	Colonel House's proposal for settlement of submarine question.	400n
2255	May 19 [Rec'd May 20]	From the Ambassador in Germany (telegram).	Gives Germany's attitude toward war with America and makes suggestions for relief of the situation.	402.
2254	May 19 [Rec'd May 20]	From the Ambassador in Germany (telegram).	Gives comment of Cologne <i>Gazette</i> on <i>Lusitania</i> note and Germany's attitude towards the United States.	402.
[Enclosure]	Undated [Rec'd May 20]	From the German Foreign Office.	Germany under no agreement to ship dyestuffs on the <i>Neches</i> . Relative values of exchanged shipments dependent upon importance of product and not price.	254.
2277	May 22 [Rec'd May 23]	From the Ambassador in Germany (telegram).	Discusses possibility of war between United States and Germany. Dumba's reported statement regarding <i>Lusitania</i> note.	407
1723	May 23	To the Ambassador in Germany (telegram).	Instructions to renew with Foreign Office former proposals regarding submarine warfare.	406.
	May 24	To the Ambassador in Germany (telegram).	Germany must not misunderstand intent of note regarding attack on the <i>Lusitania</i> , etc. Dumba's reported statement being investigated.	407

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No.	Date	From and to whom	Subject	Page
1731	May 24	To the Ambassador in Germany (telegram).	Transmits despatch from Dumba to German Government stating that his note regarding the <i>Lusitania</i> had made an erroneous impression.	408
1732	May 24	To the Ambassador in Germany (telegram).	Transmits for Foreign Office a memorandum of the conversation with Austrian Ambassador as approved by him.	408
2289	May 25 [Rec'd May 26]	From the Ambassador in Germany (telegram).	Shows attitude of German Government in declining proposal of Colonel House.	415
	May 27	To the Ambassador in Germany (telegram).	President's message regarding intolerable conditions in marine war zone and willingness of this Government to act as mediator.	418
2320	May 28 [Rec'd May 30]	From the Ambassador in Germany (telegram).	No change to be made in submarine warfare.	419
[Enclosure]	May 28	From the German Minister of Foreign Affairs to the American Ambassador.	Reply of German Government on impairment of American interests by German submarines in the <i>Lusitania</i> case, etc.	419
	May 28	To the German Ambassador.	U. S. jurisdiction over its merchant vessels has apparently been disregarded by Germans in seizing two members of the crew of the <i>Muskogee</i> . Suggests an official investigation.	750
2337	May 31 [Rec'd June 1]	From the Ambassador in Germany (telegram).	Von Jagow informs press that Germany will not give up submarines. Quotes from autobiography of Andrew D. White regarding searching of vessels during Spanish-American war.	430
[Enclosure]	June 1	From the German Minister of Foreign Affairs to the American Ambassador.	Offers indemnification for attack on the <i>Gulflight</i> . Case of the <i>Cushing</i> not yet determined.	431
992	June 1 [Rec'd June 14]	From the Ambassador in Germany	Admiral Behneke's statements regarding the <i>Gulflight</i> , <i>Cushing</i> , and <i>Lusitania</i> .	439
1770	June 2	To the Ambassador in Germany (telegram).	Requests German official report of attack on the <i>Nebraskan</i> .	430
2369	June 4	From the Ambassador in Germany (telegram).	No official report on the <i>Nebraskan</i> . Prospect of arranging difficulties without war.	432

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[Enclosure]	June 7	From the German Minister of Foreign Affairs to the American Ambassador.	Reply of the German Government in the <i>Frye</i> case.	435
1803	June 9	To the Ambassador in Germany (telegram).	Further protest against sinking of the <i>Lusitania</i> .	436
2416	June 11 [Rec'd June 12]	From the Ambassador in Germany (telegram).	Von Jagow thinks second <i>Lusitania</i> note opens way for possible agreement.	439
1820	June 12	To the Ambassador in Germany (telegram).	Proposed methods of agreement (<i>Lusitania</i> case) cannot be considered.	439
2424	June 13 [Rec'd June 14]	From the Ambassador in Germany (telegram).	Asks for suggestions for compromise with Germany in <i>Lusitania</i> case.	439
2426	June 14 [Rec'd June 15]	From the Ambassador in Germany (telegram).	<i>Lokal-Anzeiger</i> maintains that America is within her rights in exporting ammunition.	441
[Enclosure]	Undated [Rec'd June 16]	From the German Foreign Office.	Germany requires guaranteed safe passage of cotton in exchange for dyestuffs.	255
927	June 17	To the Ambassador in Germany.	Requests report on relations between Foreign Office and General Staff; the strength and attitude of Socialistic Party; the <i>Bund Neues Vaterland</i> ; the attitude of the public toward the war; and the future of Belgium.	42
2457	June 18 [Rec'd June 19]	From the Ambassador in Germany (telegram).	Claim that <i>U-29</i> was rammed by British merchantman sailing under Swedish flag will have bad effect in <i>Lusitania</i> case.	442
2456	June 18 [Rec'd June 19]	From the Ambassador in Germany (telegram).	Nothing definite as to reply to <i>Lusitania</i> note. Army and navy against concession. Personal feuds amongst officials.	442
1468	June 18	To the German Ambassador (telegram)	Russia will not liberate German prisoners taken in Persia.	993n
	June 19	From the German Ambassador.	Calls attention to British violation of American neutrality in San Francisco by recruiting and enlisting Americans.	762
2465	June 20 [Rec'd June 21]	From the Ambassador in Germany (telegram).	German note will probably emphasize use of neutral flags to lure submarines and attempt of British merchantmen to ram them.	442
1862	June 22	To the Ambassador in Germany (telegram).	Proposed exchange of cotton for dyestuffs is but isolated feature of question of protecting neutral trade.	255

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2469	June 22 [Rec'd June 23]	From the Am- bassador in Germany (telegram).	Press attack on Government policy. <i>Deutsche Tageszeitung</i> suppressed.	450
1472	June 23	To the German Ambassador.	The Attorney General will make investigation of charge of British recruiting of American citizens.	762
1866	June 23	To the Amba- sador in Germany (telegram).	A conference regarding prisoners could not properly be initiated by this Government.	1022
1868	June 24	To the Amba- sador in Germany (telegram).	<i>Frye</i> case not subject for German prize court but for settlement by direct diplomatic negotiations.	450
2501	June 24 [Rec'd June 25]	From the Am- bassador in Germany (telegram).	Attitude of war party and peace party on reply to the <i>Lusitania</i> note. Suggests that the Presi- dent make overtures.	453
2494	June 25 [Rec'd June 26]	From the Am- bassador in Germany (telegram).	Suspension of newspaper criticized; now permitted to reappear. Public disapproves concessions which would impair efficiency of submarines.	454
2504	June 25 [Rec'd June 27]	From the Am- bassador in Germany (telegram).	Advance information as to con- tents of German reply to <i>Lusi- tania</i> note.	454
	June 25	To the Amba- sador in Germany.	Instructions for joint action with Spanish representative regard- ing hospital supplies as non- contraband.	1050n
2498	June 26 [Rec'd June 27]	From the Am- bassador in Germany (telegram).	Meyer-Gerhard reports that Amer- ica does not want war but is de- termined upon satisfactory reply to the <i>Lusitania</i> note.	454
2511	June 29 [Rec'd June 30]	From the Am- bassador in Germany (telegram).	Calls attention to advertisement in <i>American Machinist</i> of high-ex- plosive shells which will cause agonizing death, which is being reprinted in Germany.	787
2525	June 30 [Rec'd July 1]	From the Am- bassador in Germany (telegram).	Germans seem willing to pass pas- senger vessels which guarantee that there is no contraband on board.	457
2543	July 3 [Rec'd July 5]	From the Am- bassador in Germany (telegram).	Advises Foreign Office that pro- posed reply to <i>Lusitania</i> note will not be satisfactory. Changes discussed.	459
2544	July 4 [Rec'd July 5]	From the Am- bassador in Germany (telegram).	Requests information regarding attitude of Americans toward Germany and effect of Bryan's resignation. Asks for latitude in negotiations.	460
2548	July 5	From the Am- bassador in Germany (telegram).	Transmits proposals of Foreign Office in second draft of note.	461

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1915	July 6	To the Ambassador in Germany (telegram).	Negotiations regarding German reply to note inadvisable. United States unanimous in support of the President.	462
[Enclosure]	July 7	From the German Foreign Office to the American Embassy.	Reciprocity of treatment of claimants in prize-court proceedings in Germany and the United States.	489
1917	July 7	To the Ambassador in Germany (telegram).	Advertisement of machine to make poisonous shells will not appear again. Encloses note from French Embassy asserting that France has bought no shells from America since the war began.	789
1918	July 8	To the Ambassador in Germany (telegram).	President will not compromise rights of the United States, but will exercise good offices in behalf of neutrals.	462
2562	July 8 [Rec'd July 9]	From the Ambassador in Germany (telegram).	Announces completion of the German note.	463
[Enclosure]	July 8	From the German Minister of Foreign Affairs to the American Ambassador.	Reply of the German Government to the <i>Lusitania</i> note.	463
2571	July 12	From the Ambassador in Germany (telegram).	Suggests that any compromise on part of the United States be made conditional on change of attitude of Germany.	468
1200	July 13	From the Ambassador in Germany.	Report on the points requested by the Department.	43
[Enclosure]	Undated [Rec'd July 13]	Memorandum by the German Foreign Office.	Explains that attack on the <i>Nebraskan</i> was a mistake and offers compensation.	468
1947	July 14	To the Ambassador in Germany (telegram).	German reply fails to acknowledge principle for which the United States stands. Compromise impossible.	469
2586	July 15 [Rec'd July 16]	From the Ambassador in Germany (telegram).	Germany would be willing now to recognize principle referred to in note of July 14.	474
A 4511	July 17 [Rec'd July 20]	From the German Ambassador.	Requests investigation of report that many boats equipped for destruction of submarines are being constructed in the United States for Great Britain.	793
1965	July 18	To the Ambassador in Germany (telegram).	Quotes message from Bernstorff to his Government suggesting acceptable reply to the United States on the <i>Lusitania</i> question.	476
1968	July 19	To the Ambassador in Germany (telegram).	The United States maintains the right of its citizens to traverse the high seas.	477

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No.	Date	From and to whom	Subject	Page
1969	July 19	To the Ambassador in Germany (telegram).	The <i>Lusitania</i> case incidental to principle involved. Avoidance of similar acts must be assured.	478
1981	July 21	To the Ambassador in Germany (telegram).	German note regarding the <i>Lusitania</i> unsatisfactory; demands freedom of the seas without compromise.	480
2609	July 21 [Rec'd July 22]	From the Ambassador in Germany (telegram).	Foreign Office requests that notification of sailings be made known a month in advance.	482
1987	July 23	To the Ambassador in Germany (telegram).	Notification of sailings of passenger steamers to be sent to German Admiralty.	484
2617	July 23	From the Ambassador in Germany (telegram).	Campaign of hate against America, backed by Von Tirpitz and Reventlow, continues.	484
1993	July 24	To the Ambassador in Germany (telegram).	Requests information regarding submarine attack on the <i>Orduna</i> .	485
2634	July 27 [Rec'd July 28]	From the Ambassador in Germany (telegram).	Germans anxious to end the war before winter; will try to avoid break with America.	490
2652	July 29 [Rec'd July 30]	From the Ambassador in Germany (telegram).	Germany will offer verbally to submit question of damages for the <i>Lusitania</i> to The Hague.	491
2017	July 30	To the Ambassador in Germany (telegram).	Department of Agriculture willing to act as consignee for beet seed. Requests cooperation of Dippe Bros. in obtaining German permit to export.	249
[Enclosure]	July 30	From the German Minister of Foreign Affairs to the American Ambassador.	Justification of sinking of the <i>Frye</i> ; liability for indemnification acknowledged.	493
2022	July 31	To the Ambassador in Germany (telegram).	Instructions to report on destruction of the <i>Leelanaw</i> .	492
[Enclosure]	Aug. 4	From the Consul General at Hamburg (telegram).	<i>Frye</i> case: No claims were presented before expiration of monitions; therefore claimants have no further rights.	509
315	Aug. 5 [Rec'd Aug. 23]	From the Consul General at Hamburg.	Transmits prize-court decision in <i>Indian Prince</i> case.	520
2700	Aug. 7 [Rec'd Aug. 8]	From the Ambassador in Germany (telegram).	Chancellor has begged submarine commanders to be careful; Von Tirpitz enraged.	501
A 4904	Aug. 7 [Rec'd Aug. 11]	From the German Ambassador.	Asks on what grounds Russian Government refuses to free German prisoners.	994

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A 4905	Aug. 8 [Rec'd Aug. 11]	From the German Ambassador.	The men taken by Germans from the <i>Muskogee</i> were German reservists and had requested to be taken to nearest German port to report for military duty.	751
2706	Aug. 9 [Rec'd Aug. 11]	From the Ambassador in Germany (telegram).	Press comments on arming of British merchantmen.	506
2057	Aug. 10	To the Ambassador in Germany (telegram).	Note for Foreign Office on <i>Frye</i> case: Indemnity to be settled by representatives of each Government; question of treaty interpretation be submitted to arbitration.	504
2058	Aug. 10	To the Ambassador in Germany (telegram).	Russian Government has given consent that American Red Cross operate throughout Russia in the most convenient way.	1023n
2726	Aug. 13 [Rec'd Aug. 14]	From the Ambassador in Germany (telegram).	American vessels passing Drogden lightship to be searched at Swinemünde for contraband. Desires instructions regarding protests.	509
2734	Aug. 14 [Rec'd Aug. 15]	From the Ambassador in Germany (telegram).	Germany has hope of capturing Russian Army; demarcation between parties favoring annexations and those opposing them, is plain.	45
2744	Aug. 16 [Rec'd Aug. 17]	From the Ambassador in Germany (telegram).	German Government anxious to know if the American Red Cross will aid German and Austro-Hungarian prisoners in Russia and Siberia, expenses to be paid by Germany.	1044
2083	Aug. 17	To the Ambassador in Germany (telegram).	Admits established right of visit and search but protests taking of vessels to belligerent ports without just cause for suspicion.	515
A 5149	Aug. 18 [Rec'd Aug. 21]	From the German Ambassador.	It is reported that speed boats are being built in large numbers for the destruction of submarines.	799
	Aug. 18	From the German Ambassador.	Statement regarding criticisms of conduct of German representatives in the United States.	927
	Aug. 19	To the German Ambassador.	This Government desires to remove all causes of criticism of the German representatives.	931
[Enclosure]	Aug. 20	From the German Military Attaché at Washington to the German Ministry of War.	Military reports: sensational revelations in the <i>World</i> of German transactions with chemical and munition companies for buying up supplies, etc.	939, 940
A 5238	Aug. 22 [Rec'd Aug. 24]	From the German Ambassador.	Wood cellulose substituted for cotton in making munitions. Germany ready to assure that cotton will be used solely for civilians.	194

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1412	Aug. 23 [Rec'd Sept.10]	From the Ambassador in Germany.	Transmits text of Chancellor's speech before the Reichstag, Aug. 19, 1915, charging the Allies with responsibility for the war.	55
2105	Aug. 23	To the Ambassador in Germany (telegram).	Instructions to inquire unofficially if report has been made on the <i>Arabic</i> .	518
	Aug. 24	From the German Ambassador (telegram).	No official information about sinking of the <i>Arabic</i> .	524
	Aug. 24 [Rec'd Aug. 25]	From the German Ambassador.	Submits for transmission to his Government suggestion regarding attacks on passenger ships without warning.	525
2272	Aug. 24 [Rec'd Aug. 25]	From the Ambassador in Germany (telegram).	Attack on the <i>Arabic</i> supposedly by order of Von Tirpitz. Von Jagow requests suspension of judgment.	525
2777	Aug. 25 [Rec'd Aug. 26]	From the Ambassador in Germany (telegram).	Torpedoing of <i>Arabic</i> , if as reported, contrary to instructions regarding passenger ships; act may be disavowed and reparation made.	526
2780	Aug. 25 [Rec'd Aug. 26]	From the Ambassador in Germany (telegram).	Suggests that Department make road to disavowal easy in <i>Arabic</i> case lest Von Tirpitz again get upper hand in Germany.	526
1564	Aug. 27	To the German Ambassador.	Use to which speed boats are to be put is not known.	799
2791	Aug. 28 [Rec'd Aug. 29]	From the Ambassador in Germany (telegram).	Fight between Von Tirpitz and Chancellor over submarine policy. Decision rests with the Emperor. Foreign Office and Reichstag against war with America.	527
	Aug. 28	To the German Ambassador.	This Government can not acquiesce in practice which might be regarded as lending assistance to deserting seamen from American vessels.	751
2803	Aug. 30 [Rec'd Aug. 31]	From the Ambassador in Germany (telegram).	Chancellor prevailed in dispute with Von Tirpitz regarding submarine war. German program.	529
2809	Aug. 31 [Rec'd Sept. 1]	From the Ambassador in Germany (telegram).	German Government anxious that <i>Arabic</i> case and <i>Lusitania</i> case be considered separately.	530
[Enclosure]	Aug. 31	From the German Foreign Office to the American Embassy.	Submits list of cases as evidence of use of American ammunition by French.	808
	Sept. 1	From the German Ambassador.	Liners will not be sunk by German submarines without warning, provided they do not offer resistance or try to escape.	530

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2819	Sept. 1 [Rec'd Sept. 2]	From the Ambassador in Germany (telegram).	Foreign Office of opinion that there is little danger of break with the United States.	531
2817	Sept. 1 [Rec'd Sept. 2]	From the Ambassador in Germany (telegram).	Germany working for delay. The sooner demands are made, the greater probability that they will be granted.	531
2824	Sept. 2 [Rec'd Sept. 3]	From the Ambassador in Germany (telegram).	Bernstorff given wide discretion in settlement of submarine question.	532
	Sept. 3	From the German Ambassador.	Only submarine which might have sunk the <i>Arabic</i> has not returned. No explanation possible.	533
2144	Sept. 3	To the Ambassador in Germany (telegram).	Instructions to take up passport of James Archibald and give him emergency passport for immediate return to the United States.	910n
A 5476	Sept. 4 [Rec'd Sept. 7]	From the German Ambassador.	Protests that certain merchant vessels have fired on German submarines.	535
2838	Sept. 5 [Rec'd Sept. 6]	From the Ambassador in Germany (telegram).	Pope responsible for change of German submarine policy.	534
397	Sept. 7	To the Consul General at Hamburg.	Transmits copy of letter to J. H. Hayden regarding the <i>Indian Prince</i> : legal remedies must be exhausted before recourse to diplomatic intervention.	535
2154	Sept. 7	To the Ambassador in Germany (telegram).	Requests official statement regarding the <i>Arabic</i> .	536
2155	Sept. 7	To the Ambassador in Germany (telegram).	Requests official information regarding sinking of the <i>Hesperian</i> .	537
2854	Sept. 7 [Rec'd Sept. 8]	From the Ambassador in Germany (telegram).	Inquiry as to developments in submarine negotiations.	537
[Enclosure]	Sept. 7	From the German Foreign Office.	Report on sinking of the <i>Arabic</i> .	539
	Sept. 8 [Rec'd Sept. 9]	From the German Ambassador.	The case of the <i>Hesperian</i> , an armed vessel, has no bearing on destruction of unarmed merchantmen.	538
	Sept. 8 [Rec'd Sept. 9]	From the German Ambassador.	Attack on the <i>Arabic</i> , if without warning, was contrary to instructions.	540
2162	Sept. 9	To the Ambassador in Germany (telegram).	Department impatiently awaiting instructions to submarine commanders.	538
1241	Sept. 9	To the Ambassador in Germany.	Reply to German note regarding reciprocity of treatment of claimants in prize-court proceedings in Germany and the United States.	540

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2861	Sept. 9 [Rec'd Sept.10]	From the Am- bassador in Germany (telegram).	Von Tirpitz seems to overrule the Chancellor and the Emperor. Internal politics complicate war policy.	542
2860	Sept. 9 [Rec'd Sept.10]	From the Am- bassador in Germany (telegram).	Change in submarine policy due to Navy rather than Foreign Office.	543
[Enclo- sure]	Sept. 9	From the Ger- man Foreign Office.	Official report of attack on the <i>Orduna</i> .	545
2887	Sept. 10 [Rec'd Sept.15]	From the Am- bassador in Germany (tele- gram).	Transmits report from the Consul at Magdeburg: Germany will permit exportation of sugar-beet seed to the United States in ex- change for foodstuffs and cotton.	250
2866	Sept. 10 [Rec'd Sept.11]	From the Am- bassador in Germany (telegram).	Request for report on the <i>Hesperian</i> refused.	545
2182	Sept. 11	To the Amba- sador in Ger- many (tele- gram).	The United States is as concerned in cases where American citizens are endangered as in cases where there has been loss of American lives.	545
[Enclo- sure]	Sept. 13	From the Ger- man Minister of Foreign Affairs to the American Am- bassador.	Disclaims responsibility for sinking of the <i>Hesperian</i> .	548
	Sept. 13	From the Ger- man Ambassa- dor.	Request from Dumba, for trans- mission to his Government, for recall on leave of absence for personal report.	934
1587	Sept. 13	To the German Ambassador.	Inquiry should be made of Persia as to grounds on which Germans were taken prisoner.	994
2186	Sept. 14	To the Amba- sador in Ger- many (tele- gram).	Note for Foreign Office giving summary of evidence on sinking of the <i>Arabic</i> .	547
2900	Sept. 16 [Rec'd Sept. 17]	From the Am- bassador in Germany (telegram).	Germany and Bulgaria have signed a military convention.	58
2900	Sept. 16 [Rec'd Sept. 17]	From the Am- bassador in Germany (telegram).	Military convention between Ger- many and Bulgaria. Germans and Austrians to invade Servia.	549
A 5629	Sept. 16 [Rec'd Sept. 18]	From the Ger- man Amba- sador.	Information concerning warlike nature of speed boats built by Greenport Basin and Construc- tion Co.	805
[Enclo- sure]	Sept. 19	From the Ger- man Minis- ter of Foreign Affairs to the American Ambassador.	Reparation in the settlement of the <i>Frye</i> case.	551

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2214	Sept. 20	To the Ambassador in Germany (telegram).	Interview with Bernstorff giving status of <i>Arabic</i> case.	549
A 5764	Sept. 22 [Rec'd Sept. 23]	From the German Ambassador.	His Government pleased that settlement of submarine question is left to him.	552
2921	Sept. 22 [Rec'd Sept. 23]	From the Ambassador in Germany (telegram).	Bernstorff empowered to offer to refer <i>Lusitania</i> and <i>Arabic</i> cases to The Hague. Orders to submarines regarding liners.	553
[Enclosure]	Sept. 23	From the German Minister of Foreign Affairs to the American Ambassador.	Claims that drifting mines which sank the <i>Hesperian</i> were not of German origin.	556
350	Sept. 23 [Rec'd Oct. 14]	From the Consul General at Hamburg.	Transmits decision of German supreme prize court in <i>Glitra</i> case, with comments.	571
2257	Oct. 2	To the Ambassador in Germany (telegram).	Instructions to obtain permission for shipment of sugar-beet seed from specified firms. Exchange of commodities impracticable.	250
	Oct. 2	From the German Ambassador (telegram).	Six submarine destroyers for British loaded aboard the <i>Bohemian</i> sailing from Boston. Requests investigation.	808
	Oct. 5	From the German Ambassador.	German Government disavows attack on the <i>Arabic</i> ; will negotiate regarding indemnity.	560
	Oct. 6	To the German Ambassador.	German note on the <i>Arabic</i> satisfactory. Department ready to negotiate regarding indemnity.	560
A 5952	Oct. 8 [Rec'd Oct. 16]	From the German Ambassador.	Transmits copy of German memorandum to Turkey regarding acts of violence against Armenians.	989
2990	Oct. 9 [Rec'd Oct. 10]	From the Ambassador in Germany (telegram).	Transmits official notice denying great submarine losses.	566
2291	Oct. 12	To the Ambassador in Germany (telegram).	Note for Foreign Office on details for settlement of the <i>Frye</i> case.	570
1638	Oct. 14 [Rec'd Nov. 1]	From the Ambassador in Germany.	German Government grants permission for desired exportation of drugs with certain guarantees.	257
A 6385	Oct. 15	From the German Ambassador.	Submits affidavits of Americans regarding British use of American flag in attack on German submarine.	575
[Enclosure]	Oct. 16	From the German Foreign Office.	The sinking of the <i>Leelanaw</i> .	607

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1673	Oct. 19 [Rec'd Nov. 1]	From the Ambassador in Germany.	Forwards German note to the Spanish Ambassador showing willingness to consider hospital supplies as non-contraband of war on basis of reciprocity.	1053
2350	Oct. 28	To the Ambassador in Germany (telegram).	Inquiry regarding military control over imports.	603
[Enclosure]	Oct. 30	From the German Minister of Foreign Affairs to the American Ambassador.	Settlement of the <i>Arabic</i> case.-----	603
1641	Nov. 1	To the German Ambassador.	The motor-boats shipped on the <i>Bohemian</i> were not armed.	814
2360	Nov. 1	To the Ambassador in Germany (telegram).	There is no evidence that submarines have been built in the United States for delivery during present war.	814n
[Enclosure]	Nov. 2	From the German Foreign Office.	Limited supply of sugar-beet seed available for shipment to the United States under certain conditions.	251
2381	Nov. 6	To the Ambassador in Germany (telegram).	Specifies number of permits granted by British Embassy for uninterrupted shipment of sugar-beet seed. Instructions to arrange for shipments.	251
A 7066	Nov. 8	From the German Ambassador.	Requests postponement of trial of cases involving Hamburg-American Line pending discussion of law with respect to shipments from neutral territory of coal for belligerent vessels.	867
	Nov. 8	To the German Ambassador.	Refuses to interfere with procedure of Department of Justice in cases of the Hamburg-American Line.	868
1487	Nov. 9	To the Ambassador in Germany.	German Government will grant the desired exportation of drugs to the United States under guarantee that they will not be re-exported.	259
A 7222	Nov. 11 [Rec'd Nov. 16]	From the German Ambassador.	Requests permission to put the <i>Kronprinz Wilhelm</i> and the <i>Prinz Eitel Friedrich</i> in repair for passenger accommodation.	838
A 7295	Nov. 13	From the German Ambassador.	Requests that questions involving military secrets of German Government be avoided in trial of the <i>Pisa</i> .	869
1661	Nov. 16	To the German Ambassador.	Calls attention to escape of officers and men who were interned in American ports.	839
	Nov. 16	To the German Ambassador.	Neutral territory as a base for naval operations on the high seas and judicial investigation involving military or political secrets of a belligerent government.	869

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A 7545	Nov. 22 [Rec'd Nov. 23]	From the Ger- man Amba- sador.	Requests that officers and men on interned vessels be spared the humiliation of having their pic- tures taken as a means of pre- venting their escape.	841
A 7572	Nov. 22	From the Ger- man Amba- sador.	Representations regarding prose- cutions against the Hamburg- American Line and the violation of neutrality laws.	870
	Nov. 23	To the German Ambassador.	No pictures will be taken of in- terned German officers. Other means will be employed to pre- vent their escape.	841
A 7586	Nov. 24 [Rec'd Nov. 26]	From the Ger- man Amba- sador.	Communicates all facts available concerning escape of interned German officers and men.	842
[Enclo- sure]	Nov. 26	From the Ger- man Foreign Office to the American Em- bassy.	Reciprocity of treatment of claim- ants in prize-court proceedings in Germany and the United States.	642
A 7690	Nov. 28 [Rec'd Nov. 29]	From the Ger- man Amba- sador.	Cites cases of boats built in the United States for use of the Al- lies, as breaches of neutrality.	814
[Enclo- sure]	Nov. 29	From the Ger- man Minister of Foreign Affairs to the American Am- bassador.	Settlement by committee of <i>Frye</i> indemnity and draft of arbitra- tion <i>compromis</i> for settlement of legal questions.	644
2447	Nov. 30	To the Amba- sador in Ger- many (tele- gram).	Owners of the <i>Leelanaw</i> not repre- sented before prize court; this Government desires question to be settled by diplomatic nego- tiations.	620
3170	Dec. 1 [Rec'd Dec. 2]	From the Am- bassador in Germany (telegram).	Permit granted for shipment of sugar-beet seed from certain firms. Further exportation re- fused without equivalent.	252
A 7808	Dec. 1	From the Ger- man Amba- sador.	Requests transmission of radio- gram to Berlin regarding Lan- sing's request for recall of Boy- Ed and Von Papen.	947
A 7824	Dec. 1 [Rec'd Dec. 2]	From the Ger- man Amba- sador.	German Government requests that American warships in the Medi- terranean display the national flag clearly by day and by night.	1054
3174	Dec. 2 [Rec'd Dec. 3]	From the Am- bassador in Germany (telegram).	Large peace demonstration in Ber- lin.	78
3172	Dec. 2 [Rec'd Dec. 3]	From the Am- bassador in Germany (telegram).	German reply to inquiry regarding military authority over importa- tion of foodstuffs.	622
1686	Dec. 4	To the German Ambassador.	Formal statement that Boy-Ed and Von Papen are unacceptable to this Government.	948

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	Dec. 4	From the German Ambassador.	Boy-Ed is desirous of discussing question of his recall with the Secretary of State.	948
	Dec. 4	To the German Ambassador.	Refuses interview with Boy-Ed.	949
A 7921	Dec. 5	From the German Ambassador.	His Government wishes to know why the recall of the attachés is requested.	949
	Dec. 5	To the German Ambassador.	Request for recall of Boy-Ed and Von Papen repeated. Names of others who have offended also mentioned.	949
3206	Dec. 9 [Rec'd Dec.10]	From the Ambassador in Germany (telegram).	Requests information concerning telegram from Metz to ship drugs to Rotterdam.	261
2013	Dec. 10 [Rec'd Dec. 30]	From the Ambassador in Germany.	Transmits photographic copies of confidential Admiralty instructions to British merchant vessels.	652
	Dec. 10	To the German Ambassador.	Urges prompt compliance with request for recall of Boy-Ed and Von Papen.	951
A 8061	Dec. 10	From the German Ambassador.	Announces recall of naval and military attachés and requests that safe-conduct be obtained for them and their successors.	951
1692	Dec. 10	To the German Ambassador.	Transmits note from the Secretary of the Navy stating reasons why Navy Department must decline to issue orders as suggested by German Government.	1055
	Dec. 11	To the German Ambassador.	Safe-conduct has been requested for the attachés. When the acceptability of their successors has been decided safe-conducts will be provided for them.	952
[Enclosure]	Dec. 14	From the German Foreign Office to the American Embassy.	Explains to what extent German military authorities have superseded civil authorities.	654
	Dec. 15	To the German Ambassador.	Arrangements for return home of Boy-Ed and Von Papen.	952
2509	Dec. 16	To the Ambassador in Germany (telegram).	Metz has permits from British Government for shipments of certain drugs from Germany. Requests German permission to export.	261
A 8257	Dec. 17	From the German Embassy.	Statement of the Austro-Hungarian Chargé, for transmission to his Government, of U. S. principles and demands in the <i>Ancona</i> case.	640
A 8293	Dec. 18	From the German Embassy.	Message of the Austro-Hungarian Chargé, for transmission to his Government, proposing that Austria-Hungary give same pledge as Germany and leave the <i>Ancona</i> case for diplomatic negotiations.	642

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3238	Dec. 18 [Rec'd Dec. 19]	From the Ambassador in Germany (telegram).	Chancellor anxious to keep friendly relations and settle <i>Frye</i> and <i>Ancona</i> cases. Cipher messages from Foreign Office to be sent through the Embassy.	647
[Enclosure]	Dec. 18	From the German Minister of Foreign Affairs to the American Ambassador.	Treatment accorded American vessels.	658
	Dec. 18	To the German Ambassador.	Furnishes safe-conduct and passports for Boy-Ed and Von Papen.	952
A 8324	Dec. 19	From the German Embassy.	Message of the Austro-Hungarian Chargé, for transmission to his Government, that suggested solution of the <i>Ancona</i> case is not acceptable to the United States.	647
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A 8351	Dec. 21	From the German Embassy.	Encloses despatch for transmission to Von Jagow urging swift settlement of the <i>Lusitania</i> case.	648
	Dec. 21	To the German Embassy.	Gerard is instructed to transmit messages concerning the <i>Lusitania</i> to Bernstorff through the Department.	649
	Dec. 22	To the Ambassador in Germany (telegram).	Colonel House is sent by the President to impart information to our ambassadors concerning the attitude of this Government and to obtain the points of view of the belligerents.	85
1706	Dec. 22	To the German Ambassador.	Refuses permission for full repair to interned vessels and restoration for passenger accommodation.	843
A 8470	Dec. 24	From the German Embassy.	Message of the Austro-Hungarian Chargé, for transmission to his Government, urging prompt reply to U. S. note on the <i>Ancona</i> case.	649
3269	Dec. 24 [Rec'd Dec. 25]	From the Ambassador in Germany (telegram).	Germany will try to prevent break between Austria-Hungary and the United States. Time is propitious for forcing settlement of the <i>Lusitania</i> case.	650
3263	Dec. 24 [Rec'd Dec. 25]	From the Ambassador in Germany (telegram).	American merchandise seized by British from the Danish steamer <i>United States</i> .	739
	Jan. 7, 1916	To the German Ambassador.	After investigation of specific cases cited, the charge of violation of neutrality is denied.	818

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[Enclosure]	Jan. 19, 1916	From the German Secretary of State for Foreign Affairs to the American Ambassador.	The request to make flag clearly visible on American ships was a friendly suggestion, not an instruction.	1057
3718	Apr. 6, 1916	From the Ambassador in Germany (telegram).	German Government has granted permit to export certain drugs.	261n

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705	Dec. 7, 1914	To the Ambassador in Great Britain (telegram).	Instructions to ask for release of August Piepenbrink, who was seized on the <i>Windber</i> by the French.	744n
649	Dec. 11, 1914 [Rec'd Dec. 21]	From the Ambassador in Great Britain.	Transmits letter from Chandler P. Anderson and memorandum concerning treatment by belligerents of enemy aliens and prisoners of war, and American relief work.	997
780	Dec. 18, 1914	To the Ambassador in Great Britain (telegram).	Instructions to investigate reports regarding advantages reaped by British in trade with neutrals.	295
797	Dec. 21, 1914	To the Ambassador in Great Britain (telegram).	Instructions to consuls in British Isles to obtain statistics showing copper exports.	295
[Enclosure]	Dec. 23, 1914	From the British Secretary of State for Foreign Affairs to the American Ambassador	Reply to protest regarding freight on diverted cargoes.	305
1352	Dec. 28, 1914	From the Ambassador in Great Britain (telegram).	British request to communicate to Germany protest against inhuman treatment of British prisoners. Money will be furnished for their relief.	1003
[Enclosure]	Dec. 29, 1914	From the British Foreign Office to the American Embassy.	Memorandum regarding neutral trade.	309
864	Dec. 31, 1914	To the Ambassador in Great Britain (telegram).	Instructions to urge needs of American shippers in respect to censorship of government cable lines in Europe. Forwards Senator Hardwick's protests against interruption in delivery to Sweden and Italy.	697

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215	Jan. 1 [Rec'd Jan. 12]	From the Consul General at London.	Discusses British requirements and encloses British reply to protest regarding freight on diverted cargoes.	304
871	Jan. 2	To the Ambassador in Great Britain (telegram).	Asks definition of "resinous substances" and on what grounds they are ranked as contraband.	198
	Jan. 2 [Rec'd Jan. 5]	Memorandum by British Embassy.	The <i>Dacia</i> has applied for transfer to American flag. British Government reserves right to pass judgment on validity of transfer.	674
877	Jan. 4	To the Ambassador in Great Britain (telegram).	Transmits Treasury notice warning against inaccuracy in ships' manifests.	297
1400	Jan. 4	From the Ambassador in Great Britain (telegram).	Grey requests release of a telegram from British firm to the Bahamas, stopped by censors in Florida.	697
1395	Jan. 4	From the Ambassador in Great Britain (telegram).	British Government maintains that Piepenbrink is not an American citizen. Release refused.	744
1415	Jan. 5	From the Ambassador in Great Britain (telegram).	British Government offered to buy whole output of copper from America during the war, but producers refused.	182
	Jan. 5	To the British Ambassador.	Emphasizes importance of the rosin trade in the South.	198
1414	Jan. 5	From the Ambassador in Great Britain (telegram).	Report of Consul General Skinner on shipments of copper and rubber from England.	298
889	Jan. 5	To the Ambassador in Great Britain (telegram).	Department will forward messages if in plain commercial language.	697
1416	Jan. 5 [Rec'd Jan. 6]	From the Ambassador in Great Britain (telegram).	Suggestions for facilitating cable service for cotton trade.	698
	Jan. 6 [Rec'd Jan. 8]	From the British Ambassador.	Rosin shipped prior to declaration may be seized but must be paid for.	199
	Jan. 6	From the Consul General at Sydney, Australia (telegram).	Australian exportation of wool, etc., to America permitted in British ships under guarantee against reexport.	661
[Enclosure]	Jan. 7	From the British Secretary of State for Foreign Affairs to the American Ambassador.	In justification of British policy regarding neutral trade.	299
1430	Jan. 7	From the Ambassador in Great Britain (telegram).	Each government must insist that plain language be used in telegrams without technical terms.	698

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No.	Date	From and to whom	Subject	Page
	Jan. 7	To the Ambassador in Great Britain (telegram).	Instructions not to issue emergency passports for travel in Belgium except under specified conditions.	899
1440	Jan. 8	From the Ambassador in Great Britain (telegram).	Grey promises better shipping arrangements for neutrals.	302
12	Jan. 8 [Rec'd Jan. 9]	From the British Ambassador.	Transmits note from Grey announcing that the United States can obtain rubber from British Empire.	661
1437	Jan. 8	From the Ambassador in Great Britain (telegram).	Suspicion of commercial technical terms continues to hamper telegraph service.	699
	Jan. 9 [Rec'd Jan. 11]	From the British Ambassador.	Explains attitude of British Government on shipments of rosin.	199
	Jan. 9	To the British Embassy.	Acknowledges receipt of memorandum on the <i>Dacia</i> .	675
922	Jan. 9	To the Ambassador in Great Britain (telegram).	Inquires if senders of stopped messages can be notified.	699
923	Jan. 9	To the Ambassador in Great Britain (telegram).	U. S. Government censors only radiotelegraphic messages. Plain language necessary.	699
1450	Jan. 11	From the Ambassador in Great Britain (telegram).	British merchants failed to get agency for American copper. No copper being shipped from England.	304
1454	Jan. 11	From the Ambassador in Great Britain (telegram).	Censors hold that to inform senders of stopping of messages would defeat purpose of censorship.	700
939	Jan. 12	To the Ambassador in Great Britain (telegram).	Acknowledges British note regarding freight on diverted cargoes.	305
	Jan. 12	From the British Ambassador.	Attitude of British Government regarding transfer of flag after outbreak of hostilities.	676
	Jan. 12	From the British Ambassador.	Opinion as to advisability of <i>bona-fide</i> purchase of German ship for trade between neutral ports.	677
938	Jan. 12	To the Ambassador in Great Britain (telegram).	Insists that commercial firms should be notified immediately of stopped messages.	700
	Jan. 13 [Rec'd June 12]	From the British Secretary of State for Foreign Affairs to the British Embassy at Washington (telegram).	To relieve shortage of tonnage British are willing to release ships on bail.	306

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475	Jan. 13	To the British Ambassador.	Protests against inclusion of turpentine and rosin within contraband list and their seizure.	306
[Enclosure]	Jan. 13	From the British Procurator General to the American Consul General.	Defense of British methods in dealing with detained cargoes.	315
	Jan. 13	To the British Ambassador.	British Government is asked not to raise question of transfer in case of the <i>Dacia</i> .	678
18	Jan. 13 [Rec'd Jan. 15]	From the British Ambassador.	Requests detention of the <i>Farn</i> , former British vessel, captured by Germans and named the <i>KD-3</i> .	821
476	Jan. 14	To the British Ambassador.	Steamship companies refuse to accept freight for Switzerland.	308
	Jan. 14	From the Consul General at Sydney, Australia (telegram).	Wool, etc., to United States allowed in American ships under same conditions as in British ships.	662
956	Jan. 14	To the Ambassador in Great Britain (telegram).	Instructions to present to Grey the situation regarding the <i>Dacia</i> , with request not to raise question of transfer.	678
1474	Jan. 15	From the Ambassador in Great Britain (telegram).	Reports a conversation with General French on the war situation and peace proposal which he says the President has submitted to England at Germany's request.	5
964	Jan. 15	To the Ambassador in Great Britain (telegram).	Instructions to request release of copper for Switzerland detained at Gibraltar.	308
249	Jan. 15 [Rec'd Jan. 26]	From the Consul General at London.	Correspondence with British officials regarding payment of freight on seized cargoes.	314
22	Jan. 15 [Rec'd Jan. 16]	From the British Ambassador.	Transmits note from Grey regarding exportation of wool to the United States under certain guarantee.	662
966	Jan. 15	To the Ambassador in Great Britain (telegram).	Inquires attitude of British Government toward German vessel bought by Americans for trade with Great Britain.	679
1473	Jan. 15	From the Ambassador in Great Britain (telegram).	Cargo of the <i>Dacia</i> would be bought by British Government and vessel put in prize court.	679
	Jan. 15 [Rec'd Jan. 16]	From the British Ambassador.	Grey's views on transfer of the <i>Dacia</i> . German naval prize regulations quoted in support of stand taken.	680
963	Jan. 15	To the Ambassador in Great Britain (telegram).	This Government willing to inspect prisoners' camps and distribute food. Suggests plan of operation.	1004

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1474	Jan. 15	From the Ambassador in Great Britain (telegram).	British Government requests that U. S. officials visit German prison camps and supervise distribution of money and provisions for British prisoners.	1005
977	Jan. 16	To the Ambassador in Great Britain (telegram).	This Government will undertake the relief of British prisoners in Germany.	1007
26	Jan. 17 [Rec'd Jan. 18]	From the British Ambassador.	Requests protection of British ship <i>Farn</i> taken into port at San Juan.	821
27	Jan. 18 [Rec'd Jan. 21]	From the British Ambassador.	Transmits published statement that no restrictions are placed upon shipments to Switzerland.	312
1486	Jan. 18 [Rec'd Jan. 19]	From the Ambassador in Great Britain (telegram).	Grey says that for America to buy German ships and place them on the sea would annul victories England has gained with her navy.	682
1489	Jan. 19 [Rec'd Jan. 20]	From the Ambassador in Great Britain (telegram).	German propaganda in the United States has aroused British suspicion of U. S. neutrality.	6
	Jan. 19	From the British Ambassador.	Liberating interned ships during hostilities may be termed intervention.	683
	Jan. 20	To the British Ambassador.	Inquires whether restrictions on exports include rubber obtained from countries other than Great Britain.	663
1495	Jan. 20	From the Ambassador in Great Britain (telegram).	Explanation of stoppage of Kehlror message. British claim right to prevent the use of their cables to further enemy trade.	701
516	Jan. 21	To the Ambassador in Great Britain.	Instructions to request the British Government to remove rosin from contraband list.	200
1501	Jan. 21	From the Ambassador in Great Britain (telegram).	The Cabinet has not yet passed on subject of transfer of flag.	684
	Jan. 21 [Rec'd Jan. 23]	From the British Ambassador.	The <i>Dacia</i> has become test case involving far-reaching consequences. Government willing to show special consideration for cargo.	687
1007	Jan. 21	To the Ambassador in Great Britain (telegram).	Instructions to call attention of Foreign Office to disastrous effects of their holding up cables from United States to Denmark.	701
	Jan. 21	From the British Ambassador.	Statements justifying tendency of British public to ascribe to American Government an attitude of partiality in the war and of hostility to Great Britain.	777

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1019	Jan. 23	To the Ambassador in Great Britain (telegram).	The President's answer to notes regarding transfer of vessels to American flag. Discusses attitude of American Government and citizens toward war measures of belligerents.	684
1030	Jan. 25	To the Ambassador in Great Britain (telegram).	Instructions to ask British to facilitate telegraphic communication.	703
1538	Jan. 27	From the Ambassador in Great Britain (telegram).	Italy will probably go to war, if Turkey moves against Egypt.	8
1537	Jan. 27	From the Ambassador in Great Britain (telegram).	German military powers have taken over food supplies. <i>Wilhelmina</i> cargo will be bought by the British Government.	317
1536	Jan. 27	From the Ambassador in Great Britain (telegram).	Swiss Minister has secured the trade conditions desired.	317
1539	Jan. 27	From the Ambassador in Great Britain (telegram).	Asks that matter under discussion with Grey will not be acted on until after the <i>Dacia</i> case has been settled.	688
1541	Jan. 28	From the Ambassador in Great Britain (telegram).	Meyer's Atlantic cotton code may be employed in certain telegrams.	703
817	Jan. 29 [Rec'd Feb.10]	From the Ambassador in Great Britain.	Working plan for exportation of wool from the United Kingdom to the United States. Encloses proposed agreement between the Textile Alliance and the British Board of Trade.	665
	Jan. 29	To the Ambassador in Great Britain (telegram).	Rule for transfer of ships during war.	688
	Jan. 29	To the British Ambassador.	The <i>KD-3</i> was interned and British officers and Chinese crew released.	822
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1061	Feb. 2	To the Ambassador in Great Britain (telegram).	Department will continue to send copies of telegrams for submission to British authorities with request for reason for stoppage.	704
48	Feb. 3	From the British Ambassador.	Reply to note regarding guarantee of manufacturers desiring to obtain rubber from Great Britain.	663
584	[Rec'd Feb. 5] Feb. 3	To the Ambassador in Great Britain.	Western Union suggests that British rely upon French to stop objectionable messages passing through France via England to neutral countries.	704
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	Feb. 3	From the British Ambassador.	Requests extradition of Vernil Horne accused of attempting to destroy bridge in New Brunswick; suggests that international bridges be guarded by the United States.	890
[Enclosure]	Undated [Rec'd Feb. 4]	From the British Secretary of State for Foreign Affairs to the American Ambassador.	Decision of British Government in the <i>Wilhelmina</i> case.	319
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1611	Feb. 8	From the Ambassador in Great Britain (telegram).	Foreign Office announces that use of neutral flag with limitations is an established <i>ruse de guerre</i> and that Germany has no right to destroy vessels and cargo before ascertaining their character.	97

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	Feb. 9	From the Consul General at Sydney, Australia (telegram).	Embargo on wool reimposed-----	665
	Feb. 9 [Rec'd Feb. 10]	From the British Ambassador.	Furnishes precedents for neutrals supplying war materials to belligerents.	781
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	Feb. 10	From the Consul General at London (telegram).	Cotton yarn is not contraband----	187
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[Enclosure]	Feb. 10	From the British Secretary of State for Foreign Affairs to the American Ambassador.	Memorandum enclosing circular of German firm in New York regarding restrictions on exports.	338
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1631	Feb. 12	From the Ambassador in Great Britain (telegram).	Grey will reply to telegram of Feb. 10 after conferring with Cabinet and Admiralty.	101
1134	Feb. 15	To the Ambassador in Great Britain (telegram).	Protests against placing American steamer <i>Wilhelmina</i> in British prize court.	105
904	Feb. 15 [Rec'd Feb. 27]	From the Ambassador in Great Britain.	Grey reports that out of 60 or 70 telegrams only 3 were stopped by British.	709
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1138	Feb. 16	To the Ambassador in Great Britain (telegram).	Order prohibiting publication of ship manifests until after thirty days has been rescinded.	334

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1668	Feb. 17	From the Ambassador in Great Britain (telegram).	British may propose not putting food on contraband list if Germany will refrain from submarine war on commerce. Offensive language of Bernstorff's note a hindrance to agreement.	111
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[Enclosure]	Feb. 18	From the British Secretary of State for Foreign Affairs to the American Ambassador.	Denial of charge that copper seized by British had been sold to neutral countries at a profit.	343
1156	Feb. 19	To the Ambassador in Great Britain (telegram).	Instructions to urge admission into Germany of food for non-combatants in exchange for concessions equally important to be made by Germany.	111
	Feb. 19	From the British Ambassador.	Regarding the <i>Wilhelmina</i> . Germany's submarine warfare was begun before England's interference with food for Germany.	116
1157	Feb. 19	To the Ambassador in Great Britain (telegram.)	Proposes satisfactory arrangement for release of copper held at Gibraltar.	334
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[Enclosure]	Undated [Rec'd Feb. 20]	From the British Secretary of State for Foreign Affairs to the American Ambassador.	Memorandum regarding repeal of German decree as affecting the seizure of the <i>Wilhelmina</i> , and in justification of British policy of retaliation.	335
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1693	Feb. 23	From the Ambassador in Great Britain (telegram).	U. S. suggestions of agreement between Germany and England regarding neutral shipping submitted to Allies.	122
	Feb. 23	To the Consul General at London (telegram).	Asks if cotton linters are considered contraband.	187
	Feb. 23	From the Consul General at London (telegram).	Inquiries concerning export of prohibited goods to be sent to War Trade Department. Wool to be forwarded under license to U. S. Textile Alliance.	667
1180	Feb. 23	To the Ambassador in Great Britain (telegram).	No authorization needed for acceptance of money for British prisoners. German Government has not replied to relief proposal.	1009n
1182	Feb. 24	To the Ambassador in Great Britain (telegram).	Netherland Government states that British Admiralty furnishes arms to merchant vessels. Requests confirmation of this.	122
	Feb. 24	From the Consul General at London (telegram).	Cotton linters are not contraband.	187
1694	Feb. 24	From the Ambassador in Great Britain (telegram).	British censors were instructed to pass messages between North and South America.	709
306	Feb. 25 [Rec'd Mar. 18]	From the Consul General at London.	Transmits propositions relative to British seizure of shipments of American meat products.	345
	Undated [Rec'd Feb. 26]	From the Consul General at Sydney, Australia (telegram).	Wool may be shipped to the United States as previously provided.	667
82	Feb. 26	From the British Ambassador.	Presents argument for release of the <i>Farn</i> .	822
1714	Feb. 27	From the Ambassador in Great Britain (telegram).	Grey states that British policy regarding food for Germany is the consequence and not the cause of Germany's practice of torpedoing merchant ships.	125
	Feb. 27	To the British Ambassador.	Local authorities have sole jurisdiction and responsibility in respect of bridges. Federal authorities act only when called upon.	890
	Feb. 28 [Rec'd Mar. 1]	From the British Secretary of State for Foreign Affairs to the British Ambassador at Washington (telegram).	U. S. proposal to restrict use of submarines in exchange for permission for food to enter Germany is under consideration.	128

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	Mar. 1	From the British Ambassador.	Germany's opponents driven to retaliatory measures regarding commodities, but they will be enforced without risk to neutral or non-combatant life.	127
1209	Mar. 2	To the British Government.	Protests against seizure of Piepenbrink.	747
1723	Mar. 2	From the Ambassador in Great Britain (telegram).	Transmits British expression of appreciation, to be conveyed to Morgenthau for his offer to pay indemnity to Moslem families. Negotiations left in his hands.	962
1219	Mar. 3	To the Ambassador in Great Britain (telegram).	Transmits request from Spring Rice to Grey that cotton owners be permitted to fill German orders contracted for prior to issuance of contraband declaration.	188
1224	Mar. 4	To the Ambassador in Great Britain (telegram).	Transmits German reply to U. S. suggestion that certain principles be agreed upon by Germany and England in maritime warfare.	129n
1222	Mar. 4	To the Ambassador in Great Britain (telegram).	Instructions to ask British Government for exemption for vessels and cotton cargoes under charter contracted for prior to Mar. 1.	188
1233	Mar. 5	To the Ambassador in Great Britain (telegram).	Proposed method of blockade of German ports unknown to international law; gives neutrals no standard by which to measure rights or avoid danger.	132
[Enclosure]	Mar. 5	From the British Secretary of State for Foreign Affairs to the American Ambassador.	Encloses copies of telegrams from private firms sent through the Department.	710
1743	Mar. 6	From the Ambassador in Great Britain (telegram).	American efforts for peace unappreciated in England.	134
	Mar. 8	Public announcement by the British Embassy.	Arrangement made for shipment of cotton contracted for prior to Mar. 2.	189
1020	Mar. 9 [Rec'd Mar.19]	From the Ambassador in Great Britain.	Transmits statement from Grey that conditional contraband sent to the Netherlands will not be detained if consigned to the Oversea Trust.	353
1752	Mar. 9 [Rec'd Mar.10]	From the Ambassador in Great Britain (telegram).	Transmits note from Grey regarding private telegrams which have been sent through the Department and comments thereon.	710
98	Mar. 9 [Rec'd Mar.10]	From the British Ambassador.	U. S. Government responsible for supplying German warships from U. S. territory. Protests action of German vessels in American ports.	852

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	Mar. 10	From the British Ambassador.	Transmits list of lubricating oils to be treated as conditional contraband.	136
1762	Mar. 10	From the Ambassador in Great Britain (telegram).	No evidence that British have ordered transatlantic merchantmen to arm; and no arming prior to German submarine "blockade."	137
[Enclosure]	Mar. 10	From the British Secretary of State for Foreign Affairs to the American Ambassador.	Permits shipments of manganese to U. S. Steel Products Co. subject to guarantee. Form enclosed.	667
1756	Mar. 10	From the Ambassador in Great Britain (telegram).	Grey gives assurance to the Relief Commission that neither its flag nor its markings will be used by the British.	1034
	Mar. 12 [Rec'd Mar. 13]	From the British Embassy.	Calls attention to a German warship carrying neutral prisoners, some of them U. S. citizens, thus exposing them to attack.	341
1261	Mar. 12	To the Ambassador in Great Britain (telegram).	Mörgenthau suggests establishment of neutral zones for safety of non-combatants.	964
1780	Mar. 13	From the Ambassador in Great Britain (telegram).	Proclamation of Mar. 11 makes additions to lists of contraband.	138
[Enclosure]	Mar. 13	From the British Secretary of State for Foreign Affairs to the American Ambassador.	Reply to the U. S. note suggesting terms of agreement with Germany as to conduct of the war at sea.	140
	Mar. 13	From the Consul General at London (telegram).	Protests treatment of the <i>Vitalia</i> , the <i>A. A. Raven</i> , and the <i>Ruby</i> ; and suggests that British Government be requested to state rules regarding shipments to Holland.	342
	Mar. 13	To the British Ambassador.	Decision holds to intern the <i>Farn</i> as a fleet auxiliary until the end of the war. Reasons given.	823
	Mar. 13	To the British Ambassador.	Reexamination of German vessels in U. S. ports has been ordered.	855
[Enclosure]	Mar. 15	From the British Secretary of State for Foreign Affairs to the American Ambassador.	Restriction of German trade. Encloses order in council of Mar. 11.	143
1789	Mar. 15	From the Ambassador in Great Britain (telegram).	Meat and lard shipped by Armour and by Swift to Göteborg will be placed in prize court.	344
1056	Mar. 15 [Rec'd Mar. 29]	From the Ambassador in Great Britain.	Transmits note from Grey permitting shipments of manganese to U. S. Steel Products Co., subject to guarantee. Form enclosed.	667

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1281	Mar. 16	To the Ambassador in Great Britain (telegram).	Encloses telegram from Governor General of the Philippines stating that merchants in Manila complain that goods are held by British at Singapore. Instructions to ask explanation of British Government.	344
1280	Mar. 16	To the Ambassador in Great Britain (telegram).	Department has instructed its foreign officers to discontinue sending private messages through official channels.	711
[Enclosure]	Mar. 18	From the British Secretary of State for Foreign Affairs to the American Ambassador.	Reply to suggestion of the Western Union Telegraph Co. regarding codes.	713
	Mar. 19 [Rec'd Mar. 23]	From the British Ambassador.	Conditions on which British Government would recognize as valid the transfer of a ship from enemy to neutral flag.	691
	Mar. 20	From the Commercial Adviser of the British Embassy to the Foreign Trade Adviser of the Department of State.	Gives assurance that contracts made before Mar. 1 will be dealt with leniently.	208
1296	Mar. 20	To the Ambassador in Great Britain (telegram).	Instructions to protest against detention in British port of American S. S. <i>Wico</i> with cargo of oil for Stockholm.	354
115	Mar. 20	From the British Ambassador.	Has been informed that the <i>Odenwald</i> will leave port for belligerent purposes.	857
[Enclosure]	Mar. 20	From the British Foreign Office to the American Embassy.	Advocates similar arrangements in Great Britain and Germany for distribution of supplies and visitation of detention camps.	1015
1816	Mar. 21 [Rec'd Mar. 22]	From the Ambassador in Great Britain (telegram).	New methods of warfare have changed the definition of blockade. German submarine blockade is failure; provoked English blockade of Germany, which is effective.	146
	Mar. 22	From the British Embassy.	States that the <i>Prinz Eitel Friedrich</i> was not in need of repairs. Inquires what steps will be taken in the matter.	828
	Mar. 23	To the Consul General at London (telegram).	Instructions to ascertain owner of the cargo of the <i>William P. Frye</i> .	355
	Mar. 24	From the Consul General at London (telegram).	Reports ownership of cargo of <i>William P. Frye</i> .	355

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	Mar. 24	From the British Ambassador.	Renewed orders to officers on duty in the North Atlantic regarding observance of U. S. neutrality laws.	872
1315	Mar. 25	To the Ambassador in Great Britain (telegram).	Instructions to ask if books published in Germany will be molested when exported to the United States.	244
[Enclosure]	Mar. 25	From the British Foreign Office.	Extract from memorandum on censorship of the cable.	712
	Mar. 26	To the British Embassy.	Department declines to comment on the practice of sinking neutral ships and carrying their crews on ships of war.	355
1843	Mar. 26	From the Ambassador in Great Britain (telegram).	British withhold permission to publish confidential memorandum of Feb. 1 on censorship of cables but permit publication of enclosed memorandum of Mar. 25.	712
124	Mar. 26 [Rec'd Mar.27]	From the British Ambassador.	British Government inquires as to whom the United States will hand over the <i>Farn</i> at the end of the war.	828
125	Mar. 26 [Rec'd Mar. 29]	From the British Ambassador.	Governor of British Honduras asks permission to send commercial messages by radio through New Orleans in code.	883
1844	Mar. 26	From the Ambassador in Great Britain (telegram).	British cannot accept proposals of safety zones in Turkey.	966
	Mar. 27	From the Consul General at London (telegram).	Prize claims committee formed to consider claims of British, Allied or neutral third parties.	356
	Mar. 27	To the British Ambassador.	After reexamination of German vessels, this Government is satisfied regarding its duties as a neutral.	858
	Mar. 27	To the British Ambassador.	Protests against belligerent ships receiving supplies in vicinity of California. Cites case of the <i>Bellerophon</i> .	872
	Mar. 29	To the British Embassy.	Instruction has been given that the <i>Prinz Eitel</i> may not leave within 24 hours after departure of an enemy merchant ship.	829
	Mar. 29	From the British Ambassador.	Case of the <i>Bellerophon</i> will be brought to attention of the British Government.	873
1334	Mar. 29	To the Ambassador in Great Britain (telegram).	Requests copy of British reply to German proposals regarding condition of war prisoners.	1014
1343	Mar. 30	To the Ambassador in Great Britain (telegram).	Protests Allies' methods of warfare and maintains rights of neutrals under rules of international law.	152

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1136	Mar. 30 [Rec'd Apr. 13]	From the Ambassador in Great Britain.	Encloses copies of the British order in council of March 23, 1915.	366
	Mar. 30	To the British Embassy.	Repairs on the <i>Prinz Eitel</i> fall within the principles laid down by Hague Convention XIII.	830
1856	Mar. 30 [Rec'd Mar. 31]	From the Ambassador in Great Britain (telegram).	Transmits British note advocating similar arrangements in Great Britain and Germany for distribution of supplies and visitation of detention camps.	1015
1864	Mar. 31 [Rec'd Apr. 1]	From the Ambassador in Great Britain (telegram).	Thrasher, an American citizen, thought to have been drowned when British ship <i>Falaba</i> was sunk by German submarine.	358
135	Mar. 31 [Rec'd Apr. 2]	From the British Ambassador.	States that certain German steamships intend to leave U. S. ports to supply German warships and conduct belligerent operations.	859
	Apr. 1	To the British Ambassador.	The right to claim the <i>Farn</i> is a question to be decided by the British and German Governments.	831
	Apr. 3	From the Foreign Trade Adviser of the Department of State to the Commercial Adviser of the British Embassy.	Inquires British interpretation of term "American ownership." Case of Mr. Wolf.	209
	Apr. 5	To the Consul General at London (telegram).	Instructions to obtain details of sinking of <i>Falaba</i> and death of Thrasher.	358
733	Apr. 5	To the British Ambassador.	Protests against appearance of armed Canadian soldiers in Detroit.	774
	Apr. 5	From the British Ambassador to the Counselor for the Department of State.	Forwards reasons why it would be impracticable for British warships to provision themselves from U. S. territory.	873
1889	Apr. 6	From the Ambassador in Great Britain (telegram).	Cargo of the <i>Segurança</i> should be reconsigned to the Netherlands Oversea Trust.	359
[Enclosure]	Apr. 6 [?]	From the British Secretary of State for Foreign Affairs to the American Ambassador.	Announces decision to liberate Piepenbrink, reserving question of principle involved.	748

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1891	Apr. 6	From the Ambassador in Great Britain (telegram).	Grey requests that Germany be assured of British acceptance of the German scheme for inspection of prison camps.	1016
1892	Apr. 7	From the Ambassador in Great Britain (telegram).	Press comment on U. S. note is friendly and shows appreciation of American position.	158
369	Apr. 7 [Rec'd Apr. 21]	From the Consul General at London.	Possibility that cotton will be placed on contraband list; matter again being discussed.	189
	Apr. 7	From the Consul General at London (telegram).	Forwards testimony of passengers regarding sinking of the <i>Falaba</i> . No doubt of Thrasher's death.	359
1900	Apr. 8	From the Ambassador in Great Britain (telegram).	Foreign Office cannot exempt books of German origin from operations of order in council of Mar. 11.	244
	Apr. 8	To the Consul General at London (telegram).	Instructions to ascertain whether the <i>Falaba</i> carried guns and ammunition.	361
1907	Apr. 8	From the Ambassador in Great Britain (telegram).	The <i>Wico</i> allowed to proceed to destination. Further oil trade with Stockholm will be considered by British Government.	361
	Apr. 8 [Rec'd Apr. 9]	From the Consul General at London (telegram).	Appealed in vain to prize court to free ships and cargo from expenses incidental to detention.	361
142	Apr. 8 [Rec'd Apr. 9]	From the British Ambassador.	Will bring to notice of Canadian Government complaint against appearance of armed Canadian soldiers in Detroit.	774
1399	Apr. 9	To the Ambassador in Great Britain (telegram).	Inquires whether British merchant vessels have armed to resist submarines.	159
1398	Apr. 9	To the Ambassador in Great Britain (telegram).	Does not admit right of British to require cargo of <i>Segurança</i> to be reconsigned to Oversea Trust, but owners willing.	362
	Apr. 9	From the Consul General at London (telegram).	Report on sinking of the <i>Falaba</i> .	362
[Enclosure]	Undated [Rec'd Apr. 9]	From the British Foreign Office to the American Embassy.	Offer of indemnification in <i>Wilhelmina</i> case.	363
	Apr. 10 [Rec'd Apr. 13]	From the British Ambassador.	Defines lubricants and notes transfer of articles to list of absolute contraband.	160
	Apr. 10	From the Consul General at London (telegram).	Affidavits to effect that ammunition and guns were not carried on the <i>Falaba</i> .	364

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1407	Apr. 12	To the Ambassador in Great Britain (telegram).	Owners of the <i>Wilhelmina</i> accept the proposal for British compensation.	365
1408	Apr. 12	To the Ambassador in Great Britain (telegram).	<i>Wico</i> case: seizure of American cargoes by Germans not a justification for their seizure by British.	365
1411	Apr. 12	To the Ambassador in Great Britain (telegram).	Asks if merchant vessels are trained to combat submarines and if rewards are offered for ramming.	365
739	Apr. 12	To the British Ambassador.	Internment of armed Canadian soldiers who enter American territory may have to be considered.	774
1917	Apr. 13	From the Ambassador in Great Britain (telegram).	British have not declared policy regarding arming of merchantmen.	368
1918	Apr. 13	From the Ambassador in Great Britain (telegram).	Reply to inquiry concerning training of merchantmen to attack submarines.	368
1920	Apr. 13	From the Ambassador in Great Britain (telegram).	Movements of the <i>Ogechee</i> -----	369
396	Apr. 13 [Rec'd Apr.27]	From the Consul General at London.	Indemnity is required for goods released to owner without going through prize court. Form enclosed.	375
[Enclosure]	Undated [Rec'd Apr.14]	From the British Secretary of State for Foreign Affairs to the American Ambassador.	Great Britain will not interfere with the shipments of dyestuffs released by Germany; conditions stipulated.	252
1421	Apr. 14	To the Ambassador in Great Britain (telegram).	Instructions to protest against seizure of the <i>Joseph W. Fordney</i> and request release.	369
394	Apr. 14 [Rec'd Apr.27]	From the Consul General at London.	British indifference to long detention of vessels and proposed relief.	373
1223	Apr. 14 [Rec'd Apr.27]	From the Ambassador in Great Britain.	Futility of further protests against restriction of cables.	714
1422	Apr. 15	To the Ambassador in Great Britain (telegram).	Asks explanation of delay in case of <i>Antilla</i> and similar cases.	369
	Apr. 16	To the Consul General at London (telegram).	Requests information regarding adjudication of claims by committee rather than by prize court.	370
	Apr. 16	From the Consul General at London (telegram).	Requests certified copy of manifests of ships proceeding to Europe.	371

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406	Apr. 16 [Rec'd Apr.27]	From the Consul General at London.	Attitude and note of British Government on reconignment of goods to the Netherlands Oversea Trust.	374
	Apr. 16	To the British Ambassador.	Calls attention to British cruiser <i>Suffolk</i> communicating with shore off Cape Henry.	874
[Enclosure]	Apr. 16	From the Ambassador in Great Britain (telegram).	Commission ship <i>Harpalyce</i> has been torpedoed by German submarine. German Minister at The Hague refuses to grant further safe-conducts unless ships go direct to the United States.	1036
	Apr. 17	From the Consul General at London (telegram).	Adjudication by prize-court committee.	371
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1950	Apr. 19	From the Ambassador in Great Britain (telegram).	Suggests plan for avoidance of detention of cargoes.	371
1955	Apr. 19	From the Ambassador in Great Britain (telegram).	British Government will discharge cargo of the <i>Joseph W. Fordney</i> on ground that it is intended for Germany.	372
	Apr. 19 [Rec'd Apr.21]	From the British Ambassador.	Categorical denial that <i>Suffolk</i> has communicated with the shore.	875
[Enclosure]	Apr. 20	From the American Ambassador to the British Secretary of State for Foreign Affairs.	Cultivation of beets for manufacture of sugar is dependent upon shipment of beet seed from Germany. Requests that shipments may proceed without hindrance.	247
	Apr. 20	From the Consul General at London (telegram).	Discussion with Admiral Slade on practical means of assuring uninterrupted commerce with neutrals.	372
	Apr. 20 [Rec'd Apr. 21]	From the British Embassy.	Asserts that the <i>Kronprinz Wilhelm</i> was apparently damaged by ramming the <i>Wilfred M.</i>	834
412	Apr. 21 [Rec'd May 6]	From the Consul General at London.	Admiral Slade will try to obtain working arrangement whereby ships' manifests may be passed upon before ships' arrival.	382
898	Apr. 21	To the Ambassador in Great Britain.	Department glad to learn that Piepenbrink is to be released.	749
749	Apr. 21	To the British Ambassador.	Refuses permission to send commercial messages from British Honduras through New Orleans in code.	886
1449	Apr. 21	To the Ambassador in Great Britain (telegram).	Gerard acknowledges receipt of British acceptance of German scheme of camp inspection.	1017n

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407	Apr. 22 [Rec'd May 6]	From the Consul General at London.	Blockade measures seem to make special action on cotton unneces- sary.	190
[Enclo- sure]	Apr. 24	From the British Foreign Office to the Amer- ican Amba- sador.	Explains difference between cases dealt with by the prize court and those coming under the prize-claims committee.	393
1472	Apr. 26	To the Amba- sador in Great Britain (tele- gram).	Instructions to arrange for safe passage of American delegates to the International Peace Con- gress.	30
[Enclo- sure]	Apr. 26	The American Ambassador to the British Secretary of State for For- eign Affairs.	Memorandum regarding status of American detained ships.	390
1995	Apr. 27	From the Am- bassador in Great Britain (telegram).	Steamer <i>Noordam</i> has proceeded to Rotterdam.	30
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1998	Apr. 27	From the Am- bassador in Great Britain (telegram).	Cargo of the <i>Joseph W. Fordney</i> will be detained; vessel will be released.	376
421	Apr. 27 [Rec'd May 10]	From the Consul General at London.	Suggests publication of statement regarding payments of freight on detained cargoes.	388
2002	Apr. 28	From the Am- bassador in Great Britain (telegram).	<i>Segurança</i> allowed to proceed, con- signees having agreed to receive goods through Oversea Trust.	377
	Apr. 28 [Rec'd Apr. 29]	From the British Ambassador.	Explains operations in North Pacific of the British cruiser <i>Rainbow</i> .	875
1302	Apr. 29 [Rec'd May 11]	From the Am- bassador in Great Britain.	Requests instructions regarding attitude of British Government toward the purchase of a Ger- man vessel by Port Blakely Mill Co.	692
	Undated [Rec'd May 3]	From the Consul at Plymouth (telegram).	American tank steamer <i>Gulfight</i> torpedoed.	378
1500	May 3	To the Amba- sador in Great Britain (tele- gram).	Requests detailed report of tor- pedoing of <i>Gulfight</i> .	378

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1492	May 3	To the Ambassador in Great Britain (telegram).	Transmits communication from the Ambassador in Turkey: British and French subjects will be sent to unfortified places for exposure to Allied bombardment.	969n
2042	May 4	From the Ambassador in Great Britain (telegram).	British holding the <i>Gulflight</i> . Investigations being made.	379
2029	May 4	From the Ambassador in Great Britain (telegram).	Matter of consignee of cargo of the <i>Joseph W. Fordney</i> is being investigated.	380
	May 5	To the Consul General at London (telegram).	Instructions to ascertain from Russell & Co. their charge for a legal opinion on release of goods under indemnity guarantee and further prosecution of claims.	380
	May 5	From the Consul General at London (telegram).	Prize court authorities seek means to release cargo of the <i>Ogeechee</i> . Proof of ownership required.	380
956	May 5	To the Ambassador in Great Britain.	Instructions to continue to present to Foreign Office copies of stopped messages, with request for reasons for not forwarding.	715
2046	May 5	From the Ambassador in Great Britain (telegram).	Grey requests that statements made by survivors of the <i>Harpalyce</i> be brought to the attention of the United States.	108
	May 6	From the Foreign Trade Adviser of the Department of State to the Commercial Adviser of the British Embassy.	Asks for written statement of understanding of negotiations facilitating shipments of goods.	213
1512	May 6	To the Ambassador in Great Britain (telegram).	Further protests against detention of the <i>Segurança</i> and requirement of reconsignment of shipments to Oversea Trust.	381
1514	May 6	To the Ambassador in Great Britain (telegram).	Instructions to report whether the <i>Gulflight</i> was under convoy.	381
	May 6	From the Consul General at London (telegram).	Detained cargoes: Indemnity guarantee and further prosecution of claims. Gives charge for legal opinion of Russell & Co.	382
	May 7	To the Consul General at London (telegram).	Instructions to arrange with Russell & Co. for opinion of King's counsel on certain questions concerning prize-court rules.	383

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	May 7 [Rec'd May 10]	From the British Ambassador.	Arms and ammunition were imported by England from Germany during the Boer War.	786
1525	May 7	To the Ambassador in Great Britain (telegram).	Transmits report of German investigation of sinking of the <i>Har-palyce</i> .	1039
	May 8	From the Consul General at London (telegram).	Convincing evidence of American ownership prior to Mar. 11 may effect release of the <i>Ogeechee</i> .	385
2068	May 8	From the Ambassador in Great Britain (telegram).	Opinion prevails that the United States must declare war on Germany. Allies will cede part of Austria to Italy in return for her alliance.	385
	May 9	From the Consul at Cork (telegram).	Reports on <i>Lusitania</i> with affidavits of survivors.	386
	May 10	From the Commercial Adviser of the British Embassy to the Foreign Trade Adviser of the Department of State.	Negotiations facilitating shipment of goods to and from countries at war with Great Britain are unofficial and do not commit either Government.	214
[Enclosure]	May 10	From the British Secretary of State for Foreign Affairs to the American Ambassador.	Assurance that notice will be given of ships detained and report on cargoes of the <i>Marie</i> , <i>Livonia</i> , <i>Dicido</i> , et al.	413
2080	May 11	From the Ambassador in Great Britain (telegram).	Lack of definite action on part of the United States in matter of <i>Gulfight</i> and <i>Lusitania</i> arouses contempt of the British.	391
61	May 11 [Rec'd May 24]	From the Consul at Cork.	Review of the <i>Lusitania</i> situation to date.	409
	May 12	To the Consul General at London (telegram).	Expresses hope of speedy release of the <i>Ogeechee</i> . Shippers advised to forward proof of ownership prior to Mar. 11.	392
1556	May 13	To the Ambassador in Great Britain (telegram).	Instructions to ask reason for non-delivery of code telegrams concerning coffee shipments from South America.	715
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[Enclosure]	May 15	From the British Secretary of State for Foreign Affairs to the American Ambassador.	<i>Note verbale</i> explaining memorandum of May 14.	429

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2104	May 16 [Rec'd May 17]	From the Am- bassador in Great Britain (telegram).	General commendation of Ameri- can note of May 13 to Ger- many.	397
[Enclo- sure]	May 16	From the British Secretary of State for For- eign Affairs to the American Ambassador.	Gives grounds for detention of the <i>Wico</i> .	422
*2105	May 17	From the Am- bassador in Great Britain (telegram).	The <i>Gulflight</i> was directed to follow British patrols to Bishop Rock. Details later.	397
1575	May 17	To the Amba- sador in Great Britain (tele- gram).	Instructions to insist upon release of shipment of cotton on the <i>Helge</i> sold to Norwegian spinner.	398
194	May 17 [Rec'd May 18]	From the British Ambassador.	British reserve their rights in re- gard to release of the <i>Farn</i> .	835
1409	May 17 [Rec'd June 1]	From the Am- bassador in Great Britain.	Proposed list of hospital supplies would be accepted by Great Britain as non-contraband if ac- cepted by other belligerents.	1050
2122	May 18	From the Am- bassador in Great Britain (telegram).	Evidence that cargo of the <i>Joseph W. Fordney</i> is intended for the enemy.	399
2124	May 18	From the Am- bassador in Great Britain (telegram).	Reports discussion with Grey on delay in settlement of detained cargoes.	399
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	May 19	From the Com- mercial Ad- viser of the British Em- bassy to the Foreign Trade Adviser of the Department of State.	Goods of enemy origin, paid for before Mar. 1, must be shipped before June 15—a special con- cession to the United States.	215
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	Undated [Rec'd Sept. 7]	From the Consul at Cork (telegram).	Transmits joint affidavit of the officers regarding the torpedoing of the <i>Hesperian</i> .	534
2769	Sept. 8 [Rec'd Sept. 9]	From the Ambassador in Great Britain (telegram).	Transmits British printed form for use in exporting goods of Belgian origin from Holland.	266
2771	Sept. 8 [Rec'd Sept. 9]	From the Ambassador in Great Britain (telegram).	The United States is losing the respect of foreign governments because of delayed action on submarine outrages.	537
[Enclosure]	Undated [Rec'd Sept. 9]	From the British Foreign Office.	Gives assurances that cases concerning goods of enemy origin will be dealt with expeditiously and without discrimination.	232
	Sept. 9	To the Consul General at London (telegram).	The <i>Seaconnet</i> : Release of shipments would show improper seizure. Asks if officials are not trying to avoid payment of indemnity.	541
	Sept. 9 [Rec'd Sept. 22]	From the Consul General at London.	Monthly report on British trade...	555
2088	Sept. 9	To the Ambassador in Great Britain (telegram).	Inquires if British Government has officially sanctioned the use of German interned ships.	1040
	Sept. 10	From the Consul General at London (telegram).	Payment by owners of expenses incurred in connection with detention of cargoes.	544

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No.	Date	From and to whom	Subject	Page
	Sept. 10	To the Ambassador in Great Britain.	Instructions to submit copies of all stopped telegrams to Foreign Office.	723
	Sept. 10	From the British Ambassador.	British reluctant to compromise right of protecting merchantmen by armament. Proper measures will be taken to insure compliance with regulations.	848
2102	Sept. 11	To the Ambassador in Great Britain (telegram).	Restriction against American fruit appears unjust.	196
2103	Sept. 11	To the Ambassador in Great Britain (telegram).	Requests details of procedure in making applications of American owners for goods of German, Austrian, or Turkish origin.	232
	Sept. 11	To the British Ambassador.	British Government must give assurance that armament of the <i>Waimana</i> will be used only for defensive purposes; otherwise guns must be landed.	849
2800	Sept. 14 [Rec'd Sept. 15]	From the Ambassador in Great Britain (telegram).	Foreign Office delays information as to shipping from neutral ports, pending decision of France.	235
2118	Sept. 15	To the Ambassador in Great Britain (telegram).	Instructions to take up with British the subject of cotton shipments to neutral European countries.	195
2123	Sept. 15	To the Ambassador in Great Britain (telegram).	Repeats request for full information as to conditions under which permits are granted importers for movement of goods.	236
2122	Sept. 15	To the Ambassador in Great Britain (telegram).	Attorneys in London claim ability to obtain permits for release of goods, charging certain per cent of value of shipment. Instructions to include this statement in protest.	236
[Enclosure]	Undated [Rec'd Sept. 16]	From the British Foreign Office.	Shipments of drugs from Germany will not be permitted; equivalents obtainable from France.	256
[Enclosure]	Sept. 16	From the British Secretary of State for Foreign Affairs to the American Ambassador.	Deposit of documents covering sale and shipment of Belgian goods.	266
	Sept. 16	From the Consul General at London (telegram).	Prize-court judgment against American packing houses.	549
726	Sept. 16 [Rec'd Oct. 2]	From the Consul General at London.	Reports improvement in trading conditions. Arrangements made with guarantee companies.	559
2819	Sept. 17	From the Ambassador in Great Britain (telegram).	Applications for shipments must be accompanied by proof. Foreign Office willing to make arrangement for cases to be presented by American trade advisers.	237

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No.	Date	From and to whom	Subject	Page
2830	Sept. 20	From the Ambassador in Great Britain (telegram).	Arrangements with the British Government to send American cotton to Swedish Cotton Spinners Association.	195
	Sept. 20	From the Consul General at London (telegram).	Norwegian ship <i>Vitalia</i> detained. New conditions imposed by the Netherlands Trust.	550
420	Sept. 22	To the Consul General at London (telegram).	Approves protest regarding claims for compensation.	552
2852	Sept. 23	From the Ambassador in Great Britain (telegram).	Grey agrees to request that cases of importers be presented by trade advisers.	238
[Enclosure]	Sept. 24	From the British Foreign Office.	Memorandum regarding delivery of imports, running contracts, etc.	238
	Undated [Rec'd Sept. 24]	From the Consul at Cork (telegram).	Report of torpedoing of the <i>Anglo-Columbian</i> .	556
[Enclosure]	Sept. 24	From the British Foreign Office.	Request for permission to publish correspondence regarding reports on British trade.	557
2171	Sept. 25	To the Ambassador in Great Britain (telegram).	British Embassy advises foreign trade advisers that it is prepared to receive applications of importers.	238
2866	Sept. 25	From the Ambassador in Great Britain (telegram).	Kirk sent from Berlin with package from Department pouch containing vouchers and expense account for German propaganda in the United States and other countries. Awaiting instructions.	942
	Sept. 27	From the Consul General at London (telegram).	Packers propose that <i>Vitalia</i> cargo be sent to Rotterdam to be resold through the Trust. Procurator refuses request.	556
2178	Sept. 27	To the Ambassador in Great Britain (telegram).	Department agreeable to simultaneous publication of Embassy's memorandum of June 3 and Foreign Office note of Aug. 13.	557
2879	Sept. 28	From the Ambassador in Great Britain (telegram).	Sets date for simultaneous publication of correspondence regarding British trade.	558
	Sept. 28 [Rec'd Oct. 9]	From the Ambassador in Great Britain.	Foreign Office has never agreed to give reasons why telegrams are stopped.	726
2890	Sept. 30	From the Ambassador in Great Britain (telegram).	British allow certain goods to enter Holland in exchange for special concessions; would probably cooperate with United States in same way.	197
2190	Sept. 30	To the Ambassador in Great Britain (telegram).	Inquires the nature of documents required for deposit in shipment of Belgian goods.	267

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No.	Date	From and to whom	Subject	Page
2932	Oct. 5	From the Ambassador in Great Britain (telegram)	Documents referred to covering sale and shipment of Belgian goods are such documents as are deposited in banks in business transactions.	267
	Oct. 5 [Rec'd Oct. 9]	From the British Ambassador.	Tungsten ore is being sent from New York to Germany by parcel post in canvas bags.	733
2233	Oct. 6	To the Ambassador in Great Britain (telegram).	Asks consideration for importers who purchased before Mar. 15 without notice of time limit.	239
363	Oct. 6 [Rec'd Oct. 9]	From the British Ambassador.	Gives explanation of British action in meat packers' claims.	564
[Enclosure]	Oct. 6	From the British Secretary of State for Foreign Affairs to the American Ambassador.	Gives reasons for proceedings against the <i>Joseph W. Fordney</i> .	601
2236	Oct. 7	To the Ambassador in Great Britain (telegram).	Instructions to urge prompt release of drugs bought in Germany before Jan. 1 and paid for.	256
[Enclosure]	Oct. 7	From the British Secretary of State for Foreign Affairs to the American Ambassador.	Note on the <i>Vitalia</i> , denying that Government has created a carrying monopoly.	602
364	Oct. 7 [Rec'd Oct. 9]	From the British Ambassador.	Calls attention to German responsibility for incendiary fires discovered on British steamers leaving New York.	894
	Oct. 8	From the Commercial Adviser of the British Embassy to the Foreign Trade Adviser of the Department of State.	British Government will permit shipment of books of educational character for public institutions if vouched for by U. S. Government.	245
2241	Oct. 8	To the Ambassador in Great Britain (telegram).	Instructions to protest against detention of Standard Oil steamer <i>Petrolite</i> .	564
	Oct. 8	To the Consul General at London (telegram).	Instructions to report on prize-court proceedings in cases of seizure.	564
2294	Oct. 8 [Rec'd Oct. 26]	From the Ambassador in Great Britain.	Instructions have been issued to all British censors to pass official telegrams sent in code between Shanghai and Hongkong.	727

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No.	Date	From and to whom	Subject	Page
2975	Oct. 9	From the Ambassador in Great Britain (telegram).	Foreign Office authorized to issue permit for shipment of certain amount of drugs from Germany. No further shipments guaranteed.	256
	Oct. 11	From the Consul General at London (telegram).	Omnibus writ covers seizure as suspected contraband and German destination.	566
2986	Oct. 11	From the Ambassador in Great Britain (telegram).	Plan to use German interned ships abandoned on account of objections of France.	1040
1758	Oct. 12	To the Ambassador in Great Britain.	Sets forth complaints of tobacco exporters. The United States expects American tobacco to be accorded same privileges as other tobacco.	204
	Undated [Rec'd Oct. 12]	From the British Embassy.	Memorandum on the ultimate destination of meat shipments to Scandinavian ports.	566
	Oct. 12 [Rec'd Oct. 15]	From the British Ambassador.	Calls attention to use of parcel post in sending contraband to Germany and Austria-Hungary.	733
2272	Oct. 13	To the Ambassador in Great Britain (telegram).	Instructions to investigate report that to avoid seizure of food-stuffs permission must be obtained from London before shipment.	571
[Enclosure]	Oct. 14	From the British Foreign Office to the American Embassy.	Revised contraband list-----	175
	Oct. 14	From the Consul General at London (telegram).	Board of Trade decides to make final settlement on American cotton.	575
3028	Oct. 16	From the Ambassador in Great Britain (telegram).	Was informed on Oct. 15 of war between Great Britain and Bulgaria.	65
[Enclosure]	Oct. 16	From the British Secretary of State for Foreign Affairs to the American Ambassador.	Blockade of Bulgarian coast on the Aegean has been declared.	177
2297	Oct. 18	To the Ambassador in Great Britain (telegram).	Instructions to investigate report that British ships flying the American flag have attacked German submarines.	576
2304	Oct. 19	To the Ambassador in Great Britain (telegram).	Instructions to present facts to Foreign Office concerning shipment of porcelain guides and urge prompt action.	264
784	Oct. 19	From the Consul General at London.	Suit for damages against the <i>Neches</i> settled out of court by payment by insurance companies.	488n

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No.	Date	From and to whom	Subject	Page
3047	Oct. 19	From the Ambassador in Great Britain (telegram).	Proposes that no emergency passports be issued after Dec. 1 except in extraordinary emergency.	911
3058	Oct. 20 [Rec'd Oct. 21]	From the Ambassador in Great Britain (telegram).	The <i>Petrolite</i> : Foreign Office deems it necessary to check up evidence on board ship regarding neutral trade.	577
3066	Oct. 21	From the Ambassador in Great Britain (telegram).	No decision reached by the French regarding drugs. British unwilling to permit shipment of any but tissue dyes.	257
	Oct. 21	To the Ambassador in Great Britain.	Note to Foreign Office contesting the legality of interference with neutral ships and cargoes.	578
	Oct. 21	To the Ambassador in Great Britain.	French Government furnishes reasons for detaining messages; requests similar treatment from Great Britain.	726
2392	Oct. 22 [Rec'd Nov. 1]	From the Ambassador in Great Britain.	Report on use of American flag by British and arming of British merchantmen.	604
2330	Oct. 22	To the Ambassador in Great Britain.	Approves proposal that no emergency passports be issued except in extreme emergency.	911n
	Oct. 23	From the Foreign Trade Adviser of the Department of State to the Commercial Adviser of the British Embassy.	Requests an extension of time in which to prepare cases of American importers who have contracted to pay for goods of German, Austrian, or Turkish origin before Mar. 15.	239
	Oct. 23	From the Foreign Trade Adviser of the Department of State to the Commercial Adviser of the British Embassy.	Librarian of Congress to vouch for German publications, desires to know the character of voucher required.	245
	Oct. 24	From the Commercial Adviser of the British Embassy to the Foreign Trade Adviser of the Department of State.	Describes the character of voucher required for permits to import German books.	246
	Oct. 26 [Rec'd Oct. 28]	From the British Ambassador.	Asks for personal description of the officers of the <i>Kronprinz Wilhelm</i> , who escaped on the <i>Eclipse</i> , in order to assist in their capture.	838

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No.	Date	From and to whom	Subject	Page
3099	Oct. 27	From the Ambassador in Great Britain (telegram).	British Government is unable to extend favorable treatment to applicants in respect of goods contracted for after Mar. 1.	240
3104	Oct. 28	From the Ambassador in Great Britain (telegram).	Transmits order in council of Oct. 20, 1915, annulling Art. 57 of the Declaration of London.	179
2370	Oct. 28	To the Ambassador in Great Britain (telegram).	Impracticable for all applicants to present their cases by Nov. 1. Requests extension of time to Dec. 1.	240
[Enclosure]	Oct. 28	From the British Secretary of State for Foreign Affairs to the American Ambassador.	Permits shipment to United States of German porcelain guides.	265
	Oct. 29	From the Commercial Adviser of the British Embassy to the Foreign Trade Adviser of the Department of State.	Preliminary applications for all cases of importers should be made by Nov. 1, additional details to be furnished later.	241
3123	Oct. 30	From the Ambassador in Great Britain (telegram).	Time limit for filing claims will not be extended beyond Nov. 1. Foreign Office will consider claims if preliminary data are submitted before that time.	241
3121	Oct. 30	From the Ambassador in Great Britain (telegram).	British Government has informal arrangement with Danish steamship lines.	603
400	Oct. 31 [Rec'd Nov. 1]	From the British Ambassador.	Inquires attitude of United States toward British subjects who wish to enlist in British army. Encloses forms for approval.	771
2388	Nov. 1	To the Ambassador in Great Britain (telegram).	Instructions to try to obtain reconsideration in cases of running contracts. Explanation of difficulty.	241
2386	Nov. 1	To the Ambassador in Great Britain (telegram).	British intention to seize all packers' goods. Effect upon Scandinavian American Line.	576n
1843	Nov. 1	To the Ambassador in Great Britain.	Regarding the <i>Hesperian</i> and the <i>Arabic</i> , Secretary of the Navy reports that fragment of metal is part of a torpedo.	607
	Nov. 1	To the British Ambassador.	Refuses description of escaped officers.	838
975	Nov. 1	To the British Ambassador.	Official investigation of attempts to destroy the British steamship <i>Asuncion de Larrinaga</i> .	896
	Nov. 2 [Rec'd Nov. 13]	From the Vice Consul at London.	Parliamentary discussion of abrogation of Art. 57 of Declaration of London.	181

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No.	Date	From and to whom	Subject	Page
2390	Nov. 2	To the Ambassador in Great Britain (telegram).	Instructions to request explanation of seizure of the <i>Hocking</i> .	608
[Enclosure]	Nov. 2	From the British Secretary of State for Foreign Affairs to the American Ambassador.	Alleged use of the United States flag by British vessels.	618
3150	Nov. 3	From the Ambassador in Great Britain (telegram).	Claims arising out of running contracts will be considered impartially if presented before Nov. 1.	242
2402	Nov. 3	To the Ambassador in Great Britain (telegram).	U. S. patents grant sole right to make certain drugs. Need is urgent. Requests reconsideration by Foreign Office.	258
2394	Nov. 3	To the Ambassador in Great Britain (telegram).	Protest against detention of the <i>Joseph W. Fordney</i> and instructions to request release.	608
	Nov. 4	From the Vice Consul at London (telegram).	Subsequent to abrogation of Art. 57, nationality of a prize is to be determined by prize court.	179
2406	Nov. 4	To the Ambassador in Great Britain (telegram).	Instructions to present to Foreign Office the protests of importers who ordered goods between Mar. 1 and Mar. 15 and have not obtained them.	242
3154	Nov. 4	From the Ambassador in Great Britain (telegram).	Asks if note to Great Britain should imply that its policy is to increase trade at expense of America. This has repeatedly been denied.	609
2405	Nov. 4	To the Ambassador in Great Britain (telegram).	Note to Great Britain should show effect of increased British trade.	609
2404	Nov. 4	To the Ambassador in Great Britain (telegram).	Have informed Spring Rice that sealed letter mail for neutral countries has been opened and retained in Great Britain. Notification of censorship should have been given under postal convention.	734
2418	Nov. 6	To the Ambassador in Great Britain (telegram).	Requests extension of time for submitting cases of running contracts.	243
	Nov. 8	To the British Ambassador.	Postmaster General states tungsten ore has not been dispatched by mail to Germany.	734
3192	Nov. 10	From the Ambassador in Great Britain (telegram).	British believe the <i>Hocking</i> to be enemy-owned.	611
	Nov. 10	To the British Ambassador.	Department of Justice will send copy of charge in case of <i>United States vs. Blair et al.</i> , and will arrange for conference.	773

GREAT BRITAIN—Continued

No.	Date	From and to whom	Subject	Page
2452	Nov. 13	To the Ambassador in Great Britain (telegram).	Instructions to urge Foreign Office to allow shipments of tobacco to neutrals without proof that it will not reach Germany.	205
	Nov. 18 [Rec'd Nov.30]	From the Ambassador in Great Britain.	Head censor has agreed to give information regarding stopped telegrams along line indicated by French Foreign Office.	727
3236	Nov. 19	From the Ambassador in Great Britain (telegram).	The <i>Helen W. Martin</i> damaged by a mine.	615
3252	Nov. 20	From the Ambassador in Great Britain (telegram).	British Government unable to extend time for submitting claims for running contracts.	243
[Enclosure]	Undated [Rec'd Nov.21]	From the British Secretary of State for Foreign Affairs to the American Ambassador.	Regarding goods ordered and paid for in Germany and Austria between Mar. 1 and Mar. 15.	243
	Nov. 23	From the Vice Consul at London (telegram).	Swiss import trust in operation....	292
[Enclosure]	Nov. 24	From the British Secretary of State for Foreign Affairs to the American Ambassador.	Memorandum regarding suppressed telegrams: British right over British-controlled cables; censors justified in refusing to give reasons.	728
3281	Nov. 25	From the Ambassador in Great Britain (telegram).	British agree not to interfere with tobacco shipped to neutral countries.	206
	Nov. 26 [Rec'd Nov.29]	From the British Ambassador.	British interpretation of regulations of postal convention regarding censorship.	735
	Nov. 26	To the British Ambassador.	Protests against British warship chasing Danish ship <i>Vinland</i> within American waters.	877
2504	Nov. 27	To the Ambassador in Great Britain (telegram).	Inquires whether tobacco in all forms may be shipped to neutrals without question of ultimate destination.	206
3297	Nov. 27	From the Ambassador in Great Britain (telegram).	British Government to continue proceedings <i>Joseph W. Fordney</i> case.	619
	Nov. 27	From the British Ambassador.	Inquiry instituted regarding the <i>Vinland</i> .	878
	Nov. 29 [Rec'd Dec.17]	From the Ambassador in Great Britain.	Transmits memorandum from Grey on suppressed telegrams. Further communication on the subject seems futile.	728
3317	Nov. 30	From the Ambassador in Great Britain (telegram).	Confirms report that tobacco and its extracts may be shipped without interference.	206

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No.	Date	From and to whom	Subject	Page
2516	Nov. 30	To the Ambassador in Great Britain (telegram).	Instructions to protest against the proposed requisitioning of the <i>Hocking</i> and the <i>Genesee</i> .	620
2517	Nov. 30	To the Ambassador in Great Britain (telegram).	Hopes that seizure of the <i>Hocking</i> and the <i>Genesee</i> will be sufficient test of ownership of all vessels purchased by Transatlantic Trading Co.	621
2518	Nov. 30	To the Ambassador in Great Britain (telegram).	American Red Cross has asked permits to send supplies to hospitals of Central powers, but without reply.	1046
2526	Dec. 1	To the Ambassador in Great Britain (telegram).	Instructions to investigate report that British no longer intend to respect inviolability of mails on open sea.	735
	Dec. 1 [Rec'd Dec. 2]	From the British Ambassador.	Facts in case of the <i>Vinland</i> are not as reported.	878
3337	Dec. 3	From the Ambassador in Great Britain (telegram).	Foreign Office complains that conditions imposed upon exports from Belgium have not been complied with. Added instructions forwarded.	267
3334	Dec. 3	From the Ambassador in Great Britain (telegram).	British indecision on treatment of mails on neutral vessels emanating from or addressed to the enemy.	736
3344	Dec. 4	From the Ambassador in Great Britain (telegram).	The French and British will allow six months' supply of needed drugs imported from Germany.	260
2653	Dec. 7 [Rec'd Dec. 18]	From the Ambassador in Great Britain.	Arrangements concluded between British Foreign Office and the Merchants' Guild of Copenhagen and Danish Chamber of Manufacturers regarding imports.	288
	Dec. 8	To the British Ambassador.	New York postmaster reports that no contraband has been shipped by parcel post to Germany. Conditional contraband, however, has been sent to private parties.	737
[Enclosure]	Dec. 8	From the Consul at Edinburgh to the Ambassador in Great Britain.	Forwards letter from Lieut. Koch, who escaped from internment at Norfolk, asking permission to return to his vessel in the United States.	843
	Undated [Rec'd Dec. 9]	From the British Ambassador.	Grey would set up unofficial committee to examine specific cases of delayed cargoes.	625
[Enclosure]	Dec. 10	From the British Secretary of State for Foreign Affairs to the American Ambassador.	Status of ships purchased by Transatlantic Trading Co. can only be decided by prize court.	625

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No.	Date	From and to whom	Subject	Page
[Enclosure]	Dec. 10	From the British Secretary of State for Foreign Affairs to the American Ambassador.	Denies that the <i>Baralong</i> attacked a submarine while flying a neutral flag.	650
	Dec. 11 [Rec'd Dec. 29]	From the Consul General at London.	Prize-court hearings have been suspended.	651
429	Dec. 11 [Rec'd Dec. 14]	From the British Ambassador.	Report on the <i>Vinland</i> -----	879
	Dec. 13 [Rec'd Dec. 14]	From the British Ambassador.	Gives figures showing that British shippers are not profiting by war measures to detriment of Americans.	630
[Enclosure]	Dec. 13	From the American Ambassador to the British Secretary of State for Foreign Affairs.	Protest regarding payment for forwarding non-contraband goods discharged from the <i>Esrom</i> .	660
2034	Dec. 14	To the Ambassador in Great Britain.	Protests the flagrant disregard of rights of the Standard Oil Co.	629
435	Dec. 15 [Rec'd Dec. 16]	From the British Ambassador.	British Government will pass medical stores to Germany if each shipment is guaranteed exclusive use by the Red Cross.	1048
2708	Dec. 16 [Rec'd Dec. 29]	From the Ambassador in Great Britain.	Transmits note from the Consul at Edinburgh containing letter from Lieutenant Koch, who escaped from internment at Norfolk, asking permission to return to his vessel in the United States.	843
1016	Dec. 16	To the British Ambassador.	Protests against hovering of British warships about American coasts and ports.	879
2599	Dec. 18	To the Ambassador in Great Britain (telegram).	Instructions to take up with Foreign Office British interference with American trade in China.	641
	Dec. 20 [Rec'd Dec. 21]	From the British Ambassador.	Requests permission for wounded soldiers returning from Europe to pass through Maine on way to Canada.	775
	Dec. 21 [Rec'd Dec. 23]	From the British Ambassador.	Acknowledges receipt of note of protest against hovering of warships near American waters.	881
	Dec. 22	To the Ambassador in Great Britain (telegram).	Colonel House is sent by the President to impart information to our ambassadors concerning the attitude of this Government and to obtain the points of view of the belligerents.	85
2614	Dec. 22	To the Ambassador in Great Britain (telegram).	Authorities at Hongkong refuse to permit transmission of messages in naval cipher. Instructions to protest to British Foreign Office.	730

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No.	Date	From and to whom	Subject	Page
1026	Dec. 22	To the British Ambassador.	Quotes Navy report of a British cruiser off Galveston Harbor outside of the three-mile limit.	880
	Dec. 23	To the British Ambassador.	Passage of Canadian soldiers over U. S. territory cannot be permitted.	776
	Dec. 24	From the Consul General at London (telegram).	Customs at Kirkwall seized parcel mail from the <i>Frederik VIII</i> for Norway, Sweden and Denmark.	739
	Dec. 24 [Rec'd Dec.27]	From the British Ambassador.	Transmits statement to press that Great Britain has not refused shipment of hospital supplies to Central powers.	1049
[Enclosure]	Dec. 25	From the British Secretary of State for Foreign Affairs to the American Ambassador.	Reply to protest regarding payment for forwarding non-contraband goods discharged from the <i>Esrom</i> .	660
	Dec. 27 [Rec'd Dec.29]	From the British Ambassador.	Further statement regarding increased exports from England during the war.	651
2652	Dec. 30	To the Ambassador in Great Britain (telegram).	Representatives of packers have been sent to treat with British Government direct.	652
3487	Dec. 31	From the Ambassador in Great Britain (telegram).	Reports recent sinking of eight ships by German submarines. Liners delay sailing.	658
3046	Jan. 7, 1916	To the Ambassador in Great Britain.	No representations will be made for return to the United States of Lieutenant Koch.	844
3563	Jan. 13, 1916	From the Ambassador in Great Britain (telegram).	Instructions have been issued by British to pass code telegrams for United States naval officers in Far East.	730
	Jan. 19, 1916	To the Ambassador in Great Britain.	Quotes former assurances of non-interference with business telegrams between neutral states; urges that specific cases be investigated.	730
3607	Jan. 20, 1916	From the Ambassador in Great Britain (telegram).	Permission granted for passage of a six-months' supply of novocaine to the United States.	261n

GREECE

15	Mar. 2	From the Minister in Greece (telegram).	Greek authorities are divided on war policy.	17
18	Mar. 6	From the Minister in Greece (telegram).	Greece prepares to join the Allies.	18

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No.	Date	From and to whom	Subject	Page
	Mar. 6 [Rec'd Mar.7]	From the Minister in Greece (telegram).	The King opposes policy of the Prime Minister; latter resigns.	18
59	Oct. 5 [Rec'd Oct. 6]	From the Minister in Greece (telegram).	Prime Minister resigned. Situation critical.	62
115	Nov. 1 [Rec'd Nov.30]	From the Consul at Saloniki.	Mobilization of Greek army. Occupation of Saloniki by Anglo-French troops. Forces sent to Servia.	72
70	Nov. 13	From the Minister in Greece (telegram).	Germany and Bulgaria have raised question of neutrality of Greece if Servians, French, and English are driven back on Greek soil. French warn Greece against disarming Allied soldiers.	67
	Dec. 31	From the Consul at Saloniki (telegram).	Following bomb dropping by German-Austrian aeroplanes, the British and French have seized the consulates of the Central powers and deported their consuls.	87

ITALY

	Jan. 7	To the Ambassador in Italy (telegram).	Instructions not to issue emergency passports to Belgium, except under specified conditions.	899
179	Feb. 6	From the Ambassador in Italy (telegram).	Italian Government asks the attitude of the United States regarding the German declaration of a naval war zone.	94
157	Feb. 8	To the Ambassador in Italy (telegram).	Position of the United States on naval war zone not yet determined.	94
190	Feb. 16	From the Ambassador in Italy (telegram).	Comment of Minister for Foreign Affairs upon U. S. note to Germany regarding use of neutral flag by belligerents.	109
164	Feb. 17	To the Ambassador in Italy (telegram).	Instructions to keep Department advised as to situation.	109
191	Feb. 19	From the Ambassador in Italy (telegram).	Italy has informed Germany that she can not tolerate any restrictions on high seas except in accordance with international law. She suggests concerted action on part of neutrals.	117
168	Feb. 25	To the Ambassador in Italy (telegram).	Department conferring daily with representatives of neutrals on subject of concerted action.	122
201	Feb. 25 [Rec'd Feb.26]	From the Ambassador in Italy (telegram).	Transmits copies of Italian memoranda: one to Germany protesting methods of maritime warfare and one to Great Britain protesting the use of Italian flag by British ships.	123

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No.	Date	From and to whom	Subject	Page
170	Feb. 27	To the Ambassador in Italy (telegram).	Instructions to report upon truth of statement regarding Germany's assurance of respect for Italian flag.	125
203	Feb. 28	From the Ambassador in Italy (telegram).	Von Jagow states Germany has given instructions to respect <i>bona-fide</i> neutral flags.	126
209	Mar. 4	From the Ambassador in Italy (telegram).	It is proposed that neutral powers address identical peace notes to the belligerents. Italy refuses.	18
214	Mar. 12	From the Ambassador in Italy (telegram).	Austria is negotiating with Italy to gain her alliance.	18
216	Mar. 17	From the Ambassador in Italy (telegram).	Neither he nor British Ambassador thinks Italy and Austria will come to terms.	20
229	Mar. 31	From the Ambassador in Italy (telegram).	Semiofficial news article declares it America's duty to restore peace.	29
207	Apr. 29	To the Ambassador in Italy (telegram).	Instructions to keep Department advised as to status of negotiations between Italy and Austria.	30
255	Apr. 30	From the Ambassador in Italy (telegram).	Rumors that Italy has declined Austria's offer of the Trentino and has secured a loan in England.	30
256	May 1	From the Ambassador in Italy (telegram).	Events point to Italy's decision to join the Allies.	31
210	May 4	From the Ambassador in Italy (telegram).	Negotiations with Austria are resumed.	31
263	May 7	From the Ambassador in Italy (telegram).	Is convinced that war between Austria and Italy is imminent. Will take charge of Austrian affairs provisionally.	32
265	May 7	From the Ambassador in Italy (telegram).	Probability of immediate denunciation of treaty with Austria and Germany as first step towards war, which can only be obviated by Austria's acceding to Italy's demands.	32
272	May 12	From the Ambassador in Italy (telegram).	Rumor of division in the Cabinet...	33
273	May 14	From the Ambassador in Italy (telegram).	Giolitti's antiwar policy seemingly predominates. Ministry has resigned.	33
277	May 14	From the Ambassador in Italy (telegram).	Rumored that King has refused to accept resignation of Ministry.	33

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278	May 16	From the Ambassador in Italy (telegram).	It is believed that War Ministry will be reinstated and that war is probable.	33
279	May 17	From the Ambassador in Italy (telegram).	War feeling increasing, pointing to alliance with Triple Entente.	34
284	May 20	From the Ambassador in Italy (telegram).	Vote for war in the Chamber and Senate almost certain.	35
285	May 20	From the Ambassador in Italy (telegram).	Chamber of Deputies approves a defense program.	35
288	May 21 [Rec'd May 22]	From the Ambassador in Italy (telegram).	Senate confers full powers on the Government. War imminent.	35
293	May 22 [Rec'd May 23]	From the Ambassador in Italy (telegram).	Mobilization called and state of war declared in provinces on Austrian border and Adriatic.	35
294	May 23 [Rec'd May 24]	From the Ambassador in Italy (telegram).	Transmits Italy's announcement of war with Austria-Hungary.	35
	May 24 [Rec'd May 26]	From the Italian Ambassador.	Transmits Italy's justification for war against Austria-Hungary.	36
	May 24	From the Italian Embassy.	Submits for approval of United States a list of contraband in revision of treaty of 1871.	164
296	May 25	From the Ambassador in Italy (telegram).	Austrian and German Ambassadors have left Italy.	36
	May 25	To the Italian Embassy.	United States will raise no question as to list of contraband proposed by the Italian Government.	164
304	May 27	From the Ambassador in Italy (telegram).	No declaration of war with Germany but German Embassy demanded passports.	39
[Enclosure]	Undated [Rec'd May 29]	From the Italian Minister of Foreign Affairs to the American Embassy.	Declaration of blockade of Austro-Hungarian and Albanian coasts.	166
[Enclosure]	Undated [Rec'd May 31]	From the Italian Ministry of Foreign Affairs to the American Embassy.	Defines the limits of the Albanian blockade.	166

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324	June 11	From the Ambassador in Italy (telegram).	Gives views of the Russian Ambassador regarding German-American relations and predicts Italy's declaration of war with Germany and Turkey.	41
328	June 15 [Rec'd June 16]	From the Ambassador in Italy (telegram).	Greece will probably enter the war. Allies still treating with Serbia to cede part of Macedonia to Bulgaria.	42
	June 25	To the Ambassador in Italy.	Instructions for joint action with Spanish representatives regarding hospital supplies as non-contraband.	1050
341	June 29	From the Ambassador in Italy (telegram).	Italy will give her subjects time to leave the Ottoman Empire before declaring war on Turkey. Bulgaria may join the Allies if Italy sends forces to the Dardanelles.	43
[Enclosure]	Undated [Rec'd July 7]	From the Italian Ministry for Foreign Affairs to the American Embassy.	Extension of the blockade of the Adriatic.	167
	July 16 [Rec'd July 19]	From the Italian Ambassador.	Transmits Italian contraband list and statement of principles to be applied by Italy in the war.	168
292	Aug. 3	To the Ambassador in Italy (telegram).	Protests against Italian restrictions of neutral rights on coasts of Albania and the Adriatic.	172
363	Aug. 7	From the Ambassador in Italy (telegram).	Italian Government will consider as non-contraband medicines, sanitary supplies and surgical appliances.	1053
2651	Aug. 21 [Rec'd Aug. 23]	From the Italian Ambassador.	Sets forth Italy's grievances against the Turkish Government and reasons for declaration of war.	53
374	Aug. 21	From the Ambassador in Italy (telegram).	Gallipoli designated as convenient place for visit and search. Assurances of safety to American shipping.	172
[Enclosure]	Undated [Rec'd Aug. 21]	From the Italian Foreign Office to the American Ambassador.	Further explanations of blockade with assurances of consideration for neutrals.	173
385	Sept. 1	From the Ambassador in Italy (telegram).	Italy has an embargo on arms and ammunition because they are needed at home.	802
390	Sept. 7	From the American Embassy in Italy (telegram).	Cotton and its products on absolute contraband list.	174n

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	Oct. 8	From the Italian Ambassador (telegram).	Italian Minister at Sofia and Bulgarian Minister at Rome requested to leave.	62
412	Oct. 15	From the Ambassador in Italy (telegram).	Reports indicate that Bulgaria has attacked Serbia without declaring war.	65
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375	Nov. 10	To the Ambassador in Italy (telegram).	Requests report on sinking of the <i>Ancona</i> .	611
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	Undated [Rec'd Nov. 15]	From the Italian Minister of Foreign Affairs to the Italian Embassy at Washington (telegram).	Note to the United States denouncing conduct of the enemy in the sinking of the <i>Ancona</i> .	613
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	Undated [Rec'd Dec. 2]	From the Ambassador in Italy (telegram).	Italy has signed London agreement not to make separate peace; will aid Servian army. Greece has given assurance of conforming with her agreement.	77
470	Dec. 2 [Rec'd Dec. 3]	From the Ambassador in Italy (telegram).	Italy's part in Albania considered to be sending of troops.	77
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	June 25	To the Ambassador in Japan.	Instructions for joint action with Spanish representative regarding hospital supplies as non-contraband.	1050n

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184	Dec. 29, 1914 [Rec'd Jan. 12]	From the Minister in the Netherlands.	German civil commander of Limburg has exacted a tax on foodstuffs imported for the relief of civilians. Shipments have been ordered discontinued until tax is removed and money refunded.	1024
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112	Feb. 26	To the Minister in the Netherlands (telegram).	Gives permission to transmit plain commercial messages of neutral character.	709n
173	Feb. 27	From the Minister in the Netherlands (telegram).	Suggests that United States protest against German refusal to give safe-conduct for ships of the Relief Commission <i>en route</i> to and from Rotterdam.	1033

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	June 7 [Rec'd June 8]	From the Minister in Roumania, Servia, and Bulgaria (telegram).	Because of Russian reverses, Roumania may remain neutral.	41
267	Aug. 25 [Rec'd Sept. 13]	From the Minister in Roumania, Servia, and Bulgaria.	If Bulgaria enters the war Roumania's position between her and Austria-Hungary will be bad. Latter demands transit of ammunition through to Turkey.	57
130	Sept. 14 [Rec'd Sept. 17]	From the Minister in Roumania, Servia, and Bulgaria (telegram).	It is believed that an agreement has been signed between Bulgaria and Turkey, and that German-Austrian army will attack Servia, in which case Roumania will join Servia.	58
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154	Oct. 19 [Rec'd Oct. 21]	From the Minister in Roumania, Servia, and Bulgaria (telegram).	Roumanian people for the Quadruple Entente, but King and higher powers favorable to Germany.	66
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	Mar. 18	From the President of the United States to the Emperor of Russia.	Offers services of the U. S. Government and Red Cross for relief of prisoners in Siberia.	1013
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[Enclosure]	Apr. 15	From the Emperor of Russia to the President.	Negotiations for distribution of gifts among Austro-Hungarian and German prisoners in Russia.	1021
[Enclosure]	May 1	From the Russian Minister of Foreign Affairs to the American Ambassador.	Negotiations for distribution of gifts among Austro-Hungarian and German prisoners in Russia.	1020
349	May 26	To the Ambassador in Russia (telegram).	Instructions to inquire for the German Government whether Russia has freed German prisoners taken in Persia.	992
193	June 14 [Rec'd June 15]	From the Ambassador in Russia (telegram).	Russia will not liberate German prisoners taken in Persia.	993
375	June 15	To the Ambassador in Russia (telegram).	The United States is ready to cooperate in relief of Russian prisoners upon approval of Spanish, German, and Austrian Governments.	1021
	June 25	To the Ambassador in Russia.	Instructions for joint action with Spanish representative regarding hospital supplies as non-contraband.	1050n
	July 8	From the Russian Ambassador.	Inquires as to charges against Montenegrin Delegate.	763
	July 19	To the Russian Ambassador.	Montenegrins have been indicted for conspiracy in recruiting of American citizens for military service abroad.	765
235	July 23 [Rec'd July 25]	From the Ambassador in Russia (telegram).	Russian Government will request Spanish approval of American relief work among Russian prisoners in Germany and Austria-Hungary.	1022
245	Aug. 3 [Rec'd Aug. 4]	From the Ambassador in Russia (telegram).	Spanish Government instructs its ambassadors to render all assistance possible to Americans in prison-relief work.	1023
253	Aug. 9	From the Ambassador in Russia (telegram).	Russian Government has given consent that American Red Cross operate throughout Russia in the most convenient way.	1023
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	Sept. 1	To the Russian Ambassador (telegram).	Collector of customs has been instructed to allow exportation of motor-boats.	802
	Sept. 3 [Rec'd Sept. 7]	From the Russian Ambassador.	Apprehension of Matanovitch for violation of the U. S. neutrality laws.	769
1001	Sept. 20	From the Ambassador in Russia (telegram).	Application for permission for Red Cross to work among German prisoners in Russia calls forth an inquiry as to whether Russian prisoners will receive similar treatment in Germany.	1044
	Sept. 24	To the Russian Ambassador.	Attorney General has ordered dismissal of indictments against Montenegrin delegates.	770
506	Sept. 24	To the Ambassador in Russia (telegram).	Red Cross to finance Russian mission in Germany to extent of \$10,000. German Government will finance mission in Russia.	1045
334	Oct. 28	From the Ambassador in Russia (telegram).	Foreign Office proposes that work of Red Cross be confined to visiting internment camps, distributing assistance and studying Russian methods.	1045
616	Nov. 5	To the Ambassador in Russia (telegram).	Red Cross has proffered services to German prisoners in Russia. Inquires if like services to Russians in Germany are acceptable.	1045
360	Nov. 23 [Rec'd Nov.26]	From the Ambassador in Russia (telegram).	American Red Cross can be allowed only to distribute material aid to prisoners in Russia. Russia will not subscribe funds for support of Red Cross in Germany.	1046
[Enclosure]	Nov. 23	Memorandum from the Russian Embassy.	Refuses offer of the Red Cross to aid German prisoners in Russia and Russian prisoners in Germany.	1047
641	Dec. 1	To the Ambassador in Russia (telegram).	Instructions to ascertain exact attitude of Russian Government toward Red Cross and if withdrawal of units is desired. Forwards memorandum of the Russian Embassy.	1047
379	Dec. 21 [Rec'd Dec.22]	From the Ambassador in Russia (telegram).	Further explanation of situation in Russia regarding Red Cross work.	1048

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No.	Date	From and to whom	Subject	Page
	Dec. 22	To the Ambassador in Russia (telegram).	Colonel House is sent by the President to impart information to our ambassadors concerning the attitude of this Government and to obtain the points of view of the belligerents.	85

SERVIA

77	Mar. 19	To the Minister in Roumania, Servia, and Bulgaria (telegram).	Dr. Strong to be sent [to Servia] with large stores and hospital supplies.	1041
[Enclosure]	Undated [Rec'd Mar. 31]	From the Servian Minister of Foreign Affairs.	Expresses gratitude for the relief of their sick and wounded.	1042
85	May 25 [Rec'd May 29]	From the Minister in Roumania, Servia, and Bulgaria (telegram).	Typhus in Servia checked; credit given to Americans.	40
54	Sept. 21 [Rec'd Oct. 14]	From the Minister in Roumania, Servia, and Bulgaria.	Servia has decided to cede territory to Bulgaria; apprehensive of being overrun by German-Austrian armies <i>en route</i> to Turkey.	63
154	Oct. 19 [Rec'd Oct. 21]	From the Minister in Roumania, Servia, and Bulgaria (telegram).	Servia facing defeat.....	66

SPAIN

	June 25	To the Ambassador in Spain.	Instructions for joint action with Spanish representative regarding hospital supplies as non-contraband.	1050n
	July 17 [Rec'd July 19]	From the Spanish Ambassador.	Asks to be informed of views prompting recent instructions to diplomatic representatives on subject of hospital supplies.	1051
	July 27	To the Spanish Ambassador.	The United States could not withdraw from its expressed willingness to be of assistance when opportunity arrived.	1052
	Aug. 3 [Rec'd Aug. 5]	From the Spanish Ambassador.	Spanish Government has instructed its representatives to proceed jointly with the U. S. representatives in negotiations for exportation of hospital supplies.	1053

SPAIN—Continued

No.	Date	From and to whom	Subject	Page
127	Sept. 4 [Rec'd Sept. 5]	From the Ambassador in Spain (telegram).	No Spanish embargo on arms and ammunition but policy is to prevent exportation in order to maintain neutrality and conserve supplies.	803

SWEDEN

64	Dec. 17, 1914 [Rec'd Jan. 5]	From the Minister in Sweden.	Transmits statement of Minister of Foreign Affairs regarding Sweden's neutrality.	4
79	Jan. 11 [Rec'd Feb. 2]	From the Consul at Göteborg.	Telegrams from Göteborg firms to New York bank intercepted.	704
12	Jan. 13	From the Minister in Sweden (telegram).	Decree prohibits transit of war material over Sweden.	306
14	Jan. 19	From the Minister in Sweden (telegram).	Swedish official statistics regarding imports.	311
83	Jan. 21 [Rec'd Feb. 11]	From the Consul at Göteborg.	Reports increasing difficulties in transmitting commercial cables.	706
16	Jan. 22 [Rec'd Jan. 23]	From the Minister in Sweden (telegram).	Foreign Office states that only fair comparison of imports is weight or volume, not value.	314
21	Feb. 16	From the Minister in Sweden (telegram).	Swedish notes of protest sent to England and Germany regarding neutral shipping; Norway and Denmark to file identical notes.	109
114	Feb. 18 [Rec'd Mar. 15]	From the Minister in Sweden.	Transmits copies of Swedish notes to Germany and Great Britain protesting against conditions of neutral shipping and misuse of neutral flags.	139
	Feb. 26	To the Consul at Göteborg (telegram).	Gives permission to transmit plain commercial messages of neutral character.	709
23	Feb. 27	From the Minister in Sweden (telegram).	Sweden is discussing with Great Britain questions of convoy, neutral zone, or neutral port to aid neutral shipping.	125
25	Mar. 4 [Rec'd Mar. 5]	From the Minister in Sweden (telegram).	Swedish Government protests interruption of cable service to America.	710
246	July 3 [Rec'd July 26]	From the Chargé in Sweden.	British Government has sent commission to Sweden to settle trade difficulties.	282
27	July 16	To the Minister in Sweden (telegram).	Inquires attitude of Sweden towards cotton shipped from America to Russia via Sweden.	282
47	July 17 [Rec'd July 18]	From the Chargé in Sweden (telegram).	Swedish agreement with Great Britain to allow merchandise to pass into Russia in exchange for equal quantities for Sweden.	282

SWEDEN—Continued

No.	Date	From and to whom	Subject	Page
	July 26	To the Swedish Minister.	Desires to discuss subject of uniform representations to British Government in behalf of neutrals.	486
302	July 27 [Rec'd Aug. 14]	From the Chargé in Sweden.	Reports of reciprocal trade arrangements between Great Britain and Sweden.	283
309	July 29 [Rec'd Aug. 14]	From the Chargé in Sweden.	Trade between the United States and Sweden.	509
	July 31 [Rec'd Aug. 5]	From the Swedish Minister.	British limitation of American trade; cooperation of Sweden and the United States in maintaining neutral rights.	500
49	Aug. 3	From the Chargé in Sweden (telegram).	Foreign Office inquiry regarding trade with Scandinavia.	499
29	Aug. 5	To the Chargé in Sweden (telegram).	Government is preparing note to British in regard to trade with neutral countries.	499
	Aug. 6	To the Swedish Minister.	British limitation of American trade with Sweden.	500
	Aug. 10 [Rec'd Aug. 12]	From the Swedish Minister.	Discussion of right of belligerent to limit the commercial intercourse of neutrals.	507
347	Aug. 13 [Rec'd Aug. 31]	From the Chargé in Sweden.	The British and Swedish trade commissioners have failed to reach an agreement.	283
	Aug. 21	To the Swedish Minister.	Desires to know Swedish Government's position on limitation of Swedish imports by Great Britain.	517
56	Sept. 2	From the Chargé in Sweden (telegram).	Sweden has embargoed arms and ammunition; reasons therefor.	802
874	Sept. 8 [Rec'd Sept.30]	From the Consul General at Stockholm.	Wireless messages can now be sent to America from Stockholm by way of Nauen to Sayville.	725
68	Oct. 30	From the Minister in Sweden (telegram).	Negotiations between Swedish and English commissioners have been broken off.	284
453	Oct. 30 [Rec'd Nov.23]	From the Minister in Sweden.	British suspect Sweden of allowing goods to go to Germany. Negotiations are discontinued.	284
	Nov. 18 [Rec'd Nov.20]	From the Swedish Minister.	Enforcement of trade rights.	616
475	Nov. 18 [Rec'd Dec. 13]	From the Minister in Sweden.	Transmits decree of Oct. 29 concerning the convoying of Swedish merchant vessels in time of war.	627
489	Nov. 24 [Rec'd Dec. 21]	From the Minister in Sweden.	Transmits communication from Bildt, explaining the purpose of the Transito Co.	286
491	Nov. 26 [Rec'd Dec. 17]	From the Minister in Sweden.	Transmits statement from Foreign Office regarding traffic passing through Sweden.	285
497	Dec. 1 [Rec'd Dec. 28]	From the Minister in Sweden.	Transmits publication by the British Legation explaining the organization and object of the Aktiebolaget Transito.	287

SWEDEN—Continued

No.	Date	From and to whom	Subject	Page
79	Dec. 14 [Rec'd Dec. 15] Dec. 16	From the Minister in Sweden (telegram). To the Swedish Minister.	British seizure of mail from Danish steamer <i>Hellig Olav</i> destined for Sweden from America. Acknowledges note from Swedish Government regarding interference by belligerents with neutral commerce.	738 640
	Dec. 18	From the Swedish Minister.	Swedish Government has protested seizure by Great Britain of sacks of parcel post on the <i>Stockholm</i> and <i>Hellig Olav</i> . Latter bore U. S. postal seal.	738
81	Dec. 19	From the Minister in Sweden (telegram).	English removed Scandinavian parcel post from the <i>Oscar II</i> and are holding up all parcel post traffic to America.	739

SWITZERLAND

57	Dec. 16, 1914 [Rec'd Jan. 5] Jan. 8	From the Minister in Switzerland.	Effect of the war upon the internal affairs of Switzerland.	3
		From the Swiss Minister.	Arrangement made for transit of Swiss goods through Italy. Swiss embargo on exports.	303
159	July 16 [Rec'd Aug. 3]	From the Minister in Switzerland.	Switzerland's economic difficulties.	290
138	July 22	To the Minister in Switzerland (telegram).	Instructions regarding the passport of Trumbull, of the Rockefeller Foundation.	910
188	Sept. 15 [Rec'd Sept. 16]	From the Minister in Switzerland (telegram).	Agreement reached with Allies regulating imports into Switzerland.	292
199	Oct. 1	From the Minister in Switzerland (telegram).	Details of agreement between Switzerland and the Allies not perfected.	292
217	Oct. 30	From the Minister in Switzerland (telegram).	Rumored that Von Bülow is making offers to Italy to withdraw from the war.	67
224	Nov. 10	From the Minister in Switzerland (telegram).	Repeated rumor that Von Bülow is trying to associate the Pope with a league of neutral nations.	67
230	Nov. 19	From the Minister in Switzerland (telegram).	Peace conference is postponed because no French or English delegates can be secured.	68
268	Dec. 24	From the Minister in Switzerland (telegram).	Switzerland will not propose peace until the belligerents desire it.	85

SWITZERLAND—Continued

No.	Date	From and to whom	Subject	Page
	Jan. 4, 1916	Statement issued by the Swiss Legation.	Instructions for shipments to Switzerland.	293

TURKEY

238	Jan. 8 [Rec'd Feb. 26]	From the Con- sul at Aleppo.	Communication between American, British, and Syrian authorities regarding the bombardment of Alexandretta.	959
306	Jan. 17 [Rec'd Jan. 18]	From the Am- bassador in Turkey (tele- gram).	Foreign Office states that restric- tions on sealed official corre- spondence cannot be changed.	740
[Enclo- sure]	Jan. 27	From the Tur- kish Ministry of Foreign Affairs to the American Em- bassy.	Notification of date of effect of new regulations governing scho- lastic institutions. Spirit of conciliation desired.	953
418	Feb. 18 [Rec'd Feb. 19]	From the Am- bassador in Turkey (tele- gram).	Three Englishmen to be shot in retaliation for killing of Moslems in bombardment at Alexandretta. An indemnity to families might prevent the incident.	958
397	Feb. 18	To the Amba- sador in Turkey (tele- gram).	Sentiment in Syria and Palestine is against the Jews. Instructions to attempt to secure a Turkish order holding civil and military officials responsible for lives and property.	979
430	Feb. 20 [Rec'd Feb. 21]	From the Am- bassador in Turkey (tele- gram).	Minister of Interior states that Jews and Christians are safe. Have requested Sublime Porte to send instructions for their pro- tection to Syria and Palestine.	979
459	Feb. 28	From the Am- bassador in Turkey (tele- gram).	Attack on Constantinople immi- nent. Have been asked to com- municate with Allies with view to avoiding bombardment. In- structions desired.	961
446	Mar. 2	To the Amba- sador in Tur- key (tele- gram).	Grants permission to act as an in- termediary to save Constanti- nople from bombardment.	961
467	Mar. 2 [Rec'd Mar. 3]	From the Am- bassador in Turkey (tele- gram).	Grand Vizier disapproves threats of military commander. Dis- cussion of indemnity for families of slain Moslems.	962
470	Mar. 3 [Rec'd Mar. 4]	From the Am- bassador in Turkey (tele- gram).	Constantinople fortifies against attack of the Allies. Suggests that Germany be informed of her responsibility for fate of non- Moslems.	963
460	Mar. 4	To the Amba- sador in Tur- key.	British Government expresses ap- preciation for offer of indemnity to Moslem families and leaves negotiations in his hands.	962 _n

TURKEY—Continued

No.	Date	From and to whom	Subject	Page
236	Mar. 5 [Rec'd Apr. 2]	From the Am- bassador in Turkey.	Verbal consent of the Minister of War that the <i>Tennessee</i> and <i>North Carolina</i> may remain in Turkish waters.	954
491	Mar. 9 [Rec'd Mar. 10]	From the Am- bassador in Turkey (tele- gram).	Suggests that the Allies be re- quested to agree to neutral zone for protection of non-combatants.	963
[Enclo- sure]	Mar. 9 [Rec'd Apr. 8]	From the Consul General at Smyrna.	Transmits copy of his despatch to Morgenthau giving report of bombardment of Smyrna.	967
	Mar. 9	From the Consul General at Smyrna to the Ambassador in Turkey.	Bombardment of Smyrna-----	967
504	Mar. 14 [Rec'd Mar. 15]	From the Am- bassador in Turkey (tele- gram).	Bombardment of Smyrna; truce; demands of Allies; probable re- sumption of hostilities.	964
505	Mar. 16	From the Am- bassador in Turkey (tele- gram).	Assurance given that Turkish Government will endeavor to protect non-combatants.	965
533	Mar. 27	From the Am- bassador in Turkey (tele- gram).	Proposes conference of presidents of American colleges to reach an understanding with Minister of Public Instruction as to changes in the new instructions.	953
540	Mar. 29 [Rec'd Mar. 30]	From the Am- bassador in Turkey (tele- gram).	Agreement as to amount of in- demnity for families of victims of British bombardment. Eng- lish prisoners freed.	967
	Apr. 5 [Rec'd Apr. 28]	From the Am- bassador in Turkey.	Has succeeded in obtaining delay in enforcing regulations for for- eign institutions. Requests data regarding status of foreign schools in the United States with view to obtaining reciprocity of treatment.	954
626	Apr. 27	To the Amba- sador in Tur- key (tele- gram).	Armenian Church appeals to the United States to prevent mas- sacres.	980
608	Apr. 27 [Rec'd Apr. 28]	From the Am- bassador in Turkey (tele- gram).	American citizen of Persian origin arrested. Concerted movement against non-Turkish element.	980
633	Apr. 29	To the Amba- sador in Tur- key (tele- gram).	Urge Turkish Government to pro- tect Armenians and Zionists.	980
623	May 2 [Rec'd May 3]	From the Am- bassador in Turkey (tele- gram).	British and French subjects in Turkey will be sent to unforti- fied places to be exposed to Allied bombardment. Request that their Governments be notified.	969

TURKEY—Continued

No.	Date	From and to whom	Subject	Page
624	May 2 [Rec'd May 3]	From the Ambassador in Turkey (telegram).	Joined by Italian Ambassador in making strong representations to Sublime Porte for safety of innocent people. Movement against Zionists suspended.	981
631	May 4 [Rec'd May 5]	From the Ambassador in Turkey (telegram).	English, and French will be placed on Turkish transports as targets for Allied guns. Asks that this be brought to notice of Germany.	969
639	May 4 [Rec'd May 6]	From the Ambassador in Turkey (telegram).	Minister of War agreed to send only fifty non-combatants into the war zone, pending nature of reply from French and British Governments.	970
641	May 6 [Rec'd May 7]	From the Ambassador in Turkey (telegram).	Twenty-six British and twenty-four French placed on board a transport for Gallipoli. Philip (Embassy staff) accompanied them.	970
654	May 7	To the Ambassador in Turkey (telegram).	Department disapproves member of Embassy staff accompanying British and French on transport. Philip to return to Embassy.	970
299	May 11 [Rec'd June 3]	From the Ambassador in Turkey.	Résumé of situation in Turkey-----	972
280	May 14 [Rec'd July 3]	From the Ambassador in Turkey.	Negotiations for release of British and French subjects in Turkey since beginning of the war.	974
665	May 15	From the Ambassador in Turkey (telegram).	The fifty belligerents [non-combatants] were set free. Philip's presence most useful. Most of Gallipoli's population has departed.	971
701	May 24	To the Ambassador in Turkey (telegram).	American Embassy is asked to take charge of Russian interests in Turkey in case of war between those countries.	36
694	May 25 [Rec'd June 1]	From the Ambassador in Turkey (telegram).	Prefers to decline care of Russian interests and act for Italy alone.	40
712	May 28	To the Ambassador in Turkey (telegram).	Instructions to request the <i>Tennessee</i> to take on board at Beirut Italian consuls from Syria and those at Jerusalem and Haifa, landing them at Alexandria.	972
707	May 28 [Rec'd June 1]	From the Ambassador in Turkey (telegram).	Deportation of belligerent subjects from Aleppo commenced.	972
715	May 29	To the Ambassador in Turkey (telegram).	French protest against massacres of Armenians.	981n
721	June 3 [Rec'd June 7]	From the Ambassador in Turkey (telegram).	New law empowers military to expel populations whenever they regard it necessary. Deportations of British and French from Damascus begun.	974

TURKEY—Continued

No.	Date	From and to whom	Subject	Page
732*	June 4	To the Ambassador in Turkey (telegram).	The President desires American Embassy to take over representation of Russia in Turkey to increase influence for peace.	40
733	June 6 [Rec'd June 9]	From the Ambassador in Turkey (telegram).	Will represent Russian interests in Turkey, since it is part of the President's plan.	41
760	June 11	To the Ambassador in Turkey (telegram).	Diplomatic and consular officers in Turkey will be allowed to serve as officers of the American Red Cross.	1042
778	June 18 [Rec'd June 21]	From the Ambassador in Turkey (telegram).	Grand Vizier resentful at attempted interference by foreign governments. Persecutions of Armenians increasing.	982
	June 25	To the Ambassador in Turkey.	Instructions for joint action with Spanish representative regarding hospital supplies as non-contraband.	1050n
841	July 10 [Rec'd July 14]	From the Ambassador in Turkey (telegram).	Describes Turkish plan to crush the Armenian race.	982
[Enclosure]	Undated [Rec'd July 14]	From the Consul at Harput.	Reports cruel treatment and banishment of Armenians.	983
865	July 16	To the Ambassador in Turkey (telegram).	Approves his urging Turkish officials to stop Armenian persecutions. Inquires if any American citizens have been injured.	984
866	July 20 [Rec'd July 23]	From the Ambassador in Turkey (telegram).	The Embassy has not heard of any injury to American citizens in Turkey.	985
374	July 27 [Rec'd Aug. 25]	From the Ambassador in Turkey.	Detailed report regarding assistance rendered by American cruisers along Syrian coast to Americans and others wishing to leave Turkey.	955
908	July 31	To the Ambassador in Turkey (telegram).	British Government has informed Department of danger from mines in blockaded area and suggests arrangement with the Turkish Government for embarkation of the Italian colony from Sighajik.	976
911	Aug. 5 [Rec'd Aug. 7]	From the Ambassador in Turkey (telegram).	Ottoman Government yielded to ultimatum allowing Italians to depart. Interests of Italy, Russia, and Montenegro, except at Constantinople, are in his charge.	44
911	Aug. 5 [Rec'd Aug. 7]	From the Ambassador in Turkey (telegram).	Italian, Russian and Montenegrin interests in Turkey. Arrangements being made for Italian subjects to leave Turkey.	976
924	Aug. 11 [Rec'd Aug. 16]	From the Ambassador in Turkey (telegram).	Suggests that the United States appeal to both Turkey and Germany in an effort to stop persecution of Armenians.	985

TURKEY—Continued

No.	Date	From and to whom	Subject	Page
929	Aug. 12 [Rec'd Aug. 16]	From the Ambassador in Turkey (telegram).	German Government objects to statements made by Turks that anti-Armenian measures originated with Germans.	985
936	Aug. 16 [Rec'd Aug. 19]	From the Ambassador in Turkey (telegram).	Turkish Government has frustrated plans to transport Italians. Asks that French and British be requested to arrange for transportation of Jews.	977
955	Aug. 18	To the Ambassador in Turkey (telegram).	Inquires if protest by German Ambassador has improved conditions.	987
940	Aug. 18 [Rec'd Aug. 21]	From the Ambassador in Turkey (telegram).	Protestant and Catholic Armenians exempt from deportation. Have requested exemption of all connected with colleges and institutions.	987
947	Aug. 20 [Rec'd Aug. 23]	From the Ambassador in Turkey (telegram).	Permission to distribute relief funds refused. Ill treatment of deported Armenians. Christians in danger. British Jews awaiting transportation.	977
950	Aug. 20 [Rec'd Aug. 23]	From the Ambassador in Turkey (telegram).	German Ambassador's protest has not improved conditions. Bulgarians have made strong representations.	987
959	Aug. 22 [Rec'd Aug. 25]	From the Ambassador in Turkey (telegram).	British and French who are forced to leave Turkey may land at Crete.	978
1005	Sept. 3 [Rec'd Sept. 6]	From the Ambassador in Turkey (telegram).	Suggests that a committee be formed to raise funds for assisting in emigration of Armenians to west coast of America.	988
1008	Sept. 4 [Rec'd Sept. 6]	From the Ambassador in Turkey (telegram).	American schools will open under great difficulties and restrictions.	958
1019	Sept. 7	To the Ambassador in Turkey (telegram).	British Government requests that arrangements be made for transport of Jewish refugees to Egypt.	978n
1092	Sept. 22	To the Ambassador in Turkey (telegram).	Insurmountable difficulties in way of wholesale emigration of Armenians. Inquires if money would relieve situation.	988
1140	Oct. 4	To the Ambassador in Turkey (telegram).	Instructions to continue good offices for amelioration of Armenian conditions. Persecution is destroying U. S. good will toward Turkey.	988
1165	Oct. 6	To the Ambassador in Turkey (telegram).	Asks permission for Armenians to leave Turkey if they have relatives in America who will pay their expenses.	989
1130	Oct. 9 [Rec'd Oct. 12]	From the Ambassador in Turkey (telegram).	Sublime Porte will consider applications for emigration of Armenians to the United States.	989

TURKEY—Continued

No.	Date	From and to whom	Subject	Page
1175	Oct. 21 [Rec'd Oct. 24]	From the Ambassador in Turkey (telegram).	War Office has promised to send civil subjects of belligerents to Aintab.	979
1234	Nov. 3 [Rec'd Nov. 6]	From the Ambassador in Turkey (telegram).	Minister of War sends message to the President that the time is opportune for peace negotiations.	67
1386	Dec. 14 [Rec'd Dec. 18]	From the Ambassador in Turkey (telegram).	Interned persons at Urfa being sent to Konia.	979

UNITED STATES

[Enclosure]	Nov. 17, 1914	Departmental order.	Notice to American citizens who contemplate visiting belligerent countries.	905
	Jan. 5	From Mr. John T. Walsh (telegram).	Asks if Government will guarantee protection of German steamer bought by Americans, carrying cotton to Germany.	675
	Jan. 9	To Mr. John T. Walsh (telegram).	Replies that this Government will not guarantee protection in advance. British and French may contest the transfer.	675
[Enclosure]	Jan. 12	Executive order No. 2119-A.	Rules governing the granting and issuing of passports in the United States.	902
	Jan. 13	From Crossman & Sielcken.	Encloses message from Paulsen & Co. explaining increase of imports of American goods to Denmark.	307
	Jan. 20	To Crossman & Sielcken.	Expresses appreciation of letter regarding increase of Danish imports.	311
	Jan. 20	From the Secretary of the German-American Chamber of Commerce.	Allies are pressing Sweden to cancel the prohibition against transit of war material through Sweden.	311
	Jan. 22	From Hays, Kaufmann & Lindheim.	Statement regarding the shipment of foodstuffs on the <i>Wilhelmina</i> , consigned to an American in Germany.	313
	Jan. 23	To Diplomatic and Consular Officers.	Relation of Foreign Service officers to the Red Cross defined.	1040
	Jan. 27	From Inman, Akers & Inman (telegram).	Inquiry regarding linters for shipment to Austria.	186
	Jan. 29	To Inman, Akers & Inman (telegram).	Linters for manufacture of ammunition would probably be held contraband.	186

UNITED STATES—Continued

No.	Date	From and to whom	Subject	Page
	Feb. 1	From the Assistant Secretary of the Treasury to the Solicitor for the Department of State.	Transmits letter from Geo. E. Warren regarding cargo of food-stuffs for Germany.	318
	Feb. 3	To the Secretary of the Treasury.	British Government regards food-stuffs for Germany as enemy goods because of German decree, permitting the military to take over all foodstuffs for distribution.	318
	Feb. 4	To Mr. J. H. Morrison.	Department does not see in the <i>Dacia</i> case any complications involving the United States.	319
383	Feb. 8	To American Diplomatic and Consular Officers (including Consular Agents).	Consular regulations: Termination, extension, and amendment of passports, and advice for Americans traveling abroad.	900
[Enclosure]	Feb. 8	Departmental order.	Circular notice concerning passports and registration in consulates.	904
	Feb. 11	From Knauth, Nachod & Kuhne (telegram).	Asks if cotton lintens may be shipped as non-contraband.	187
	Feb. 15	To Knauth, Nachod & Kuhne (telegram).	Cotton lintens for manufacture of ammunition may be considered contraband.	187
	Undated [Rec'd Feb. 20]	From the Lake Torpedo Boat Co. (telegram).	Claims that shipments of submarine parts are lawful under Revised Statutes, Sec. 5283.	783
	Feb. 26	To the Lake Torpedo Boat Co. (telegram).	It is the duty of Americans to prevent submarines being shipped from this country, even in parts.	783
	Feb. 27	From the Cunard Steamship Co.	Inquires as to regulations regarding the arming of vessels for defense against submarines.	844
	Mar. 3	To the Cunard Steamship Co. (telegram).	No objection to steamships entering American port if armed for defense only.	845
	Mar. 4	Joint Resolution by the Senate and House of Representatives.	Customs regulations to empower the President to better enforce and maintain the neutrality of the United States.	851
[Enclosure]	Undated [Rec'd Mar. 8]	From the Governor General of the Philippine Islands to the Secretary of War.	Merchants in Manila complain that goods are held by British at Singapore.	344
	Mar. 8	From Mr. William Bayard Hale to the Counselor for the Department of State.	Protests against activities of British recruiting officers in the United States.	759

UNITED STATES—Continued

No.	Date	From and to whom	Subject	Page
	Mar. 10	From the Secretary of the National Association of Importers.	Transmits resolution petitioning the Department to obtain modification of British embargo on dyestuffs, etc.	207
	Mar. 10	From Arthur Sewall & Co. (telegram).	Reports sinking of the <i>William P. Frye</i> . Requests the Department to investigate and protect the company.	341
[Enclosure]	Mar. 12	From the Collector of Customs at Newport News to the Secretary of the Treasury.	Reports arrival of the <i>Prinz Eitel Friedrich</i> carrying officers, crews, and passengers of eight merchant vessels sunk at sea.	826
	Mar. 15	From E. R. Squibb & Sons.	Appeal for protection against unlawful interference by Great Britain with trade in botanical medicinal drugs from Germany.	207
	Mar. 15	From the Assistant Secretary of the Treasury to the Counselor for the Department of State.	Transmits statement of the commander of the <i>Prinz Eitel Friedrich</i> regarding the destruction of the <i>William P. Frye</i> .	343
	Mar. 15	From the Assistant Secretary of the Treasury to the Counselor for the Department of State.	Transmits report of Collector of Customs at Newport News regarding the <i>Prinz Eitel Friedrich</i> , with copy of his letter to the commander.	825
	Mar. 18 [Rec'd Mar.19]	Memorandum of the Post Office Department.	The Netherlands will permit transit of parcel-post mails via that country for Germany, Austria, and Hungary if exclusion of contraband is guaranteed by the United States.	731
	Mar. 18 [Rec'd Mar.20]	From the Secretary of the Treasury.	The <i>Odenwald</i> has applied for clearance to Hamburg, carrying bunker coal. Have inquired whether any suspicious circumstances.	856
	Mar. 19	From the Assistant Secretary of the Treasury to the Counselor for the Department of State.	Have instructed collector of customs at San Juan to search the <i>Odenwald</i> for arms and make report.	856
	Mar. 20	From the Secretary of the Treasury.	Quotes cablegrams from collector of customs, San Juan, giving assurance regarding the <i>Odenwald</i> .	856
	Mar. 21 [Rec'd Mar.22]	From the Commanding Officer in Porto Rico to the Adjutant General at New York (telegram).	The <i>Odenwald</i> attempted to leave without clearance papers. Warning shot brought her back.	857

UNITED STATES—Continued

No.	Date	From and to whom	Subject	Page
	Mar. 22	To the Postmaster General.	President approves plan of forwarding merchandise by parcel post to countries at war.	732
	Mar. 27	From the Cutlery Importers Association.	Resolutions asking the Government to take steps to secure importation of non-contraband goods necessary to American industry.	209
	Mar. 27	From the Assistant Attorney General to the Counselor for the Department of State.	Transmits copy of his reply to a letter from W. B. Hale regarding activities of British recruiting officers in the United States.	760
	Mar. 29	From the Assistant Secretary of the Treasury to the Counselor for the Department of State.	Transmits inquiry from the commander of the <i>Prinz Eitel</i> regarding time for sailing.	829
	Mar. 31	Notice issued to the press by the Department of State.	Loans to belligerents disapproved by this Government, but no action has been taken.	820
	Apr. 2	To the Assistant Secretary of the Treasury (telegram).	Recommends that commander of the <i>Prinz Eitel</i> be informed of the departure of enemy merchant vessels, as requested.	831
	Apr. 3	From the Chamber of German-American Commerce.	Quotes Ambassador White's statement that he had requested the German authorities to search a Spanish ship during the Spanish-American War. Requests reciprocity in treatment of Germany.	784
	Apr. 5 [Rec'd Apr. 6]	From the Collector of Customs, Los Angeles, to the Secretary of the Treasury (telegram).	Requests instructions regarding the British collier <i>Lena</i> , which desires to make repairs and take on excess supplies.	832
	Apr. 6	To the Secretary of the Treasury (telegram).	Instructions regarding the stay of the <i>Lena</i> in San Diego port.	832
	Apr. 8	To the Secretary of the Chamber of German-American Commerce.	Explanation of Ambassador White's request that the German authorities search a Spanish ship during the Spanish-American War.	785
	Apr. 9	Printed circular of Foreign Trade Advisers of the Department of State.	Movement of American-owned goods in Germany. Importers advised to submit evidence of ownership and payment to the British Embassy.	211
	Apr. 9	From the Secretary of the Navy.	Forwards telegram from officer of the <i>Wyoming</i> announcing internment of the <i>Prinz Eitel Friedrich</i> .	832

UNITED STATES—Continued

No.	Date	From and to whom	Subject	Page
	Apr. 21	To the Secretary of the Navy.	German Embassy to send official messages to the Navy Department for transmittal via Tuckerton: code also to be sent.	885
	Apr. 23	To Diplomatic Officers in Belligerent Countries (telegram).	Rules established for Department's diplomatic and consular correspondence.	743n
	Apr. 24	To Mr. Alvin Untermyer.	Department not in position to object to classification of copper as contraband; quotes authorities regarding "continuous voyage."	183
	Apr. 26	From the Assistant Secretary of the Treasury to the Counselor for the Department of State.	Forwards letter from commander of the <i>Kronprinz Wilhelm</i> saying he will intern.	834
	Apr. 27	From the Secretary of the Navy.	Program of procedure to be used in handling code messages of German Embassy.	886
	May 10	From the Acting Secretary of the Navy.	Transmits copies of correspondence referring to action of the <i>Iroquois</i> (1861) in receiving information of the movements of the <i>Sumter</i> .	876
	May 15	To the Secretary of the Navy.	Inquires whether the Navy Department approved of action of the <i>Iroquois</i> (1861) in arranging for shore signals regarding movements of the <i>Sumter</i> .	876
	May 20	From the Third Assistant Secretary.	Possibility that German and Austrian Ambassadors are not accurately representing attitude of this country to Germany.	401
	May 24	From the Secretary of the Navy.	Record of proceedings in case of the <i>Iroquois</i> (1861) is not on file in Navy Department.	877
	May 27	To the Western Union Telegraph Co.	Requests that offices be instructed to accept messages routed via Tuckerton radio station.	716
	May 27	To the Postal Telegraph and Cable Co.	Requests that offices be instructed to accept messages routed via Tuckerton radio station.	716n
	June 1	Departmental order.	Rules governing the granting and issuing of passports to those who have declared their intention to become citizens of the United States.	906
	June 2 [Rec'd June 3]	From the Western Union Telegraph Co. to the Counselor for the Department of State.	Tuckerton wireless not satisfactory, but offices notified of its availability.	717
	June 12	To Diplomatic Officers in Belligerent Countries (telegram).	Letters from diplomatic and consular officers to their families will not be censored.	743

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No.	Date	From and to whom	Subject	Page
	June 16	From the Commissioner of Navigation, Department of Commerce, to the New York <i>Maritime Register</i> .	Transfer of the <i>Gotland</i> and seven others to American registry not <i>bona fide</i> . Jensen imprisoned.	693
	June 25	From the Augusta Cotton Exchange and Board of Trade (telegram).	Resolution protesting the confiscation by England of cotton shipped to neutral countries.	191
	June 30	From the Southern Products Co. (telegram).	Inquires as to report that cotton may be shipped to Sweden.	281
	June 30	From the Postmaster General.	Advertisements regarding high-explosive shells will not be accepted as second-class matter if not in harmony with the President's attitude.	788
	July 2	From the Galveston Commercial Association (telegram).	Urges measures for prompt relief of cotton market.	192
	July 2	From the Foreign Trade Adviser of the Department of State to the Southern Products Co. (telegram).	British Government has made agreement for importation of cotton into Sweden.	281
	July 3	From Goulder, White & Garry (telegram).	Request for reply to letter regarding interference with seamen on the <i>Niagara</i> . The <i>Lackawanna</i> a similar case.	750
	July 7	From the Attorney General.	Indictments in Sacramento and Blair recruiting cases; recruiting funds traced to account of British Consul.	763
	July 8	To the Postmaster General.	Hopes that it will be proper to suggest to publishers that they refuse unneutral advertisements in the future.	790
	July 12	To Goulder, White & Garry (telegram).	According to the law of nations, when a merchant vessel enters a port for purposes of trade, it is subject to law of that place.	750
	July 13	To the Secretary of Commerce.	Inadvisable to give to German Government information concerning sailings and arrivals of American vessels other than passenger ships.	468
	Undated [Rec'd July 14]	From the Secretary of the American Board of Commissioners for Foreign Missions.	Inhuman treatment of Armenians by the Turks.	984

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No.	Date	From and to whom	Subject	Page
	July 16	From the Chairman of the National Relief Board of the American Red Cross.	The Red Cross will recall the units of surgeons and nurses in Europe because of exhausted funds. It will continue to send hospital supplies.	1042
	July 19	From the Secretary of the Treasury.	Inquires about documents in claims cases, for use of Bureau of War Risk Insurance.	477
	July 19	To the Secretary of the American Board of Commissioners for Foreign Missions.	Turkish Government claims that a large number of Armenians are in armed rebellion against Turkish authority.	984
	July 21	To the Ambassadors and Ministers in European Belligerent Countries (telegram).	The Red Cross regrets the necessity of recalling its units of surgeons and nurses from belligerent countries.	1044
	July 29	To the Acting Secretary of Commerce.	No reason why American Transatlantic Co. may not be given American registry for eleven steamships bought from neutral countries for South American trade.	694
	July 30 [Rec'd July 31]	From the Postmaster General.	Parcel post service is in operation between the United States and Germany via Rotterdam.	732
	Aug. 2	To the Secretary of the Treasury.	Reply to inquiry of Bureau of War Risk Insurance regarding claims for detained or seized cargoes.	499
	Aug. 10	From the Acting Secretary of the Navy.	Transmits cablegram from commandant of naval station, Guam, relative to establishment of censorship over cables.	888
	Aug. 19	To the Secretary of Commerce.	The Government can give no assurance that American claim to ownership of the <i>Laura</i> will not be challenged by belligerents.	695
	Aug. 27	From the President's Secretary.	Transmits a letter from the managing editor of the <i>Milwaukee Journal</i> regarding an embargo on arms.	800
	Aug. 27	From the Acting Secretary of the Navy.	Forwards telegrams sent and received relative to censorship of the cable at Guam.	888
	Aug. 30	To Diplomatic Officers in European Neutral Countries (telegram).	Instructions to obtain information regarding embargoes on arms and ammunition.	801
	Aug. 30	From the Acting Secretary of the Navy.	Forwards from the commandant of Naval Station at Guam copy of rules governing receipt and transmission of local cable messages.	889

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No.	Date	From and to whom	Subject	Page
	Aug. 31	To Breitung & Co., Ltd.	The <i>Dacia</i> : Local legal remedies should be exhausted before diplomatic intervention is appropriate.	530
	Sept. 13	From the Counsel for the American Importers' Association.	Protests unfair treatment of American shippers by Great Britain and advocates embargo on ammunition in retaliation.	233
	Sept. 16	To the President's Secretary.	Report on neutral countries which have placed an embargo on arms and ammunition, with their reasons.	804
	Sept. 21	From Stanley Jordan & Co.	Protests against British restrictions on neutral trade.	553
	Sept. 22 [Rec'd Sept. 28]	From the Collector of Customs, Norfolk, to the Secretary of the Treasury.	Reports that <i>Waimana</i> cleared after coaling and landing a gun; tonnage tax collected under protest.	850
	Sept. 27	To the Attorney General.	Transmits a letter from the Austro-Hungarian Consul at Philadelphia to the Editor of the "A Hét" Publishing Co., requesting publication of a notice to Austro-Hungarians working in U. S. munitions factories.	806
	Oct. 6	From Messrs. Henry Veeder, Charles J. Faulkner, jr., and Luther M. Walter, counsel for the American packers.	Comments on British judgment of confiscation of shipments on the <i>Kim</i> group of vessels.	561
	Oct. 6 [Rec'd Oct. 8]	From the Secretary of the Navy.	Refusal to permit the officers of the <i>Kronprinz Wilhelm</i> to own pleasure yacht.	837
	Oct. 7	From the Attorney General.	Facts relative to Austro-Hungarian subjects do not constitute violation of Federal criminal laws.	808
	Oct. 19	From the Third Assistant Secretary of State.	Reports official notice of a state of war between Italy and Bulgaria.	65
	Oct. 19	To the Electric Boat Co.	Inquiry regarding shipment to England of submarines delivered to Vickers-Maxim, Montreal.	809
	Oct. 19	To the Bethlehem Steel Corporation.	Inquiry regarding shipment to England of submarines delivered to Vickers-Maxim, Montreal.	809a
	Oct. 27	From the President of the Electric Boat Co.	Reply to inquiry about shipment to England of submarines delivered to Vickers-Maxim, Montreal.	813
[Enclosure]	Oct. 29	From the Postmaster of New York City.	Tungsten ore has not been dispatched by mail to Germany.	735

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	Nov. 1	Circular issued by the Department of State.	Enlistment of American citizens in foreign armies.	772
	Nov. 11	To the President of the American Transatlantic Co.	Ownership of <i>Hocking</i> and other vessels recently registered under American flag may be challenged.	612
	Nov. 12	From C. W. Leavitt & Co.	Asks aid of Department in securing British Admiralty certificate to ship copper.	184
	Nov. 12	Statement for the press issued by the Department of State.	Notification of requirements for permits to import books from Germany.	246
	Dec. 1	From Mr. James Harold Warner.	Purchase of interned ships of belligerents by Americans. Inquiry regarding Government protection of ship and cargo.	695
	Dec. 2	From Steinhardt & Kelly (telegram).	Requests Department to arrange for shipments of apples to Holland. Tobacco on free list.	197
	Dec. 3	To the Ambassadors and Ministers in all European Countries and Japan (telegram).	The Government is not concerned in the Ford peace movement.	78
	Dec. 3	To Messrs. Henry Veeder, Charles J. Faulkner, jr., and Luther M. Walter, counsel for American packers.	Reply to request for diplomatic interference in packers' interests.	621
	Dec. 4	From the Postmaster General.	Suspension of parcel-post service to Germany, Austria, and Hungary because of lack of transportation facilities.	736
	Dec. 6	To Representative Charles P. Caldwell	Reply to resolutions of a committee of citizens regarding the <i>Baralong</i> case: Conflicting evidence; matter under consideration.	622
	Dec. 7	To C. W. Leavitt & Co.	Arrangement for special shipments of copper can be made with the British Admiralty.	184
	Dec. 9	To Steinhardt & Kelly.	Fruit may be consigned to Oversea Trust. Agreement between Great Britain and Holland explained.	197
[Enclosure]	Dec. 10	From the Secretary of the Navy.	States reasons why the Navy Department must decline to issue orders as suggested by German Government.	1055
	Dec. 11	To Mr. James Harold Warner.	Statement of U. S. attitude toward the purchase of interned ships by Americans.	696

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2285	Dec. 15	Executive order.	Foreigners leaving the United States should be provided with passports of their government.	911
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	Dec. 23	To Diplomatic Representatives of Foreign Governments.	Regulations regarding passports.	913
	Jan. 28, 1916	From the Secretary of the Navy.	Department is unable to change its attitude in relation to the matter of display of flag.	1056

PART I

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



PART I

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

THE ATTITUDE OF EUROPEAN NEUTRAL STATES—CONDITIONS IN THE CENTRAL EMPIRES—INFORMAL DISCUSSION OF NEGOTIATIONS AND TERMS OF PEACE

File No. 763.72111/1346

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

No. 57]

BERNE, December 16, 1914.

[Received January 5, 1915.]

SIR: I have the honor to submit the following report upon recent events in this country.

The Government of Switzerland, which promptly called its active troops to the frontier in August last, has maintained since that time upon a war footing about 250,000 men. The expense of this army to protect its neutrality upon the confines of France, Germany, Austria, and Italy has been in round numbers one million francs per diem (\$200,000). This country seems to be very much in earnest that no hostile invasion of its territory shall occur, and that no part of the belligerent armies shall be forced across her border without being promptly disarmed and interned for the period of the war. Switzerland is careful of her neutrality, next to her independence, and is guarding the country at heavy sacrifice. Although not actually at war, Switzerland is feeling the effects of war on all sides. Its young men are called from the productive arts and industries, many of the manufacturers are idle for the lack of labor and raw material and means and markets of export, there being an especial need of American cotton in the factories at this time.

The National Council is now in session in Berne facing a deficit of fr. 30,000,000; it is earnestly addressing itself to the question of income and budget, and the matter has been carefully gone over by the President and Federal Council and will be fully canvassed by the representatives in both houses. The questions of additional tariff upon telephones, certain forms of round-trip railroad tickets, increased postage upon newspapers, double income and military taxes, and a Government monopoly of tobacco have been seriously considered. The tobacco monopoly has developed strong opposition and may not stand the test of a referendum, if such a referendum is allowed.

The duration of the war is a matter of special importance to Switzerland, which, though not actually engaged, must maintain its army upon a war footing.

Affecting the neutrality, a subject very dear to Swiss sentiment, which is strong in spite of the apparent division of the cantons into

German Switzerland, French Switzerland, and Italian Switzerland, was the appearance of three English aviators, who flew from Belfort along the Rhine one day last month, and who dropped bombs upon the Zeppelin sheds at Friedrichshafen. It was charged that these airmen had actually flown above a section of Schaffhausen, Switzerland, which jutted out into Germany, just before the Lake of Constance was reached. Friedrichshafen lies upon the German side of the lake. Some of the papers were insistent that the neutrality of Switzerland had been violated and that the British aviators, in reaching Friedrichshafen, had traveled over a section of Swiss territory. The matter was promptly taken up by the Swiss National Council, and the English Government was swift, with that of France, to make disavowal of any such intention. If the aeroplanes had actually passed over any part of Switzerland, it was an inadvertence, they said, since the pilots had been provided with maps and warned by specific instructions. Still, Great Britain added that the question had not been definitely settled and although anxious to respect Switzerland's wishes in every way possible, the United Kingdom had not yet admitted the right of any country to claim sovereignty over all the air resting above it.

The question is an interesting one, and the discussion is attracting the attention of legal and political leaders. Switzerland contends that if England's intimation were carried out, German and French aviators might swarm over the country, engaging and pursuing each other, dropping bombs and generally menacing the peace and security of this nation. Such a condition, they strongly urge, might lead to an intolerable violation of all neutrality, as actually as if the warfare were conducted upon her soil.

Swiss patriotism is very strong, and the people appear to be united in spite of the divided sympathies and neighborly feelings for the belligerent nations. At first German Switzerland, which comprises more than three fourths of this country, was openly expressive of German sympathies, but the feeling even in that section seems now to be conservative and impartial. The sentiment of the cantons along the Lake of Geneva is generally believed to be for France. But above all, the people are determined to protect their own country as a whole, and the national spirit in spite of all geographical division is steady and undiminished.

I have [etc.]

STOVALL

File No. 763.72111/1347

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

No. 64]

STOCKHOLM, December 17, 1914.

[Received January 5, 1915.]

SIR: I have the honor to transmit herewith copies and translations of an article appearing in the Swedish newspaper *Svenska Dagbladet*, regarding the question of Swedish neutrality.

I have [etc.]

MORRIS

[Enclosure—Translation]

Extract from the "Svenska Dagbladet" concerning an interview with the Swedish Minister of Foreign Affairs

In a telegram from Rome G. H. T. has received information in regard to an article published in the large Italian journal, the *Tribuna*, which is openly in favor of the Entente. In this article the paper's correspondent gives a description of a visit in Stockholm and especially of an interview with the Minister of Foreign Affairs, Mr. Wallenberg.

I asked (says the correspondent) what belief should be given to the open talk in Berlin that Sweden should regard Russia's victory as a danger to its integrity and its independence and that it might, for that reason, be forced to partake in the war.

—No belief at all. If you have talked with any one in Stockholm you must know that such is the case. More than sympathy for Germany is perhaps the fear of Russia. I should add that this fear before the war broke out was to some extent allowable on account of the spies that Russia had in Sweden, but now this fear has also disappeared. To draw the two countries closer to each other has helped not only the Russian Government and the Russian press's loyal stand towards Sweden, but also facts that are the consequence of the war, before all the stream of Russian fugitives who came from Germany and Austria poorly dressed, poorly nourished, who found food and a hearty welcome in Sweden. Between Sweden and Russia misunderstanding no longer exists. The Parliament, the political parties and the public opinion are all without exception for neutrality and you will find in Sweden no responsible person declare the contrary.

I further asked (says the correspondent) what meaning the Minister gave to the word neutrality in that I reminded him that, for example, in certain countries of the Balkan Peninsula they talk of neutrality as a transitory state.

No, absolutely no (answered Mr. Wallenberg in a serious tone), we shall uphold peace to the end. We well know that it lies in our interest that nothing else than an attack against our independence can force us to leave this standpoint.

Thus far for the correspondent.

Stockholms-Tidningen has inquired of Mr. Wallenberg in regard to the truth of this interview. He acknowledged its statements in the main, but in a couple of instances the words had not fallen exactly as stated in the telegram.

File No. 763.72119/48½

The Ambassador in Great Britain (Page) to the Secretary of State

[Telegram]

LONDON, January 15, 1915, 9 p. m.
[Received 11.15 p. m.]

1474. I lunched to-day with French who came here secretly for a council of war. He talked of course in profound confidence.

He says the military situation is a stalemate. The Germans cannot get to Paris or to Calais. On the other hand it will take the Allies a year, perhaps two years, and an incalculable loss of men to drive the Germans through Belgium. It would take perhaps four years and unlimited men to invade Germany. He has little confidence in the ability of Russian aid in conquest of Germany. Russia has whipped Austria and will whip Turkey. But he hopes for little more from her.

Speaking only for himself and in profoundest confidence he told me of a peace proposal which he says the President at Germany's request has submitted to England. He tells me that this proposal is to end the war on condition that Germany give up Belgium and pay for its restoration. French's personal opinion is that England would have to accept such an offer if it should be accompanied with additional offers to satisfy the other Allies, such, for example, as the restoration to France of Alsace-Lorraine and the agreement that Russia shall have Constantinople.

I had an agreeable and friendly acquaintance with General French before the war and he has sent me several personal messages from the front. But I cannot help suspecting that he had a further purpose than a merely friendly talk in telling me these things. He seemed so much surprised when I confessed that I had not heard of such a proposal that I felt that possibly he held back something else than he [*sic*] for the President [that he had] it in mind to say.

He was solicitous to find out my opinion whether this peace proposal has been made in good faith or whether it was probably a German move to affect public opinion in the United States.

Colonel Squier¹ had an interview to-day with Lord Kitchener whose military opinion coincides with General French's.

AMERICAN AMBASSADOR

File No. 763.72119/117

The Ambassador in Great Britain (Page) to the Secretary of State

[Telegram]

LONDON, January 19, 1915, 6 p. m.

[Received January 20, 8.15 a. m.]

1489. To the Secretary and President:

The talk about possible peace is very guarded and hesitating. Sir Edward Grey, who I think talks to me with unusual freedom, in a long unofficial conversation yesterday left the impression on my mind that until something definite came direct from Berlin there could be nothing worth discussing. There have been six "offers" of peace, more or less vague, that have come indirectly to some one of the Allies, and these have not been frank or open. They were regarded either as dishonorable or as mere tricks to deceive the United States unless it should be a direct open proposal. Sir Edward reminded me that, whereas Englishmen in the United States become Americans, many Germans in the United States remain Germans and carry on their struggle there against England. Hence the sale of passports, recently unearthed, to German subjects. Hence the trick played with the ship *Sacramento*. Hence Breitung's purchase of the *Dacia*. Hence Bartholdt's bill in Congress to forbid export of munitions. Hence many other acts by Germans in the United States that are part and parcel of Germany's war against England. He did not in the least imply any criticism of our Government. But he made it perfectly clear that he regards the United States as one of the bases from which the Germans carry on the

¹ Military attaché of the Embassy.

war in spite of our Government's neutrality and in spite of the sympathy of most Americans for the Allies. They cannot buy arms there, but use the weapons of an organized propaganda in efforts to relieve England's economic pressure on Germany. These are reasons why anything that comes out of the United States arouses suspicion.

The dangerous mood of public opinion about which I telegraphed you yesterday is largely caused by the British public's inability to make the distinction which Grey makes between the acts of our Government and the acts of Germans in the United States. When they seem to coincide, as in the cases of the *Sacramento* and the *Dacia*, British public opinion becomes inflammable. It continues to see what it regards as German influence in the prohibition of [publication] for thirty days of ship manifests.

I send you this as an effort to explain why the recently universally friendly public opinion here has become exceedingly suspicious and is fast becoming angry. People say that those Germans in America who are not Americans in fact, even if some of them be so in form, are using their base of war in the United States in such ways as to nullify American neutrality.

All this has so far had no open influence on this Government but it is inevitable that it should have some effect on some members of the Government. When therefore General French was eager to know whether peace talk was merely a trick worked through the German war base in the United States, he reflected the practically universal suspicion in and out of official life.

AMERICAN AMBASSADOR

File No. 763.72/1408

The Minister in Denmark (Egan) to the Secretary of State

No. 820]

COPENHAGEN, January 6, 1915.

[Received January 25.]

SIR: In an interview with Mr. Eric de Scavenius, the Minister of Foreign Affairs, which I had to-day, I asked him whether any secret arrangement had been made among the three kings of the Scandinavian countries at their recent meeting at Malmö on December 20. He said emphatically "No"; that the meeting had resulted in the signing of a protocol by the Ministers of Foreign Affairs of the three kingdoms in which the three countries agreed not to take any measures involving questions of economics, regulations of imports, etc., without common consultation. It was agreed by the sovereigns that the neutral position of the three countries should be retained. Mr. de Scavenius said that this was all that could be done. I said that I thought the effect on public opinion had been very good and that it had begun to give the Scandinavians a feeling of solidarity which they had never had before. He answered, not very hopefully, that much could not be done at present. I said that it was a very hopeful sign for the future; that notwithstanding the great differences in the point of view of the three nations, there should be such a public testimonial of their essential union. He answered that he was glad to know that one great power, the

United States, could sympathize with the efforts of the three kingdoms to become in the future a Scandinavian confederation, but that we were all in the dark as to what the results of the war would be.

There is no doubt that the confidence of the Danes has been much strengthened by the evident desire of Sweden to act on certain questions in concert with the two other countries. At present the fear of England's breaking Danish neutrality and of giving Germany an excuse to overrun Jutland has much lessened. The fear of England among the Danes does not imply that they have a hatred of England; their hatred is reserved for Germany, in spite of the good commercial relations which exist between the two countries. I have even heard some of the Danish soldiers say that while they would fight Germany to the death, it would be a question with them whether they would fight at all or attempt any defense against England. Just at present the great fear of the breaking of Danish neutrality has almost disappeared.

I have [etc.]

MAURICE FRANCIS EGAN

File No. 763.72/1415

The Ambassador in Great Britain (Page) to the Secretary of State

[Telegram]

LONDON, January 27, 1915, 8 p. m.

[Received 8 p. m.]

1538. Unofficial information privately given to Colonel Squier to-day by the Italian naval attaché suggests again the probability that Italy may go to war about March 1. By that date she will have fully equipped three million men and eighteen hundred rounds of ammunition for every field gun and her navy in good form. I learn from another source that any movement by Turkey against Egypt would influence Italy. If Italy goes in she will probably enter by declaring war against Turkey. The quickest way to peace as most persons view it here would be the entrance of Italy and Roumania on the Allies' side, which to say the least does not seem improbable.

AMERICAN AMBASSADOR

File No. 763.72111/1572

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

No. 69]

LISBON, January 18, 1915.

[Received February 3.]

SIR: Referring to this Legation's despatches No. 54, dated November 23, 1914,¹ and No. 55, dated November 24, 1914,² respectively, regarding the attitude of the Portuguese Government in the European conflict, I have the honor to inform the Department, by way of further confirmation of Portugal's attitude, that I have been

¹ Not printed.

² *Foreign Relations*, 1914, Supplement, p. 151.

informed by Orey, Antunes & Co. that the Portuguese Government has contracted with them for two vessels to transport men, horses, guns and ammunition to Angola, which will sail from Lisbon on the 20th instant.

The military activity thus displayed as reported in this and former despatches plainly indicates that Portugal is virtually at war with Germany, although there has been no public official declaration to that effect. It is currently rumored here that this public declaration has not yet been made for the reason that the Portuguese Government lacks necessary funds to prosecute an extensive, vigorous military campaign, but is doing everything in its power under the present status to lend military aid to the Allies.

I have [etc.]

THOS. H. BIRCH

File No. 763.72119/43

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

[Telegram]

BERLIN, February 13, 1915.

[Received 3.15 p. m.]

I did not send my long cipher of yesterday¹ without having good reason.

GERARD

File No. 763.72119/44

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

[Telegram]

BERLIN, February 12, 1915, 12 p. m.

[Received February 13, 7.30 p. m.]

1587. Referring to my cipher telegram 1579² yesterday, suggest Colonel House may be great help especially in England and if you authorize me as requested will communicate with him.

GERARD

File No. 763.72119/43

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

[Telegram]

BERLIN, February 11, 1915, 10 p. m.

[Received February 14, 8.15 p. m.]

1579. It is my conviction from knowledge secured here from a variety of sources, but naturally not from official circles as it could not be permitted by official circles that an understanding of this sort should emanate from them, that if a reasonable peace proposition were offered Germany very many men of influence would be inclined to use their efforts to induce Germany to accept the proposition. The terms would naturally develop from general discussion once negotiations were begun by the parties and the Allies should

¹ Probably refers to telegram 1579 *infra*.

² See following telegram.

be the first to put forth the intimation, which should take the form of a secret intimation elicited by our Ambassadors and then conveyed here informally. Contingent on your approval of my approaching this matter I might be authorized to send our military attaché, Major Langhorne, on special mission to our Ambassadors at London, Paris, and Petrograd to lay these views before them confidentially. Major Langhorne enjoys the greatest confidence of the Germans and in my opinion his mission forms an essential part of the plan. If necessary he could go to one country, and others such as Jackson could undertake the missions to the other countries. If peace does not come immediately, a new and protracted phase of the war will commence. There is no chance of success if much cabling is done and you formally instruct our Ambassadors to take the matter up for that would leave room for the interpretation that the intimation originated from Germany and not from your instructions to me to use my discretion in a matter concerning which I and not Germany made a suggestion to you.

As for the success of the German armies I have full confidence but it must be the desire of all reasonable men that honorable peace be established. It is my belief that if you seize the present opportunity you will be the instrument of bringing about the greatest peace which has ever been signed, but it will be fatal to hesitate or wait a moment; success is dependent on immediate action. I hope you grasp the idea of this proposition naturally not elaborated in a cable and my great hopes of success.

Of course it could be determined later whether, in case the Allies should not all agree to make the proposal, we should continue negotiations. Probably we should be justified in continuing them if one of the Allies held off from reasonable proposal since I assume that the establishment of peace is in our interest.

GERARD

File No. 763.72/1463

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

No. 315]

VIENNA, January 29, 1915.

[Received February 16.]

SIR: Beginning with the note of the Austro-Hungarian Government to Serbia, termed in diplomacy and by writers as "the ultimatum," I am preserving in their sequence all documents and official utterances bearing upon the Dual Monarchy's connection with the great conflict; and when completed this voluminous despatch will be forwarded to the Department to take its place with the official literature dealing with the world conflict originating with the assassination of the heir to the throne of Austria-Hungary.

A despatch devoted to side lights and conditions in Vienna at the close of the sixth month of the war may have some value as a document of information and find a place in the Department's archives. Hence I have the honor to give the subjoined *mélange*, with an apology for the lightness of hand with which it is prepared and for a lack of continuity that is only too apparent.

Persons dwelling in Vienna enjoying no means of securing newspapers printed in other countries naturally can have no real knowledge of the development and events of the war. All journals published in the realm have from the first been subjected to a rigorous censorship, a control that is responsible for keeping the people in entire ignorance. But little information save that of victories of the *Zweibrund* has been permitted to run the gauntlet of the censor; and as Austria-Hungary has had practically no successes, these have necessarily been confined to Germany's victories on land and sea—and in the air. Defeats have seldom been spoken of in the public prints of the Dual Monarchy, and then not until days after the events, and probably printed only to allay ominous rumors.

When a greater part of Galicia had fallen into Russian hands, the retirement from Lemberg was naively spoken of in the newspapers as "a regrouping of forces for strategic reasons." The first two defeats in Servia were wholly ignored, and the rout resulting in the stampede from Belgrade was not touched upon until a week after the occurrence, and was then dealt with in four or five lines to the effect that the troops had retired in good order from the Servian capital "without firing a shot." It might have been stated as well that they entered Belgrade without firing a shot.

For months there were no correspondents in Austria and if there had been they could have telegraphed not a word, or sent anything by post save letters telling of commonplace events. With foreign papers forbidden admission to the country, these rules have naturally produced a condition of absolute isolation and ignorance of events, and may furnish justification for a communication dealing in a rambling manner with what I have termed "side lights and conditions."

The week in which war was declared Emperor Francis Joseph prorogued the Austrian Reichstag for the period of the conflict. By this decree the control of the Government passed unrestrictedly to the Emperor under what is known as "Section Fourteen" of the Constitution. Months before war was dreamed of, the Reichstag, it should be known, had broken up in a racial row producing a deadlock to legislation, and the members had been sent home.

All classes seem heartily tired of the war, and wish it might immediately end, if peace could come with national honor. The conflict was never popular with the masses, and the street demonstrations when the war was being embarked upon appeared to lack spontaneity. It was said that these demonstrations were engineered by persons close to the War Ministry or to the military caste ever anxious for service. Whatever the feeling six months ago, the war is to-day regarded with much disfavor. In Vienna the people revere the Emperor to such an extent that outspoken disapproval of the war would be regarded as proof of disloyalty to Francis Joseph. But at Prague and other places in Czechish Bohemia the campaign is openly denounced and called the "playing of Germany's game for Germany's sole benefit." In Budapest there are varying currents of criticism of the campaign, and decided dissatisfaction is reported from Fiume. In Trieste it is known there have been several street demonstrations having an undisguised pro-Italian significance. Somebody has figured the cost of the war to Austria-

Hungary as 50,000,000 kronen a day, and the belief is expressed frequently that if the drain continues for another six months the Dual Monarchy, whatever the political outcome of the great struggle, will be financially ruined.

Vienna has presented but few vivid pictures of the war since the first mobilization in July. Every street group has an admixture of the military, but no great bodies of soldiery are seen and little martial music is heard. In the Prater and other open spaces recruits are daily put through their paces, and commands are always to be seen at the railway stations of the lines leading to Galicia and Servia. The capital is surrounded by a series of newly made earthworks, varying from five to eight miles out of the city. These are fashioned on modern principles and have all the adjuncts of screened rifle pits and barbed-wire entanglements. Any thoroughfare leading to Vienna intercepts many of these constructions and a layman must be impressed by the employment of millions of yards of barbed wire.

Wounded men are omnipresent in Vienna streets. While these are mostly convalescents, the hospitals are crowded to repletion with hordes of ill and wounded from the battle fronts. At one time it was said that in Vienna alone there were 70,000 wounded, with half as many more at Baden and other suburbs. Counting the improvised hospitals in public buildings, the numerous Red Cross establishments, and the small hospitals conducted by private charity, the number of hospitals in Vienna has grown with the war to a hundred or more, perhaps to a hundred and fifty. The American Red Cross Hospital is located in a modern school building in a suburb, and has accommodations for about two hundred patients. It is admitted to be an establishment well equipped and admirably conducted. From experts I have heard many encomiums of praise of the model American Red Cross Hospital.

Cared for in Vienna and its suburbs are hundreds of thousands of refugees from Galicia, Poland and Bukowina. Nearly all these are penniless and a charge upon the Government. Such persons as escaped with funds from the frontier provinces are housed in Vienna hotels and lodging houses. Most of the refugees are hopelessly ruined by the war, with members of their families dead or lost track of.

The most conspicuous refugee in Vienna is His Highness Abbas Pasha, whom the British have deposed as Khedive of Egypt.

I can state with belief that His Majesty the Emperor has been in perfect health throughout the period of hostilities, notwithstanding the oft-repeated report in American and British newspapers that he was seriously ill, with life despaired of. A week or two since, the Grand Marshal of the Court, the Prince Montenuovo, assured me that His Apostolic Majesty was in better health than in two or three years; and a few days since, the newly appointed Minister for Foreign Affairs, with whom I had an interview just as he had come from a conference at Schönbrunn, informed me that the Monarch was in perfect health and even enjoying "high spirits." Although in his eighty-sixth year the Emperor Francis Joseph is intent upon conducting the war almost single-handed from his bureau at Schönbrunn, He begins his labors by five o'clock in the morning. Critics of the way in which things have gone throughout the war insist that matters in which Austria-Hungary does not figure as successful are

seldom communicated to the Emperor, but this statement has little basis of truth.

The heir to the throne, the Archduke Karl Franz Joseph, is at the headquarters near the front, serving as an aide to the army's Commander in Chief, the Archduke Friedrich.

The four American military "observers" are at the front. Two of these, Major Ford and Captain McIntyre, were with the army operating in Servia and were among the last to escape from Belgrade when King Peter's troops routed their adversaries. The Americans were in the last boat to cross the river and were fired upon, but at such long range that the Servian bullets could not reach them. The military attaché of the Embassy has recently for a fortnight been at the fighting front in Galicia, but the naval attaché, arriving after the Austro-Hungarian Fleet had for safety taken refuge behind the hills of Pola, has been able to see nothing dealing with his branch of the profession of arms.

With the flotation of a war loan a few weeks since Austro-Hungarian finance is regarded as satisfactorily sound for some time to come. Nearly \$500,000,000 was raised by popular subscription, but at the burdensome rate of 5.75 per cent interest. American credits command a premium in financial circles of the realm approximating 10 per cent.

Asiatic cholera has prevailed in a small way for months throughout the Monarchy, but it is believed to be under control and in no sense a menace to public health. It is brought from the Russian frontier by wounded men and refugees who have been subjected to privations and unsanitary conditions. The authorities expect a visitation of smallpox in the spring in a pronounced form, as it is said always to follow war. In Vienna there has been a house-to-house vaccination campaign and every precaution is being taken to cope with the disease when it makes its appearance.

Since December 1, acting under a governmental order, bakers are permitted to employ but 70 per cent of wheat in the making of bread. The admixture is rye, barley, or other cereal. It is known that Hungary can furnish all the wheat needed for months to come, but it is considered prudent to conserve the staple against a short crop this year resulting from a diminution of labor.

For months there has been no social life in Vienna, or at least the few entertainments regarded as obligatory in official and diplomatic circles are robbed of all display and never spoken of in the newspapers. Theaters are open and doing a good business at popular prices. They mainly produce war dramas. The cafés seem to be well patronized, but this is explained by the fact that the café is an essential element of Vienna existence, inasmuch as hundreds of thousands of petty officials and commercial people live in economical lodgings and go to cafés for food and social intercourse. Their expenditures in these times are obviously limited to the bare necessities of life. Few foreigners are seen about hotels and restaurants, and on the street the languages of England and France are taboo. Now and then an American is harshly reprimanded for speaking a language thought to belong only to persons from the British Isles. There is great and ever-growing hatred of perfidious Albion, which has reached such a pitch that the enmity against France tends to diminish.

English and French words have disappeared from signboards in the business quarter, and an Austrian would resent a bill of fare printed in French.

Every device for raising money for all conceivable purposes germane to the war, from the direct contribution to the ingeniously indirect abstraction, has been exploited. Fashionables and persons reputed to be well-to-do have not been able to escape for a day the appeals of members of society for monetary assistance. Benefit concerts and theatricals, of course, are nightly occurrences. Scarcely a woman, from members of the Imperial family to wives of small functionaries, has failed to enroll as worker in the Red Cross or other helpful organizations. All hospitals swarm with women voluntarily acting as nurses, and their work is as earnest and patriotic as that of the peasant soldier on the firing line.

One of the most prolific measures for raising money for war uses is the "gold for iron" movement. In Vienna a depot has been in operation since the beginning of hostilities where patriotic persons stand in line to contribute to the public needs their gold ornaments and discarded jewels. A favorite gift is the gold wedding ring, for which one of plain iron is given, and this inexpensive ornament is proudly worn as a badge of devotion to country. In Vienna this form of prolific giving has gathered gold and precious stones to the value of more than \$300,000, it is stated. Elsewhere, at Budapest, Prague, and Pressburg, the "gold for iron" idea has produced golden results.

In the matter of food supplies Vienna has nearly preserved normal conditions. There has been a small advance in the cost of standard articles, say from 10 to 12 per cent. Certain luxuries coming from foreign lands have disappeared from the shops. A rigid boycott has been declared against French wines. Salt is becoming dearer as a consequence of the drafts of soldiers from the salt-mining districts. Pork and all swine products have risen by 40 or 50 per cent, owing to the Russian seizure of the Bukowina province. The rise in food prices has made its influence felt in expenditures of the poor class, what may be termed minor luxuries having been curtailed or entirely abolished. Since the beginning of the war the mayor of Vienna has sternly opposed every effort to unduly advance prices or to hoard supplies.

Most automobiles and taxicabs have for months been commandeered by the Government, and to obtain a tire for private use requires an amount of influence.

As already stated in this despatch, the desire for peace is on every one's lips—"peace with honor," the tactful express it. High and low all want peace. Persons speaking retrospectively state that Austria-Hungary has embarked on a one-sided conflict, a war that can bring no material advantage even were the Emperor-King's arms to succeed. It is claimed that the campaign, sapping the nation by \$10,000,000 a day, if kept up at the present rate for a year, would reduce the Monarchy to a state of exhaustion. The loss of the major part of Galicia seems to be accepted by the thoughtful Austro-Hungarian. The chagrin over the last debacle in Serbia will always rankle in the heart of Francis Joseph's followers. The losses in Galicia, critics of intelligence maintain, came from being unable to cope with a vastly superior force. The Servian defeats,

terminating with the stampede from Belgrade after the fourteen days' occupation, they insist were the fruits of unpreparedness and overconfidence. Several generals having to do with the campaign against Serbia have been relegated to private life by the Emperor's command. The newspapers give "ill health" as the reason for these unfortunate officers going into private life.

The total number of soldiers already placed in the field by Austria-Hungary cannot definitely be learned. But the consensus of opinion in military circles is that the number ranges between 2,225,000 and 2,500,000 men. Fresh calls for troops come with remarkable frequency. As this despatch is being prepared the report is current that Germany has sent as many as 200,000 trained Bavarian soldiers into Francis Joseph's realm, to reinforce the army proceeding against Serbia and to guard the Italian frontier in that part of Austria called the Trentino. The statement is not denied that German troops have strongly reenforced the Austrian defense in the Carpathians, and that the command there has passed into the hands of German officers.

In Austria there are now very few native Americans. For six months our citizens have been filtering out of the country and those who remain are doing so from choice. There may be two hundred to two hundred and fifty native Americans now in Austria—business people, sojourners in the Tyrol, theological students at Innsbruck, etc.

The moratorium has again been extended, this time from February 1 to May 31. The Vienna Bourse has been closed since the outbreak of war.

I have [etc.]

FREDERIC C. PENFIELD

File No. 763.72/1488a

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

[Telegram]

WASHINGTON, February 17, 1915, 5 p. m.

1208. Please report briefly by telegraph and in detail by mail at the earliest moment the military and economic condition of Germany, for example, the number of men in the field, the number of killed, wounded, and missing, the condition of the commissariat, the condition of the food supply in Germany, the state of Germany's credit, the condition of the supply of arms and munitions of war and materials for their manufacture now on hand, especially copper, etc.

BRYAN

File No. 763.72119/119

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

[Telegram]

BERLIN, February 19, 1915.

[Received February 20, 5.10 p. m.]

1649. Yours about Colonel House received.¹ Favorable moment is passing. Germans have gained great victory over Russians, are

¹No. 1196, *post*, p. 108.

following it up and will soon turn and break through French lines. Germany will never make proposal, but if Colonel House can come here bringing secret reasonable proposal, it will be accepted in all probability, but Germany will never pay an indemnity to Belgium and, on contrary, will probably expect all or part of Congo and perhaps indemnity from France for portion now occupied.

GERARD

File No. 763.72/1489

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

[Telegram]

BERLIN, February 19, 1915, 9 p. m.

[Received February 20, 8.30 p. m.]

1648. Department's 1208, 17th. Four million men in field beside two million ready for service; over one hundred army corps fully equipped; barracks full of men undergoing training with large nucleus of veterans among them; 180,000 killed, 160,000 missing, 200,000 wounded not able to return to front. Of course, many more slightly wounded. This year's usual draft more than replaced losses. Nation united. Large number men uniformed and assisting in caring for wounded. Many volunteers not yet accepted for service. Sick reported in field smaller than usual in garrison. Commissariat excellent, rations much better than in peace. Supply arms and ammunition more than sufficient, large quantity captured being used by Germans against their enemies, especially machine guns and all sorts of provision and ammunition trains and field kitchens. Immense quantity heavy artillery ammunition being and has been manufactured. Supply by factories ample. Supply materials believed ample. Copper supply sufficient for war purposes. German Army requires 100,000 tons copper per year; annual production 25,000 tons. Large quantities now available. Domestic supply in private kitchens not yet tapped. Signal corps still using great quantities new copper wire which they would not be using if shortage in copper. Loan recently floated for five milliard marks. Second similar loan contemplated. Food supplies of country said to be ample until next crop which, if successful, will put country on firm basis. Measure already taken to prevent waste. Country optimistic in every respect.

GERARD

File No. 763.72/1496

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

[Telegram]

BERLIN, February 23, 1915, 6 p. m.

[Received February 24, 9 p. m.]

1672. Recent victory of Germans in East Prussia complete. Over 100,000 prisoners; over 300 guns. Russians will probably have to abandon Warsaw. Much talk here of separate peace with Russia. Bread cards now issued but convinced supplies enough to last until next harvest.

GERARD

File No. 763.72/1526

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

[Telegram]

BERLIN, *February 26, 1915, 2 p. m.*

[Received February 27, 5.10 p. m.]

1694. Italian situation considered dangerous here but my information is Italy will remain neutral as well as Roumania. Bulgaria likely to join Germany soon. Much talk here with no discoverable foundation of Japan's making separate peace and attacking America; in this connection see my cables of a year ago reporting conversations with Emperor. Had a conversation with Zimmermann yesterday giving him letter from House and am convinced only way of opening negotiations is method indicated my previous cables which I did not send without having good reason. Germans are winning and insist on controlling negotiations from here; Allies must first propose. Of course I know you do not believe in preparing for possible eventualities but the other day the Chief of the General Staff here referring to American-German relations said it was hard to stop a victorious army and I was told by the Foreign Office that if it were not for the war the European powers would never permit present Mexican conditions to continue.

GERARD

File No. 763.72/1529

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

[Telegram]

ATHENS, *March 2, 1915, 4 p. m.*

[Received 5.20 p. m.]

15. It is reported on good authority Greek Prime Minister thinks Greece should commence war for the Allies and send troops to the Dardanelles. The King and General Staff are opposed to him. Some friction though not serious or public. People will approve war. Order for mobilization probable within three days.

DROPPERS

File No. 763.72119/120

The Ambassador in Germany (Gerard) to the Secretary of State¹

[Telegram]

BERLIN, *March 1, 1915, 12 noon.*

[Received March 2, 7.50 p. m.]

1714. We cannot send cipher to London, so please inform Colonel House that Von Jagow, Minister of Foreign Affairs, said he hoped Colonel was coming to Berlin soon.

GERARD

¹ Repeated to the Ambassador in Great Britain March 3.

File No. 763.72/1542

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

[Telegram]

ROME, March 4, 1915.

[Received 8 p. m.]

209. Hear Greece is greatly excited over assumed early capture Constantinople and will probably move when this appears assured. Allies reported hopeful Roumania and Bulgaria will also now take field. Learn that informal suggestions have been made by representatives of several other neutral powers to Italy that it might be well now for neutral powers to act in concert and address identical notes to belligerents but Italy does not desire to take part in collective action, her surmised reason being that she wishes to remain free feeling she can thus gain more. Hear Germany irritated because Austria refuses to accede her reported request that the Trentino be conceded to Italy.

NELSON PAGE

File No. 763.72/1548

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

[Telegram]

ATHENS, March 6, 1915, 10 a. m.

[Received 12 noon.]

18. Greece declared to join Allies. Victory for the Prime Minister. No general mobilization. But one division of infantry to be sent to the Dardanelles. Entire Greek Navy at the disposal of English. Ports such as Piraeus, Saloniki, Tenedos for the use of Allies. King will accept officially to-day. Big demonstration will follow.

DROPPERS

File No. 763.72/1553

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

[Telegram]

ATHENS, March 6, 1915.

[Received March 7, 8 p. m.]

King unexpectedly declares inability to accept program of Prime Minister. Latter resigns at once. Athens stunned.

DROPPERS

File No. 763.72/1575

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

[Telegram]

ROME, March 12, 1915, 6 p. m.

[Received 11.40 p. m.]

214. Affairs here taking novel turn. Begins to look as though Von Bülow's efforts on verge of success and Austria might yield

Trentino to Italy to prevent latter's siding with England and possibly gain her active aid. Italy has gradually brought out troops until she is said to have now under arms approximately 800,000 men. She has called ostensibly for exercise about 8,000 reserve officers. Thus, without mobilizing formally, she has actually some 800,000 ready and a skeleton army for about a half million more, larger part already convenient to Austrian frontier. Much talk of her siding with Germany should Austria yield Trentino and Trieste. I think this possible only if England acts maladroitly but Germany now furnishing coal and exercising strong influence.

AMERICAN EMBASSY

File No. 763.72/1581

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

[Telegram]

VIENNA, March 12, 1915, 6 p. m.

[Received March 13, 6.30 p. m.]

548. While nothing has been consummated, I believe that Austria-Hungary is holding conversation with Italy looking to purchase of Italy's non-entry into war by ceding Trentino to Italy. Vienna full of rumors and Foreign Office to-day confesses to us that negotiations are going on. Rumor has it that Germany will give Austria certain Bavarian territory if Austria will cede Trentino to Italy. For days there have been frequent conferences between Emperor Francis Joseph and his closest advisers.

PENFIELD

File No. 763.72119/48

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

[Telegram]

BERLIN, March 15, 1915, 5 p. m.

[Received March 16, 4.20 p. m.]

1847. It is forbidden here to discuss publicly terms of peace. Recently an industrial society formed to counterbalance the agricultural societies, called the *Hansabund*, and other societies petitioned the Chancellor asking that the public discussion of peace terms be permitted. This is however not a peace movement but a method of trying to force the Government's hand in the question of keeping Belgium. The Government and the Chancellor are at present unwilling to state that Belgium shall be kept and the Chancellor's political opponents are trying to either force the Chancellor out of office or force the Government to announce now that Germany will keep Belgium. The hate against the United States persists. Even if an embargo should be placed on the export of arms, this would not do away with the hatred against the United States which existed prior to the war and is based on more far-reaching causes.

GERARD

File No. 763.72/1593

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

[Telegram]

VIENNA, March 15, 1915, 4 p. m.

[Received March 16, 7 p. m.]

558. Following my cipher telegram Friday last I can now advise you on high authority that no agreement yet reached with Italy. Conversations in Vienna proceeding at high pressure with all responsible ministers and interested ambassadors. It is admitted Italy has been offered Trentino but makes no promise of continued neutrality. Italy is reported to have received offer from France of Corsica and one half of Tunis as an inducement to join Allies. The German Ambassador assures me Germany contemplates no territorial concessions to Austria as reported. If Trentino ceded to Italy, it will be considered as compensation for some Balkan disappointment of former years. This condition proposed in hopes of swaying Emperor who refuses gratuitously to alienate a province.

PENFIELD

File No. 763.72/1599

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

[Telegram]

ROME, March 17, 1915, 5 p. m.

[Received 7 p. m.]

216. British Ambassador not apprehensive Austria and Italy will come to terms. This also my opinion. Things seem smoothing down. Italy prepared, tested new siege guns yesterday, but many think no hostile move will occur before end April. Personally I think likely if she moves it will be without much warning.

NELSON PAGE

File No. 763.72/1642

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

No. 672]

BERLIN, March 11, 1915.

[Received March 29.]

SIR: With reference to the Department's telegram No. 1208 of February 17, 1915,¹ and to the Embassy's telegraphic reply, No. 1648 of February 19, 1915,² regarding the military and economic condition of Germany, I have the honor to report further as follows: The Chief of the General Staff has stated to the military attaché of the Embassy that—

No one knows the exact number of German soldiers under arms; that if any one knew it he would know it and that he knows it only approximately. It can be estimated that there are four million men with the armies on the various fronts and that two million more are in the barracks and throughout the territory now occupied by the Germans. It is stated that 80 to 88 per cent of the wounded return to duty with their regiments. The losses of Germany

¹ *Ante*, p. 15.² *Ante*, p. 16.

and Austria-Hungary together amounted, the Emperor informed the military attaché, to about 1,500,000. The German losses in men not able to return to the front are probably 450,000 to 500,000. There are very many Landwehr divisions and Landwehr corps, and Landsturm battalions and regiments. There are also battalions of Landsturm called *Arbeiter-Bataillons*. Very many of the older men are also employed as guards on the lines of communication and in the occupied enemy's country.

As regards the commissariat, there are ample supplies everywhere for the troops, who are fed better, as far as one can judge, at the front than they are in time of peace. The clothing is excellent and ample. What is furnished by the Government is largely supplemented by gifts from the people. These gifts are handled in the same systematic manner that the Government supplies for the army are handled and the troops have lacked nothing that is necessary. At times, for a day or two there may have been some shortage for particular units but those occasions have probably been rare. The troops have everywhere appeared to be in the best of health and there is said to be a smaller percentage of sickness at the front than in garrisons in time of peace. The supply of arms and ammunition is also ample. It must also be taken into consideration that large quantities of arms have been captured, especially machine guns, and these as well as the artillery guns have been used by the Germans.

As regards copper, there are old mines in Germany which were abandoned on account of the costs of getting out the copper, which mines can be reopened. There are copper mines in Belgium and in the part of France occupied by the Germans. In addition, a thorough account is said to have been made of the amount of copper in the houses, etc., throughout Germany and it was found that there is a sufficient quantity of copper to last two more years, if it is necessary to call on the people to give that to the Government as was done a few months since as regards woolen articles.

What strikes one most forcibly is the careful economy practiced by the German authorities in saving everything on the field of battle—everything belonging to the wounded, everything that can be useful in war. All articles, of every description, are picked up, sent back, sorted, and then utilized. For instance, clothing is disinfected, washed, repaired, pressed and reissued. This is a wonderful saving in itself.

So many field kitchens have been captured from the Russians that almost all of the German troops now have them, whereas in the beginning of the war the infantry and foot artillery only had wheeled field kitchens. All old iron is picked up and sent back. The most careful requisitioning has been made in the enemy's country occupied by the German troops. Threshing machines have been sent to the front and wheat and other grain threshed out by or under the direction of the German soldiers, when quantities of it were found.

These are merely cited as instances of the care that is taken not to waste anything which may be useful in the prosecution of the war.

This year's annual drafting of new men for the army certainly would more than have replaced the losses that have been suffered by the Germans and the services of the larger proportion of the volunteers have not yet been accepted by the Government.

As the army represents better than anything else the people, it is extremely interesting to see how in every special branch there are a great many experts in that branch performing and ready to perform the work required. This all tends to economy and efficiency. There seems to be absolutely no personal striving for personal reward. Every man is performing the duty assigned to him to the best of his ability wherever he may be and whatever may be the grade that he held at the beginning of the war or now holds.

A great deal has been learned by the Germans during these hostilities and advantage has been taken of all that experience in training the new, as well as in improving the old men.

As regards the fleet, Germany has preserved her principal naval forces almost intact. Those ships which have been lost have been generally of older types or scouting vessels. The *esprit de corps* of the naval service is of the very highest and the skill, enterprise, and daring have been at all times of the best.

The submarine service has been largely increased and has shown itself to be a very powerful weapon of offensive warfare against England.

As the German battle fleet was somewhat less than half that of England at the beginning of the war, it could hardly be expected that it could engage the

enemy against such heavy odds. At the same time the fleet is well prepared and should opportunity occur, will be heard from.

The time has not yet come to judge of the effectiveness of the blockade of England. There can be little doubt, however, that it will seriously affect England's commerce and probably will very much raise the cost of living in England if not bringing about actual hunger.

The personnel of the German Navy is believed to consist at the present time of about 150,000 men of all branches.

For details of ships in commission, etc., the files of the office of Naval Intelligence should be consulted.

The superior Allied fleets have completely driven German merchant ships from the seas and for the present the carefully built up and splendidly equipped German merchant service is completely paralyzed.

Enormous losses have been sustained in the commercial circles of Germany through the stopping of commerce and the confiscation or interning of so many ships lying in the enemy's harbors or on the high seas at the outbreak of the war.

Nevertheless the enterprise, wise laws, and splendid system under which the German merchant fleet was built up, remain alive and it may confidently be expected that a few years after this war the German merchant fleet will be again occupying one of the leading positions on the seas.

I have [etc.]

JAMES W. GERARD

File No. 763.72/1646

Report of the Consul at Leipzig (Kent)

LEIPZIG, February 28, 1915.

[Received March 30.]

The outbreak of war in Germany occurred on the 2d day of August, 1914, on which date the order was issued for the immediate mobilization of the active land and sea forces of the Empire. The experiences of this consulate, resulting from the effort to afford aid, comfort, and safety to American citizens who, panic-stricken or in actual distress, were attempting to escape from the country and to return to their homes, were not exceptional, and the Department has long ago learned of the part played by consular officers in Europe in the relief of their countrymen during the stress and storm of the first months of the war. These were amongst the most trying experiences of a lifetime coming, as they did, without warning, and with an office force inadequate to such an emergency, the crisis could not have been met, had it not been for the volunteer clerical and other assistance rendered by certain American gentlemen, themselves fugitives, who put their trained minds and hands to the relief of the overburdened consulate. Through the medium of a relief fund raised by this consulate and its friends, and through the application of passport fees, under instructions so appropriated, the immediate distress of many Americans was relieved. But it was that act of unparalleled generosity on the part of the American Government in sending American gold to be loaned or given to its citizens for their repatriation which constituted the substantial and adequate relief and which prevented a condition of continuing distress. Through these means of relief actual want came to no American citizen who sought the assistance of this consulate, and as soon as transportation became available, with few exceptions, they all returned home. The exceptions to which reference is made are some forty or fifty American citizens yet remaining in Leipzig and at

other points in this consular district. These are composed of certain students attending the university and the conservatory of music whose necessity for completing their education has outweighed their prudence, and of certain families long resident here who would leave under extreme pressure alone. But in addition to extraordinary tasks in connection with the care of American citizens, the consulate has been charged with the interests of the British, the Japanese, and the Servians. For a short time the interests of France were so committed and, for a few days, those of Russia in addition. Fortunately, French and Russian interests were soon transferred to the Spanish consul, and to that extent this consulate was relieved. The Japanese and Servians, having been interned, are now fortunately all out of the district and in neutral territory. Only the British remain. Of these, not only Britons but colonials, with the exception of Australians, are interned. Women are required to remove themselves to points thirty kilometers distant from Leipzig and reside there, or else to return to England. The general result is that this district is fairly well freed of foreigners with whose interests this consulate is charged.

Feeling towards America and Americans. It is a matter of regret that the feeling of the German people has undergone a most marked and unpleasant change within the past few weeks towards the United States and towards American citizens remaining in the country. During the earlier months of the war, there had been a constant expression of cordial feeling and of sympathy with our position of neutrality. The wearing exposed to view of small American flags by American citizens, in order that they might not be mistaken through appearance or language for British subjects, had constantly exempted the wearers from the insults heaped upon the British and had even been the means of inviting to them especial courtesy and consideration. But now, within the period indicated, the bearing and expression of the German people have undergone such a marked change as to indicate not only a feeling of irritation and of hostility towards the United States and its citizens, but to give occasion for a reasonable apprehension that some incident may at any time occur which will lead to unpleasant and regrettable results. This changed attitude of public opinion finds expression through the hostile criticism and misleading statements of a section of the public press, which in turn reacts upon the body of the people who, in this matter, blindly follow the press and are misled into an attitude of almost open hostility towards American citizens. American ladies have been threatened and insulted upon the streets when they have been heard to speak in English, although their nationality had been made known. At the opera, American ladies and gentlemen have been insultingly ordered by officers of the army to discontinue their private conversations in English, and these demands have been tumultuously supported by adjacent auditors, notwithstanding that the offenders have declared their American citizenship and have made known that they spoke no other language than English. Even into business matters the feeling against America has extended. In at least one case a German manufacturer of machinery has refused to accept an order from an American firm, placed through this consulate, giving as a reason for the refusal

the unwillingness of the manufacturer to sell anything to a citizen of a country that is permitting the sale of munitions of war to Germany's enemies.

A people gone mad. It is a strange anomaly in the psychology of peoples that this intelligent, disciplined, and self-poised nation, under the stress of war, should so far abandon an attitude of reasonableness for one of blazing malice towards all who in fact or in imagination thwart its wishes. In this regard there is no difference in classes, and intelligence and culture in no wise differentiate the learned from the unlearned. The professor in the university, the minister in the pulpit, the author of famous books, the newspaper writers, the lecturers, are like the man in the street in their hatred of the real or imaginary enemies of their country. In these respects, "The best are like the worst." In their present frame of mind it is useless to point out to any of these the earnest desire of America to preserve her present position of neutrality, and that her complications with England are quite as serious as with Germany. If they are requested to point to any infraction of international law on the part of America, and if such infraction has occurred, why the German Government has remained silent upon the subject, the answer is that the sale of munitions of war by America to Germany's enemies when Germany is blockaded is an unfriendly act. The reply that Germany has never lost an opportunity to sell war material to any belligerent, as she had the right to do, makes no impression upon a people who are wholly blinded to reason, and the nation's prayer of *Gott strafe England* is uttered with a suggestion that America be included in the malediction. That this state of opinion should exist, and that it should have been created and fanned by the press, not only is detrimental to business relations, but prepares the way for some serious difficulty which may arise over some sudden and unfortunate incident. In similar mood the declared resolution of Germany to undertake piratical excursions against the commerce of the United States and other neutrals flying their respective flags, is applauded. There exists the utmost confidence in the success of the proposed general attack through submarines upon British shipping, and the advantages to Germany which would accrue, should the effort meet with expected success, outweigh any disadvantage that might come to her through adding the United States to the number of her enemies. Indeed, there is a widespread opinion that, aside from some moral and commercial disadvantages that might come to Germany through such a hostile addition, the arraying of the United States against her would be but little more formidable than if impotent China were called into the fray—in such disesteem do they hold our naval and military effectiveness.

How long will it last? Except as these questions bear upon trade conditions, it is not within the province of this report to discuss the probable duration of the war or its results. But these subjects are so closely interwoven with American commercial interests, as affording relief from the paralysis of trade now existing and set forth in a former report, as to render unavoidable some reference to them. No fact is more patent to an observer on the ground and living in the atmosphere of the war than that this war is not merely the Kaiser's war, but a war of the entire German people.

The belief is unanimous that the question of national existence is involved. With such belief, race instinct is aroused and the German people are willing, with enthusiasm, to make any sacrifice of money, suffering, and life to accomplish their purpose. Blockaded and surrounded by a ring of fire, overmatched by a great superiority of military strength and resources, her only hope of success depends upon the superior efficiency of the forces that she possesses and the unlimited willingness and capacity of her people for endurance and self-sacrifice. Such is the fallibility of human judgment, that in every great enterprise the determination of the event frequently turns upon the unexpected and the unknown. In so far as the duration of the war will depend upon the fighting capacity of the forces now arrayed, or which either side can bring into action, or so far as it depends upon the exhaustion of either side, there appears to be little prospect that a decisive advantage will be gained by either combatant within a year, and perhaps for a much longer time thereafter. Germany is not nearly exhausted either in fighting men or in material for military or civic existence, whilst the spirit of her people flames even higher in unshaken belief, not only in the justice of their cause but in the certainty of ultimate triumph over all her enemies. Already Germany has been twice disappointed in her expectations of material assistance from her allied powers. The first disappointment came when Italy declined to join her. The second came with the fiasco of the proclamation of a holy war through Turkey. Other resources, however, remain to her whose success or failure may determine the issue but which yet are so imponderable as to fall into the category of the unexpected or the unknown. Amongst these may be enumerated the threatened early assault of an irresistible submarine fleet against the naval and commercial shipping of Great Britain. Should a measure of success attend this adventure, the present balance of the scales may be materially disarranged; and to rescue the enterprise from the domain of the chimerical it is but necessary to recall that day in 1863 when in Hampton Roads, after the engagement between the *Merrimac* and the *Monitor*, the warships of every nation of the world became useless. Again, it is confidently believed that the effectiveness of the Zeppelins, as an agency of assault, has not yet been effectively tested, and that this test will soon be made in such force against the enemies' fleets and coasts as to work terror and destruction. It is difficult to believe that the German people, who have applied scientific knowledge to so many practical ends, would undertake the expenditure of such great sums of money without a reasonable assurance of practical results.

Again, it is generally believed here, that of all of the belligerents Russia is laboring most painfully under the strain and stress of war. It is estimated that there are a million Russian prisoners on German and Austrian soil. Her losses have been the heaviest and her resources, except in untrained men, are least available and soonest exhausted. Hence the belief is current that but a few more losses of severity sustained by Russia would lead her to detach herself from the Triple Entente and to seek a separate peace upon terms previously agreed upon. The successful accomplishment of any of these effects, yet undeveloped but of potential moment, would prob-

ably result in bringing the war to an earlier close than if left to the termination of issues as at present defined. Deductions from the foregoing premises imply that the success of any of the possibilities indicated would redound to the advantage of Germany and her allies. But there exist other possibilities whose realization would be equally disastrous to the same interests. The emergence of Italy from an attitude of neutrality and the casting of her weight of an army of a million trained men into the scale upon the side of the Allies would produce a decisive effect upon an issue which now seems so evenly balanced. Should the United States be drawn into the conflict through the sinking of ships flying the national flag, or should effective combination of neutral states bring moral and material pressure to bear, the decision of the issue might still be prolonged, but the final result could not remain in doubt. And so we revert to the earlier statement, that if the termination of the war is to depend upon the crushing defeat of either side, the end can not now be foreseen, but at the same time there exist certain potentialities which can not now be estimated, but which at any time may place a different aspect upon the subject.

As to Germany's exhaustion. It is only necessary to recall the fact that the Confederacy, during the sixties of the last century, fought valiantly and effectively against the superior forces of the Union Army for four years, although blockaded, invaded, and driven to the last test of endurance, in order that some idea may be formed of the ability of Germany to endure indefinitely under similar circumstances and still to fight effectively. The spirit of the people is keyed to the point, not only of ultimate sacrifice in the battle line, but of endurance of non-combatants. In such a frame of mind, though poverty and want stalk abroad, the people will suffer and sacrifice without murmur.

Factories are closed, enterprise suspended, business paralyzed. The labor that supplied these is in the trenches at the front. Their families are subsisting upon the soldiers' pittance of pay, upon civic relief which has been provided, and upon charity when necessary. Against speculation in necessities or the hoarding of foodstuffs the Government is enforcing stringent regulations, and with the docile obedience to authority characteristic of the race, as well as through the inspiration of patriotism, apparently there is little effort at evasion. The extension of the list of contraband articles will inconvenience and to some extent impede the Government, but it will not more speedily terminate the war. Copper is very necessary for military purposes; but there are vast stores of copper already in Germany now applied to other uses. To commandeer this and appropriate it to military uses would interfere with the orderly processes of peace-time procedure; but the Government, when the necessity arises, would not hesitate to utilize the telephone wires, already its own property, or to appropriate copper in industrial use wherever found. Already the call for voluntary surrender of copper is meeting with abundant response. The exclusion from importation of petroleum and its products would ultimately hamper the Government seriously. But to guard against this disaster the Government has taken possession of whatever stores of these articles were to be found in the country and has applied them to exclusive military

uses, doling out a pittance to civilian consumers, who have, in consequence, been driven to the use of substitutes. In order to bring out gold from its hoarding the newspapers have created the impression upon the masses of the people, but without official sanction, that all gold coinage would be reminted and that after the war the older coinage would be discounted heavily, with the result that gold aggregating large sums has been exchanged for currency at the Government's depositories by the peasant and other small accumulators.

Coal has not gone up in price, not only for the reason that the Government has fixed a maximum price, but because the almost universal use in Germany of the more economical coal briquettes as a substitute for lump coal, burnt in the Dutch ovens for heating, requires relatively a smaller quantity, and because of the suspension in large part of factory consumption which compensates for the diminished output. Poultry, eggs, and butter have advanced heavily in price, for the reason in part that Germany relied in large part for her supply of these upon Russia; and for the further reason that the scarcity of grain for feeding purposes has caused the German producers to sell for immediate consumption their supply stocks. For a like reason the fresh meat supply is growing scarce and higher in price. Germany has the largest number of swine *per capita* of any of the belligerents. Her supply of cattle, sheep, and other food animals ranks well with them also. And to conserve the existing meat supply the people are urged to kill, salt, and preserve it according to usage. Her greatest weakness is a deficiency of home-grown grain which deficit, in ordinary times, is remedied in part by importations of grain and in part by feeding to livestock the refuse of her vast potato crop which is converted into excellent animal food by a process in wide use. Although ordinarily a large exporter of sugar and the producer of an annual crop of potatoes averaging two billion bushels, both of these products in bulk are about to be taken over by the Government and their distribution for consumption adjusted through Government agency. The supply of coffee, tea, chocolate, rice, and a large number of tropical importations is becoming exhausted, as is evidenced by soaring prices.

The bread shortage. The most serious food problem in Germany is that of supplying the army and the civilian population with bread. Both wheat and rye flour are in staple use. Of neither of these does the country produce a sufficient quantity, even in normal times, to meet the demands of consumption and a deficiency of one third is met by importations. The crop of last year was a good one and was fully up to the standard yield of sixty-five bushels per acre. Despite the call to arms and the shortage of agricultural labor resulting, beginning with the planting season of the late summer and early autumn of last year, the women, the youths, and the old men have planted even a larger crop than usual for this year, which at this time is in excellent condition with present promise of a standard yield. This crop, however, will not be harvested before the latter part of July or the earlier part of August, and in the meantime the Government is taking extraordinary precautions to husband its resources of bread material. The supply of wheat, rye, and other grain in the country, together with all flour, has been taken over by

the Government. Bakers are permitted to buy and sell under Government regulation alone. The art of bread making is not practiced in the homes of Germany and bakeries are under Government regulation. A census of bread consumers in all families has been made and tickets are issued permitting the purchase from the bakeries of three pounds of bread per week for each adult in the family and of two pounds per week for minors under ten years of age. If a guest comes to one's table he must bring his own bread, or else some one of the host's family must remain without bread. But the bread that is thus sold by the bakeries is largely adulterated with potato flour. It is dark, heavy, hard, and of as inferior quality as it is possible for human beings to eat. And even this allotment, it is announced, is temporary, and designed to remain in force for one month from February 15. After that date there will be a new allotment, based upon their existing necessities. It thus appears that the first actual pinch of war is being felt in Germany in the matter of the bread supply, which would have been exhausted were it not heavily adulterated with potato flour, and even through this extension it appears to be probable that serious difficulties will arise during the next six months and before the fruits of the next harvest are available.

Shortage of arms. It may also be concluded that the German Government is already experiencing embarrassment through a shortage of arms for its infantry. The heavy loss of German prisoners, presumably with their arms, is not reported by the press of the country. It tells only of such losses sustained by the Allies. But that such a shortage of arms is being felt would appear from the fact that recruits are being drilled with captured French rifles and prisoners' camps are guarded by infantry likewise armed.

Exchange and failures in business. The rate of exchange for bills on New York continues to steadily increase, as the gold deposits of bankers are drawn upon to meet payments for goods imported from America. From a normal rate of 4.20 the advance has been steady to the present rate of 4.80. Bankers forecast an early rate of 5. As might have been expected, failures in business in Leipzig have been numerous since the war began. It is estimated that the sum total will amount to about twenty million marks.

Prospects for American trade. As a corollary from the foregoing, the present outlook for American trade with Germany is gloomy. In another report¹ the exact losses sustained in this consular district are set forth. The needs of Germany are great enough for American goods, but with the extension of contraband and deficiencies of transportation, as well as through the almost prohibitive rate of exchange, it appears at present to be almost impossible to supply them. Even should hostilities terminate within a reasonable time, it is evident that whilst there will be urgent demand for such American importations as Germany most requires, the general purchasing power of the people will have been so seriously impaired as to have a depressing effect upon the volume of general importations.

Respectfully submitted.

WM. P. KENT

¹ Not printed.

File No. 763.72119/52

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

[Telegram]

ROME, March 31, 1915, 5 p. m.

[Received 11.10 p. m.]

229. *Giornale d'Italia*, considered by some semiofficial mouthpiece of men in Government, contained last night leading article on America's duty to step in and help restore European peace following lines which Associated Press agent informs me he telegraphed America recently as views of many. Article declares not yet time to make a permanent peace but closes with declaration that if America would pronounce a word for peace and make a direct [and?] noble attempt humanity would be grateful. Article has attracted much attention.

NELSON PAGE

File No. 763.72119/53a

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

[Telegram]

WASHINGTON, April 8, 1915.

1484. Inform Foreign Office for information Admiralty that delegation eight American ladies and gentlemen sailed April 7 by steamer *Frederik VIII* of Scandinavian-American Line *en route* to peace conference at The Hague.

BRYAN

File No. 763.72119/55a

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

[Telegram]

WASHINGTON, April 21, 1915.

1542. The S. S. *Noordam* of the Holland-America Line sailed from Hoboken April 13 for Holland. It is carrying a delegation of forty-two prominent American women, of whom Jane Addams is the head, who are *en route* for a conference at The Hague. It takes the ship about ten days to make the trip. Please bring this to the attention of the Foreign Office. This is done as a precaution in order to reduce to a minimum the danger of the ship's being mistaken for a belligerent vessel.

BRYAN

File No. 763.72119/54

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

[Telegram]

BERLIN, April 25, 1915, 2 p. m.

[Received April 26, 10.15 a. m.]

2110. Statement stated to be half official is published to-day to the effect that rumors of peace are without foundation and that there will

be no peace until the object of the war as set forth in Chancellor's speeches has been attained.

GERARD

File No. 763.72119/60a

The Secretary of State to the Ambassador in Great Britain (Page)
[Telegram]

WASHINGTON, April 26, 1915, 9.51 p. m.

1472. Department informed by Associated Press steamer *Noordam*, carrying American delegates to International Peace Congress at The Hague, anchored in the Downs unable to obtain permission to proceed up the channel to Rotterdam.

If report is true, please communicate with Foreign Office immediately and inquire whether arrangements cannot be made in order that American delegates may reach their destination in time for conference April 28.

BRYAN

File No. 763.72119/57

The Ambassador in Great Britain (Page) to the Secretary of State
[Telegram]

LONDON, April 27, 1915.

[Received 1.30 p. m.]

1995. Your 1472, April 26. British Government informs me steamer *Noordam* has already proceeded to Rotterdam.

AMERICAN AMBASSADOR

File No. 763.72/1714a

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

[Telegram]

WASHINGTON, April 29, 1915, 4 p. m.

207. Please keep Department advised as much as possible, but entirely at your own discretion, regarding status of negotiations between Italy and Austria.

BRYAN

File No. 763.72/1715

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

[Telegram]

ROME, April 30, 1915, 3 p. m.

[Received 10.15 p. m.]

255. Negotiations mentioned continue but few think can have successful issue as Italy would hardly bind itself for even best Austria can offer. Austria reported to have vainly enlarged her offer conditional on Italy's making permanent alliance. Vague rumor that

Italy has negotiated a large loan in England. Best judgment is that Italy will defer moving till last minute but must extend her frontier to defensible line and also control Adriatic.

NELSON PAGE

**ITALY'S ENTRANCE INTO THE WAR—THE DIPLOMATIC CONTEST
IN THE NEAR EAST—FURTHER INFORMATION CONCERNING
THE CENTRAL EMPIRES—PRIVATE EFFORTS TOWARD PEACE**

File No. 763.72/1722

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

[Telegram]

PARIS, May 1, 1915, 5 p. m.

[Received 7 p. m.]

137. Reported on authority which I believe reliable that Italy signed agreement with Allies last Tuesday.¹ Terms of agreement not known yet but are supposed to accord guaranties of territorial extension to Italy in return for military support of cause of Allies.

SHARP

File No. 763.72/1723

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

[Telegram]

ROME, May 1, 1915, 5 p. m.

[Received 9.30 p. m.]

256. Events point to Italy's decisive step soon. The promised attendance of King of Italy and Minister of War at Garibaldi celebration at Quarto on 5th considered indicative of such decision, as are orders recently placed for large stores, including 10,000 artillery horses.

NELSON PAGE

File No. 763.72/1731

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

[Telegram]

ROME, May 4, 1915, 4 p. m.

[Received 10.30 p. m.]

210. Negotiations with Austria which seemed broken off Sunday appear to be begun. King and Cabinet canceled plans for attending Garibaldi celebration. Messengers reported hurried off to Berlin and Vienna.

NELSON PAGE

¹ i. e., April 27.

File No. 763.72/1745

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

[Telegram]

ROME, May 7, 1915, 4 p. m.

[Received 8.30 p. m.]

263. While negotiations with Austria not yet ended completely I am convinced that both German and Austrian Embassies here expect at any moment war. They have instructed their nationals to leave immediately, except those having imperative reasons for remaining; also have packed personal effects. Austrian Ambassador has indicated his intention of requesting us to assume charge of Austrian interests in such event. I shall accept provisionally subject to your approval and Italy's assent; also should Germany and Turkey make such request I shall take similar action. Please instruct me confidentially.

NELSON PAGE

File No. 763.72/1746

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

[Telegram]

ROME, May 7, 1915, 6 p. m.

[Received 8.30 p. m.]

265. Cabinet meeting just held declared to have decided to pro-rogue to 20th instant meeting of Parliament previously set for 12th. This means probably immediate denunciation of former treaty with Austria [and] Germany as first step toward war which can only be obviated by Austria's acceding to full Italian demands.

NELSON PAGE

File No. 763.72/2541

The Ambassador in Great Britain (Page) to the Secretary of State[Telegram—Extract¹]

LONDON, May 8, 1915, 5 p. m.

[Received 10.30 p. m.]

2068. The foreign editor of the *Times*, a usually well-informed and trustworthy man, who knows all the principal European statesmen, is just returned from a week in France. He tells me in strictest confidence that England, France, and Russia made a bargain with Italy on April 30, agreeing to cede to Italy very large parts of Austrian territory, some of which has a Slavic population, if Italy comes into the war within a month. This was done without consulting Servia and against her wishes. Italy will soon come in if she keeps her agreement, to be followed by Roumania. I have heard unofficial confirmation of this agreement here. The same editor informs me that General Joffre told him that he is confident that he would break through the German lines within a month.

AMERICAN AMBASSADOR

¹ For this complete telegram, see *post*, p. 385.

File No. 763.72/1753

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

[Telegram]

ROME, May 12, 1915, 2 p. m.

[Received 5 p. m.]

272. Rumor of possible Cabinet crisis owing to Giolitti firm neutralist attitude. He is stated to believe that Austria will yield to all reasonable demands and his friends claim he can command majority in the Chamber which convenes 20th instant. It is rumored Italy and the Entente powers have an agreement signed April 25 giving Italy one month to make decision.

NELSON PAGE

File No. 763.72/1758

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

[Telegram]

ROME, May 14, 1915, 11 a. m.

[Received 1 p. m.]

273. Salandra's ministry resigned suddenly last evening. Last Prime Minister Giolitti who has majority in Chamber holds that Austria concedes or will concede sufficient to obviate necessity of war with attendant sacrifices. It is rumored that Sonnino, Minister for Foreign Affairs, whom Giolitti strongly opposed, was more in favor of war than Salandra. Giolitti's antiwar policy seems to dominate for the present. Some excitement exists and morning paper even [suggests] possibility of revolution.

NELSON PAGE

File No. 763.72/1760

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

[Telegram]

ROME, May 14, 1915, 7 p. m.

[Received 10.45 p. m.]

277. Rumored that King has declined to accept resignation of the Ministry.

AMERICAN EMBASSY

File No. 763.72/1763

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

[Telegram]

ROME, May 16, 1915, 3 p. m.

[Received 8.30 p. m.]

278. Your 218, 15th.¹ At this time believed that Salandra ministry will be reinstated and war is thought more probable than pre-

¹ Not printed.

vously. Talk of immediate mobilization. I do not believe any danger exists of serious revolutionary disturbance Rome, but informed Bishop Kennedy, rector, some time since, that his pupils and all Americans could under all circumstances count on all possible protection.

NELSON PAGE

File No. 711.0012/645

The Minister in Roumania, Servia, and Bulgaria (Vopicka) to the Secretary of State

Bulgarian Series]
No. 159]

BUCHAREST, April 26, 1915.

[Received May 17.]

SIR: I have the honor to refer again to the Department's communication of December 18, 1914,¹ regarding the treaty between Bulgaria and America, and beg to state that I have once more communicated with his excellency the Prime Minister, Monsieur Radoslavoff, asking him whether he is yet ready to take up this matter, but so far have not received any answer from him.

I stated in my last report that the policy of Bulgaria would have to undergo a change, and it has been partially changed; it is now more favorable to the Triple Entente than before.

I have heard from some of my diplomatic friends that a book, which was claimed to have been written by our then Consular Agent, Dr. Kermektchiev, was actually written by the Bulgarian ex-Prime Minister Monsieur Ghenadiev. In this book Bulgaria is strongly urged to join the central European powers against the Triple Entente, the intention being, I understand, to alarm the Triple Entente with a view to obtaining from them the best possible terms.

During the last four weeks the Triple Entente has been working more energetically than before to get Bulgaria on their side, and, from their point of view, matters have looked more hopeful in this connection. A special telegram from Petrograd, however, is printed in the local papers stating that the Russian Cabinet is insisting upon the resignation of the Radoslavoff Cabinet, to which demand, I feel sure, Bulgaria will not accede. When the time comes, if it comes at all, that the Dardanelles are captured, Bulgaria will not hesitate and if the Triple Entente will comply with her desire in the main she will join this group and help to defeat the Turks.

I have [etc.]

CHARLES J. VOPICKA

File No. 763.72/1769

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

[Telegram]

ROME, May 17, 1915, 6 p. m.

[Received 10 p. m.]

279. Salandra ministry asked to continue seems to point to *entente* with Triple Entente. War feeling increasing. American note to Germany received here warm approbation.

AMERICAN EMBASSY

¹ Not printed.

File No. 763.72/1782

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

[Telegram]

ROME, May 20, 1915, 12 noon.

[Received 1 p. m.]

284. It is believed Chamber which meets to-day will sustain Government's action, probably appointing a committee to hear statement of its program including credits to be asked, and that the committee will report favorably and its report will be sustained to-morrow. Senate will then vote and war will almost certainly follow.

NELSON PAGE

File No. 763.72/1786

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

[Telegram]

ROME, May 20, 1915, 8 p. m.

[Received 11.30 p. m.]

285. Chamber of Deputies approved this afternoon Government's program overwhelming majority. It includes defense considered to point to declaration of war within few days.

NELSON PAGE

File No. 763.72/1787

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

[Telegram]

ROME, May 21, 1915.

[Received May 22, 8.20 a. m.]

288. The Senate has this afternoon approved unanimously the bill conferring full powers on the Government. War believed imminent within a few days.

AMERICAN EMBASSY

File No. 763.72/1793

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

[Telegram]

ROME, May 22, 1915.

[Received May 23, 3.10 p. m.]

293. General mobilization called for to-morrow. State of war declared in provinces along Austrian border and confines of Adriatic.

NELSON PAGE

File No. 763.72/1795

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

[Telegram]

ROME, May 23, 1915, 3 p. m.

[Received May 24, 8.30 a. m.]

294. Have just received the following translation:

The Royal Minister for Foreign Affairs has the honor to bring to the knowledge of the American Embassy that Italy considers herself from to-morrow

in a state of war with Austria-Hungary. The Embassy of the United States is requested to send this communication as soon as possible to its Government.

Have telegraphed via Berne to Berlin, Vienna, and Constantinople.
NELSON PAGE

File No. 704.6167/2a

The Secretary of State to the Ambassador in Turkey (Morgenthau)

[Telegram]

WASHINGTON, May 24, 1915, 7 p. m.

701. The Italian Government now represents Russian diplomatic interests at Constantinople. The Russian Ambassador has informed the Italian Ambassador that in case of war between Italy and Turkey the Russian Government would like to have Russian interests taken care of by the American Embassy. Have you any objection to this addition to your work? We are glad to accommodate both Italy and Russia if you feel that the task would not overburden you.

BRYAN

File No. 763.72/1812

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

[Telegram]

ROME, May 25, 1915, 4 p. m.

[Received 4.20 p. m.]

296. Austrian and German Ambassadors both to Quirinal and Vatican left Italy last night. Understanding exists between Italy and Germany that private property will be respected, also patent rights, sole exception being necessity of state. Civilians innocent of hostile acts will not be interned.

No steps yet regarding Turkey.

NELSON PAGE

File No. 763.72/1839

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

[Translation]

WASHINGTON, May 24, 1915.

[Received May 26.]

MR. SECRETARY OF STATE: By order of the King's Government I have the honor to bring the following to your excellency's knowledge:

The eminently conservative and defensive character of the Triple Alliance is evidenced by the letter and spirit of the treaty and the intentions clearly manifested and affirmed in their official acts by the ministers who founded the alliance and attended to its renewals with the peaceful purposes that have ever inspired the policy of Italy.

By provoking the European war, by rejecting Servia's remissory answer which gave Austria-Hungary all the satisfaction that could be legitimately claimed, by refusing to listen to the conciliatory proposals offered by Italy with other powers with the intent to save Europe from a fierce conflict in which blood would be shed and ruin heaped in proportions never before seen

or even imagined, Austria-Hungary tore with her own hands the treaty of alliance with Italy which, as long as it had been honestly interpreted as not being an instrument of aggression upon others, had effectively contributed towards averting occasions or composing causes for conflict and for many years insuring to the peoples the invaluable boons of peace.

Article 1 of the treaty embodied the usual and necessary obligation of such pacts—the pledge to exchange views upon any political and economic questions of a general nature that might arise. Pursuant to its terms none of the contracting parties had the right to undertake, without a previous agreement, any step the consequence of which might impose a duty upon the other signatories arising out of the alliance, or which would in any way whatsoever affect their vital interests. This article was violated by Austria-Hungary when she sent to Serbia her note dated July 23, 1914, an action taken without the previous assent of Italy.

Thus Austria-Hungary violated beyond doubt one of the fundamental provisions of the treaty. The obligation of Austria-Hungary to come to a previous understanding with Italy was the greater because her obstinate policy against Serbia gave rise to a situation which directly tended to the provocation of an European war.

As far back as the beginning of July 1914, the Italian Government, preoccupied by the prevailing feeling in Vienna, caused to be laid before the Austro-Hungarian Government a number of suggestions advising moderation and warning it of the impending danger of an European outbreak. The course adopted by Austria-Hungary against Serbia worked moreover direct injury to the general interests of Italy, both political and economical, in the Balkan Peninsula. Austria-Hungary had no right to imagine that Italy could remain indifferent while Servian independence was curtailed. There was no lack of warnings to that effect. On a number of occasions Italy gave Austria to understand, in friendly but clear terms, that the independence of Serbia was considered by Italy as essential to Balkan equilibrium and that Italy could never permit that equilibrium to be disturbed to her prejudice. This warning had been conveyed not only by her diplomats in private conversations but was proclaimed publicly by her statesmen on the floor of Parliament.

So that Austria, in assailing Serbia with an ultimatum served, in defiance of every usage, without previous diplomatic action with us and prepared in the dark with so jealous a care to keep it hidden from Italy that it had knowledge of it, at the same time as the public, through the news agencies before getting it through diplomatic channels, not only stepped out of the alliance with Italy but assumed an attitude inimical to Italian interests. Indeed the Italian Government had obtained trustworthy information that the complex program of Austria-Hungary's action in the Balkans was bent on most seriously impairing Italy's economical and political influence, because such was the direct and indirect outcome of Serbia's subjugation, the political and territorial isolation of Montenegro, and the isolation and political decadence of Roumania.

This disparagement of Italy in the Balkans would have come about even if it be granted that Austria-Hungary had no intention of making further territorial acquisitions. It is well to remark that the Austro-Hungarian Government was explicitly pledged to prior consultation with Italy as required by the special provisions of Article 7 of the treaty of the Triple Alliance which, in addition to the obligation of previous agreement, recognized the right of compensation among the Allies in case one should occupy temporarily or permanently any section of the Balkans.

To this end the Italian Government approached the Austro-Hungarian Government immediately upon the inauguration of Austro-Hungarian hostilities against Serbia, and succeeded in attaining reluctant acquiescence in the Italian representations. Conversations were initiated immediately after July 23 for the purpose of giving a new lease of life to the treaty which had been violated and thereby annulled by the act of Austria-Hungary. This object could be attained only by the conclusion of new agreements.

The conversations were renewed to a more precise purpose in December 1914. The Italian Ambassador at Vienna at that time was given instruction to inform Berchtold [the Austro-Hungarian Minister for Foreign Affairs] that the Italian Government considered it necessary to proceed without delay to an exchange of views, and consequently to concrete negotiations with the Austro-Hungarian Government concerning the complex situation arising out of the conflict which that Government had provoked. Count Berchtold at first refused. He declared that the time had not arrived for negotiations.

Subsequently, upon our rejoinder, in which the German Government united, Count Berchtold announced his readiness to exchange views, as suggested. We promptly declared, as one of our fundamental objects, that the compensation on which the agreement should be based should relate to territories at the time under the dominion of Austria-Hungary.

The discussion continued for months, from the first days of December to March, and it was not until the end of March that Baron Burian offered a zone of territory comprised within a line running slightly north of the city of Trent. In exchange for this cession the Austro-Hungarian Government wanted of us a number of pledges in its favor including entire liberty of action in the Balkans. Note should be made of the fact that the cession of the territory around Trent was not intended to be immediately effective, as we demanded, but was to be made only upon the termination of the European war. We replied that the offer was not acceptable, and then presented the minimum concessions which could meet in part our national aspirations and strengthen in an equitable manner our strategic position in the Adriatic.

These demands comprised: The extension of the boundary in Trentino, a new boundary on the Isonzo, special provision for Trieste, the cession of certain islands of the Curzola Archipelago, the abandonment of Austrian claims in Albania and the recognition of our possession of Avalona and the Dodecaneso.

At first our demands were categorically rejected. It was not until another month of conversation that Austria-Hungary was induced to increase the zone of territory she was prepared to cede in the Trentino, and then only as far as Mezzo Lombardo, thereby excluding the territory inhabited by people of the Italian race, such as the Valle del Noce, Val di Fassa and Val di Ampezzo, thus leaving us with a boundary of no strategical value. In addition, the Austro-Hungarian Government maintained its determination not to make the cession effective before the end of the war.

The repeated refusals of Austria-Hungary were expressly confirmed in a conversation between Baron Burian and the Italian Ambassador at Vienna on April 29. While admitting the possibility of recognizing some of our interests in Avalona and granting the above-mentioned territorial cession in the Trentino, the Austro-Hungarian Government persisted in its opposition to all our other demands, especially those regarding the boundary of the Isonzo, Trieste, and the islands.

The attitude assumed by Austria-Hungary from the beginning of December until the end of April made it evident that she was attempting to temporize without coming to a practical conclusion. Under such circumstances Italy was confronted by the danger of losing forever the opportunity of realizing her aspirations based upon tradition, nationality, and her desire for a safe position in the Adriatic, while other contingencies in the European conflict menaced her main interests in other seas. Hence Italy faced the necessity and duty of recovering that liberty of action to which she was entitled and of seeking protection for her interests apart from the negotiations which had been carried on uselessly for five months and without reference to the treaty of alliance which had virtually lapsed since July 1914 by the act of Austria-Hungary.

It will not be out of place to observe that the alliance having terminated, and the reason for the acquiescence that a sincere desire for peace had for so many years won from the Italian people having come to an end, the grievances, so long repressed, for the treatment to which the Italian populations were subjected in Austria, were now revived against Austria-Hungary.

While the treaty of alliance contained no formal agreement for the protection of the Italian language, tradition, and civilization in the parts of the Monarchy inhabited by subjects of our nationality, if it were sincerely intended to make the alliance an instrument of peace and harmony, it clearly placed our ally under the moral obligation to pay due regard and scrupulously to respect all that constitutes one of the most vital interests of Italy.

Instead, the constant policy of the Austro-Hungarian Government aimed for years to destroy Italian nationality and Italian civilization all along the coast of the Adriatic. A brief statement of the facts and of the tendencies but too well known to all will suffice: The gradual substitution of officials of another nationality for Italian officials; artificial immigration of hundreds of families of a different nationality; replacement of Italian by other labor; the Hohenlohe decrees tending to exclude from the townships and industries of Trieste employees from the Kingdom; denationalization of the judicial administration:

question of the university which formed the subject of diplomatic negotiations; denationalization of navigation companies; police activity and political prosecutions tending to encourage other nationalities to the detriment of the Italian; and the methodical and unjustifiable expulsion of Italians in ever-increasing numbers.

This persistent policy of the Austro-Hungarian Government toward its Italian subjects was not only due to internal conditions brought about by the competition of the different nationalities within its territory, but appeared to be inspired in great part by a deep sentiment of hostility and aversion toward Italy, which prevailed in some quarters closest to the Austro-Hungarian Government, which exercised a decided influence over its decisions. Of the many instances which could be cited, it is enough to say that in 1911, while Italy was engaged in war with Turkey, the General Staff at Vienna was actively engaged in preparing an attack upon us and the military party prosecuted energetically a political intrigue designed to drag in the other responsible elements of the Monarchy.

Armaments along our frontier simultaneously assumed a plainly aggressive character. The crisis was settled pacifically through the influence, presumably, of outside factors; but since that time we have been constantly under the apprehension of a possible sudden attack whenever the party opposed to us would get the upper hand in Vienna.

All of this was known in Italy, but, as above stated, the sincere desire for peace prevailed among the Italian people under the newly created circumstances. Italy for that reason sought to find whether and how far a firmer foundation and more lasting guarantees could be given to her treaty with Austria-Hungary, but her efforts, exerted for months with the unflagging support of Germany which thus recognized the justice of the negotiations, came to nothing. Therefore, Italy found herself compelled in the course of events to seek other solutions.

Inasmuch as the treaty of alliance with Austria-Hungary had ceased virtually to exist and served only to cloak continual friction and daily suspicion, the Italian Ambassador at Vienna was instructed to declare to the Austro-Hungarian Government that the Italian Government considered itself released from the ties arising out of the treaty of the Triple Alliance, in so far as Austria-Hungary was concerned. This communication was delivered in Vienna on May 4.

Subsequently to this declaration, and after we had been obliged to take steps for the protection of our interests, the Austro-Hungarian Government submitted new concessions, which, however, were intrinsically insufficient and did not even meet our former minimum demands. These offers could not, any way, be entertained by us any more.

The Italian Government, taking into consideration what has been stated above, and supported by the vote of Parliament and the solemn manifestation of the country, came to the decision to put a stop to further delay and on this day (May 23) it declared, in the name of the King, to the Austro-Hungarian Ambassador at Rome that beginning to-morrow, May 24, it will consider itself in a state of war with Austria-Hungary. Orders to this effect also were telegraphed yesterday to the Italian Ambassador at Vienna.

Be pleased [etc.]

V. MACCHI DI CELLERE

File No. 763.72/1820

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

[Telegram]

ROME, May 27, 1915, 5 p. m.

[Received 6.45 p. m.]

304. No declaration of war yet with Germany but when German Embassy demanded passports its Counselor stated that probably German troops would be found with Austrians on the frontier.

NELSON PAGE

File No. 763.72/1829

The Minister in Roumania, Servia, and Bulgaria (Vopicka) to the Secretary of State

[Telegram]

BUCHAREST, *May 25, 1915, 4 p. m.*[Received *May 29, 8.15 p. m.*]

85. Roumania is ready to join the Triple Entente within a few days, ten, if her demands consisting of Transylvania, Bukovina, and that part of Hungary called Banat, are granted. Russia offers her Transylvania and all, excepting Cernowitz, the capital, of Bukovina, which she wants to keep for her strategical position. If an agreement is made within a few days it is rumored that Bratianu will fall.

Regarding Bulgaria, I expect that it is waiting for the completion of the contract upon which the mutual agreement was reached between her and the Triple Entente.

Regarding Servia, latest reports from all sides are that the typhus is checked and that there is no danger for travelers in Servia. Great credit is given to the Americans.

VOPICKA

File No. 704.6167/3

The Ambassador in Turkey (Morgenthau) to the Secretary of State

[Telegram]

CONSTANTINOPLE, *May 25, 1915, 11 p. m.*[Received *June 1, 4.10 p. m.*]

694. Your 701.¹ Greatly prefer to decline care of Russian interests and hope you will arrange my acting for Italy alone.

AMERICAN AMBASSADOR

File No. 704.6167/3

The Secretary of State to the Ambassador in Turkey (Morgenthau)

[Telegram]

WASHINGTON, *June 4, 1915, 5 p. m.*

732. The Russian Government has so earnestly expressed its desire that our Embassy take over the representation of Russia, in case of war between Italy and Turkey, that the President asks me to lay the matter before you again. The Russian Government offers to provide all of the assistance that you need and will lighten the burden as much as possible. The President does not desire to insist upon your assuming this task and suggests that you cable us fully, giving your reasons for believing that the taking over of this representation would be unwise. We appreciate the fidelity with which you have discharged your onerous duties there, which is probably the reason why the Russian Government is so anxious to have you act for it, and this Government, of course, is desirous of accommodating other Governments whenever possible. It increases the influence that we can exert in behalf of peace when the time comes.

BRYAN

¹ *Ante*, p. 36.

File No. 763.72111/2291

The Minister in Roumania, Servia, and Bulgaria (Vopicka) to the Secretary of State

[Telegram]

BUCHAREST, June 7, 1915, 3 p. m.
[Received June 8, 7 p. m.]

Roumanian Government, influenced by recent Russian reverses, may remain neutral. It is questionable now whether Roumania will join the Quadruple Entente even if its demands are granted.

VOPICKA

File No. 704.6167/6

The Ambassador in Turkey (Morgenthau) to the Secretary of State

[Telegram]

CONSTANTINOPLE, June 6, 1915, 11 p. m.
[Received June 9, 8.45 a. m.]

733. Your 730 [732], June 4, 5 p. m. It being evidently part of the President's general plan to accommodate Russia I shall disregard all objections and consent to represent Russian interests.

AMERICAN AMBASSADOR

File No. 763.72119/65

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

[Telegram]

ROME, June 8, 1915, 7 p. m.
[Received June 9, 8.50 a. m.]

312. Miss Addams's commission here after visiting Berlin, Vienna. She thinks Austrian people suffering from want of food; German people not suffering owing to better organization. She thinks, while both ready for all sacrifices, strong popular undercurrent exists favoring peace but without possibility expressing views. She reports that all belligerents saying impossible for them to propose terms or open negotiations, which must emanate from without. Italy holds that not time for peace proposals yet. Miss Addams has some plan for peace convention of neutral powers for opening discussion and presenting peace proposals. Pope informed her he would send representative from [a] neutral country; also spoke of America's opportunity for great accomplishment.

AMERICAN EMBASSY

File No. 763.72/1860

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

[Telegram]

ROME, June 11, 1915, 4 p. m.
[Received 9 p. m.]

324. Russian Ambassador De Giers last night presented an interesting view that rupture of relations between America and Germany

would have enormous moral effect, even more perhaps than immediate declaration of war. He thinks war would almost certainly follow soon. Also says present Russian retirement before Germans strategic and he has no apprehensions of final result.

Italy not yet at war with Germany or Turkey but will declare war the day after she finds German troops with Austrians. War will also probably be soon declared with Turkey. Italy's allies urgently wish it.

AMERICAN EMBASSY

File No. 763.72111/2314

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

[Telegram]

ROME, June 15, 1915, 1 p. m.

[Received June 16, 8.30 a. m.]

328. Learn confidentially from reliable sources Greece will probably go to war in about three weeks. Quadruple Allies now working on Bulgaria and treating with Serbia to concede part of Macedonia to Bulgaria. Serbia, however, so far refuses and, I hear, would retire from offensive against Austria should Allies press subsequent concession. This might delay Greece's entry.

NELSON PAGE

File No. 763.72119/68

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

No. 927]

WASHINGTON, June 17, 1915.

SIR: The Department has received information from numerous sources concerning the attitude of the German people toward the present war and, in order to be correctly informed, desires that you send confidentially full and complete reports concerning the feeling of the German people on the following lines:

- First, the relations between the Foreign Office and the General Staff;
- Second, the strength of the Socialistic Party and how far it is in sympathy with the military régime;
- Third, concerning the group known as the *Bund Neues Vaterland*;
- Fourth, as much as possible concerning the feeling of the general public toward the war and especially the war methods adopted by Germany;
- Fifth, the attitude of the general public regarding the future of Belgium.

In reporting on these matters it is respectfully suggested that you consult various sources in Germany, in order that the Department may have on file information of an important and unbiased nature.

I am [etc.]

ROBERT LANSING

File No. 763.72111/2381

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

[Telegram]

ROME, June 29, 1915, 11 a. m.

[Received 2.15 p. m.]

341. Before declaring war against Turkey Italy will wait till opportunity given Italians to leave Ottoman Empire. It is believed Greece will advance immediately in Albania. Bulgaria seems present key of situation; will probably espouse the cause of Allies if Italy sends considerable forces to Dardanelles but at the moment Italy seems fully occupied with Austria.

NELSON PAGE

File No. 763.72119/83

*The Ambassador in Germany (Gerard) to the Secretary of State*¹

No. 1200]

BERLIN, July 13, 1915.

[Forwarded to the President July 29.]

SIR: I have the honor to acknowledge the receipt of the Department's instruction of June 17 relative to certain conditions in Germany, and to reply as follows:

I. The Foreign Office complains bitterly that it is under the control to a great extent of the military and naval authorities. Von Jagow told me that Bismarck had the same difficulty in 1870 and that he speaks of it in his memoirs. In this war there has been added the influence of the Marine Department, headed by Von Tirpitz, a popular character (largely on account of his aggressiveness and his beard), and the Marine Staff and Marine Cabinet, all independent and all reporting direct to the Kaiser. In fact all measures are agreed on by a sort of junta consisting of the Chancellor and Foreign Office, Von Tirpitz, Von Müller (Naval Cabinet), Behncke (Naval Staff, Berlin), Von Falkenhayn (General Staff), the Emperor, and sometimes, on commercial questions, Delbrück of the Interior Department, and people like Ballin (of the Hamburg-American Line) and Von Gwinner and others of big banks. The influence of Von Tirpitz is great; Falkenhayn is a courtier and has the ear of the Emperor, while the Chancellor bores the Emperor to death. On the submarine-warfare question Von Tirpitz wanted to establish a blockade of individual English ports, while the Admiralty Staff, of which Von Pohl was the head, at that time, succeeded in carrying through the proposition of a war zone and the general submarine war as now carried on. The Admiralty people have a very effective press bureau. The War Ministry has taken a purely administrative place.

¹Memorandum attached by the President July 31: "My dear Mr. Secretary: This is really a very interesting report, and the paper enclosed is little less than amazing in its detailed revelation of the whole German state of mind as (I have no doubt truthfully) represented by these various associations. Faithfully yours, W[oodrow] W[ilson]"

II. The Socialist Party had agreed to "bury the hatchet" during the war. Liebknecht himself told me that they were united and relied on the army and that they must stand against Russian *Czarismus*. This was before the *Gott-strafe-England* craze. There is now quite a split, the party leaders like Haase, Bernheim, and others being ready to criticize the Government and ask about the object of the war, but I am convinced the majority is against them; they cannot however be read out of the party except in a general assembly which they are not allowed to hold. A small number are in favor of annexing Belgium. I think it is safe to say that the Socialists are for the war but against annexation of more territory.

III. The more prosperous Germans are divided into two groups: One, composed of *Junkers* (country squires) and the ultra conservatives and royalists, is for an understanding with Russia after the war; the other group, consisting of shipowners, manufacturers and bankers and business men, is for an understanding with England. The *Bund Neues Vaterland* represents the latter group; an abstract of a leaflet issued by this *Bund* to its members, confidentially, is enclosed.¹

IV. The spirit of the people is absolutely unbroken; they believe in ultimate victory and certainly have had no defeats. The wonderful organization takes care of everyone; money is plentiful, in fact there is a period of inflation. Wives of soldiers get a war allowance and so much per child and are better off than in peace times.

Public works, such as extending the underground railroad in Berlin, are being carried on. Small towns and villages feel the war more than Berlin; but there are no signs of failure of war spirit. Perhaps if the war means another winter campaign there may be a different spirit. I have heard many hints to that effect.

As to Germany's war methods, they have the full approval of the people; the sinking of the *Lusitania* was universally approved, and even men like Von Gwinner, head of the German Bank, say they will treat the *Mauretania* in the same way if she comes out.

V. The general public want to keep Belgium. They say the sacrifices of the war demand a compensation. They are led by the official opinion. Only the Socialists want no new territory and there is a dissenting party even among them. People in Government circles say that to give up Belgium would be to invite a revolution and the expulsion of the Hohenzollerns. The whole German people is dangerously mad. I cannot give you in detail the sources of my information, most of it is confidential, but I have personal relations with all classes.

I have [etc.]

GERARD

File No. 704.0067/6

The Ambassador in Turkey (Morgenthau) to the Secretary of State

[Telegram]

CONSTANTINOPLE, August 5, 1915, 6 p. m.

[Received August 7, 12.25 p. m.]

911. Yesterday Italian and Russian interests at Smyrna were turned over to our Consul. Interests of Italy, Russia, and Monte-

¹ Not printed.

negro everywhere in the Empire except at Constantinople are now in our charge. There are no officials here that can be spared to take charge of Adrianople and Brusa. Can you send me some for that purpose? There are no Americans at Adrianople and the two at Brusa are unsuitable for the purpose.

Italian subjects have been prevented from leaving Mersina, Alexandretta, and elsewhere. Italian Ambassador gave Ottoman Government ultimatum expiring to-day to permit these departures. Turkish Government has yielded on all points and I am now requesting *Des Moines* and *Caesar* to call at Mersina, Alexandretta, and also at Sighajik to transport the Smyrna Italians to Rhodes. Inform Italian Government.

MORGENTHAU

File No. 763.72/2033

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

[Telegram]

BERLIN, August 14, 1915, 5 p. m.

[Received August 15, 5.15 p. m.]

2734. There is hope here of capturing a large part of the Russian Army. If this happens there is expectation that Sweden will move into Finland and that one or more Balkan states will side with Germany, even Servia making terms with Austria.

Believe Baron Burian was here secretly yesterday probably on Polish question or hope of arrangement with Servia. Talk here of neutral conference with either Sweden or Holland at head.

Demarcation between parties favoring annexation or against it becoming marked. Great industrials led by Krupp's, which is employing martial law, and accelerators of public opinion are for annexing Belgium and northern France, and the *Junkers* are for increasing agricultural influence and counterbalancing this increase of industrial influence by annexing Poland and Baltic provinces of Russia. Germans fear that if Poland becomes part of Austrian Empire the Empire will then be Slav. Body reasonable men led by Princes Henckel von Donnersmarck and Hatzfeldt, Professors Delbrück, Dernberg, Harnack, head of library, and others are opposing annexation, all secretly. Probably Reichstag will be petitioned to allow discussion of objects of war at present forbidden.

Believe Turks under German supervision now producing plenty of ammunition. Over two thousand big shells a day.

GERARD

File No. 763.72/2041

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

No. 646]

VIENNA, July 30, 1915.

[Received August 17.]

SIR: Adverting to my despatch No. 315 of January 29 last,¹ which was a statement of conditions in Austria-Hungary after six months

¹ *Ante*, p. 10.

of strife, I have now the honor to submit a report dealing with facts and conditions in the Monarchy at the end of a full year of warfare.

The report is written from a conscientious standpoint and is meant to record conditions and circumstances as viewed at close range by one having dependable advantages for securing information. The report is meant to have no tinge of bias.

I have [etc.]

FREDERIC C. PENFIELD

[Enclosure—Extracts]

AUSTRIA-HUNGARY AFTER A YEAR OF WAR

VIENNA, July 29, 1915.

War's vicissitudes in superlative contrast have been illustrated by the experiences of Austria-Hungary in the year of unceasing conflict ending yesterday. For eight months success seemed resolutely forbidden to the arms of the Hapsburg Monarchy by fate. The hordes of Russia had grown accustomed to holding a greater part of the vast province of Galicia, and Lemberg had come to be regarded almost as a Russian city. The invasion of Serbia had not produced the purpose for which Austria-Hungary avowedly had gone to war; indeed, the bloodless expulsion of the Austro-Hungarian forces from Belgrade after occupying the Serbian capital for fourteen days possessed many of the characteristics of a fiasco. Two campaigns against Serbia had ended disastrously.

With the Muscovites fairly through the Carpathians and thousands of them on Hungarian soil; with the Bukowina seemingly wrenched forever from Francis Joseph's rule; with daily reports of the failures and dethronement of Potiorek, Franck, Auffenberg and other once-popular generals, and gossip dealing with various idols of the military caste; with the navy secluded in Adriatic harbors and doing nothing save an occasional dashing performance of a submarine boat; and with hospitals everywhere so filled with wounded from the several theaters of war that it seemed as if the land had been transformed into a shambles, it was indeed difficult for an impartial observer in Vienna to recognize any of the vaunted glories of war.

No public enthusiasm in these long eight months was perceivable, and the speech of every Austrian discussing the conflict was against a continuance of a war that meant only loss of territory and impairment of prestige. From Italy constantly came mutterings pregnant with bellicose possibilities. Serbia, the acknowledged cause of the war, had escaped punishment by Austro-Hungarian troops, but was almost prostrate by ravages of cholera and fleck-typhus. The humiliating news of the fall of Przemysl, with the reported loss of 120,000 soldiers and civilians, produced a paralyzing effect on all classes in the Dual Monarchy.

New alignments heavily reinforced by German officers and German soldiers then appeared in Galicia, with all possible power focused on Przemysl. The giant Austrian fieldpieces in time began to silence the outlying forts of Przemysl, and the prediction soon followed that the Austro-German armies had the fortress city surrounded and that it was but a matter of days when Przemysl would capitulate. The prophecy was fulfilled, and it was the first dependable good news that Austria-Hungary had received in eight months of warfare. Vienna was gaily decked with flags, and the changed mood of the people became more than apparent; they perceived the first glimmer of hope, and this spark quickly blazed into firm belief in final victory over Russia. Newspapers began giving in detail accounts of national victories in place of the brief reports confessing defeats sugar-coated with phrases like "strategical realignment" and "masterly retreat."

Then on the 24th of June the Austro-German armies captured Lemberg, which had been in occupation by the Russians since the 3d of September, 1914. Vienna went wild with joy over this news. For two days and evenings celebrating processions filled the streets, the capital was drowned in bunting, a *Te Deum* was sung at the Cathedral, and happiness reigned everywhere.

From the Balkans came reports that Roumania and Bulgaria were not as certain of entering the conflict as when the Russians were carrying everything before them. The setback experienced by the Tsar's armies caused Balkan statesmen to think twice before urging their Governments to take chances as

combatants. The expectation had been that Roumania would declare war against Austria-Hungary following Italy's declaration.

June 28 was the anniversary of the Sarajevo tragedy, and on that day nearly every journal in Austria-Hungary printed editorials teeming with prophecy that the murder of the Archduke Francis Ferdinand was certain to be gloriously avenged.

The military fortunes of Austria-Hungary had changed with the conquest of Lemberg, as if by magic. It was known in military circles that the count of prisoners and booty at Lemberg, as at Przemysl, was not great, for the Muscovites had at both places systematically removed nearly everything of value. The Russians, now in full retreat, were pressed in their rout until two great Austro-German armies were actually pursuing them on Russian soil. Austria was justified in her happiness, certainly. The cry now is "On to Warsaw!" Austrians dislike to admit that control of their offensive against Russia has passed to German generals, but it is the practical fact.

ITALY'S ENTRANCE INTO THE WORLD WAR

Excitement over Italy's entrance into the struggle ran high in Vienna, and evidences of patriotism reached a climax. No other declaration of war had raised half the ardor. No Austrian remained indifferent to his country's claim of Italian treachery and ingratitude, and all classes sought to participate in combating the new enemy of the southwest in the most effective manner open to them. In Vienna thousands of people paraded the streets, singing national songs and cheering the Emperor, the Kaiser, Germany, and the army and navy. There were loud cries against Italy, and before the War Ministry many speeches were made.

The *Narodni Politika* of Prague discussed editorially Italy's move and said: "The Monarchy has no fear of the war, which it will undergo victoriously and gloriously, with all the more certitude because of the loyal assistance of Germany."

The *Hlas Naroda* of Prague said that the people of Austria and Hungary would "prefer a war with Italy to purchasing an untrustworthy and untenable friendship with heavy sacrifices."

In the determination to punish Italy the Austrians dropped the campaign against Serbia, and comportedly saw their Balkan foe in collaboration with Montenegro seize what those kingdoms wanted of northern Albania, now a no man's land, whereas but a year and a half before the desire to participate in the rule of the fledgling country was the bent of European diplomacy. Austria-Hungary had ceased to care what became of Albania. In her detestation of Italy the Monarchy of the Hapsburgs had modified her hatred of other enemies; France was almost forgiven, and Great Britain also would have been were it not ordained from Berlin that England had made the war and must be punished.

His Majesty Francis Joseph obviously had known that Italy's declaration of war was on the way, inasmuch as he issued a manifesto¹ to his troops on the 23d of May scarcely more than an hour after the Italian Ambassador had left the formal communication at the Ministry of Foreign Affairs in Vienna. The aged Emperor's pronouncement was a wonderful composition. It breathed no anger, but was vibrant with the pathetic reproach of one stricken by what he called the "perfidy" of a King who for many long years had been a trusted ally. No monarchical utterance in the course of the war bears any similarity to it, perhaps nothing epistolary in the history of the Hapsburgs equals it.

ESTIMATE OF NUMBER OF SOLDIERS FIGHTING FOR AUSTRIA-HUNGARY

If there be an official who knows how many soldiers Austria-Hungary has called up, his name cannot be learned. Probably not five functionaries in the War Ministry know the number, and for the best of reasons these will not talk. It is a conservative estimate, however, that 4,500,000 men have been called to the colors, and that 3,000,000 soldiers are now at the several fronts. In like manner it is reasonable to believe that the casualties in the year of conflict—killed, wounded, ill, and lost—is 1,500,000. An American official from Petrograd recently assured me that Russia had in the neighborhood of 750,000 Austro-Hungarian prisoners. These cannot all be military captives, as approximately

¹ Not printed.

100,000 civilians were removed from Przemysl to Russian detention camps, most of them being sent to Siberia, while some were sent practically to the Persian frontier.

One of our official American Army "observers," who passed eight months on the fighting line in Galicia, recently assured me that after the long series of sanguinary and disastrous encounters with the Russians a field division was reduced from 15,000 men to about 200. Another division unit that he had campaigned with had undergone practically three changes in its personnel, meaning that the first two complements had been killed or become ineffective through wounds, illness, or taken prisoners.

It is claimed that 500,000 men are at present being trained to go to the front. The limits of age for service have now reached the extremes of eighteen and fifty years.

The withdrawal of so many men from industrial vocations naturally makes an appreciable inroad upon the prosperity of the Empire. The men's places as far as possible have been taken by women, old men, and boys. Women are employed in innumerable ways, especially in cities and large towns. In Vienna where tramcars run in pairs the rear car is nearly always in charge of a uniformed woman who collects fares and performs the other duties of the position as well as a man could do them. Thousands of women and girls work in ammunition factories, and more than half the field work in this vast country is performed by women. . . .

EVIDENCES OF RACIAL DIFFERENCES OF OPINION

In a Monarchy possessing so many races of humanity it was not to be expected that Austria-Hungary could engage in war without developing internal difficulties, but for political reasons no public acknowledgment could be made of these troubles. This was foreseen when the conflict began.

The most serious trouble has been with the Czech population of Bohemia and Moravia, and from time to time Vienna has heard whisperings of situations in which the Czech people were playing a rôle approaching open revolt. The Bohemian capital, Prague, has been the focal point of these dissensions. So bound up with the Slavs are the Czechs that Russian victories have been celebrated in parts of Bohemia in a manner defiant of the authority of the Emperor. In Prague cafés and clubs there have been frequent demonstrations of disapproval of Germany and undisguised preference for the Allies.

For months there were frequent reports of mutiny in Bohemian regiments, with some of these commands being decimated by execution as a warning. According to rumor civilian agitators against Austrian rule have also been put to death on short notice.

The Embassy is in possession of a report written by a Bohemian correspondent to a newspaper in another country, reading:

The situation in the Czech-speaking parts of Bohemia and Moravia during recent weeks has become very acute. The Moravian Statthalter, Baron von Leyleben, has been maintaining for some time a very strict régime, and several persons have already been executed on the charge of carrying on a Russophile propaganda.

At Kyjov, Moravia, twelve persons have been hanged for having circulated a manifesto of Grand Duke Nicholas to the peoples of Austria. Recently a Czech member of the Diet, Dr. Fischer, of Brünn, was condemned to death because it is alleged he caused the manifesto to be prepared in his office. Another Czech politician, Slama, a counselor of the courts and member of the Reichsrath, was sentenced to two years' imprisonment on a charge of high treason.

In Bohemia an open policy of persecution against Czech political quarters has been initiated. The arrest of Dr. Kramarz, the Young Czech leader and member of the Reichsrath, and of Dr. Scheiner, president of the Slav Sokol Union, who were deported to Vienna and there placed under arrest, caused great excitement among the population. The Government has taken extensive measures to maintain public order in Bohemia. All the Czech regiments have been sent to towns outside of Bohemia. It is asserted that this measure is connected with the fact that the Czech regiments of Prague and Pilsen, the Twenty-eighth and Thirty-fifth, surrendered without fighting to the Russians in Galicia at the beginning of April.

Besides racial troubles in Bohemia and Moravia, the Government has had similar problems to deal with in other parts of the Empire. In Trieste and neighborhood persons of Italian blood and sympathies for months presented many difficulties to the Central Government, and the southern Slavs in Bosnia, Herzegovina, and along the Servian and Montenegrin borders have from the inception of the war been a constant menace. In all these places scores of persons have been put to death for treason or treachery.

CONTROLLING THE CONSUMPTION OF STAPLE FOODS

Germany's scheme for regulating the consumption of cereals in a manner establishing a *per capita* amount having worked so well, a like program was adopted four months since by the Austro-Hungarian Government, when "bread cards" came into operation in cities and large towns. It has worked well in Vienna, where every inhabitant from peasant to prince—and ambassadors have fared the same—has been furnished with cards calling daily for either 490 grams of bread or 350 grams of the mixture from which the war bread is made.

It would be difficult to say just what substances are mixed with the wheat to produce this mixture; but Indian meal, barley, and other coarse cereals are known to be in the compound, and probably some potato flour as well. The "bread card" is arranged in coupons to accommodate persons not always dining at home or who circulate in places out of Vienna.

In view of the satisfactory crops being gathered in most parts of Hungary and Austria, the Government now makes announcement that in a few weeks there will be an abundance of wheat and rye flour at the price at which it is taken from the farmers. This means a return to normal conditions, with a disappearance of the mysterious *mélange* now issued by official decree. White bread for months has not been seen in Austria, while Hungary has had none too much.

Public economy has been regulated in other dietary forms, as in meats, which can be procured at markets on but five days in the week. Even horses are forced to contribute in conserving the resources of the Monarchy, for their oats and corn have been greatly reduced. Every class of horse proves its short rations by accentuated ribs and moderate gait. The horses of landed aristocrats, whose estates are producers of grain in quantity, fast in a like measure with the animals of town hucksters.

Away from the capital nearly every town has its special program of food conservation. In certain places milk can be had only in meager quantities. In Fiume, for example, butter cannot be had at any price, and no individual can buy more than four eggs at a time. Naturally the cost of all forms of food has risen prodigiously, in many instances from two to three hundred per cent. The authorities are vigilant against extortion or speculation in necessities, it should be added.

Through the aid and encouragement of the Vienna City Council some 700 acres of building lots and park land within the city and in the immediate vicinity have been converted into "war gardens" and planted with miscellaneous crops. The larger portion of the ground is being cultivated directly under the municipality, which will sell this produce to the public at reduced rates. The labor employed includes 500 Russian prisoners of war and a large number of women. In addition about a thousand plots of land have been let to private persons at nominal rents, and about 30 acres have been allotted free to school children, who are given the produce.

For the better provisioning of the city Vienna is building an immense cold-storage warehouse capable of containing 1,700 tons of meat, besides great quantities of fish, poultry, eggs, and other provisions. It will be a two-story structure 360 feet long, 110 feet broad, and with a floor area of 36,000 square feet.

EXPEDIENTS FOR RAISING WAR NECESSARIES

Warfare creating scores of uses for metals, especially copper and the mixtures of which copper is the chief component, it was feared that a dearth of these might cripple Austria-Hungary in the war. The popular belief had been that there was not sufficient copper to supply the ammunition factories, whereas in reality Austria-Hungary secured in the early months of the conflict large quantities of copper from America by transshipment through neutral lands. The amount imported through Italy was enormous, and when Italy

checked the traffic a smaller but constant importation of the metal through Roumania has been in progress.

For several months there have been "war-metal collections" in all cities and towns of the Empire, with wagons going from house to house with the patriotic appeal. Every description of metal has in this manner been gathered in, ranging from mantel ornaments to chandeliers and stair rails. For weeks it was a familiar sight in Vienna to see the "war-metal" men on their rounds, who would receive from householders every form of useful and useless metal which patriotic ardor would prompt them to contribute. Even old bathtubs and brass crucifixes were loaded upon the wagons with the cheering approval of spectators.

Churches have been levied upon as well, with the result that hundreds of cracked and ancient bells have found their way to the melting pot. From St. Stephan's Cathedral in Vienna a massive but obsolete bell was removed, and has probably been fabricated into cartridge cases. The Bishop of Trieste turned all superfluous church bells of his diocese over to the Ministry of War to be converted into ammunition.

There are deposits of copper in the Dual Monarchy, not rich enough, perhaps, to compete with foreign mines in normal times; but these mines, I am advised, are now being worked, and their product must be vitally helpful to a nation at war and shut off from the markets of the world.

In like manner the Catholic churches have been drawn upon to yield their share of the sinews of war to the Empire of the Hapsburgs in its hour of need. There has never been any publicity given to this form of national assistance, and it would probably be denied. But it is a fact, nevertheless.

On a recent visit to the shrine church of Mariazell, in Steiermark, the sacristan showed me several empty cases in the treasury of the church and explained that their contents—pearls, diamonds, rubies, and other gems—had been sold by orders from a high source and the money devoted to war purposes.

For hundreds of years devout Catholics have made pilgrimages from all parts of Europe to this shrine, and many have been the bequests of prized articles for benefits believed to have been conferred as a result of the visit to the miraculous church in the mountains.

WANING SUPPLIES OF COTTON AND RUBBER

In the matter of certain important commodities the Monarchy appears to be in danger of running short in the near future. Four months since a reliable cotton expert assured me that the country had but sufficient staple to last four or five weeks, and that with England's commercial blockade of Germany a cotton famine was certain. That calamity has not occurred, and Bohemian and Hungarian mills seem to be turning out their wonted amount of sheeting and other fabrics. It is claimed that the excess of raw cotton that for months was shipped from America to Greece, Roumania, and Bulgaria eventually found its way to this Empire.

Rubber is an essential that is becoming scarcer with the lapse of each day. The Government, using many thousand automobiles and motor trucks in the war, commandeered practically all tires in sight months ago. The value of a standard tire has consequently doubled or trebled in the last few weeks, and the expectation is that two months hence tires cannot be had. Old tires and discarded articles of rubber command a high value from tire manufacturers. The giving out of tires would seriously cripple the army, and no one seems to know how the Monarchy can procure fresh rubber supplies.

A normal supply of benzine is assured from the reconquered Galician oil fields in the not distant future, or as soon as the refineries can be rebuilt.

In the natural order of things tea should be exhausted before the arrival of winter. It is expected that all necessary coffee can be obtained from neutral Holland. Austria is a large producer of beet sugar. Tobacco for the Government *regie* can probably be had from Turkey throughout the remainder of the war, but Habana and Porto Rico tobaccos as well as Egyptian cigarettes have disappeared from sale.

Statistics purport to show that Austria-Hungary's foreign trade for the first half of 1915 had fallen approximately one half over the same period last year. The decline in imports is claimed to be 55 per cent, and exports 45 per cent. Imports from the United States have sunk to the vanishing point—there are none.

WAR'S CRUSHING COST

What has the war cost Austria-Hungary? No person can tell, not even His Majesty or the Imperial and Royal Minister of Finance. So stupendous is the sum that its statement in exact figures would bewilder even a statistician. The Finance Minister might be able to state the aggregate amount of drafts on the treasuries in Vienna and Budapest, but this could only be an aid in computing the direct cost of the year of warfare. The indirect cost, with business paralyzed and Austria-Hungary's foreign trade reduced to almost nothing, with disappearance from all seas of the flag of the Empire, and but little coming in from import duties, is probably twice as great as the recorded direct expenditure.

It has been estimated that the actual cash cost of Austria-Hungary's participation in the conflict is \$7,000,000 a day, week in and week out. If so, this known outlay totals \$2,555,000,000.

When the war was in its early months, a Vienna financier of recognized intelligence predicted that if the conflict lasted a year, Austria-Hungary would be helplessly bankrupt, whatever the outcome of arms. It should be borne in mind that the Monarchy's cash box was far from full when the war started. A period of commercial depression occasioned by two wars in the neighboring Balkans, with more than one scare caused by mobilization against Russia, had had the effect of bringing lean years to Austria-Hungary. Stated mildly, the nation's finances were anything but flourishing when the ultimatum was sent to Serbia.

In both Austria and Hungary there have been two war loans. With much appealing to patriotism and arrangements with banking houses to invite subscriptions on terms suggestive of what might be described as an instalment plan, the first loan produced about \$500,000,000. Nobody seemed cheerfully to subscribe, for up to that time the Dual Monarchy had had no success in the war, none whatever. The Servian campaign had produced nothing but disappointment, and the Russians were in occupation of a greater part of Galicia.

The second war loan of a few weeks since was represented to have produced upwards of \$725,000,000, and was stimulated by the series of Austro-German victories in the north that included the retaking of Przemysl and Lemberg. The entrance of Italy into the war at the time of the Austro-Hungarian appeal to the public was also helpful in causing people to lend their savings to assist in defending the Monarchy. But still, almost at the moment when the latter popular loan was closing, announcement was briefly made in Vienna journals that Austria had just borrowed the equivalent of \$62,000,000 from a syndicate of German bankers.

Both public loans were made at such an unusual, high rate of interest and on such terms that this war money costs the Government about 5¼ per cent.

My despatch No. 561 of June 3, 1915,¹ explained certain methods of "high finance" that had been employed for securing subscription to the war loans.

Throughout the course of the war it is known that the Government has issued "Treasury notes" to an amount almost unbelievable. It is further known that a tremendous inroad has been made upon the gold reserve of the Government to pay for supplies and commodities purchased abroad. This diminution of the bullion reserve was reflected in the gradual decline in exchange value of the paper money of the Dual Monarchy. Not for years have gold coins been used in ordinary commercial transactions. At present Austro-Hungarian currency measured in American value is worth considerably less than 70 per cent of its face. In normal times drafts on America bring four crowns and ninety-three hellers to the dollar. The present rate of exchange on American drafts is six crowns and sixty hellers.

A well-informed neutral banker provided this analytical judgment several weeks since (before the second war loan,) of the financial position of Austria-Hungary:

Money is plentiful, that is to say, paper money and silver and nickel coins. More than \$1,500,000,000 of paper money has been issued in the Dual Monarchy since the beginning of the war. The gold covering for the paper circulation has decreased during the same period from nearly \$350,000,000 to about \$150,000,000. But gold is only needed for purchases of food and war materials from abroad, and these are restricted to a

¹ Not printed.

minimum. At one moment when the Russians were nearly through the Carpathian Passes, and people in Budapest were preparing to move to Croatia and elsewhere, Austrian paper was at a discount of more than 40 per cent in Roumania, Switzerland and other countries; but with the improvement of the military situation, the discount fell and stands now at about 25 per cent. As far as I am aware, the Austro-Hungarian State Bank has not lent gold to the German Imperial Bank. On the contrary, the German Imperial Bank lent some \$40,000,000 in gold to Austria-Hungary before the Italian declaration of war. Most of this sum was spent in buying foodstuffs from Italy. If hostilities were to cease and peace were to be signed to-morrow, Austria-Hungary would as a bookkeeping fact be bankrupt. She might be able to pay a dividend of 11 per cent to her creditors, but not more. Austria-Hungary needs more than \$100,000,000 in gold every year for the service of her foreign debt alone, and all the large Austro-Hungarian banks have heavy gold debts abroad. But Austrian and German financiers are buoyed up by the belief that a huge war indemnity will be secured and that the enemy will have to pay for all expenditures.

Of course the concluding passage of the above was the language of hope in its wildest flight, to say the least. Whatever prospect Germany may have of pecuniary or territorial gain, poor Austria, battling with four enemy neighbors, can have little hope of solvency that is dependent upon victory. As a matter of unsentimental fact it is the expectation of many Austrians that Germany will exact prodigious reward for sending relief to Austria-Hungary in the hour of the Empire's desperate needs, fully as much as a conquering alien would demand.

A PAGE FROM NINETEENTH CENTURY AUSTRIAN HISTORY

(Appended only as an interesting fact, and not meant to have application to present-day conditions in a great Empire very different from the undeveloped Austria of the period of the Napoleonic wars.)

That a nation cannot be bankrupt is a trite saying, but the student of history knows that the Austrian Government in 1811 declared itself insolvent and went through the form of "wiping out" 80 per cent of its obligations. This catastrophe had been gradually worked up to by the financial disasters of the preceding years, caused by the enormous expense of the Napoleonic wars.

Continual war loans since 1792, which were little better than taxes in disguise, had impoverished the people. The scarcity of gold and silver coins, and the necessity of melting down church vessels, had led to the emission at different times of a huge quantity of paper money called *Banco Zettels*, which by the patent of February 20, 1811, were declared to have shrunk 80 per cent of their face value. Meanwhile rates and taxes were raised five times their original amount, and had to be paid in new currency. This operation beggared many people overnight.

The reasons given for these drastic measures were the expenses of the wars and the unfavorable peace signed at Vienna in 1809. Various expedients like state lotteries had been tried, but without sufficient success to prevent the radical step of the Government. The sum represented by the fiat *Banco Zettels* was more than a milliard, Austrian histories tell us.

In 1810 trade had sunk to a minimum. Wild industrial ideas were exploited, communication was difficult, and duties exorbitant. The Emperor agreed to pay certain officials out of his private fortune, but demanded in exchange that his people give up their silver with the exception of spoons, seals, and medals. Hungary not being subject to this ordinance, many wealthy people smuggled their silver over the border to save it.

File No. 763.72119/81

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

No. 1173]

PARIS, August 6, 1915.

[Received August 19.]

SIR: I have the honor to report that the appeal made by the Pope to the belligerent nations and to their chiefs on the anniversary of

the beginning of the war has been coldly received by the French newspapers. While they do not question the sincerity of the Supreme Pontiff in his desire to bring about a termination of the sanguinary conflict, they maintain that he should distinguish between the aggressors and those nations who only took up arms to defend themselves. They remind the Pope that the war was not the outcome of the elementary forces of nature, but was the result of premeditation and that consequently it is unjust to treat all the belligerents as if they were fighting under equal terms inspired by the same motives. Recalling the invasion of Belgium and the violation of the neutrality of Luxemburg, they ask why those who are contending for the independence of nations and for the respect for international agreements should be confused with those who have shown a contempt for right and principle.

It is interesting to note in this connection that the Pope's appeal was closely followed by a request addressed by the French cardinals to the French bishops to set apart a day of prayer in order "to obtain with the triumph of French arms an enduring peace."

Appropos of this subject, the message of President Poincaré yesterday to the French Chamber is worthy of mention; the last paragraph of that message is significant. It is as follows:

The only peace which the Republic can accept is that which will guarantee the security of Europe, which will allow us to breathe, to live and to work; which will reconstitute our dismembered country; which will repair our ruins and will efficaciously protect us against all offensive recurrence of Germanic ambitions.

Inasmuch as only that kind of peace for which President Poincaré stands is advocated by rational peace advocates, it would seem as though a better understanding all round is needed.

I have [etc.]

W. G. SHARP

File No. 763.72/2052

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

[Translation]

No. 2651]

BEVERLY FARMS, MASS., August 21, 1915.

[Received August 23.]

MR. SECRETARY OF STATE: I have the honor by order of my Government to bring the following to your excellency's knowledge:

From the date of the signature of the treaty of peace of Lausanne on October 18, 1912, the Ottoman Government has been violating that treaty and the violations have not ceased for an instant until now.

As a matter of fact the Imperial Government never adopted in earnest any measure to bring about the immediate cessation of hostilities in Lybia, as it was bound to do under its covenants solemnly entered into; and it did nothing toward the release of the Italian prisoners of war. The Ottoman soldiers remaining in Tripoli and Cyrenaica were kept there under command of their own officers, continuing to use the Ottoman flag, holding possession of their rifles and cannons. Enver Bey continued to direct in person the

hostilities against the Italian Army until the end of November 1912, and Aziz Bey did not leave those parts with 800 men of the regular forces until June 1913. The way in which both these commanders were received on their return to Turkey is proof evident that their acts were fully assented to by the Imperial authorities. After Aziz Bey's departure, on the other hand, officers of the Turkish Army continued to find their way into Cyrenaica. On this very day there are more than a hundred there whose names are known to the Italian Government. In April last thirty-five young men from Benghazi whom Enver Bey had taken in December 1912 to Constantinople against the will of the Royal Government and who were there admitted into the military academy were sent back to Cyrenaica without our knowledge. Again the King's Government positively knows, any declaration to the contrary notwithstanding, that the holy war was also proclaimed against the Italians in Africa in 1914. And a mission of Turkish officers and soldiers bearing gifts to the Senussi chiefs in rebellion against the Italian authorities in Lybia were recently captured by French warships.

The relations of peace and friendship which the Italian Government thought it could establish with the Ottoman Government after the treaty of Lausanne therefore never existed, through the latter's fault. And after every diplomatic representation against violations of the treaty had proved utterly useless, there remained nothing for the Royal Government to do but to provide otherwise for the safeguard of the high interests of the state and the defense of its colonies against the persistent menace and the actual acts of hostility on the part of the Ottoman Government.

It became all the more necessary and urgent to reach a decision as the Ottoman Government quite recently committed patent invasions of the rights, interests, and very freedom of Italian citizens in the Empire, the more energetic protests entered on this point by the King's Ambassador at Constantinople being of no avail. In the presence of the tergiversations of the Ottoman Government on the specific point of letting Italian citizens freely depart from Asia Minor, these protests had, in these last few days, to assume the form of an ultimatum. On the 3d of this month, the Royal Ambassador at Constantinople addressed by order of the Royal Government a note to the Grand Vizier setting forth the following four demands:

1. That the Italians be free to leave Beirut.
2. That the Italians in Smyrna, the port of Vurla being unavailable, be allowed to leave by way of Sighajik.
3. That the Ottoman Government let Italians embark unmolested from Mersina, Alexandretta, Haifa, and Jaffa.
4. That the local authorities in the interior stop opposing the departure of Royal subjects proceeding to the coast, and, on the contrary, endeavor to facilitate their journey.

On the 5th of August, before the expiration of the term of forty-eight hours set in the Royal Government's ultimatum, the Ottoman Government, in a note signed by the Grand Vizier, accepted every point in the Italian demands. On the strength of such solemn declarations, the King's Government arranged to send two ships to Rhodes with instructions to await orders to proceed and take on

board the Italian citizens who for some time had been staying in the above-named ports of Asia Minor until they could return home. But now it appears from reports of the American consular officers, whom the United States Government has graciously authorized to assume the protection of Italian interests at various posts, that the Turkish military authority at Beirut canceled on the 9th instant the permit to leave granted but a short time before. It was likewise canceled at Mersina. It was further announced that the Ottoman military authorities had opposed the embarkation of other Italians residing in Syria.

In the presence of this patent breach of categorical promises made by the Ottoman Government in consequence of the Italian Government's ultimatum, the Royal Government has issued instructions to His Majesty's Ambassador at Constantinople to deliver a declaration of war on Turkey. And the declaration of war was delivered this day at Constantinople to the Ottoman Government by the King's Ambassador.

Accept [etc.]

V. MACCHI DI CELLERE

File No. 763.72/2113

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

No. 1412]

BERLIN, August 23, 1915.

[Received September 10.]

SIR: I have the honor to transmit for the files of the Department a copy of the text of the speech delivered by the Imperial Chancellor before the Reichstag on August 19, 1915.¹

The Chancellor first adverted to the present military situation, to the great results of the German offensive in Russia, and the inability of the French and Italians to accomplish anything, although the real state of affairs was concealed from the people of the enemy countries. Strong armies were free for new blows. He said that the legend that England had only entered the war to protect the small nations had become untenable even in England. England's record in the present war, her treatment of neutral maritime trade, the occupation of Greek islands for military operations, and the pressure put on Greece and the Balkan states, showed conclusively what respect she had for smaller nations. In the past her part as protectress had led to the annexation of the Boer republics, Egypt, the partition of Morocco, Persia, and Tibet. It was hypocrisy for a nation with such a record to accuse a country which had protected the peace of Europe for forty-four years, a period of conquest elsewhere, of militarism, barbarism, and thirst of conquest.

The true tendencies of England's policy were plain to any one who would read. The reports of the Belgian diplomats published by the German Government, but ignored in London, Paris, and Petrograd were remarkable testimony as to the banefulness of the English policy of isolating Germany and creating a situation of continual tension. He, the Chancellor, had nevertheless endeavored,

¹ Not printed.

after the death of King Edward, to reach an understanding with England, especially after the Morocco crisis demonstrated that England's *entente* policy was a constant menace to peace. Germany proposed an unconditional mutual promise of neutrality, and when this was rejected as going too far, proposed to restrict neutrality to wars where it could not be said that the power towards whom neutrality had been assured was the aggressor. England rejected this and suggested the following formula:

England will make no unprovoked attack on Germany and abstain from any aggressive policy against Germany. No attack upon Germany is included in any treaty nor provided in any combination to which England is at present a party and England will not adhere to any convention concerned with such an attack.

Germany considered that a promise merely to abstain from unprovoked attack could not well be the sole contents of a solemn treaty between civilized nations, and insisted that a clause be added to the effect that England would of course observe benevolent neutrality if war should be forced upon Germany. Mr. Asquith, in his speech at Cardiff October 2, 1914, had deliberately distorted the facts by stating that Germany had demanded neutrality in the event of Germany being engaged in war, in other words, that England give Germany a free rein whenever she chose the occasion to fall upon Europe. This was an unaccountable thing for a man of his position to do. When the German-English negotiations were in progress, the opportunity was given to avert any European war, any world war, by an understanding between the two countries. Germany was ready but England refused and will not rid herself of this guilt in all eternity. Shortly afterwards came the French-English exchange of notes, a defensive alliance which became practically an offensive alliance through the subsidiary agreements of the two general staffs and admiralties. Then came the naval agreement with Russia, and the anti-German ring around Germany was closed.

Adverting to the immediate origin of the war, the Chancellor stated that Sir Edward Grey had agreed with Germany that a direct exchange of views between Austria and Russia was far to be preferred to any other method. It had been insinuated that Germany had not been sincere in her endeavors to have discussion between Vienna and St. Petersburg kept up. But upon the receipt of a report from Count Pourtales, German Ambassador at St. Petersburg, that the Vienna Cabinet had categorically refused to enter into direct conversation, he, the Chancellor, had sent the following instruction to the Imperial Ambassador at Vienna:

Count Pourtales's report does not agree with your excellency's statement of the attitude of the Austro-Hungarian Government. Apparently there is some misunderstanding which I request you to clear up. We cannot expect Austria-Hungary to negotiate with Serbia with whom she is at war. But the refusal of any exchange of opinion with St. Petersburg would be a grave mistake. We are ready to fulfil our duty as an ally, but must refuse to permit ourselves to be drawn into a world conflagration by Austria-Hungary through her failure to observe our counsel. Your excellency will immediately speak with Count Berchtold in this sense with all possible emphasis and very solemnly.

The Ambassador's reply was that the misunderstanding was on the Russian side, and that Austria had made known to Russia her anxiety to enter upon conversations. The conversations were con-

tinued until the general mobilization of the Russian Army had been ordered. The Russian mobilization was the only thing that made war inevitable.

With regard to Poland the Chancellor said:

Gentlemen, our troops and those of Austria-Hungary have reached the eastern confines of the Poland of the Congress, and they are called upon to govern the country. Geographical and political fate have forced Germans and Poles for many centuries to fight each other. The recollection of this ancient antipathy does not diminish our respect for the ardor, devotion, and tenacity with which the Polish people has defended its ancient occidental culture, its love of liberty against Moscovitism, and which it has preserved even through the misfortune of this war. I shall not imitate the dissembling promises of our enemies. But I hope that the present occupation of the Polish eastern frontier will mean the beginning of a development which will sweep away the old antipathy between Germans and Poles and lead the country, freed from the Russian yoke, to a happy future in which it can cultivate and develop its own distinctive national life. We shall justly rule the occupied country, employing the indigent population wherever possible, and endeavor to remove the unavoidable difficulties which the war brings with it and to heal the wounds which Russia has inflicted upon the country.

The dream of our [their?] enemies as to the outcome of the war would not be fulfilled. There would be no impotent Germany, like the Germany of earlier times, at the beck and call of England, France, and Russia. A new Europe must arise, and if Europe is ever to be quiet, Germany must have a strong and unimpeachable position. The English balance of power must disappear for it is a war incubator.

Germany must build up her position, consolidate and strengthen it so that the other powers will lose all inclination ever again to engage in a policy of surrounding her. We must gain the freedom of the seas for our own protection and welfare and that of all nations, not in order to dominate the seas, as England wants to do, but in order that they may be open to the use of all nations without discrimination.

Summing up, Gentlemen, probably no great nation has had to bear such trials during the last centuries as the German nation. And yet we can love the fate which gave us with such trials the incentive to unheard-of accomplishments. Each year of peace was a gain for the Empire, at last united. Without war we advanced most fortunately. We did not need it. Germany never aimed at dominating Europe. Her ambition was to stand in the front rank in the peaceful competition of nations, in the tasks of the commonweal and culture. This war has brought to light the greatness of which we are capable, founded on our own moral strength. And we cannot use the power which our internal strength gave us except in the sense of liberty in our internal or external relations. We do not hate the peoples driven into war against us by foreign governments. But we have outgrown sentimentality. Gentlemen, we shall endure in the battle until those peoples demand peace from the true culprit, until the way is clear for a new Europe, freed from French intrigues, Russian lust of conquest, and English paternalism.

I have [etc.]

JAMES W. GERARD

File No. 763.72111/2843

The Minister in Roumania, Servia, and Bulgaria (Vopicka) to the Secretary of State

Roumanian Series]
No. 267]

BUCHAREST, August 25, 1915.
[Received September 13.]

SIR: I have the honor to report, with regard to the Roumanian policy, that I have just returned from the Roumanian health resort,

Tekir Ghiol, where I have been staying for a fortnight with my family, taking the mud baths there. The Minister for Foreign Affairs for Roumania was also there, and I had many opportunities of conversing with him as also with Princess Elisabeth and many prominent diplomats.

The Roumanian diplomats are losing hope of being able to come to an agreement with Bulgaria and are therefore rather pessimistic. The majority of the Ministers in Roumania favor the Quadruple Entente, but if Bulgaria should definitely decide to go with Germany, Roumania would be isolated and be subject to attack from Bulgaria on the one side and by Austria-Hungary on the other, which would put Roumania in a very bad position.

The Roumanian Government is asked by the Austro-Hungarian and German Governments to allow the transit of ammunition through to Turkey and there are even rumors of threats being made to Roumania of war being proclaimed against her if she should not permit this.

The Minister for Foreign Affairs is of the opinion that within thirty days something decisive will be done; he also believes that if the Dardanelles are forced by the Quadruple Entente, there might be a chance that Roumania and Bulgaria will go with those powers. At the present time Roumania is completely equipped and ready for war at any moment.

I have [etc.]

CHARLES J. VOPICKA

BULGARIA'S ENTRANCE INTO THE WAR—THE ALLIES' INTERVENTION IN GREECE—CONDITIONS IN RUSSIA AND THE BALKAN STATES—DISCUSSIONS IN VARIOUS COUNTRIES OF THE POSSIBILITIES OF PEACE: INFORMAL AND PRIVATE EFFORTS

File No. 763.72/2127

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

[Telegram—Extract]

BERLIN, September 16, 1915, noon.

[Received September 17, 2.45 p. m.]

2900. Hear on fair authority military convention between Germany and Bulgaria has been signed. . . .

GERARD

File No. 763.72/2129

The Minister in Roumania, Servia, and Bulgaria (Vopicka) to the Secretary of State

[Telegram]

BUCHAREST, September 14, 1915, 5 p. m.

[Received September 17, 7.42 p. m.]

130. It is believed an agreement has been signed between Bulgaria and Turkey and that a German-Austrian army will shortly attack Servia in which case it is believed that Roumania will join Servia. Roumania is prepared for war.

VOPICKA

File No. 763.72/2148

The Minister in Roumania, Servia, and Bulgaria (Vopicka) to the Secretary of State

[Telegram]

BUCHAREST, *September 24, 1915.*

[Received 6.50 p. m.]

138. Bulgarian mobilization officially announced.

VOPICKA

File No. 763.72/2161

The Ambassador in Russia (Marye) to the Secretary of State

No. 231]

PETROGRAD, *August 31, 1915.*

[Received September 27.]

SIR: The recent German successes in Poland and in parts of Russia, which however in my opinion are merely superficial and temporary military advantages, may render the Department desirous to be informed about some phases of present interior conditions in Russia.

There are numerous underhand influences, as unpatriotic as they are powerful, at work at this time in Russia, particularly in the capital, to assist the Germans in their efforts to bring about peace under present conditions and to enable them to avoid another winter campaign, the dangers and probable results of which they seem to greatly dread. It is hard for any one who has not been in Russia for some time, and who has not had the opportunity of considerable observation, to form an adequate idea of the extent and ramifications of German influences in the Empire before the war. German interests were dominant or preponderant in all the larger undertakings in the country, financial, commercial, and industrial. Practically all the big business that was not under Government control was in the hands of Germans and much of the smaller business too. Many of the great nobles, some of whom held high Government offices, and others influential positions at Court, and all of whom moved in high Court circles and had the prestige of eminent or even exalted rank, were friendly to Germany and more or less pro-German in their feelings. Not a few were the sons of German mothers, others were married to German wives, others had passed much time in Germany, and others again had valuable investments there. It was not unnatural that they should be very favorably inclined towards Germany and it may be that they were not themselves wholly conscious of the extent to which their pro-German leanings affected their devotion to their own country and its interests.

When the war broke out the great outburst of patriotic enthusiasm ran right over and swept aside all pro-German feeling of every kind and wherever entertained, for the war had been forced upon the Government and was popular with the people, and any manifestation of friendly feeling towards the enemy would have been dangerous, as it would be now. The great business interests were taken out of German hands and the great nobles of pro-German feeling were silenced and perhaps made wholly Russian for the time under the compelling influence of the great wave of patriotic enthusiasm. Recently, and particularly since the evacuation of Warsaw and the

withdrawal of the Russians from the fortress of Kovno, those with German leanings have become very active. Not that they avow their German sympathies, far from it, any one of them if charged with sympathizing with the enemy or wishing to assist him or to play into his hands in any way, would indignantly disclaim it; but in the meanwhile through every available underground channel and in every possible devious way they are endeavoring to promote the enemy's effort to bring about a peace now while he is still apparently successful. There is such concert and unity of action among them as to show that they are taking their inspiration from German sources, German spies of whom there are not a few left in the country, and some in places where you would not expect to find them. Those men themselves are not spies, at least not many of them, but they would all be willing to tell in confidence to persons whom they knew to be more friendly to Germany than good Russians ought to be at this time, things that in the interests of Russia were better left untold. They are now all, with one accord, doing their utmost to weaken the resolve of the Government to prosecute the war to a successful end, and to breed distrust and discontent in the army. They do not waste any of their effort or energy on the people and that for two reasons: They do not think, in the first place, that the people have much to say in the national affairs; and in the second place, they know that the war is popular among the people and they do not believe that the people generally would be at all amenable to their influences.

There is dissatisfaction in the army, or rather just indignation that those whose duty it was to make adequate provision of arms and munitions of war during the long winter months failed utterly in the performance of that patriotic and necessary duty, and the Russian armies had to take the field in the spring insufficiently supplied with arms and ammunition. The rank and file of the army practically to a man, and the people generally, are strong supporters of the war, for they recognize that German success would mean the complete subjugation of the Slav to the Teuton, and they know how brutally heavy rests the hand of the Teuton on subjugated peoples, and they are not unmindful of the lot of their fellow Slavs, the Poles in Prussian Poland. But the army and the people are both indignant that the essential needs of the army have not been properly looked after by those who had the matter in charge and delay in the performance of so plain a duty gives rise to the gravest suspicions. Some say it was treasonable, some say it was owing to a corrupt effort to make large sums in the placing of contracts. I hear, though I do not know it to be true and I am reluctant to credit it, that General Sukhomlinov, the former Minister of War, who possessed the Emperor's full confidence, is in prison. What the precise charge is I have not heard, some say it was making money, large sums of money, on army contracts, which would be a fraud upon the Government; others say he deliberately deceived the Emperor and his colleagues in the Cabinet about conditions in the army and its supplies of arms and ammunition, which would be treason against the Empire. How much of this is true I do not know. Russia is a land of irresponsible *on-dit* and it takes time to find out what among the things you hear is true and what not. The General's sister-in-law, I have reason to believe, was arrested a few weeks ago at the Hotel Astoria as a spy. I have not met any one

lately who has seen the General's wife for some time. She was suspected of complicity in some way with the Massoiedov affair.

The Duma has taken up the subject of the purchase of supplies for the army and has appointed a commission to investigate the matter fully. Suspicion points to persons in high places who are suspected and, they say, are charged in the secret sessions of the Duma with fraud and corruption, but not with any treasonable practices. The Emperor sympathizes fully with the effort of the Duma to expose corruption and evil doing of every sort and he will give the commission of the Duma his full support. His own position at this time is a trying one; it is not unlike President Lincoln's during the first years of our war between the States, he hardly knows whom to trust.

Those with secret pro-German leanings make all the capital they can out of the criminal failure of the proper officials to supply the army with arms and ammunition and they supplement that with loud complaints at the inactivity of the Allied forces in the west. There is no doubt that the Germans, who know everything about conditions in this country, planned their vigorous drive through Galicia and Poland into Russia because they were fully informed that the Russian troops were insufficiently supplied with arms and ammunition. Notwithstanding all the machinations of the Germans and the underhand maneuvers of their secret sympathizers here, the firmness of the Russian Government and the solidarity of the Allies is admirably shown in an interview with Mr. Sazonov, given to the London *Times* correspondent in Petrograd, and published in the *Novoe Vremya* here to-day, August 31, in which Mr. Sazonov says the most entire confidence exists between the Allies, that Russia will never make a separate peace and will never make any peace at all until the invader is driven from every inch of Russian soil.

I enclose a translation of that interview as published here in the *Novoe Vremya*.¹

Germany, as was reported, made some weeks ago proposals for a separate peace with Russia. The proposals were not made through the King of Denmark, as the newspapers said, but through extra-official Danish channels and through important financial media. Mr. Sazonov answered that Russia would entertain no peace proposals until they were made to all the Allies as well.

I have [etc.]

GEORGE THOMAS MARYE

File No. 763.72/2174

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

[Telegram]

ROME, October 4, 1915, 3 p. m.

[Received 6.15 p. m.]

404. Russian twenty-four hour limit to Bulgaria probably means immediate outbreak of hostilities. Roumania for the present re-

¹ Not printed.

mains neutral, Greece likewise, though probably not for long. Allied forces expected to land at Saloniki to-morrow, if not already done, notwithstanding Greece's *pro forma* prohibition.

AMERICAN EMBASSY

File No. 763.72/2184h

The Secretary of State to the Minister in Roumania, Servia, and Bulgaria (Vopicka)

[Telegram]

WASHINGTON, October 5, 1915, 5 p. m.

160. Department desires your opinion on Balkan situation and frequent confidential cable reports.

LANSING

File No. 868.002/18

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

[Telegram]

ATHENS, October 5, 1915, 7 p. m.

[Received October 6, 8.30 a. m.]

59. Prime Minister resigned. Situation critical.

DROPPERS

File No. 701.6574

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

[Telegram]

MANCHESTER, MASS., October 8, 1915.

Under instructions from the Royal Government I have the honor to inform your excellency that the Italian Minister at Sofia has been ordered to request his passports and that the Bulgarian Minister at Rome has been handed his passports yesterday.

Written communication follows.¹

VINCENZO MACCHI DI CELLERE

File No. 763.72/2182

The Minister in Roumania, Servia, and Bulgaria (Vopicka) to the Secretary of State

[Telegram]

BUCHAREST, October 8, 1915.

[Received October 9, 1 p. m.]

143. Russian ultimatum given Bulgaria evening October 4. Bulgaria was to answer within twenty-four hours and answered as follows:

¹ Not printed.

- (1) Bulgaria could not break openly with Central powers, such act would be against her neutrality.
- (2) No German officers or soldiers in Bulgarian Army, therefore, she could not dismiss them.
- (3) If Bulgaria breaks with Russia, it would not be Bulgaria's fault.

Ministers of Quadruple Entente and Servian, Belgian Ministers to arrive in Bucharest to-day. Interests confided to Dutch Minister, only neutral Minister left in Sofia.

VOPICKA

File No. 763.72/2185

The Minister in Roumania, Servia, and Bulgaria (Vopicka) to the Secretary of State

[Telegram]

BUCHAREST, *October 12, 1915, 5 p. m.*

[Received October 13, midnight.]

148. Your cipher telegram 160¹ still partially illegible. Bulgaria is at war with Servia. Bulgarian Army attacked Servia yesterday afternoon near Vrania and Knjaževac. Unless Servian Army receives immediately strong help from the Entente I do not believe it can last more than one month. Roumania will remain neutral because the King is a German and Russian Army is weak at present. Opinion here prevails that late Prime Minister of Greece had to resign because he could not make Roumania join Greece to help Servia. I am sure only bad diplomacy of Entente is responsible for Bulgaria's alliance with Germany.

VOPICKA

File No. 763.72/2188

The Minister in Roumania, Servia, and Bulgaria (Vopicka) to the Secretary of State

Servian Series]
No. 54]

BUCHAREST, *September 21, 1915.*

[Received October 14.]

SIR: I have the honor to report that in a conversation with the Servian Minister here he assured me that at the last meeting of the Skupština it was decided to permit the Quadruple Entente to give Bulgaria that portion of New Servia which lies south of Uskub (Skoplje) with the exception of a small strip on the Albanian frontier which leaves a connection between Servia and Greece.

I was told that the reason why Servia refused to cede this territory through the Quadruple Entente to Bulgaria before was that Bulgaria claimed it from the Quadruple Entente as the portion of Macedonia that was taken away from her and therefore rightfully belongs to her and should not be considered as a concession. Servia, on the

¹ *Ante*, p. 62.

other hand, states that this is not true and that the territory belongs to her. It was therefore more a matter of principle and justice than anything else that no agreement has been reached before this on this point.

I beg further to state that there are now some 150,000 Austro-Hungarian soldiers near Orsova on the Austrian border.

The Servian Government is apprehensive that, in case the Quadruple Entente should be successful at the Dardanelles, or even if it should appear likely that they might be successful within a short time, the Austro-Hungarian and German Army would endeavor to force their way through Servia in the direction of Turkey, which would undoubtedly mean very severe fighting in Servia.

I have [etc.]

CHARLES J. VOPICKA

File No. 763.72119/86

The Minister in the Netherlands (Van Dyke) to the Secretary of State

THE HAGUE, *September 7, 1915.*

[*Received October 14.*]

DEAR MR. LANSING: During my recent brief vacation in England I have had the opportunity of meeting a good many important people in a purely personal and social way. From their conversation I gathered that in spite of political differences all the responsible people in Great Britain are deeply in earnest about the war and resolute to continue it, at whatever cost, until an honorable, just, and durable peace can be secured. Britain now has over three million men under the colors. It would hardly be possible to provide arms for more at the present moment. I understand that nearly a million reinforcements are ready now to put into the field. It is a great mistake to say that England does not feel the war. Every household that I know already counts its dead or wounded.

At a private dinner of six friends on September 1, Sir William Tyrrell, secretary to Sir Edward Grey, talked with me apart and confidentially, with such evident intention that I feel that you should know what he said. The substance of his conversation was as follows:

He felt that Great Britain could not possibly consider any peace propositions which did not include as a first term the full restoration of Belgium and northern France. If I understood him correctly, he believed that compensation for damages by Germany should also be made. After that, he said, he thought that a "league of nations" should be formed to prevent the recurrence of such a war as this, to guarantee the respect of established neutrality and the maintenance of the general principles embodied in the Hague conventions (here the details were not more closely defined), *and to punish future infractions and violations*. He said that in his opinion, if America were favorable to an idea of this kind, her good offices, mediation (call it what you like), would be welcome when the consideration of terms of peace became possible.

There was nothing formal or official in his conversation, which lasted for nearly an hour, but I felt sure that he had not spoken

without reflection. He gave me a personal friendly message from Sir Edward Grey, who had gone to the country for a fortnight's vacation on account of his health.

Believe me [etc.]

HENRY VAN DYKE

File No. 763.72/2190

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

[Telegram]

ROME, October 15, 1915, noon.

[Received 12:40 p. m.]

412. Reports come to Servian Legation that Bulgaria has attacked Servia in rear without declaring war and situation perilous. Press declared yesterday Italy decided not to send troops Saloniki but rumor persists that aid will be sent Servia possibly through Albania.

AMERICAN AMBASSADOR

File No. 763.72/2191

The Ambassador in Great Britain (Page) to the Secretary of State

[Telegram]

LONDON, October 16, 1915.

[Received 2 p. m.]

3028. Sir Edward Grey informs me under date October 15 that a state of war exists between Great Britain and Bulgaria.

AMERICAN AMBASSADOR

File No. 763.72/2194

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

[Telegram]

PARIS, October 18, 1915.

[Received 5:30 p. m.]

1051. *Journal officiel* of to-day contains following declaration of war:

Bulgaria having entered into action on the side of the enemies and against one of the allies of France, the Government of the Republic declares that a state of war exists between France and Bulgaria from October 16, 1915, 6 a. m., through the act of Bulgaria.

SHARP

File No. 763.72/2200

The Third Assistant Secretary of State to the Secretary of State

WASHINGTON, October 19, 1915.

DEAR MR. SECRETARY: The Counselor of the Italian Embassy called this morning to say that a state of war exists between Italy and Bulgaria. The Embassy will inform the Department of this fact by a formal note.

Sincerely,

W. PHILLIPS

File No. 763.72/2207

The Minister in Roumania, Servia, and Bulgaria (Vopicka) to the Secretary of State

[Telegram]

BUCHAREST, *October 19, 1915, 4 p. m.*[Received *October 21, 11 p. m.*]

154. Political information. Bulgaria has gone with Central powers. Firstly, because she was not permitted to occupy Macedonia at once with her troops and Entente powers wanted to occupy Macedonia with their own soldiers and hold it for Bulgaria, but this was not satisfactory to latter.

Secondly, Bulgarian King absolutely believes Central powers will be victorious in the end and that Bulgaria can get more from Central powers than from Entente powers. In Bulgarian manifesto, just published, reason for war with Servia is given as follows: "Servia not only was inflexible to the advice of her friends and allies but in her animosity and cupidity attacked our territory, and our brave troops had to defend our soil, etc." Of course the last paragraph is untrue—Bulgaria attacked Servia.

The president of Deutsche Bank, the same man who made loan to Bulgaria, is now dickering about loan to Roumania and offering all the money Roumania wants. However, Roumania has declined to bind herself wholly at present. But if Roumania could not get money in America or England, I am afraid that she will bind herself to Germany. The true Roumanian press is fiercely attacking the present Government and the King because Roumania is not going against Bulgaria. The people are overwhelmingly for Entente powers but the Government is just like the Sphinx, the King is undoubtedly pro-German and Prime Minister is his obedient servant. There is a scheme on foot to sell to Germany at fancy prices the whole of Roumania's crop through an economic society which was formed here a few days ago, of course for the consideration that the members of the society, which would mean more or less all Roumanian landowners, would favor Germany.

If this scheme should work out satisfactorily, then Roumania would go with Germany, especially if Germany would make loan to Roumanian Government, but only in case that Russia will remain as weak as now. Many German agents who worked in Bulgaria to change sentiment in favor of Germany have come to Roumania, especially Bucharest.

The secretary of the Servian Legation told me that unless the Entente powers send immediately to the Servian front at least 150,000 men, within less than two weeks Servia will be defeated by the Germans.

Much talk here regarding a conspiracy between the three German-descended Balkan Kings.

MINISTER VOPICKA

File No. 763.72/2225

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

[Telegram]

BERNE, October 30, 1915, 3 p. m.

[Received 10.30 p. m.]

217. Former Chancellor Von Bülow this week is in Switzerland. Revives rumor circulated that Germany is making offers to Italy to withdraw from the war.

STOVALL

File No. 763.72119/87

The Ambassador in Turkey (Morgenthau) to the Secretary of State

[Telegram]

CONSTANTINOPLE, November 3, 1915, 7 p. m.

[Received November 6, 2.30 p. m.]

1234. In my last interview with the Minister of War he asked me to submit the following to the President: That the moment was opportune for peace negotiations and that just now the Central powers would agree to more favorable terms for the British than when Serbia has been entirely crushed and the Turks have started the Egyptian expedition which is now being prepared. This is sent simply to comply with request of Minister of War.

MORGENTHAU

File No. 763.72119/88

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

[Telegram]

BERNE, November 10, 1915, 10 a. m.

[Received 3.30 p. m.]

224. Diplomatic circles are still repeating rumor that Prince Bülow mission to Lucerne was to try to associate the Pope with league of neutral nations, Sweden, Netherlands, Switzerland, and Spain. So far the Allies have resisted and repudiated all such pressure for peace.

STOVALL

File No. 763.72/2245

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

[Telegram]

ATHENS, November 13, 1915, 12 noon.

[Received 9 p. m.]

70. Germany and Bulgaria have raised the question of what the Greek Government as a neutral proposed to do with regard to the Servians, English, and French in case they were driven back into

Greek territory. French Minister informed the new Prime Minister Skouloudis that if a single soldier of the Allies was disarmed by Greek authority the consequences would be grave. Situation acute.

DROPPERS

File No. 763.72119/89

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

[Telegram]

BERNE, November 19, 1915, 3 p. m.

[Received 8 p. m.]

230. So-called peace conference called to meet here December 14 has been postponed, it is said, because no French or English delegates can be secured.

STOVALL

File No. 763.72111/3151

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

[Telegram]

ROME, November 22, 1915, 3 p. m.

[Received 8 p. m.]

451. Greece reported much impressed by Allies' suggestion of blockade. I hear she will probably remain neutral for the present.

NELSON PAGE

File No. 763.72111/3161

The Minister in Roumania, Servia, and Bulgaria (Vopicka) to the Secretary of State

Roumanian Series]

No. 297]

BUCHAREST, October 27, 1915.

[Received November 23.]

SIR: I have the honor to inform you that Roumania at the present time is still neutral and I expect she will so remain for some time to come.

About six weeks or two months ago, the German and Austrian Ministers at Bucharest made a demand on the Government of Roumania to permit the transport of ammunition through Roumania to Turkey, stating at the same time that if this permission were not granted they would attack Servia. The answer was that they had better attack Servia because the required permission would not be granted. As a matter of fact, small lots of ammunition have gone through Roumania without, it is said, the knowledge of the Government.

The Quadruple Entente expected when it was announced that Bulgaria was joining the Central powers that Roumania would at once go to war and help to defeat Bulgaria, as per the treaty of Bucharest

between Roumania, Servia, and Greece, which provided that in case Bulgaria should attack either of them the other countries would come to the assistance of the country attacked. The Roumanian Government, however, discovered a good way out and stated that, as Servia had also been attacked by Germany and Austria, the Bucharest treaty was null and void. This was a great surprise for the Entente and all their sympathizers in Roumania. As a matter of fact, after the defeat of the Russians in the Carpathian Mountains, it seemed that the Government newspapers were siding more or less with the Germans. They were too neutral and everybody could see between the lines that they were more or less favoring the Germans. The friends of the Entente, however, commenced to work hard under the leadership of Mr. Filipescu, the former Minister of War, at present representing the Conservative Party, and Take Ionescu, leader of the Conservative-Democratic Party. Under their auspices a great meeting was called of the supporters of the new party formed by the fusion of the two parties mentioned above, called the Unionist Federation. This new party has been working very hard not only in Bucharest but throughout the country. The Government issued an order forbidding the people to hold meetings on the day fixed for the meeting mentioned above, viz., the 24th of October (Sunday). The meeting, however, was held and about ten to twenty thousand people met in the streets of Bucharest. No more than about five hundred were able to stand in front of the club building, from the balcony of which Mr. Filipescu and Take Ionescu as well as others made speeches. The troops took possession of the streets and made it impossible for any larger crowd to pass through. When I sent the telegram to the Department regarding this meeting, nobody could see what effect the meeting might have. The day following the meeting, the King granted an audience to Mr. Filipescu and Take Ionescu, at which, as I am informed, the King stated that he was in sympathy with the national aspirations of the meeting to obtain Transylvania from the Austro-Hungarians, where some four millions of Roumanians are living; that he is a constitutional King and therefore will abide by any decision agreed upon by the ministers.

I do not believe that Roumania will take any immediate action; if, however, she received a strong backing from either Germany or Russia, she might take a stand for one or the other country.

In my last telegram, I stated that at the present time the Roumanian Government was looking for a loan and that the question of this loan was very important. The Germans have been trying hard to arrange a loan, a larger one than the Government wants at present, of course for a consideration, which means the friendship of Roumania. I understand, however, from the Russian Minister here that this loan will be made by Great Britain and issued in London. If this should be done, I believe this will mean that the Quadruple Entente is beginning to realize the importance of Roumania and that they will be more diplomatic with her than in the past with Bulgaria. The German agents here are working hard.

I have [etc.]

CHARLES J. VOPICKA

File No. 763.72111/3182

*The Minister in Roumania, Servia, and Bulgaria (Vopicka) to the
Secretary of State*

Bulgarian Series]
No. 178]

BUCHAREST, *October 27, 1915.*[*Received November 23.*]

SIR: In addition to my telegraphic information regarding Bulgaria, I beg to make the following statement:

The decision of the Bulgarian Government to go with the Central powers of Europe against the Quadruple Entente was a great surprise not only to the Quadruple Entente, Roumania, and Servia, but also to the Bulgarian people themselves.

I beg to refer to my despatch of November 30, 1914, Bulgarian Series No. 141,¹ which predicts just what has happened, and I would ask the Department kindly to reread the said despatch. I wrote that despatch upon the investigations which I had made and the interviews that I had had with His Majesty the King of Bulgaria when I was previously there and on the confidential reports I had received from different sources.

Since my last report, the Quadruple Entente commenced to work a little more strenuously from some time in April, and owing to the fact that the Russians were making a good showing and were in Galicia, it seemed to me that it would have been an easy thing for the Quadruple Entente to gain Bulgaria on the following terms: viz., give her Macedonia, south of Uskub, and promise to her Kavalla and Silistria. If the offer had been made at that time to give her the civil administrations of these places, Macedonia to be in charge of the British and French soldiers for Bulgaria, I believe that an agreement could have been made with her. It is true that at that time Servia was not willing to give up Macedonia, but it was for the Quadruple Entente to bring pressure at once upon Servia and to pay her a cash indemnity of say about \$100,000,000 as a guarantee of good faith that Servia would get Bosnia, Herzegovina, and Banat, always, of course, with the understanding, if the Quadruple Entente should be victorious. But the Entente was very slow, and it was two months later before the matter was presented in the proper light to Servia and another month before the Sobranjé could pass upon it. During that time the Russians lost Galicia and were being defeated on all sides, and then the King of Bulgaria became imbued with the belief more than ever that Germany would win out. Therefore his claims became still more severe than before, demanding to occupy the whole of Macedonia with his army and not allow even the strip of territory between Albania and Macedonia by which the Servian Government desired to retain connection with Greece, calculating that he would have a chance probably to take Albania. Were it not for the slow way in which the Entente worked during the months between February and April last and the defeats suffered by the Russians in the months of June and July, the Entente would not have lost Bulgaria.

It was very difficult to notify the Department of what would be the ultimate outcome of affairs in Bulgaria, because the reports emanat-

¹ *Foreign Relations, 1914, Supplement, p. 155.*

ing from there were so conflicting day by day that it was impossible to tell with any degree of certainty what might happen. The ultimatum from the Russian Government was a great surprise to everybody, as it immediately caused the Bulgarians to join Germany and to start hostilities. As the Quadruple Entente had no army on the spot to help the Servians, it was a great mistake on the part of the Russians not to wait three or four weeks before sending in their ultimatum. This would have enabled the Quadruple Entente to have assembled an army of three or four hundred thousand men at a convenient spot in addition to the Servian forces. I am sure that the Bulgarians would have waited for a while if this ultimatum had not been issued, and even when the Russian ultimatum was presented, the representative of the Entente believed that Bulgaria would submit a new proposition and would work for time; but the Bulgarian Government decided otherwise, although two days before the ultimatum was given, Mr. Radoslavoff, the Bulgarian Prime Minister, in his speech stated that Bulgaria had mobilized only for the purpose of protecting her neutrality.

I asked the Department to send either a consul or Vice Consul Thompson to Sofia so that I should have somebody there in case anything of importance should happen; but perhaps I did not express myself clearly in my telegram. I was not aware that our Government desired to have a diplomatic representation at Sofia and believed that, with a consul there, I could do the work just as I am doing it in Servia.

The Quadruple Entente always believed that if Bulgaria should attack Servia, Roumania and Greece would join the former [latter?], and they therefore acted rather arbitrarily and not as diplomatically as they might have done.

From my despatches the Department will see that I never placed very much confidence in Roumania because the King is a member of the Hohenzollern family and the present administration under Mr. Bratianu always acts according to his wishes. The mistake of the Entente was that they placed too much confidence in the Bucharest treaty and the sentiment of the people in Roumania and Greece, which was and is still overwhelmingly in their favor; they have forgotten that the people themselves are not the deciding factor in governing these countries; therefore it was a terrible surprise for the Quadruple Entente when Roumania and Greece decided not to abandon their neutrality.

I have [etc.]

CHARLES J. VOPICKA

File No. 763.72/2271

The Minister in Persia (Caldwell) to the Secretary of State

[Telegram]

TEHERAN, November 24, 1915, 11 a. m.

[Received November 25, 3.45 p. m.]

I have received your November 19, 5 p. m.¹ Russian forces have retired short distance, allaying excitement but all things unsettled.

¹ *Post*, p. 995.

Russian forces still landing in Persia. Understood negotiations are in progress for peace. German Minister and the majority of Persian members of Parliament are in Kum. Turkish Ambassador is very near Teheran and may return. Prime Minister in strict confidence says Russia demands that Persia must declare war on Turkey, Russia offering to furnish all necessary money, soldiers, and to discharge the present Persian national debt. Personally I am doubtful that such will be insisted on. English Consul and subjects were arrested at Shiraz. Desultory fighting between the Persian soldiers under their Swedish officers and the Russian groups at Hamadan unauthorized from the Government of Persia. English Consul, Russian Consul and subjects leaving the latter place. Russians complain to me of our taking care Turkish and the German interests, accusing German Minister of murderous plots and having had munitions, explosives, etc., stored at the Legation of Germany. The charges were denied. There is no proof offered. There was no munition of war or other explosives at either Legation when I assumed charge and hoisted the American flag.

Just now, since coding the above, the English Minister and Russian Minister acting upon orders of their Governments formally inform me that their Governments refuse to recognize the right of neutral powers to assume protection of Turkish and German interests when Persia and their Governments are at peace. Similar notices sent Spanish Minister who has charge of Austrian interests. Government of Persia has decided to remain here for the present.

CALDWELL

File No. 763.72119/90

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

[Telegram]

ROME, November 27, 1915, 4 p. m.

[Received 8 p. m.]

464. Reported Germany will, on overrunning Servia, probably within few days, make proposals peace, she demanding control Belgium, Poland, Servia, and have large indemnity, while Bulgaria realizes aspirations Macedonia. Cardinal Hartmann's visit to Pope rumored to have reference to this.

Italy is expected to send army to Albania, but report is she asks cooperation other Allies.

NELSON PAGE

File No. 763.72/2288

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

No. 115]

SALONIKI, November 1, 1915.

[Received November 30.]

SIR: As of possible interest, I have the honor to submit the following report on events of national and international importance occurring within this consular district during the past five weeks:

The mobilization of the Greek Army

The order for the general mobilization of the Hellenic Army was officially announced on September 24 and declared to be a measure of prudence rendered necessary by the Bulgarian mobilization proclaimed the day previous. The mobilization order was received with enthusiasm. The response to the call to the colors was very prompt and patriotic. The decree of mobilization affected twenty classes of reserves (1892-1911) and the four classes constituting the standing arms. There remain some classes yet to be called. The infantry completed its mobilization within six days while the artillery and train required fifteen days. There is a decided improvement in the equipment and general organization of the Hellenic Army of to-day as compared with three years ago. There are five army corps stationed in Old and New Greece with an average of 36,000 men to each complete corps. The headquarters of the various corps are as follows: First at Athens, second at Patras, third at Saloniki, fourth at Kavalla, and the fifth at Yanina.

The economic disadvantageous results occasioned by the mobilization were the withdrawal of a great number of civilians from their regular vocations, which had a temporary demoralizing effect on all public administrative offices, public utilities, banks, hotels, shops, etc. Coincident with the decree of mobilization the military authorities commenced the requisitioning of vehicles, horses, mules, and donkeys throughout Greek Macedonia, causing hardship upon those dependent on their animals for a livelihood. Churches, schools, magazines, private houses, etc., were also requisitioned for the army. Steps have also been taken for billeting if found necessary.

On September 25 all consulates were advised by a circular note that telegrams and cables must be in plain language and that cipher messages would not be accepted. The local Russian Consul General protested against this ruling but without success. Later on the Government permitted the National Bank of Greece and the Bank of Athens to telegraphically communicate in code with their various branches throughout the Kingdom.

The Greek Army had been in a quiet process of mobilization for more than a month, previous to the issuing of the general order. As a matter of fact, war supplies of all kinds have been arriving continuously at Saloniki and Kavalla during the past six months. All points of strategic value have been well fortified. Recently barbed-wire entanglements have been placed along the hills back of Kavalla and also in the districts of Demirhissar, Drama, Kilindir, Serres, and the Karasu. In short, Greek Macedonia has been on a semi-war footing for some months and is now in a state of defense satisfactory to the General Staff of the Hellenic Army. This state of preparedness, really commenced shortly after the close of the Greek-Servo-Bulgarian war, was, and is, directed principally against a possible sudden invasion by the Bulgarians. Certain parts of Macedonia, particularly all the territory east of the Struma River, now within the confines of New Greece, and certain parts of New Servia along the eastern frontier, and the greater part of the territory south of Uskub (Skoplje), is claimed by Bulgaria. Bulgaria

contends to have been very unfairly dealt with by the terms of the treaty of Bucharest. Apparently because of the uncertain status of the territory claimed by Bulgaria, those districts have not been given any public improvements by Greece or Servia. The town of Serres (Greek) is to-day in the same condition as it was left two years ago by the retreating Bulgarians who destroyed it. The town had a population of 16,000 and is located in the center of the best tobacco lands in Macedonia. The port of Kavalla is urgently in need of improvements. The towns of Demirhissar, Drama, Doxaton and many other places are likewise in need of improvements, all of which are being postponed until such time when a more permanent tenancy will be established.

Disembarkment of French and British troops at Saloniki

On September 26 it was reported in Saloniki that 21 French and British transports, escorted by war vessels, were headed for this port to disembark troops for the aid of the Servians. The idea of using the port of Saloniki for landing French and British troops is not of recent origin. During the latter part of 1914 and the early part of 1915 an unusually large body of British and French doctors and nurses were dispatched to Servia. At the same time, Holland, Russia, Denmark, and the United States also sent Red Cross missions to Servia. *Typhus exanthématique* was prevalent in epidemic form in Servia during that period, but it was hoped that the sanitary situation would have ameliorated by early spring. However, such was not a fact and the disembarking of British and French troops at Saloniki, originally planned to take place during April and May of this year, was indefinitely postponed, due to the typhus epidemic.

On September 30 Brigadier General Angus Bruce Hamilton of the British Army, six staff officers and thirty soldiers arrived at Saloniki on the small French cruiser *Latouche-Treville*. Their baggage of considerable quantity was landed on the quay, outside of customs jurisdiction, independent of any consultation with the local civil or military authorities. Brigadier General Hamilton is a brother of General Ian Hamilton commanding the forces at the Dardanelles and is the same person who superintended the early embarkations at Portsmouth and recent disembarkations of the Allied forces at Moudros, Island of Lemnos. During the early morning of October 1 General Hamilton, accompanied by staff officers and the British Acting Consul General, visited the outskirts of Saloniki. During the same morning General Hamilton called on General Moschopoulos, who is in command of the Third Army Corps, and informed him of the intention of landing some of the Allied forces at Saloniki, and requested him to designate camping grounds. General Moschopoulos expressed his regret at not being able to comply with the request and stated that orders from the General Staff at Athens would be necessary. From a very reliable source I am informed that this interview was very short and pointed on both sides. I am also informed that this interview was the first authentic information which General Moschopoulos had of the intent to land Allied forces at Saloniki. No official communication on this subject had been received from Athens. The reply to his request on the

authorities at Athens for instructions, was in effect that he should exercise his own discretion.

The Hellenic Government made a formal protest against the landing of the Anglo-French troops at Saloniki and, at the same time, Prime Minister Venizelos made the statement that the Government would not take any material measures to prevent the landing of the troops and their passing to the relief of Servia, the ally of Greece.

The sympathies of Premier Venizelos are well known. It has been very reliably reported that he invited Sir [Francis] Elliot, the British Minister at Athens, to arrange for the landing of troops at Saloniki, after which it would be an easy matter to swing the arms of Greece on the side of the Quadruple Entente. On October 4 the Premier addressed the House of Deputies and outlined the presumed attitude of the Hellenic Government with respect to the newly created situation. It appears that the views of the King were in opposition to the declarations made by Mr. Venizelos, which resulted in the resignation of the Premier and his Cabinet.

On October 5 this Consulate and the consulates of other neutral countries received a circular note from the local British Consulate General of which the following is a copy:

Toutes marchandises à la Bulgarie voie Dedeagach seront détenues par la flotte britannique jusqu' à nouvel avis. (All merchandise for Bulgaria via Dedeagach will be detained by the British Fleet until further notice.)

On the same day British and French war vessels entered the gulf and port of Saloniki. At Kara Burun (twelve miles from Saloniki) mines were laid by British vessels. The fairway or open channel is closed during the night with wire netting set by British marines.

During the afternoon of October 5 six transports arrived in the port and disembarked the first lot of the Entente's expeditionary corps for Servia. The troops landed, with the exception of those from a British transport, were French colonials. The French transports and the number of men carried were as follows:

<i>A-26</i>	1,000 men
<i>Australien</i>	1,200 "
<i>Britannia</i>	1,000 "
<i>Djemnah</i>	800 "
<i>Midi</i>	1,000 "

One British transport with fifteen hundred men arrived shortly before noon on the same day. The Allied troops are encamped at Lempet which is about one hour's march from the city limits. Up to date there has been a steady stream of French and British transports to this port bringing troops, ammunition, artillery, horses, automobiles, aircraft, food, etc.

On October 6 British naval officers called on Colonel Lellakis, commander of the fortifications at Kara Burun, Saloniki, and made known their desire to land British guards to patrol the fortifications. The Greek Colonel informed his visitors that he could not permit such landing without instructions from Athens and intimated that he would forcibly resist an attempt to land British guards until the necessary authorization from Athens had been received.

The captain of the port has given orders that all arriving and departing vessels must take their instructions from the British naval authorities operating in Gulf of Saloniki. That part of the port used

by the customs administration has been cleared of vessels, barges, etc., and turned over to the French and British naval authorities. Numerous complaints were made by local steamship agencies, merchants, and forwarding agents who were unable to load or discharge vessels or get possession of merchandise already in customs warehouses. About 1,000 feet of the quay outside of the customs district is now being used for discharging merchandise and general customs purposes.

On October 9 the Italian merchant vessel *Roumania* arrived in Saloniki from Dedeagach, Bulgaria, bringing the diplomatic and consular representatives of the Quadruple Entente (except those of Russia), stationed in Bulgaria.

The *S. S. Athena*, a merchant vessel of the German-Levant Line, laden with ore, had been at anchor in this port since August 1, 1915. The flag captain of the British Fleet in Saloniki, objected to the presence of this vessel and requested its removal to some other port. The local German Consulate protested against its removal. However, on October 11 the vessel left this port for Piraeus, escorted by the Greek torpedo boat destroyer *Naveratoussa*.

Martial law, applicable to the whole of Greek Macedonia, was declared on October 12. Mixed patrols of Greek and French soldiers and of Greek and British soldiers, police those sections of the city frequented by soldiers. The French patrols carry rifles with fixed bayonets, while the British patrols are without rifles. There have been frequent street brawls. A very noticeable feature, subject to much comment, is the absolute lack of any fraternalism between the officers and soldiers of the three armies. French, British, and Greek officers pass one another without saluting. In cafés and restaurants there is a strict division of nationals. The incivilities reached the point where it became necessary to issue "orders of the day" enjoining their commands to extend the regulation military courtesies to fellow officers and soldiers. The Greek order was issued October 11, the French on October 13, and the British on October 15.

General Sarrail, Commander in Chief of the French expeditionary corps, accompanied by his staff, arrived at Saloniki on October 13 on the French transport *La Provence* and established his headquarters in the building of the Mission Laïque Française. General Sarrail also came from Moudros, from which it may be inferred that the attempt to force the Dardanelles is about to be definitely abandoned. It may be of interest to note that General Bailloud, General Sarrail, Vice Admiral Dartige du Fournet and Rear Admiral de Bon left cards at this Consulate. The courtesy was promptly returned. No British officers, either naval or military, visited this office.

The British forces have installed a signal station on the roof of the Splendid Palace Hotel overlooking the Gulf of Saloniki. This station is connected by telegraph and telephone with the British General Headquarters in Saloniki. A British post office, for military purposes only, has also been established.

The French military authorities have let a contract for the erection of 110 barracks. These buildings will be one story high, 160 feet long, 28 feet wide, erected on property owned by the Servian Government, forming a part of the plot designated for the Servian

port. An additional 50 barracks will also be built; but it has not yet been decided where they will be located.

Lieutenant General Sir B. Mahon arrived in Saloniki on October 14 and assumed command of the British forces. Brigadier General Hamilton will remain at Saloniki to supervise further disembarkations. Some of the French forces were dispatched to Servia shortly after their arrival and have been engaged by the opposing forces. Up to October 22 various hospitals in Saloniki were treating 1,100 ill and wounded French soldiers. But one British regiment has been sent into Servia up to October 27. Two reasons have been advanced for the British delay in sending their forces forward: One, that they have not sufficient ammunition; the other, to check a possible sudden hostile movement on the part of the Hellenic Army. The French Army is completely equipped in every respect and has a perfect working organization. They brought to Saloniki an equipment and organization superior to that of the Greek Army and that of the British forces garrisoned here. The Allied forces are said to have landed 80,000 at Saloniki up to November 1, of whom 65,000 are French and 15,000 British.

Saloniki is now an indisputable base of operation for the Franco-British troops. The violation of Greek neutrality was met with a passive protest as resistance would have exposed the country to destruction.

I have [etc.]

JOHN E. KEHL

File No. 763.72/2281

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

[Telegram]

ROME, undated.

[Received December 2, 1915, 7.15 p. m.]

At reopening of Chamber this afternoon Minister of Foreign Affairs announced Italy's having signed London agreement not to make separate peace; also that Greece has given requested explanations and assurances that she will act conformably to her engagement; also that Italy will do all possible to aid in carrying succor to the Servian Army to assure the reestablishment of Servia. The preservation of Albanian nationality he declared of prime interest, while the strategic defense of the Adriatic constituted another prime interest, and Italy aimed at correcting the unfavorable configuration of her Adriatic littoral.

NELSON PAGE

File No. 763.72/2286

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

[Telegram]

ROME, December 2, 1915, 3 p. m.

[Received December 3, 11.47 a. m.]

470. Reference in Italian Minister for Foreign Affairs' speech to Italy's part in Albania considered here to indicate sending troops to Albania. This rumored now going on.

AMERICAN EMBASSY

File No. 763.72/2289

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

[Telegram]

BERLIN, December 2, 1915, 2 p. m.

[Received December 3, 1.15 p. m.]

3174. There was quite a large peace demonstration or socialist demonstration on Unter den Linden night before last. Nothing in newspapers here about it. I asked some of crowd what they were demonstrating for and they said they were tired of a silly war and days without meat. All night mounted police were in front of Embassy; do not know whether in expectation of demonstration here or at Chancellor's palace opposite side square.

GERARD

File No. 763.72119/92a

*The Secretary of State to the Minister in Denmark (Egan)*¹

[Telegram]

WASHINGTON, December 3, 1915, 5 p. m.

Department advised that Mrs. Schwimmer has telegraphed you that the Ford peace party intends leaving on December 4 on the Scandinavian-American Line for Christiania, thence proceeding to Stockholm and Copenhagen, and that you have been asked to ascertain whether the Government of Denmark would welcome the meeting of the unofficial permanent committee in Copenhagen to meet a number of authorities of European countries for the purpose of interesting them in mediation in the present war. This peace movement is without the Department's sanction and the Government assumes no responsibility for any activities or negotiations on the part of those engaged in it, and you will informally notify Danish Government to that effect. You should take no action on Mrs. Schwimmer's telegram without instructions from the Department and should refer her to Department.

LANSING

File No. 763.72119/92b

The Secretary of State to the Ambassadors and Ministers in all European Countries and Japan

[Circular telegram]

WASHINGTON, December 3, 1915, 8 p. m.

Mr. Henry Ford and party propose to sail from New York December 4 at 2 p. m. for Europe by steamer *Oscar II* on a peace mission.

Please bring informally to the attention of the Foreign Office that this Government is in no way concerned in this movement of Mr.

¹The same to the Ministers in Norway, Sweden, and the Netherlands for their information.

Ford. This Department will refuse to issue passports to members of the party except for neutral countries.

LANSING

File No. 763.72/2297

The Special Agent in Bulgaria (Einstein) to the Secretary of State

No. 1]

SOFIA, October 27, 1915.

[Received December 7.]

SIR: Mr. Vopicka having telegraphed Dr. Radoslavoff, president of the Council and Minister for Foreign Affairs, to inform him of my appointment as Chargé d'Affaires on special mission at Sofia, in accordance with your telegraphic instructions of October 8 and 18,¹ I have the honor to inform you of my arrival here on the 25th inst., having hastened my journey as much as possible in pursuance of the Department's wishes.

My first visit here was on the chief of protocol at the Foreign Office who kindly arranged for my reception the same evening by Dr. Radoslavoff; the latter, to whom I presented Mr. Vopicka's letter accrediting me as Chargé d'Affaires, received me with simplicity and cordiality. He conversed with me for some time on the prospects of peace, in bringing about which he thought the United States would play a considerable part. He remarked that even now peace currents were noticeable in every country and believed that before long the movement in its favor might become more accentuated. He spoke of Bulgaria's reluctance at going to war and tried to impress on me that the necessity had been forced upon her.

We likewise conversed of the Armenian persecution where he spoke with sympathy of our efforts in behalf of the oppressed.

In common with the other Bulgarian officials I have met, he gave the impression of gratification at our being represented here. At Sofia they have always been inclined to resent the fact that Bucharest should be the seat of our Legation and thought with reason that as the capital of the most important country in the Balkans, they were entitled to separate representation. They regard as a sign of their growing importance the fact that both Spain and the United States should have sent them diplomatic representatives since the opening of hostilities and have interpreted my appointment as the initial step toward a later permanent representation by an accredited minister.

I met, in the course of my visits, the various departmental chiefs at the Foreign Office, all of whom received me with affability. The present war being the inevitable topic of conversation, anxiety was expressed to retain the good opinion of the United States. While, doubtless, this hardly extends beyond a certain platonic desire for our good will, there are, nevertheless, some farsighted enough to realize that the economic development of this country, which was suddenly arrested by the Balkan wars, can later be materially assisted by us. They appreciate our absence of political interest and that our aims here are moral and economic. The latter interests

¹ *Post*, pp. 914 and 915.

them more specially. Having shut the money markets of London and Paris by their entry on the side of the Central powers, they will require money with peace, which will be hard to find in Berlin or Vienna. The hope of placing future loans in New York, therefore, presents itself already to some, as an eventual possibility.

I have [etc.]

LEWIS EINSTEIN

File No. 763.72/2296

The Special Agent in Bulgaria (Einstein) to the Secretary of State

No. 3]

SOFIA, November 1, 1915.

[Received December 7.]

SIR: While the delay in transmission renders stale all news sent by post there are yet rapidly evolving currents here still at their inception, but which must become more accentuated as time goes on. For purposes of record as well as of information, these deserve to be fixed.

The Department is well aware that the lodestar of the Bulgarian horizon had formerly been Russia to whom this country owed its independence; in addition, there was a feeling of gratitude toward England because of the generous sympathy extended since the days of Gladstone and the recognized disinterestedness of her policy here. But since the disastrous second Balkan war the feeling of resentment which set in against her former ally, Servia, caused this country to gravitate toward Austria and Germany.

The Macedonian element has for years been the dominating one in Bulgaria. By its vast influence in the Government bureaus, the army and the press, it has been able to shape the national aspirations toward the lost province and the one direction of Bulgarian policy has therefore frankly and avowedly been to join the side most likely to gratify this wish. The German loan here, which bore a political complexion, was a warning that the influence of Russia was less great than supposed. Other signs have not been missing to those who cared to read. But the prestige of a long-established position, the presumption of a debt of gratitude, the recognized Russophile feelings of the people, the bond of Slavism, all persuaded Russia, and indeed Entente diplomacy here, that whatever happened Bulgarians would never move against the nation which had liberated her.

To Great Britain as well, after the untiring efforts of the Balkan committee in the Bulgarian interest, the course of the new policy came as a surprise. If Bulgaria had once been the pivot of Russian Panslavism in the Balkans, for England this country possesses an importance likely to be increasingly recognized. The road to India and Egypt leads through Constantinople, but the road to Constantinople passes through Sofia. After the first misadventure of British diplomacy permitting the entry of Turkey into the war and the errors attending the Dardanelles enterprise, the prestige of the Entente powers suffered here considerably, while the importance of Bulgaria to them became all the more accentuated. The Entente realized this without being able to correct it. A series of earnest but spasmodic attempts was made to induce the Servian Govern-

ment to relinquish Macedonia, in return for which it was hoped Bulgaria would declare war on Turkey to recover her lost territory in Thrace. Under the program of the Entente which aimed to reconstitute the Balkan Alliance, Roumania and Greece were likewise to return the strips of Bulgarian territory acquired in the second Balkan war in return for Bulgarian support against Turkey. The bait, however, was only half tempting for it meant the aggrandizement of neighbors and the unwelcome presence of Russia at Constantinople. It contained still further objections.

So long as the Russian Army was on the Carpathians it is likely that a more decided pressure and swifter action might have accomplished the result aimed at by the Entente. The Russians then threatened Budapest; the English, whose action at the Dardanelles had just begun, threatened Constantinople. If the immediate realization of the Macedonian ambitions had then been assured, Bulgaria might have cast in her lot with the Entente. But the Russian reverses in Galicia and the stalemate of the Dardanelles radically altered this situation, while the Servians evinced an obstinate reluctance to make concession; when they later partially consented, they did so in such a way as to leave doubt in the Bulgarian mind of the genuineness of their intention. The result has been that after the Quadruple Entente succeeded in indisposing Greece by its readiness to placate Bulgaria, and expressed its willingness to force the concessions by Serbia, Bulgaria after receiving offer on offer, has ended by throwing in her fortunes with the Central powers.

Bulgaria has done so without prejudice or feeling. Her great consideration has been Macedonia, but her second line of policy was the fear lest the anticipated aggrandizement of Serbia would curtail her own importance. One is constantly reminded here that there are some fifteen million Serbs but only seven million Bulgars. A greater Serbia was therefore not to the Bulgarian interest. To prevent this she has deliberately thrown in her lot with the Central powers and Turkey, when she believed that theirs was the winning side, and discarded all idea of reconciliation with the Entente. The Bulgarian Government, however, in spite of its feelings of animosity toward Serbia, had always expressed great friendliness to the Entente powers. They have entered the war against these professedly without hatred. Whether they hoped in this way to leave a door open for the future is uncertain. But the bombardment of their ports by the Allied fleets and the landing of French and English troops at Saloniki have been reminders that the war would not be merely a paper one. Since then a feeling of resentment has been encouraged by the Government, ostensibly provoked by these acts of war, and also by the reported internment of Bulgarians in England and France, a measure at once copied here to the extent of forbidding their leaving the country. The Bulgarians who had desired to enter the war, exclusively for a national purpose in order to free Macedonia, now find themselves for better or for worse harnessed to the Central powers and to Turkey, while the rift which they had hoped to avoid separates them more and more from the Entente.

I have [etc.]

LEWIS EINSTEIN

File No. 763.72/2298

The Special Agent in Bulgaria (Einstein) to the Secretary of State

No. 4]

SOFIA, November 10, 1915.

[Received December 7.]

SIR: As erroneous versions have been circulated of the situation in Bulgaria during the early phases of her entry into the war, a brief account of certain events in connection with this, however tardily it reaches the Department, may not be devoid of interest.

It is curious to note that the agreement by which Turkey ceded to Bulgaria the right bank of the Maritsa and the railway line giving direct connection to her Aegean port of Dedeagach, was entirely dependent upon Bulgaria's entry into action. The protocol between the two countries was signed just as soon as news was received of the decree of mobilization. It is reported on good authority that the Ottoman delegates were waiting at the railway station at Dimotika before affixing their signature until they received telegraphic word that the decree had been published.

The actual cession of Turkish territory, by a no less odd coincidence, took place the opening day of hostilities against Serbia.

In spite of reports to the contrary, the mobilization if effected without enthusiasm, was almost everywhere orderly. The versions of officers summarily shot because of their refusal to march against the Russians appears entirely without foundation. The nearest approach to insubordination seems to have come from a battalion of Thracian reservists who expressed reluctance to fight against the Serbs, saying they wished to reconquer their lost homes from the Turks. This battalion was broken up and the men distributed among other regiments. At the same time all accounts concur that, in contrast to the first Balkan war, there was no enthusiasm manifested either during mobilization or since. Enthusiasm is perhaps not a quality in the Bulgarian nature but there has been a rather remarkable absence of it in spite of recent successes. The nearest approach to rejoicing so far has been over the news of the capture of Nish when a police-organized manifestation caused a few hundred students to follow a regimental band through the streets which had been beflagged, likewise by order. The students appeared before the palace and for the first time, it is said, since the Balkan war the King showed himself before his people. The actual war has been so much a policy of the sovereign that the military successes hitherto achieved have been for him a matter of special gratification.

Few things stand out more prominently in the jungle of present history than the new importance acquired by royalty in the Balkan states. In Bulgaria particularly, where the country at large was most reluctant to go to war, the personal initiative of action has been almost entirely the work of the King. Moreover, it seems to have been entirely by the King, acting in connection with the Kings of Greece and Roumania, that the necessary preliminary assurances were received here for the neutrality of both countries in the actual circumstances of a concerted attack on Serbia. I have reason to believe that while the usual official channels have not been utilized for this purpose, the Court of Berlin has acted as the intermediary to assure both the Kings of Greece and of Roumania that their present

neutrality will be rewarded by at least a guarantee of their realm while intervention would be visited by swift punishment.

It is certain that for the present at least all Bulgarian expression of resentment against Greece over the question of Kavalla, which equaled if it did not surpass the feeling against Servia, has been completely silenced. It would be rash to say that anything had been changed in the situation but on the surface the organs of governmental opinion are loud in their expressions of friendship.

The idea is likewise freely expressed here that Roumania will continue her neutrality. No illusions are entertained as to her real feelings but it is believed that the proximity of the German armies will reinforce the King's determination to prefer the comparative security of present peace to the hazards of war against Bulgaria. Dr. Radoslavoff, the Premier, in speaking to me the other day about Roumania, remarked that the time was over when the street could dictate to the Government, and the Bucharest Cabinet has hitherto manifested no anxiety to incur gratuitous risks.

The Bulgarian Government therefore believes it will be able to decide its relations with Servia without interference from near neighbors and the only opposition it will be called upon to encounter will come from the efforts of the Entente powers. What these may amount to is of course not known but confidence is expressed here that even an expeditionary force of half a million English and French would be insufficient to achieve its purpose.

I have [etc.]

LEWIS EINSTEIN

File No. 763.72119/99

The Minister in the Netherlands (Van Dyke) to the Secretary of State

No. 382]

THE HAGUE, November 22, 1915.

[Received December 8.]

SIR: I have the honor to enclose herewith a copy of the memorandum of reply (*Memorie van Antwoord*) made by the Netherlands Government in writing on November 15 in answer to the preliminary report of the Chamber of Deputies.¹ I enclose therewith a *résumé* in English of the principal points in this memorandum as given by the *Gazette de Hollande* of November 16.¹ I have compared this *résumé* with the Dutch text, and find that it is adequate to give the full significance of the document.

I would call your attention to the following facts:

- (1) The Government is considering the possibility of the partial demobilization of the army.
- (2) The Government is making strenuous and special efforts to put a stop to smuggling into Germany.
- (3) The Government also intends to go forward with the legislative program which it announced when it took office, and it regards the constitutional revision as the main point of the ministerial program. This revision has relation to the

¹ Not printed.

broadening of the suffrage, including partial suffrage for women, and the settlement of the education question on the basis of a compromise.

But the most important point in the declaration of the Ministry is the paragraph in regard to peace mediation. The Ministry declares its opinion very clearly on this subject. It declines to undertake any peace mediation which might for one or another reason be regarded with suspicion by either of the belligerents, as a movement prompted by self-interest, or by the interest of the other belligerent party. The Government feels strongly that it should not allow its desire for peace to lure it into the taking of premature steps, which would have no other results than to compromise the position of the country and to hinder the end striven after.

In my opinion this statement expresses very clearly the careful judgment of the thoughtful and unbiased people in the Netherlands.

The rumors of peace negotiations carried on here, which have been floating through the newspapers during the past few months, are, so far as I know, entirely without foundation. Most of them have been so absurd upon their face (for example the rumor that Baron d'Estournelles de Constant and Monsieur Caillaux had come together to The Hague to discuss terms of peace), that I have not thought it necessary or desirable to write to you denying them.

I have [etc.]

HENRY VAN DYKE

File No. 763.72/2308

The Minister in Roumania, Serbia, and Bulgaria (Vopicka) to the Secretary of State

[Telegram]

BUCHAREST, December 10, 1915, 2 p. m.

[Received December 12, 7.50 p. m.]

197. Political information. Definite arrangements have been concluded between the Austro-German and Roumanian Governments for the purchase by the former of fifty thousand wagons of Roumanian wheat, only minor details remaining to be adjusted.

It is now evident that Roumania will take no action before spring as to participation in the war.

VOPICKA

File No. 763.72/2310

The Minister in Roumania, Serbia, and Bulgaria (Vopicka) to the Secretary of State

[Telegram]

BUCHAREST, December 15, 1915, 4 p. m.

[Received December 18, 11.55 p. m.]

201. The defeat and later the retreat to Greece of French and English troops from Macedonia now is having considerable effect on Roumania, and if the Entente powers decide to abandon the Balkan campaign there is some possibility that Roumania might join the

Central powers. The newspapers state that the Roumanian King and Prime Minister have frequent conferences with German Minister at a country place near Bucharest.

The Russian frontier at Ungheni has been closed since ten days. No mail nor telegrams have arrived via Russia since two weeks. The cause is the movement of Russian troops. The Russian secretary says the frontier will soon be reopened.

MINISTER VOPICKA

File No. 111.70H81

The Secretary of State to the Ambassadors in Great Britain, France, Germany, Austria-Hungary, Italy, and Russia

[Circular telegram]

WASHINGTON, December 22, 1915.

Colonel E. M. House, accompanied by Mrs. House, will sail for Europe December 28, S. S. *Rotterdam*.

He proceeds at the request of the President and Secretary of State for the purpose of taking information to our ambassadors in order that they may have a more intimate knowledge of this Government's attitude regarding certain phases of international questions and in order to obtain from them their point of view on these matters.

Please impress on Foreign Office that Colonel House is not on a peace mission.

LANSING

File No. 763.72119/103

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

[Telegram]

BERNE, December 24, 1915, noon.

[Received 3 p. m.]

268. The Government having been interpellated yesterday in the Swiss Parliament here as to its intentions to intervene in favor of peace, Federal Councilor Hoffmann, the Secretary of State, responded in a written declaration. While expressing the ardent sympathy which Swiss people feel towards their neighbors in the cruel war which rages in its vicinity, and the sincere desire of peace which animates them, Mr. Hoffmann declares that the Federal Council does not care to intervene in favor of peace until the desire for peace is manifest in belligerent states themselves. Actually all overtures in favor of peace would be considered by these nations now as an indiscreet and even unfriendly act; so far from advancing the cause of peace, it could only do it harm. Mr. Hoffmann declared besides that the Federal Council would follow with care the course of [events] and would be happy if in the future Switzerland could by its sympathies with the belligerent states, and without departing from its neutrality, contribute its mite in the noble cause of peace. Please communicate foregoing to the President and to Colonel House.

STOVALL

File No. 763.72119/101

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

[Telegram]

CHRISTIANIA, December 23, 1915, 5 p. m.

[Received December 24, 9 p. m.]

48. Ford peace party arrived at Christiania 19th and left this morning for Stockholm. They were received with courtesy by Norwegian people but obtained no official recognition of Government. Attitude of greater portion of Norwegian press in Christiania sceptical and ridiculing, especially resenting Mrs. Schwimmer's participation. She appears consequently to have refrained from speaking in public. Minister for Foreign Affairs informs me that he received a telegram from her requesting audiences, etc., but he replied that nothing could be done otherwise than through my office. She telegraphed to me in a similar manner and I referred her to the Department.

Speeches were made by some of the members before the Norwegian Students' Association and at a public meeting in the large mission hall from which nothing tangible could be gathered beyond the following plans expounded by the secretary of party as follows:

Peace party expects to take with it ten representative members each Denmark and from Norway, Sweden, Holland, respectively, and to meet at The Hague delegates of Spain and Switzerland, then to choose from the various representatives from three to five delegates of each neutral country to be left as a permanent committee for international mediation in one of the Scandinavian countries or The Hague to consult with and receive the views of the belligerents in order to settle a basis for permanent peace. I have had no information that any Norwegian representatives were found.

During the whole sojourn of party in Christiania Mr. Ford was said to be ill with influenza and as far as I know was seen by no one but a few journalists and a Norwegian doctor. Since departure of party I have been informed by Norwegian doctor who attended Ford that he has returned incognito to America on the *Bergensfjord* sailing to-night, on account of illness, leaving necessary funds with party.

SCHMEDEMAN

File No. 763.72/2321

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

[Telegram]

ROME, December 25, 1915.

[Received 4.30 p. m.]

508. Following telegram received to-day from Lorillard, Durazzo, without date:

Rupture of diplomatic relations between Austria and Albania to-day. Sunday all Austrians leave. To-morrow American sailing ship *Albania* obliged to leave despite protestations. In view conditions it is absolutely necessary that I be accredited to the Albanian Government. Repeat to Washington.

AMERICAN EMBASSY

File No. 763.72119/105

The Minister in Denmark (Egan) to the Secretary of State

[Telegram]

COPENHAGEN, December 30, 1915, noon.

[Received 5 p. m.]

204. Ford party disintegrated, ending in [dissension?]. Mrs. Schwimmer, the leading spirit, has no plan. . . . No effect upon public opinion here: fiasco.

AMERICAN MINISTER

File No. 704.6368/2

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

[Telegram]

SALONIKI, December 31, 1915.

[Received 11.40 p. m.]

Following bomb dropping yesterday by German-Austrian aeroplanes, British and French soldiers occupied German, Austrian, Bulgarian, and Ottoman Consulates. Consuls and staffs placed under arrest delivered aboard war vessel for transportation presumably to Volo or Piraeus.

Have taken over Austro-Hungarian and Bulgarian interests as instructed, and at request of military authorities have provisionally taken charge of German-Ottoman interests pending Department's instructions.

KEHL

File No. 763.72119/109

The Special Agent in Bulgaria (Einstein) to the Secretary of State

No. 24]

SOFIA, December 8, 1915.

[Received January 4, 1916.]

SIR: I have the honor to inform you that in pursuance of your telegraphic instruction of December 3,¹ I have brought to the informal notice of the Bulgarian Foreign Office the departure of Mr. Henry Ford on a proposed mission of peace and the refusal of the Department to visa his passports for other than neutral countries.

Although no comment was made, the desire for peace is of course very real here. Bulgaria has achieved her main ambitions—the occupation of Macedonia and the weakening of Servia to a point where, even if that country should again be reestablished, it will be many years before she could become a menace to her eastern neighbor. A six weeks' campaign has sufficed for this purpose and Bulgaria has little to gain by any continuation of the campaign which must necessarily lead to a drain on her resources without hope of commensurate advantage. Her ambitions with respect to Kavalla and the recovery of Dobruja are perhaps undimmed but as these would involve hostilities with Greece and Roumania, they are kept in restraint for a more propitious occasion. Yet it is by

¹ *Ante*, p. 78.

no means impossible that the prolongation of the present war may give that opportunity. The concentrations of Anglo-French forces at Saloniki and of a Russian army at the mouth of the Danube, cause a necessary suspense in any forecast while its immediate effect is to strengthen the ties uniting Bulgaria to the Central powers. The situation at Saloniki presents a dilemma to Bulgaria in either tolerating the gathering of a hostile force in the territory of a neighboring country with which she is at peace, or else, violating that territory and thereby risking the provocation of a fresh war. Unsolicited statements have been made to me that no intention exists on the part of the Bulgars of entering Greek territory though ignorance is professed as to the intentions of the Germans and Austrians.

Whatever the future may bring forth, there can be little doubt that if peace were to-day feasible for Bulgaria with the retention of her actual successes, it would be made. Any further continuation of the war for this country will therefore be in the nature of a corollary of her late campaign and the defense of her recent conquests. Certainly no intention is apparent of assisting the Central powers in any other theater of the war beyond facilitating the passage of military supplies to Constantinople.

While the Department has far better sources of information, it may yet be of some interest to know that on the part of Austrian officials with whom I am brought in close and friendly contact, there are incessant allusions not only to the desirability but to the possibility of an early peace. One has the impression, rightly or wrongly derived, that the Central powers feel they have obtained all that was possible out of this war, and that save for the much advertised Turkish expedition against Egypt to which their contribution will probably be munitions and direction, rather than men, further offenses will hardly be undertaken because the great losses these necessitate could not be compensated for by additional conquests. No more territory is desired than is at present occupied and much of this they would be ready to abandon in return for an early peace and possible indemnities.

The opinion is, moreover, held here by Austrian diplomatists that German territorial ambitions exist rather on the eastern than on the west front and are confined to certain of the Russian Baltic provinces and a part of Poland, and that Germany would be disposed to abandon Belgium and the occupied regions of France in return for her colonies and the freedom of her trade. The Department will of course appreciate that these expressions are entirely private and unofficial, and derived exclusively from informal friendly conversations. If I chronicle them at all, it is because of the possibility of their perhaps throwing light on other information in its possession.

I have [etc.]

EINSTEIN

File No. 763.72/2334

The Special Agent in Bulgaria (Einstein) to the Secretary of State

No. 26]

SOFIA, December 9, 1915.

[Received January 4, 1916.]

SIR: I have the honor to bring to your notice that if any fixed intention exists here with regard to the ultimate disposition of Serbia no glimmer of it has been allowed to transpire. At the Foreign Office they prudently declare that Bulgaria is too small a state to decide a question which will have to remain in suspense for the peace congress. Bulgarian ambitions are confined to Macedonia, but are understood also to include the territory to the east of the Morava, in which is situated Nish, on the ground that thirty years ago this was Bulgarian. Such ambitions are, however, advanced with great prudence for the lesson of the last disastrous war has not yet been forgotten. Thus, while at Sofia the occupation of Monastir [Bitolj] was officially celebrated amid organized rejoicing, the method by which this success was effected indicates how careful has been their procedure. The town had been evacuated by its Servian garrison whose line of retreat was threatened, and a Bulgarian force was encamped at its gates. Yet the commander acting under orders waited three days for a German cavalry squadron to arrive by forced marches, in order that the entry of the Germans might be simultaneous to prevent Greek excitability from being aroused. In the same way, as soon as the campaign in Serbia was practically ended, German troops were dispatched to the Bulgarian Danube region in order to intimidate Roumanian interventionists.

While various suggestions are heard here as to the future of Serbia including its partition between Bulgaria, Montenegro, and Austria, my personal impression is that Austria in particular would be more likely to prefer its reestablishment if only as a counterpoise to an overgreat Bulgaria; and it would not be surprising if, when the peace conference finally meets, the diplomatic strategy of the Central powers will be to appear to yield this as a concession when in reality they would not wish it otherwise.

I have [etc.] .

LEWIS EINSTEIN



PART II
NEUTRAL RIGHTS



PART II

NEUTRAL RIGHTS

PROCLAMATIONS, ORDERS, AND DECREES OF BELLIGERENT GOVERNMENTS AFFECTING THE TRADE OF NEUTRAL STATES—ATTITUDE OF THE UNITED STATES AND OTHER NEUTRAL GOVERNMENTS

The German Declaration of a Naval War Zone (February 4, 1915): Position Taken by the United States—Negotiations Relative to the Admission of Food Supplies into Germany—Use of Neutral Flags by Belligerent Merchant Vessels

File No. 763.72/1428

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

[Telegram]

BERLIN, February 2, 1915.

[Received February 3, 9.42 p. m.]

1503. Proclamation of German Admiralty urgently warns all merchant vessels to avoid north and west coast of France as Germany intends to employ all means of war at its disposal against English transports and shipments of ammunition to France. Recommends that merchant vessels bound for North Sea take north of Scotland course.¹

GERARD

File No. 763.72/1430

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

[Telegram]

BERLIN, February 2, 1915.

[Received February 4, 8 a. m.]

1504. Informed to-day by Undersecretary Zimmermann that as England was trying to starve Germany out, quite probably a submarine blockade of England would be declared soon and the channel closed.

GERARD

¹The full text of the German declaration, dated February 1, as transmitted by the German Ambassador, February 6, J. No. A 869 (File No. 763.72/1440), was as follows (translation):

It is known to the Imperial Government that Great Britain is on the point of shipping to France large forces of troops and quantities of implements of war. Germany will oppose this shipment with every war means at its command.

As peaceful craft may be, from being mistaken for vessels engaged in war operations, exposed to serious danger, the Imperial Government is placed under the necessity of warning of such danger vessels approaching the north and west coasts of France. Merchant vessels repairing to the North Sea are advised to steer around Scotland.

File No. 763.72/1434

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

[Telegram]

BERLIN, February 4, 1915, 8 p. m.

[Received February 5, 10 p. m.]

1519. German Admiralty issues following proclamation: The waters surrounding Great Britain and Ireland including the whole English Channel are hereby declared to be comprised within the seat of war and that all enemy merchant vessels found in those waters after the eighteenth instant will be destroyed although it may not always be possible to save crews and passengers.

Neutral vessels expose themselves to danger within this zone of war since in view of the misuse of the neutral flag ordered by the British Government on January thirty-first and of the contingencies of maritime warfare it cannot always be avoided that neutral vessels suffer from attacks intended to strike enemy ships.

The navigation routes around the north of the Shetlands, in the eastern part of the North Sea and in a strip of at least thirty sea miles in width along the Dutch coast are not open to the danger zone. Foreign Office transmits long explanatory memorandum which is being sent by mail but can be cabled if desired.

GERARD

File No. 763.72/1436

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

[Telegram]

ROME, February 6, 1915.

[Received 10 p. m.]

179. Believe Italian Government inclined to think German order declaring war zone about British Isles threatening neutral vessels requires some observations. Am informally asked what our Government proposes to do. This believed to be with view of having [action] on parallel lines.

AMERICAN EMBASSY

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

[Telegram]

WASHINGTON, February 8, 1915, 5 p. m.

157. Your 179, February 6. The position of this Government has not been fully determined as yet. Department will keep you advised.

BRYAN

File No. 811.0151/34

The German Ambassador (Bernstorff) to the Secretary of State

[Translation]

J. Nr. A 868/15]

WASHINGTON, February 6, 1915.

[Received February 8.]

MR. SECRETARY OF STATE: It has come to the Imperial German Government's knowledge that the British Admiralty has issued

secret orders to the effect that, on account of the appearance of German submarines in the English Channel and Irish Sea, all British merchant vessels should immediately fly neutral flags. They should also show no house flag and should conceal all markings such as names, ports of origin, etc.

In compliance with instructions, I have the honor to point out to your excellency that this measure of the British Government may well expose neutral vessels to great danger, and I venture to leave it to your excellency's kind consideration whether representations to the British Government against the improper use of the American flag by British vessels are in order.

Accept [etc.]

For the Imperial Ambassador:

HANIEL

File No. 763.72112/706

The German Embassy to the Department of State

[Memorandum]

J. Nr. A 874]

WASHINGTON, *February 7, 1915.*

[*Received February 8.*]

The German Government expecting that the Government of the United States will extend to American trade with Germany, so far as it does not include contraband, the same protection as to the trade with other countries and in order to forestall all British objections, gives the formal assurance to the Government of the United States that all goods imported to Germany from the United States, directly or indirectly, and which belong to the class of relative contraband, as, f. i., foodstuffs, will not be used by the German Army or Navy nor by Government authorities, but will be left to the free consumption of the German civilian population excluding all Government's purveyors.

The German Government would also be ready to leave for the duration of the war the sale and distribution of such imported goods, as oil or cereals, to American organizations.

File No. 763.72/1438

The German Ambassador (Bernstorff) to the Secretary of State

[Translation]

J. Nr. A 876]

WASHINGTON, *February 7, 1915.*

[*Received February 8.*]

MR. SECRETARY OF STATE: I have the honor to transmit to you herewith a copy of the Imperial Chancellor's proclamation concerning Great Britain's conduct of the war, as received here by wireless.¹

Accept [etc.]

For the Imperial Ambassador:

HANIEL

¹The text enclosed is in English translation only. It is printed as the first copy of the memorandum to reach the Department. Another English version arrived on the morning of February 10, telegraphed by the Ambassador in Germany (File No. 763.72/1443). A third came with his despatch No. 525, on the 24th, together with a copy of the German original and a translation into French (File No. 763.72/1495).

[Enclosure]

Memorandum of the German Government concerning retaliation against Great Britain's illegal interference with trade between neutrals and Germany

Since the beginning of the present war Great Britain has carried on a mercantile warfare against Germany in a way that defies all the principles of international law. It is true the British Government has announced in a number of decrees the London declaration concerning naval warfare to be binding on its naval forces, but in reality she has renounced the declaration in its most important particulars, although her own delegates at the London Conference on Naval Warfare had recognized its conclusions to be valid as international law.

The British Government has put a number of articles in the list of contraband which are not or at most only indirectly useful for military purposes and therefore according to the London declaration as well as according to the universally recognized rules of international law may not be designated as contraband. She has further actually abolished the distinction between absolute and relative contraband, inasmuch as she has subjected to capture all articles of relative contraband intended for Germany without reference to the harbor in which they are to be unloaded or to the hostile or peaceful use to which they are to be put.

She does not even hesitate to violate the Paris declaration, as her naval forces have seized on neutral ships German property that was not contraband, in violation of her own desires concerning the London declaration she has further through her naval forces taken from neutral ships numerous Germans liable to military service and has made of them prisoners of war. Finally she has declared the entire North Sea to be an area of war, and if she has not made impossible the passage of neutral shipping through the sea between Scotland and Norway, has rendered it so difficult and so dangerous, that she has to a certain extent effected a blockade of neutral coasts and neutral ports in violation of all international law.

All these measures have the obvious purpose through the illegal paralyzation of legitimate neutral commerce not only to strike at the German military strength, but also at the economic life of Germany and finally through starvation doom the entire population of Germany to destruction.

The neutral powers have generally acquiesced in the steps taken by the English Government, especially they have not succeeded in inducing the British Government to restore the German individuals and property seized in violation of international law. In certain directions they have also aided the British measures, which are irreconcilable with the freedom of the sea, in that they have obviously under the pressure of England hindered by export and transit embargoes the transit of wares for peaceful purposes to Germany. The German Government has in vain called the attention of neutral powers to the fact, that it must face the question of whether it can longer persevere in its hitherto strict observance of the rules of the London declaration, if Great Britain were to continue its course, and the neutral powers were to continue to acquiesce in these violations of neutrality to the detriment of Germany; for her violations of international law Great Britain pleads the vital interests which the British Empire has at stake, and the neutral powers seem to satisfy themselves with theoretical protest. Therefore in fact they accept the vital interests of belligerents as sufficient excuse for every method of warfare. Germany must now appeal to these same vital interests to its regret. It therefore sees itself forced to military measures aimed at England in retaliation against the English procedure. Just as England has designated the area between Scotland and Norway as an area of war, so Germany now declares all the waters surrounding Great Britain and Ireland including the entire English Channel as an area of war, and thus will proceed against the shipping of the enemy.

For this purpose beginning February 18, 1915, it will endeavor to destroy every enemy merchant ship that is found in this area of war without its always being possible to avert the peril, that thus threatens persons and cargoes. Neutrals are therefore warned against further entrusting crews, passengers and wares to such ships. Their attention also called to the fact, that it is advisable for their ships to avoid entering this area, for even though the German naval forces have instructions to avoid violence to neutral ships in so far as they are recognizable, in view of the misuse of neutral flags ordered by the British Government and the contingencies of naval warfare their be-

coming victims of torpedoes directed against enemy ships cannot always be avoided; at the same time it is specifically noted that shipping north of Shetland Islands in the eastern area of the North Sea and in a strip of at least thirty sea miles in the width along the Netherlands coast is not imperiled. The German Government gives such early notice of these measures, that hostile as well as neutral ships may have time accordingly to adapt their plans for landing at ports in this area of war and may expect that the neutral powers will show no less consideration for the vital interests of Germany than for those of England and will aid in keeping their citizens and the property of the latter from this area. This is the more to be expected, as it must be to the interest of the neutral powers to see this destructive war end as soon as possible.

BERLIN, February 4, 1915.

File No. 763.72/1444

The Netherland Minister of Foreign Affairs (Loudon) to the Netherland Minister at Washington (Van Rappard)

[Telegram—Translation]

Received February 6, 1915.

[Left at the Department of State, February 8.]

Kindly make it known to the American Government that I attach importance to being kept informed as to its attitude toward the German publication and note of the 4th instant.

You may add that the Dutch Government is answering them by a refutation, so far as concerns itself, of the reproaches directed toward the neutrals and by a protest against a measure designating as a war zone regions which are much too extensive to constitute a sphere of immediate action for the belligerents' operations.

File No. 811.0151/33

The Ambassador in Great Britain (Page) to the Secretary of State

[Telegram]

LONDON, February 8, 1915.

[Received 7.30 p. m.]

1611. The following announcement appears in the morning papers as from the Foreign Office who confirm its accuracy, although they have not communicated it to me officially:

The use of the neutral flag is with certain limitations well established in practice as a *ruse de guerre*. The only effect in the case of a merchantman wearing a flag other than her national flag is to compel the enemy to follow the ordinary obligations of naval warfare and to satisfy himself as to the nationality of the vessel and of the character of her cargo by examination before capturing her and taking her into a prize court for adjudication.

The British Government have always considered the use of British colours by a foreign vessel legitimate for the purpose of escaping capture. Such a practice not only involves no breach of international law, but is specifically recognized by the law of this country.

In the Merchant Shipping Act 1894 it is enacted (Section 691) as follows:

If a person uses the British flag and assumes the British national character on board a ship owned in whole or in part by any persons not qualified to own a British ship for the purpose of making the ship appear to be a British ship, the ship shall be subject to forfeiture under this Act, unless the assumption has been made for the purpose of escaping capture by an enemy or by a foreign ship of war in the exercise of some belligerent right.

And in the instructions to British Consuls 1914 it is stated: "A ship is liable to capture if British character is improperly assumed except for the purpose of escaping capture." As we have in practice not objected to foreign merchant vessels using the British merchant flag as a ruse for the purpose of evading capture at sea at the hands of a belligerent so we should maintain in the converse case a British merchant vessel committed no breach of international law in assuming neutral colours for similar purpose if she thought fit to do so.

By the rules of international law, the customs of war, and the dictates of humanity, it is obligatory upon a belligerent to ascertain the character of a merchant vessel and of her cargo before capture. Germany has no right to disregard this obligation. To destroy ship, non-combatant crew, and cargo, as Germany has announced her intention of doing, is nothing less than an act of piracy on the high seas.

AMERICAN AMBASSADOR

File No. 763.72/1434

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

[Telegram]

WASHINGTON, February 10, 1915, 1 p. m.

1163. Please address a note immediately to the Imperial German Government to the following effect:

The Government of the United States, having had its attention directed to the proclamation of the German Admiralty issued on the 4th of February, that the waters surrounding Great Britain and Ireland, including the whole of the English Channel, are to be considered as comprised within the seat of war; that all enemy merchant vessels found in those waters after the eighteenth instant will be destroyed, although it may not always be possible to save crews and passengers; and that neutral vessels expose themselves to danger within this zone of war because, in view of the misuse of neutral flags said to have been ordered by the British Government on the thirty-first of January and of the contingencies of maritime warfare, it may not be possible always to exempt neutral vessels from attacks intended to strike enemy ships, feels it to be its duty to call the attention of the Imperial German Government, with sincere respect and the most friendly sentiments but very candidly and earnestly, to the very serious possibilities of the course of action apparently contemplated under that proclamation.

The Government of the United States views those possibilities with such grave concern that it feels it to be its privilege, and indeed its duty in the circumstances, to request the Imperial German Government to consider before action is taken the critical situation in respect of the relations between this country and Germany which might arise were the German naval forces, in carrying out the policy foreshadowed in the Admiralty's proclamation, to destroy any merchant vessel of the United States or cause the death of American citizens.

It is of course not necessary to remind the German Government that the sole right of a belligerent in dealing with neutral vessels on the high seas is limited to visit and search, unless a blockade is proclaimed and effectively maintained, which this Government does not understand to be proposed in this case. To declare or exercise a right to attack and destroy any vessel entering a prescribed area of the high seas without first certainly determining its belligerent nationality and the contraband character of its cargo would be an

act so unprecedented in naval warfare that this Government is reluctant to believe that the Imperial Government of Germany in this case contemplates it as possible. The suspicion that enemy ships are using neutral flags improperly can create no just presumption that all ships traversing a prescribed area are subject to the same suspicion. It is to determine exactly such questions that this Government understands the right of visit and search to have been recognized.

This Government has carefully noted the explanatory statement issued by the Imperial German Government at the same time with the proclamation of the German Admiralty, and takes this occasion to remind the Imperial German Government very respectfully that the Government of the United States is open to none of the criticisms for unneutral action to which the German Government believe the governments of certain other neutral nations have laid themselves open; that the Government of the United States has not consented to or acquiesced in any measures which may have been taken by the other belligerent nations in the present war which operate to restrain neutral trade, but has, on the contrary, taken in all such matters a position which warrants it in holding those governments responsible in the proper way for any untoward effects upon American shipping which the accepted principles of international law do not justify; and that it, therefore, regards itself as free in the present instance to take with a clear conscience and upon accepted principles the position indicated in this note.

If the commanders of German vessels of war should act upon the presumption that the flag of the United States was not being used in good faith and should destroy on the high seas an American vessel or the lives of American citizens, it would be difficult for the Government of the United States to view the act in any other light than as an indefensible violation of neutral rights which it would be very hard indeed to reconcile with the friendly relations now so happily subsisting between the two Governments.

If such a deplorable situation should arise, the Imperial German Government can readily appreciate that the Government of the United States would be constrained to hold the Imperial German Government to a strict accountability for such acts of their naval authorities and to take any steps it might be necessary to take to safeguard American lives and property and to secure to American citizens the full enjoyment of their acknowledged rights on the high seas.

The Government of the United States, in view of these considerations, which it urges with the greatest respect and with the sincere purpose of making sure that no misunderstanding may arise and no circumstance occur that might even cloud the intercourse of the two Governments, expresses the confident hope and expectation that the Imperial German Government can and will give assurance that American citizens and their vessels will not be molested by the naval forces of Germany otherwise than by visit and search, though their vessels may be traversing the sea area delimited in the proclamation of the German Admiralty.

It is added for the information of the Imperial Government that representations have been made to His Britannic Majesty's Govern-

ment in respect to the unwarranted use of the American flag for the protection of British ships.

BRYAN

File No. 811.0151/33

The Secretary of State to the Ambassador in Great Britain (Page)

[Telegram]

WASHINGTON, February 10, 1915.

1105. The Department has been advised of the declaration of the German Admiralty on February fourth, indicating that the British Government had on January 31 explicitly authorized the use of neutral flags on British merchant vessels presumably for the purpose of avoiding recognition by German naval forces. The Department's attention has also been directed to reports in the press that the captain of the *Lusitania*, acting upon orders or information received from the British authorities, raised the American flag as his vessel approached the British coasts, in order to escape anticipated attacks by German submarines. To-day's press reports also contain an alleged official statement of the Foreign Office defending the use of the flag of a neutral country by a belligerent vessel in order to escape capture or attack by an enemy.

Assuming that the foregoing reports are true, the Government of the United States, reserving for future consideration the legality and propriety of the deceptive use of the flag of a neutral power in any case for the purpose of avoiding capture, desires very respectfully to point out to His Britannic Majesty's Government the serious consequences which may result to American vessels and American citizens if this practice is continued.

The occasional use of the flag of a neutral or an enemy under the stress of immediate pursuit and to deceive an approaching enemy, which appears by the press reports to be represented as the precedent and justification used to support this action, seems to this Government a very different thing from an explicit sanction by a belligerent government for its merchant ships generally to fly the flag of a neutral power within certain portions of the high seas which are presumed to be frequented with hostile warships. The formal declaration of such a policy of general misuse of a neutral's flag jeopardizes the vessels of the neutral visiting those waters in a peculiar degree by raising the presumption that they are of belligerent nationality regardless of the flag which they may carry.

In view of the announced purpose of the German Admiralty to engage in active naval operations in certain delimited sea areas adjacent to the coasts of Great Britain and Ireland, the Government of the United States would view with anxious solicitude any general use of the flag of the United States by British vessels traversing those waters. A policy such as the one which His Majesty's Government is said to intend to adopt, would, if the declaration of the German Admiralty is put in force, it seems clear, afford no protection to British vessels, while it would be a serious and constant menace to the lives and vessels of American citizens.

The Government of the United States, therefore, trusts that His Majesty's Government will do all in their power to restrain vessels

of British nationality from the deceptive use of the flag of the United States in the sea area defined in the German declaration, since such practice would greatly endanger the vessels of a friendly power navigating those waters and would even seem to impose upon the Government of Great Britain a measure of responsibility for the loss of American lives and vessels in case of an attack by a German naval force.

Please present a note to Sir Edward Grey in the sense of the foregoing and impress him with the grave concern which this Government feels in the circumstances in regard to the safety of American vessels and lives in the war zone declared by the German Admiralty.

You may add that this Government is making earnest representations to the German Government in regard to the danger to American vessels and citizens if the declaration of the German Admiralty is put into effect.

BRYAN

File No. 811.0151/41

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

[Telegram]

BERLIN, February 10, 1915.

[Received February 11, 7.40 p. m.]

1561. The hate campaign here against America has assumed grave proportions. People much excited by published report that *Lusitania* by order of British Admiralty hoisted American flag in Irish Channel and so entered Liverpool. Hope you can authorize me to deny this. If report true and no action is taken by American Government, bitter feeling here will be immeasurably increased.

GERARD

File No. 763.72/1449

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

[Telegram]

CHRISTIANIA, February 12, 1915.

[Received 4.05 p. m.]

10. The Minister for Foreign Affairs informs me that the three Scandinavian countries will send joint note to the German Government protesting against the order of German declaration that seas surrounding United Kingdom and English Channel are military zone and will probably send a note to the English Government protesting against the action of English vessels flying the flag of neutral countries.

SCHMEDEMAN

File No. 811.0151/42

The Ambassador in Great Britain (Page) to the Secretary of State

[Telegram]

LONDON, February 12, 1915.

[Received 10.25 p. m.]

1631. Your telegram 1106 [1105], February 10, taken up with Sir Edward Grey and a memorandum embodying its request left with

him. He said that the Admiralty had already received instructions which he thought practically complied with our request but that he would answer more specifically as soon as he could confer with the Cabinet and the Admiralty.

AMERICAN AMBASSADOR

File No. 763.72/1451

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

[Telegram]

BERLIN, February 12, 1915.

[Received February 13, 5.15 p. m.]

1586. Your telegram 1163, February 10, 1 p. m. Handed note embodying yours to Secretary Foreign Affairs. He will send written answer but am convinced from conversation with him German proclamation will be withdrawn if England will adopt Declaration of London or allow food to enter for German civil population. Suggest you can help this by suggesting that Congress will put embargo on export of arms unless England consents.

GERARD

File No. 763.72112/839

The German Ambassador (Bernstorff) to the Secretary of State

[Translation]

J. Nr. 2567]

WASHINGTON, February 13, 1915.

MR. SECRETARY OF STATE: By direction of my Government I have the honor to supplement my memorandum of the 7th instant¹ with the following statement:

1. The Federal Council's decision concerning the seizure of food products, which England alleges to be the cause of food products shipped to Germany being treated as contraband, bears exclusively on "wheat, rye, both unmixed and mixed with other products" and also "wheat, rye, oats and barley flour."²

2. The Federal Council makes an express exception in Section 45 of the order. Section 45 provides as follows: "The stipulations of this regulation do not apply to grain or flour imported from abroad after January 31."

3. Conjunctively with that saving clause the Federal Council's order contains a provision under which imported cereals and flours would be sold exclusively to the municipalities or certain specially designated organizations by the importers. Although that provision had for its object simply to throw imported grain and flour into such channels as supply the private consumption of civilians and, in consequence of that provision, the intent and purpose of the Federal Council's order which was to protect the civilian population from speculators and engrossers were fully met, it was nevertheless rescinded so as to leave no room for doubt.

4. My Government is amenable to any proposition looking to control by a special American organization under the supervision of

¹ *Ante*, p. 95.

² For previous correspondence dealing with this decree and its effects, see *post*, pp. 313, *et seq.*

the American consular officers and, if necessary, will itself make a proposition in that direction.

5. The German Government further calls attention to the fact that municipalities do not form part of or belong to the Government but are "self-administrative bodies" which are elected by the inhabitants of the commune in accordance with fixed rules and therefore exclusively represent the private part of the population and act as it directs. Although those principles are generally known and obtain in the United States as well as in England itself, the German Government desired to point out the fact so as to avoid any further unnecessary delay.

6. Hence is it absolutely assured that imported food products will be consumed by the civilian population in Germany exclusively and there remains no ground upon which England can prevent the exportation of food products from America to Germany for the use of civilians.

The Imperial Government expresses the firm hope that the American Government will stand on its right in this matter.

Accept [etc.]

J. BERNSTORFF

File No. 763.72/1450

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

[Telegram]

BERLIN, February 11, 1915.

[Received February 14, 9.20 a. m.]

1575. I am convinced that the hate campaign here against America was at least to some extent approved by the Government; otherwise a conservative newspaper like the *Cologne Gazette* would never have dared to suggest the use of brute force against America, and the *Lokal Anzeiger* of Berlin, a paper of wide circulation which has printed many very unfriendly articles, is the property of syndicate of men closely connected with the German Government, among them a present Prussian Minister. Further, the continuance of hate articles has been permitted.

Secretary State for Foreign Affairs in an interview with American correspondent takes the attitude that an American ship in waters proclaimed by Germany as war district would run exactly same risks as an American citizen under fire on a battleship. I think German Government is serious in intention to destroy any such ships without examination of papers.

GERARD

File No. 763.72/1452

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

[Telegram]

BERLIN, February 13, 1915.

[Received February 15, 8 a. m.]

1594. Think Germany will offer idea of American ships' being conveyed by American warships which can wait in Irish ports and be notified by wireless.

GERARD

File No. 763.72/1453

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

[Telegram]

BERLIN, February 14, 1915, 5 p. m.

[Received February 15, 11.30 a. m.]

1595. That Government at least approves hate campaign against us shown by official *communiqué* of day's operations which states: "On our west front artillery ammunition was found which undoubtedly came from American factories." Hear on all sides of possibility of war with America. Belief here that great quantities of munitions are sent from America, thus prolonging the war. German officials confident Germans in America organized by consuls will rise and destroy bridges, arsenals and factories. I assure you the situation is very tense. Newspapers say American Government is partial to England; that we permit English to use our flag and have done nothing although Russians sunk an American ship, the *Washington*, in Black Sea, and that we did not protest against English closing the North Sea.

GERARD

File No. 763.72/1519

The German Ambassador (Bernstorff) to the Secretary of State

[Translation]

J. Nr. A 1062]

WASHINGTON, February 15, 1915.

MR. SECRETARY OF STATE: By direction of my Government I have the honor to make the following communication to your excellency:

According to trustworthy reports, English merchant vessels intend to offer armed resistance to the German naval forces in the naval war zone designated by the German Admiralty. While previously some of these vessels were armed with naval guns, all measures will now be taken to carry out the armament of the remaining ships. Furthermore, merchant vessels have been urged to sail in groups and to ram German submarines while undergoing search, or to throw bombs upon them if they come alongside, and also to attempt to overpower the searching parties which come aboard. Finally, a very high prize has been offered for the destruction of the first German submarine by an English merchant ship. English merchant vessels in the designated waters are therefore no longer to be regarded as undefended, and so may be attacked by the Germans without previous warning or visit.

In the meanwhile, the British Government has already admitted its directions regarding the misuse of neutral flags. Their execution warrants the assumption that English merchant ships will resort to every means of rendering themselves unrecognizable as such. Thereby, in turn, the recognition of neutral merchant vessels is made practically impossible, unless they sail by day under convoy, since even the painting of the hull in national colors and similar methods of identification contemplated by neutrals can be straightway copied by English merchant ships. Visit and search are put out of the question by reason of the attacks to be expected from dis-

guised English merchant ships, since the same would expose the boarding party and the submarine itself to destruction. In such a state of affairs there can be no further assurance for the safety of neutral shipping in the English naval war zone. In addition, account must be taken of an increased danger from mines, since it is intended to make the most extensive use of mines in all parts of the war area. Neutral vessels must therefore again be *most earnestly* warned against venturing into this area; they may, on the other hand, when the case arises, unhesitatingly choose the route north of Scotland recommended by the German Admiralty.

The new German method of naval warfare is imposed and justified by the murderous character of the English method of naval warfare, which seeks to condemn the German people to death by starvation through the destruction of legitimate trade with neutral foreign countries.

Germany will therefore adhere to the announced method of warfare until England decides for her part to observe also the recognized rules of naval warfare as laid down in the Declaration of Paris and the Declaration of London, or until she is compelled to do so by the neutral powers.

Accept [etc.]

J. BERNSTORFF

File No. 300.115/2357

The Secretary of State to the Ambassador in Great Britain (Page)

[Telegram]

WASHINGTON, *February 15, 1915.*

1134. The Department notes that you have been informed by the British Government that the cargo of the American steamer *Wilhelmina* has been sent to prize court but is not yet unloaded.¹ The Government of the United States, of course, has no intention of interfering with the proper course of judicial procedure in the British prize courts, but deems it proper to bring to the attention of the British Government information which has been received in relation to the character and destination of the cargo and to point out certain considerations prompting the supposition that the seizure may not be justified.

This Government is informed that the W. L. Green Commission Company, an American corporation organized in 1891, which in the past has made extensive shipments of goods to Germany, is the sole owner of the cargo which consists entirely of foodstuffs consigned to the W. L. Green Commission Company, Hamburg, and that the company's manager, now in Europe, has instructions to sell the cargo solely to the civilian population of Hamburg. A copy of the ship's manifest has been submitted to this Government, accompanied by a sworn statement from the company's manager in which he represents that he was instructed to proceed to Germany to dispose of the cargo to private purchasers in that country, and not to any belligerent government nor armed forces of such government, nor to any agent of a belligerent government or of its armed forces.

¹ For previous correspondence concerning the *Wilhelmina* case, see *post*, pp. 313 *et seq.*

According to well-established practice among nations, admitted, as this Government understands by the Government of Great Britain, the articles of which the *Wilhelmina's* cargo is said to consist, are subject to seizure as contraband only in case they are destined for the use of a belligerent government or its armed forces. The Government of the United States understands that the British authorities consider the seizure of the cargo justified on the ground that a recent order of the Federal Council of Germany, promulgated after the vessel sailed, requires the delivery of imported articles to the German Government. The owners of the cargo have represented to this Government that such a position is untenable. They point out that, by a provision of the order in question as originally announced, the regulations in relation to the seizure of food products are made inapplicable to such products imported after January thirty-one, nineteen fifteen. They further represent that the only articles shipped on the *Wilhelmina* which are embraced within the terms of these regulations are wheat and bran, which constitute about fifteen per centum of the cargo as compared with eighty-five per centum consisting of meats, vegetables, and fruits. The owners also assert that the regulations contemplate the disposition of foodstuffs to individuals through municipalities; that municipalities are not agents of the Government, and that the purpose of the regulations is to conserve the supply of food products and to prevent speculation and inflation of prices to non-combatants.

The German Government has addressed a formal communication to the Government of the United States in relation to the effect of the decree issued by the German Federal Council, and this Government deems it pertinent to call to the attention of the British Government a material portion of this communication, which is as follows:

1. The Federal Council's decision concerning the seizure of food products, which England alleges to be the cause of food products shipped to Germany being treated as contraband, bears exclusively on wheat, rye, both unmixed and mixed with other products, and also wheat, rye, oats, and barley flour.

2. The Federal Council makes an express exception in section forty-five of the order. Section forty-five provides as follows: "The stipulations of this regulation do not apply to grain or flour imported from abroad after January thirty-one."

3. Conjunctively with that saving clause the Federal Council's order contains a provision under which imported cereals and flours would be sold exclusively to the municipalities or certain specially designated organizations by the importers. Although that provision had for its object simply to throw imported grain and flour into such channels as supply the private consumption of civilians and, in consequence of that provision, the intent and purpose of the Federal Council's order which was to protect the civilian population from speculators and engrossers were fully met, it was nevertheless rescinded so as to leave no room for doubt.

4. My Government is amenable to any proposition looking to control by a special American organization under the supervision of the American consular officers and, if necessary, will itself make a proposition in that direction.

5. The German Government further calls attention to the fact that municipalities do not form part of or belong to the Government but are self-administrative bodies, which are elected by the inhabitants of the commune in accordance with fixed rules and therefore exclusively represent the private part of the population and act as it directs. Although those principles are generally known and obtain in the United States as well as in England itself, the German Government desired to point out the fact so as to avoid any further unnecessary delay.

6. Hence it is absolutely assured that imported food products will be consumed by the civilian population in Germany exclusively.

It will be observed that it is stated in this communication, which appears to confirm the contentions of the cargo owners, that a part of the order of the German Federal Council relating to imported food products has now been rescinded.

This Government has received another communication from the German Government giving formal assurance to the Government of the United States that all goods imported into Germany from the United States directly or indirectly, which belong to the class of relative contraband, such as foodstuffs, will not be used by the German army or navy or by Government authorities, but will be left to the free consumption of the German civilian population, excluding all Government purveyors.

If the British authorities have not in their possession evidence, other than that presented to this Government as to the character and destination of the cargo of the *Wilhelmina*, sufficient to warrant the seizure of this cargo, the Government of the United States hopes that the British Government will release the vessel together with her cargo and allow her to proceed to her port of destination.

Please communicate with the British Government in the sense of the foregoing.

BRYAN

File No. 763.72/1457a

The Secretary of State to the Ambassador in Great Britain (Page)

[Telegram]

WASHINGTON, *February 16, 1915, 3 p. m.*

1140. Referring to communications repeated to you last night from German Government and the one repeated herein, from these you will see that the German Government specifically exempts imported foodstuffs and also expresses willingness to have foodstuffs from America distributed by American organizations. These propositions would seem to remove the reasons given by Great Britain for stopping food intended for non-combatants. In giving these notes to Sir Edward Grey for his information, please make clear to him informally the position in which this Government finds itself. It cannot escape the conviction that a policy which seeks to keep food from non-combatants, from the civil population of a whole nation, will create a very unfavorable impression throughout the world. It will certainly create, is already showing signs of creating, a strong revulsion of feeling in this country and the result might very easily be such a condemnation of that policy by American opinion, in view of the explicit assurances of the German notes sent last evening and herein, as to be very embarrassing to this Government if it took an inactive position. In the interest of the absolute good feeling that subsists between us these considerations should be very frankly stated. You may suggest that it seems probable that the war zone order would be withdrawn if the food question could be adjusted.

Note from German Embassy, February 15, follows:

[The German note here quoted is printed above.¹]

BRYAN

¹ *Ante*, p. 104.

File No. 763.72112/706

The Department of State to the German Embassy

[Memorandum]

WASHINGTON, February 16, 1915.

The Department of State has the honor to acknowledge the receipt of the Imperial German Embassy's memorandum of the 7th instant,¹ stating that the German Government, expecting that the Government of the United States will extend to American trade with Germany, so far as it does not include contraband, the same protection as to the trade with other countries, gives the formal assurance to the Government of the United States that all goods imported into Germany from the United States, directly or indirectly, which belong to the class of relative contraband, as, for example, foodstuffs, will not be used by the German Army or Navy or by Government authorities, but will be left to the free consumption of the German civilian population excluding all Government purveyors, it being added that the German Government would also be ready to leave for the duration of the war the sale and distribution of such imported goods, as oils or cereals, to American organizations.

In reply the Department of State has the honor to say that the American Ambassador at London has been instructed, by telegraph, to communicate to the British Government this assurance on the part of the Imperial German Government, in connection with representations which the Ambassador was directed to make with a view to the release of the American steamer *Wilhelmina*, which is understood to be carrying a cargo of foodstuffs destined for Germany and which is now detained in a British port.²

File No. 763.7212/1386c

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

[Telegram]

WASHINGTON, February 16, 1915.

1196. Your messages indicating what it may be possible to bring about if action is taken at once were most welcome. The President requests that you will get into communication with House. The President has fully instructed and commissioned him to act in all these matters where several governments are involved and requests that you will act only upon his advice. He will be prepared to advise fully. Melvin Rice, personal friend of President and man of character, has letters of introduction from President but he is not commissioned on any public matter.

BRYAN

¹ *Ante*, p. 95.

² The substance of the second paragraph was repeated in a note of the same date from the Secretary of State to the German Ambassador acknowledging the latter's note of February 13.

File No. 763.72/1461

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

[Telegram]

ROME, February 16, 1915, 9 a. m.

[Received 4.50 p. m.]

190. Your note to Germany has made deep impression here.¹ Minister for Foreign Affairs privately informed me his Government has verbally made observations both to Von Bülow and through Italian Ambassador Berlin pointing out that Germany's war zone proclamation touching neutral flags instead of relieving Germany from responsibility in regard to neutral vessels augments such responsibility and that any injury to such ships without proper investigation to establish *bona fides* of flag would naturally have a great effect upon public opinion. Minister for Foreign Affairs states that he is thinking of presenting these verbal observations more formally.

AMERICAN AMBASSADOR

File No. 763.72/1462

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

[Telegram]

STOCKHOLM, February 16, 1915.

[Received 5.35 p. m.]

21. Swedish Government last night sent notes of protest to England and Germany regarding condition of neutral shipping at sea. Norwegian Minister confidentially informs me this morning that Norwegian and Danish Governments will file identical notes to-day and that these notes similar to American notes.

MORRIS

File No. 763.72/1460

The Minister in the Netherlands (Van Dyke) to the Secretary of State

[Telegram]

THE HAGUE, February 16, 1915, 7 p. m.

[Received 9.15 p. m.]

151. The Foreign Minister in personal interview has asked me whether if a Dutch vessel should be sunk by a German war vessel by mistake under naval declaration of February 4 the Netherlands could count on the moral support of the United States. Answer by telegraph is requested.

VAN DYKE

File No. 763.72/1461

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

[Telegram]

WASHINGTON, February 17, 1915.

164. Your 190, February 16, 9 a. m. Please keep Department promptly advised as to situation.

BRYAN

¹ *Ante*, p. 98.

File No. 763.72/1460

*The Secretary of State to the Minister in the Netherlands
(Van Dyke)*

[Telegram]

WASHINGTON, February 17, 1915, 6 p. m.

104. Your 151, February 16, 7 p. m.

If situation should arise as stated the Netherlands may count on sympathetic attitude of the United States. Do not understand what moral support means.

BRYAN

File No. 763.72/1470

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

[Telegram]

BERLIN, February 16, 1915, 4 p. m.

[Received February 17, 9 p. m.]

1617. After reception of our note about submarine blockade I am informed leaders of political parties held meeting and insisted on very strong reply. We have not yet received reply but think reply will offer to withdraw blockade if English will adopt either Declaration of Paris or of London or permit food and raw materials to enter Germany. It will be stated that when England declared the North Sea dangerous territory American ships were not given free passage but were compelled even when on way to Holland to take English pilot and submit to search. Germany will suggest that American war vessels wait, say in Bantry Bay, and (on) wireless notice come out and convoy American ships to some English port. Of course ships convoyed cannot carry contraband but American ships were not permitted to carry contraband through that part of North Sea declared dangerous territory by English. There is a strong impression here that America is weak and partial in dealing with England and should not permit British vessels to hide behind American flag and that if Americans take passage on British vessels they accept all risks after this notice. Have just had conversation with Admiral Behncke chief navy staff. He suggested informally Cardiff as (port) to which ships might be convoyed and also suggested say Newcastle or Aberdeen as a sort of free port to which American ships might come without convoy provided our Government guarantees they carry no contraband, and because of its use of the American flag the British Government would have to guarantee on its side that no ships except neutral ships and coastwise trade would be (permitted to) enter this port and in this connection the term contraband would include food following the British rule. These are fairer than those offered by England to American ships entering the waters declared dangerous by the British proclamation but you can end the whole controversy by forcing England to permit food to go to Germany. America has always claimed food is not contraband.

GERARD

File No. 763.72112/1386½

The Ambassador in Great Britain (Page) to the Secretary of State

[Telegram]

LONDON, *February 17, 1915, 6 p. m.*[*Received 11.15 p. m.*]

1668. Your 1140, February 16, 3 p. m.¹ I have delivered to Sir Edward Grey Bernstorff's note and the substance of your instructions. A frank and full canvass of the whole situation by the Prime Minister, Sir Edward Grey, House, and me at noon luncheon to-day brought out the possibility that the British Government may propose to the German Government in answer to Bernstorff's note that it will not put food on absolute contraband list if Germany will sow no more mines and will attack no more commercial ships by submarines. But this is not yet certain and must not be made known. The greatest hindrance to an acceptance of the proposition is the offensive language in the last sentence of Bernstorff's note.

Meantime I ask your consideration of the following and advice thereon:

1. Is our Government prepared to undertake the distribution of food to non-combatants throughout Germany so as to make sure that it will all be consumed by non-combatants? It requires a large number of men to do this for the commission in Belgium and if we can undertake this service, would it be an unneutral act by our Government?

2. Bernstorff's last sentence about neutrals "compelling" the British Government may prevent any agreement. If it does prevent an agreement, I hesitate, without your definite instructions, so to endorse Bernstorff's position as to make it appear that we are trying to "compel" the British Government. I am rather offering our good offices towards an agreement and informing Grey that making food absolute contraband would greatly embarrass our commercial interests and our Government and help towards an adverse turn of public opinion. I hesitate to seem to endorse "compelling" him.

AMERICAN AMBASSADOR

File No. 763.72112/806a

The Secretary of State to the Ambassador in Great Britain (Page)

[Telegram]

WASHINGTON, *February 19, 1915.*

1156. Your despatch of [day before] yesterday presents the first ray of hope. You will please follow it up and earnestly urge submission of some proposition looking to admission of food for non-combatants, same to be distributed by American agency in return for concessions of equal importance to be made by Germany. You will hasten to call British Government's attention to the fact that words employed by German Ambassador were not to the British Government and not intended to be communicated, but merely a statement to us which we confidentially communicated. The lan-

¹ *Ante*, p. 107.

guage, therefore, however objectionable, ought not to stand in the way of any agreement that would otherwise be desirable. Some such agreement as that proposed will greatly relieve the tension and be most cordially welcomed by the neutral nations.

BRYAN

File No. 763.72/1481

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

[Telegram]

BERLIN, February 17, 1915, 6 a. m.

[Received February 19, 8.35 a. m.]

1621. Following is the text of the reply of the German Government to my note communicating the substance of your 1063 [1163], February 10, 1 p. m.¹

In reference to the note of the twelfth instant, Foreign Office No. 2260, relative to the German measures respecting the theater of war in the waters surrounding England, the undersigned has the honor to reply to his excellency the Ambassador of the United States, James W. Gerard, as follows:

The Imperial German Government have examined the communication of the Government of the United States in the same spirit of good will and friendship which seems to have prompted this communication.

The Imperial German Government are in entire accord with the Government of the United States that it is in the highest degree desirable for all parties to avoid the misunderstanding which might arise from the measures announced by the German Admiralty and to avert the intrusion of events calculated to interrupt the most friendly relations which have so happily existed between the two Governments up to this time.

On this assurance the German Government believe that they may depend on full understanding on the part of the United States, all the more because the action announced by the German Admiralty, as was dwelt upon at length in the note of the fourth instant, is in nowise directed against the legitimate trade and navigation of neutral states, but merely represents an act of self-defense which Germany's vital interests force her to take against England's method of conducting maritime war in defiance of international law, which no protest on the part of neutrals has availed to bring into accordance with the legal status generally recognized before the outbreak of hostilities.

In order to exclude all possible doubt on this cardinal point the German Government beg to set forth once more the actual situation.

Up to now Germany has scrupulously observed the existing provisions of international law relative to maritime war. In particular she assented without delay to the proposal made by the American Government directly after the war began to ratify Declaration of London and embodied the contents thereof without change in her prize law, even without formally binding herself in this direction. The German Government have adhered to these provisions even where they conflicted with military interests. Our Government at the same time have permitted the supply of food by Denmark to England until the present, although they could well have prevented this traffic by means of their naval forces.

In direct opposition to this, England has not shrunk from grave violations of international law wherever she could thereby cripple Germany's peaceable trade with neutral countries. It will not be necessary for the German Government to go into great detail on this point, especially since the American note to the British Government dated December 28, 1914,² which has been brought to their knowledge, has dealt with this point very aptly if not very exhaustively on the ground of the experiences of months.

It is conceded that the intention of all these aggressions is to cut off Germany from all supplies and thereby to deliver up to death by famine a peace-

¹ Ante, p. 98.

² *Foreign Relations, 1914, Supplement, p. 372.*

ful civilian population, a procedure contrary to law of war and every dictate of humanity.

The neutrals have not been able to prevent this interception of different kinds of trade with Germany contrary to international law. It is true that the American Government have protested against England's procedure, and Germany is glad to acknowledge this, but in spite of this protest and the protests of the other neutral governments England has not allowed herself to be dissuaded from the course originally adopted. Thus the American ship *Wilhelmina* was recently brought into port by England although her cargo was destined solely for the civil population of Germany and was to be used only for this purpose according to an express declaration of the German Government.

In this way the following has been created: Germany is to all intents and purposes cut off from oversea supplies with the toleration, tacit or protesting, of the neutrals regardless of whether it is a question of goods which are absolute contraband or only conditional contraband or not contraband at all, following the law generally recognized before the outbreak of the war. On the other hand England with the indulgence of neutral governments is not only being provided with such goods as are not contraband or merely conditional contraband, namely, foodstuffs, raw material, *et cetera*, although these are treated by England when Germany is in question as absolute contraband, but also with goods which have been regularly and unquestionably acknowledged to be absolute contraband. The German Government believe that they are obliged to point out very particularly and with the greatest emphasis, that a trade in arms exists between American manufacturers and Germany's enemies which is estimated at many hundred million marks.

The German Government have given due recognition to the fact that as a matter of form the exercise of rights and the toleration of wrong on the part of neutrals is limited by their pleasure alone and involves no formal breach of neutrality. The German Government have not in consequence made any charge of formal breach of neutrality. The German Government can not, however, do otherwise, especially in the interest of absolute clearness in the relations between the two countries, than to emphasize that they, in common with the public opinion in Germany, feel themselves placed at a great disadvantage through the fact that the neutral powers have hitherto achieved no success or only an unmeaning success in their assertion of the right to trade with Germany, acknowledged to be legitimate by international law, whereas they make unlimited use of their right to tolerate trade in contraband with England and our other enemies. Conceded that it is the formal right of neutrals not to protect their legitimate trade with Germany and even to allow themselves knowingly and willingly to be induced by England to restrict such trade, it is on the other hand not less their good right, although unfortunately not exercised, to stop trade in contraband, especially the trade in arms, with Germany's enemies.

In view of this situation the German Government see themselves compelled after six months of patience and watchful waiting to meet England's murderous method of conducting maritime war with drastic counter measures. If England invokes the powers of famine as an ally in its struggle against Germany with the intention of leaving a civilized people the alternative of perishing in misery or submitting to the yoke of England's political and commercial will, the German Government are to-day determined to take up the gauntlet and to appeal to the same grim ally. They rely on the neutrals who have hitherto tacitly or under protest submitted to the consequences detrimental to themselves of England's war of famine to display not less tolerance toward Germany, even if the German measures constitute new forms of maritime war, as has hitherto been the case with the English measures.

In addition to this, the German Government are determined to suppress with all the means at their disposal the supply of war material to England and her allies and assume at the same time that it is a matter of course that the neutral Governments which have hitherto undertaken no action against the trade in arms with Germany's enemies do not intend to oppose the forcible suppression of this trade by Germany.

Proceeding from these points of view the German Admiralty has declared the zone prescribed by it the seat of war; it will obstruct this area of maritime war by mines wherever possible and also endeavor to destroy the merchant vessels of the enemy in any other way.

It is very far indeed from the intention of the German Government, acting in obedience to these compelling circumstances, ever to destroy neutral lives and neutral property, but on the other hand they can not be blind to the fact that dangers arise through the action to be carried out against England which menace without discrimination all trade within the area of maritime war. This applies as a matter of course to war mines, which place any ship approaching a mined area in danger even if the limits of international law are adhered to most strictly.

The German Government believe that they are all the more justified in the hope that the neutral powers will become reconciled with this, just as they have with the serious injury caused them thus far by England's measures, because it is their will to do everything in any way compatible with the accomplishment of their purpose for the protection of neutral shipping even within the area of maritime war.

They furnish the first proof of their good will by announcing the measures intended by them at a time not less than two weeks beforehand, in order to give neutral shipping an opportunity to make the necessary arrangements to avoid the threatening danger. The safest method of doing this is to stay away from the area of maritime war. Neutral ships entering the closed waters in spite of this announcement, given so far in advance, and which seriously impairs the accomplishment of the military purpose against England, bear their own responsibility for any unfortunate accidents. The German Government on their side expressly decline all responsibility for such accidents and their consequences.

Furthermore, the German Government announced merely the destruction of enemy merchant vessels found within the area of maritime war, and not the destruction of all merchant vessels, as the American Government appear to have erroneously understood. This limitation which the German Government have imposed upon themselves impairs the military purpose, especially since the presumption will prevail, even in the case of neutral ships, that they have contraband on board, in view of the interpretation of the idea of contraband in which the English Government have indulged as regards Germany and which the German Government will accordingly apply against England.

Naturally the Imperial Government are not willing to waive the right to establish the presence of contraband in the cargoes of neutral ships and, in cases requiring it, to take any action necessary on the grounds established. Finally the German Government are prepared to accord, in conjunction with the American Government, the most earnest consideration to any measure that might be calculated to insure the safety of legitimate shipping of neutrals within the seat of war. They can not, however, overlook the fact that all efforts in this direction are considerably hampered by two circumstances: First, by the misuse of the neutral flag by English merchant vessels, which in the meantime has probably been established beyond a doubt by the American Government likewise. Second, by the above-mentioned trade in contraband, especially war materials, by neutral merchant vessels. In regard to the latter point, the German Government venture to hope that the American Government upon reconsideration will see their way clear to a measure of intervention in accordance with the spirit of true neutrality.

As regards the first point, the secret order of the British Admiralty has already been communicated to the American Government by Germany. It recommends English merchant vessels to use neutral flags and has in the meantime been confirmed by a statement of the British Foreign Office which refers to the municipal law of England and characterizes such action as quite unobjectionable. The English merchant marine has followed this counsel without delay, as is probably known to the American Government from the cases of the *Lusitania* and *Laertes*. Moreover, the British Government have armed English merchant vessels and instructed them to resist by force the German submarines. In these circumstances it is very difficult for the German submarines to recognize neutral merchant vessels as such, for even a search will not be possible in the majority of cases, since the attacks to be anticipated in the case of a disguised English ship would expose the commanders conducting a search and the boat itself to the danger of destruction.

The British Government would then be in a position to render the German measures illusory if their merchant marine persists in the misuse of neutral flags and neutral vessels are not marked in some other manner admitting of no possible doubt. Germany must, in the exigency into which she has unlawfully been forced, make her measures effective at all events in order thereby to

compel her adversary to conduct maritime warfare in accordance with international law and thus to reestablish the freedom of the seas which she has ever advocated and for which she is fighting likewise to-day.

The German Government therefore welcome the fact that the American Government have made representations to the British Government relative to the use of their flag contrary to law and give expression to the expectation that this action will cause England to respect the American flag in future.

In this expectation the commanders of the German submarines have been instructed, as was already stated in the note of fourth instant, to abstain from violence to American merchant vessels when they are recognizable as such.

In order to meet in the safest manner all the consequences of mistaking an American for a hostile merchant vessel the German Government recommended that (although this would not apply in the case of danger from mines) the United States convoy their ships carrying peaceable cargoes and traversing the English seat of maritime war in order to make them recognizable. In this connection the German Government believe it should be made a condition that only such ships should be convoyed as carry no merchandise which would have to be considered as contraband according to the interpretation applied by England against Germany. The German Government are prepared to enter into immediate negotiations with the American Government relative to the manner of convoy. They would, however, be particularly grateful if the American Government would urgently advise their merchant vessels to avoid the English seat of maritime war, at any rate until the flag question is settled.

The German Government resign themselves to the confident hope that the American Government will recognize the full meaning of the severe struggle which Germany is conducting for her very existence and will gain full understanding of the reasons which prompt Germany and the aims of the measures announced by her from the above explanations and promises.

The German Government repeat that in the scrupulous consideration for neutrals hitherto practised by them they have determined upon the measures planned only under the strongest compulsion of national self-preservation. Should the American Government at the eleventh hour succeed in removing, by virtue of the weight which they have the right and ability to throw into the scales of the fate of peoples, the reasons which have made it the imperative duty of the German Government to take the action indicated, should the American Government in particular find a way to bring about the observation of the Declaration of London on the part of the powers at war with Germany and thereby to render possible for Germany the legitimate supply of foodstuffs and industrial raw materials, the German Government would recognize this as a service which could not be too highly estimated in favor of more humane conduct of war and would gladly draw the necessary conclusions from the new situation thus created.

The undersigned requests the Ambassador to bring the above to the attention of the American Government and avails himself [etc.]

VON JAGOW

BERLIN, February 16, 1915.

GERARD

File No. 763.72/1480

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

[Telegram]

BERLIN, February 18, 1915, 8 p. m.

[Received February 19, 3 p. m.]

1638. Admiral Behncke informs Commander Gherardi Germany willing to grant River Tyne and fifteen miles each side as proposed port free of mines and submarines for entrance of neutral vessels guaranteed not to contain contraband provided England agrees no ships other than neutral ships which have given guarantee will enter or leave this river. This proposition as well as convoy is contained in German note. Can be arranged if you so instruct me.

GERARD

File No. 763.72/1478

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

[Telegram]

BERLIN, February 17, 1915, 10 a. m.

[Received February 19, 4.30 p. m.]

1622. German note which arrived late last night enciphered by the members of staff who worked all night now being cabled you. Hope you can force England to permit foodstuffs and raw materials to enter Germany, in which case proposed blockade will be withdrawn and in all probability I can arrange that no further reference will be made to the question of export of arms and ammunition. If you cannot arrange with England then I can arrange convoy of American ships by American war vessels say from Bantry Bay to Cardiff and also establishment of Newcastle as a port to which American ships can sail safely around north of Scotland but under our guarantee to carry no contraband, England to give guarantee that no ships other than neutrals giving such guarantee and coasting vessels will enter such port. Am waiting your directions.

GERARD.

File No. 763.72/1579

The British Ambassador (Spring Rice) to the Secretary of State

[Memorandum]

In a German official statement published to-day in the American press it is asserted that the German Government has been obliged to resort as a measure of self-defense to the practice of destroying merchant ships by submarines without notice and that this new method of warfare is forced upon them by British interference with food destined for the civilian population of Germany as exemplified in the detention of the *Wilhelmina*.

This new method of warfare was indeed resorted to at an early date in the present war, for the passenger ship *Amiral Ganteaume* with two thousand unarmed refugees on board, mostly women and children, was torpedoed and sunk by a German submarine on October the 26th last, when on the way from Calais to Havre. With regard to the particular argument that such action is taken in consequence of the seizure of the cargo on the *Wilhelmina* it may be pointed out that the *Wilhelmina* arrived at Falmouth on February the 9th and that two British merchant vessels were torpedoed without notice on January the 30th, and the British hospital ship *Asturias* fired at with a torpedo on February the 1st.

Evidence which has reached this Embassy affords ground for the belief that the voyage of the *Wilhelmina* was undertaken with the cognisance of German agents in this country and that it was in direct relation with the intended proclamation of the war zone by the Imperial German Government. That Government, however, does not appear to have waited for the detention of the *Wilhelmina*, for unarmed British merchant ships were sunk without notice at least a week before the *Wilhelmina* was detained.

The German note also claims that the new method of warfare is justified by the reported arming of merchant ships. Should that

take place it is evident that since the German announcement the British Government must now hold themselves free to use a self-defensive armament in anticipation of certain attacks, as the United States has itself done in the past. It will, however, be observed that any new measures now adopted by British merchant vessels will necessarily be a consequence and not a justification of the announcement that German submarines will sink merchant vessels without regard for the lives of the passengers and the non-combatant crews.

CECIL SPRING RICE

WASHINGTON, *February 19, 1915.*

File No. 763.72/1484

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

[Telegram]

ROME, *February 19, 1915, 5 p. m.*

[*Received 10 p. m.*]

191. Your 164, 17th.¹ Minister for Foreign Affairs in an informal conversation to-day agreed with me in thinking it well for neutrals to keep each other informed as to steps they take so they may act along parallel lines. He showed me confidentially copy of memorandum handed to Von Bülow and also sent to Italian Ambassador at Berlin. It stated clearly that Italy cannot tolerate any restrictions on high seas to neutrals except those imposed in accordance with recognized principles of international law, which requires manifest and effective blockade; also that should any injury happen to Italian vessels and lives through suggested German action Germany's responsibility would not be limited to pecuniary damages to persons injured. Spain has asked him what action Italy proposes taking but has not reported if she has taken action. Regarding England's use of neutral flag Minister for Foreign Affairs states that Italy has taken about position taken by America calling attention to Articles 3, 4, 6, Italian Maritime Code, prohibiting use of her flag except when a ship is escaping from enemy.

AMERICAN AMBASSADOR

File No. 811.0151/52

The Ambassador in Great Britain (Page) to the Secretary of State

[Telegram]

LONDON, *undated.*

[*Received February 20, 1915, 8 a. m.*]

1674. Your 1105, 10th.² Sir Edward Grey has just handed me the following memorandum. Since your telegram to him was given to the press in Washington, I consented to his proposal to give this memorandum out for publication in Saturday morning newspapers.

The memorandum communicated on the 11th February calls attention in courteous and friendly terms to the action of the captain of the British S. S. *Lusitania* in raising the flag of the United States of America when approaching

¹ *Ante*, p. 109.

² *Ante*, p. 100.

British waters and says that the Government of the United States feel a certain anxiety in considering the possibility of any general use of the flag of the United States by British vessels traversing those waters since the effect of such a policy might be to bring about a menace to the lives and vessels of United States citizens.

It was understood that the German Government had announced their intention of sinking British merchant vessels at sight by torpedoes without giving any opportunity of making any provision for saving the lives of non-combatant crews and passengers. It was in consequence of this threat that the *Lusitania* raised the United States flag on her inward voyage [and] on her subsequent outward voyage. A request was made by the United States passengers who were embarking on board her that the United States flag should be hoisted presumably to insure their safety. Meanwhile the memorandum from your excellency had been received. His Majesty's Government did not give any advice to the company as to how to meet this request, and it is understood that the *Lusitania* left Liverpool under the British flag.

It seems unnecessary to say more as regards the *Lusitania* in particular in regard to the use of foreign flags by merchant vessels. The British merchant shipping act makes it clear that the use of the British flag by foreign merchant vessels is permitted in time of war for the purpose of escaping capture. It is believed that in the case of some other nations there is a similar recognition of the same practice with regard to their flags and that none have forbidden it. It would therefore be unreasonable to expect His Majesty's Government to pass legislation forbidding the use of foreign flags by British merchant vessels to avoid capture by the enemy. Now that the German Government have announced their intention to sink merchant vessels at sight with their non-combatant crews, cargoes, and papers, a proceeding hitherto regarded by the opinion of the world not as war, but as piracy, it is felt that the United States Government could not fairly ask the British Government to order British merchant vessels to forego the means—always hitherto permitted—of escaping not only capture but the much worse fate of sinking and destruction. Great Britain has always when neutral accorded to the vessels of other states at war liberty to use the British flag as a means of protection against capture, and instances are on record when United States vessels availed themselves of this facility during the American Civil War. It would be contrary to fair expectation if now when the conditions are reversed the United States and neutral nations were to grudge to British ships liberty to take similar action. The British Government have no intention of advising their merchant shipping to use foreign flags as general practice or to resort to them otherwise than for escaping capture or destruction.

The obligation upon a belligerent warship to ascertain definitely for itself the nationality and character of a merchant vessel before capturing it and *a fortiori* before sinking and destroying it has been universally recognized. If that obligation is fulfilled, hoisting a neutral flag on board a British vessel can not possibly endanger neutral shipping and the British Government hold that if loss to neutrals is caused by disregard of this obligation it is upon the enemy vessel disregarding it and upon the government giving orders that it should be disregarded that the sole responsibility for injury to neutrals ought to rest.

AMERICAN AMBASSADOR

File No. 763.72112/1386¼

The Ambassador in Great Britain (Page) to the Secretary of State

[Telegram]

LONDON, February 20, 1915.

[Received 6.50 p. m.]

1677. Your 1156, February 19, 9 p. m.¹ I am sorry to report that I do not see a ray of hope for any agreement between Germany and England whereby England will permit food to enter Germany under any condition. Since Germany has declared her intention to prevent everything from abroad entering England, it is practically

¹ *Ante*, p. 111.

certain that England will prevent everything from entering Germany. That policy was foreshadowed, though not definitely stated to me, by Sir Edward Grey yesterday. Early in the war Germany destroyed a food ship bound for Ireland. That fact, together with the declared German policy of a blockade, I fear absolutely cuts off any chance of such an arrangement as you hope for.

I am to spend Sunday with the Prime Minister in the country and I will follow the subject up. The Germans have so bungled the matter that I have little hope. The English will show the greatest courtesy and consideration to us but none henceforth to the Germans.

AMERICAN AMBASSADOR

Proposals of the United States for an Agreement Between the Belligerents Restricting the Use of Mines, Submarines, and Neutral Flags and for the Admission of Foodstuffs into Germany (February 20, 1915)

File No. 763.72/1498a

The Secretary of State to the Ambassador in Great Britain (Page)

[Telegram]

WASHINGTON, *February 20, 1915, 8 p. m.*

1169. You will please deliver to Sir Edward Grey the following identical note which we are sending England and Germany:¹

In view of the correspondence which has passed between this Government and Great Britain and Germany, respectively, relative to the declaration of a war zone by the German Admiralty and the use of neutral flags by British merchant vessels, this Government ventures to express the hope that the two belligerent governments may, through reciprocal concessions, find a basis for agreement which will relieve neutral ships engaged in peaceful commerce from the great dangers which they will incur in the high seas adjacent to the coasts of the belligerents.

The Government of the United States respectfully suggests that an agreement in terms like the following might be entered into. This suggestion is not to be regarded as in any sense a proposal made by this Government, for it of course fully recognizes that it is not its privilege to propose terms of agreement between Great Britain and Germany, even though the matter be one in which it and the people of the United States are directly and deeply interested. It is merely venturing to take the liberty which it hopes may be accorded a sincere friend desirous of embarrassing neither nation involved and of serving, if it may, the common interests of humanity. The course outlined is offered in the hope that it may draw forth the views and elicit the suggestions of the British and German Governments on a matter of capital interest to the whole world.

Germany and Great Britain to agree:

(1) That neither will sow any floating mines, whether upon the high seas or in territorial waters; that neither will plant

¹The same to the Ambassador in Germany, No. 1237, February 20. See *post*, p. 140 for the reply of Great Britain; p. 129 for the reply of Germany.

on the high seas anchored mines except within cannon range of harbors for defensive purposes only; and that all mines shall bear the stamp of the government planting them and be so constructed as to become harmless if separated from their moorings;

(2) That neither will use submarines to attack merchant vessels of any nationality except to enforce the right of visit and search;

(3) That each will require their respective merchant vessels not to use neutral flags for the purpose of disguise or *ruse de guerre*.

Germany to agree:

That all importations of food or foodstuffs from the United States (and from such other neutral countries as may ask it) into Germany shall be consigned to agencies to be designated by the United States Government; that these American agencies shall have entire charge and control, without interference on the part of the German Government, of the receipt and distribution of such importations, and shall distribute them solely to retail dealers bearing licenses from the German Government entitling them to receive and furnish such food and foodstuffs to non-combatants only; that any violation of the terms of the retailers' licenses shall work a forfeiture of their rights to receive such food and foodstuffs for this purpose; and that such food and foodstuffs will not be requisitioned by the German Government for any purpose whatsoever, or be diverted to the use of the armed forces of Germany.

Great Britain to agree:

That food and foodstuffs will not be placed upon the absolute contraband list and that shipments of such commodities will not be interfered with or detained by British authorities if consigned to agencies designated by the United States Government in Germany for the receipt and distribution of such cargoes to licensed German retailers for distribution solely to the non-combatant population.

In submitting this proposed basis of agreement this Government does not wish to be understood as admitting or denying any belligerent or neutral right established by the principles of international law, but would consider the agreement, if acceptable to the interested powers, a *modus vivendi* based upon expediency rather than legal right and as not binding upon the United States either in its present form or in a modified form until accepted by this Government.

BRYAN

File No. 763.72/1487

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

[Telegram]

BERLIN, February 20, 1915, 7 p. m.

[Received February 21, 2 p. m.]

1656. My 1639, February 19, 10 p. m.¹ Admiralty desires further details about American steamers proceeding to England in order safeguard their passage and asks for photographs, place of departure and arrival, route, etc., also, if bound for Liverpool, information whether by north or south of Ireland and approximate dates.

Silhouette of American Line steamers *St. Paul*, *St. Louis*, *New York*, and *Philadelphia* given to Admiralty and point of arrival and departure stated to be Liverpool.

I have no further information.²

GERARD

File No. 763.72/1490

The Minister in Denmark (Egan) to the Secretary of State

[Telegram]

COPENHAGEN, February 21, 1915.

[Received February 22, 9 a. m.]

140. German Admiralty firmly resolved to starve England. Reliably informed that Germany has ready large supply new submarine boats. Is understood in Berlin German Government will be implacable until United States ceases to send munitions of war to the Allies.

German Government considers American opinion unjust in supposing that Germany wants more European territory. It would have American people understand that it wishes only colonial expansion and the right to commercial progress.

There is no question as to Germany's not being able to put at least three million more men in the field.

AMERICAN MINISTER

File No. 763.72/1852

The Netherland Minister of Foreign Affairs (Loudon) to the Netherland Minister at Washington (Van Rappard)

[Telegram—Translation]

Received February 21, 1915.

[Left at the Department of State, February 22.]

Germany has suggested that the neutrals try to induce the English Government to reserve River Tyne for traffic of neutral vessels.

¹ Not printed.

² By arrangement with the Department of Commerce, information as to the sailing of American ships was thereafter regularly received and transmitted to the Ambassador in Germany for communication to the Admiralty.

In that case the German Government is prepared, under certain reservations, likewise to leave the entrance to this river free of mines. The neutral consuls would see to it that English vessels do not make use of the port.

This suggestion is incomprehensible to me, for, among other things, it amounts to meddling on the part of the neutrals in the manner in which the war is being conducted by the belligerents; and it implies guaranties which the neutrals cannot give and a control which is incompatible with English sovereignty.

Kindly inquire confidentially of the American Government whether Germany has made the same proposition to it and what is its reply.

File No. 763.72/1500

The Ambassador in Great Britain (Page) to the Secretary of State

[Telegram]

LONDON, February 23, 1915, 5 p. m.

[Received 8 p. m.]

1693. I have discussed your 1169, February 20, 8 p. m., with Sir Edward Grey and urged it upon him. He is non-committal but I inferred from his conversation that he favors your proposals at least in principle. But he informed me that it would require some time to give an answer since it must be presented first to the Cabinet and then to the Allies.

AMERICAN AMBASSADOR

File No. 811.0151/50

The Secretary of State to the Ambassador in Great Britain (Page)

[Telegram]

WASHINGTON, February 24, 1915.

1182. From The Hague: "The Netherlands Government has positive information from London that the British Admiralty now furnishes arms to merchant vessels for resistance on ground that the German regulations sanction the same measure for German merchant vessels." Please confirm this.

BRYAN

File No. 763.72/1484

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

[Telegram]

WASHINGTON, February 25, 1915.

168. Your 191, 19th.¹ Department conferring daily with representatives of neutrals on subject of your telegram.

BRYAN

¹ *Ante*, p. 117.

File No. 763.72/1501

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

[Telegram]

BERLIN, February 24, 1915, 2 p. m.

[Received February 25, 9 p. m.]

1680. Referring to your propositions in identic note.¹ From private information think Germany inclined to accept but will probably want raw material to enter as well as food for civil population. Copper may be subject of contention but there is ample copper here for war purposes and it is only needed for manufactures. There will also be objection to agents of American Government superintending food distribution as this might involve some surrender of sovereignty but this can be obviated by creation of an American commission or something of sort similar to Belgian or one proposed for Poland and of which I could be chairman personally and not officially.

GERARD

File No. 763.72/1507

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

[Telegram]

ROME, February 25, 1915.

[Received February 26, 8 a. m.]

201. Your February 23, 5 p. m.² Following memoranda confidential; have not been published.

Following sent to Germany:

By its memorandum of February 4 and by the annexed notification of which Minister for Foreign Affairs has just received text the Imperial Government has deemed it proper to notify the neutral powers of its intention to exercise certain measures of reprisal against certain procedure of naval warfare contrary to the rights of the people which it charges the British Government with having employed against Germany. The note handed to the Ministry by the Imperial Ambassador under date 14th instant only serves to confirm this intention detailing the circumstances which would justify the rigor of the ordinances adopted.

These communications should enable the neutral powers to take in their turn the necessary precautions to save their ships and their subjects from the regrettable consequences with which the application of the said measures might threaten all sorts of navigation in British waters beginning the 18th February. The Royal Government does not consider it its business to examine the character of the measures under discussion between the belligerents but it does not feel able to abstain from making certain remarks in this connection with regard to so much as concerns the relations between belligerents and neutrals.

In consequence of the measures which the Imperial Government has thought fit to adopt against its adversary, the lives and merchandise of neutrals on board British vessels in the waters indicated will run risks far greater than those to which the ordinary conduct and rules of naval warfare would expose them. Their ability to make use of these ships in conformity with the law of the rights of nations suffers in consequence a limitation much greater than that which one could have been led to expect through the ordinarily accepted application of these rules.

¹ *Ante*, p. 119.

² Not printed.

The Government of Germany does not ignore the fact that it is particularly in view of the rights and the interest of neutrals that the power to destroy hostile merchant vessels has been the object of very serious discussion in the domain alike of theory and practice of the laws of naval warfare. The Royal Government does not think in any case that a previous warning would be sufficient to free the belligerent from the responsibilities that this destruction might impose upon him in the eyes of neutrals for the damage which they might have suffered eventually in their persons and their goods.

It would not be able, moreover, to admit that a danger of this kind can threaten the ships which carry in good faith their national flag. The power that the right of nations recognizes as belonging to belligerents as regards neutral ships is rigorously defined in the rules concerning blockades, contraband, and assistance to the enemy. No curtailment of the liberty of these ships on the high seas would be tolerated beyond those which result from the application of these rules.

The Royal Government has not failed to take the steps which it considers necessary and will not fail now to take them with the British Government to safeguard its interests and its rights, but it could not admit that the conduct of a belligerent can authorize its adversary to throw upon neutrals the unhappy consequences of the struggle whatever could be the motive which could justify a rigorous application of its means, defensive and offensive, and the nature of the interests which it attaches to their application.

However, if it happens that the lives and property of Italian citizens protected by the Italian flag flown in good faith should be jeopardized by the conduct of the German naval authorities in a manner not conforming to the recognized rules of rights, the responsibility of the Germany Government would not be limited to simple pecuniary recompense for the losses caused by an accident of such a nature.

And since the official declaration on the part of the German Government that such a danger exists has sufficed, naturally this will cause serious trouble to the maritime and commercial interests of the Kingdom. The Royal Government would be obliged to the Imperial Government if they would give them assurance that no measures would be adopted by their naval authorities against Italian vessels beyond the cases and the conditions generally recognized by the rules of international law and that the necessary instructions be given in order that no hostile act may be committed against a ship flying the Italian flag before the real nationality of the ship had been previously and regularly ascertained.

The Imperial Government should certainly not see in this step anything but the firm desire to prevent any unhappy incident between the two countries as well as to safeguard the strictest respect for the proper rules of international maritime law touching relations between belligerents and neutrals.

Following to Great Britain:

It is known to the Government of Great Britain what considerations and what circumstances, real or supposed, have induced the German Government to warn neutral powers of the dangers which the next step in the war on the part of their naval authorities will imply for navigation in British waters.

While abstaining from all criticism of the measures under consideration so far as may concern the relations between belligerents, the Royal Government cannot naturally feel disinterested in the consequences which may result therefrom so far as concerns the relations between belligerents and neutrals.

To safeguard, therefore, the rights and interests of its own people, as it has not failed to take those steps with the German Government which in consequence of the communication received it has considered more important concerning the responsibilities inherent in the measures to which they related, so it believes it opportune to make certain declarations to the British Government relative to these circumstances to which the said measures refer.

The Royal Government is disposed to admit in accordance with a regulation, which is indeed included in the mercantile marine code, that a foreign ship belonging to the merchant marine of a belligerent state can, to escape from the enemy, hoist the Italian flag without infringing by that act any regular right under law, international or internal. It does not believe, however, that such a use tolerated by law under exceptional conditions particularly urgent, although normally condemned under severe penalties, could be adopted

almost as a rule without there ensuing from it inconveniences and perils of various kinds to the national marine.

The Royal Government would be pleased accordingly to receive from the Government of His Britannic Majesty some assurance that its merchant marine will avoid using, because of what depends thereon, the Italian flag during the present war.

NELSON PAGE

File No. 763.72/1561a

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

[Telegram]

WASHINGTON, February 27, 1915, 2 p. m.

170. Press carries a despatch from Rome saying that Germany's reply to Italy's memorandum regarding the war zone decree gives assurances that Germany will respect the Italian flag. Please report if this is true.

BRYAN

File No. 763.72/1514

The Ambassador in Great Britain (Page) to the Secretary of State

[Telegram]

LONDON, February 27, 1915.

[Received 3.05 p. m.]

1714. Commenting on Bernstorff's note to you transmitted in your telegram 1140, February 16,¹ Grey writes me that the German practice of torpedoing harmless merchant ships without notice commenced before the German Government announced the decision now represented to have been taken, and that any new measures adopted by British merchant vessels will necessarily be a consequence and not a justification of the announcement that German submarines will sink vessels regardless of the lives of the non-combatant crew.

According to your instructions I made it clear to Grey that a policy which would keep food from non-combatants would create an unfavorable impression in the United States with the possible result of embarrassment to the Government. To this he replies with reference to his note of February 19 regarding the *Wilhelmina* case where he states the attitude of the British Government in the matter of stopping food supplies for Germany is fully explained and he thinks fully justified.²

AMERICAN AMBASSADOR

File No. 763.72/1515

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

[Telegram]

STOCKHOLM, February 27, 1915, 7 p. m.

[Received 11.50 p. m.]

23. Foreign Minister informs me Swedish Government now discussing with British Government following three propositions re-

¹ *Ante*, p. 107.

² See memorandum from the British Ambassador February 19, *ante*, p. 116.

garding treatment of neutral shipping: (1) convoy, (2) establishment of neutral zone in North Sea, (3) setting aside of port in England for use of neutral shipping only. Foreign Minister adds he personally favors third proposition.

MORRIS

File No. 763.72/1517

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

[Telegram]

BERLIN, February 27, 1915, 5 p. m.

[Received February 28, 8.15 p. m.]

1710. Respectfully suggest that you modify your proposition in the identical notes¹ by providing that the distribution of food to the civil population of Germany be superintended, not by American Government's agents, which must be considered to involve some surrender of sovereignty by Germany, but by an American or neutral committee to be appointed by me personally and not as Ambassador, and that you then say that if Germany accepts the proposition contained [in] the identical note that the United States will put an embargo on the export of arms unless England and her allies agree to accept the same proposition.

GERARD

File No. 763.72/1521

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

[Telegram]

BERLIN, February 26, 1915, 3 p. m.

[Received February 28, 9.50 p. m.]

1695. Think Germany in answer, which an assembly of people from Army staff, Navy staff, and Foreign Office now considering, will not only ask passage for food but for raw materials such as copper, rubber, wool, cotton, and as a bid for Chile's favor, Chilean nitrates which are used for fertilizers and explosives.

GERARD

File No. 763.72/1520

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

[Telegram]

ROME, February 28, 1915, 2 p. m.

[Received 10 p. m.]

203. When last I asked Foreign Office whether replies had been received to memorandums, namely those forwarded you, I was told none had been received. To-day on inquiry am informed by Foreign Office that German Minister von Jagow has verbally told Italian Ambassador, Berlin, that Germany had already given instructions to respect neutral flags if honestly flying on neutral vessels and

¹Ante, p. 119.

would repeat these instructions. Italian Foreign Office emphasized statement that this implied no special concession to Italy.

NELSON PAGE

The British and French Declaration Prohibiting All Trade with Germany (March 1, 1915)—Orders and Decrees for Its Enforcement—Protests of the United States—Proclamations Concerning Contraband of War—Replies to the Proposals and Protests of the United States

File No. 763.72/1551

*The British Ambassador (Spring Rice) to the Secretary of State*¹

[Note verbale]

Germany has declared that the English Channel, the north and west coasts of France, and the waters around the British Isles are a war area and has officially notified that all enemy ships found in that area will be destroyed and that neutral vessels may be exposed to danger. This is in effect a claim to torpedo at sight, without regard to the safety of the crew or passengers, any merchant vessel under any flag. As it is not in the power of the German Admiralty to maintain any surface craft in these waters, this attack can only be delivered by submarine agency.

The law and custom of nations in regard to attacks on commerce have always presumed that the first duty of the captor of a merchant vessel is to bring it before a prize court where it may be tried, where the regularity of the capture may be challenged and where neutrals may recover their cargoes. The sinking of prizes is in itself a questionable act to be resorted to only in extraordinary circumstances and after provision has been made for the safety of all the crew or passengers, if there are passengers on board. The responsibility for discriminating between neutral and enemy vessels, and between neutral and enemy cargo, obviously rests with the attacking ship, whose duty it is to verify the status and character of the vessel and cargo and to preserve all papers before sinking or even capturing it. So also is the humane duty of providing for the safety of the crews of merchant vessels, whether neutral or enemy, an obligation upon every belligerent.

It is upon this basis that all previous discussions of the law for regulating warfare at sea have proceeded. A German submarine, however, fulfils none of these obligations; she enjoys no local command of the waters in which she operates; she does not take her captures within the jurisdiction of a prize court; she carries no prize crew which she can put on board a prize; she uses no effective means of discriminating between a neutral and an enemy vessel; she does not receive on board for safety the crew and passengers of the vessel she sinks; her methods of warfare are therefore entirely out-

¹A declaration in practically identical language was presented at the same time by the French Ambassador (File No. 763.72/1550).

side the scope of any of the international instruments regulating operations against commerce in time of war. The German declaration substitutes indiscriminate destruction for regulated capture. Germany is adopting these methods against peaceful traders and non-combatant crews with the avowed object of preventing commodities of all kinds, including food for the civil population, from reaching or leaving the British Isles or northern France.

Her opponents are therefore driven to frame retaliatory measures in order in their turn to prevent commodities of any kind from reaching or leaving Germany. These measures will, however, be enforced by the British and French Governments without risk to neutral ships or to neutral or non-combatant life and in strict observance of the dictates of humanity. The British and French Governments will therefore hold themselves free to detain and take into port ships carrying goods of presumed enemy destination, ownership, or origin. It is not intended to confiscate such vessels or cargoes unless they would otherwise be liable to condemnation. The treatment of vessels and cargoes which have sailed before this date will not be affected.

CECIL SPRING RICE

WASHINGTON, *March 1, 1915.*
[Received 12 noon.]

File No. 763.72/1552

*The British Secretary of State for Foreign Affairs (Grey) to the
British Ambassador at Washington (Spring Rice)*

[Telegram]

LONDON, *February 28, 1915.*
[Received at the Department of State
March 1, 12 noon.]

When presenting joint Anglo-French communication you should inform United States Government that communication received from them through the United States Ambassador in London respecting a possible limitation of use of submarines and mines and an arrangement for supplying food to Germany is being taken into careful consideration by His Majesty's Government in consultation with their allies.

As the American communication was made to us alone you will make this statement separately on behalf of His Majesty's Government only.

[File copy not signed]

File No. 763.72/1523

The Minister in Denmark (Egan) to the Secretary of State

[Telegram]

COPENHAGEN, *March 1, 1915, 6 p. m.*
[Received 11.30 p. m.]

147. Diplomatic opinion in Germany reflected here is to the effect that nothing can be done on our side in the munition question but

that some weight can be brought to bear to reduce the present proportion of the naval war and that our latest proposal may lead to something and that the United States must keep aloof so as not to lose one inch of ground as the great mediator.

AMERICAN MINISTER

File No. 763.72/1517

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

[Telegram]

WASHINGTON, *March 2, 1915, 5 p. m.*

1305. Department regrets it cannot accept suggestion contained in your 1710, February 27.

BRYAN

File No. 763.72/1528

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

[Telegram]

BERLIN, *March 1, 1915, 5 p. m.*

[*Received March 2, 7.50 p. m.*]

1719. Foreign Office informs me in order to remove any doubts as to the extent of the war area declaration is made German Admiralty that the waters surrounding the Orkney and Shetland Islands belong to the war area but navigation on both sides of Fair [*Faroe*]¹ Isles is not endangered. Foreign Office requests English, Japanese, and Servian Governments be notified accordingly.

GERARD

File No. 763.72/1534

*The Ambassador in Germany (Gerard) to the Secretary of State*²

[Telegram]

BERLIN, *March 1, 1915, 7 p. m.*

[*Received March 2, midnight.*]

1717. Following is translation of the German reply:³

The undersigned has the honor to inform his excellency, Mr. James W. Gerard, Ambassador of the United States of America, in reply to the note of the 22d instant that the Imperial German Government have taken note with great interest of the suggestion of the American Government that certain principles for the conduct of maritime war on the part of Germany and England be agreed upon for the protection of neutral shipping. They see therein new evidence of the friendly feelings of the American Government towards the German Government which are fully reciprocated by Germany.

It is in accordance with Germany's wishes also to have maritime war conducted according to rules which without discriminately restricting one or the other of the belligerent powers in the use of their means of warfare are equally

¹ This correction was verified by the Ambassador's telegram No. 1760, March 5.

² Repeated to the Ambassador in Great Britain March 4, No. 1224.

³ See identical note No. 1169 of February 20, *ante*, p. 119.

considerate of the interests of neutrals and the dictates of humanity. Consequently it was intimated in the German note of the 16th instant that observation of the Declaration of London on the part of Germany's adversaries would create a new situation from which the German Government would gladly draw the proper conclusions.

Proceeding from this view, the German Government have carefully examined the suggestion of the American Government and believe that they can actually see in it a suitable basis for the practical solution of the questions which have arisen.

With regard to the various points of the American note they beg to make the following remarks:

1. With regard to the sowing of mines, the German Government would be willing to agree as suggested not to use floating mines and to have anchored mines [constructed] as indicated. Moreover, they agree to put the stamp of the Government on all mines to be planted. On the other hand, it does not appear to them to be feasible for the belligerents wholly to forego the use of anchored mines for offensive purposes.

2. The German Government would undertake not to use their submarines to attack mercantile of any flag except when necessary to enforce the right of visit and search. Should the enemy nationality of the vessel or the presence of contraband be ascertained submarine would proceed in accordance with the general rules of international law.

3. As provided in the American note, this restriction of the use of the submarines is contingent on the fact that enemy mercantile abstain from the use of the neutral flag and other neutral distinctive marks. It would appear to be a matter of course that such mercantile also abstain from arming themselves and from all resistance by force, since such procedure contrary to international law would render impossible any action of the submarines in accordance with international law.

4. The regulation of legitimate importations of food into Germany suggested by the American Government appears to be in general acceptable. Such regulation would, of course, be confined to importations by sea, but [would] on the other hand include indirect importations by way of neutral ports. The German Government would, therefore, be willing to make the declarations of the nature provided in the American note so that the use of the imported food and foodstuffs solely by the non-combatant population would be guaranteed. The Imperial Government must, however, in addition [attach importance to] having the importation of other raw material used by the economic system of non-combatants including forage permitted. To that end the enemy Governments would have to permit the free entry into Germany of the raw material mentioned in the free list of the Declaration of London and to treat materials included in the list of conditional contraband according to the same principles as food and foodstuffs.

The German Government venture to hope that the agreement for which the American Government have paved the way may be reached after due consideration of the remarks made above, and that in this way peaceable neutral shipping and trade will not have to suffer any more than is absolutely necessary from the unavoidable effects of maritime war. These effects could be still further reduced if, as was pointed out in the German note of the 16th instant, some way could be found to exclude the shipping of munitions of war from neutral countries to belligerents on ships of any nationality.

The German Government must, of course, reserve a definite statement of their position until such time as they may receive further information from the American Government enabling them to see what obligations the British Government are on their part willing to assume.

The undersigned avails himself [etc.]

VON JAGOW

FOREIGN OFFICE,

Berlin, February 28, 1915.

GERARD

File No. 763.72/1532

The Minister in the Netherlands (Van Dyke) to the Secretary of State

No. 210]

THE HAGUE, *February 17, 1915.*[*Received March 3.*]

SIR: The situation created in the Netherlands by the German naval declaration of February 4,¹ proclaiming a naval war zone around the British Isles, including the whole of the Channel, and announcing danger to all neutral merchantmen entering that zone, is extremely serious.

The two countries to suffer most severely by the execution of this announced policy, would be the United States and the Netherlands. Already the service of the Dutch mail line between Flushing and Folkestone has been suspended. The boats of the Batavier Line, from Rotterdam to London, and of the Rotterdamsche Lloyd, from Rotterdam to Havre, likewise are no longer sailing. Other shipping companies declared yesterday that they intended to dispatch their ships at the usual time and by the regular route; but I understand that the carrying out of this intention has already become uncertain, and that there will be difficulties in regard to the willingness of the crews to sail and the insurance upon life and property. The Netherlands thus finds herself faced with the practical consequences of what amounts to a blockade of her peaceful commerce, and this affects her trade in all directions.

I have had several long conversations with the Foreign Minister upon this subject, as well as upon the connected subject of the alleged British orders in regard to the use of a neutral flag upon her merchantmen. The Foreign Minister showed me the drafts of the Netherlands notes both to Germany and Great Britain. The text of these notes has not yet been published. But I enclose herewith a copy of the leading article in one of the Dutch papers, which gives sufficiently well the substance of those notes, and which expresses by way of comment upon them the general opinion of the Dutch people. I enclose also an English translation of a letter sent by the German Consul General at Rotterdam to the Chamber of Commerce of that city on February 15.²

It seems to me of the utmost importance for the interest of both countries that the United States and the Netherlands should pursue, if possible, a common line of action, as their interests are so closely allied. The closing of the ports and waters of the Netherlands would be a serious injury to us, and the discontinuance of their shipping lines would affect us very unfavorably. Moreover, there are many American citizens who travel upon Dutch ships; and the sinking of one of those ships through a mistaken and unwarranted attack by a German war vessel would probably involve the destruction of American lives.

The same thing applies to some of the other neutral countries, such as Norway, Sweden, Denmark, Spain, and Italy. It would in my judgment be very desirable if a certain unity of attitude and action

¹*Ante*, p. 94.

²Enclosures not printed. Copies of the notes referred to were sent to the Department by the Netherland Minister on March 4, *post*, p. 134.

among all these neutral countries could be attained in regard to this particular subject of the protection of our commerce and the lives of our citizens at sea. Whether this unity of action should take the form of the presentation of joint notes and remonstrances or not, I respectfully suggest that it should at least insure as far as possible a consolidated moral support for such measures as may be necessary to safeguard common rights and interests, now threatened by this new and unheard-of development of naval warfare.

I have [etc.]

HENRY VAN DYKE

File No. 763.72/1545

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

[Telegram]

BERLIN, March 4, 1915, 1 p. m.

[Received March 5, 3.40 p. m.]

1753. Informed on good authority that Zimmermann and Chancellor were in favor of accepting American proposal without change but that all matters now really in military and naval hands and that Admiral von Tirpitz did not want England to accept our proposal and therefore added conditions of Declaration of London so as to make acceptance impossible. Chancellor not as popular or in such high favor with Emperor as Von Tirpitz who with Falkenhayn, Chief of General Staff, decides everything. Emperor is very bitter against America on account of delivery of arms.

GERARD

File No. 763.72/1551

The Secretary of State to the Ambassador in Great Britain (Page)

[Telegram]

WASHINGTON, March 5, 1915, 5 p. m.

1233. In regard to the recent communications received from the British and French Governments concerning restraints upon commerce with Germany,¹ please communicate with the British Foreign Office in the sense following:

The difficulty of determining action upon the British and French declarations of intended retaliation upon commerce with Germany lies in the nature of the proposed measures in their relation to commerce by neutrals.

While it appears that the intention is to interfere with and take into custody all ships both outgoing and incoming trading with Germany, which is in effect a blockade of German ports, the rule of blockade, that a ship attempting to enter or leave a German port regardless of the character of its cargo may be condemned, is not asserted.

The language of the declaration is: "the British and French Governments will, therefore, hold themselves free to detain and take into port ships carrying goods of presumed enemy destination, owner-

¹Ante, p. 127.

ship, or origin. It is not intended to confiscate such vessels or cargoes unless they would otherwise be liable to condemnation."

The first sentence claims a right pertaining only to a state of blockade. The last sentence proposes a treatment of ships and cargoes as if no blockade existed. The two together present a proposed course of action previously unknown to international law.

As a consequence neutrals have no standard by which to measure their rights or to avoid danger to their ships and cargoes. The paradoxical situation thus created should be changed and the declaring powers ought to assert whether they rely upon the rules governing a blockade or the rules applicable when no blockade exists.

The declaration presents other perplexities.

The last sentence quoted indicates that the rules of contraband are to be applied to cargoes detained. The rule covering non-contraband articles carried in neutral bottoms is that the cargoes shall be released and the ships allowed to proceed. This rule can not, under the first sentence quoted, be applied as to destination. What then is to be done with a cargo of non-contraband goods detained under the declaration? The same question may be asked as to conditional contraband cargoes.

The foregoing comments apply to cargoes destined for Germany. Cargoes coming out of German ports present another problem under the terms of the declaration. Under the rules governing enemy exports only goods owned by enemy subjects in enemy bottoms are subject to seizure and condemnation. Yet by the declaration it is purposed to seize and take into port all goods of enemy "ownership and origin." The word "origin" is particularly significant. The origin of goods destined to neutral territory on neutral ships is not and never has been a ground for forfeiture except in case a blockade is declared and maintained. What then would the seizure amount to in the present case except to delay the delivery of the goods? The declaration does not indicate what disposition would be made of such cargoes if owned by a neutral or if owned by an enemy subject. Would a different rule be applied according to ownership? If so, upon what principles of international law would it rest? And upon what rule, if no blockade is declared and maintained, could the cargo of a neutral ship sailing out of a German port be condemned? If it is not condemned, what other legal course is there but to release it?

While this Government is fully alive to the possibility that the methods of modern naval warfare, particularly in the use of the submarine for both defensive and offensive operations, may make the former means of maintaining a blockade a physical impossibility, it feels that it can be urged with great force that there should be also some limit to "the radius of activity," and especially so if this action by the belligerents can be construed to be a blockade. It would certainly create a serious state of affairs if, for example, an American vessel laden with a cargo of German origin should escape the British patrol in European waters only to be held up by a cruiser off New York and taken into Halifax.

Similar cablegram sent to Paris.¹

BRYAN

¹ Département's No. 615, March 5.

File No. 763.72119/121

The Ambassador in Great Britain (Page) to the Secretary of State

[Telegram]

LONDON, March 6, 1915, 1 p. m.

[Received 4.15 p. m.]

1743. For the Secretary and the President: Germany's answer to our suggestion of a *modus vivendi* between Germany and England evaded [?] either resentment to us or ridicule of us here. The feeling in official and unofficial life is that our pacific intentions and our lack of appreciation of what the war means have led us to play into Germany's hands. Whatever may be said or thought of this English opinion, it is clear that the British regard this move on our part as well-intentioned meddling, and it lessens their respect for our judgment. They bring up again our efforts to force the Declaration of London on them and they become, by reason of these two amiable efforts of ours, less disposed to accept our judgment or advice or, I fear, to consult us when they may need neutral good offices to bring peace.

AMERICAN AMBASSADOR

File No. 763.72/1547

The Netherland Minister (Van Rappard) to the Counselor for the Department of State

WASHINGTON, March 4, 1915.

[Received March 6.]

DEAR MR. LANSING: Herewith I send to you the exact text of the notes my Government delivered to the British Government regarding the abuse of the neutral flags and to the German Government regarding the war-zone declaration.

Yours very truly,

W. L. F. C. V. RAPPARD

[Enclosure 1—Translation]

The Netherland Minister of Foreign Affairs (Loudon) to the British Minister (Johnstone)

No. 6541]

THE HAGUE, February 15, 1915.

MR. MINISTER: I have had the honor of receiving the letter of the 7th instant by which, in reply to my request, your excellency had the goodness to inform me that your Government had not yet published any proclamation regarding the use of a neutral flag by British merchant vessels, but that in practice such use was an established *ruse de guerre*.

The Government of the Queen is aware that belligerent merchant vessels have often displayed neutral flags in order to elude the vigilance of enemy warships.

It shares in the British Government's opinion that warships have at their disposal the means afforded them by the right of visit for ascertaining the nationality of any merchant vessel they suspect.

Yet the fact remains that the use of a state's flag without its consent is nevertheless an abuse. In time of war that abuse takes on a character the seriousness of which cannot be overlooked by the powers signatory of the Declaration of Paris: it compromises the neutral flag, it casts suspicion upon neutral ships flying their own colors, it exposes them to being mistaken for enemy ships and to suffering the dangerous consequences.

Your excellency was pleased to remind me of the provision in the merchant shipping act under which abuse of the British flag is punishable except in case a belligerent merchant vessel makes use of this flag to escape capture by the enemy.

The Government of the Queen could not admit that this provision might be invoked to establish the right of British merchant vessels for their part to use the Netherland flag for the same purpose.

The law of the Netherlands likewise forbids the abuse of the Dutch flag, but it contains no exception analogous to that in the merchant shipping act covering the case of utilization of the flag for the purpose of escaping the enemy. In the absence of international rules determining this matter, each state has the exclusive right of fixing the conditions under which its national flag may be used.

It is evident that the British Government will not always be in a position to prevent British merchant ships from making use of neutral flags, but the Government of the Queen deems itself justified in expecting that the British Government will refrain from approving an abuse which may expose Dutch shipping to the perils of war.

I beg your excellency kindly to bring the foregoing to the knowledge of your Government, and I avail myself, [etc.]

J. LOUDON

[Enclosure 2—Translation]

The Netherland Ministry of Foreign Affairs to the German Legation

MEMORANDUM

The memorandum of the Imperial Government published in the *Reichsanzeiger* of February 4 was addressed not only to the allies and adversaries of Germany, but also to the neutral powers.

It reproaches the latter with having, with few exceptions, submitted to the measures ordered by Great Britain and particularly with having failed to secure the release of German subjects taken from neutral vessels and the return of confiscated German goods. It reproaches them further with having in a sense assisted in carrying out British measures incompatible with the principle of freedom of the seas by forbidding, through export and transit embargoes, apparently under pressure from Great Britain, the transportation into Germany of goods not specially used for war. Finally it reproaches them with admitting that vital interests of the belligerents may offer sufficient excuse for any sort of methods of warfare.

The memorandum warns the neutrals no longer to entrust crews, passengers, or property of any kind to enemy ships. In addition, it calls their attention to the advisability of earnestly urging their vessels to avoid the region designated as a war zone in the Naval General Staff's proclamation of the 4th instant, that is to say, the waters surrounding England, Scotland, and Ireland, including the whole of the English Channel. This advice is based upon the danger run by neutral vessels of falling victims to attacks directed against the enemy, all the more since the English Admiralty is said lately to have ordered British merchant ships to fly neutral flags.

In conclusion, the memorandum states that the Imperial Government can expect the neutral powers to show no less respect for Germany's vital interests than for those of England and to assist in keeping their subjects and property away from the war zone.

The Imperial Government's memorandum calls for the following observations on the part of the Netherland Government:

Since the beginning of the war, the Government of the Queen has protested energetically against every measure taken by the belligerents which, in its opinion, conflicted with international law or impaired its national interests. It has likewise protested when those interests were but indirectly at stake, as in the case of the arrest of German subjects or the unwarranted seizure of German goods on board Dutch ships. The Government of the Queen procured the release of the German subjects taken from the steamers *Tubantia* and *Zeelandia*. It has not dropped the other claims.

In the first months of the war, the Allied Governments applied to Dutch merchant vessels carrying conditional contraband a system of regarding as suspect every cargo bound for a Dutch port. The Government of the Queen

protested against this attitude which, from the standpoint of international law, constituted an obstacle to legitimate commerce.

Free transit to Germany, guaranteed moreover, so far as the Rhine is concerned, by the convention of 1868, is in no wise hampered by the Government of the Queen. If that transit has diminished, it is as a result of the Allied Governments' activities at sea, and not because of any measures taken by the Netherland Government. Quite to the contrary, that Government has consistently upheld before the Allied Governments the duties regarding Germany imposed upon it by its position as a neutral power; thus it has refused to give a guaranty of any sort that goods imported from oversea will not be reexported to Germany.

The Government of the Queen protests most formally against the assumption that it has decreed any export prohibitions under pressure from the British Government. In decreeing such prohibitions, it has been actuated solely by the anxiety to keep up necessary stocks in the country. Furthermore, it has taken part in no exchange of views on the subject with the British Government.

As for the British Admiralty's proclamation of November 5 last, declaring the entire North Sea to form a military zone in which shipping would be exposed to grave danger, the Government of the Queen pointed out to the British Government that, according to the law of nations, only the immediate sphere of action of the belligerents' military operations can form such a military zone, and that the extension of the term to so vast a region as the North Sea constituted a serious encroachment upon the fundamental principle of the freedom of the seas, a principle recognized by all the nations of the world.

The issuance of the German proclamation of February 4 concerning the delimitation of a theater of war calls forth the same observation on the part of the Government of the Queen. Once again it maintains its right to the free navigation of a free sea.

The Netherland Government is not bound to see to it that the Dutch merchant marine refrain from navigating within a zone which, by reason of its vast extent, will not in fact be the immediate sphere of action of warlike operations.

In actual practice, the British decree has not as yet in any way affected Dutch shipping, which has continued to follow the course which it was taking at the time the decree was promulgated. There has never been any blockade whatsoever of the ports and coasts of the Netherlands.

The Netherland Government trusts that the German operations of war will not affect Dutch shipping in any greater degree and that the Imperial Government will give strictest orders to its navy to respect under all circumstances the neutral character of Dutch ships.

The Government of the Queen is urging upon the British Government its objections against the abuse of the Netherland flag by British merchant ships. That improper practice does not diminish the Imperial Government's responsibility, since the examination of a ship before its seizure or destruction is a duty which the belligerent cannot escape. Should a Dutch vessel fall victim to a mistake on the part of the German forces, the responsibility therefor would lie with the Imperial Government.

The Netherland Government, which is scrupulously fulfilling the duties toward belligerents imposed by its neutrality, looks to them for their part to respect its rights.

THE HAGUE, February 12, 1915.

File No. 763.72112/835

The British Ambassador (Spring Rice) to the Secretary of State

WASHINGTON, March 10, 1915.

The British Ambassador presents his compliments to the Secretary of State, and has the honour to transmit herewith twenty copies of a list enumerating certain oils and substances included under the heading "lubricants" in the British list of articles to be treated as conditional contraband.

[Enclosure]

Oils and substances included under the heading "lubricants" in the British list of articles to be treated as conditional contraband

I. Principal oils used as lubricants:

Tallow oil.

Lard oil.

Neat's-foot oil (including sheep's foot oil, horse's foot oil, and fatty bone oil).

Olive oil.

Rape oil (including colza oil, Ravisson oil, or Black Sea rape oil, and Jamba oil).

Castor oil.

Particularly for fine mechanisms—

Hazelnut oil.

Ben oil.

Porpoise oil (including body oil and jaw oil).

Dolphin oil or blackfish oil (including body oil and jaw oil).

Sperm oil.

Arctic sperm oil.

Whale oil.

Rosin oil.

II. Solid lubricants:

1. Graphite (including natural graphite, artificial graphite, Acheson's graphite, colloidal graphite, deflocculated graphite, "Oildag," "Aquadag," or "Waterdag").

2. Mineral jellies.

3. Tallow (including mutton tallow, beef tallow and goat and buck tallow).

4. All unctuous bodies which do not flow (or flow extremely slowly) at ordinary temperatures containing—

a. Tallow mixed with any other oil, fat, or mineral jelly.

b. Any oil, fat, or mineral jelly containing aluminium soap, lead soap, lime soap, or rosin soap.

c. Commercial forms of lead soap, lime soap, and aluminium soap.*

d. Any oil, fat, or mineral jelly containing water and an alkali, or containing potash or soda soap (but not including "superfatted soaps" of various kinds).

5. Rosin greases or rosin soaps.

* Aluminium soap in oleaginous solution is also known as "oil pulp," "thickener," "gelatin," and "viscom."

File No. 763.72/1571

The Ambassador in Great Britain (Page) to the Secretary of State

[Telegram]

LONDON, *March 10, 1915, 5 p. m.*

[Received 8 p. m.]

1762. Your 1182, February 24.¹ Much inquiry has failed to show that any order has been issued by the British Government to merchant vessels to arm themselves; but there is reason to believe that the Government has permitted arming when ships have asked. There is no evidence that I have yet found, however, that any transatlantic British merchantmen have been armed. And all the arming that may have been done has been done since the German submarine "blockade" began and it has been done with reference to German submarine attacks.

AMERICAN AMBASSADOR

¹ *Ante*, p. 122.

File No. 763.72/1573

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

[Telegram]

BERLIN, March 11, 1915, 3 p. m.

[Received March 12, 1.35 p. m.]

1818. To-day's official account of fighting in France issued by General Staff and published in all newspapers states that French used an immense quantity of heavy artillery ammunition of their own and American manufacture. This can only have been published with the express desire of the Government to stir up hatred against America and I therefore expect that the hate campaign will commence again. Three weeks ago, although it is hard for you in America to realize it, Germany was on the edge of war with the United States and the Government here seems bent upon again stirring up trouble. A friend of mine, editor of a German newspaper, tried to print Congressman Bartholdt's speech saying German-Americans were for America against Germany, etc., but Foreign Office censor refused to pass it.

GERARD

File No. 763.72112/854

The Ambassador in Great Britain (Page) to the Secretary of State

[Telegram]

LONDON, March 13, 1915.

[Received 2.30 p. m.]

1780. Royal Proclamation dated March 11 makes following additions to list of absolute contraband issued December 23:¹

Raw wool, wool tops and noils and woollen and worsted yarns; tin, chloride of tin, tin ore; castor oil; paraffin wax; copper iodide; lubricants; hides of cattle, buffaloes, and horses; skins of calves, pigs, sheep, goats, and deer; leather, undressed or dressed, suitable for saddlery, harness, military boots, or military clothing; ammonia and its salts whether simple or compound; ammonia liquor; urea, aniline, and their compounds.

Also makes following additions to list of conditional contraband of same date:

Tanning substances of all kinds including extracts for use in tanning.

And states as follows:

And we do hereby declare that the terms "foodstuffs" and "feeding-stuffs for animals" in the list of conditional contraband contained in our Royal Proclamation aforementioned shall be deemed to include oleaginous seeds, nuts, and kernels; animal and vegetable oils and fats other than linseed oil suitable for use in the manufacture of margarine; and cakes and meals made from oleaginous seeds, nuts, and kernels.

AMERICAN AMBASSADOR

¹The same changes were reported by the Ambassador in France in his telegram No. 607, March 12 (File No. 763.72112/851).

File No. 763.72/1585

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

No. 114]

STOCKHOLM, February 18, 1915.

[Received March 15.]

SIR: With reference to the Legation's telegrams No. 21 of February 16¹ and No. 22 of this date,² I have the honor to enclose herewith copies and translations of the notes delivered by Sweden to the British and German Governments, protesting against the condition of neutral shipping at sea.³

The Foreign Office states that these notes are confidential as yet, as the contents of same have not been made generally known.

I have [etc.]

IRA N. MORRIS

[Enclosure 1—Translation]

The Swedish Ministry of Foreign Affairs to the British Legation

In the course of the present war, the Royal Government has found it necessary, more than once, to protest against the measures taken by the belligerents without the regard due to the rights and interests of neutrals. As far as the relations between the belligerents themselves are concerned, it is not necessary to examine whether these measures are just fied by the necessities of the war or according to the principles of lawful retaliation. In any case, such considerations could not be appealed to to the detriment of neutral powers who are in no way responsible, either for the war or for the means employed by one or other of the belligerents in order to harm the enemy.

Nevertheless, the neutral powers have seen their losses and difficulties multiply, and the state of affairs is becoming gradually worse, on account of the intention of the belligerents to retaliate by measures of the same character to attacks which they consider to be unlawful.

In this respect, a new outlook of the most threatening nature has just been opened up.

The German Government, citing the intention manifested in Great Britain to try to protect British commercial navigation by the use of neutral flags, comes to the conclusion that ships flying neutral flags are open to suspicion and that, for this reason, even vessels which are really neutral will be exposed to the most serious dangers. The Royal Government has not delayed in addressing a protest to the German Government claiming for neutral navigation, and more especially for Swedish navigation, all the security which is assured to it by the application of the rules of the law of nations. It must, at the same time, protest against any misuse of its flag, a misuse which, under the present circumstances, might lead to the most disastrous consequences. The tolerance which may have been accorded to isolated incidents in the past is no longer possible under the present conditions of the war, especially since it has become a question of systematic and premeditated misuse. The Royal Government hopes, therefore, that the Royal British Government will employ all the means in its power to prevent such misuse, and reserves all its rights with regard to the damages and losses which might result, should this hope not be realized.

STOCKHOLM, February 15, 1915.

[Enclosure 2—Translation]

The Swedish Ministry of Foreign Affairs to the German Legation

The Royal Government has just received, through the intermediary of the Swedish Legation at Berlin, the notification signed on the 4th of February

¹ *Ante*, p. 109.² No. 22 not printed.³ Copies of identical notes delivered by the Norwegian Government were forwarded by the Minister in Norway with his No. 74, March 15 (File No. 763.72/1636).

by the Chief of the General Staff of the German Navy, as well as the memorandum of the Imperial Government annexed thereto.

The Royal Government does not consider it necessary to discuss the means which the Imperial Government intends to put into force with a view to making war on its enemies, that is to say with questions which directly interest the belligerents, in so far as these documents relate only to them. But, on the other hand, these measures are of such a nature as also deeply to concern the interests of the neutral powers. Likewise, the Imperial Government has believed it to be its duty to cite circumstances intended to prove that the neutral powers had lost the right to complain of what might happen to them as a consequence of the operations of war which the Imperial Government is preparing in the waters surrounding the British Isles.

The Royal Government cannot recognize the forfeiture of this right. It has openly protested against all application of the doctrine, according to which the necessities of war would justify violations of the law of nations. In this respect, it calls to mind, firstly, the note of November 12 addressed to the representatives of Germany, of France, of Great Britain, and of Russia. Moreover, at the time of the British proclamation regarding the North Sea, the Royal Government did not fail to declare immediately and in the most definite terms that it could not recognize the right of a belligerent to limit, as far as neutral nations are concerned, the use of the open sea and of other routes common to all. If it is the intention of the Imperial Government to put us in the wrong because we thought it sufficient to enter a protest, purely and simply, it must be called to mind that, inasmuch as the belligerents have, within the limits of the law of nations, the choice of means, neutral powers likewise enjoy the same liberty, provided they observe the neutrality which they have proclaimed.

It has been stated above that Sweden protested when Great Britain, upon declaring a certain portion of the North Sea to be a military zone, claimed the right to limit the routes of neutral navigation. These protests have been repeated in the above-mentioned note of November 12. The Royal Government still maintains the same point of view. It, therefore, makes all due reservations concerning the declaration which has just been published by the Imperial Government.

While presuming that the German authorities will do all in their power to remove the dangers which threaten Swedish navigation, the Royal Government cannot conceal the fact that it is aware of the risks to which this navigation will nevertheless be exposed. It has made a formal protest to the British Government for the purpose of providing against any misuse of the national flag.

The Royal Government has the right to expect that the Swedish flag shall be respected by all parties and under all circumstances. It, therefore, hopes that Swedish vessels will not be exposed to the measures announced by the German authorities and makes all due reservations as regards any damages and losses which might result from the carrying out of such measures.

STOCKHOLM, *February 15, 1915.*

File No. 763.72/1588

The Ambassador in Great Britain (Page) to the Secretary of State

[Telegram]

LONDON, *March 15, 1915.*

[*Received 11 p. m.*]

1795. Following is the full text of a memorandum dated March 13, which Grey handed me to-day:¹

On the 22d of February last I received a communication from your excellency of the identic note addressed to His Majesty's Government and to Germany, respecting an agreement on certain points as to the conduct of the war at sea. The reply of the German Government to this note has been published and it is not understood from the reply that the German Government are prepared to abandon the practice of sinking British merchant vessels by submarines, and it is evident from their reply that they will not abandon the use of mines for

¹ See identical note No. 1169 of February 20, *ante*, p. 119.

offensive purposes on the high seas as contrasted with the use of mines for defensive purposes only within cannon range of their own harbours as suggested by the Government of the United States. This being so, it might appear unnecessary for the British Government to make any further reply than to take note of the German answer. We desire, however, to take the opportunity of making a fuller statement of the whole position and of our feeling with regard to it. We recognize with sympathy the desire of the Government of the United States to see the European war conducted in accordance with the previously recognized rules of international law and the dictates of humanity. It is thus that the British forces have conducted the war, and we are not aware that these forces, either naval or military, can have laid to their charge any improper proceedings, either in the conduct of hostilities or in the treatment of prisoners or wounded. On the German side it has been very different.

1. The treatment of civilian inhabitants in Belgium and the north of France has been made public by the Belgian and French Governments and by those who have had experience of it at first hand. Modern history affords no precedent for the sufferings that have been inflicted on the defenceless and non-combatant population in the territory that has been in German military occupation. Even the food of the population was confiscated until in Belgium an international commission, largely influenced by American generosity and conducted under American auspices, came to the relief of the population and secured from the German Government a promise to spare what food was still left in the country though the Germans still continue to make levies in money upon the defenceless population for the support of the German Army.

2. We have from time to time received most terrible accounts of the barbarous treatment to which British officers and soldiers have been exposed after they have been taken prisoner while being conveyed to German prison camps; one or two instances have already been given to the United States Government founded upon authentic and first-hand evidence which is beyond doubt. Some evidence has been received of the hardships to which British prisoners of war are subjected in the prison camps contrasting, we believe, most unfavourably with the treatment of German prisoners in this country. We have proposed, with the consent of the United States Government, that a commission of United States officers should be permitted in each country to inspect the treatment of prisoners of war. The United States Government have been unable to obtain any reply from the German Government to this proposal and we remain in continuing anxiety and apprehension as to the treatment of British prisoners of war in Germany.

3. At the very outset of the war a German mine layer was discovered laying a mine field on the high seas. Further mine fields have been laid from time to time without warning and so far as we know are still being laid on the high seas, and many neutral as well as British vessels have been sunk by them.

4. At various times during the war German submarines have stopped and sunk British merchant vessels, thus making the sinking of merchant vessels a general practice, though it was admitted previously, if at all, only as an exception, the general rule to which the British Government have adhered being that merchant vessels, if captured, must be taken before a prize court. In one case already quoted in a note to the United States Government, a neutral vessel carrying foodstuffs to an unfortified town in Great Britain has been sunk. Another case is now reported in which a German armed cruiser has sunk an American vessel, the *William P. Frye*, carrying a cargo of wheat from Seattle to Queenstown. In both cases the cargoes were presumably destined for the civil population. Even the cargoes in such circumstances should not have been condemned without the decision of a prize court, much less should the vessels have been sunk. It is to be noted that both these cases occurred before the detention by the British authorities of the *Wilhelmina* and her cargo of foodstuffs, which the German Government allege is the justification for their own action. The Germans have announced their intention of sinking British merchant vessels by torpedo without notice and without any provision for the safety of the crew. They have already carried out this intention in the case of neutral as well as of British vessels, and a number of non-combatant and innocent lives on British vessels, unarmed and defenceless, have been destroyed in this way.

5. Unfortified, open, and defenceless towns, such as Scarborough, Yarmouth, and Whitby, have been deliberately and wantonly bombarded by German ships of war, causing in some cases considerable loss of civilian life, including women and children.

6. German aircraft have dropped bombs on the east coast of England where there were no military or strategic points to be attacked. On the other hand, I am aware of but two criticisms that have been made on British action in all these respects: (1) It is said that the British naval authorities also have laid some anchored mines on the high seas. They have done so, but the mines were anchored and so constructed that they would be harmless if they went adrift, and no mines whatever were laid by the British naval authorities till many weeks after the Germans had made a regular practice of laying mines on the high seas. (2) It is said that the British Government have departed from the view of international law which they had previously maintained that foodstuffs destined for the civil population should never be interfered with, this charge being founded on the submission to a prize court of the cargo of the *Wilhelmina*. The special considerations affecting this cargo have already been presented in a memorandum to the United States Government, and I need not repeat them here. Inasmuch as the stoppage of all foodstuffs is an admitted consequence of blockade, it is obvious that there can be no universal rule based on considerations of morality and humanity which is contrary to this practice. The right to stop foodstuffs destined for the civil population must therefore in any case be admitted if an effective "cordon" controlling intercourse with the enemy is drawn, announced, and maintained. Moreover, independently of rights arising from belligerent action in the nature of blockade, some other nations, differing from the opinion of the Governments of the United States and Great Britain, have held that to stop the food of the civil population is a natural and legitimate method of bringing pressure to bear on an enemy country, as it is upon the defence of a besieged town. It is also upheld on the authority of both Prince Bismarck and Count Caprivi, and therefore presumably is not repugnant to German morality. The following are the quotations from Prince Bismarck and Count Caprivi on this point. Prince Bismarck, in answering in 1885 an application from the Kiel Chamber of Commerce for a statement of the view of the German Government on the question of the right to declare as contraband foodstuffs that were not intended for military forces, said:

I reply to the chamber of commerce that any disadvantage our commercial and carrying interests may suffer by the treatment of rice as contraband of war does not justify our opposing a measure which it has been thought fit to take in carrying on a foreign war. Every war is a calamity which entails evil consequences, not only on the combatants but also on neutrals. These evils may easily be increased by the interference of a neutral power with the way in which a third carries on the war to the disadvantage of the subjects of the interfering power, and by this means German commerce might be weighted with far heavier losses than a transitory prohibition of the rice trade in Chinese waters. The measure in question has for its object the shortening of the war by increasing the difficulties of the enemy, and is a justifiable step in war if impartially enforced against all neutral ships.

Count Caprivi, during a discussion in the German Reichstag on the 4th of March, 1892, on the subject of the importance of international protection for private property at sea, made the following statements:

A country may be dependent for her food or for her raw produce upon her trade. In fact, it may be absolutely necessary to destroy the enemy's trade. . . . The private introduction of provisions into Paris was prohibited during the siege, and in the same way a nation would be justified in preventing the import of food and raw produce.

The Government of Great Britain have frankly declared, in concert with the Government of France, their intention to meet the German attempt to stop all supplies of every kind from leaving or entering British or French ports by themselves stopping supplies going to or from Germany for this end. The British fleet has instituted a blockade, effectively controlling by cruiser "cordon" all passage to and from Germany by sea. The difference between the two policies is, however, that while our object is the same as that of Germany, we propose to attain it without sacrificing neutral ships or non-combatant lives or inflicting upon neutrals the damage that must be entailed when a vessel and its cargo are sunk without notice, examination, or trial. I must emphasize again that this measure is a natural and necessary consequence of the unprecedented methods, repugnant to all law and morality, which have been described

above, which Germany began to adopt at the very outset of the war, and the effects of which have been constantly accumulating.

AMERICAN AMBASSADOR

File No. 763.72112/1218

The Ambassador in Great Britain (Page) to the Secretary of State

[Telegram]

LONDON, March 15, 1915.

[Received March 16, 8 a. m.]

1798. Following is the full text of a note, dated to-day, and an order in council I have just received from Grey:

1. His Majesty's Government have had under careful consideration the enquiries which, under instructions from your Government, your excellency addressed to me on the eighth instant regarding the scope and mode of application of the measures, foreshadowed in the British and French declarations of the first of March, for restricting the trade of Germany. Your excellency explained and illustrated by reference to certain contingencies the difficulty of the United States Government in adopting a definite attitude towards these measures by reason of uncertainty regarding their bearing upon the commerce of neutral countries.

2. I can at once assure your excellency that subject to the paramount necessity of restricting German trade His Majesty's Government have made it their first aim to minimize inconvenience to neutral commerce. From the accompanying copy of the order in council, which is to be published to-day, you will observe that a wide discretion is afforded to the prize court in dealing with the trade of neutrals in such manner as may in the circumstances be deemed just and that full provision is made to facilitate claims by persons interested in any goods placed in the custody of the marshal of the prize court under the order. I apprehend that the perplexities to which your excellency refers will for the most part be dissipated by the perusal of this document and that it is only necessary for me to add certain explanatory observations.

3. The effect of the order in council is to confer certain powers upon the executive officers of His Majesty's Government. The extent to which those powers will be actually exercised and the degree of severity with which the measures of blockade authorized will be put into operation, are matters which will depend on the administrative orders issued by the Government and the decisions of the authorities specially charged with the duty of dealing with individual ships and cargoes, according to the merits of each case. The United States Government may rest assured that the instructions to be issued by His Majesty's Government to the fleet and to the customs officials and executive committees concerned will impress upon them the duty of acting with the utmost despatch consistent with the object in view and of showing in every case such consideration for neutrals as may be compatible with that object which is, succinctly stated, to establish a blockade to prevent vessels from carrying goods for or coming from Germany.

4. His Majesty's Government have felt most reluctant at the moment of initiating a policy of blockade to exact from neutral ships all the penalties attaching to a breach of blockade. In their desire to alleviate the burden which the existence of a state of war at sea must inevitably impose on neutral sea-borne commerce, they declare their intention to refrain altogether from the exercise of the right to confiscate ships or cargoes which belligerents have always claimed in respect of breaches of blockade. They restrict their claim to the stopping of cargoes destined for or coming from the enemy's territory.

5. As regards cotton, full particulars of the arrangements contemplated have already been explained. It will be admitted that every possible regard has been had to the legitimate interests of the American cotton trade.

6. Finally, in reply to the penultimate paragraph of your excellency's note, I have the honour to state that it is not intended to interfere with neutral vessels carrying enemy cargo of non-contraband nature outside European waters, including the Mediterranean.

ORDER IN COUNCIL OF MARCH 11, 1915

WHEREAS the German Government has issued certain orders which, in violation of the usages of war, purport to declare the waters surrounding the United Kingdom a military area, in which all British and allied merchant vessels will be destroyed irrespective of the safety of the lives of passengers and crew, and in which neutral shipping will be exposed to similar danger in view of the uncertainties of naval warfare; and

WHEREAS in a memorandum accompanying the said orders neutrals are warned against entrusting crews, passengers, or goods to British or allied ships;

WHEREAS such attempts on the part of the enemy give to His Majesty an unquestionable right of retaliation; and

WHEREAS His Majesty has therefore decided to adopt further measures in order to prevent commodities of any kind from reaching or leaving Germany, though such measures will be enforced without risk to neutral ships or to neutral or non-combatant life and in strict observance of the dictates of humanity; and

WHEREAS the Allies of His Majesty are associated with him in the steps now to be announced for restricting further the commerce of Germany;

His Majesty is therefore pleased, by and with the advice of his Privy Council, to order and it is hereby ordered as follows:

1. No merchant vessel which sailed from her port of departure after the 1st March 1915 shall be allowed to proceed on her voyage to any German port.

Unless the vessel receives a pass enabling her to proceed to some neutral or allied port to be named in the pass, goods on board any such vessel must be discharged in a British port and placed in the custody of the marshal of the Prize Court. Goods so discharged, not being contraband of war, shall, if not requisitioned for the use of His Majesty, be restored by order of the Court, upon such terms as the Court may in the circumstances deem to be just, to the person entitled thereto.

2. No merchant vessel which sailed from any German port after the 1st March 1915 shall be allowed to proceed on her voyage with any goods on board laden at such port.

All goods laden at such port must be discharged in a British or allied port. Goods so discharged in a British port shall be placed in the custody of the marshal of the Prize Court, and, if not requisitioned for the use of His Majesty, shall be detained or sold under the direction of the Prize Court. The proceeds of goods so sold shall be paid into Court and dealt with in such manner as the Court may in the circumstances deem to be just.

Provided, that no proceeds of the sale of such goods shall be paid out of Court until the conclusion of peace, except on the application of the proper officer of the Crown, unless it be shown that the goods had become neutral property before the issue of this Order.

Provided also, that nothing herein shall prevent the release of neutral property laden at such enemy port on the application of the proper officer of the Crown.

3. Every merchant vessel which sailed from her port of departure after the 1st March 1915 on her way to a port other than a German port, carrying goods with an enemy destination, or which are enemy property, may be required to discharge such goods in a British or allied port. Any goods so discharged in a British port shall be placed in the custody of the marshal of the Prize Court, and, unless they are contraband of war, shall, if not requisitioned for the use of His Majesty, be restored by order of the Court, upon such terms as the Court may in the circumstances deem to be just to the person entitled thereto.

Provided, that this Article shall not apply in any case falling within Articles 2 or 4 of this Order.

4. Every merchant vessel which sailed from a port other than a German port after the 1st March 1915 having on board goods which are of enemy origin or are enemy property may be required to discharge such goods in a British or allied port. Goods so discharged in a British port shall be placed in the custody of the marshal of the Prize Court, and, if not requisitioned for the use of His Majesty, shall be detained or sold under the direction of the Prize Court. The proceeds of goods so sold shall be paid into Court and dealt with in such manner as the Court may in the circumstances deem to be just.

Provided, that no proceeds of sale of such goods shall be paid out of Court until the conclusion of peace except on the application of the proper officer of

the Crown, unless it be shown that the goods had become neutral property before the issue of this order.

Provided also, that nothing herein shall prevent the release of neutral property of enemy origin on the application of the proper officer of the Crown.

5. Any person claiming to be interested in, or to have any claim in respect of, any goods (not being contraband of war) placed in the custody of the marshal of the Prize Court under this order, or in the proceeds of such goods, may forthwith issue a writ in the Prize Court against the proper officer of the Crown and apply for an order that the goods should be restored to him, or that their proceeds should be paid to him, or for such other order as the circumstances of the case may require.

The practice and procedure of the Prize Court shall, so far as applicable, be followed *mutatis mutandis* in any proceedings consequential upon this Order.

6. A merchant vessel which has cleared for a neutral port from a British or allied port, or which has been allowed to pass having an ostensible destination to a neutral port, and proceeds to an enemy port, shall, if captured on any subsequent voyage, be liable to condemnation.

7. Nothing in this Order shall be deemed to affect the liability of any vessel or goods to capture or condemnation independently of this Order.

8. Nothing in this Order shall prevent the relaxation of the provisions of this Order in respect of the merchant vessels of any country which declares that no commerce intended for or originating in Germany or belonging to German subjects shall enjoy the protection of its flag.

AMERICAN AMBASSADOR

File No. 763.72/1589

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

[Telegram]

PARIS, March 14, 1915, 8 p. m.

[Received March 16, 10 a. m.]

616. French Government replies as follows:

In a letter dated March 7¹ your excellency was good enough to draw my attention to the views of the Government of the United States regarding the recent communications from the French and British Governments concerning a restriction to be laid upon commerce with Germany. According to your excellency's letter, the declaration made by the Allied Governments presents some uncertainty as regards its application, concerning which the Government of the United States desires to be enlightened in order to determine what attitude it should take.

At the same time your excellency notified me that while granting the possibility of using new methods of retaliation against the new use to which submarines have been put, the Government of the United States was somewhat apprehensive that the Allied belligerents might (if their action is to be construed as constituting a blockade) capture in waters near America any ships which might have escaped the cruisers patrolling European waters. In acknowledging receipt of your excellency's communication I have the honor to inform you that the Government of the Republic has not failed to consider this point as presented by the Government of the United States, and I beg to specify clearly the conditions of application, as far as my Government is concerned, of the declaration of the Allied Governments. As well set forth by the Federal Government, the old methods of blockade can not be entirely adhered to in view of the use Germany has made of her submarines, and also by reason of the geographical situation of that country. In answer to the challenge to the neutrals as well as to its own adversaries, contained in the declaration by which the German Imperial Government stated that it considered the seas surrounding Great Britain and the French coast on the Channel as a military zone, and warned neutral vessels not to enter the same on account of the danger they would run, the Allied Governments have been obliged to examine what measures they

¹ See telegram No. 1233 of March 5 to the Ambassador in Great Britain, *ante*, p. 132. A similar telegram was sent to Paris.

could adopt to interrupt all maritime communication with the German Empire and thus keep it blockaded by the naval power of the two Allies, at the same time, however, safeguarding as much as possible the legitimate interests of neutral powers, and respecting the laws of humanity which no crime of their enemy will induce them to violate.

The Government of the Republic, therefore, reserves to itself the right of bringing into a French or Allied port any ship carrying a cargo presumed to be of German origin, destination, or ownership, but it will not go to the length of seizing any neutral ship except in case of contraband. The discharged cargo shall not be confiscated. In the event of a neutral proving his lawful ownership of merchandise destined to Germany, he shall be entirely free to dispose of same, subject to certain conditions. In case the owner of the goods is a German they shall simply be sequestered during the war.

Merchandise of enemy origin shall only be sequestered when it is at the same time the property of an enemy; merchandise belonging to neutrals shall be held at the disposal of its owner to be returned to the port of departure.

As your excellency will observe, these measures, while depriving the enemy of important resources, respect the rights of neutrals and will not in any way jeopardize private property, as even the enemy owner will only suffer from the suspension of the enjoyment of his rights during the term of hostilities.

The Government of the Republic, being desirous of allowing neutrals every facility to enforce their claims, has decided to give the prize court (an independent tribunal) cognizance of these questions, and in order to give the neutrals as little trouble as possible it has specified that the prize court shall give sentence within eight days, counting from the date on which the case shall have been brought before it.

I do not doubt, Mr. Ambassador, that the Federal Government, comparing on the one hand the unspeakable violence with which the German military government threatens neutrals, the criminal actions unknown in maritime annals already perpetrated against neutral property and ships and even against the lives of neutral subjects or citizens, and on the other hand the measures adopted by the Allied Governments of France and Great Britain respecting the laws of humanity and the rights of individuals, will readily perceive that the latter have not overstepped their strict rights as belligerents.

Finally, I am anxious to assure you that it is not and it has never been the intention of the Government of the Republic to extend the action of its cruisers against enemy merchandise beyond European seas, the Mediterranean included.

SHARP

File No. 763.72/1614

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

[Telegram]

CHRISTIANIA, *March 20, 1915, 2 p. m.*

[Received 3.40 p. m.]

13. The three Scandinavian countries have sent notes to British and French Governments protesting against the policy of retaliation against Germany in so far as it affects Scandinavian trade and navigation.

SCHMEDEMAN

File No. 763.72/1616

The Ambassador in Great Britain (Page) to the Secretary of State

[Telegram]

LONDON, *March 21, 1915.*

[Received March 22, 8 a. m.]

1816. Investigation in as many departments of the Government as possible and many unofficial talks with the best informed men form the basis for the following conclusions:

The blockade differs from previous blockades and from a blockade as defined in the books only in two particulars: (1) It is made by moving cruisers instead of warships stationed at blockaded ports; and (2) it permits and contemplates exemptions of neutral ships and cargoes from confiscation. The submarine has, in spite of the book definition, made the first change inevitable in all future blockades. The second change is made to leave the fullest opportunity to favor neutral trade and especially American trade.

The only practical difference that the blockade will make will be the shutting out of cotton and foodstuffs from Germany. Most foodstuffs had already been shut out and the English will buy the cotton they stop. The American lawyer who has come here representing the Chicago meat packers is making good progress at satisfactory settlement and arrangements.

The American trade with the Allies is, I am told, increasing rapidly and will grow by leaps till the war ends.

I have the promise of the Government of greater promptness in dealing with stopped ships and cargoes.

The Government is publishing as a White Paper all the correspondence about shipping between the American and British Governments since December 28. Unofficial critics praise the courtesy and admit the propriety of our communications, but they regard them as remote and impracticable. They point out that we have not carried our points: namely, that copper should not be contraband, that ships should be searched at sea, that to-order cargoes should be valid, that our export trade had fallen off because of the war. They point out these in good-natured criticism as evidence of the American love of protest for political effect at home. While the official reception of our communications is dignified, the unofficial and general attitude to them is a smile at our love of letter writing as at Fourth of July orations. They quietly laugh at our effort to regulate sea warfare under new conditions by what they regard as lawyers' disquisitions out of textbooks. They [receive] them with courtesy, pay no further attention to them, proceed to settle our shipping disputes with an effort at generosity and quadruple their orders from us of war materials. They care nothing for our definitions or general protests but are willing to do us every practical favor and will under no conditions either take our advice or offend us. They regard our writings as addressed either to complaining shippers or to politicians at home.

For these reasons complaints about concrete cases as they arise are more effective than general communications about rules of sea warfare, which must be revised by the submarine, the aeroplane, the mine and our own precedents.

The German submarine blockade is a practical failure. Its chief effect has been to provoke the English blockade of Germany which is effective.

AMERICAN AMBASSADOR

File No. 763.72112/902

The Chargé in Russia (Wilson) to the Secretary of State

No. 70]

PETROGRAD, *February 26, 1915.*[*Received March 22.*]

SIR: Referring to the Department's circular telegraphic instruction, No. 20, repeated from London, I have the honor to enclose herewith five copies of the Russian prize laws, together with the recent modifications thereof.¹ The Foreign Office states that further slight modifications will shortly be decreed in order to make the Russian law conform in all respects to the English law.

I have [etc.]

CHARLES S. WILSON

File No. 763.72/1620

The Minister in the Netherlands (Van Dyke) to the Secretary of State

No. 216]

THE HAGUE, *March 6, 1915.*[*Received March 23.*]

SIR: The rapid development of the proposed measures of so-called "reprisal" between Germany-Austria and the Entente Allies in the war upon commerce, has produced an unfavorable impression upon public opinion in the Netherlands.

The people here think that both belligerents are making propositions which disregard the rights of neutrals. Countries at peace have as much right to protect their economic life as countries at war. Otherwise international law is a farce.

The latest British proposition (Mr. Asquith's speech of March 1) shows a greater consideration for human life than the German proposition (naval declaration of February 4²). But both propositions threaten a grave injury to the legitimate non-contraband commerce of neutral nations, upon the continuance of which the life of their people depends.

A practical stoppage of that commerce, either by the sinking of merchant ships by submarines, or by the imprisonment of such ships in belligerent harbors, would amount in effect to an unlawful attack upon the economic life of neutral nations.

It would therefore not be merely a measure of reprisal between belligerents. It would be also a measure of damage to neutrals, and thus an illegitimate pressure upon them to take sides in the war, since a peaceful abstinence would no longer secure them the benefits of non-contraband trade under international law.

The Declaration of Paris would thus be abolished. The rights of property of non-combatants on the sea would be subject entirely to the will and the alleged necessities of the belligerents.

¹Not printed. The decree of December 8, 1914, enclosed, corresponds to the British proclamation and order in council of October 29, printed in *Foreign Relations, 1914, Supplement*, pp. 260-63. The adoption by Russia of the British contraband list of December 23, together with the changes of March 11, 1915, by decree of May 10, was reported in the Embassy's despatch No. 162, June 3 (File No. 763.72112/1295). This despatch and others recording the adoption of further changes are not printed.

²*Ante*, p. 94.

Already the Netherlands Chamber of Commerce and the leading shipping firms of this country have felt obliged publicly to warn foreign consigners to suspend the sending of goods to Holland from or via Germany for further transportation. This means the cutting off of a large portion of the outgoing commerce of the Netherlands. I enclose herewith certain extracts from leading Dutch newspapers.¹

In my judgment thoughtful public opinion here looks to the United States for leadership in a firm, united maintenance, by pacific means, of the common rights of neutral nations in commerce during the time of war.

I have [etc.]

HENRY VAN DYKE

File No. 763.72/1640

The Netherland Foreign Office to the Netherland Legation at Washington

[Telegram—Translation]

[Left at the Department of State
by the Netherland Minister,
March 23, 1915.]

On Friday I answered declarations and decrees of Allies as follows:

Netherlands Government has been constrained to examine, not whether reciprocal measures of the belligerents are warranted, but as a neutral power it takes exception to any encroachment on neutral rights, the stand taken since the outbreak of the war for the maintenance of its rights and in the interest of the common cause of international law.

Contrary to Declaration of Paris, Allied navies will use constraint toward all private property whether enemy or neutral.

Decrees hold out mitigation without strictly defining rule.

Allied Governments have given assurance that they will heed interests of Netherlands and its colonies.

Yet Netherlands Government cannot pass unnoticed the grave invasion of fundamental rule of international law.

[File copy not signed]

File No. 763.72112/964

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

No. 334]

PARIS, March 18, 1915.

[Received March 30.]

SIR: In regard to my telegram No. 622 of the 16th instant¹ I have the honor to enclose herewith in copy and translation the decree of March 13 to which the above-mentioned telegram referred.

In this decree the application of the declaration of March 1 concerning the treatment to be accorded to shipping bound to or from German ports is set forth. I understand that a copy of the declara-

¹ Not printed.

tion was submitted to the Department of State by the French Ambassador in Washington on March 1.¹

I have [etc.]

W. G. SHARP

[Enclosure 1—Translation]

REPORT TO THE PRESIDENT OF THE FRENCH REPUBLIC

MINISTRY OF FOREIGN AFFAIRS,
Paris, March 12, 1915.

MR. PRESIDENT: The German Government has decreed certain measures which, in violation of the usages of war, are aimed at declaring the waters which encircle northern France and the United Kingdom a military zone, in which all Allied merchant vessels shall be destroyed without regard for the lives of the crew and the non-combatant passengers and in which neutral shipping will be exposed to the same dangers.

In a memorandum accompanying the publication of the aforesaid measures neutrals are warned not to embark sailors, passengers, or cargoes on ships belonging to the Allies.

Such pretensions on the part of the enemy give to the Allied Governments the right to respond by preventing every kind of merchandise from reaching or leaving Germany. However, the Allied Governments never intend to follow their enemy in the cruel and barbarous methods of which he habitually makes use, and the measures to which they have been obliged to have recourse shall not in their intention carry any risk for neutral vessels or for the lives of neutrals or non-combatants and shall be applied in strict conformity with the laws of humanity.

It is under these conditions and in this spirit that the joint declaration hereto annexed, notified to the Allied Governments on March 1, 1915, has been conceived, and in which are drafted the terms of the decree which we have the honor to submit for your high approval.

We beg you to accept, Mr. President, the assurances of our profound respect.

<i>The Minister of Finance:</i>	A. RIBOT
<i>The Minister of Marine:</i>	VICTOR AUGAGNEUR
<i>The Minister for Foreign Affairs:</i>	DELCASSÉ
<i>The Minister of War:</i>	A. MILLERAND

[Enclosure 2—Translation]

DECREE OF MARCH 13, 1915

The President of the French Republic, upon the report of the Minister for Foreign Affairs, the Minister of Finance, the Minister of War, and the Minister of Marine, decrees:

ARTICLE 1. All goods belonging to subjects of the German Empire, either shipped from or to Germany and having taken the sea since the promulgation of this present decree shall be stopped by the cruisers of the Republic.

All territory occupied by the German armed forces is assimilated to German territory.

ARTICLE 2. All articles and goods either of German brand or manufacture or made in Germany, the products of German soil, as well as all articles and merchandise whatsoever, the point of departure of which, either direct or in transit, is in German territory, shall be considered as merchandise coming from Germany.

However, the present stipulation shall not apply to articles or merchandise which the subject of a neutral country may prove to have brought lawfully into a neutral country prior to the promulgation of the present decree or of which he may prove that he was in regular and lawful possession prior to the said promulgation.

ARTICLE 3. All articles and merchandise whatsoever shipped either direct or in transit to Germany or to a country close to Germany, whenever the documents accompanying said articles or merchandise shall not show proof that

¹ See footnote, *ante*, p. 127.

their ultimate and true destination is in a neutral country, shall be considered as merchandise destined for Germany.

ARTICLE 4. Neutral vessels on board of which shall be found merchandise falling within Article 1, shall be conducted to a French or Allied port. In the event of the vessel being brought to a French port, the merchandise shall be unloaded unless otherwise provided as hereinafter stipulated. The vessel shall afterwards be liberated.

All merchandise recognized as belonging to German subjects shall be placed under sequestration or sold, the proceeds thereof being deposited at the Caisse des Dépôts et Consignations until the conclusion of peace to the account of the persons entitled thereto.

All merchandise belonging to neutrals and coming from Germany shall be held at the disposal of their neutral owners to be reshipped to their port of departure within a delay which shall be determined. After expiration of the said delay the said merchandise shall be subject to requisition or sold for the account and at the expense and risk of the owners.

Merchandise belonging to neutrals and bound for Germany shall be held at the disposal of the neutral owners, either to be returned to the port of departure or to be sent to any other French, Allied, or neutral port as may be authorized. In either case a period of time shall be fixed, at the expiration of which the merchandise shall be subject to requisition or sold for the account and at the expense and risk of the owner.

ARTICLE 5. In exceptional cases, at the suggestion of the Minister for Foreign Affairs, approved by the Minister of War, the Minister of Marine may grant authorization for the passage of a specified cargo, or a certain special category of merchandise, destined to or coming from a specified neutral country.

Goods coming from Germany shall only be authorized to pass when they shall have been loaded in a neutral port after having paid the customs duty of the neutral country.

ARTICLE 6. Nothing in this decree shall be deemed to affect the provisions decreed regarding merchandise declared absolute or conditional contraband of war.

ARTICLE 7. The question as to whether the captured merchandise belongs to German subjects, or is bound to or from Germany, shall be decided before a prize court as hereinafter provided.

Within two days from the arrival of the captured ship, the ship's papers and other documents justifying the capture shall be sent by the prize service of the port through the Minister of Marine to the commissioner representing the Government at the prize court, who will immediately notify the president of the said court.

The president shall convene the court which shall declare sentence upon the said documents within eight days of the registration of the *dossier* at the court. Notwithstanding the said delay, the court shall always be entitled to order any investigation which may appear to it advisable and to grant, if necessary, to the parties who may so demand, sufficient time to justify their rights.

The decision of the prize court shall be transmitted to the Minister of Marine, who shall be directed to execute same.

ARTICLE 8. The Minister for Foreign Affairs, the Minister of Finance, the Minister of War, and the Minister of Marine shall be directed, in so far as they are respectively concerned, to execute the present decree.

Done at Paris, March 13, 1915.

R. POINCARÉ

By the President of the Republic:

<i>The Minister for Foreign Affairs:</i>	DELCASSÉ
<i>The Minister of Finance:</i>	A. RIBOT
<i>The Minister of War:</i>	A. MILLERAND
<i>The Minister of Marine:</i>	VICTOR AUGAGNEUR

File No. 763.72/1588

The Secretary of State to the Ambassador in Great Britain (Page)

[Telegram]

WASHINGTON, *March 30, 1915, 8 p. m.*

1343. You are instructed to deliver the following to His Majesty's Government in reply to your Nos. 1795¹ and 1798² of March 15:

The Government of the United States has given careful consideration to the subjects treated in the British notes of March 13 and March 15, and to the British order in council of the latter date.³

These communications contain matters of grave importance to neutral nations. They appear to menace their rights of trade and intercourse not only with belligerents but also with one another. They call for frank comment in order that misunderstandings may be avoided. The Government of the United States deems it its duty, therefore, speaking in the sincerest spirit of friendship, to make its own view and position with regard to them unmistakably clear.

The order in council of the 15th of March would constitute, were its provisions to be actually carried into effect as they stand, a practical assertion of unlimited belligerent rights over neutral commerce within the whole European area, and an almost unqualified denial of the sovereign rights of the nations now at peace.

This Government takes it for granted that there can be no question what those rights are. A nation's sovereignty over its own ships and citizens under its own flag on the high seas in time of peace is, of course, unlimited; and that sovereignty suffers no diminution in time of war, except in so far as the practice and consent of civilized nations has limited it by the recognition of certain now clearly determined rights, which it is conceded may be exercised by nations which are at war.

A belligerent nation has been conceded the right of visit and search, and the right of capture and condemnation, if upon examination a neutral vessel is found to be engaged in unneutral service or to be carrying contraband of war intended for the enemy's government or armed forces. It has been conceded the right to establish and maintain a blockade of an enemy's ports and coasts and to capture and condemn any vessel taken in trying to break the blockade. It is even conceded the right to detain and take to its own ports for judicial examination all vessels which it suspects for substantial reasons to be engaged in unneutral or contraband service and to condemn them if the suspicion is sustained. But such rights, long clearly defined both in doctrine and practice, have hitherto been held to be the only permissible exceptions to the principle of universal equality of sovereignty on the high seas as between belligerents and nations not engaged in war.

It is confidently assumed that His Majesty's Government will not deny that it is a rule sanctioned by general practice that, even though a blockade should exist and the doctrine of contraband as to unblockaded territory be rigidly enforced, innocent shipments may be

¹*Ante*, p. 140.²*Ante*, p. 143.³The order in council of March 11 is evidently intended, *ante*, p. 144.

freely transported to and from the United States through neutral countries to belligerent territory without being subject to the penalties of contraband traffic or breach of blockade, much less to detention, requisition, or confiscation.

Moreover the rules of the Declaration of Paris of 1856—among them that free ships make free goods—will hardly at this day be disputed by the signatories of that solemn agreement.

His Majesty's Government, like the Government of the United State, have often and explicitly held that these rights represent the best usage of warfare in the dealings of belligerents with neutrals at sea. In this connection I desire to direct attention to the opinion of the Chief Justice of the United States in the case of the *Peterhoff*, which arose out of the Civil War, and to the fact that that opinion was unanimously sustained in the award of the arbitration commission of 1871, to which the case was presented at the request of Great Britain. From that time to the Declaration of London of 1909, adopted with modifications by the order in council of the 23d of October last, these rights have not been seriously questioned by the British Government. And no claim on the part of Great Britain of any justification for interfering with these clear rights of the United States and its citizens as neutrals could be admitted. To admit it would be to assume an attitude of unneutrality toward the present enemies of Great Britain which would be obviously inconsistent with the solemn obligations of this Government in the present circumstances; and for Great Britain to make such a claim would be for her to abandon and set at naught the principles for which she has consistently and earnestly contended in other times and circumstances.

The note of His Majesty's Principal Secretary of State for Foreign Affairs which accompanies the order in council, and which bears the same date, notifies the Government of the United States of the establishment of a blockade which is, if defined by the terms of the order in council, to include all the coasts and ports of Germany and every port of possible access to enemy territory. But the novel and quite unprecedented feature of that blockade, if we are to assume it to be properly so defined, is that it embraces many neutral ports and coasts, bars access to them, and subjects all neutral ships seeking to approach them to the same suspicion that would attach to them were they bound for the ports of the enemies of Great Britain, and to unusual risks and penalties.

It is manifest that such limitations, risks, and liabilities placed upon the ships of a neutral power on the high seas, beyond the right of visit and search and the right to prevent the shipment of contraband already referred to, are a distinct invasion of the sovereign rights of the nation whose ships, trade, or commerce are interfered with.

The Government of the United States is, of course, not oblivious to the great changes which have occurred in the conditions and means of naval warfare since the rules hitherto governing legal blockade were formulated. It might be ready to admit that the old form of "close" blockade with its cordon of ships in the immediate offing of the blockaded ports is no longer practicable in face of an enemy possessing the means and opportunity to make an effective defense by the use of submarines, mines, and aircraft; but it can hardly be

maintained that, whatever form of effective blockade may be made use of, it is impossible to conform at least to the spirit and principles of the established rules of war. If the necessities of the case should seem to render it imperative that the cordon of blockading vessels be extended across the approaches to any neighboring neutral port or country, it would seem clear that it would still be easily practicable to comply with the well-recognized and reasonable prohibition of international law against the blockading of neutral ports by according free admission and exit to all lawful traffic with neutral ports through the blockading cordon. This traffic would of course include all outward-bound traffic from the neutral country and all inward-bound traffic to the neutral country except contraband in transit to the enemy. Such procedure need not conflict in any respect with the rights of the belligerent maintaining the blockade since the right would remain with the blockading vessels to visit and search all ships either entering or leaving the neutral territory which they were in fact, but not of right, investing.

The Government of the United States notes that in the order in council His Majesty's Government give as their reason for entering upon a course of action, which they are aware is without precedent in modern warfare, the necessity they conceive themselves to have been placed under to retaliate upon their enemies for measures of a similar nature which the latter have announced it their intention to adopt and which they have to some extent adopted; but the Government of the United States, recalling the principles upon which His Majesty's Government have hitherto been scrupulous to act, interprets this as merely a reason for certain extraordinary activities on the part of His Majesty's naval forces and not as an excuse for or prelude to any unlawful action. If the course pursued by the present enemies of Great Britain should prove to be in fact tainted by illegality and disregard of the principles of war sanctioned by enlightened nations, it can not be supposed, and this Government does not for a moment suppose, that His Majesty's Government would wish the same taint to attach to their own actions or would cite such illegal acts as in any sense or degree a justification for similar practices on their part in so far as they affect neutral rights.

It is thus that the Government of the United States interprets the language of the note of His Majesty's Principal Secretary of State for Foreign Affairs which accompanies the copy of the order in council which was handed to the Ambassador of the United States near the Government in London and by him transmitted to Washington.

This Government notes with gratification that "wide discretion is afforded to the prize court in dealing with the trade of neutrals in such manner as may in the circumstances be deemed just, and that full provision is made to facilitate claims by persons interested in any goods placed in the custody of the marshal of the prize court under the order"; that "the effect of the order in council is to confer certain powers upon the executive officers of His Majesty's Government"; and that "the extent to which these powers will be actually exercised and the degree of severity with which the measures of blockade authorized will be put into operation are matters which will

depend on the administrative orders issued by the Government and the decisions of the authorities especially charged with the duty of dealing with individual ships and cargoes according to the merits of each case." This Government further notes with equal satisfaction the declaration of the British Government that "the instructions to be issued by His Majesty's Government to the fleet and to the customs officials and executive committees concerned will impress upon them the duty of acting with the utmost dispatch consistent with the object in view, and of showing in every case such consideration for neutrals as may be compatible with that object, which is, succinctly stated, to establish a blockade to prevent vessels from carrying goods for or coming from Germany."

In view of these assurances formally given to this Government, it is confidently expected that the extensive powers conferred by the order in council on the executive officers of the Crown will be restricted by "orders issued by the Government" directing the exercise of their discretionary powers in such a manner as to modify in practical application those provisions of the order in council which, if strictly enforced, would violate neutral rights and interrupt legitimate trade. Relying on the faithful performance of these voluntary assurances by His Majesty's Government the United States takes it for granted that the approach of American merchantmen to neutral ports situated upon the long line of coast affected by the order in council will not be interfered with when it is known that they do not carry goods which are contraband of war or goods destined to or proceeding from ports within the belligerent territory affected.

The Government of the United States assumes with the greater confidence that His Majesty's Government will thus adjust their practice to the recognized rules of international law, because it is manifest that the British Government have adopted an extraordinary method of "stopping cargoes destined for or coming from the enemy's territory," which, owing to the existence of unusual conditions in modern warfare at sea, it will be difficult to restrict to the limits which have been heretofore required by the law of nations. Though the area of operations is confined to "European waters including the Mediterranean," so great an area of the high seas is covered and the cordon of ships is so distant from the territory affected that neutral vessels must necessarily pass through the blockading force in order to reach important neutral ports which Great Britain as a belligerent has not the legal right to blockade and which, therefore, it is presumed she has no intention of claiming to blockade. The Scandinavian and Danish ports, for example, are open to American trade. They are also free, so far as the actual enforcement of the order in council is concerned, to carry on trade with German Baltic ports, although it is an essential element of blockade that it bear with equal severity upon all neutrals.

This Government, therefore, infers that the commanders of His Majesty's ships of war engaged in maintaining the so-called blockade will be instructed to avoid an enforcement of the proposed measures of non-intercourse in such a way as to impose restrictions upon neutral trade more burdensome than those which have been regarded as inevitable when the ports of a belligerent are actually blockaded by the ships of its enemy.

The possibilities of serious interruption of American trade under the order in council are so many, and the methods proposed are so unusual and seem liable to constitute so great an impediment and embarrassment to neutral commerce that the Government of the United States, if the order in council is strictly enforced, apprehends many interferences with its legitimate trade which will impose upon His Majesty's Government heavy responsibilities for acts of the British authorities clearly subversive of the rights of neutral nations on the high seas. It is, therefore, expected that His Majesty's Government, having considered these possibilities, will take the steps necessary to avoid them, and, in the event that they should unhappily occur, will be prepared to make full reparation for every act, which under the rules of international law constitutes a violation of neutral rights.

As stated in its communication of October 22, 1914, "This Government will insist that the rights and duties of the United States and its citizens in the present war be defined by the existing rules of international law and the treaties of the United States, irrespective of the provisions of the Declaration of London, and that this Government reserves to itself the right to enter a protest or demand in each case in which those rights and duties so defined are violated, or their free exercise interfered with, by the authorities of the British Government."

In conclusion you will reiterate to His Majesty's Government that this statement of the views of the Government of the United States is made in the most friendly spirit, and in accordance with the uniform candor which has characterized the relations of the two Governments in the past, and which has been in large measure the foundation of the peace and amity existing between the two nations without interruption for a century.

BRYAN

File No. 763.72/1589

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

[Telegram]

WASHINGTON, *March 30, 1915, 8 p. m.*

682. Your 616, March 14.¹ As Department is informed that the French decree of March 15 is substantially the same as the British order in council of the same date relative to commerce with Germany,² you may present to the Foreign Office a copy of this Government's reply to the British note enclosing the order in council as stating this Government's position with reference to the declaration of Allied Governments.

This Government's reply is being sent to London to-day and is as follows:

[Here was inserted the Department's No. 1343 of March 30, 8 p. m., to London.³]

BRYAN

¹ *Ante*, p. 145.

² The French decree of March 13, *ante*, p. 150, and the British order in council of March 11, *ante*, p. 144, are evidently intended.

³ *Ante*, p. 152.

File No. 763.72111/1930

The German Ambassador (Bernstorff) to the Secretary of State

[Translation]

J. Nr. A 2341]

WASHINGTON, April 4, 1915.

MR. SECRETARY OF STATE: I have the honor to deliver to your excellency the enclosed memorandum on German-American trade and the question of delivery of arms.

Accept [etc.]

J. BERNSTORFF

[Enclosure—Memorandum—Translation]

J. Nr. A 2341]

WASHINGTON, April 4, 1915.

The various British orders in council have one-sidedly modified the generally recognized principles of international law in a way which arbitrarily stops the commerce of neutral nations with Germany. Even before the last British order in council, the shipment of conditional contraband, especially food supplies, to Germany was practically impossible. Prior to the protest sent by the American to the British Government on December 28 last, such a shipment did not actually take place in a single case. Even after this protest the Imperial Embassy knows of only a single case in which an American shipper has ventured to make such a shipment for the purpose of legitimate sale to Germany. Both ship and cargo were immediately seized by the English and are being held in an English port under the pretext of an order of the German Federal Council (Bundesrat) regarding the grain trade, although this resolution of the Federal Council relates exclusively to grain and flour, and not to other foodstuffs, besides making an express exception with respect to imported foodstuffs, and although the German Government gave the American Government an assurance, and proposed a special organization whereby the exclusive consumption by the civilian population is absolutely guaranteed.

Under the circumstances the seizure of the American ship was inadmissible according to recognized principles of international law. Nevertheless the United States Government has not to date secured the release of the ship and cargo, and has not, after a duration of the war of eight months, succeeded in protecting its lawful trade with Germany.

Such a long delay, especially in matters of food supply, is equivalent to an entire denial.

The Imperial Embassy must therefore assume that the United States Government acquiesces in the violations of international law by Great Britain.

Then there is also the attitude of the United States in the question of the exportation of arms. The Imperial Government feels sure that the United States Government will agree that in questions of neutrality it is necessary to take into consideration not only the formal aspect of the case, but also the spirit in which the neutrality is carried out.

The situation in the present war differs from that of any previous war. Therefore any reference to arms furnished by Germany in former wars is not justified, for then it was not a question *whether* war material should be supplied to the belligerents, but *who* should supply it in competition with other nations. In the present war all nations having a war material industry worth mentioning are either involved in the war themselves or are engaged in perfecting their own armaments, and have therefore laid an embargo against the exportation of war material. The United States is accordingly the only neutral country in a position to furnish war materials. The conception of neutrality is thereby given a new purport, independently of the formal question of hitherto existing law. In contradiction thereto, the United States is building up a powerful arms industry in the broadest sense, the existing plants not only being worked but enlarged by all available means, and new ones built. The international conventions for the protection of the rights of neutral nations doubtless sprang from the necessity of protecting the existing industries of neutral nations as far as possible from injury in their business. But it can in no event be in accordance with the spirit of true neutrality if, under the protection of such international stipulations, an entirely new industry is created in a neutral state, such as is the development of the arms industry in the

United States, the business whereof, under the present conditions, can benefit only the belligerent powers.

This industry is actually delivering goods only to the enemies of Germany. The theoretical willingness to supply Germany also, if shipments thither were possible, does not alter the case. If it is the will of the American people that there shall be a true neutrality, the United States will find means of preventing this one-sided supply of arms or at least of utilizing it to protect legitimate trade with Germany, especially that in foodstuffs. This view of neutrality should all the more appeal to the United States Government because the latter enacted a similar policy toward Mexico. On February 4, 1914, President Wilson, according to a statement of a Representative in Congress in the Committee for Foreign Affairs of December 30, 1914, upon the lifting of the embargo on arms to Mexico, declared that "we should stand for genuine neutrality, considering the surrounding facts of the case . . ." He then held that "in that case, because Carranza had no ports, while Huerta had them and was able to import these materials, that it was our duty as a nation to treat them (Carranza and Huerta) upon an equality if we wished to observe the true spirit of neutrality as compared with a mere paper neutrality."

If this view were applied to the present case, it would lead to an embargo on the exportation of arms.

File No. 763.72/1653

The Minister in Norway (Schmedeman) to the Secretary of State
No. 80]

CHRISTIANIA, March 23, 1915.

[Received April 5.]

SIR: Referring to my telegram No. 13 of the 20th instant,¹ informing the Department that the three Scandinavian countries had sent notes to the British and French Governments, protesting against the policy of retaliation against Germany in so far as it affects Scandinavian trade and navigation, I have the honor to enclose herewith copy and translation of the note addressed to the British Government under date of March 17, 1915, which was handed to me personally by the Foreign Minister with the request that it should be considered as confidential. A similar note has been addressed to the French Government.

I have [etc.]

A. G. SCHEDEMAN

[Enclosure—Translation]

The Norwegian Ministry of Foreign Affairs to the British Legation

CHRISTIANIA, March 17, 1915.

The measures announced by the note of the Legation of His British Majesty of the 1st of this month and to which the subsequent note of the 16th instant likewise refers, being of such a nature as to affect seriously the law of nations and the legitimate interests of the neutral powers, the Royal Norwegian Government hereby makes the most formal reservations against the application of these measures in as far as they concern Norwegian trade and navigation.

File No. 763.72/1659

The Ambassador in Great Britain (Page) to the Secretary of State

[Telegram]

LONDON, April 7, 1915, 2 p. m.

[Received 7 p. m.]

1892. Practically all newspaper comment on note is friendly and shows appreciation of the American position. The worst that is said

¹ *Ante*, p. 146.

is that it is a discussion in a vacuum, a sort of lawyer's brief. Every indication yet at hand shows that it is well received by British press and public. I have yet heard no official opinion.

AMERICAN AMBASSADOR

File No. 763.72/1571

The Secretary of State to the Ambassador in Great Britain (Page)

[Telegram]

WASHINGTON, April 9, 1915, 8 p. m.

1399. Your 1762, March 10.¹ Important to know whether British merchant vessels have in fact armed to resist attack of submarines.

BRYAN

File No. 763.72/1678

The Minister in the Netherlands (Van Dyke) to the Secretary of State

No. 238]

THE HAGUE, March 25, 1915.

[Received April 12.]

SIR: I have the honor to send you herewith a report of the communication made by the Netherlands Minister of Foreign Affairs to the Second Chamber of the Netherlands Parliament, together with a sufficiently accurate English translation of the same from the *Gazette de Hollande* of March 24.²

It will be observed that although the tone of the Foreign Minister's letter to the British Minister here is friendly, and although he fully recognizes the possibility of a mild application of the British order in council of March 11, and although he notes that assurances have already been given that the interests of the Netherlands and her oversea possessions will be amply provided for, nevertheless he closes his letter with the statement that the British order in council makes a serious infringement on the principle of international law, which was established by the Declaration of Paris in 1856, and was ratified by all the powers.

Considering American commercial interests as the effect of the British order in council on them is manifested here, I think there is need of special efforts to obtain the same kind of care and consideration for them on the part of the British Government which Minister Loudon says he has already assured to Netherlands interests. Unless such efforts are made both in Washington and in London, and unless a working cooperation with the Netherlands Oversea Trust Company (which is so particularly useful here to Dutch commerce) can be fostered, I fear that the trade of American merchants through Amsterdam and Rotterdam which has lately flourished to a considerable extent, will be much diminished. A definite advice of the Department of Commerce, and your instructions in regard to any means by which this Legation could be helpful in this matter would be highly appreciated.

I have [etc.]

HENRY VAN DYKE

¹Ante, p. 137.

²Not printed.

File No. 763.72112/1003

The British Ambassador (Spring Rice) to the Secretary of State

WASHINGTON, April 10, 1915.

[Received April 13.]

MY DEAR MR. SECRETARY: With further reference to your letter of the 20th of March¹ I am informed that the interpretation of lubricants, now absolute contraband, is as follows:

Mineral: Including mineral oils, jellies or greases of all kinds, pure or compounded; graphite, natural or artificial;

Vegetable: Including vegetable lubricating oils and fats of all kinds, and resin greases, and their mixtures;

Animal: Including all animal oils and fats for use as lubricants, and their mixtures;

Fish: Including whale oil (train, blubber, sperm), seal or shark oil, and fish oil generally.

Mixtures or compounds of any of the foregoing.

It will be observed that the above definition covers all the articles mentioned in the earlier list of lubricants sent to your Department on March 10 and that it is even more comprehensive, inasmuch as it includes mixtures and compounds of these articles.

The whole of the "hides" heading (Article 12) in the conditional list of December 23, 1914, may be regarded as transferred to the list of absolute contraband. Harness and saddlery (Article 11) remains conditional contraband unless it falls within Article 10 of the absolute list of December 23.

I am [etc.]

CECIL SPRING RICE

File No. 763.72111/1930

The Secretary of State to the German Ambassador (Bernstorff)

No. 1379]

WASHINGTON, April 21, 1915.

EXCELLENCY: I have given thoughtful consideration to your excellency's note of the 4th of April, 1915, enclosing a memorandum of the same date, in which your excellency discusses the action of this Government with regard to trade between the United States and Germany and the attitude of this Government with regard to the exportation of arms from the United States to the nations now at war with Germany.

I must admit that I am somewhat at a loss how to interpret your excellency's treatment of these matters. There are many circumstances connected with these important subjects to which I would have expected your excellency to advert, but of which you make no mention, and there are other circumstances to which you do refer which I would have supposed to be hardly appropriate for discussion between the Government of the United States and the Government of Germany.

I shall take the liberty, therefore, of regarding your excellency's references to the course pursued by the Government of the United States with regard to interferences with trade from this country,

¹ Not printed.

such as the Government of Great Britain have attempted, as intended merely to illustrate more fully the situation to which you desire to call our attention and not as an invitation to discuss that course. Your excellency's long experience in international affairs will have suggested to you that the relations of the two Governments with one another can not wisely be made a subject of discussion with a third Government, which can not be fully informed as to the facts and which can not be fully cognizant of the reasons for the course pursued. I believe, however, that I am justified in assuming that what you desire to call forth is a frank statement of the position of this Government in regard to its obligations as a neutral power. The general attitude and course of policy of this Government in the maintenance of its neutrality I am particularly anxious that your excellency should see in their true light. I had hoped that this Government's position in these respects had been made abundantly clear, but I am of course perfectly willing to state it again. This seems to me the more necessary and desirable because, I regret to say, the language which your excellency employs in your memorandum is susceptible of being construed as impugning the good faith of the United States in the performance of its duties as a neutral. I take it for granted that no such implication was intended, but it is so evident that your excellency is laboring under certain false impressions that I can not be too explicit in setting forth the facts as they are, when fully reviewed and comprehended.

In the first place, this Government has at no time and in no manner yielded any one of its rights as a neutral to any one of the present belligerents. It has acknowledged, as a matter of course, the right of visit and search and the right to apply the rules of contraband of war to articles of commerce. It has, indeed, insisted upon the use of visit and search as an absolutely necessary safeguard against mistaking neutral vessels for vessels owned by an enemy and against mistaking legal cargoes for illegal. It has admitted also the right of blockade if actually exercised and effectively maintained. These are merely the well-known limitations which war places upon neutral commerce on the high seas. But nothing beyond these has it conceded. I call your excellency's attention to this, notwithstanding it is already known to all the world as a consequence of the publication of our correspondence in regard to these matters with several of the belligerent nations, because I can not assume that you have official cognizance of it.

In the second place, this Government attempted to secure from the German and British Governments mutual concessions with regard to the measures those Governments respectively adopted for the interruption of trade on the high seas. This it did, not of right, but merely as exercising the privileges of a sincere friend of both parties and as indicating its impartial good will. The attempt was unsuccessful; but I regret that your excellency did not deem it worthy of mention in modification of the impressions you expressed. We had hoped that this act on our part had shown our spirit in these times of distressing war as our diplomatic correspondence had shown our steadfast refusal to acknowledge the right of any belligerent to alter the accepted rules of war at sea in so far as they affect the rights and interests of neutrals.

In the third place, I note with sincere regret that, in discussing the sale and exportation of arms by citizens of the United States to the enemies of Germany, your excellency seems to be under the impression that it was within the choice of the Government of the United States, notwithstanding its professed neutrality and its diligent efforts to maintain it in other particulars, to inhibit this trade, and that its failure to do so manifested an unfair attitude towards Germany. This Government holds, as I believe your excellency is aware, and as it is constrained to hold in view of the present indisputable doctrines of accepted international law, that any change in its own laws of neutrality during the progress of a war which would affect unequally the relations of the United States with the nations at war would be an unjustifiable departure from the principle of strict neutrality by which it has consistently sought to direct its actions, and I respectfully submit that none of the circumstances urged in your excellency's memorandum alters the principle involved. The placing of an embargo on the trade in arms at the present time would constitute such a change and be a direct violation of the neutrality of the United States. It will, I feel assured, be clear to your excellency that, holding this view and considering itself in honor bound by it, it is out of the question for this Government to consider such a course.

I hope that your excellency will realize the spirit in which I am drafting this reply. The friendship between the people of the United States and the people of Germany is so warm and of such long standing, the ties which bind them to one another in amity are so many and so strong, that this Government feels under a special compulsion to speak with perfect frankness when any occasion arises which seems likely to create any misunderstanding, however slight or temporary, between those who represent the Governments of the two countries. It will be a matter of gratification to me if I have removed from your excellency's mind any misapprehension you may have been under regarding either the policy or the spirit and purposes of the Government of the United States. Its neutrality is founded upon the firm basis of conscience and good will.

Accept [etc.]

W. J. BRYAN

File No. 763.72112/1045

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

[Telegram]

BERLIN, *April 21, 1915, 8 p. m.*

[*Received April 23, 8 a. m.*]

2097. Ordinance published April 20 proclaims as retaliatory measure following modifications German prize ordinance:

Amendments of absolute contraband schedule:

3. Powder and explosives of all kinds.
4. Cannon barrels, gun mountings, limber boxes, limbers, field kitchens and bakeries, supply wagons, field forges, searchlight accessories and their distinctive component parts.
5. Range finders and their distinctive component parts.
6. Field glasses, telescopes, chronometers and all kinds of nautical instruments.

- 7-11. Same as Nos. 5 to 9 formerly.
12. Lead, pig, sheet or pipe.
13. Barbed wire and implements for fixing and cutting the same.
14. Tin plate.
15. Same as 10 formerly, adding ship plates and construction steel.
16. Submarine sound-signaling apparatus.
17. Aeroplanes, etc., same as No. 23, Schedule 1, British list.
18. Implements and apparatus designed exclusively for the manufacture and repair of arms and munitions of war.
19. Lathes of all kinds.
20. Mining lumber.
21. Coal and coke.
22. Flax.

Amendments of conditional contraband schedule :

4. Wool from animals raw or dressed, together with woolen carded yarns and worsted yarns.
5. Same as No. 4 formerly.
6. Vehicles of all kinds, especially motor vehicles available for use in war and their component parts.
7. Rubber tires for motor vehicles together with articles or materials especially adapted for use in manufacture or repair of rubber tires.
8. Rubber and gutta-percha together with goods made thereof.
9. Same as 7 formerly.
10. Fuel except coal and coke ; lubricant.
11. Sulphur, sulphuric acid, nitric acid.
- [12. Unchanged.]
13. Following ores : wolframite, scheelite, molybdenite, manganese ore, nickel ore, hematite iron ore, lead ore.
14. Following metals : wolfram, molybdenite, vanadium, nickel, selenium, cobalt, hematite, pig iron, manganese, aluminum, copper.
15. Antimony, together with sulphides and oxides of antimony.
16. Ferro alloys as in British Schedule 1, No. 6.
17. Same as 13 formerly.
18. Leather treated and untreated when suitable for saddlery, harness, military boots or military clothing.
19. Tanning materials of all kinds, including extracts used in tanning.
20. All kinds of lumber, rough or treated, especially hewn, sawed, planed, fluted, except mining lumber, tar of charcoal.
21. Same as 6 formerly.

Schedule of non-contraband amended accordingly :

Article 33 thus amended : " In the absence of conditions to the contrary the hostile destination referred to in Article 32 is to be presumed when : (a) The goods are consigned to an enemy authority or the agent of such or to a dealer shown to have supplied articles of the kind in question or products thereof to the armed forces or the administrative authorities of the enemy state ; (b) the goods are consigned to order or the ship's papers do not show who is the consignee or goods are consigned to a person in territory belonging to [or occupied] by the enemy ; (c) goods are destined for an armed place of the enemy or a place serving as a base of operations or supplies to the armed forces of the enemy. Purchasers [*merchant vessels*] themselves are not to be considered as detained [*destined*] for the armed place [*forces*] or the administrative authorities of enemy solely for the reason that they are found *en route* to one of the places referred to under (c)."

Article 35 thus is amended : "Articles of conditional contraband are liable to seizure only on a vessel *en route* to territory belonging to or occupied by the enemy or to the armed forces of the enemy and such vessel is not to unload these articles in an intermediate neutral port, that is to say, in a port at which the vessel is to call previous to reaching the destination designated. This paragraph shall not apply if the conditions provided by Article 33 (b) are present, or if the ship is bound for a neutral country with regard to which it is shown that the enemy Government draws articles of kind in question from that country."

Article 40 thus amended: "A ship cannot be captured on the ground of an already completed voyage carrying contraband. If, however, the vessel carried contraband to the enemy contrary to indications of the ship's papers it seems liable to capture and condemnation until the end of the war."

Copies of this ordinance will be forwarded in the pouch leaving 24th.

GERARD

File No. 763.72112/1181

The Italian Embassy to the Department of State

[Memorandum]

The Royal Italian Embassy has the honor to inform the Department of State that, in view of the state of war now existing in Italy, a list of contraband of war is being prepared by the Royal Italian Government.

This list will include goods not enumerated in the list of contraband of war contained in Article 15 of the treaty of commerce and navigation between Italy and the United States of 1871. Such inclusion has been deemed necessary to comply with the methods and exigencies of modern warfare. On the other hand, by signing the Declaration of London and the contraband list attached thereto, the United States Government have also implicitly admitted the list of 1871 to be obsolete.

The Royal Italian Embassy has been instructed to point out that, even if the Italian Government were to adhere to the list of 1871, such course would practically be of no effect, since England and France have published lists comprising numerous goods not included in the list attached to the Declaration of London. Italy would therefore be justified in issuing a list similar to those issued by England and France. However, desiring to follow a scrupulously correct course, the Royal Italian Government have instructed this Embassy to submit the above considerations to the United States Government in order to obtain their previous consent to the issuing of a list more extensive than the one contained in the aforesaid treaty of 1871.

The Royal Italian Embassy is confident that the United States Government will concur in the views expressed by the Royal Italian Government and will be greatly obliged by the favor of an early reply.

WASHINGTON, May 24, 1915.

The Department of State to the Italian Embassy

[Memorandum]

The Department of State has the honor to acknowledge the receipt of the Royal Italian Embassy's memorandum of the 24th instant relative to a list of contraband of war, which is being prepared by the Royal Italian Government, to be applied during the war in which

Italy is now engaged. The Italian Embassy, following the instructions of its Government, requests the consent of the United States Government to the issuance of a list of contraband more extensive than the one contained in Article 15 of the treaty of 1871 between the United States and Italy.

In view of the fact that the contraband lists published by the other countries engaged in the present European war comprise numerous articles not included in the treaty of 1871 and other treaties of the United States with the warring powers, the Government of the United States is inclined to raise no question as to the list of contraband proposed to be issued by the Italian Government on the ground that it does not conform to the list in Article 15 of the treaty of 1871 above mentioned.

WASHINGTON, *May 25, 1915.*

File No. 763.72112/1195

The Ambassador in Great Britain (Page) to the Secretary of State

[Telegram]

LONDON, *May 29, 1915.*

[Received 1.40 p. m.]

2188. A proclamation issued May 27 makes additions and amendments to list of articles to be treated as contraband of war:¹

Now, therefore, we do hereby declare, by and with the advice of our Privy Council, that during the continuance of the war, or until we do give further public notice, the following articles will be treated as absolute contraband in addition to those set out in our Royal Proclamations aforementioned [December 23, 1914, and March 11, 1915]:

Toluol, and mixtures of toluol, derived from coal-tar, petroleum, or any other source;

Lathes and other machines or machine-tools capable of being employed in the manufacture of munitions of war;

Maps and plans of any place within the territory of any belligerent, or within the area of military operations, on a scale of 4 miles to 1 inch or on any larger scale, and reproductions on any scale by photography or otherwise of such maps or plans.

And we do hereby further declare that item 4 of Schedule 1 of our Royal Proclamation of the 23d day of December aforementioned shall be amended as from this date by the omission of the words "and all other metallic acetates" after the words "calcium acetate."

And we do hereby further declare that in our Royal Proclamation of the 11th day of March aforementioned the words "other than linseed oil" shall be deleted and that the following article will as from this date be treated as conditional contraband:

Linseed oil.

AMERICAN AMBASSADOR

¹The same changes were reported by the Consul General in Paris in his telegram of June 2 (File No. 763.72112/1213).

Blockades in the Mediterranean Area¹—The British Argument for the Blockade of Germany—Further Extensions of Contraband Lists

File No. 763.72112/1204

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

[Telegram]

ROME, May 29, 1915.

[Received 5 p. m.]

307. Your 240, 28th.² Following is translated full text of Foreign Office circular note containing decree:³

The Minister of Foreign Affairs has the honor to bring to the attention of the Embassy of the United States the following declaration:

The Royal Italian Government, in view of the war existing between Italy and Austria-Hungary and in consideration of the fact that the Austro-Hungarian naval authorities are making use of some ports of the Albanian coast for the clandestine revictualing of their war flotilla, declares that from the 26th May:

1. The Austro-Hungarian coast stretching from the Italian frontier in the north to the Montenegrin frontier in the south with all its ports, islands, harbors, roads and creeks;

2. The coast of Albania, extending from the Montenegrin frontier in the north as far as Cape Kephali included in the south; will be held in a state of effective blockade by the Italian naval forces.

The geographical limits of the blockaded territories are as follows:

For the Austro-Hungarian coast: Northern limit 45° 42' 50'' latitude north and 13° 15' 10'' longitude east from Greenwich; southern limit 42° 06' 25'' latitude north and 19° 05' 30'' longitude east from Greenwich. For the Albanian coast: Northern limit 41° 52' latitude north and 19° 22' 40'' longitude east from Greenwich; southern limit 39° 54' 15'' latitude north and 19° 55' 30'' longitude east from Greenwich.

The ships of friendly or neutral powers will have a delay which shall be established by the Commander in Chief of the Italian naval forces from the date of the declaration of the blockade in order that they may freely leave the blockaded zone. Any ship which in violation of the blockade shall attempt to cross or shall have crossed the barred line established between Cape Otranto and Cape Kephali will be proceeded against in conformity with the rules of international law and existing treaties.

The Minister of Foreign Affairs will be obliged if the Embassy of the United States will kindly bring the above-mentioned declaration as soon as possible to the knowledge of its Government.

NELSON PAGE

File No. 763.72112/1205

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

[Telegram]

ROME, May 31, 1915.

[Received 9.15 p. m.]

310. Referring to Embassy's telegram No. 307, May 29, I have received to-day the following note from the Foreign Office of which following is translation:

In continuation of the communication dated the 26th instant, the Royal Ministry of Foreign Affairs has the honor to inform the Embassy of the

¹ Notifications of blockades of the coasts of German possessions in Africa not printed.

² Not printed.

³ Effective May 26, 1915.

United States of America that the southern limit of the blockade of the coast of Albania was fixed on the 30th¹ instant at the point of Aspri Ruga (Strade Bianche). In consequence of this provision the geographical limits of blockaded Albanian territory are the following:

Northern limit: 41° 52' north latitude and 19° 22' 40'' longitude east from Greenwich; southern limit 40° 09' 36'' north latitude and 19° 35' 25'' longitude east from Greenwich.

The new line of exclusion established between Cape Otranto and Aspri Ruga will form the line of blockade for all the purposes of the declaration of May 26, 1915.

The time allowed to vessels of friendly or neutral powers to leave the blockaded zone has been fixed by E., the Commander in Chief of the Italian naval forces, at ten days beginning from the date of the declaration of the blockade.

In requesting the Embassy of the United States of America to kindly bring the foregoing to the notice of the Government of the United States, the Royal Ministry for Foreign Affairs has recourse to its obliging cooperation for a statement of the date at which the period for leaving the blockaded zone was communicated to the agents of the said Government in the ports blockaded by the Italian fleet.

NELSON PAGE

File No. 763.72112/1212

The Ambassador in Great Britain (Page) to the Secretary of State

[Telegram]

LONDON, June 2, 1915, 10 a. m.

[Received 11 a. m.]

2212. Following note just received from Foreign Office:

The Secretary of State for Foreign Affairs presents his compliments to the United States Ambassador and has the honour to state that His Majesty's Government have decided to declare a blockade of the coast of Asia Minor commencing at noon on the 2d June. The area of the blockade will extend from latitude 37° 35' N. to latitude 40° 05' N. and will include the entrance to the Dardanelles. Seventy-two hours' grace from the moment of the commencement of the blockade will be given for the departure of neutral vessels from the blockaded area.²

Sir E. Grey requests that the above may be brought to the knowledge of the United States Government.

AMERICAN AMBASSADOR

File No. 763.72112/1296

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

[Telegram]

ROME, July 7, 1915.

[Received 11.10 p. m.]

344. My 307, May 29. Following is translation full text Foreign Office circular note received to-day:³

The Ministry for Foreign Affairs has the honor to inform the American Embassy at Rome that from July 6 the blockade declared by the Italian

¹ Sometimes described as the blockade declared on May 28.

² The Ambassador in France, by his telegram No. 816, June 7, reported that the French Government had published on the 6th a notification that this blockade would be "equally maintained by the French naval forces" (File No. 763.72112/1230).

³ The Royal decree embodied in this note went into effect July 6, 1915. The note was dated July 5.

Government on the 26th and 28th May last has been extended to all the zones of the Adriatic Sea north of the line Otranto-Aspri Ruga (Strade Bianche). Navigation in this sea north of this line is considered forbidden to all merchant vessels of all countries. A safe-conduct will be delivered by the Ministry of War or by its agents to ships wishing to enter ports on the Adriatic Sea belonging to or occupied by Italy or Montenegro. Such ships should go to the port of Gallipoli where they will receive, after verification by the local maritime authorities, a safe-conduct for entering the Adriatic. Ships wishing to leave the zone of blockade should, after having received a permit from the authorities of the port of departure, go to Bari where a safe-conduct for leaving will be given them. Ships furnished with a safe-conduct should not present themselves before the line of blockade (Otranto-Aspri Ruga, Strade Bianche) except during the day. They should anchor on this line at a distance not greater than five miles from the Italian coast in order to receive the visit of war vessels assigned to this purpose. Navigation in the Adriatic Sea to merchant ships of all nationalities having obtained safe-conduct of entrance or of departure is regulated by the Royal decree of June 13, 1915, No. 899, and by all other rulings which the Italian maritime authorities will establish case by case for ships allowed to enter or go out of the Adriatic. All ships not observing these regulations will be considered as violating the blockade and will be captured and confiscated and the merchandise on board disposed of according to existing rulings.

NELSON PAGE

File No. 763.72112/1349

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

BEVERLY FARMS, MASS., July 16, 1915.

[Received July 19.]

MY DEAR MR. SECRETARY OF STATE: Referring to the previous correspondence exchanged on this matter, between the Department of State and this Embassy, I beg to send you here enclosed a copy of the list of contraband of war issued by the Royal Italian Government.

I also enclose a copy of the Royal decree stating the principles of international law the Royal Italian Government intends to apply during the war.¹

Believe me [etc.]

V. MACCHI DI CELLERE

File No. 763.72112/1381

The Ambassador in Great Britain (Page) to the Secretary of State

[Telegram]

LONDON, July 24, 1915, 3.30 p. m.²

2522. Following note, dated July 23, received from Sir Edward Grey this morning:

On the 2d of April³ your excellency handed to me a copy of a communication containing the criticisms of the United States Government on the measures we have been constrained to take on account of the menace to peaceful commerce resulting from the German submarine policy. This communication has received the most careful consideration of His Majesty's Government.

¹ Enclosures not printed. They correspond to the lists and rules issued to date by the Allied Governments.

² Time of receipt not recorded.

³ See telegram No. 1343 of March 30, ante, p. 152.

2. I fully appreciate the friendly spirit and the candour which are shown in the communication and, replying in the same spirit, I trust that I may be able to convince your excellency and also the administration at Washington that the measures we have announced are not only reasonable and necessary in themselves, but constitute no more than an adaptation of the old principles of blockade to the peculiar circumstances with which we are confronted.

3. I need scarcely dwell on the obligation incumbent upon the Allies to take every step in their power to overcome their common enemy in view of the shocking violation of the recognized rules and principles of civilized warfare of which he has been guilty during the present struggle. Your excellency's attention has already been drawn to some of these proceedings in the memorandum which I handed to you on the 19th February. Since that time Lord Bryce's report, based on evidence carefully sifted by legal experts, describing the atrocities committed in Belgium, the poisoning of wells in German South-west Africa, the use of poisonous gases against the troops in Flanders, and finally the sinking of the *Lusitania* without any opportunity to passengers and non-combatants to save their lives, have shown how indispensable it is that we should leave unused no justifiable method of defending ourselves.

4. Your excellency will remember that in my notes of the 13th and 15th March I explained that the Allied Governments intended to meet the German attempt to stop all supplies of every kind from leaving or entering British or French ports by themselves intercepting goods going to or from Germany. I read the communication from your excellency's Government not as questioning the necessity for our taking all the steps open to us to cripple the enemy's trade, but as directed solely to the question of the legitimacy of the particular measures adopted.

5. In the various notes which I have received from your excellency the right of a belligerent to establish a blockade of the enemy ports is admitted a right which has obviously no value save in so far as it gives power to a belligerent to cut off the sea-borne exports and imports of his enemy. The contention which I understand the United States Government now put forward is that if a belligerent is so circumstanced that his commerce can pass through adjacent neutral ports as easily as through ports in his own territory, his opponent has no right to interfere and must restrict his measures of blockade in such a manner as to leave such avenues of commerce still open to his adversary. This is a contention which His Majesty's Government feel unable to accept and which seems to them unsustainable either in point of law or upon principles of international equity. They are unable to admit that a belligerent violates any fundamental principle of international law by applying a blockade in such a way as to cut off the enemy's commerce with foreign countries through neutral ports if the circumstances render such an application of the principles of blockade the only means of making it effective. The Government of the United States indeed intimates its readiness to take into account "the great changes which have occurred in the conditions and means of naval warfare since the rules hitherto governing legal blockade were formulated," and recognizes that "the form of close blockade with its cordon of ships in the immediate offing of the blockaded ports is no longer practicable in the face of an enemy possessing the means and opportunity to make an effective defense by the use of submarines, mines, and aircraft."

6. The only question then which can arise in regard to the measures resorted to for the purpose of carrying out a blockade upon these extended lines is whether, to use your excellency's words, they "conform to the spirit and principles of the essence of the rules of war"; and we shall be content to apply this test to the action which we have taken in so far as it has necessitated interference with neutral commerce.

7. It may be noted in this connection that at the time of the Civil War the United States found themselves under the necessity of declaring a blockade of some 3,000 miles of coast line, a military operation for which the number of vessels available was at first very small. It was vital to the cause of the United States in that great struggle that they should be able to cut off the trade of the Southern States. The Confederate Armies were dependent on supplies from overseas, and those supplies could not be obtained without exporting the cotton wherewith to pay for them. To cut off this trade the United States could only rely upon a blockade. The difficulties confronting the Federal Government were in part due to the fact that neighbouring neutral territory afforded convenient centres from which contraband could be introduced into the territory of their enemies and from which blockade running could be facilitated.

Your excellency will no doubt remember how, in order to meet this new difficulty, the old principles relating to contraband and blockade were developed and the doctrine of continuous voyage was applied and enforced under which goods destined for the enemy territory were intercepted before they reached the neutral ports from which they were to be reexported.

8. The difficulties which imposed upon the United States the necessity of reshaping some of the old rules are somewhat akin to those with which the Allies are now faced in dealing with the trade of their enemy. Adjacent to Germany are various neutral countries which afford her convenient opportunities for carrying on her trade with foreign countries. Her own territories are covered by a network of railways and waterways, which enable her commerce to pass as conveniently through ports in such neutral countries as through her own. A blockade limited to enemy ports would leave open routes by which every kind of German commerce could pass almost as easily as through the ports in her own territory. Rotterdam is indeed the nearest outlet for some of the industrial districts of Germany.

9. As a counterpoise to the freedom with which one belligerent may send his commerce across a neutral country without compromising its neutrality, the other belligerent may fairly claim to intercept such commerce before it has reached, or after it has left, the neutral state, provided, of course, that he can establish that the commerce with which he interferes is the commerce of his enemy and not commerce which is *bona fide* destined for or proceeding from the neutral state. It seems, accordingly, that if it be recognized that a blockade is in certain cases the appropriate method of intercepting the trade of an enemy country, and if the blockade can only become effective by extending it to enemy commerce passing through neutral ports, such an extension is defensible and in accordance with principles which have met with general acceptance.

10. To the contention that such action is not directly supported by written authority, it may be replied that it is the business of writers on international law to formulate existing rules rather than to offer suggestions for their adaptation to altered circumstances, and your excellency will remember the unmeasured terms in which a group of prominent international lawyers of all nations condemned the doctrine which had been laid down by the Supreme Court of the United States in the case of the *Springbok*, a doctrine upheld by the claims commission at Washington in 1873. But the United States and the British Governments took a broader view and looked below the surface at the underlying principles, and the Government of this country, whose nationals were the sufferers by the extension and development of the old methods of blockade made by the United States during the Civil War, abstained from all protest against the decisions by which the ships and their cargoes were condemned.

11. What is really important in the general interest is that adaptations of the old rules should not be made unless they are consistent with the general principles upon which an admitted belligerent right is based. It is also essential that all unnecessary injury to neutrals should be avoided. With these conditions it may be safely affirmed that the steps we are taking to intercept commodities on their way to and from Germany fully comply. We are interfering with no goods with which we should not be entitled to interfere by blockade if the geographical position and the conditions of Germany at present were such that her commerce passed through her own ports. We are taking the utmost possible care not to interfere with commerce genuinely destined for or proceeding from neutral countries. Furthermore, we have tempered the severity with which our measures might press upon neutrals by not applying the rule which was invariable in the old form of blockade that ships and goods on their way to or from the blockaded area are liable to condemnation.

12. The communication made by the United States Embassy on the 2d April describes as a novel and quite unprecedented feature of the blockade that it embraces many neutral ports and coasts and has the effect of barring access to them. It does not appear that our measures can be properly so described. If we are successful in the efforts we are making to distinguish between the commerce of neutral and enemy countries there will be no substantial interference with the trade of neutral ports except in so far as they constitute ports of access to and exit from the enemy territory. There are at this moment many neutral ports which it would be mere affectation to regard as offering

facilities only for the commerce of the neutral country in which they are situated, and the only commerce with which we propose to interfere is that of the enemy who seeks to make use of such ports for the purposes of transit to or from his own country.

13. One of the earlier passages in your excellency's memorandum was to the effect that the sovereignty of neutral nations in time of war suffers no diminution except in so far as the practice and consent of civilized nations has limited it "by the recognition of certain now clearly determined rights," which it is considered may be exercised by nations at war; and these it defines as the right of capture and condemnation for unneutral service, for the carriage of contraband, and for breach of blockade. I may, however, be permitted to point out that the practice of nations on each of the three subjects mentioned has not at any time been uniform or clearly determined, nor has the practice of any maritime nation always been consistent.

14. There are various particulars in which the exact method of carrying a blockade into effect has from time to time varied. The need of a public notification, the requisite standard of effectiveness, the locality of the blockading squadrons, the right of the individual ship to a preliminary warning that the blockade is in force, and the penalty to be inflicted on a captured blockade runner are all subjects on which different views have prevailed in different countries and in which the practice of particular countries has been altered from time to time. The one principle which is fundamental and has obtained universal recognition is that by means of blockade a belligerent is entitled to cut off by effective means the sea-borne commerce of his enemy.

15. It is the same with contraband. The underlying principle is well established, but as to the details there has been a wide variety of view. As for unneutral service—the very term is of such recent introduction that many writers of repute on international law do not even mention it. It is impossible in the view of His Majesty's Government in these circumstances to maintain that the right of a belligerent to intercept the commerce of his enemy is limited in the way suggested in your excellency's communication.

16. There are certain subsidiary matters dealt with in your excellency's communication to which I think it well to refer. Amongst these may be mentioned your citation of the Declaration of Paris, due no doubt to the words which occur in the memorandum sent by me to your excellency on the 1st March, wherein it was stated that the Allied Governments would hold themselves free to detain and take into port ships carrying goods of presumed enemy destination, ownership, or origin, and to our announcement that vessels might be required to discharge goods of enemy ownership as well as those of enemy origin or destination.

17. It is not necessary to discuss the extent to which the second rule of the Declaration of Paris is affected by these measures or whether it could be held to apply at all as between Great Britain and the United States. In actual practice, however, we are not detaining goods on the sole ground that they are the property of an enemy. The purpose of the measures we are taking is to intercept commerce on its way from and to the enemy country. There are many cases in which proof that the goods were enemy property would afford strong evidence that they were of enemy origin or enemy destination, and it is only in such cases that we are detaining them. Where proof of enemy ownership would afford no evidence of such origin or destination we are not in practice detaining the goods.

18. His Majesty's Government have been gratified to observe that the measures which they are enforcing have had no detrimental effect on the commerce of the United States. Figures of recent months show that the increased opportunities afforded by the war for American commerce have more than compensated for the loss of the German and Austrian markets.

19. I trust that in the light of the above explanations it will be realized that the measures to which we have resorted have been not only justified by the exigencies of the case, but can be defended as in accordance with general principles which have commended themselves to the Governments of both countries. I am glad to be able to assure your excellency that we shall continue to apply these measures with every desire to occasion the least possible amount of inconvenience to persons engaged in legitimate commerce.

I have [etc.]

E. GREY

AMERICAN AMBASSADOR

File No. 763.72112/1296

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

[Telegram]

WASHINGTON, August 3, 1915, 8 p. m.

292. Your 307, May 29, and 344, July 7.¹ Department has carefully studied the Italian decrees of May 26 and 28, and of July 6 last, from which it appears that certain coasts of Albania, a non-combatant in the present war, have been declared blockaded and that subsequently the Adriatic has virtually been declared a closed sea. As it is not apparent to this Government that any authority exists in international law or usage for this action on the part of the Italian Government, and as the report that enemies of Italy are using Albanian ports and roadsteads for the clandestine revictualing and refueling of Austro-Hungarian ships does not, in the opinion of this Government, constitute sufficient ground for the course of the Italian Government, the Government of the United States does not doubt that means have been provided and instructions have been given the Italian Navy to relieve American trade and shipping from the restrictions to which the existing decrees would seem to subject them in the Adriatic. The United States, therefore, desires to be fully informed as to the nature of these means and the tenor of the instructions. If, however, there should prove to be no modifications applicable to neutral trade and shipping, the United States would feel bound to notify the Royal Italian Government that it will be necessary for it formally to refuse to accede to the application of these decrees in so far as, by infringing the established rules of international law and practice, they should adversely affect the freedom of American commerce in the enjoyment of neutral rights and privileges in the Adriatic.

Please present a note to the Italian Foreign Office in the sense of the foregoing, and impress upon the Minister for Foreign Affairs the seriousness with which this Government would view any such restrictions of its established neutral rights on the seas.

LANSING

File No. 763.72112/1487

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

[Telegram]

ROME, August 21, 1915, 6 p. m.

[Received 9 p. m.]

374. Referring to the Embassy's No. 379.² Am sending by pouch copy of note received in original Italian:

Minister for Foreign Affairs, entirely friendly and desirous of obviating any clash between us, has explained personally to me his views of necessities growing out of Adriatic situation, saying Gallipoli was selected for call as least inconvenient place for visit and search and that this is essentially different from anything like cap-

¹ *Ante*, pp. 166 and 167.² See following document.

ture. He added that we are together in desiring to maintain freedom of search and that we need have no fear of American ships being troubled.

NELSON PAGE

File No. 763.72112/1492

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

[Telegram]

ROME, August 21, 1915, 6 p. m.

[Received August 22, 1.10 p. m.]

379. Your 292. Following received to-day from Foreign Office:¹

By your note of the 5th [3d] instant your excellency informs us that the Government of the United States does not consider itself able to acquiesce in the declarations of blockade published by the Royal Government May 26 and July 5 unless some kind of provision shall have been made at the same time for safeguarding the right of neutrals to free navigation in the Adriatic, on which the aforesaid decrees placed limitations not allowed by the rules and usages of international law.

I hasten, therefore, to call the attention of your excellency in the first place to the fact that the notification of July 5 itself indicates the regulations which should be observed in leaving, entering, and passing through the Adriatic on the part of vessels intending to steer for ports on the coasts not included in the previous declarations of blockade. These regulations were later expressly applied also to traffic with the ports of Albania comprised within the limits of the zone of blockade, without notifying the powers thereof in the usual manner, inasmuch as these landing places are frequented only by the coasting trade of neighboring countries.

That, through the effect of the blockade, a certain zone of the sea should be temporarily closed and withheld from free neutral navigation, is in accord with the nature of this war measure; nor is it evident that, in this regard, the general doctrines or any positive rules of law place any limit to the exercise of the particular powers of belligerents in maritime warfare. The fact that, in our case, this result has been established within wider limits than usual is due to the peculiar conditions of the Adriatic and its coasts in relation to traffic and to our own defense, and specifically to the method of blockading an enemy coast by means of a barrier line placed at a distance, in such a manner, however, as not to hinder access to the neutral coasts bathed by the same sea.

The measures adopted toward this end, expressly permitting, under certain precautionary conditions, passage across that line to ships not suspected of contraband traffic, in substance reduce the effects of the blockade simply to a more rigorous exercise of the right of visit in so far as commerce with the entire Adriatic littoral is concerned, with the exception of the Austro-Hungarian coast; the neutral territories included in the blockaded zone are invested as a matter of fact but not of law by our naval forces. The conference of London recognized this right to dispose the blockading force in the manner best adapted to achieve the desired result, regard being had for the freedom of access to neutral ports.²

The Royal Government trusts that the Federal Government, taking these circumstances into account, will be willing to recognize that the measures under discussion do not contain any violation of the rules and practices of universally accepted international law.

It further begs the Federal Government kindly to consider, from a practical point of view, whether it is right and proper to judge the measures taken in this war by the standard of laws and customs established under circumstances so different from those which new methods and new engines of warfare impose to-day; whether it is not more in keeping with the requirements of that equitable tempering of rights and interests, which essentially constitutes the juridical treatment of international relations, to renounce henceforth the

¹ Embassy's translation subsequently corrected by comparison with the original, dated August 19.

² *Proceedings of the International Naval Conference*, p. 177.

rigorous application of the old rules, while insuring, on the basis of existing circumstances, the more suitable application of the general principles to which those relations must conform.

The particular conditions of the Adriatic Sea, the very peculiar ones of the Albanian coast line included in the zone of blockade, and the requirements of defense against the new devices of naval warfare, when given consideration in accordance with the aforesaid standards, acquire even greater importance through due appreciation of the acts referred to in the note of the 5th instant.

The Royal Government has too much at heart the approval of the American Government not to express to your excellency its confidence that these considerations will induce it to withdraw, without further discussion, from the stand taken by it in that note with reference to our decrees, which can not have caused any real and appreciable damage to legitimate American interests, and which, on the other hand, have not called forth such remonstrances from any other neutral country.

NELSON PAGE

File No. 763.72112/1494

The Ambassador in Great Britain (Page) to the Secretary of State

[Telegram]

LONDON, August 24, 1915.

[Received 5.35 p. m.]

2685. Following is text of Royal Proclamation placing cotton and cotton products on list of absolute contraband which has been received this morning enclosed in a communication from Foreign Office, dated August 23:

WHEREAS on the 23d day of December, 1914, we did issue our Royal Proclamation specifying the articles which it was our intention to treat as contraband during the continuance of hostilities or until we did give further notice; and

WHEREAS on the 11th day of March and on the 27th day of May, 1915, we did, by our Royal Proclamations of those dates, make certain additions to the list of articles to be treated as contraband of war; and

WHEREAS it is expedient to make certain further additions to the said lists;

Now, therefore, we do hereby declare, by and with the advice of our Privy Council, that during the continuance of the war or until we do give further public notice, the following articles will be treated as absolute contraband in addition to those set out in our Royal Proclamations aforementioned:

Raw cotton, cotton linters, cotton waste, and cotton yarns.

And we do hereby further declare that this our Royal Proclamation shall take effect from the date of its publication in the *London Gazette*. Given at our Court at the Royal Pavilion, Aldershot Camp, this 20th day of August, in the year of our Lord 1915, etc., etc.¹

AMERICAN AMBASSADOR

File No. 763.72112/1515

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

[Telegram]

PARIS, August 28, 1915.

[Received 3 p. m.]

972. Following notification published in *Journal officiel* of yesterday:

On the 22d instant Commander in Chief of naval forces in Mediterranean, acting by virtue of power conferred upon him by Government of Republic, declared

¹ Notice of the same additions, as published by France on August 22 and by Italy on September 6, effective September 2 (File Nos. 763.72112/1490, 1542), was reported by the Consulate General at Paris in unnumbered telegram August 23, and by the Embassy in Rome in telegram No. 390, September 7.

a blockade of the coast of Asia Minor and Syria from Island of Samos to Egyptian frontier, or between latitude 37° 38', longitude 27° 02' east Greenwich, and latitude 31° 20', longitude 34° 13' east Greenwich. Blockade is declared effective dating from August 25 at noon. Neutral ships may leave blockaded points up to August 28. Orders have been given at same time to commanders of naval forces carrying out blockade immediately to notify local authorities.

SHARP

File No. 763.72112/1737

The Ambassador in Great Britain (Page) to the Secretary of State

[Telegram]

LONDON, *October 15, 1915.*

[Received 11.49 p. m.]

3015. Following proclamation revising list of articles to be treated as contraband of war, dated October 14, has just been received from Foreign Office:¹

Now, therefore, we do hereby declare, by and with the advice of our Privy Council, that the lists of contraband contained in the schedules to our Royal Proclamation of the 23d day of December, as subsequently amended by our Proclamations of the 11th day of March, and of the 27th day of May, and of the 20th day of August aforementioned, are hereby withdrawn, and that in lieu thereof, during the continuance of the war or until we do give further public notice, the articles enumerated in Schedule 1 hereto will be treated as absolute contraband, and the articles enumerated in Schedule 2 hereto will be treated as conditional contraband.

SCHEDULE 1

1. Arms of all kinds, including arms for sporting purposes, and their component parts.
2. Implements and apparatus designed exclusively for the manufacture of munitions of war, or for the manufacture or repair of arms or of war material for use on land or sea.
3. Lathes and other machines or machine tools capable of being employed in the manufacture of munitions of war.
4. Emery, corundum, natural and artificial (alundum), and carborundum, in all forms.
5. Projectiles, charges, and cartridges of all kinds, and their component parts.
6. Paraffin wax.
7. Powder and explosives specially prepared for use in war.
8. Materials used in the manufacture of explosives, including: Nitric acid and nitrates of all kinds; sulphuric acid; fuming sulphuric acid (oleum); acetic acid and acetates; barium chlorate and perchlorate; calcium acetate, nitrate, and carbide; potassium salts and caustic potash; ammonium salts and ammonia liquor; caustic soda, sodium chlorate and perchlorate; mercury; benzol, toluol, xylol, solvent naphtha, phenol (carbolic acid), cresol, naphthalene, and their mixtures and derivatives; aniline and its derivatives; glycerine; acetone; acetic ether; ethyl alcohol; methyl alcohol; ether; sulphur; urea; cyanamide; celluloid.
9. Manganese dioxide; hydrochloric acid; bromine; phosphorus; carbon disulphide; arsenic and its compounds; chlorine; phosgene (carbonyl chloride); sulphur dioxide; prussiate of soda; sodium cyanide; iodine and its compounds.
10. Capsicum and peppers.
11. Gun mountings, limber boxes, limbers, military waggons, field forges and their component parts; articles of camp equipment and their component parts.
12. Barbed wire and the implements for fixing and cutting the same.

¹ A copy of the *Journal officiel* of October 14, containing a corresponding list, was transmitted by the French Embassy November 12 (File No. 763.72112/1893).

13. Range-finders and their component parts; searchlights and their component parts.
14. Clothing and equipment of a distinctively military character.
15. Saddle, draught, and pack animals suitable, or which may become suitable, for use in war.
16. All kinds of harness of a distinctively military character.
17. Hides of cattle, buffaloes, and horses; skins of calves, pigs, sheep, goats, and deer; and leather, undressed or dressed, suitable for saddlery, harness, military boots or military clothing; leather belting, hydraulic leather, and pump leather.
18. Tanning substances of all kinds, including quebracho wood and extracts for use in tanning.
19. Wool, raw, combed, or carded; wool waste; wool tops and noils; woollen or worsted yarns; animal hair of all kinds; and tops, noils, and yarns of animal hair.
20. Raw cotton, linters, cotton waste, cotton yarns, and cotton piece-goods, and other cotton products capable of being used in the manufacture of explosives.
21. Flax; hemp; ramie; kapok.
22. Warships, including boats and their component parts of such a nature that they can only be used on a vessel of war.
23. Submarine sound-signalling apparatus.
24. Armour plates.
25. Aircraft of all kinds, including aeroplanes, airships, balloons, and their component parts, together with accessories and articles suitable for use in connection with aircraft.
26. Motor vehicles of all kinds and their component parts.
27. Tyres for motor vehicles and for cycles, together with articles or materials especially adapted for use in the manufacture or repair of tyres.
28. Mineral oils, including benzine and motor spirit.
29. Resinous products, camphor, and turpentine (oil and spirit); wood tar and wood-tar oil.
30. Rubber (including raw, waste, and reclaimed rubber, solutions and jellies containing rubber, or any other preparations containing rubber, balata, and gutta-percha and the following varieties of rubber, viz.: Borneo, Guayule, Jelutong, Palembang, Pontianac, and all other substances containing caoutchouc), and goods made wholly or partly of rubber.
31. Rattans.
32. Lubricants.
33. The following metals: Tungsten, molybdenum, vanadium, sodium, nickel, selenium, cobalt, hæmatite pig-iron, manganese, electrolytic iron, and steel containing tungsten or molybdenum.
34. Asbestos.
35. Aluminium, alumina, and salts of aluminium.
36. Antimony, together with the sulphides and oxides of antimony.
37. Copper, unwrought and part wrought; copper wire; alloys and compounds of copper.
38. Lead, pig, sheet, or pipe.
39. Tin, chloride of tin, and tin ore.
40. Ferro alloys, including ferro-tungsten, ferro-molybdenum, ferro-manganese, ferro-vanadium, and ferro-chrome.
41. The following ores: Wolframite, scheelite, molybdenite, manganese ore, nickel ore, chrome ore, hæmatite iron ore, iron pyrites, copper pyrites and other copper ores, zinc ore, lead ore, arsenical ore, and bauxite.
42. Maps and plans of any place within the territory of any belligerent, or within the area of military operations, on a scale of 4 miles to 1 inch or any larger scale, and reproductions on any scale, by photography or otherwise, of such maps or plans.

SCHEDULE 2

1. Foodstuffs.
2. Forage and feeding-stuffs for animals.
3. Oleaginous seeds, nuts, and kernels.
4. Animal, fish, and vegetable oils and fats, other than those capable of use as lubricants, and not including essential oils.
5. Fuel, other than mineral oils.
6. Powder and explosives not specially prepared for use in war.
7. Horseshoes and shoeing materials.

8. Harness and saddlery.
9. The following articles, if suitable for use in war: Clothing, fabrics for clothing, skins and furs utilizable for clothing, boots and shoes.
10. Vehicles of all kinds, other than motor vehicles, available for use in war, and their component parts.
11. Railway materials, both fixed and rolling stock, and materials for telegraphs, wireless telegraphs, and telephones.
12. Vessels, craft, and boats of all kinds; floating docks and their component parts; parts of docks.
13. Field glasses, telescopes, chronometers, and all kinds of nautical instruments.
14. Gold and silver in coin or bullion; paper money.

AMERICAN AMBASSADOR

File No. 763.72112/1743

The Ambassador in Great Britain (Page) to the Secretary of State

[Telegram]

LONDON, *October 18, 1915.*

[Received 10.09 a. m.]

3035. Following received from Foreign Office, dated October 16:¹

The Secretary of State for Foreign Affairs presents his compliments to the United States Ambassador and has the honor to state that the vice admiral commanding the eastern Mediterranean squadron of the Allied fleets has declared a blockade of the Bulgarian coast in the Aegean Sea commencing from 6 a. m. on the 16th instant. Forty-eight hours' grace from the moment of the commencement of the blockade has been assigned for the departure of neutral vessels from the blockaded area.

Sir E. Grey requests that the above may be brought to the knowledge of the United States Government.

AMERICAN AMBASSADOR

File No. 763.72112/1547

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

No. 235]

WASHINGTON, *November 2, 1915.*

SIR: I have received your telegram No. 379,² and despatch No. 359,³ both of August 21, 1915, containing the reply of the Royal Italian Government to your note of August 5 [3]⁴ in regard to the blockade of the Adriatic.

I have given careful consideration to the note of the Minister for Foreign Affairs of August 19⁵ in regard to these measures of the Italian Government, and regret to find that it does not remove the objectionable features which this Government finds in those measures. It appears clear from the Royal declarations of May 26 and 28 and July 5 that it is the intention of the Italian Government to cause a blockade to be established along a large part, if not all of the coast of Albania, a country not engaged in the present war, and to establish the line Otranto-Aspri Ruga beyond which navigation without

¹ A notification to the same effect on the part of his Government was addressed by the French Ambassador to the Secretary of State October 18 (File No. 763.72112/1762).

² *Ante*, p. 173.

³ Not printed.

⁴ *Ante*, p. 172.

⁵ See footnote 1, *ante*, p. 173.

permission of Italian authorities is forbidden and will be regarded as a breach of blockade, thereby making the Adriatic practically a closed sea under the control of the Italian Government. The allegation that the Albanian coasts are visited only by the coasting vessels of adjacent countries is not, in the opinion of this Government, as intimated in my previous communication on this subject, a sufficient ground upon which to base a blockade of a non-belligerent country, as Albania is understood to be at the present time. This Government notes the statement of the Italian Government that the neutral territory included in the blockaded zone, that is the coast of Albania, is "invested as a matter of fact and not of law," but notes with surprise a reference to the Naval Conference at London in support of the Italian blockade of Albania. Articles 1 and 18 of the Declaration of London expressly declare that a blockade of a belligerent coast shall not be extended to that of a neutral country nor bar access to neutral ports or coasts. These articles have been accepted by the Italian Government without modification in its decree of June 3, 1915, adopting the Declaration of London with certain exceptions for the present war. Although this Government does not regard the Declaration of London as of the binding force in the existing war, nevertheless it believes that Articles 1 and 18 accurately state the rule regarding blockade as established by the law and practice of nations for over a century.

That a certain zone of the Adriatic may rightfully be "closed temporarily and withheld from free neutral navigation" seems to this Government so obviously out of accord with the principle of the freedom of the seas, that the mere statement of the proposal is sufficient to show conclusively that this Government can not regard this Italian measure otherwise than as an unallowable transgression of its neutral rights on the high seas.

This Government cannot admit that "the doctrines" or "positive rules of law" do not place "any limit to the exercise of the particular powers of belligerents in maritime warfare" in respect to the closing of a portion of the high seas to innocent neutral navigation, nor that the action of the Italian Government is justified by the "peculiar conditions of the Adriatic and its coasts, in the relations of traffic and Italian defense."

The Government of the United States, therefore, feels itself bound to reserve its rights by protesting against the prohibition of the freedom of navigation on the high seas of the Adriatic and of access to the neutral shores of that sea and by formally giving notice to the Royal Government that it cannot recognize as valid any action of Italian authorities looking to the enforcement of these prohibitions upon American ships or American citizens. The Government of the United States will accordingly consider it its duty to look to the Italian Government to make reparation for any loss or damage which may result to the United States or its citizens through infringement of their rights by the application of these measures.

I am [etc.]

ROBERT LANSING

The Annulment by Great Britain and France of Article 57 of the
Declaration of London

File No. 763.72112/1803

The Ambassador in Great Britain (Page) to the Secretary of State

[Telegram]

LONDON, *October 28, 1915.*

[Received 1.20 p. m.]

3104. Following is text of order in council dated October 20, 1915:¹

WHEREAS by the Declaration of London Order in Council No. 2, 1914, His Majesty was pleased to declare that, during the present hostilities, the provisions of the said Declaration of London should, subject to certain exceptions and modifications therein specified, be adopted and put in force by His Majesty's Government; and

WHEREAS, by Article 57 of the said declaration, it is provided that the neutral or enemy character of a vessel is determined by the flag which she is entitled to fly; and

WHEREAS it is no longer expedient to adopt the said article:

Now, therefore, His Majesty, by and with the advice of his Privy Council, is pleased to order, and it is hereby ordered, that from and after this date Article 57 of the Declaration of London shall cease to be adopted and put in force.

In lieu of the said article, British prize courts shall apply the rules and principles formerly observed in such courts.

This Order may be cited as "The Declaration of London Order in Council, 1915."

And the Lords Commissioners of His Majesty's Treasury, the Lords Commissioners of the Admiralty, and each of His Majesty's Principal Secretaries of State, the President of the Probate, Divorce, and Admiralty Division of the High Court of Justice, all other judges of His Majesty's prize courts, and all governors, officers, and authorities whom it may concern, are to give the necessary directions herein as to them may respectively appertain.

AMERICAN AMBASSADOR

File No. 763.72112/1839

The Vice Consul at London (Westcott) to the Secretary of State

[Telegram]

LONDON, *November 4, 1915.*

[Received 1.20 p. m.]

Replying question in Parliament regarding rules by which nationality of merchant vessels is to be decided subsequently abrogation Article 57 Declaration of London Grey stated "nationality of a prize is matter to be determined by prize court."

WESTACOTT

File No. 763.72112/1880

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

No. 1545]

PARIS, *October 29, 1915.*

[Received November 10.]

SIR: In confirmation of my telegram No. 1064 of the 26th inst.,² I have the honor to transmit herewith in copy and translation a report

¹ See also the despatch from the Vice Consul at London, *post*, p. 181.

² Not printed.

presented by the President of the Council, Minister for Foreign Affairs, and the Minister of Marine to the President of the Republic on the subject of difficulties in the application of Article 57 of the Declaration of London, as well as the decree which was based upon this report.

From this it appears that the French Government no longer intends to follow the provisions of Article 57 of the Declaration of London. I have [etc.]

WM. G. SHARP

[Enclosure 1—Translation]

Report to the President of the French Republic

PARIS, October 23, 1915.

SIR: Among the rules of international maritime law, formulated by the declaration signed at London February 26, 1909, which was not ratified, but which is being actually applied by the decree of November 6, 1914, during the present war with certain reservations, consisting in some additions and modifications, the ruling inscribed under Article 57 of this declaration establishes an absolute presumption of the neutral or enemy character of vessels according to the flag the vessel has the right to carry.

Experience has proved that such a strict rule is in practice capable of leading to inexact solutions. It may happen that for commercial purposes, during a time of peace, vessels were regularly registered under a flag which has become an enemy one by reason of the war, while in reality the interests vested in the ownership of these vessels belong to nationals of a third country which may be neutral or Allied. Conversely vessels registered under a neutral flag may as a matter of fact represent enemy interests.

The reunion of capital in the form of societies renders these combinations particularly easy to realize thanks to the real personality, legally capable of holding property, and to the nationality which the law recognizes and accords to societies independently of the personality or the nationality of the individuals who own interests in it.

One of the objects which a belligerent may legitimately pursue on the high seas according to international law is to annihilate by capture the mercantile marine of the enemy. If by attacking neutral interests represented by a vessel registered under the enemy's flag the belligerent deviates from the aforementioned aim and finds himself accused of violating the liberty of neutral commerce, his right to act legitimately is directly injured by the employment of registration under a neutral flag covering enemy interests with a protection which nothing justifies.

If these views, which have also struck our Allies, appear to you to be well founded, I have the honor to submit for your approbation the following draft of a decree.

<p><i>The President of the Council and Minister for Foreign Affairs</i></p>	}	RENÉ VIVIANI
<p><i>The Minister of Marine</i></p>		VICTOR AUGAGNEUR

[Enclosure 2—Translation]

DECREE OF OCTOBER 23, 1915

The President of the French Republic, on the recommendation of the President of the Council, Minister for Foreign Affairs, and of the Minister of Marine, referring to the decree of November 6, 1914, decrees:

ARTICLE 1. The provisions of Article 57, paragraph 1, of the declaration signed at London, February 26, 1909, relating to naval warfare shall be applied during the present war with the following modifications, namely:

Whenever it is established that the interests vested in the ownership of a vessel flying the enemy flag belong in point of fact to nationals of a neutral or Allied country, or, conversely, that the interests vested in the ownership of a vessel flying a neutral or Allied flag belong in point of fact to nationals of an enemy country or to persons residing in an enemy country, the vessel shall accordingly be considered neutral, Allied, or enemy.

ARTICLE 2. The President of the Council, Minister for Foreign Affairs, and the Minister of Marine, each within his jurisdiction, are charged with the execution of this decree.

Done at Paris, October 23, 1915.

R. POINCARÉ

By the President of the Republic:

The President of the Council

and Minister for Foreign Affairs

The Minister of Marine

} RENÉ VIVIANI

VICTOR AUGAGNEUR

File No. 763.72112/1888

The Vice Consul at London (Westacott) to the Secretary of State

LONDON, November 2, 1915.

[Received November 13.]

SIR: With reference to my telegram of October 25, 1915,¹ reporting the annulling by an order in council of Article 57 of the Declaration of London, I have the honor to transmit herewith in triplicate the second supplement to the *London Gazette*, issued October 25, containing this order in full.²

No information is at present available regarding the action by which it is proposed to follow this decision, except that contained in the official announcement that "in lieu of the said article, British prize courts shall apply the rules and principles formerly observed in such courts," and statements made by Sir Edward Grey in the House of Commons replying to two questions. The following report of the parliamentary discussion is from *Lloyd's List* of October 30, 1915:

Commander C. Bellairs asked the Secretary of State for Foreign Affairs, in view of the repudiation of one of the articles of the Declaration of London, because, as stated, it is no longer expedient for us to adopt it, whether His Majesty's Government had taken into consideration Article 65, that the provisions of the Declaration of London must be treated as a whole and cannot be separated; and whether it was equally expedient to return to the rules and principles guiding the Royal Navy and the prize courts before the Declaration of London.

Sir Edward Grey: The Declaration not having been ratified, His Majesty's Government are free to adopt, as they have done, such of its provisions as seem to them to express satisfactorily generally accepted rules of international law.

Mr. B. E. Peto (U., Devizes) asked the Secretary for Foreign Affairs whether he could state which articles of the Declaration of London are still adopted and enforced by the Government, and in what respect the articles still in force differ in principle from the maritime law of nations in force prior to the framing of the Declaration of London; and whether, in view of the fact that the Declaration of London was never approved by Parliament, he would consider the advisability of leaving the actions of the Navy unfettered by its remaining provisions.

Sir Edward Grey stated that the information asked for in the first part of the question might be obtained by reference to the proclamation issued on the subject. The second part of the question raised a number of questions of great complexity which could scarcely be dealt with by way of question and answer.

¹ Not printed.

² Not printed. The order itself is dated October 20.

As regards the third part I can assure the honourable member that the means of facilitating the effective action of His Majesty's Fleet receives the constant attention of His Majesty's Government, and if he will point out any matter in which he thinks it improperly fettered I will gladly consider it.

I must again say that the Declaration of London possesses no force; where any provision taken from it is mentioned it is solely because it is a convenient expression of some generally accepted rule of international law. The action of the Navy is not limited by anything except such rules, and I believe if the honourable member will examine previous wars he will find that the action of the British Navy has not been less free in this war than previously.

Newspaper comment has been very restrained, but the *Daily Mail* of October 26, 1915, contains the following editorial paragraphs, which may be of possible interest:

The article in question provided that the neutral or hostile character of a vessel was decided by the flag under which she sailed. By it Germans could acquire an interest in Norwegian, Swedish, or American ships, or own them entirely, and derive large profits from the high freights now being earned, while the all-powerful Allied navies were condemned to look on helpless. The Allies now revert to the earlier and saner sea law, which was laid down by British and United States judges, and which allowed the captor of such vessels to investigate the ownership. Where the owner or any part owner is an enemy, the ship or the enemy share in her can be confiscated.

The Germans will doubtless attempt to retaliate, and therefore British subjects who own neutral vessels or shares in neutral vessels plying within reach of the enemy's guns will do well to dispose of their property.

I have [etc.]

RICHARD WESTACOTT

CORRESPONDENCE AND INFORMAL ARRANGEMENTS REGARDING THE EXPORTATION TO EUROPEAN COUNTRIES OF VARIOUS PARTICULAR COMMODITIES AFFECTED BY THE PROCLAMATIONS, ORDERS, AND DECREES OF BELLIGERENT GOVERNMENTS ON CONTRABAND OF WAR AND TRADE WITH ENEMY COUNTRIES

Shipments of Copper

File No. 763.72112/581

The Ambassador in Great Britain (Page) to the Secretary of State

[Telegram]

LONDON, January 5, 1915, 8 p. m.

[Received 11.15 p. m.]

1415. I learned to-day privately that the British Government to avoid trouble about copper shipments made an offer to the big American copper producers to buy their whole output during the war at the average price for the last three years and that this offer was refused.

A part of the Cabinet, though not a majority, were in favor of making a similar offer for the whole American cotton crop. No such offer therefore for cotton was made.

This must be absolutely secret unless the copper offer should be made public by British Government or the copper producers.

AMERICAN AMBASSADOR

File No. 763.72112/642

The Ambassador in Great Britain (Page) to the Secretary of State

[Telegram]

LONDON, *January 22, 1915.*

[Received 5.20 p. m.]

1512. Your 675, December 3.¹ British Government now informs me that the heading "copper unwrought" was intended to include all copper in such form as to render it usable for manufacturing purposes. This description being vague, the former heading will be changed in new lists to read, "copper unwrought and part wrought and copper wire." This is intended to include copper sheets, circles, slabs, bars, pipes, ingots, scrap, rods, plates, solid-drawn, tubes, etc., and all grades of copper wire. The word copper is deemed to include alloys in which copper is the main ingredient.

AMERICAN AMBASSADOR

File No. 763.72112/962

*The Secretary of State to Mr. Alvin Untermeyer*WASHINGTON, *April 24, 1915.*

SIR: The Department acknowledges the receipt of your letter of the 25th ultimo¹ in which, in further relation to your desire to be advised whether the Declaration of London constituted "at the time of the commencement of the recent conflict in Europe a binding treaty or agreement between Great Britain and the United States," you inquire "(1) Does our government recognize as valid the declaration by Great Britain of copper as *absolute* contraband; and (2) must my client, before shipping the copper referred to, determine at his peril that it is not intended for reexport from Norway to Germany—in other words, is my client obligated to prove that the copper is not intended for reexport, or is Great Britain obligated to prove that it is intended for reexport in order to justify a seizure or condemnation?"

After giving the matter careful consideration the Department has decided that it is not in a position to make any objection to the classification of copper by the British Government as absolute contraband.

The British Government adheres to the so-called "doctrine of continuous voyages" laid down by the American courts during the Civil War; that is, they regard as subject to condemnation shipments of articles classed as contraband if such articles are destined ultimately for delivery in belligerent territory even though they may, in the first instance, be shipped from a neutral port to a neutral port or landing. With reference to this matter the Department may refer you to Moore's *International Law Digest*, volume VII, pages 697 *et seq.*, and Oppenheim, *International Law* (second edition) volume II, pages 500 *et seq.*

¹ Not printed.

That portion of your second inquiry concerning the proof of destination of goods appears to relate to matters of procedure before prize courts in relation to which it is not within the province of the Department to advise you. As of possible bearing on your inquiry, the Department may refer you to the copy of the British order in council of October 29 last, which was sent to you with the Department's letter of March 16 last.

The Department regrets that through inadvertence a reply to your letter has been delayed.

I am [etc.]

For the Secretary of State:

JOHN E. OSBORNE

File No. 763.72112/1891

C. W. Leavitt and Company to the Secretary of State

NEW YORK, November 12, 1915.

DEAR SIR: We received from Messrs. A. Karlson, Metall and Mas-kin Aktiebolag, Stockholm, Sweden, an order for 25 tons of copper, but the different steamship companies refuse to accept copper without a British Admiralty certificate.

As you will note by the enclosed certificate from the Royal Consulate General of Sweden of New York, duly viséed by the British Consulate General of New York, this material is intended for exclusive use in Sweden.

Would it be possible for your Department to discuss this matter with the British Ambassador, and thus obtain for our account the required British Admiralty certificate?

We are mailing a copy of this letter to the Honorable Ambassador of Sweden at Washington, and any assistance that you may be able to render us in this matter will be greatly appreciated.

Yours truly,

C. W. LEAVITT AND COMPANY

The Secretary of State to C. W. Leavitt and Company

WASHINGTON, December 7, 1915.

GENTLEMEN: The receipt is acknowledged of your letter of November 12, 1915, relative to the difficulties you are experiencing in effecting a shipment of 25 tons of copper to customers in Sweden.

This matter has been taken up informally by the Department with the commercial adviser to the British Embassy at Washington. He states that a number of American firms refining or dealing in copper have been able to conclude arrangements with the British Admiralty under which the Admiralty issues to them certificates providing for non-interference with specific shipments made by them to foreign consignees.

This Department recognizes the right of American citizens to make shipments of merchandise, whether contraband or not, to neutral persons in neutral countries. If, however, steamship companies are unwilling to receive consignments of this character except under

special conditions, there is no power in this Department to require an alteration of these conditions, or to impose upon the steamship companies a different course of action.

It is accordingly suggested that you place yourself in direct communication with the British Admiralty in London and endeavor to conclude with it an arrangement similar to the above described. This Department, as well as the British Embassy at Washington, is without information as to the details of these arrangements.

A certificate of the Swedish Consul General relating to the destination and ultimate use of the 25 tons of copper forming the subject of your letter now under acknowledgment, is returned herewith.

I am [etc.]

For the Secretary of State:
ALVEY A. ADEE

File No. 763.72112/1994

The Minister in Norway (Schmedeman) to the Secretary of State
[Telegram]

CHRISTIANIA, December 11, 1915, 5 p. m.
[Received 5.30 p. m.]

44. Norwegian buyers of American copper and copper wire have been informed by Norwegian American line that British Government has instructed the line to discontinue carrying said goods to Norway where large amounts are used and whose other sources of supply are cut off. British Government demands shipment on British vessels via Great Britain in which event Norwegian buyers fear that goods will not reach them.

SCHMEDEMAN

Shipments of Cotton

File No. 763.72112/564

The Ambassador in Germany (Gerard) to the Secretary of State
[Telegram]

BERLIN, December 31, 1914, 7 p. m.
[Received January 2, 1915, 4.15 p. m.]

1234. Consular Agent, Lübeck, reports demand for cotton. Is it understood to be considered as contraband? May it be shipped to Germany?

GERARD

The Secretary of State to the Ambassador in Germany (Gerard)
[Telegram]

WASHINGTON, January 5, 1915.

947. Your 1234, December 31. Department has received assurances from British and French Governments that cotton will not be placed on contraband lists and will not be seized. Cotton may, therefore, be shipped to Germany in neutral vessels.

BRYAN

[For a statement of the difficulties affecting the cotton trade and of their effect upon the economic life of the United States, see telegram No. 1019, January 23, 1915, to the Ambassador in Great Britain, below, page 684.]

File No. 763.72112/660

Inman, Akers and Inman to the Secretary of State

[Telegram]

ATLANTA, GA., January 27, 1915.

Have request for offers of linters for shipment Austria. Is this commodity conditional or absolute contraband, probably intend manufacture ammunition; and will Government War Risk Bureau cover? Please answer immediately.

INMAN, AKERS AND INMAN

The Secretary of State to Inman, Akers and Inman

[Telegram]

WASHINGTON, January 29, 1915.

If linters are intended for and adaptable for manufacture of ammunition, would probably be held contraband. Insurance issued by War Risk Bureau does not cover contraband articles.

W. J. BRYAN

File No. 763.72112/673

The Minister in the Netherlands (Van Dyke) to the Secretary of State

[Telegram]

THE HAGUE, January 29, 1915.

[Received 8.36 p. m.]

132. American Ambassador London telegraphs:

Foreign Office informs me cottonseed oil not on contraband list and hopes it will not be placed there. Shipments from United States to Netherlands can go forward without hindrance.

Please inform Commerce Department.

VAN DYKE

File No. 763.72112/676

The Secretary of State to the Consul General at London (Skinner)

[Telegram]

WASHINGTON, February 9, 1915.

Discreetly inquire whether cotton yarn would be treated as non-contraband.

BRYAN

File No. 763.72112/711

The Consul General at London (Skinner) to the Secretary of State

[Telegram]

LONDON, *February 10, 1915.*

[Received 2.55 p. m.]

Department's 9th. Cotton yarn is not contraband. Competent authority states no present intention to include yarn in contraband list.

SKINNER

File No. 763.72112/713

Knauth, Nachod and Kuhne to the Secretary of State

[Telegram]

NEW YORK, *February 11, 1915.*

May we safely ship cotton linters as non-contraband goods same as cotton to Bremen?

KNAUTH, NACHOD AND KUHNE

The Secretary of State to Knauth, Nachod and Kuhne

[Telegram]

WASHINGTON, *February 15, 1915.*

Department has received assurances from Governments Great Britain and France, cotton will not be placed on contraband lists and therefore will not be seized. However, if linters are adapted and intended for manufacture of ammunition, they may possibly be regarded as contraband. British Government has pointed out whether given article is contraband is judicial question for determination prize court. Letter follows.

W. J. BRYAN

File No. 763.72112/762a

The Secretary of State to the Consul General at London (Skinner)

[Telegram]

WASHINGTON, *February 23, 1915.*

Are cotton linters considered contraband? Answer quickly.

BRYAN

File No. 763.72112/762

The Consul General at London (Skinner) to the Secretary of State

[Telegram]

LONDON, *February 24, 1915.*

[Received 9.30 a. m.]

Department's 23d. Cotton linters are not contraband.¹

SKINNER

¹ Letters conveying this information were dispatched to sixty interested persons and firms.

File No. 763.72112/1003a

The Secretary of State to the Ambassador in Great Britain (Page)

[Telegram]

WASHINGTON, *March 3, 1915, 7 p. m.*1219. Following telegram being sent by Spring Rice to Grey:¹

Contracts for cotton made before issuance of declaration² in good faith and in view of assurance that cotton would not be treated as contraband ask permission to fill existing contracts by delivery of cotton to German ports. If permission is not granted, information is asked for as to treatment of cotton already bought and freight paid for and to be loaded on board named ships which although chartered have not yet arrived at American ports owing to unforeseen delays.

Owners would be liable to incur heavy loss unless assurance is given at once as to rate of compensation for cargo consigned to Germany which will now under declaration be detained or diverted. Owners assume that compensation will amount to invoice price less cost of freight from Danish and Swedish ports to which freight has already been paid. Ships are *Marie Dicio*, Swedish, and *Livonia*, Danish, from Galveston to Aalborg and Copenhagen.

BRYAN

File No. 763.72112/1003b

The Secretary of State to the Ambassador in Great Britain (Page)

[Telegram]

WASHINGTON, *March 4, 1915, 4 p. m.*

1222. Spring Rice is sending Grey arguments favorable to extending time application of decree of March 1 to cover contracts for cotton to Germany and Austria entered into before promulgation of decree and he asks that you present matter to British officials. In view of previous assurances of British Government that cotton would be free, cotton has been bought and assembled and charters made which would involve enormous loss on account of demurrage, interest and charter charges which are accumulating daily unless immediate exemption is granted for vessels and cargoes under charter contracted for previous to March 1. Banks are refusing to finance shipments unless shipper provides them with policy guaranteeing them against British capture and if policy contains this clause the prohibitive premium of 30 per cent is charged. Unless relief comes soon banks will call loans with very disastrous results.

You are instructed to make appropriate representations but without prejudice to right of this Government to question decree of March 1 and without acknowledging the right of the British Government to issue such decree.

BRYAN

¹This telegram was sent in consequence of representations made personally to the British Ambassador by Robert F. Rose, Foreign Trade Adviser of the Department of State, accompanied by an exporter of cotton, in a conference at the Department on the same date. See Mr. Rose's report dated May 21, *post*, p. 216.

²The declaration of March 1 prohibiting trade with Germany, *ante*, p. 127.

File No. 763.72112/949a

Public announcement by the British Embassy, March 8, 1915

As already announced, there is no question of confiscating cotton cargoes that may come within the scope of order in council to be issued.

The following arrangement has been come to in London as to cotton consigned to neutral ports only:

1. All cotton for which contracts of sale and freight engagements had already been made before March 2¹ to be allowed free (or bought at contract price if stopped), provided ship sail not later than March 31.
2. Similar treatment to be accorded to all cotton insured before March 2, provided it is put on board not later than March 16.
3. All shipments of cotton claiming above protection to be declared *before sailing* and documents produced to and certificates obtained from consular officers or other authority fixed by Government.²

Ships or cargoes consigned to enemy ports will not be allowed to proceed.

File No. 763.72112/1042

The Consul General at London (Skinner) to the Secretary of State

No. 369]

LONDON, *April 7, 1915.*

[*Received April 21.*]

SIR: Referring to the Department's cabled inquiries last year respecting the possibility of cotton being transferred to the British contraband list, I have the honor to report that this matter is again the subject of considerable discussion in this country and that active pressure is being exerted to the end that cotton shall be placed upon the same footing as copper.

I enclose herewith an extract from the *Times* newspaper of April 6,³ which indicates the very serious character of the representations being made and which it might be well to counteract if the Department perceives any practicable method of so doing.

I have [etc.]

ROBERT P. SKINNER

¹ On March 17 the British Embassy announced that this requirement had been changed to allow for either contracts of sale or freight engagements (File No. 763.72112/850).

² On March 15 the Embassy communicated to the Department of State certain rulings as to the construction of this statement, which provided for participation in its benefits by ships which had sailed before the conditions could be complied with (File No. 763.72112/850).

³ Not printed.

File No. 763.72112/1088

The Consul General at London (Skinner) to the Secretary of State

No. 407]

LONDON, April 22, 1915.

[Received May 6.]

SIR: Referring to my despatch No. 369, dated April 7, 1915, enclosing an extract from the *Times* newspaper of April 6, indicating the character of the pressure being brought upon the Government to include cotton on the list of contraband of war, I have the honor to state that apparently the demand for this action is of no great importance in view of the determination of the British authorities to prevent cotton from reaching Germany through its blockade measures which, I may add, appear to be working with a good deal of precision.

To complete the record, I enclose a further article from the *Times* of April 19,¹ containing a letter written on behalf of the Attorney General, in which it is stated that the blockade stops all articles, whether contraband or not, from reaching Germany, and a reply from Mr. W. S. Hopkins, the secretary of the conference of chemists and engineers, who appears not entirely satisfied, and demands a clear statement that cotton is not reaching Germany from any channel whatsoever.

I have [etc.]

ROBERT P. SKINNER

File No. 763.72112/1127

The Secretary of State to the Ambassador in Great Britain (Page)

[Telegram]

WASHINGTON, May 22, 1915, 6 p. m.

1603. Your 2129, 19th.² British Foreign Office memorandum was published in press here 20th,³ and in view of statements in paragraph fourth about cotton arrangements, the Department has issued a statement to the effect that conversations in regard to cotton arrangements between British Embassy and Foreign Trade Advisers of Department were carried on with the distinct understanding on both sides that the Foreign Trade Advisers were acting for the American exporters and not for the Department, and that such arrangements had no official standing.

The British Embassy concurs in this understanding and published to-day the following statement:

The terms of the arrangement quoted in the British statement as telegraphed were arrived at in London between a private representative of the American cotton interests in London and British officials in London. The reference to the British Ambassador in paragraph 4 is, therefore, an error.

The arrangement in question formed the subject of conversations between the Ambassador and representatives of the cotton interests in this country. There

¹ Not printed.² Not printed, as it contains only a summary of the British memorandum. See footnote 3.³ Printed *post*, p. 427. The statement particularly referred to was: "His Majesty's Government were, moreover, given to understand that the provisions of the arrangement were acceptable to the United States Government."

never was any question of a formal and official understanding between the United States Government and the British Ambassador.

Call these statements to the attention of the Foreign Office and inform them that cotton arrangements made in London between British Government and representatives of American cotton interests have been and must be understood as unofficial and informal, so far as the Government of the United States is concerned.

For your information, the Embassy is authorized to facilitate arrangements which American shippers may wish to make with the British Government, but in doing so the Embassy must make it clear that it is acting informally and unofficially, and such arrangements do not affect the rights of this Government or its objections to the order in council of March 11.

BRYAN

File No. 763.72112/1175

The Ambassador in Great Britain (Page) to the Secretary of State

[Telegram]

LONDON, May 25, 1915, 5 p. m.

[Received 8 p. m.]

2159. Your 1603, May 23 [22]. Sir Edward Grey informs me that the British Government clearly understand that the cotton arrangement is private and unofficial and in no way involves our Government. He will forthwith give to the newspapers here a statement to this effect and he is so telegraphing to Spring Rice.

I have exactly followed your instructions given in several telegrams about shipping controversies distinctly to inform the Foreign Office that the representations made must be understood as in no way prejudicial to the American attitude toward the order in council. In conversation also with Sir Edward Grey I have a number of times definitely informed him to the same effect. There is therefore no misunderstanding in his mind on this point.

AMERICAN AMBASSADOR

File No. 763.72112/1268

*The Augusta Cotton Exchange and Board of Trade to the Secretary of State*¹

[Telegram]

AUGUSTA, GA., June 25, 1915.

The following resolution was adopted by members of the Augusta Cotton Exchange to-day:

The confiscation or detention of cotton by the English Government shipped from the United States to neutral countries in neutral bottoms under neutral flags is most damaging to the United States since cotton, which is grown from Texas to North Carolina, is one of the great monied crops of these United States and declared by the English Government as non-contraband. We therefore urge Senators Hoke Smith and Thomas W. Hardwick to such action as will bring about between the Government of the United States and England a

¹This and the following telegram are representative of similar communications received almost daily throughout the ensuing months from associations and firms in all the cotton-growing States.

satisfactory understanding regarding the exportation of cotton to neutral countries making the same safe from confiscation or detention. The large carry-over from this crop coupled with the present growing crop which is soon to be marketed makes prompt action in this line necessary in order that fair values may be maintained.

As you well know it is a matter of vital importance to the cotton-growing States of the South and we would appreciate your taking this matter up at once with the President, outlining to him the necessity of prompt action.

AUGUSTA COTTON EXCHANGE AND BOARD OF TRADE

File No. 763.72112/365

The Galveston Commercial Association to the Secretary of State

[Telegram]

GALVESTON, TEX., July 2, 1915.

Representing the largest exporting point for cotton in the world it is fitting that we should respectfully call on you to give serious consideration to the present cotton situation. We will enter to the new season with a large surplus in this country and big stocks in the hands of manufacturers obtained at last season's low figures. We urge that you in your negotiation with the belligerent nations insist on such a free movement of our cotton that as many of the markets of the world as possible may be open to us. The cotton market has already declined one cent on account of the present hampered oversea movement. The American cotton crop commences to move about August 1 and unless it is known that vigorous action in this direction with possible good results is had by your Department cotton values will probably again be depressed below the cost of production as they were last year when the largest part of the crop was out of the hands of the farmer before the cotton market even partially recovered. Only prompt relief will keep the cotton-growing States from distress and will enable the producer to obtain a fair return as a result of your efforts.

GALVESTON COMMERCIAL ASSOCIATION
MORRIS STERN, *President*

File No. 763.72112/1335

The Ambassador in Great Britain (Page) to the Secretary of State

[Telegram]

LONDON, July 15, 1915.

[Received 5 p. m.]

2463. There is an increasing and ominous agitation here in and out of Parliament and among technical men to make cotton contraband. Informally I took up the subject at the Foreign Office yesterday and very fully and plainly informed Lord Crewe that such action would embarrass the Administration and especially would be harmful to pro-British feeling in the United States. I made plain the political bearings of the subject and the danger of adding

southern members of Congress and the southern press to the forces of the anti-munitions campaign.

I think that the Government will make a vigorous effort to resist the agitation to make cotton contraband, with what result I cannot predict.

AMERICAN AMBASSADOR

File No. 763.72112/1372

The Ambassador in Great Britain (Page) to the Secretary of State

[Telegram]

LONDON, July 22, 1915, 6 p. m.

[Received 7.34 p. m.]

2510. Sir Edward Grey has just informed me that he has telegraphed his Ambassador at Washington that the British Government will make cotton contraband before the new crop gets to market. The British commercial attaché at Washington is instructed to confer with the cotton interests and to [come] to some satisfactory working arrangement whereby this country will buy large quantities at a good price. Whatever arrangement is made will be announced when the announcement is made that cotton will be contraband.

AMERICAN AMBASSADOR

File No. 763.72112/1467

The Ambassador in Great Britain (Page) to the Secretary of State

[Telegram]

LONDON, August 13, 1915, 7 p. m.

[Received 11.45 p. m.]

2627. My August 13, 5 p. m.¹ Official statement was issued to representatives of press late this afternoon by Lord Robert Cecil, Parliamentary Under Secretary of Foreign Affairs, in regard to cotton situation to the effect that the British Government as well as the Allied powers were giving the question most careful consideration from all sides, keeping in mind the fact that cotton received in Germany was being used for the manufacture of munitions of war and also the fact that the Southern States of the United States were dependent upon the sale of their cotton for their livelihood. Although cotton had not yet been placed upon the contraband list, it might be considered necessary to make it contraband as it was being demanded in the United Kingdom and in the Allied countries and the Government was studying the question of compensation in this eventuality for the purpose of taking care of all neutral interests involved.

It is understood by press and others that this statement is issued in order to prepare the public in Great Britain and in United States for the announcement that cotton has been declared contraband as there is no doubt but that a declaration to this effect will be made in near future.

AMERICAN AMBASSADOR

¹ Not printed.

[For the British proclamation placing "raw cotton, cotton linters, cotton waste, and cotton yarns" on the list of absolute contraband, see the telegram from the Ambassador in Great Britain, August 24, 1915, No. 2685, above, page 174.]

File No. 763.72112/1504

The German Ambassador (Bernstorff) to the Secretary of State

[Translation]

J. Nr. A 5238]

CEDARHURST, N. Y., August 22, 1915.

[Received August 24.]

MR. SECRETARY OF STATE: In the event of cotton being declared contraband of war by England and her allies, my Government has instructed me to make the following communication:

1. It is an accepted principle of international law that only such articles can be declared contraband of war as can either be used mainly and primarily for military purposes (absolute contraband) or can be used for such purposes under certain circumstances (relative contraband). On the other hand articles that are exclusively intended for peaceful purposes cannot be declared contraband.

The modern technical skill of Germany has been directed toward making the use of cotton in the manufacture of powder and explosives superfluous. The experiments started many years before the beginning of the war in replacing cotton by wood fiber (wood cellulose) have during the war been brought to a conclusion that makes it possible entirely to substitute wood cellulose for the cotton theretofore indispensable in powder and explosives, without thereby lessening the output or impairing the quality. The opinion of English experts to the effect that no other material could be used as a substitute for cotton does not therefore agree with the facts.

In addition I may point out that Article 28 of Chapter II of the Declaration of London expressly provides that cotton may not be declared contraband of war. And besides we have the special assurance to the same effect given by the English Government about the end of last year.

Under the circumstances, declaring cotton contraband of war is another breach of international law and another attempt to carry the economic war beyond the limits set by international law to the injury of Germany and her allies as well as to the injury of the neutral countries engaged in the cotton export trade.

2. With regard to the substitution of wood cellulose for cotton in the uses it can be put to for military purposes, the German Government, without prejudice to the position taken as a matter of principle that to declare cotton contraband of war is a violation of the rights of the neutral states also, is ready to give every guarantee that cotton sold by American cotton growers or merchants to private concerns in Germany shall be used exclusively for commercial purposes and for the use of the civilian population. If a special private organization of German and American interests could be brought into existence and the American Government would assume supervision

through its consular officers for that purpose, full assurance could be afforded that the guarantee given in principle would also be fulfilled in practice. This would dispose of any excuse for holding up cotton that could be brought forth against Germany.

That the so-called blockade declared by England and her allies is not in accordance with international law and besides is not effective is a point which, in the clear position of the law of nations, need not be expatiated on.

3. Germany is ready to buy large quantities of cotton for the use of the civilian population and to negotiate the purchases in the open market. Free competition would thus regulate the prices in the United States, as it would be left with the American parties to set the price c.i.f. in German or European ports—the quotation for cotton in Bremen has at times risen above 30 cents a pound—or f.o.b. in American ports. Binding orders will be immediately placed.

I venture to beg your excellency kindly to let me know what action the Government of the United States proposes to take under existing conditions.

Accept [etc.]

J. BERNSTORFF

File No. 763.72112/1595a

The Secretary of State to the Ambassador in Great Britain (Page)

[Telegram]

WASHINGTON, *September 15, 1915, 5 p. m.*

2118. Doubt among American cotton exporters as to attitude of British Government toward shipment cotton to neutral European countries. Just what proof of consumption in neutral country is required to guarantee non-interference with shipment? Have arrangements for shipment to Merchants Guild, Copenhagen, and similar organization, Norway, referred to in Consul Skinner's cable of August 24, been perfected? If so, what are terms thereof? Unofficially take up matter with British authorities.

LANSING

File No. 763.72112/1596

The Ambassador in Great Britain (Page) to the Secretary of State

[Telegram]

LONDON, *September 20, 1915.*

[Received 8.50 p. m.]

2830. Your 2118, September 15, 5 p. m. Foreign Office informs me that arrangements referred to in your telegram have not been perfected but that negotiations are at present taking place. Under arrangement with British Government, Swedish Cotton Spinners Association accepts 10,000 bales of cotton a month.

AMERICAN AMBASSADOR

Shipments of Fruit

File No. 763.72112/1532

The Consul General at London (Skinner) to the Secretary of State

[Telegram]

LONDON, September 2, 1915, 4 p. m.

[Received 3.25 p. m.]

American apples and similar fruits exported to Holland must be consigned to Netherlands Oversea Trust. Am reliably informed that agreement exists between British Legation at Hague and Netherlands Oversea Trust which renders it unnecessary that southern fruits, especially oranges and lemons, shall be consigned to trust. Suggest steps to correct discrimination against American fruit.

SKINNER

The Secretary of State to the Minister in the Netherlands (Van Dyke)¹

[Telegram]

WASHINGTON, September 4, 1915.

192. Department informed apples and similar American fruits must be consigned to Netherlands Oversea Trust whereas fruits like oranges and lemons need not be so consigned. Verify and if this discrimination exists, protest through most effective channel.

LANSING

File No. 763.72112/1540

The Minister in the Netherlands (Van Dyke) to the Secretary of State

[Telegram]

THE HAGUE, September 3, 1915, 5 p. m.

[Received September 6, 6.30 p. m.]

365. Your 192. Mediterranean fruits and vegetables are coming to the Netherlands without consignment to Oversea Trust, consequently free for transit to Germany. This arrangement has probably been made in London through the diplomatic channel of countries concerned. The same course is open to us. Holland makes no discriminating duties but will receive our fruit freely if it gets through and will permit transit. No action here needed or possible.

VAN DYKE

The Secretary of State to the Ambassador in Great Britain (Page)

[Telegram]

WASHINGTON, September 11, 1915, 5 p. m.

2102. Department's 2072, September 4.² Department reliably informed Mediterranean fruits freely entering Netherlands and also free for transit to Germany. It appears unjust to restrict free transit of American fruits.

LANSING

¹ The same to the Ambassador in Great Britain, No. 2072, September 4.² See footnote 1.

File No. 763.72112/1646

The Ambassador in Great Britain (Page) to the Secretary of State

[Telegram]

LONDON, *September 30, 1915.*

[Received 12.40 p. m.]

2890. Your 2102, 11th. Foreign Office assures me that there is no question of any discrimination against American fruit and states that British Government received valuable concessions from Holland under the arrangements made with the Netherlands Oversea Trust. In return for such concessions British Government agreed to allow, under special conditions and within specified limits, the free import of certain goods to Holland. Amongst these were specified classes of fruits, the produce of Mediterranean countries (except Turkey) and carried in ships of a particular Dutch line which sail once a month, such fruits being allowed to pass not consigned to the Netherlands Oversea Trust. As at first arranged, goods of Spanish origin were not included although Portugal was included and although the trust had asked for the free import of Spanish grapes. Recently British Government consented to extend the concession to consignments from Spain. Foreign Office further adds that if United States Government are disposed at any time to afford to British Government, in regard to the control of contraband trade, the same assistance and cooperation as the Netherlands have done, British Government will no doubt be prepared to make some concession in return.

AMERICAN AMBASSADOR

File No. 763.72112/1959

Steinhardt and Kelly to the Secretary of State

[Telegram]

NEW YORK, *December 2, 1915.*

Holland-America Line officials advise us that tobacco has been placed on the free list for shipment to Holland. Under these circumstances cannot the Department of State bring some influence to bear to permit us to ship fresh apples into Holland? Apples have never been declared contraband of war and, as per our former letters to you, other countries such as Spain and Portugal ship fresh fruits into Holland without hindrance. We have not as yet received any answers to our several communications from you but sincerely trust that your Department will give this matter your best and immediate attention.

STEINHARDT AND KELLY

*The Secretary of State to Steinhardt and Kelly*WASHINGTON, *December 9, 1915.*

GENTLEMEN: The receipt is acknowledged of your telegram of December 2, 1915, relative to shipments of apples and other fruit to the Netherlands.

In reply you are informed that the Department understands that you will not experience difficulty in making shipments of fruit to

the Netherlands, provided the fruit is consigned to the Netherlands Oversea Trust.

The Department gave careful consideration to the question of the importation of fruit into Holland sometime ago. It was then learned that under a special agreement between the Governments of Great Britain and Holland, involving reciprocal concessions, the British Government had agreed to allow, under special conditions and within specified limits, the free importation of certain goods into Holland. Amongst these were specified classes of fruits, the produce of Mediterranean countries, except Turkey, carried in ships of a particular Dutch line which sail once a month, such fruits being allowed to pass not consigned to the Netherlands Oversea Trust. More recently this concession has been extended to consignments from Spain. Consignments from Portugal have been included from the outset.

It is not thought that these circumstances warrant renewed representations on the part of the United States, as this Government does not find it practicable to offer the concessions which Holland has made.

I am [etc.]

For the Secretary of State:

ALVEY A. ADEE

Shipments of Naval Stores

File No. 763.72112/543

The Secretary of State to the Ambassador in Great Britain (Page)

[Telegram]

WASHINGTON, January 2, 1915.

871. *In re* late British lists of contraband. Department deeply concerned at Great Britain's action in listing, "Resinous products and turpentine oil and spirit," as contraband. This seriously affects an important industry of Southern States. Rosin is especially available for use as part cargo in cotton shipment. Inquire of British Government if term "resinous products" intended to include rosin proper, also grounds upon which products named are now ranked as contraband. Action is reversal of position of Great Britain as stated in British Embassy's note to Department November 1,¹ upon which American shippers have relied. Changes of this sort create most unfortunate impression on parties interested and much adverse public criticism.

BRYAN

File No. 763.72112/605a

The Secretary of State to the British Ambassador (Spring Rice)

WASHINGTON, January 5, 1915.

MY DEAR MR. AMBASSADOR: I give you below copy of a telegram which Senator Smith has received from Savannah, Georgia, as follows:

¹ *Foreign Relations*, 1914, Supplement, p. 299.

We have booked considerable rosin for Genoa, Italy, and Göteborg, Sweden, prior to Allies placing rosin on contraband list and seems to us if goods are shipped to neutral consignees domiciled Italy and Sweden with accompanying certificate to effect Italian and Swedish consumption, belligerent nations would not have right to seize or seriously detain. Would appreciate your investigation and telegraphic reply at our expense earliest possible moment.

STRACHAN SHIPPING COMPANY

I am forwarding it to our Ambassador at London but send it to you in the hope that you may be able to hasten a favorable action upon the part of your Government.

The war has thrown a heavy burden upon the South. A decline of one cent per pound in cotton amounts to a loss of eighty millions of dollars, and you know cotton has fallen several cents as a result of the war.

Next to cotton, naval stores are among the most important exports, and, as these naval stores were used as ballast in cotton ships, the action of His Majesty's Government in declaring naval stores as contraband adds to the embarrassment of the situation and makes it all the more important that naval stores consigned to specified firms in neutral countries should not be delayed.

I hope that you can assist us in emphasizing the importance of insuring freedom of transit as to these shipments.

I have [etc.]

W. J. BRYAN

File No. 763.72112/590

The British Ambassador (Spring Rice) to the Secretary of State

WASHINGTON, January 6, 1915.

[Received January 8.]

MY DEAR MR. SECRETARY: I did not fail to telegraph to Sir E. Grey in the sense of your letter of the 5th relative to rosin. As you are aware, cargoes of rosin shipped prior to the declaration that rosin was contraband (with a reasonable delay), although they may be seized, can not be confiscated but must be paid for, if seized, in full.

I am [etc.]

CECIL SPRING RICE

File No. 763.72112/602

The British Ambassador (Spring Rice) to the Secretary of State.

WASHINGTON, January 9, 1915.

[Received January 11.]

DEAR MR. SECRETARY: Referring to my letter of the 6th instant, I have the honour to inform you that Sir Edward Grey has telegraphed to me in reply to your enquiry about rosin in cotton ships.

Sir Edward Grey tells me that the only cotton ship held up was the steamship *Denver* and that she was immediately released after only such delay as was required to refer to London for necessary instructions. He adds that several not very large shipments of rosin have been allowed to pass without interference. But the military

authorities for reasons which are cogent consider it essential that rosin and turpentine should not be allowed to reach the enemy and greatly to their regret the British Government has been obliged to declare these substances contraband in conformity with the accepted rule that a belligerent may lawfully prevent an enemy from supplying himself with articles necessary to the manufacture of war materials. I need not point out that it is an accepted rule that, as long as compensation is paid, such articles may be seized even in cases where the shippers were ignorant at the time of shipment that the articles had been placed on the list of contraband.

As you are doubtless aware, the attention of the Netherlands and the Italian Governments has been drawn to this question with a view to rosin and turpentine being placed on their embargo list so that they may be imported into those countries without objection or hindrance, if consigned as directed by the municipal regulations.

I am [etc.]

CECIL SPRING RICE

File No. 763.72112/691

The Secretary of State to the Ambassador in Great Britain (Page)

No. 516]

WASHINGTON, *January 21, 1915.*

SIR: The Department encloses for your information a copy of a letter addressed to it by Senators D. U. Fletcher, N. P. Bryan, Hoke Smith, Thomas W. Hardwick, J. H. Bankhead, Frank S. White, Lee S. Overman, J. R. Thornton, John Sharp Williams, Morris Sheppard, James K. Vardaman, Joseph E. Ransdell, F. M. Simmons, C. A. Culberson, and B. R. Tillman, wherein, on behalf of the States of Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina and Texas, they urge that steps be taken to the end that rosin and turpentine be removed from the British contraband list.¹

You are directed to lay the matter appropriately before the British Foreign Office with a view to having, if possible, the British Government amend its list of contraband by omitting rosin therefrom. This matter has been under careful consideration since notification of the action of the British Government in placing rosin on the list of contraband, and the Department is now convinced that the amount of rosin which may or will be used by Germany and Austria in the preparation of explosives or munitions of war is not of particular consequence, as the present known quantities of rosin in those countries would afford them a supply for that use for an indefinite period. Attention is directed to the statement made in the enclosure that rosin is not now used by American manufacturers of munitions of war, other articles being substituted for it. While it is not intended to challenge the statement made by the British Government that a certain amount of rosin is used in the preparation of explosives to render them impervious to dampness, it is submitted that the amount of rosin which will be used for this purpose is comparatively small and that to prevent exports of rosin to those coun-

¹ Not printed. A similar letter was received signed by twelve Representatives.

tries will only affect, in any substantial way, the trade of this country in the article for commercial uses.

The placing of rosin on the list of contraband has also affected its export to neutral countries, ship lines declining to accept shipments of it to the neutral countries of Europe so long as it remains on the list of contraband. It is not doubted that the British Government will give the matter very careful consideration and it is hoped that that Government will conclude that exports of rosin from this country to the territories of their enemies will not materially affect the issues of war, and will see their way clear to restore it to its former position as non-contraband.

I am [etc.]

For the Secretary of State:
ROBERT LANSING

File No. 763.72112/723

The Ambassador in Great Britain (Page) to the Secretary of State

No. 835]

LONDON, February 2, 1915.

[Received February 15.]

SIR: Referring to the Department's telegram No. 871 of January 2, inquiring whether the term "Resinous products," in the Royal proclamation of December 23 last,¹ was intended to include "rosin" proper and at the same time requesting to be informed of the reason for which the British Government had decided to declare these products to be contraband of war, I have the honor to enclose herewith a copy of a note I have received from the Foreign Office, setting forth the reason for which His Majesty's Government had decided to declare these products to be contraband of war, and upon which my telegram No. 1576 of to-day² was based.

I have [etc.]

WALTER HINES PAGE

[Enclosure]

The British Secretary of State for Foreign Affairs (Grey) to the American Ambassador (Page)

No. 8983/15]

LONDON, February 1, 1915.

YOUR EXCELLENCY: In the note which you were so good as to address to me under date of the 4th ultimo your excellency enquired whether the term "resinous products," in the Royal proclamation of December 23 last, Schedule 1, No. 5, was intended to include "rosin" proper and at the same time you requested to be informed of the reason for which His Majesty's Government had decided to declare these products to be contraband of war.

I have the honour to make the following statement to your excellency in reply:

Spirits of turpentine are the raw material of synthetic camphor which is chemically identical with the natural camphor of Formosa. Camphor was known before the war to be used in Germany for the manufacture of certain gunpowders and this has been proved since by the analysis of the powder in captured German cartridges. Turpentine is also used in the manufacture of special shells with luminous flight at night and marked by smoke in the daytime.

Finally, rosin and colophane can be used for binding shrapnel bullets together and also in the composition of shells and incendiary bombs.

The addition of the above articles to the contraband list necessitated the inclusion of all resinous products as being their raw material.

¹ *Foreign Relations*, 1914, Supplement, p. 269.

² Not printed.

I trust that the above statement will convince your excellency that His Majesty's Government have been actuated by important military considerations in making this addition to their list of contraband and I can assure you that they much regret any inconvenience which may be caused thereby to United States citizens.

I observe that your excellency refers to the unofficial letter addressed by His Majesty's Ambassador at Washington to the Counsellor of the State Department under date of November 1 last, in which his excellency stated that His Majesty's Government had at that time no present intention of interfering with turpentine and rosin, and that your excellency says that American shippers have relied upon this assurance which has now been departed from. I feel that I cannot better answer this part of your excellency's note than by forwarding to you the enclosed copy of correspondence on the subject which has passed between Sir C. Spring Rice and the United States Secretary of State.¹

I have [etc.]

[File copy not signed]

Shipments of Tobacco

File No. 763.72112/1193

The Secretary of State ad interim to the Ambassador in Great Britain (Page)

No. 1122]

WASHINGTON, June 15, 1915.

SIR: These are quoted cables from the American Minister at The Hague, dated May 27 and May 28, 1915, respectively, in regard to shipments of tobacco from the Dutch East Indies to Holland for subsequent sale to Germany:

Tobacco from Netherlands colonies may come to Holland consigned to agents of colonial estates for sale at auction without restriction to both neutrals and belligerents. Tobacco from all other sources must be consigned to Netherlands Oversea Trust and may not be exported to belligerent countries. This is not discrimination made by Netherlands Government but *modus vivendi* arranged by Allies with Oversea Trust based on theory that Netherlands and colonies are one country.

Referring to tobacco from other sources than Netherlands colonies, Oversea Trust official says some tobacco has come to Holland from Santo Domingo and been sold without restriction but that this was afloat before March 1 and that the rules are being strictly and impartially enforced except as to Netherlands colonies.

From the Minister's cable of May 27, *supra*, it appears that the situation pointed out does not result from any action on the part of the Netherlands Government, but from an arrangement entered into between the Allies and the Oversea Trust, by which arrangement tobacco from the United States to Holland becomes the object of British interception while tobacco from the colonies of the Netherlands is permitted to go free to be sold without restriction as to belligerent destination. The situation thus produced is regarded as constituting an important exception to the so-called general blockade indicated in the British order in council of March 11, 1915, and a discrimination imposed by the British Government against American exporters of tobacco, in favor of tobacco from the Dutch East Indies. You are

¹ The Secretary's note of December 24 and the Ambassador's note of January 1 are printed in *Foreign Relations*, 1914, Supplement, pp. 371 and 379.

directed to bring, unofficially and without recognizing as legal the British order in council of March 11, 1915, this information to the attention of the proper British authorities, pointing out the view of this Government with reference to the discrimination stated.

I am [etc.]

ROBERT LANSING

File No. 763.72112/1453

The Ambassador in Great Britain (Page) to the Secretary of State

No. 1872]

LONDON, July 26, 1915.

[Received August 9.]

SIR: I have the honor to acknowledge the receipt of the Department's instructions No. 1122 of June 15 quoting cables from the Minister at The Hague regarding shipments of tobacco from the Dutch East Indies to Holland, and instructing me to bring the matter to the attention of the British Government to the effect that it would appear that tobacco from the Dutch colonies was given more favorable treatment than tobacco from the United States.

In reply I beg to enclose herewith to the Department, a copy of a note which I have received from Sir Edward Grey in reply to my informal representations in the premises, in which the position of the British Government is defined.

I have [etc.]

WALTER HINES PAGE

[Enclosure]

The British Secretary of State for Foreign Affairs (Grey) to the American Ambassador (Page)

No. 91082/15]

LONDON, July 24, 1915.

YOUR EXCELLENCY: I have had under my consideration the *aide-mémoire* which your excellency was so good as to communicate to me on the 7th instant, relative to the importation of tobacco into the Netherlands from the Dutch East Indies.

I have the honour to inform your excellency in reply that the understanding whereby His Majesty's Government allow certain articles of Dutch colonial produce to pass to the mother country, without insisting on their consignment to the Netherlands Oversea Trust, is part of a general arrangement concluded between His Majesty's Government and that body. His Majesty's Government by not insisting upon a restriction as to the disposal of such Dutch colonial produce have made a concession to Dutch trade in return for the advantages obtained from the guarantees and safeguards provided by the Netherlands Oversea Trust.

I venture to point out that consignment to the trust avoids delay and interference with cargoes and that as tobacco from British colonies and from the United Kingdom must be consigned to the trust, British and American exporters of tobacco are placed in exactly the same position, so far as export to Holland is concerned.

I would add that His Majesty's Government do not consider the arrangements they have concluded with the trust as involving in any sense an act of discrimination and they would be happy to grant American traders similar facilities in return for a consideration of equal value to that given by the Netherlands Oversea Trust.

I have [etc.]

[File copy not signed]

File No. 763.72112/1935a

The Secretary of State to the Ambassador in Great Britain (Page)

No. 1758]

WASHINGTON, October 12, 1915.

SIR: Among the interests of this country that have suffered most as a result of the British order in council of March 11, 1915, is the export trade in American tobacco.

Exporters, relying on the announcement of the British Government that tobacco was not to be treated as contraband, entered into contracts and engagements for export to Germany and to neutral states of Europe; having perfected their arrangements, including shipping space, they found themselves and their business confronted with the British order in council of March 11, 1915, and the refusal, in consequence thereof, of shipping lines to accept their shipments. Many consignments are reported to the Department as now lying at wharves, while exporters, dealers, and producers have complained to the Department of damages sustained and of the serious depression as a result of their being shut out from these European markets. They cannot be expected to regard with complacency the course of Great Britain which, while acknowledging the non-contraband character of this article, denies it entrance not only to German ports but to the territories of neutrals as well, if there be suspicion of it being ultimately destined for the enemies of Great Britain. There is enclosed a copy of a letter from the Lockett-Wake Tobacco Company by which you will see that, relying on the immunity attaching to non-contraband goods, they contracted in December 1914 to deliver at Rotterdam leaf tobaccos and in January contracted with the Holland-America Line for shipping space.¹ They hold through bills of lading, dated in January, for these shipments from Baltimore and New York to Rotterdam. However, when they reached the coast, the shipping line rejected the shipments unless they were consigned to the Netherlands Oversea Trust, which could not be done since the goods were not intended for ultimate consumption in Holland.

As a result of this action the goods remained at the coast subject to heavy charges and expenses, as well as possible deterioration and loss of market.

You will recall that at the time of the promulgation of the British order in council of March 11, 1915, an arrangement was effected between the British authorities and the Trade Advisers of this Department, by which cotton shipments were allowed to go forward to neutral ports for reshipment to Germany under the following conditions:

The following arrangement has been come to in London as to cotton consigned to neutral ports only:

1. All cotton for which contracts of sale or freight engagements had already been made before March 2 to be allowed free (or bought at contract price if stopped), provided ship sail not later than March 31.

2. Similar treatment to be accorded to all cotton insured before March 2, provided it is put on board not later than March 31.

¹ Not printed.

3. All shipments of cotton claiming above protection to be declared before sailing and documents produced to and certificates obtained from consular officers or other authority fixed by Government.

Ships or cargoes consigned to enemy ports will not be allowed to proceed.

The conditions under which the tobaccos of the Luckett-Wake Tobacco Company and other dealers in tobacco were sold for shipment to Rotterdam are similar to those in the cases of cotton shipments referred to above.

You are instructed, unofficially and without recognizing the British order in council of March 11, 1915, to bring this information to the attention of the British Foreign Office, advancing the views herein outlined and emphasizing the justice of the complaint of the Luckett-Wake Company and other dealers in tobacco and the urgent desirability that shipments of tobacco, consigned to neutral European ports, be allowed uninterrupted passage.

In support of your position, you will again call Sir Edward Grey's attention to the substance of the Department's cablegram No. 2193 of September 28, 1915,¹ in regard to the reported uninterrupted shipment of tobacco to the Netherlands for reshipment to Germany. You will inform Sir Edward Grey that the Department expects equal privileges for tobacco of American origin.

I am [etc.]

For the Secretary of State:
FRANK L. POLK

File No. 763.72112/1844

The Secretary of State to the Ambassador in Great Britain (Page)

[Telegram]

WASHINGTON, November 13, 1915, 5 p. m.

2452. With reference to Department's instruction 1758, October 12, in regard to tobacco, Department is in receipt of a letter from Senator Martin pointing out the great hardship suffered by tobacco interests because of their inability to make shipments of tobacco to neutral countries without furnishing proof that the tobacco will not ultimately go to Germany. Even if some of this tobacco should reach Germany, it would seem Germany could not receive any military advantage as it would simply mean the withdrawal of that much gold from Germany or other depletion of its resources and could not add to the military or commercial efficiency of Allies' enemies. Department does not see any reason why such shipments to Germany could be objected to upon any logical ground. The fact that tobacco from the Dutch East Indies is going through to Netherlands without interference and without being required to be consigned to the Netherlands Oversea Trust and persistent reports to the effect that Greek tobacco is enjoying the same privilege, intensifies the situation. Department unable to see any good reason why American tobacco shipments should be restricted. Large stocks of the crop of 1913 and 1914 still on hand. Crop of 1915 will soon be ready for the market which is now slow and steadily declining. Tobacco is the money crop in large sections of the United States.

¹ Not printed.

Dealers threatened with serious loss and many thousands of farmers with privations. Unofficially and without recognizing British order in council of March 11, 1915, bring this information to attention British Foreign Office, and urge that American tobacco be allowed shipment to neutral port without restriction and without requiring proof that it will not go to Germany. Tobacco interests and numerous Senators and Congressmen greatly concerned over situation.

LANSING

File No. 763.72112/1935

The Ambassador in Great Britain (Page) to the Secretary of State

[Telegram]

LONDON, November 25, 1915.

[Received 3.45 p. m.]

3281. Your instruction 1758, October 12, and cablegram 2452, November 13.

Foreign Office inform me that British Government agree for the present not to interfere with cargoes of tobacco shipped to neutral consignees in neutral countries and state that in these circumstances tobacco in all its forms destined for Holland will no longer be required to be consigned to Netherlands Oversea Trust.

AMERICAN EMBASSY

The Acting Secretary of State to the Ambassador in Great Britain (Page)

[Telegram]

WASHINGTON, November 27, 1915, 9 p. m.

2504. Your 3281, November 25. Department understands that consignments of tobacco in all forms to neutral consignees in neutral countries, will be passed without question of ultimate destination, so that American exporters may sell tobacco to German consumers through intermediary of persons in Holland. Is this correct? Is tobacco extract included? Assurances on these points urgently required.

POLK

File No. 763.72112/1952

The Ambassador in Great Britain (Page) to the Secretary of State

[Telegram]

LONDON, November 30, 1915.

[Received 5 p. m.]

3317. Your 2504, 27th, 9 p. m. Your understanding of matter correct. Foreign Office state extract included.

AMERICAN EMBASSY

CORRESPONDENCE AND INFORMAL ARRANGEMENTS REGARDING THE IMPORTATION OF GOODS FROM GERMANY AND OCCUPIED TERRITORY UNDER THE BRITISH AND FRENCH DECLARATION OF MARCH 1, 1915, AND THE ORDERS AND DECREES FOR ITS ENFORCEMENT

Importation of Goods Bought or Ordered before March 1, 1915

File No. 763.72112/807

The Secretary of the National Association of Importers to the Secretary of State

NEW YORK, *March 10, 1915.*

DEAR SIR: The following is a copy of a resolution passed at a special meeting of the National Association of Importers held to-day:

WHEREAS the Government of Great Britain has announced that it holds itself at liberty to prevent the shipment or forwarding of all goods of German and Austrian origin; and

WHEREAS a number of the products of Germany and Austria are vitally necessary to the industries of the United States of America and to the livelihood of a large number of its citizens; and

WHEREAS the prohibited products of Germany include dyestuffs and chemicals which are necessary in the manufacture of a large number of commodities by American factories, and fertilizers are necessary for the productivity of American farms; and

WHEREAS the lack of importation of dyestuffs, chemicals, and fertilizers from Germany and Austria will cause the cessation of operation of a large number of factories in the United States, the loss of livelihood of many citizens, and the diminution of the products of American farms, to the serious detriment of the United States;

Now, therefore, at a special meeting of the National Association of Importers, held at the City of New York on the 10th day of March, 1915, called to consider the matter, it was

Resolved that the Department of State be and it is hereby respectfully petitioned to obtain a modification of such embargo announced or contemplated by Great Britain, so that the free passage of dyestuffs, chemicals and fertilizers to the United States may be permitted.

I trust I may be able to report to the Association that this resolution has had your attention.

I would appreciate it if you could indicate what action has been or will be taken in the matter.

Yours respectfully,

MORRIS DOUW FERRIS
Secretary

E. R. Squibb and Sons to the Secretary of State

NEW YORK, *March 15, 1915.*

SIR: In view of the threatened action of Great Britain to confiscate or at least prevent shipments of goods of German origin from reaching their destination, we appeal to you for protection against any such unlawful interference with our business interests.

We are absolutely dependent upon certain botanical medicinal drugs which grow only in Germany, and of which Germany is the only source of supply. We are also absolutely dependent upon

certain medicinal chemicals and drugs manufactured exclusively by Germany, and any interference with the continued supply of these commodities will work a very serious injury to public health throughout the United States, not to speak of the business interests of American citizens which are bound to suffer.

While the embargo has not been officially confirmed by the Privy Council of Great Britain, it has already had the effect of inducing the Scandinavian and Netherlands steamship lines to issue notices intimating that goods of German origin will not be accepted for shipment, and that in all cases where freight is accepted an affidavit must be attached to the bill of lading showing that the goods are of other than German or Austrian origin.

It would seem to us that while the British Government refrains from promulgating a blockade, its proposed action would be a serious breach of international law, as no belligerent is entitled to enjoy the advantages of a blockade and such has not been regularly proclaimed, nor should neutral shipping be subject to its disadvantages.

We therefore pray that the Secretary of State, who is the natural guardian of the American interests now so seriously endangered, make the proper representations to the Government of Great Britain in order to prevent the threatened action to go into effect.

We are [etc.]

E. R. SQUIBB AND SONS

File No. 763.72112/868

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

[Telegram]

BERLIN, March 15, 1915, 2 p. m.

[Received March 16, 3.10 p. m.]

1846. In considering question of reported British blockade of goods of German origin please consider case of American importers who have signed contracts to buy goods from German manufacturers to be delivered in future. These goods Americans must accept and pay for.

GERARD

File No. 763.72/1655

The Commercial Adviser of the British Embassy (Crawford) to the Foreign Trade Adviser of the Department of State (Rose)

WASHINGTON, March 20, 1915.

DEAR MR. ROSE: With reference to your enquiries¹ as to action under the order in council, I may acquaint you that the Foreign Office advise us that the problems which arise with regard to shipments from enemy countries to the United States on neutral vessels are exceedingly complex and it would be difficult for them to deal with same by binding themselves to hard and fast rules.

Each case will have to be dealt with on its merits. But American traders may rest assured that in cases of shipments on *bona fide*

¹ These were made orally. See the Foreign Trade Adviser's report of May 21, *post*, p. 216.

contracts made before March 1, goods, if owned by neutrals, will be dealt with as leniently as the order in council will allow.

Yours faithfully,

R. F. CRAWFORD

File No. 763.72112/807

The Cutlery Importers Association to the Secretary of State

NEW YORK, *March 27, 1915.*

HONORABLE SIR: WHEREAS the British Government has issued an order in council for the purpose of effecting the complete commercial isolation of Germany and the total destruction of her trade with other nations, and

WHEREAS the literal enforcement of said order will cause great and irreparable loss to all those who are engaged either in importing cutlery and allied lines or in manufacturing such articles from certain raw and partly finished materials obtainable in Germany only,

Now therefore be it resolved: That this association petition the Government of the United States to take the necessary steps to secure such modification of the said order in council as will permit the importation of all non-contraband merchandise, regardless of the place of its origin, provided the same is shipped in neutral vessels from one neutral port to another neutral port, without interference by Great Britain or her allies.

Further resolved: That we hereby call to the attention of the United States Government that if the said order in council is enforced it will be impossible for members of this association to import such goods as mill scissors, used generally by mill hands, pruning shears, used extensively by farmers and horticulturists, surgical scissors and forceps, necessary in all hospitals and to all surgeons, and various lines of partly finished materials for use of domestic manufacturers, all of which are produced in Germany only and have not been produced in the United States and cannot be produced until after the lapse of such time as will work great hardship and loss to all interested parties.

Further resolved: That many goods of this class have been definitely contracted for by citizens of the United States and are therefore the actual property of such citizens; and that this association respectfully petitions the Government to properly protect American property.

Respectfully submitted.

E. STRATMANN
President

File No. 300.115/3051a

The Foreign Trade Adviser of the Department of State (Rose) to the Commercial Adviser of the British Embassy (Crawford)

WASHINGTON, *April 3, 1915.*

MY DEAR SIR RICHARD: Relative to our conversation on the subject of submitting evidence to you as to "American ownership" of goods in Germany, and of facilitating the transportation of such goods

to this country, I shall be pleased to cooperate with you in the matter of securing and classifying the evidence. As I understand the matter, the proof to be submitted to you is to be:

1. Where possible, bank drafts, or other bank evidence showing that actual payment for the goods has been made.
2. Proof that payment for the goods has been made through standing open bank accounts in Germany.
3. The identification of the goods which have been paid for and evidence as to the fact that they are the actual goods for which payment has been made.

In order to intelligently place before you evidence in this matter, I should like to be informed as to other points relative to the meaning of "American ownership," which information you no doubt can get from your Government.

(1) In the case of specific definite orders given German houses by American firms prior to March 2, and which are now either at a port for delivery, in the factory or in warehouses, but for which the actual money has not been paid, but for the payment of which the American buyers are legally and morally liable, would such property be considered "American-owned"?

To illustrate this point: Mr. Wolf, who called with me yesterday, is an importer of Christmas goods. These goods are made, we will say, by the process of lithography. He must place his order for these goods long before they are actually finished. He placed his order last fall for delivery this spring. The lithographers immediately went to work on this special order and the goods are now finished and ready for delivery. Mr. Wolf has a financial standing in Germany and was not required to make payment in advance for the goods. He feels that he is bound under his contract to pay for these goods, and while the actual money has not been paid (because of Mr. Wolf's financial standing in Germany), he is morally and legally obligated, regardless of shipment. He feels that he has an equitable ownership of the goods, and inasmuch as he is liable for the payment therefor, he would be the injured party, and not the German manufacturer.

(2) Information is also desired as to the attitude of your Government in its treatment of *bona fide* contracts made prior to March 2 for specific shipment of goods to be delivered at a later date, and for which the actual money has not been paid. Mr. Wolf, in his position as president of the American Chamber of Commerce of Berlin, represents the leading American importers, and a great many of them have contracts for specific orders. They desire the goods covered by those specific orders. These orders do not extend away into the future, but are for specific goods which are now ready for shipment.

If you will be good enough to ascertain the position of your Government in these matters, and to obtain an expression from your Government as to their attitude in regard to the term "American-owned" in the above instances, I am certain it will greatly simplify matters here.

With renewed expressions of my great appreciation of your many kindnesses, I am [etc.]

ROBERT F. ROSE

File No. 763.72112/1190

Circular issued by the Foreign Trade Advisers of the Department of State

WASHINGTON, April 9, 1915.

The following note has been received from the British Embassy at this Capital relative to the movement of American-owned goods now in Germany to this country:

The British Embassy are authorised to state that in cases where a merchant vessel sails from a port other than a German port carrying goods of enemy origin for which American importers claim to have made payment prior to March 1, 1915, proofs that such goods were paid for before March 1 may be submitted for examination to the Embassy. If such proofs are presented at a sufficiently early stage to enable the report thereon to be communicated in time to the British authorities, the results of the investigation will be taken into account and due weight attached to them in deciding whether the goods concerned should be discharged under the provisions of Article 4 of the order in council of March 11.

On March 30, 1915, the Government of the United States replied to the British orders in council assuming that the British Government will not deny the rule that innocent shipments may be freely transported to and from the United States through neutral countries to belligerent territory without being subject to the penalties of contraband traffic or breach of blockade, much less to detention, requisition or confiscation, and that this would of course include all outward-bound traffic from the neutral country and all inward-bound traffic to the neutral country except contraband in transit to the enemy.

While the Government of the United States can not in any way lend its aid in an official and formal manner to procuring American-owned goods now in Germany for the importers of the United States which would in the slightest degree amount to a recognition of the position of Great Britain in respect to non-contraband goods, especially from neutral ports, the office of the foreign trade advisers of the Department will aid informally American importers who desire to present proof of ownership of American goods in Germany for which American importers claim to have made payment prior to March 1, 1915.

You are therefore advised that if you desire to submit proofs of your ownership of goods, paid for before March 1, for examination by the British Embassy, you may forward such evidence as you have to the foreign trade advisers of the Department of State. In doing so, it is suggested that you incorporate with the evidence of ownership and payment information in the following order:¹

1. A history of the case, showing dates of payment, nature of the goods bought, location of goods at the present, date when they reached their present location, name of steamer on which it is desired to ship such goods, date of sailing of such steamer, and all further information pertaining to origin, payment, and shipment of goods in your possession.
2. Original bank drafts or evidence of transfer of money from this country to belligerent country, verified by bank officials if possible.

¹ The following paragraphs are not consecutively numbered in the official text.

4. Invoices of goods and such other evidence as will prove the identity of the goods with those actually paid for.
5. Such other and further information in regard to the shipment of goods and payment therefor as will be pertinent and corroborative.

This evidence will be collated and presented to the British Embassy for communication to the British authorities. In presenting this evidence the foreign trade advisers will act unofficially as your representatives and with the understanding that in so doing the Department does not recognize the position of the British Government under Article 4 of the order in council of March 11, or any other article contained in the orders in council, but the unofficial aid of the foreign trade advisers is given merely to facilitate the shipments of American-owned goods of belligerent origin.

Very truly yours,

ROBERT F. ROSE
WILLIAM B. FLEMING

File No. 763.72112/1066a

*The Secretary of State to the Minister in the Netherlands
(Van Dyke)*

[Telegram]

WASHINGTON, April 29, 1915, 6 p. m.

148. Reported here Oversea Trust has made arrangements to handle imports to America from Germany and Austria at a charge of one dollar a thousand invoice value. Ascertain procedure and what evidence of American ownership is required by Oversea Trust and what determines American ownership.

BRYAN

File No. 763.72112/1067

*The Minister in the Netherlands (Van Dyke) to the Secretary of
State*

[Telegram]

THE HAGUE, April 30, 1915.

[Received May 1, 8.30 a. m.]

257. Your April 29, 6 p. m. After consulting with Oversea Trust I have the honor to report as follows:

Exports from Germany to the United States now possible only by one of two methods.

First method: An American consul in Germany must sign unqualified certificate that he has seen documents satisfying him goods have passed into American ownership by payment before March 2. Definition of what constitutes payment, whether by cash or negotiable notes or otherwise, is left to judgment of consul who must forward certificate to steamship line before sailing.

Second method: A special permit must be obtained from British authorities for each specific shipment and forwarded to steamship line. Application for permit may be made through British Amba-

sador, Washington, or American Ambassador, London. Permit granted only upon convincing diplomatic or economic representations.

Oversea Trust have no connection with movement until, acting for the Allies, they examine ship's manifest and certificates. They will accept as true any American consular certificate covering ownership as above. They refuse to accept any certificate or guarantee except governmental. They charge fee to steamship but not to ship.

VAN DYKE

File No. 763.72112/1071

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

[Telegram]

BERLIN, April 30, 1915, 8 p. m.

[Received May 2, 9 a. m.]

2141. Consul General Lay informs me that since March 1 and until now Holland-America Steamship Company at Rotterdam, advised by Netherlands Oversea Trust Committee, has accepted German and Austrian goods for shipment to United States when accompanied by a shipper's or owner's declaration, signatures being merely authenticated by consul in compliance with your instructions cabled Consul General Lay February 16.¹ The Holland-America Line now require a declaration of the shipper as to the transfer of title to American owners or that the goods have been paid for before March 1, and besides that the American consuls in Germany certifying themselves that they are convinced of the truth of declarant's statements. Commercial bodies and shippers express acute dissatisfaction that consuls themselves cannot confirm shipper's statements as required by Holland-America Line. Consuls explain that in a few rare cases banker's declinations [*declarations*] are offered as evidence that goods were paid for before March 1, which might be regarded as conclusive; but in most cases all shippers can procure as proof of American ownership or that title has passed are orders from American firms with letters of credit or receipted invoices of manufacturers all dated before March 1. Can Department modify its instructions or offer other suggestions to relieve situation?

GERARD

File No. 300.115/28351b

The Foreign Trade Adviser of the Department of State (Rose) to the Commercial Adviser of the British Embassy (Crawford)

WASHINGTON, May 6, 1915.

MY DEAR SIR RICHARD: In order that there may be no possible misunderstanding which might cause complications in the future,

¹ The instructions referred to were given in a telegram to the Consul General at Berlin, February 15, 1915, as follows: "Consuls cannot issue certificate of American ownership [of merchandise purchased for shipment] to United States, but may if requested authenticate and attach to invoices banker's declaration or such other evidence of American ownership as shipper or owner may produce" (File No. 611.00176/3).

in regard to the effect of the negotiations and arrangements which are so pleasantly being conducted by us in the matter of facilitating the shipment of goods to and from countries at war with your Government and to neutral countries contiguous thereto, it seems advisable that we should put on record our understanding that these negotiations and arrangements are to be regarded as informal and unofficial and that neither of our Governments is in any way committed thereby.

Will you therefore be good enough to write me a letter confirming the above statement of our understanding of the matter.

I am [etc.]

ROBERT F. ROSE

File No. 300.115/28352

The Commercial Adviser of the British Embassy (Crawford) to the Foreign Trade Adviser of the Department of State (Rose)

WASHINGTON, May 10, 1915.

DEAR MR. ROSE: In reply to your letter of the 6th instant, I concur that it is understood between us that negotiations and arrangements which are being conducted by us in the matter of facilitating the shipment of goods to and from countries at war with Great Britain, and to and from neutral countries contiguous to those countries, are to be regarded as informal and unofficial and that neither of our Governments is in any way committed thereby.

Yours very sincerely,

R. F. CRAWFORD

File No. 611.00176/13

*The Secretary of State to the Ambassador in Germany (Gerard)*¹

[Telegram]

WASHINGTON, May 15, 1915.

1687. Your 2141, April 30. Convey the following instructions to consular officers in Germany:

Until further orders consuls are authorized upon the request of shippers to issue certificates of the transfer to American ownership of the title to merchandise to be exported to the United States if the following regulations are observed:

(a) Each invoice of merchandise claimed to have been purchased in Germany before March 1 for shipment to the United States must be accompanied by a sworn declaration of the persons submitting the invoice to the American consular officer for certification, stating that the title to the goods was transferred to American ownership before March 1 and stating when and how such transfer was made.

(b) The declarant must submit the originals or certified copies of documents in proof of the statements in his declaration.

(c) The consul must satisfy himself of the correctness of the declaration and the genuineness of the proof by inspection of originals of documents and in such other manner as may in his judgment be necessary to enable him accurately to issue his certificates.

¹The same, *mutatis mutandis*, to the Ambassador in Austria-Hungary, No. 685, May 15.

(d) Upon being satisfied of the accuracy of the shipper's special declaration, the consul shall endorse thereon the following certificate, "American Consulate, (place), (date). Based upon the attached documents, I certify that I am satisfied that the declarant's statements that the merchandise therein mentioned passed into American ownership before March 1, 1915, are true. Official signature, title and seal. No fee."

(e) Consuls should exercise great care in issuing foregoing certificates and insist upon production of documentary evidence fully establishing declarant's statements and satisfying consuls of transfer to American ownership.

BRYAN

File No. 763.72112/1116

The Minister in the Netherlands (Van Dyke) to the Secretary of State

[Telegram]

THE HAGUE, May 17, 1915.

[Received 3.20 p. m.]

266. Oversea Trust arrangement in my 257, 30th, now limited to goods in Holland before May 15 and shipped from Holland before June 1. This applies also to Belgian goods.

VAN DYKE

File No. 300.115/28355

The Commercial Adviser of the British Embassy (Crawford) to the Foreign Trade Adviser of the Department of State (Rose)

WASHINGTON, May 19, 1915.

DEAR MR. ROSE: In confirmation of my telephonic message to Mr. Bride on Monday and my notification to you of yesterday, I beg to inform you that the Netherlands Oversea Trust has been advised by the British Government that goods of German or other enemy origin, bought and paid for before March 1, must be shipped from Holland before June 1 next, after which date all such shipments must cease.

I may add, however, that as a special concession to the United States Government the British Government are prepared to allow shipment up to June 15 from neutral ports to the United States of those goods of enemy origin, for which proof of payment prior to March 1 has been produced to this Embassy by the State Department. This concession is made solely on the ground of the time required to submit evidence owing to the greater distance and the difficulties of postal and telegraphic communication, and on the understanding that no further extension is asked for under any circumstances.

Yours very truly,

R. F. CRAWFORD

File No. 763.72112/1190

The Foreign Trade Adviser (Rose) to the Secretary of State

WASHINGTON, May 21, 1915.

SIR: In view of certain phrases appearing in a letter which I received on May 19, 1915, from Sir Richard Crawford, commercial adviser of the British Embassy, a copy of which is annexed,¹ I think it is necessary that the Department be fully advised of the unofficial conversations which have taken place between representatives of the British Government and Judge Fleming and myself as representatives of American shippers, importers and exporters.

The phrases to which I refer, read as follows: "a special concession to the United States Government" and "proof of payment prior to March 1 has been produced to this Embassy by the State Department" and "on the understanding that no further extension is asked for under any circumstances." From these I am led to believe that the British Foreign Office has not understood the fact that in the conversations which have taken place between Judge Fleming and myself, representing the shippers and exporters of this country, and Sir Richard Crawford, we have not represented the Department or the Government in any official capacity.

This report will conclusively show that whatever misapprehension may exist on the part of the British Foreign Office as to the official character of the conversations which have taken place in Washington, the representative of the British Government who participated could not have understood them to be other than entirely informal and in no way involving the Department of State or the Government of the United States.

First. On March 3 I met the British Ambassador in the diplomatic room of the State Department, accompanied by Mr. L. Wolf of New York and his attorney Mr. Beer, Sir Richard Crawford at that time being absent from Washington. Before taking up the matter with his excellency, I explained to him that anything I said must be considered as unofficial and informal, without prejudice to the rights of American shippers and must not be taken as in any way a recognition of any rights claimed by the British Government under the declaration of March 1. I stated that in my capacity as foreign trade adviser of the Department of State, I had previously advised the cotton shippers of this country to take advantage of the demand for cotton in Germany; and I informed the Ambassador that this advice was based on assurances of his Government given through him that cotton would not be considered contraband, but on the contrary would remain on the free list; that pursuant to that advice many cotton shippers had purchased large quantities of cotton for the German market, had chartered vessels and made freight engagements which legally bound them. I said that, inasmuch as they had acted upon my advice based upon such assurances from his Government, I felt it incumbent upon me personally to do what I could to help them, but that in so doing I wished it to be understood that I was acting in the interest of shippers and not as an official of the

¹ *Ibid.*, p. 215.

Department of State. The Ambassador replied that he realized my position and that anything I did would not be considered as binding the Government of the United States.

Mr. Wolf, through his attorney, stated that he had large quantities of cotton in Galveston and had chartered certain ships which, because of unforeseen delays, had not been loaded before March 1 and in fact were not then in port to be loaded. He asked that such cotton be allowed to go to its destination without being stopped by the British Government; that he be given permission to fill the contracts actually entered into by him with German customers, and that a reasonable time be allowed before the declaration of March 1 should go into effect as to such contract shipments.

As a result of that conference the following telegram was prepared which the Ambassador stated he would forward to the British Foreign Office:

Contractors for cotton made before issuance of declaration in good faith and in view of assurance that cotton would not be treated as contraband, ask permission to fill existing contracts by delivery of cotton to German ports. If permission is not granted, information is asked for as to treatment of cotton already bought and freight paid for and to be loaded on board named ships which although chartered have not yet arrived at American ports owing to unforeseen delays.

Owners would be liable to incur heavy loss unless assurance is given at once as to rate of compensation for cargo consigned to Germany which will not under declaration be detained or diverted. Owners assume that compensation will amount to invoice price less cost of freight from Danish and Swedish ports to which freight has already been paid.

Ships are *Marie, Dcido*, Swedish, and *Livonia*, Danish, from Galveston, to Aalborg and Copenhagen.

The following day I had another conference with the British Ambassador, at which were also present Mr. L. Wolf and Mr. Beer. Upon his excellency's request a brief was submitted sustaining the contention of the cotton shippers that summary action on the part of the British Government in shutting off all shipments to Germany without notice would be contrary to precedent and showing that both England and France had received at the hands of the United States, when the United States was a belligerent and they were neutrals, consideration and favor similar to that which was then requested on behalf of Mr. Wolf.

The Ambassador, after considering the brief, stated that his Government did not desire to do anything to handicap the cotton growers of the South for the reason that the prosperity of his Government depended on the cotton production of that section of this country and that they did not wish to decrease the acreage of cotton in 1916 in this country as it would result in high prices for British factories. He said that he would cable an abstract of the brief and would "make its arguments his arguments."

On March 8, the British Ambassador handed me a note or notice of which the following is a copy:

Many enquiries have been received as to the treatment to be accorded to cotton shipped to Europe in view of the restrictive measures proposed to be taken by the Allied Governments.

As already announced there is no question of confiscating cotton cargoes that may come within the scope of order in council to be issued.

The following arrangement has been come to in London as to cotton consigned to neutral ports only:

1. All cotton for which contracts of sale and freight engagements had already been made before March 2 to be allowed free (or bought at contract price if stopped), provided ship sail not later than March 31.

2. Similar treatment to be accorded to all cotton insured before March 2, provided it is put on board not later than March 16.

3. All shipments of cotton claiming above protection to be declared before sailing and documents produced to and certificates obtained from consular officers or other authority fixed by Government.

Ships or cargoes consigned to enemy ports will not be allowed to proceed.

Washington, March 8, 1915.

A conference was immediately held between the British Ambassador, Senator Hoke Smith of Georgia, Mr. Beer, attorney for L. Wolf and Company, and myself. I took shorthand notes of the conference which show the understanding of those present, including the British Ambassador, to be that ships sent to enemy ports would not be allowed to proceed but that the owners would be compensated for any loss at contract price, and consequently that the cotton on ships consigned to enemy ports (not ultimate destination) would not be allowed to proceed but would be paid for at contract price.

Relying on the announcement of the British Ambassador of March 8 many American shippers of cotton sent cotton to neutral ports. Notwithstanding this, twenty-eight of these ships have been taken into British ports, the British Government stating that they would pay for the cotton at contract price. The *Marie, Dicido* and *Livonia* were taken in by the British Government over six weeks ago. I was with Mr. Wolf, the owner of the cotton, when he submitted to Sir Richard Crawford figures showing the value of the cotton, reserving the right to submit claims for demurrage, fines, etc. This was about three weeks ago, but so far as I have been advised the British Government have not compensated him for his losses.

Second. On March 15 the order in council of the British Government was published, and on March 30 a note on the subject was sent to London by the Government of the United States. In that note it is stated:

It is manifest that such limitations, risks, and liabilities placed upon the ships of a neutral power on the high seas, beyond the right of visit and search and the right to prevent the shipment of contraband already referred to, are a distinct invasion of the sovereign rights of the nation whose ships, trade, or commerce are interfered with.

On March 20 the following letter was received from Sir Richard Crawford, in response to oral inquiries which I had made:

With reference to your enquiries as to action under the order in council, I may acquaint you that the Foreign Office advise us that the problems which arise with regard to shipments from enemy countries to the United States on neutral vessels are exceedingly complex and it would be difficult for them to deal with same by binding themselves to hard and fast rules.

Each case will have to be dealt with on its merits. But American traders may rest assured that in cases of shipments on *bona fide* contracts made before March 1, goods, if owned by neutrals, will be dealt with as leniently as the order in council will allow.

On April 3 the British Embassy gave out the following statement:

The British Embassy are authorized to state that in cases where a merchant vessel sails from a port other than a German port carrying goods of enemy origin for which American importers claim to have made payment prior to March 1, 1915, proofs that such goods were paid for before March 1 may be

submitted for examination to the Embassy. If such proofs are presented at a sufficiently early stage to enable the report thereon to be communicated in time to the British authorities, the results of the investigation will be taken into account and due weight attached to them in deciding whether the goods concerned should be discharged under the provisions of Article 4 of the order in council of March 11.

In order to facilitate the shipments of those goods Judge Fleming and I volunteered to collect evidence of American ownership of goods before March 1 for submission to the British Embassy with the understanding, however, that nothing done by us should be construed as a recognition of any rights claimed by the British Government under the order in council. The affidavits of reputable American business men, however, were rejected as of no value unless supported by collateral evidence which at times has been impossible to obtain unless the books of the firms were produced. I objected to the submission of the books of American firms to the British Embassy and on April 30 wrote a letter to Sir Richard Crawford stating my objections, a copy of which letter is attached.¹

On May 1 Sir Richard Crawford called at the office of the foreign trade advisers and assured me that a practical method of taking the proof would be adopted, stating that, if I would certify that evidence submitted to me by the exporters was of such a character as to merit the favorable consideration of the Government of Great Britain he would then certify it to his Government.

Since that time we have submitted to Sir Richard Crawford many cases to which I have given my personal certificate, very few of which have received favorable consideration.

I also brought to the attention of Sir Richard Crawford the fact that, as Article 4 of the order in council was not published until March 15, 1915, and as American shippers had no notice of Article 4 before that time, the date of American ownership of goods of German origin mentioned in the notification of April 3 should be March 15 instead of March 1. I am assured by Sir Richard Crawford that he telegraphed in this sense to the British Foreign Office and, although submitted more than a month ago, no reply appears to have been received.

The contents of the first paragraph of the telegram were communicated to me by Sir Richard by telephone. About 10 o'clock p. m. of May 18 Sir Richard called me at my home and read the telegram mentioned in paragraph 2 of the note. He stated that he had, before telephoning me, asked his Government to extend the time to June 15.

I feel that I can not longer participate in an arrangement for the submission of proof to the British Embassy of the ownership of American goods of German and Austrian origin for the following reasons:

1. In the cotton arrangement we mutually understood that ships or cargoes consigned to neutral ports would be allowed to proceed and that all cotton for which contracts of sale and freight engagements had already been made before March 2, if consigned to German or Austrian ports, would be stopped and the cargo bought at contract price. Nevertheless many cargoes of cotton consigned to

¹ Not printed.

neutral ports have been seized by the British Government and so far have not been paid for.

2. Notwithstanding the declaration in the letter of Sir Richard Crawford of March 20 that "American traders may rest assured that in cases of shipments on *bona fide* contracts made before March 1, goods, if owned by neutrals, will be dealt with as leniently as the order in council will allow," coupled with the further statement in the British Embassy's statement of April 3 to the effect that "in cases where the merchant vessel sails for a port other than a German port carrying goods of enemy origin for which American importers claim to have made payment prior to March 1, 1915, proofs that such goods were paid for before March 1 may be submitted for examination to the [British] Embassy," the submission of proof to the British Embassy has been surrounded with such obstacles as to make the so-called concession of no benefit whatsoever.

3. That contentions on behalf of the shippers made in good faith and telegraphed by Sir Richard Crawford to the British Foreign Office have not even been acknowledged.

4. That notwithstanding the exchange of views which have taken place was of an unofficial character, Sir Richard Crawford's letter of May 19 appears to imply a recognition by this Government of the assumed right of Great Britain to place restrictions upon the movement of American-owned goods from Germany. Inasmuch as neither Judge Fleming nor I ever asked for an extension of time from June 1 to June 15 on behalf of all American shippers, the statement "that as a special concession to the United States Government the British Government are prepared to allow shipment up to June 15 from neutral ports to the United States of those goods of enemy origin", etc., is chiefly significant in that it implies that the "concession" is to this Government and not to the private parties interested. Furthermore, the statement that proof of payment prior to March 1 shall be produced to the British Embassy "by the State Department" contains the inference that the State Department has in the past produced evidence to the British Embassy of American ownership of goods in Germany. I attach hereto copies of letters exchanged between Sir Richard Crawford and me relative to the question.¹

Sir Richard Crawford's letter of May 19 concludes with "and on the understanding that no further extension is asked for under any circumstances."

Neither of the Foreign Trade Advisers, officially or unofficially, has asked for any extensions or done anything which could be construed as an acknowledgment that the British Government had any right to determine in what circumstances American-owned goods can be brought out of Germany through a neutral port or otherwise.

Because of my belief that the "extension" offered amounts practically to a declaration that, in consideration of the British Government agreeing not to prevent American shippers from exercising their legitimate right of bringing out of Germany the goods which they have bought and paid for before a date fifteen days prior to the British order in council of March 15, citizens of the United

¹ *Ante*, pp. 213 and 214.

States will refrain from requesting further time in which to do that which they have a legal right to do, I feel it to be my duty to report the matter to the Department in order that it may be fully advised of the situation.

Until I am informed, therefore, of the views of the Department as to the expediency of my continuing to act unofficially in behalf of the American citizens in the present circumstances, I shall decline to participate in further conferences with representatives of the British Government.

Respectfully submitted,

ROBERT F. ROSE

Public statement issued by the Department of State, May 22, 1915

In view of differences which have arisen in the informal and unofficial conferences between Sir Richard Crawford, the Commercial Adviser of the British Embassy, and Robert F. Rose and W. B. Fleming, the trade advisers of the Department of State, who have been, in a personal capacity, representing the importers of the United States, Mr. Rose and Mr. Fleming have decided that they cannot continue these conferences until certain of the difficulties have been removed, and they have therefore made a full report of what has taken place to the Department of State and will await its action.

File No. 763.72112/1189

The Counselor of the British Embassy (Barclay) to the Counselor for the Department of State

WASHINGTON, May 22, 1915.

MY DEAR MR. LANSING: On the 19th instant I transmitted to you for your information copy of a letter addressed on that day by Sir Richard Crawford to Mr. Rose. As the expression, "United States Government," inadvertently used gives a misleading impression of the nature of these informal and private negotiations I think that it would be as well if Sir Richard's letter were withdrawn.

I hope you will agree to this course of action although I admit that being entirely unofficial the matter is not exactly within the formal competence of the counselor of the State Department.

Yours very sincerely,

COLVILLE BARCLAY

File No. 763.72112/1190

The Counselor for the Department of State to the Counselor of the British Embassy (Barclay)

WASHINGTON, May 22, 1915.

DEAR MR. BARCLAY: I have received your informal note of the 19th instant,¹ enclosing a copy of a letter from Sir Richard Crawford to Mr. Rose dated May 19, and also your personal note of May

¹ Not printed.

22, suggesting the withdrawal of your note of the 19th and its enclosure. Accordingly I return the letters herewith, but as Mr. Rose had already made a report to the Secretary of State on the matter raised by Sir Richard's letter, I enclose a copy of the report for your information. The report reviews the unofficial conversations which Mr. Rose and Mr. Fleming, representing certain American shippers, have had with the British Ambassador and Sir Richard Crawford with regard to the movement of American trade between this country and Germany and Austria. From this report it will be observed that the inference to be drawn from the note of Sir Richard to Mr. Rose, a copy of which you enclosed, and the suggestion in the recent announcement of the British Foreign Office that the conversations between Mr. Rose and Mr. Fleming and the members of the British Embassy here are of an official character, are emphatically repelled. The Department entirely concurs in this view of the matter.

Attention is also called to the reasons stated in Mr. Rose's report for discontinuing further conversations with the British Embassy in reference to American trade. The Department entertains the view that further conversations of this sort are useless unless Mr. Rose is satisfied that they would lead to some practical benefit to American shippers whose interests he informally represents.

I am [etc.]

ROBERT LANSING

File No. 763.72112/1191

The Counselor of the British Embassy (Barclay) to the Counselor for the Department of State

WASHINGTON, May 25, 1915.

[Received May 26.]

DEAR MR. LANSING: I beg to thank you for your personal letter of the 22d returning my personal note of the 19th and enclosing copy of a report prepared by Mr. Rose.

With regard to your suggestion that the recent announcement of the British Foreign Office implied that the conversations between Mr. Rose and members of the British Embassy here were of an official character I can only say that as far as I know there has never been any doubt about the matter and that if there had been any doubt it would have been dispelled by the exchange of notes between Mr. Rose and Sir Richard Crawford.

The British Government has however been informed that such doubts have arisen and to set them finally at rest has published a statement enclosed herewith which was communicated to you yesterday unofficially by the Ambassador.

Here I think the matter might be allowed to rest as it does not seem desirable to enter into any discussion of questions already settled.

You will doubtless have observed that the British note of March 15, paragraph 3,¹ and the American reply of March 30,² penulti-

¹ *Ante*, p. 143.

² *Ante*, p. 152.

mate paragraph, have clearly laid down the points of view of the respective governments.

I am [etc.]

COLVILLE BARBLAY

[Enclosure]

Public statement issued by the British Embassy

The arrangements with regard to the shipments of cotton and other articles of commerce were agreed upon between representatives of His Majesty's Government and representatives of the American interests concerned.

The United States Government were in no sense a party to these agreements and took no part in the conferences.

His Majesty's Government quite realise that these unofficial arrangements in no way involve the United States Government and that they do not and cannot commit either government to any departure from the views which they have already expressed in their official notes with regard to the declaration of March 1 and the blockade policy adopted to give effect to it.

File No. 763.72112/1179

The Commercial Adviser of the British Embassy (Crawford) to the Foreign Trade Adviser of the Department of State (Rose)

WASHINGTON, May 26, 1915.

DEAR MR. ROSE: With reference to the claims submitted through your office relating to goods bought and paid for prior to March 1, I think that inasmuch as the British Government have fixed June 15 as the latest date under which goods of enemy origin may be shipped from neutral ports under the special permits which may be issued in the cases submitted through your office, it might be desirable that claimants should be informed of this when they present their cases for consideration.

Goods shipped after June 15 would come under the procedure laid down in Article 4 of the order in council of March 11.

Yours very truly,

R. F. CRAWFORD

File No. 300.115/28357

The Foreign Trade Adviser of the Department of State (Rose) to the Commercial Adviser of the British Embassy (Crawford)

WASHINGTON, May 29, 1915.

MY DEAR SIR RICHARD: I am in receipt of your letter in which you state that the British Government have fixed June 15 as the latest date under which goods of enemy origin may be shipped from neutral ports under special permits which may be issued in the cases unofficially and informally submitted by the foreign trade advisers to you, and in which you suggest that it might be desirable that claimants should be informed of this when they present their cases for consideration. You further state that goods shipped after June 15 would come under the procedure laid down in Article 4 of the order in council of March 11.

I sincerely hope that your Government will see fit to reconsider its action in this matter, and that special permits will be granted in the

future, as in the past, without date limitation. As a matter of equity, if American-owned goods are in Germany which were paid for before March 1, they should be allowed to come forward under a special permit after June 15 as well as before that date. In other words, if the principle that American shippers should have special permits to June 15 is right, it is also right that they should be allowed to bring forward goods which were paid for before March 1 on any subsequent date. I cannot conceive of how a date of this kind affects a principle.

On this subject I shall have more to say further on in this letter.

I further respectfully submit that if the American shippers are to receive substantial benefit from special permits which are based on the evidence informally and unofficially submitted by this office to your Government, it is absolutely necessary that your Government shall be less rigorous, and shall allow the American importers to bring out of Germany those goods the title to which had passed either by payment before March 1 or by contract by which the American importers are obligated to pay for such goods.

In regard to the first proposition of limiting the time for the bringing out of such goods from Germany to June 15, 1915:

Such action on the part of your Government would practically amount to a prohibition of the importation into this country of American-owned goods in Germany. It is true that your note states that after June 15 the goods shipped would come under the procedure laid down in Article 4 of the order in council of March 11. This, however, does not practically remedy the situation. The detention of vessels for the purpose of taking shipments before a prize court is expensive to the shipping lines and no shipments will be accepted by the shipping lines unless there is an assurance that the boats carrying the shipments will not be detained.

Again, it is a physical impossibility for our shippers to get the merchandise into neutral ports before June 15. In this regard I attach a copy of a letter to-day received from the representative of Louis Wolf and Company of Boston, which strikingly bears out the truth of this assertion.¹

Another grave question in connection with this limitation is the practical impossibility of moving the goods from Rotterdam or other neutral port to this country before June 15. In all probability the shipping facilities in Rotterdam or other neutral port will not permit of the bringing out of the cargoes to this country, even if it were possible to get the goods into Rotterdam or other neutral port by that time.

I cannot bring myself to the belief that in delegating you to act in this important matter of facilitating shipments of American-owned goods in Germany, your Government intended to surround you with such rigorous regulations and limitations as to make the results of comparatively small practical benefit to American shippers. I am, therefore, encouraged to informally and unofficially request that the limitation of moving these goods from a neutral port to this country be removed, and that goods under contract, entered into in good faith by American citizens before March 1, and under which there

¹ Not printed.

is not only a moral but a legal obligation for the payment of such goods, be allowed to come out of Germany without limiting the time in any manner.

I therefore unofficially and informally, and on behalf of the shippers of the United States who have goods now in Germany, request that you urgently take up the matter with your Government to the end that all American shippers who have bought and paid or in good faith contracted for goods of German or Austrian origin without notice of the order in council, may be protected against the serious loss which otherwise would be sustained.

I am [etc.]

ROBERT F. ROSE

File No. 300.115/28361

The Commercial Adviser of the British Embassy (Crawford) to the Foreign Trade Adviser of the Department of State (Rose)

WASHINGTON, June 5, 1915.

DEAR MR. ROSE: After careful consideration of your letter of the 29th ultimo I am of opinion that it raises questions of principle which do not fall within the sphere of our unofficial relations and which are apparently embraced within the official interchange of views, now proceeding between our respective Governments, in relation to the order in council of March 11, 1915.

I feel sure, however, that under the procedure contemplated in Article 4 of the order in council, American importers will be accorded every facility to establish their claims, before adjudication, in the event of the detention of any merchandise, the title to which had passed to them prior to March 1.

Yours very truly,

R. F. CRAWFORD

File No. 763.72112/1560a

The Secretary of State to the Ambassador in Great Britain (Page)

[Telegram]

WASHINGTON, June 7, 1915.

1665. Foreign trade advisers acting unofficially and as representatives of shipping interests have been participating in informal arrangements with Sir Richard Crawford, commercial adviser, British Embassy, and submitting proofs of payments of American-owned goods in Germany and Austria before March 1 and facilitating shipments of such goods. Crawford notifies them that Foreign Office now insists that such goods must leave neutral ports prior to June 15, after which they can only come out under Article 4 of order in council. They have unofficially and informally requested Crawford to ask his Government to remove date of limitation for the reasons that:

1. It is physically impossible to get goods to neutral ports prior to June 15.
2. Transportation facilities Rotterdam or other neutral port inadequate to transport goods from that port by that date.

3. Practically impossible to bring out goods under Article 4 of order in council as no shipping lines will accept cargoes which will be subjected to detention.

Trade advisers further informally ask Crawford to request his Government to give special permits to goods contracted but not paid for before March 1 in cases where American shippers are legally bound by contract to pay for them.

See proper British officials and unofficially, informally, and discreetly ascertain whether in view of these facts the British Government will insist on date limitation and on actual payment of goods before March 1.

BRYAN

File No. 300.115/4119a

The Acting Secretary of State to the Ambassador in Great Britain
(Page)

[Telegram]

WASHINGTON, June 22, 1915.

1750. Special permits for shipment of goods of German origin from neutral ports discontinued by British Government June 15, 1915. There are large amounts of American-owned goods in Germany and in Rotterdam for which title passed by contract without actual payment prior to March 1, 1915. Sir Richard Crawford, commercial adviser to the British Embassy, has stated that he is authorized to say that claimants may be informed that when the goods in question are brought forward, and in the event of their detention by the British authorities, every facility will be given to have claims investigated by the proper officer of the Crown who will, if satisfied, apply for a release of the goods before adjudication.

As regular shipping lines will not accept shipments where detention is likely, the following plan has been proposed:

Importers to prepare shipping papers here establishing passage of title of goods to American ownership prior to March 1 by contract, etc.; then to charter ship at Rotterdam and load with such goods; to submit original papers showing title by contract, to British Consul at Rotterdam. Duplicate of papers to be sent to London for submission before ship sails from Rotterdam, to proper officer of Crown, he to be requested to examine papers before ship sails. When ship leaves Rotterdam, British Government to be notified by shippers that boat is coming to English port in order to have cargo examined by proper officer of Crown.

Importers desire to know what assurances of speedy examination can be received from the Admiralty and also the attitude of the British Government towards such a plan and towards goods of American ownership established by contract prior to March 1 and where actual payment has not been made.

Discreetly and informally present this matter to the proper officials, and with the understanding that such plan is not in any way to be considered as a recognition of the British order in council.

OSBORNE

[For a discussion of the arrangements for bringing goods out of Germany, see the British memorandum of June 17, 1915 (below, page 443), which was telegraphed by the Ambassador in Great Britain on June 22, 1915, and which contains the following paragraphs:

15. In deference, however, to the renewed representations of the United States Ambassador, His Majesty's Government have given further directions that in all such cases, as may have been specially submitted through the British Embassy at Washington or to His Majesty's Government direct on or before the 15th June and passed, the goods shall be allowed to proceed without interference, if shipped from a neutral port on the conditions already laid down, notwithstanding the fact that shipment may not have been made before the 15th June.

16. His Majesty's Government will also be prepared hereafter to give special consideration to cases presented to them and involving particular hardships, if the goods concerned are required for neutral governments or municipalities, or in respect of works of public utility, and where payment can be shown to have been made before the 1st March, 1915.

17. With the above exceptions, His Majesty's Government regret they can not continue to deal through the diplomatic channel with individual cases, but they would again point out that special provision is made for the consideration of such cases in the prize court.]

File No. 763.72112/1326

The Ambassador in Great Britain (Page) to the Secretary of State

[Telegram]

LONDON, *July 13, 1915.*

[Received 8.40 p. m.]

2449. Your 1795, 1st instant.¹ Have presented matter pursuant to Department's 1750, 22d ultimo. In reply Foreign Office states as follows:

In reply I have the honour to point out that such goods do not come under the control of the prize court until after they have been discharged from the ship conveying them and that there would therefore be no special advantage in chartering a vessel to carry them as is suggested. When, however, the goods have been discharged and placed in the prize court, every facility will be given to neutral owners to establish their title to the goods or to the proceeds of their sale.

AMERICAN AMBASSADOR

The Secretary of State to the Ambassador in Great Britain (Page)

[Telegram]

WASHINGTON, *July 26, 1915.*

1904. Your 2449, July 13. Unofficially inform Foreign Office that chartered vessel imperative as no shipping line will accept shipments American-owned goods without special permit. Article 4, order in council, prohibits shipments of American-owned goods of German or Austrian origin from Rotterdam or other neutral ports. British Embassy has many times given assurances that every facility will be given in case of detention for examination and release by proper officer of Crown. Refusal of Foreign Office to facilitate shipments

¹ Not printed.

is not in accord with this assurance. Cannot understand use by Foreign Office of words "or to the proceeds of their sale." More than 3,000 importers, representing American-owned property, affected by this practical prohibition of importation of their goods, have complained to Department of State. You may discreetly state that they are influencing public sentiment because of their belief that this action is arbitrary, unjust, and unwarranted, and that unless relief is obtained great pressure will be brought to bear upon Government to adopt retaliatory measures.

You may also unofficially call attention to the fact that Foreign Office does not answer the question as to attitude of British Government towards American-owned goods contracted for in good faith prior to March 1 and for which importers are obligated. Unless title by reason of binding contracts prior to March 1 is recognized, those importers, who because of their standing conduct their business on large credits, will feel that they have been unjustly discriminated against, and the consequences will be most disastrous to them.

Refer Department's 1750, June 22, and state that plan contemplates placing original papers before British Consul General at Rotterdam, requesting him to see to it that nothing but goods covered by satisfactory papers go aboard boat, and to give certificate to that effect; that duplicate of papers be examined by proper officer of the Crown in advance of ship's coming to English port simply to save time and prevent long and expensive detention of boat.

Place these facts before Foreign Office and urge speedy consideration because of growing sentiment in this country. This must be unofficial and without recognition order in council, note of June 22, or other notes from British Government.¹

LANSING

File No. 300.115/4432

*The Foreign Trade Adviser of the Department of State (Fleming)
to the Commercial Adviser of the British Embassy (Crawford)*

WASHINGTON, August 19, 1915.

MY DEAR SIR RICHARD: In the informal talk I had with you on yesterday in regard to the bringing forward of goods of German origin, no mention was made of the closing paragraph included in the note of Sir Edward Grey of July 31, 1915, concerning the *Neches*,² which reads as follows:

If, however, it be alleged that in particular cases and special circumstances hardship may be inflicted on citizens of neutral countries, His Majesty's Government are ready in such cases to examine the facts in a spirit of consideration for the interest of neutrals, and in this spirit they are prepared to deal with the cargo of the *Neches*, to which your excellency has called attention, if it is held that the particular circumstances of this case fall within this category.

My attention has been brought to several letters from American citizens referring to the paragraph mentioned and inquiring whether it applies to cases of merchants of the United States who are the

¹ See the British memorandum of June 17, telegraphed by the Ambassador in Great Britain June 22, *post*, p. 443.

² *Post*, p. 495.

owners of merchandise of German origin contracted or paid for prior to March 1, 1915.

It would seem of mutual advantage to have the examination of the facts of such cases made in Washington.

In view of the note of July 31, may I ask whether it may not be arranged to have you consider the applications of Americans for assurances against molestation when it is made to appear—

- (1) That the applicants are the owners of the goods.
- (2) That the goods were paid for in good faith prior to March 1, 1915.
- (3) That the goods have been contracted for and the purchase money was forwarded to Germany prior to March 1, 1915.
- (4) That hardships will be inflicted by the failure to allow the goods to come forward.

If the goods were fully paid or legally contracted for and the purchase money transmitted to Germany before promulgation of the order in council of March 11, 1915, it would seem that the goods would fall within the category mentioned. If the goods are already in a neutral country, Germany could neither be injured nor benefited by favorable action on the part of your Government, while if they are now in Germany that country might be benefited by having them kept there, since Germany would have both the goods and the purchase money.

I am [etc.]

W. B. FLEMING

File No. 300.115/28376

The Commercial Adviser of the British Embassy (Crawford) to the Foreign Trade Adviser of the Department of State (Fleming)

WASHINGTON, August 20, 1915.

DEAR MR. FLEMING: In reply to your letter of the 19th instant, I have, as you know, no authority to discuss the interpretation to be placed on the notes now being exchanged through diplomatic channels by our respective Governments. My personal view, however, of the paragraph from the *Neches* note to which you call my attention is that it refers only to cases in which goods shipped to the United States have been detained *en route* and taken before a prize court under the provisions of paragraph 4 of the order in council of March 11.

The considerations advanced on the second page of your letter seem to be covered by the British memorandum of June 17 and particularly by paragraphs 9 to 17, inclusive, of that memorandum, a copy of which is enclosed for your information.¹

May I say that I much appreciate the very friendly way in which you have met me in our informal conversations and I shall be only too glad to assist you so far as I properly can.

Yours very truly,

R. F. CRAWFORD

¹ *Post*, p. 443.

File No. 300.115/4737

The Consul General at London (Skinner) to the Secretary of State

[Telegram]

LONDON, August 20, 1915.

[Received 2.50 p. m.]

Bride and Hays, representing importers of German goods, have succeeded in obtaining permits for their clients covering German goods ordered prior March 1 under circumstances rendering purchaser liable.

SKINNER

File No. 763.72112/1516a

The Secretary of State to the Ambassador in Great Britain (Page)

[Telegram]

WASHINGTON, August 23, 1915.

2010. Department's 1904, July 26. British note of June 22, 1915, indicates British authorities would give consideration only to cases involving particular hardships where goods required for neutral Governments' municipalities or works public utilities and payment made before March 1. Foreign trade advisers informed some time since by Sir Richard Crawford that after June 15 all goods would come under Article 4, British order in council, March 15, 1915.¹ Department glad to learn through Consul General's telegram August 20 that Bride and Hays are obtaining permits German goods ordered prior to March 1 under circumstances rendering purchaser liable, also from other sources British authorities have issued permits allowing scientific goods lying in Rotterdam to come forward. Department does not understand why similar permits may not be obtained through British Embassy here upon informal applications of foreign trade advisers, State Department, as in cases of goods shipped prior to June 15.

Informally inquire into the facts and ascertain the conditions under which permits are being granted and if applications to foreign trade advisers acting informally and as representatives of the applicants may not receive same treatment as applications made through attorneys in London. Answer quickly.

LANSING

File No. 763.72112/1530

The Ambassador in Great Britain (Page) to the Secretary of State

[Telegram]

LONDON, September 1, 1915.

[Received 5.18 p. m.]

2730. Your 2038, August 30, and my 2723, 31st.² Foreign Office informs me unofficially that as this matter is so closely connected with

¹ The British note of June 17, *post*, p. 443, and the order in council of March 11, *ante*, p. 144, are evidently intended.

² Neither printed.

whole question of permits for shipping goods of German origin from neutral ports, now under discussion by British Government and about which French Government is also being consulted, they cannot give an answer concerning this point alone but hope to make a statement as to whole matter at a later date.

AMERICAN AMBASSADOR

The Secretary of State to the Ambassador in Great Britain (Page)

[Telegram]

WASHINGTON, September 3, 1915.

2065. Your 2730, September 1. Department greatly surprised and disappointed.

Consul Skinner informed Department Bride and Hays are obtaining permits for German goods ordered prior March 1, 1915, where purchasers liable, also in all submitted cases where ordered f. o. b., regardless of payment if buyers liable, and that these permits apply to cases mentioned by him which cover goods worth several millions of dollars. Newspapers state other attorneys at London getting permits. Thousands of importers are pressing Department to learn whether they can have similar permits, what channels are open to them, and whether applications can be made to British Embassy here through foreign trade advisers acting unofficially. They cannot understand why as much consideration will not be given State Department as is accorded to private attorneys; nor why applications may not be considered by the British Embassy here in order to facilitate the business, as in cases presented prior to June 15. Some of them are suspicious of discrimination and other wrongs and complain that their competitors have been given undue advantage. Many complain of being misled by the British note of June 22¹ wherein it is indicated that the permits now granted would not be allowed and feel that they were entitled to notice of any change in the attitude of the British Government. Thousands of American importers with scores of millions of dollars at stake are pressing the Department for information as to what they may do and through whom applications may be presented and whether they cannot be made to the British Embassy here and whether they can expect as favorable treatment through foreign trade advisers as through private attorneys in London.

The Department feels that these importers are entitled without delay to the information sought and is greatly surprised to learn that the British authorities deem it necessary to consult the French Government before answering these inquiries. The importers are asking whether the French Government was consulted before permits now being allowed in London were granted.

You will informally acquaint the appropriate authorities with these facts and press for immediate answer.

LANSING

¹Transmitted June 22 but dated June 17. See *post*, p. 443.

File No. 763.72112/1539

The Ambassador in Great Britain (Page) to the Secretary of State

[Telegram]

LONDON, *September 6, 1915, 4 p. m.*

[Received 4.20 p. m.]

2759. Your 2065, September 3, 4 p. m. After further informal conferences at Foreign Office and having impressed authorities with great importance of matter and need for prompt and satisfactory reply I am glad to report that it is now understood that the British Government are agreeable to presentation of applications by foreign trade advisers acting informally for importers through British Embassy in Washington. It is stated that no discrimination exists and that Foreign Office have given same consideration to all cases they have received no matter through what channel presented and that matters presented by attorneys now in London representing importers have received no more favorable consideration than the others. Foreign Office also state that French Government has been and is consulted in general principles of matters of this kind which concern all Allies.

AMERICAN AMBASSADOR

File No. 763.72112/1551

The Ambassador in Great Britain (Page) to the Secretary of State

[Telegram]

LONDON, *September 9, 1915.*

[Received 5.35 p. m.]

2775. My 2759, 6th. I have to-day received following note from Foreign Office:

With reference to the memorandum which your excellency was good enough to communicate to this Department on the 4th instant relative to the exportation to the United States of goods of enemy origin through Holland I have the honour to state that the matter is under consideration in communication with the French Government.

No particular class of goods of enemy origin has been singled out for special treatment.

Claims received through lawyers are treated in a precisely similar manner to those received direct from the applicants themselves, and no discrimination in favor of the former has been shown. I need not assure your excellency that applications put forward through the State Department at Washington will be carefully considered and dealt with as expeditiously as the circumstances of the case allow.

AMERICAN AMBASSADOR

The Secretary of State to the Ambassador in Great Britain (Page)

[Telegram]

WASHINGTON, *September 11, 1915.*

2103. Your 2775, September 9. Department understands from your cables British authorities now willing to have applications and proofs of American owners of all classes of goods of German, Austrian, and Turkish origin presented to the British Embassy here

through foreign trade adviser, State Department acting unofficially. Department and importers were pleased to learn from communications from the Embassy at this Capital that it had notified many importers that hereafter all applications must come through foreign trade adviser, who will act informally and as the representative of the importers.

With this understanding many applications of importers who have incurred liabilities and made purchases without notice of the British order in council of March 11 are already in the hands of the foreign trade adviser and numberless others now in preparation.

Department does not understand reference in foreign note to Holland alone and assumes that action taken will apply alike to all neutral countries and ports.

Department informed by foreign trade adviser who has been and still is acting unofficially that Embassy promised on September 7 to advise him at an early date of the details and final formalities of the arrangement, accompanied by the statement that it was expected that this information would be forthcoming not later than September 9. This information has not yet been received and the foreign trade adviser is not yet in possession of the information necessary to enable him to present any application to the Embassy.

Under the circumstances and with particular reference to the assurances conveyed in your 2759 of September 6, Department feels that foreign trade adviser and the American importers themselves are entitled to have this information without further delay.

You will lose no time in presenting these facts informally, and without recognizing any of the British orders in council relating to this subject, and urge the importance of the matter to the Foreign Office.

LANSING

File No. 763.72112/1776

The Counsel for the American Importers' Association (T. S. Sharretts) to the Secretary of State

NEW YORK, *September 13, 1915.*

SIR: In behalf of the members of the American Importers' Association, U. S. A., and of importers generally throughout the country, I have the honor to call your attention to conditions that are engendering a feeling of resentment against Great Britain which, unless relieved by the adoption of a more liberal and equitable attitude by that nation toward American merchants, will greatly embarrass the President and yourself if Great Britain desires a continuance of unrestricted traffic with the United States.

Viewing the matter from a purely business standpoint, importers fail to recognize the justice of Great Britain being enabled to receive from our country everything in the form of merchandise which it demands, so long as it refuses to accord reciprocal rights to the merchants of the United States. With much force they contend that if we supply certain of the belligerents with food, livestock, arms, and ammunition, as neutrals we are entitled to receive from other belligerent nations goods for which our merchants have contracted and have paid for or must pay for.

It is not my purpose to discuss this feature of the case, referring to it merely to illustrate the cause of resentment which is gaining strength with each postponement of a promised adjustment of a disturbing condition.

American importers have been greatly incensed because of deliveries of great quantities of merchandise stored at Rotterdam, procured for a number of importers through the activities of attorneys who in many cases insisted upon excessive fees for their services, while the same privilege was denied to others operating through our foreign trade advisers, acting in a quasi-official capacity.

This favoritism has resulted in unfair competition in our home trade, by reason of which the business of many of our merchants has been interfered with and their customers alienated to those concerns able to supply their demands.

The British authorities, you will recall, issued notice that after June 15, 1915, no applications for permits of delivery would be considered or received from the trade advisers. But, at the same time, private attorneys had no difficulty in securing the release of merchandise for their clients. Complaints were filed with the State Department, and upon presentation of the facts to Great Britain this country was notified that claims properly attested in accordance with specified conditions and filed in behalf of importers by the trade advisers, would be duly allowed. Acting upon this advice, Judge Fleming strenuously insisted that all importers should be treated alike, in order to guard against the possibility of certain importers being placed in a position to seriously injure the trade of their competitors. To insure that result it was suggested that all settlements should be made through our trade advisers and the British Embassy at Washington, and the newspapers throughout the country announced the fact that this arrangement had been made. At a conference at the British Embassy on September 7 between Sir Richard Crawford, Judge Fleming, and myself, Sir Richard Crawford stated that in future all settlements would be effected by the trade advisers and the British Embassy at Washington, and that no further settlements would be made abroad. That fact was also announced in the leading papers of the country through the medium of Associated Press dispatches.

Hundreds of importers throughout the United States immediately communicated with the trade advisers at Washington, in the belief that at last they were able to secure possession of their goods, but, apparently adhering to a policy of procrastination, if not of evasion, Great Britain has up to the present moment failed to redeem its promise.

The contemptuous manner in which Great Britain has ignored the rights of American citizens, while making promises of just treatment that have not been kept, has led to the point where American merchants will no longer submit without reprisal. They are preparing, as they would have done weeks ago had I not exercised my influence to prevent, to hold meetings in all of our principal cities to denounce the dictatorial and illegal policy of Great Britain toward the United States. The arbitrary method pursued by the British

Foreign Office of granting special favors to private attorneys, who have forced our importers through their necessities to pay sums of money for permits so far in excess of legitimate fees, while refusing to permit the business to be transacted through our trade advisers, has created a suspicion of unfair dealing. To such an extent have importers resented this and regarded it as an insult to our Government, they are preparing to take up the matter with the Senators and Representatives of their respective states, with a view to curtailing the benefits Great Britain derives from unrestricted shipments from the United States so long as she continues to treat its great mass of importers in contumely and with contempt.

There is a fast-growing resentment against the intolerance of Great Britain which needs but little impetus to render it uncontrollable. Throughout the Middle West, and indeed throughout the entire country, there is a great German population, either by birth or immediate descent, who have so far given their loyal support to the Administration, but who, unless the British orders in council are made to hew closer to international law, will exercise a potent influence upon national legislation that will come very near creating an embargo upon the exportation of war supplies to Great Britain as an answer to that country's embargo upon the legitimate importation from neutral countries of American-owned merchandise. I am convinced that the time has arrived when this Government, through you, must notify Great Britain that while not recognizing the legality of its orders in council interfering with American trade with neutral countries, it is due to American merchants to protect them against partial treatment and unjust favoritism, and that in order to accomplish this no permits for the delivery of merchandise shall be issued except such as have been passed upon by our foreign trade advisers and the British Embassy at Washington.

Respectfully,

THAD. S. SHARRETT

File No. 763.72112/1571

The Ambassador in Great Britain (Page) to the Secretary of State

[Telegram]

LONDON, *September 14, 1915, 6 p. m.*

[*Received September 15, 8 a. m.*]

2800. Your 2103, September 11, 6 p. m., taken up informally with the Foreign Office which advises me that reference in Foreign Office note was not meant to mean "Holland alone" but that action will apply to all neutral countries and ports concerning goods of German, Austrian, and Turkish origin. I urged upon the Foreign Office importance of receipt of the information referred to and was informed that matter was still under consideration by the French Government but that the Foreign Office was pressing them for an answer and promised to let the Department know as soon as they possibly could.

AMERICAN AMBASSADOR

File No. 763.72112/1551

The Secretary of State to the Ambassador in Great Britain (Page)

[Telegram]

WASHINGTON, *September 15, 1915, 9 p. m.*

2123. Department's September 11. Department assumes you have acquainted Foreign Office with the dissatisfaction of the great body of American importers with the action of the British authorities in granting permits for the bringing forward of American goods through private American attorneys in London without notice to them of what was going on and with their serious complaints that all importers were not promptly and fully advised of the change in the British attitude as announced in their note of June 22, 1915,¹ so as to enable them to take equal advantage with others of that change; also of the advice and information given inquiring importers by the British Embassy here in the sense that all applications should be made to the Embassy through the foreign trade advisers and that all cases will have to be presented through that office. From this the Department and the importers understood that hereafter no other channel to American importers would be open for applications for permits. The satisfaction afforded by these advices was expressed to you in Department's September 11 and rested on the belief that in this way only could the serious jealousies and dissatisfaction now existing be removed.

Department is yet without reply to the request made in its cable to you of August 23 for full information as to the conditions under which permits have been or are being granted on applications made through attorneys, nor have you replied to Department's September 11. Full information without further delay is absolutely necessary to relieve the Department and the foreign trade adviser from the embarrassment under which they are placed and to meet the thousands of complaints being made by importers and to relieve the minds of those importers from suspicions of discrimination and other grievous wrongs.

Department anxiously awaiting your reply.

LANSING

File No. 763.72112/1575

The Secretary of State to the Ambassador in Great Britain (Page)

[Telegram]

WASHINGTON, *September 15, 1915, 10 p. m.*

2122. Supplementing cablegram of this date, information has come to the Department that the American agents and employees of the London attorneys who have procured permits for the forwarding of goods of German and Austrian origin are continuing to solicit of the American importers the putting of their cases in the hands of the attorneys mentioned on the grounds that they and they alone can procure these permits, accompanied by a guarantee that they will secure the permits within the period of four weeks, on condition that the importers agree to give them a certain percentage of the

¹ Transmitted June 22 but dated June 17, *post*, p. 443.

value of their shipments. These representations are evidently intended to convey the idea that the attorneys mentioned can accomplish results that can not be accomplished through the foreign trade advisers' office acting unofficially or in any other way.

Department is also informed from various sources that permits have been granted and goods have actually come forward since your 2759, September 6,¹ assuring the Department that applications through the foreign trade advisers would at least receive as favorable treatment as through private American attorneys in London. This information, if true, is considered by the Department as inconsistent with the assurances given through your telegram of September 6.

You will consider all this in connection with the Department's cablegram of even date herewith.

LANSING

File No. 763.72112/1589

The Ambassador in Great Britain (Page) to the Secretary of State

[Telegram]

LONDON, *September 17, 1915, 4 p. m.*

[*Received 8 p. m.*]

2819. Your telegram number 2123, September 15, 9 p. m., and 2122, September 15, 10 p. m., immediately brought to the attention of Foreign Office which informs me that statement made by British Embassy in Washington meant that that Embassy would receive for transmission to the British Government only those applications which come through the foreign trade adviser of the Department. Foreign Office states that it had no idea of preventing American citizens from presenting their cases direct to it as many persons had done so through the mails in America, through attorneys in London and through their English trade connections. Foreign Office intimated that should the Department desire to suggest that no cases of American citizens be received by British Government for consideration except upon presentation by foreign trade adviser of the Department through the British Embassy they would be willing to enter into such an informal arrangement. Foreign Office reiterated that all applications have received the same consideration no matter by whom presented and stated that cases are considered when the following facts are furnished:

1. Evidence that goods have been ordered and paid for or contracted for prior to March 1, such as copies of orders countermanding goods, the acceptances in the original.
2. All details concerning shipments such as markings and numbers of cases, names forwarding agents.
3. Proof of values of goods as shown by invoices.

Embassy has clearly impressed upon Foreign Office the difficulties which are being experienced due to dissatisfaction amongst importers and it appears to be willing to meet the wishes of the Department in every way possible.

AMERICAN AMBASSADOR

¹Ante, p. 232.

File No. 763.72112/1615

The Ambassador in Great Britain (Page) to the Secretary of State

[Telegram]

LONDON, *September 23, 1915.*

[Received 11.30 p. m.]

2852. Your 2151, 22.¹ Sir Edward Grey assents to your request that all applications by American importers for permits to import from neutral European ports goods of German or Austrian origin shall be made to the British Embassy in Washington through trade advisers acting informally, and the British Government will receive no more such applications here. Sir Edward is very glad that all this business will hereafter be done in Washington. He is also requesting by telegraph his Ambassador in Washington to instruct the Department or its trade advisers concerning the method in which such applications should be made. The only American attorneys that I know yet to be in London on this business are Bride and Barrington. I am informing them that no new cases can be presented here. Bride's partner in New York last week accepted a few cases from clients, and the papers are now on the way to Bride and are expected in the mail due here on Monday. Bride wishes to present these cases since they were accepted by his partner before the prohibition went into effect. The British Government will receive them if you so instruct me.

AMERICAN AMBASSADOR

The Acting Secretary of State to the Ambassador in Great Britain (Page)

[Telegram]

WASHINGTON, *September 25, 1915, 4 p. m.*

2171. Your 2852, September 23. Department greatly pleased with action of Sir Edward Grey. British Embassy here has advised foreign trade adviser it is now prepared to receive all applications submitted by him.

Foreign trade adviser will be pleased to receive any applications now in hands of Bride.

POLK

File No. 763.72112/1618

The Ambassador in Great Britain (Page) to the Secretary of State

[Telegram]

LONDON, *September 25, 1915.*

[Received 12.45 p. m.]

2861. I am to-day in receipt of following memorandum, dated September 24, from Foreign Office:

His Majesty's Government have already announced that goods of German origin which were both ordered and paid for before the 1st March would not be interfered with under the British order in council of the 11th March, 1915.

¹ Not printed.

They can now state that goods of enemy origin shipped from neutral ports will not be interfered with where it is proved to their satisfaction that the goods were ordered by or for the account of citizens or subjects of neutral states before the 1st March, 1915, and that, by the terms of the contract under which they were ordered, the purchaser is obliged to take delivery of the goods on or before shipment, and is therefore bound to pay for them.

In the case of running contracts it must be shown, before the goods will be allowed to proceed, that the contract has been determined, or will be determined, without delay. Where there is no power to determine the contract, His Majesty's Government cannot undertake to pass the goods without further consideration.

All applications to His Majesty's Government that goods may be allowed to proceed without interference should be made before the 1st November, 1915.

AMERICAN AMBASSADOR

File No. 763.72112/1724a

The Secretary of State to the Ambassador in Great Britain (Page)

[Telegram]

WASHINGTON, *October 6, 1915.*

2233. A number of American importers who have paid for or purchased goods of German or Austrian origin with legal liability to pay prior March 15, 1915, and after March 1 are pressing Department to obtain permission from Great Britain for bringing forward these goods. Inasmuch as these importers incurred these liabilities without notice of the order in council, which was only communicated to you by Sir Edward Grey on March 15, 1915,¹ Department considers they are entitled to as favorable consideration as those who purchased prior March 1. You will informally present this question to Foreign Office and endeavor to obtain a favorable reply. British authorities have indicated they desire all applications to be made before November 1. An immediate reply is greatly desired.

LANSING

File No. 300.115/28384b

*The Foreign Trade Adviser of the Department of State (Fleming)
to the Commercial Adviser of the British Embassy (Crawford)*

WASHINGTON, *October 23, 1915.*

MY DEAR SIR RICHARD: We were informed through the American Ambassador at London under date of September 25, 1915, that the Foreign Office stated that all applications to His Majesty's Government that goods may be allowed to proceed without interference should be made before the 1st November, 1915.

In the short period which has intervened since this notice was received it has been impracticable for all the interested parties to present their cases to this office and it is altogether improbable that all of them will be able to do so before November 1, 1915. It has also been impossible, up to the present time, for me to examine all the cases presented to me and it will be impracticable for me to examine all the cases presented by November 1.

¹Ante, p. 143.

Adherence to the limitation imposed would seem to work an injustice and not to be in keeping with the assurances given by your Government that it is not their purpose to injure neutrals.

In view of the announced attitude of your Government it would seem that such action should be taken by your Government as will reasonably allow all American importers who have contracted with legal liability to pay for goods of German, Austrian, or Turkish origin before March 15, 1915, and therefore without notice of the British order in council, to bring these goods forward.

Will you be good enough to take this matter up with your Government with a view to an understanding that the time limit indicated be extended until December 1, next, or some other satisfactory arrangement be made?

Very truly yours,

W. B. FLEMING

File No. 763.72112/1798

The Ambassador in Great Britain (Page) to the Secretary of State

[Telegram]

LONDON, *October 27, 1915.*

[Received 7 p. m.]

3099. Your 2233, 6th. Foreign Office informs me that after giving due consideration to all circumstances, British Government are of opinion that any neutral exporter who entered into a contract after March 1 for export goods from Germany or Austria, did so in full knowledge that something in nature of a blockade was going to be declared by British and French Governments and was therefore acting in hope of being able to ship the goods before the actual declaration. British Government regret therefore their inability to extend exceptionally favorable treatment to applicants in respect of goods ordered or contracted for after March 1, last.

AMERICAN AMBASSADOR

File No. 763.72112/1818

The Secretary of State to the Ambassador in Great Britain (Page)

[Telegram]

WASHINGTON, *October 28, 1915.*

2370. Your number 2861, September 25, advised that all applications should be made before November 1. Impracticable for all applicants to present their cases in time specified. Adherence to limitation will work injustice to neutrals. Informally endeavor to have time extended at least until December 1 or to secure some other satisfactory arrangement.

LANSING

File No. 300.115/28386

The Commercial Adviser of the British Embassy (Crawford) to the Foreign Trade Adviser of the Department of State (Fleming)

WASHINGTON, October 29, 1915.

DEAR MR. FLEMING: In reply to your letter of the 23d instant, I am to acquaint you that it would be impracticable to extend the date for the submission of cases beyond November 1.

I understand, however, that you may not be able to present complete by that date the cases filed in your office and I am authorized to say that in the circumstances preliminary applications for all these cases should be made by November 1, and where required the additional details may be furnished later.

Yours very truly,

R. F. CRAWFORD

File No. 763.72112/1815

The Ambassador in Great Britain (Page) to the Secretary of State

[Telegram]

LONDON, October 30, 1915, 1 p. m.

[Received 4.30 p. m.]

3123. Your 2370, 28th. Foreign Office informs me that British Embassy at Washington was instructed to advise Department that the Foreign Office would be willing to consider claims even if there was not time to produce all evidence, if names and other data were submitted before November 1. Am unofficially informed that in view of feeling in this country and discussion in Parliament it is practically certain British Government will not extend time limit for filing claims after November 1.

AMERICAN AMBASSADOR

File No. 763.72112/1618

The Secretary of State to the Ambassador in Great Britain (Page)

[Telegram]

WASHINGTON, November 1, 1915, 8 p. m.

2388. Your 2861, September 25. Great hardship is done to American importers due to their inability to obtain goods under running contracts. Department informed that the obligation of these contracts can be and is being enforced and that American importers are just as much obligated to pay for goods up to the minimum which they are required to order under these contracts as if goods were ordered under determinate contracts. Unofficially and without recognizing British order in council of March 11, 1915, bring this information attention British Foreign Office in endeavor obtain reconsideration of this matter so that cases of goods of German

and Austrian origin ordered under contracts of this class may be submitted to British Embassy at this Capital through unofficial representation of foreign trade adviser of this Department.

LANSING

File No. 763.72112/1830

The Ambassador in Great Britain (Page) to the Secretary of State

[Telegram]

LONDON, November 3, 1915, 6 p. m.

[Received 12 p. m.]

3150. Your 2388, November 1, 8 p. m. Foreign Office intimating that claims arising out of running contracts will be considered impartially in quite the same manner as other claims provided that they have been submitted before November 1. I am informed that at least one of these cases has already been under the consideration of the British Embassy at Washington.

AMERICAN AMBASSADOR

File No. 763.72112/1798

The Secretary of State to the Ambassador in Great Britain (Page)

[Telegram]

WASHINGTON, November 4, 1915.

2406. Your 3098,¹ 3099. Department greatly disappointed at answer of Foreign Office with respect to goods ordered between March 1 and 15. American importers who acted in good faith before notice of order in council can hardly be convinced it is just to penalize them because it could be considered that something in the nature of a blockade might be thought to be in contemplation by way of retaliation for German submarine activities.

Permits requested for goods ordered before March 1 will total less than twenty-five million dollars. An addition of a million dollars worth of goods ordered between March 1 and 15 would seem small matter compared with effect which the continued refusal to let these goods out will produce here.

You will recur to this matter informally and present these arguments and request that serious consideration be given them, and point out that English public opinion ought to be satisfied with the assurances given by Sir Edward Grey and Lord Robert Cecil to the Parliament. The principle so announced applies with equal force to goods purchased before March 15. The protest of American public sentiment, which is sure to come against the application of the order in council to American importers before it was communicated to them or their Government, seems to the Department to be based on the plainest principles of equity and justice, and you will not fail to make our views on this subject equally plain.

LANSING

File No. 763.72112/1830

The Secretary of State to the Ambassador in Great Britain (Page)

[Telegram]

WASHINGTON, November 6, 1915, 5 p. m.

2418. Your 3150, November 3, 6 p. m. In view of statement of Foreign Office transmitted in your 2861, September 25, that in case of running contracts where there was no power to determine the contract British Government could not undertake to pass the goods without further consideration, and interpretation of this by British Embassy here that they had no power to receive and pass on these cases, importers have not submitted cases of this character. Therefore as notification that consideration could be given these cases come to you on November 3, Department considers that additional time should be allowed for submission this character cases. Unofficially inform Foreign Office of this and endeavor obtain reasonable extension time.

LANSING

File No. 763.72112/1909

The Ambassador in Great Britain (Page) to the Secretary of State

[Telegram]

LONDON, November 20, 1915.

[Received 2.50 p. m.]

3252. Your 2411, 4th [2418, 6th]. Foreign Office inform me that from inquiries made from British Ambassador at Washington it seems that cases of running contracts have already been presented to the Embassy and that British Ambassador has never stated that he had no power to receive and examine such cases presented before November 1. British Government regret to be unable to accede to suggestion that further time should be allowed for presentation of cases of this kind.

AMERICAN EMBASSY

File No. 763.72112/1911

The Ambassador in Great Britain (Page) to the Secretary of State

[Telegram]

LONDON, November 20, 1915, 1 p. m.

[Received November 21, 9 a. m.]

3247. Your telegram No. 2406, 4th. I have received following from Sir Edward Grey:

MY DEAR AMBASSADOR: Careful consideration has been given to the memorandum which you communicated to me on the 5th instant representing that goods ordered and paid for in Germany and Austria between March 1 and March 15 should be accorded treatment no less favorable than that accorded to those ordered and paid for before the former date.

I regret that we cannot admit this claim as a matter of right but I should like to take this opportunity of saying informally that His Majesty's Government would nevertheless be very glad to consider this point and others as special concessions if they could feel assured that [it] would conduce to a settlement of the whole question between the United States Government and His Majesty's

Government with regard to the measures taken by the Allied Governments in restraint of the overseas trade of their enemies. I have however noted with regret that particular concessions made with the sole purpose of removing causes of complaint on the part of the United States Government have not in the past produced the desired result and I am afraid we have had little encouragement to hope that we shall meet with greater success in future, each concession on our part having led so far only to fresh and more insistent complaints made by interests in the United States to their Government.

Yours sincerely,

E. GREY

AMERICAN AMBASSADOR

Importation of Books

File No. 611.629/93

*The Secretary of State to the Ambassador in Great Britain (Page)*¹

[Telegram]

WASHINGTON, *March 25, 1915.*

1315. Please ascertain from Foreign Office whether books and publications published in Germany will be unmolested under order in council of March 15[11], when exported from Germany to United States for public libraries in this country.

BRYAN

File No. 763.72112/985

The Ambassador in Great Britain (Page) to the Secretary of State

[Telegram]

LONDON, *April 8, 1915.*

[*Received 5.30 p. m.*]

1900. Your 1315, March 25. Foreign Office regret that no undertaking can be given by His Majesty's Government to exempt books of German origin destined for public libraries in the United States from the operation of the order in council of March 11.

AMERICAN AMBASSADOR

File No. 763.72112/1024

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

[Telegram]

PARIS, *April 17, 1915.*

[*Received 2 p. m.*]

698. Your 665, 25th.² Foreign Office states that the Allied Governments consider German laws and publications as one of the most efficacious means of propaganda against the interests of their national defense and that under these circumstances the Government of the Republic regrets it cannot undertake to exempt books and publications destined to American public library from the measures of decree of March 13.

SHARP

¹ The same to the Ambassador in France, No. 665, March 25.

² See footnote 1.

File No. 300.115/14897

The Commercial Adviser of the British Embassy (Crawford) to the Foreign Trade Adviser of the Department of State (Fleming)

WASHINGTON, October 8, 1915.

DEAR MR. FLEMING: I am pleased to be able to acquaint you that the British Government are prepared to issue permits for shipment to the United States of books, in the German or other enemy language, of a philosophical, scientific, technical, or educational character, if specifically destined for universities, colleges, or public bodies.

We should require that on each application for such permits the good faith of the application and the particular institution concerned should be vouched for by some official authority. I should be glad if you could suggest some such official body which would be prepared to accept that responsibility and if, on forwarding any applications of this character, you would at the same time transmit a notification from that body that they are satisfied that the application is made in good faith.

Yours very truly,

R. F. CRAWFORD

File No. 300.115/15212½

The Foreign Trade Adviser of the Department of State (Fleming) to the Commercial Adviser of the British Embassy (Crawford)

WASHINGTON, October 23, 1915.

MY DEAR SIR RICHARD: I acknowledge the receipt of your letter of October 8, 1915, saying "that the British Government are prepared to issue permits for shipments to the United States of books in the German or other language, of a philosophical, scientific, technical, or educational character, if specifically destined for universities, colleges or public bodies," on condition "that on each application for such permits the good faith of the application and the particular institution concerned should be vouched for by some official authority."

Immediately upon receipt of your letter, I communicated with the Librarian of Congress with a view to ascertain whether he would be willing to pass upon such applications in the manner indicated in your letter.

In his reply the Librarian of Congress states that the present stoppage in the shipment of these books is a serious inconvenience, and he would gladly aid in any possible way toward removing it. Before definitely undertaking to pass upon the good faith of applications of this character, however, he desires information as to just what elements would be covered by the voucher indicated in your letter.

I should be glad to receive from you the information requested by the Librarian of Congress for the information of this office and for communication to him.

Very truly yours,

W. B. FLEMING

File No. 300.115/28385

*The Commercial Adviser of the British Embassy (Crawford) to the
Foreign Trade Adviser of the Department of State (Fleming)*

WASHINGTON, October 24, 1915.

DEAR MR. FLEMING: With reference to your letter of the 23d instant regarding the voucher or guarantee that would be required by the British Government on applications from universities, colleges, and public bodies for permits to bring forward scientific or educational works in German, I am to inform you that no more would be required than that every such application should have an endorsement by the official authority appointed that he is satisfied that the application is genuine, that the volumes for which application is made are in fact intended for the use of that institution.

I should be glad if you would be so kind as to let me know in due course whether the Librarian of Congress would be willing to undertake this service.

Yours very truly,

R. F. CRAWFORD

File No. 763.72112/1828

Statement for the press issued by the Department of State, November 12, 1915

The foreign trade adviser of the Department is in receipt of a communication from Sir Richard Crawford, commercial adviser of the British Embassy, stating that the British Government is prepared to issue permits for shipment to the United States of books in German or other language, from the enemies of Great Britain, of a philosophical, scientific, technical, or educational character, if specifically destined for universities, colleges, or public bodies. Sir Richard Crawford states that it would be required that in all such applications for such permits, the good faith of the application and the particular institution concerned should be vouched for by some official authority. The Librarian of Congress has indicated his willingness to act in the capacity indicated by Sir Richard Crawford, in passing on these applications. The endorsement of the Librarian of Congress upon the application would be to the effect that he is satisfied that the application is genuine, and that the volumes for which the application is made are in fact intended for the use of applicant institution.

If universities, colleges or other public institutions interested in obtaining books of this character, will forward their applications to the Librarian of Congress, the latter will pass upon them and after satisfying himself of the *bona fides* of the application and the proposed use of the books, so endorse the application, forwarding it to the foreign trade adviser of this Department, who will in turn forward it to the British Embassy at this Capital with an unofficial request that the permit for the shipment of the books in question be issued.

Importation of Sugar-Beet Seed¹

File No. 300.115/3752

The Ambassador in Great Britain (Page) to the Secretary of State

No. 1482]

LONDON, *May 25, 1915.*

[Received June 4.]

SIR: I have the honor to enclose herewith, for the information of the Department, copies of correspondence which has passed between this Embassy and the Foreign Office in regard to the attitude of the British Government concerning the shipment of German beet seed from Dutch ports to the United States.

I have [etc.]

WALTER HINES PAGE

[Enclosure 1]

The American Ambassador (Page) to the British Secretary of State for Foreign Affairs (Grey)

The American Ambassador presents his compliments to His Majesty's Secretary of State for Foreign Affairs, and has the honor to invite Sir Edward Grey's attention to the following matter:

For some years past the planting and cultivation of beets to be used in the manufacture of sugar has been largely undertaken, with a very considerable degree of success, in a number of states of the United States, notably in Arizona, California, Colorado, New Mexico, and Utah, and, with the success of growing this vegetable, the beet-sugar industry has assumed large proportions. For the year 1911 it is found that 1,238,280,000 pounds of beet sugar was produced in the United States, which in value amounted to \$23,895,781, and since these statistics were compiled there has been a constant increase in the production.

Since the commencement of the beet-sugar industry in the United States, the growers have been practically entirely dependent upon beet seeds which are specially grown in Germany for this trade, as it appears that this is a separate branch of the industry, and that a different form of cultivation must be undertaken to produce a seed and not a bulb, and that the American producers have never undertaken to grow seeds since the seed industry had long been established in Germany.

The beet growers in America are in great need of beet seeds in order to plant their next year's crops, and are very desirous that they may be able to obtain from Germany to the United States certain cargoes of seeds.

In view of the great importance of this matter, and the number of persons and the extent to which the industry would be affected by a total suspension of the regular supply of beet seeds, Mr. Page ventures to inquire of Sir Edward Grey as to what would be the disposition of His Majesty's Government in regard to issuing such instructions as would appear to be necessary in the case, in order that certain shipments of these seeds might proceed from Germany to the United States without hindrance on the part of His Majesty's naval authorities.

LONDON, *April 20, 1915.*

[Enclosure 2]

The British Secretary of State for Foreign Affairs (Grey) to the American Ambassador (Page)

No. 59196/15]

YOUR EXCELLENCY: I have had under my consideration the memorandum which your excellency was good enough to communicate to this Department on the 20th ultimo requesting that certain consignments of beet seeds of German origin might be permitted to proceed to the United States from Germany without interference by His Majesty's Government.

¹ Similar arrangements were made in regard to sugar-beet slicing knives.

I have now the honour to state that, although His Majesty's Government cannot give any general undertaking as regards the shipment of German beet seed to the United States, they will be willing, on the understanding that beet seeds are not procurable elsewhere than in Germany, to give an undertaking against interference in regard to particular consignments, the case of each shipment being considered on its merits. Such permission would of course be conditional on there being no question of the exchange of commodities with Germany, and on the seeds being shipped from a neutral port such as Rotterdam.

I have [etc.]

For the Secretary of State:

A. LAW

File No. 300.115/5099a

*The Foreign Trade Adviser of the Department of State (Fleming)
to the Commercial Adviser of the British Embassy (Crawford)*

WASHINGTON, July 30, 1915.

MY DEAR SIR RICHARD: It is the desire of Mr. W. B. Rosevear, jr., an American citizen and representative of Dippe Brothers, growers of beet seed at Quedlinburg, Germany, to import 50,000 bags of beet seed for sugar-beet growers in this country. This is of governmental importance and the Department of Agriculture of the United States is greatly interested in procuring this seed for our growers.

Mr. Rosevear is in receipt of a telegram from the Rotterdam agent of Dippe Brothers, which states that there are now ready for shipment in Germany 50,000 bags of beet seed, subject to export license, but buyers must send certificate attested by State Department that goods for use only in the United States, and must apply at the British Embassy at Washington for confirmation of transport security.

In order to prevent any shipment from this country, the Secretary of Agriculture has consented to act as consignee for this seed, and for all sugar-beet seed imported for American sugar companies, and all seed will be reconsigned to the sugar companies only upon satisfactory guarantees from them that the seed will be used by the sugar companies and will not be reexported.

Mr. Rosevear has exhibited to me affidavits:

- (1) Of R. M. Oxnard, vice president, American Beet Sugar Company, that that company is inadequately provided with sugar-beet seed for its operation for the coming year and that the order for 2,500 bags of the product from Messrs. Dippe Brothers of Quedlinburg, Germany, given for execution to Mr. W. B. Rosevear, jr., is intended entirely for the exclusive use of that company.
- (2) Of M. R. Osburn, secretary, Toledo Sugar Company, for 300 bags, accompanied by original order.
- (3) Of William H. Wallace, general manager, Michigan Sugar Company, for 3,000 bags.
- (4) Of John H. Abel, general manager, National Sugar Manufacturing Company, for 1,000 bags.
- (5) Of William B. Rosevear, sr. (father of William B. Rosevear, jr.), for 1,000 bags.

These evidence but a part of the demand for sugar-beet seed in this country.

On May 21, 1915, the Foreign Office of your Government stated that although His Majesty's Government cannot give any general undertaking as regards the shipment of German beet seed to the United States, they will be willing, in view of the fact that the seed is not procurable elsewhere than in Germany, to give an undertaking against interference in regard to particular consignments, the case of such shipment being considered on its merits; that such permission would of course be conditional on there being no question of the exchange of commodities with Germany, and on the seeds being shipped from a neutral port, such as Rotterdam.

As it appears to be one of the conditions for the shipment of the seed from Germany that transport security be received acting for the sugar-beet seed interests of this country, and in this case particularly for Mr. Rosevear, and unofficially and informally and without recognizing in any way the order in council of March 15[11], 1915, I shall be pleased to have you take this matter up with your Government to the end that a special permit may be given for the shipment of this seed when it arrives in Rotterdam.

I shall retain the affidavits, above referred to, in my office for the next week, and if you desire to examine them I shall be pleased to submit them to you.

As this is of special importance to the Government of the United States, I bespeak your usual prompt and valued attention.

I am [etc.]

W. B. FLEMING

File No. 300.115/5170b

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

[Telegram]

WASHINGTON, July 30, 1915.

2017. Agent Dippe Brothers, seed growers at Quedlinburg, telegraphs American agent they have ready for shipment 50,000 bags beet seed subject export license. Buyers must send certificate attested by State Department that goods for own use and apply at British Embassy, Washington, confirmation transport security.

Department Agriculture signifies willingness act as consignee for sugar-beet seed imported for American sugar companies and that all seed will be reconsigned to sugar companies only upon satisfactory guarantees from them that seed will be used by them and will not be reexported.

Understand Dippe Brothers influential with German Government, and suggest Donegan, Magdeburg, interview and present these facts to them and request their cooperation in getting necessary export licenses. British Embassy has been requested to give special permit for shipment Rotterdam to New York, and you will be advised of its action.

LANSING

File No. 300.115/7115

The Commercial Adviser of the British Embassy (Crawford) to the Foreign Trade Adviser of the Department of State (Rose)

WASHINGTON, August 4, 1915.

DEAR MR. ROSE: With reference to your letter of the 30th ultimo, I am directed to inform you that a permit will be given by the British Government for the shipment of 50,000 bags of beet seed to be consigned to the Secretary of Agriculture for distribution in the manner indicated in your communication.

I am to add that the British authorities at Rotterdam have been informed accordingly.

Very truly yours,

R. F. CRAWFORD

File No. 300.115/5223

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

[Telegram]

BERLIN, September 10, 1915, noon.

[Received September 15, 4.20 p. m.]

2887. Your 2017. Following reported by Consul, Magdeburg:

Upon the following conditions the German authorities will permit exportation to the United States of up to 80,000 hundredweight of sugar-beet seed:

1. Must be consigned to Department of Agriculture, Washington, to be distributed to sugar companies only on condition that seed will be used by themselves and not be reexported.

2. Foodstuffs, wheat, cotton, lard, fats, or any other product needed in Germany to be previously imported into Germany. Current market quotations in the United States to determine valuation of such products, the value of which goods must reach at least three and one half million marks for the 80,000 hundredweight seed.

3. If the American Government secure guarantee that the shipment will proceed undisturbed, seed may be shipped from Rotterdam to New York.

In addition Germany would not favor buying all or major part of 80,000 hundredweight from a single German seller.

I suggest that the bags be sent from America on account of the new ruling here that cotton bags leaving Germany must be returned or a large bond forfeited.

DONEGAN

GERARD

File No. 300.115/5429

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

[Telegram]

WASHINGTON, October 2, 1915.

2257. Your 2887. Endeavor obtain permission shipment 100,000 bags sugar-beet seed from Zuckerfabrik, Kleinwanzleben, vorm. Rabbethge and Giesecke, Kleinwanzleben, to Alexander Fick, Omaha, to be consigned to Secretary Agriculture who will only reconsign to Fick on receipt satisfactory guarantees that seed will not be reexported. Exchange commodities impracticable. Planting begins December. Situation urgent.

POLK

File No. 300.115/5871

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

[Telegram]

BERLIN, November 3, 1915, 7 p. m.

[Received 4.10 p. m.]

3075. My 3070, November 1.¹ Received to-day following reply from the Foreign Office regarding exportation beet seed:

The Imperial Foreign Office has the honor to state the following in reply to the *note verbale* of the American Embassy, of October 7, 1915:

This year's crop of sugar-beet seeds in Germany has been poor; heed therefore must be paid that the stocks remain in the country. Exceptions can, on principle, only be granted in cases in which equivalents are offered on the part of the foreign countries by the importation into Germany of articles of such nature as to maintain the German economic balance arising from loss by exportation of the sugar-beet seeds.

Solely with the object of extending particular courtesy to the United States of America, the Imperial Government would be willing, without the furnishing of an equivalent, to allow the exportation of 15,000 hundredweight sugar-beet seeds on the condition that the Government of the United States not only guarantees, as offered, that the goods, on arriving in the United States of America, will remain in the country, but that it also guarantees that the goods, while *en route*, will not be seized by the enemies of the Empire. The Imperial Government furthermore would have to reserve to itself the right of distributing delivery of the 15,000 hundredweight among several seed growers, in order thereby to create a balance of interest. Consequently the Imperial Government would have to be enabled to assume that it is agreed on the part of America that the granting of further quantities of beet seeds can only enter into question against the furnishing of equivalents.

An answer to the foregoing is respectfully solicited.

BERLIN, November 2, 1915.

GERARD

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

[Telegram]

WASHINGTON, November 6, 1915.

2381. Your 3075, November 3. Department appreciates courtesy of German Government in matter. Following permits have been granted by the British Embassy for uninterrupted shipment sugar-beet seed: 50,000 bags to W. B. Rosevear, jr., from Dippe Brothers (see Department's 2017, July 30); 50,000 bags to Fick (see Department's 2257, October 2); 2,750 bags to Holland-St. Louis Sugar Company, Holland, Michigan; 16,000 bags to Allen Freeman, c/o American Minister, Hague; 1,000 bags to August Rölker and Sons, New York City, purchased from Kloster, Hadmersleben. British permits should be compliance with Germany's condition that goods will not be interrupted *en route* to United States. All these goods will come consigned to Secretary of Agriculture who will only reassign them to the interested persons on receipt of guarantees that the seed will be used only in the United States and not reexported. Department will inform you of any subsequent permits granted by British Embassy. Endeavor have permits granted for shipments to these firms under arrangement in your 3075.

LANSING

¹ Not printed.

File No. 300.115/6182

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

[Telegram]

BERLIN, December 1, 1915.

[Received December 2, 12.35 p. m.]

3170. My 3149, November 23.¹ Foreign Office grants definite export permission for shipment 15,000 *Zentner* sugar-beet seed to be consigned Secretary Agriculture and distributed delivery as follows: Zuckerfabrik, Kleinwanzleben, 5,600; Heinrich Mette, Quedlinburg, 1,200; Dippe Brothers, Quedlinburg, 2,200; C. Braune, Bernburg, 1,800; Schreiber and Son, Nordhausen, 3,000; Heine, Hadmersleben, 1,200 *Zentner*.

Department's 2437, November 24.¹ German Government regrets to be unable allow further exportations beet seed without equivalent and refers to reasons transmitted in my 3075, November 3. Your 2424, November 20.¹ No objection on part German Government to transshipment of beet seed released in Austria-Hungary as not forbidden. Have communicated with Consul Donegan.

GERARD

 Importation of Dyes²

File No. 165.102/463

The Ambassador in Great Britain (Page) to the Secretary of State

[Telegram]

LONDON, April 14, 1915, 6 p. m.

[Received 8.05 p. m.]

1930. Following my 1919, 13th,¹ I have received from Sir Edward Grey the following memorandum:

1. It is understood that the German Government have agreed to release from their embargo two shipments of dyestuffs destined for the United States, representing the March and April supplies necessary for American industries, such dyestuffs having been paid for by the delivery in Germany of the cotton cargoes carried by the steamships *Guantanamo* and *City of Savannah* which sailed from the United States before the 1st of March 1915.

2. In these circumstances His Majesty's Government have given directions the ships carrying the two consignments of dyestuffs shall not, on the ground of such carriage, be interfered with on their voyage to the United States provided that: (a) The ships sail under a neutral flag; (b) the shipments are made from Rotterdam; and (c) the dyestuffs are consigned to William C. Redfield, Secretary of Commerce of the United States, for account of Mr. William A. Mitchell who will distribute them among the members of the five associations comprising the Textile Alliance who shall comply with the terms and conditions imposed alike on all members.

AMERICAN AMBASSADOR

¹ Not printed.² See the section on German embargoes in *Foreign Relations, 1914, Supplement*, p. 406.

File No. 165.102/463a

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

[Telegram]

WASHINGTON, April 14, 1915.

1518. British Embassy here advises Department two more shiploads of dyestuffs, which were paid for by delivery in Germany of cotton cargoes shipped before March 1 on *Guantanamo* and *City of Savannah*, will be permitted by the British Government to pass without interference by British, provided vessels sail under neutral flag. Shipments are made from Rotterdam and dyestuffs are consigned to Mr. Redfield, Secretary of Commerce, for account of Mr. William Mitchell for distribution to the five associations comprising Textile Alliance. Secretary of Commerce has consented to accept consignments and will endorse bills of lading to William Mitchell who is acting under power of attorney from associations. They will give bond for him and other assurances against exportation from United States and for fair distribution here. Communicate this to German Foreign Office and German dyestuffs manufacturers. *City of Memphis* now in Rotterdam. *Carolyn* due there 24th. If assured cargoes, associations will hold *Memphis* and *Carolyn*. Cable Hague and Washington. This makes four cargoes cotton exchanged for dyestuffs.

BRYAN

File No. 165.102/504

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

[Telegram]

WASHINGTON, May 5, 1915.

1629. Berlin's 2136,¹ Department's 1576¹ pointed distinction between Department's 1499¹ and 1518. Department's 1576 intended as answer to Berlin's 2094.¹ Arrangement proposed by Metz in Department's 1499 has since been made impossible by the detention of the two steamers he mentioned, namely S. S. *Navajo* and *Carolyn*. The British Government has consented to permit the safe passage of two shiploads of dyestuffs conditionally upon shipment being made from a neutral port. This arrangement was made by the textile industries through counsel in London. The first shipment can be made by S. S. *Neches* now in transit due Rotterdam May 15. This steamer is scheduled to return May 19, but if full return cargo guaranteed, the steamer might be detained for a reasonable time. Steamer *Neches* will load approximately 6,000 tons of dyestuffs. This quantity means two months' allotment now overdue. Obviously impossible under changed conditions to send for the goods at any other than a neutral port, hence Bremen excluded. Could only take the goods from Rotterdam. A second ship will be sent to Rotterdam later on. Return cargo on *Neches* would be insured in the United States.

BRYAN.

¹ Not printed.

File No. 165.102/511

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

[Telegram]

BERLIN, May 10, 1915, 1 p. m.

[Received May 11, 3.30 p. m.]

2199. Department's 1629, 5th. Foreign Office inquires preliminarily whether *Neches* brings cargo destined for Germany, what such cargo is composed of, and whether its transshipment through Holland is guaranteed.

GERARD

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

[Telegram]

WASHINGTON, May 12, 1915.

1654. Your 2199, 10th. Official statistics show shipment of over million and quarter bales since conference at your office with William A. Mitchell in October, representing textile association. Value of this cotton at least ten times value of coal-tar dyestuffs released thus far. Many of ships carrying cotton have returned in ballast, including *Guantanamo* and *City of Savannah*, within last few weeks, for which application was recently made for release of cargo of dyestuffs and not granted. Textile association not chartering *Neches* nor connected in any way with the outward cargo. Does not know its destination beyond Rotterdam. Textile association insists it should receive interned dyestuffs cargo for *Neches* in lieu of ships heretofore returning in ballast. Cannot hold *Neches* unless assured of cargo for her. Time of greatest importance. Hasten answer.

BRYAN

File No. 165.102/517

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

[Telegram]

BERLIN, May 19, 1915.

[Received May 20, 11.30 p. m.]

2253. Department's 1654. Foreign Office replies:

Agreement regarding exchange colors for cotton was based on assumption that consecutive shipments cotton for German spinners via Bremen or neutral ports such as Rotterdam or Copenhagen would be made. Since textile association, without fault on part German spinners, does not seem any longer in position to do so, it cannot base claim for release shipments colors on terms agreement. Furthermore, inasmuch as *Neches*, according to Embassy's communication, has not brought cotton or other cargo for Germany, an obligation to provide return cargo cannot be deduced from agreement. As regards point that value of cotton imported into Germany exceeded several fold value colors allowed exported to America, Embassy will not fail to recognize that the measure of comparison of value of deliveries of either side in exchange agreed upon should not be price but importance of products for political economy of the two countries. Measured by this standard, dyestuffs exported during war to now have unquestionably benefited American industry at least as much as cotton shipments have benefited German spinners, aside from fact that cotton shipments have furnished hard-pressed American cotton growers welcome relief.

Nevertheless, question whether exception can be made to requirement that colors shipments go via Bremen will be thoroughly investigated and results communicated later.

GERARD

File No. 165.102/539

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

[Telegram]

BERLIN, June 15, 1915, noon.

[Received June 16, 3.15 p. m.]

2434. My 2253. Foreign Office now communicates following:

The Imperial Government ready, as far as it is concerned, to permit shipment of dyestuffs via Rotterdam instead of via Bremen in order to facilitate importation of [cotton by] American buyers, which is a condition of the granting of permission for exportation of dyestuffs. However, inasmuch as Holland has now put an embargo on exportation of cotton, no surety would exist that the cotton unloaded in Rotterdam would in all cases reach its destination in Germany. Therefore, before German color manufacturers would be permitted to substitute Rotterdam for Bremen as point of delivery, a binding declaration of the Dutch Government would be necessary. This declaration should assure the undisturbed transshipment of cotton destined for Germany. Foreign Office awaits information whether American Government undertakes full guarantee that American cotton ships will proceed without hindrance to Rotterdam and that cotton they carry will be transhipped through Holland. A renewed declaration respectfully requested to the effect that the guarantees for safe passage of the ships loaded with dyestuffs to the United States unmolested by England and France and for disposition and exclusive use of the colors in the United States are still valid.

GERARD

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

[Telegram]

WASHINGTON, June 22, 1915.

1862. Your 2434, June 15. Proposed exchange of cotton for dyestuffs is but an isolated feature of the general question of protecting neutral trade which now engages the Department's attention.

OSBORNE

Importation of Drugs

File No. 300.115/5050

The Secretary of State to the Ambassador in Great Britain (Page)

[Telegram]

WASHINGTON, September 4, 1915.

2073. Hon. Herman A. Metz, president of the Farbwerke-Hoechst Company, New York, has quantities of salvarsan, neosalvarsan and novocaine of German manufacture ordered before January last and have been paid for now with Ringrose and Company, Rotterdam. Metz has orders from Army, Navy, Public Health Service and domestic hospitals for these drugs and seeks to bring over at this time two lots, twenty-four and fifteen packages, respectively, ten pounds weight per package. Secretary Treasury gives formal statement

that articles are not otherwise obtainable in quantities required for treatment of Government patients and requests this Department to aid in shipment to Metz, whose application you are directed to support. Please report promptly.

LANSING

File No. 300.115/5242

The Ambassador in Great Britain (Page) to the Secretary of State

[Telegram]

LONDON, *September 16, 1915.*

[*Received 11.35 p. m.*]

2809. My 2760, September 6.¹ Am now in receipt of note from Foreign Office in reply to my further informal representations of which following is substance:

The French Government have now informed His Majesty's Government that equivalents of salvarsan, neosalvarsan and novocaine are obtainable in France, and that they are unable to agree to these preparations being imported from Germany. In these circumstances His Majesty's Government regret that they cannot see their way to give any undertaking in regard to the transit of such drugs to the United States.

I shall not fail to address a further communication to your excellency in due course relative to the consignments of pyramidon, antipyrine and other drugs which it is also desired to bring forward from Germany.

Metz representative stated he understands that due to United States patent laws these equivalents of salvarsan, neosalvarsan and novocaine will be prevented from entering United States. Have so informed Foreign Office. They wish official confirmation of this.

AMERICAN AMBASSADOR

File No. 300.115/5460

The Secretary of State to the Ambassador in Great Britain (Page)

[Telegram]

WASHINGTON, *October 7, 1915.*

2236. Department's 2179, September 27.¹ There appears to be urgent demand in the United States for these drugs which Department understands were purchased before January 1 last, have been paid for and the difficulty in obtaining permission for exportation of which is said to have prevented their being brought out Germany before March 15. Informally urge prompt release. Report.

LANSING

File No. 300.115/5503

The Ambassador in Great Britain (Page) to the Secretary of State

[Telegram]

LONDON, *October 9, 1915.*

[*Received 2.35 p. m.*]

2975. Your 2236, 7th. Foreign Office informs me that British Consul General at Rotterdam is being authorized to issue on application

¹ Not printed.

permit for shipment of 2,500 ampoules of neosalvarsan and 13,450 tubes of novocaine suprarenin valued at 20,854 marks, 50 pfennigs. Foreign Office states that regarding neosalvarsan British Government are informed by French Government that Poulenc and Company, 92 rue Vieille-du-Temple, Paris, can supply neosalvarsan in the form of nearseno benzol (which is identical with neosalvarsan). It is further stated that British Government regret they can give in consequence no undertaking regarding future consignment of this article.

AMERICAN AMBASSADOR

File No. 300.115/5650

The Ambassador in Great Britain (Page) to the Secretary of State

[Telegram]

LONDON, October 21, 1915, 4 p. m.

[Received 8.50 p. m.]

3066. My 2799, September 14, 5 p. m., and your 2179, September 27, 7 p. m., regarding Metz salvarsan.¹ Foreign Office still claiming that no decision yet reached by the French Government in this matter and that they cannot do anything until they receive word from France. I am in receipt of telegram from Embassy, Paris, stating that no decision yet reached by the French Government but that Embassy is led to believe that the British Government unwilling to grant desired authorization except as regards tissue dyes which, I am informed, are of no importance. Suggest if possible that the Department give definite statement that patent laws prevent introduction of French equivalent into the United States and instruct Embassy, Paris, and myself to maintain urgent informal representations asking permission on humanitarian grounds.

AMERICAN AMBASSADOR

File No. 102.15/44

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

No. 1638]

BERLIN, October 14, 1915.

[Received November 1.]

SIR: I have the honor to inform the Department that some time ago this Embassy was requested by the Farbwerke, of Höchst on Main, to obtain, if possible, from the German Foreign Office permission for the exportation of a shipment of salvarsan and neosalvarsan ordered by the Public Health Service at Washington, D. C., through Mr. H. A. Metz, New York. The Foreign Office has now replied to the Embassy's representations on the subject that the Imperial Government would gladly grant the desired exportation permission, provided that assurances could be given by the American Government that the goods would arrive at their destination and remain in the United States. The Foreign Office likewise stated that appropriate instructions on the subject have been given to the Imperial German Embassy at Washington.

I have [etc.]

JAMES W. GERARD

¹ Neither printed.

File No. 300.115/5930a

The Secretary of State to the Ambassador in Great Britain (Page)¹

[Telegram]

WASHINGTON, November 3, 1915.

2402. Your No. 3066, October 21. Before giving suggested instruction, Department desired accumulate tangible evidence of conditions which were stated to make request to British and French Governments desirable and urgent. Department now has in its possession copies of letters patent, Nos. 986,148 and 1,053,300, issued by United States Patent Office March 7, 1911, and February 18, 1913, respectively, covering drug compositions salvarsan and neosalvarsan. Under provisions Section 4884, Revised Statutes, United States, patentee, his heirs or assigns acquire by such letters patent exclusive right make, use and vend invention or discovery throughout United States and its territories for period seventeen years.

American representative of assignee of these patents has furnished Department with following documents:

1. Sworn statement that there are still unshipped on orders placed by him with German manufacturers on November 16, 1914, 85,000 ampoules these drugs.
2. Sworn list orders placed with him by hospitals and other similar institutions during thirty-eight days September 16 to October 23 last, both inclusive, showing 313 such orders for total 3,642 ampoules these drugs.
3. Sworn statement that in addition these hospital orders he has received similar orders from 3,164 individual physicians for aggregate 31,000 ampoules.
4. Sworn extracts from letters from forty-one physicians located in twenty different states, each requesting shipment these drugs for use in urgent cases, in some of which saving of life is said to depend on ability obtain drug.
5. Sworn copy of letter addressed, on October 8, last, by Poulenc Frères, Paris, to Parmele Pharmacal Company, New York, the writer being same company which, according your number 2975, October 9, French Government states is prepared supply drug identical with neosalvarsan in form neoarseno benzol, which letter states in part:

In order make introduction our products possible in United States American Government would have to take steps similar to those taken by English Government. . . . They would have to grant licenses manufacture all patent German products unobtainable in American market as result prevailing conditions. . . . In case such license should be granted we could not consider sale our products in United States only as long as the war lasts; in fact, we would have to increase our output considerably in order fill numerous orders we would receive. As this would require very extensive equipment we would not consider matter in case we would only have access to American market for a few months. . . .

6. Sworn copy judgment District Court United States, Eastern District of Michigan, dated January 12, last, upholding validity letters patent, No. 986,148, perpetually enjoining one Albert

¹The same, in substance, to the Ambassador in France, No. 1180, November 3.

C. Smith and his agents from selling or using in the United States the drug which he had offered as substitute for salvarsan. Judgment also required payment to plaintiff all profits derived by defendant from sale of infringing article, damages sustained by defendant from infringement and costs litigation.

7. Sworn statement showing deposits by American representative with manufacturers on April 19 and May 21 last of marks 981,927 and present balance remaining for payment pending orders, marks 902,346.

Department is receiving petitions from physicians and medical organizations explaining urgent need for salvarsan and neosalvarsan and soliciting Department's aid in obtaining these drugs although it appears writing of such petitions has been discouraged by American distributor.

It appears evident from above-mentioned documents there is large and urgent demand in United States for these drugs and that much suffering is resulting from lack thereof.

If, as stated by French Government, product of Poulenc and Company is identical with neosalvaran, its sale in the United States would doubtless constitute infringement of patents granted by United States Patent Office. Furthermore, even though Poulenc Company, contrary to statement in its above-quoted letter, were willing sell its products in United States under present conditions, it would admittedly be unable supply present demand, and it seems improbable any one would undertake responsibility selling such presumably infringing article. Moreover, it is represented to Department that use of substitutes for salvarsan and neosalvarsan has in some cases resulted unfavorably and that use such untried substitutes, if obtainable, would be experimental and not generally adopted.

You will bring foregoing facts to attention Foreign Office and unofficially request that, in view existing legal situation, the insignificant benefit that would result to enemies Great Britain and France, and out of consideration for the numerous unfortunates whose suffering is apparently being aggravated by lack these drugs, British and French Governments agree to permit shipments from Germany of such quantities thereof as will supply urgent needs medical profession in United States.

Department instructing Ambassador, Paris, make similar representations French Government.

LANSING

File No. 102.15/44

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

No. 1487]

WASHINGTON, November 9, 1915.

SIR: The Department is in receipt of your No. 1638 of October 14, 1915, reporting that some time ago your Embassy was requested by the Farbwerke, of Höchst on Main, to obtain, if possible, from the German Foreign Office permission for the exportation of a shipment of salvarsan and neosalvarsan ordered by the Public Health Service at Washington through Mr. H. A. Metz of New York, and that the

Foreign Office has advised you that the German Government will gladly grant the desired exportation, provided assurances can be given by this Government that the goods will arrive at their destination and remain in the United States.

The Department encloses, for your information in this relation, copies of telegrams on this subject which were addressed to the American Ambassadors at London and Paris, respectively, on November 3, 1915.¹

I am [etc.]

For the Secretary of State:

FRANK L. POLK

File No. 300.115/5935

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

[Telegram]

PARIS, November 10, 1915.

[Received 12 p. m.]

1094. Referring to my 1088, 9th.² Foreign Office note just received states that technical committee sitting in Paris have examined list of pharmaceutical products of German manufacture submitted to them by this Embassy and after agreement with British Government it has been recognized that, with the exception of special tissue dyes, all other articles mentioned in the list may be found in France or Great Britain, either in an unmodified form or in the form of identical or equivalent products. Under these conditions it only appears possible to the French and British Governments to authorize the free transit of special tissue dyes.

SHARP

File No. 300.115/6229

The Ambassador in Great Britain (Page) to the Secretary of State

[Telegram]

LONDON, December 4, 1915.

[Received 4.10 p. m.]

3344. Your 2402, November 3, *re* salvarsan and neosalvarsan for Metz. Foreign Office informs me that after communication with French Government the two Governments have decided as an exceptional measure to accede to request of United States Government taking into consideration assurances given that quantities as specified are urgently needed for six months' supply for whole of United States and that arrangements are being made to manufacture these substances in United States.

British Consul General at Rotterdam has been authorized to issue on application permits for shipment of the quantities specified on production to him of invoices or other documents enabling him to identify the goods.

¹ *Ante*, p. 258.

² Not printed.

Dr. Baketel, Metz representative, left with me on October 29 specifications of quantities needed to last six months which I sent to Foreign Office in personal letter to Sir E. Grey on November 1.

AMERICAN EMBASSY

File No. 300.115/6278

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

[Telegram]

BERLIN, December 9, 1915, 5 p. m.

[Received December 10, 11.45 a. m.]

3206. Department's instruction No. 1487, November 9. Farbwerke, Höchst, informs me of telegram received from Herman Metz, New York, to ship to Rotterdam considerable amount salvarsan, neosalvarsan and novocaine "by advice of State Department." Anxious for information in premises and repeat that shipment will only be permitted under conditions reported in my 1638, October 14.

GERARD

File No. 300.115/6332

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

[Telegram]

WASHINGTON, December 16, 1915.

2509. Your 3206, December 9. Metz has obtained permits from British Government for uninterrupted shipment large quantity of salvarsan and neosalvarsan. Request export permission on humanitarian grounds.¹ Novocaine still under consideration by British Government. You will be informed if decision favorable.²

LANSING

Importation of Porcelain Guides for Textile Machinery

File No. 300.115/4173a

The Secretary of State to the Ambassador in Great Britain (Page)

[Telegram]

WASHINGTON, June 7, 1915, 9 p. m.

1677. Mitchell-Bissell Company, New York, have 153 cases porcelain guides for textile machinery at Rotterdam contracted but not paid for prior March 1. Unless these guides can be procured textile industries will suffer. This company sole importers of these guides

¹ The German Government did not express itself satisfied with the guaranties proposed until April 6, 1916, when the Ambassador in Germany, in telegram No. 3718, reported that the export permit had been granted (File No. 300.115/7836).

² On January 20, 1916, in his telegram No. 3607, the Ambassador in Great Britain reported that permission had been granted for passage of a six months' supply of novocaine under the same conditions as for salvarsan (File No. 300.115/6713).

which have no substitute and cannot be procured elsewhere. Most important that our textile industries shall have them. Unofficially, informally, and discreetly ascertain whether permit can be obtained for shipment from Rotterdam.

BRYAN

File No. 300.115/4174

The Ambassador in Great Britain (Page) to the Secretary of State

[Telegram]

LONDON, July 10, 1915.

[Received 12 noon.]

2437. Department's 1677, June 7, *re* porcelain guides contracted for by the Mitchell-Bissell Company, New York. Foreign Office informs me in reply to my representations regarding above—

that according to information in possession of British Government these articles are readily procurable in United Kingdom or elsewhere. They are, it is understood, largely manufactured, for instance, by Mr. George Wade, Manchester Pottery, Burslem, among others in same district, and in the circumstances there does not appear to British Government to be any cogent reason for requesting special facilities to export them from Germany.

AMERICAN AMBASSADOR

The Secretary of State to the Ambassador in Great Britain (Page)

No. 1302]

WASHINGTON, July 26, 1915.

SIR: Referring to the Department's telegraphic instruction No. 1677 of June 7, and your reply No. 2437 of July 10, in regard to certain porcelain guides of German origin now at Rotterdam which the Mitchell-Bissell Company of New York desire to obtain, there is enclosed for your information a copy of a letter dated July 21, 1915, from the Mitchell-Bissell Company, together with the enclosures thereto, in regard to their need of these porcelain guides.¹

The Mitchell-Bissell Company inform the Department that they are able to state from past experience that it is impossible to obtain porcelain guides of this character of the requisite workmanship that will meet their purposes either in the United States or Great Britain, or, in fact, anywhere outside of Germany, and though their manufacture might be perfected in this country or in Great Britain, it would require two or three years to accomplish this. The goods are of very fine workmanship and must be absolutely accurate in order to meet the needs of the company. Great hardship will be suffered by this company and a number of other companies in the United States if they are unable to obtain these porcelain guides from Germany. The value of the guides is relatively small but the injury that will be done if they are unable to obtain them will be very great.

These goods now at Rotterdam have all been paid for through a running account between the Mitchell-Bissell Company and the

¹ Not printed.

German manufacturers of the goods. Payments on this account are made from time to time by the Mitchell-Bissell Company, and they have entirely paid for the goods now at Rotterdam, although it is impossible for them to say that the goods were entirely paid for before March 1, 1915, though they were all contracted for prior to that date.

You are instructed informally and without recognizing the British order in council to again take up this matter with the proper British authorities in an endeavor to have an authorization issued so that these guides may proceed without interference from Rotterdam to the United States. You are instructed to report by cable to this Department the reply of the British authorities to your informal representations.

I am [etc.]

ROBERT LANSING

File No. 300.115/4699

The Ambassador in Great Britain (Page) to the Secretary of State

[Telegram]

LONDON, August 19, 1915. .

[Received 4.05 p. m.]

2652. Your instructions 1302, 26th ultimo, *re* porcelain guides for Mitchell-Bissell Company. Foreign Office informs me that they wish to be furnished with details as to the dates that the goods were contracted for, together with copies of the orders given for them and with a statement of the total value which they represent, also would be glad to receive a sample of the porcelain guides in question, and that on receipt of these particulars the matter will be further considered.

AMERICAN AMBASSADOR

The Secretary of State to the Ambassador in Great Britain (Page)

No. 1526]

WASHINGTON, August 31, 1915.

SIR: Referring to your cablegram No. 2652 of August 15[19], 1915, in regard to the desire of the Mitchell-Bissell Company to obtain a shipment of porcelain guides of German origin, there is enclosed a copy of a letter from the Mitchell-Bissell Company, in regard to these goods, as well as a statement of the value of the goods that they have not yet obtained and samples of the various porcelain guides, giving a general idea of the character of the guides which they desire to obtain.¹ There are perhaps a dozen variations of each of these samples enclosed, each variation differing from the pattern by a small fraction of an inch. The Mitchell-Bissell Company would like to have the copies of the orders enclosed returned to them after the British authorities have finished with them.

The Mitchell-Bissell Company state that it is absolutely impossible for them to obtain these porcelain guides elsewhere than in Germany as they must be made with absolute accuracy and that the

¹ Not printed.

variation of a sixteenth of an inch makes the goods incapable of use for the purposes for which they are intended.

You are instructed to submit this additional evidence to the British authorities and inform the Department by cable of any action in the matter.

I am [etc.]

ROBERT LANSING

File No. 300.115/5052

The Secretary of State to the Ambassador in Great Britain (Page)

[Telegram]

WASHINGTON, October 19, 1915.

2304. Department's instruction 1526, August 31. What action has been taken in the matter? Over \$100,000 worth textile machinery being held up at present time awaiting these small parts that cannot be duplicated. By December 1 this amount will be increased at least four or five times if goods not received. Present these facts unofficially to British authorities and urge prompt action. Cable reply.

LANSING

File No. 300.115/5970

The Ambassador in Great Britain (Page) to the Secretary of State

No. 2443]

LONDON, October 29, 1915.

[Received November 12.]

SIR: Adverting to the Department's instructions No. 1526 of August 31 and to my cablegram No. 3113 of to-day's date¹ regarding the shipment from Rotterdam to the United States of 153 cases of porcelain guides on behalf of the Mitchell-Bissell Company of New York, I have the honor to enclose herewith, for the information of the Department, a copy of a note which has been received from the Foreign Office in reply to my representations in the premises, and in which it is stated that the British Consul General at Rotterdam is being authorized to issue, on application, a permit for the shipment of the goods in question.

It is further set forth in the note above mentioned that these goods could well be supplied from Great Britain, and that it is only on account of the fact that the delay required to place the orders might prove inconvenient for the users in the United States of America that the British Government have decided to treat this application as a special case, and further that the grant of a permit for the whole amount in this instance must therefore not be considered in any way as a precedent for dealing with future applications of this description.

I also have the honor to return herewith the order forms for these guides which were transmitted to the Embassy by the Department in its instructions No. 1526 of August 31.

I have [etc.]

WALTER HINES PAGE

¹ Not printed.

[Enclosure]

The British Secretary of State for Foreign Affairs (Grey) to the American Ambassador (Page)

No. 155630/15]

LONDON, October 28, 1915.

YOUR EXCELLENCY: With reference to the note which your excellency was good enough to address to me on the 18th ultimo respecting the shipment to the Mitchell-Bissell Company of New York of 153 cases of German porcelain guides, I have the honour to inform your excellency, that after due consideration of the case, His Majesty's Government have decided to raise no objection to the passage of these goods, and His Majesty's Consul General at Rotterdam is being instructed to issue, on application, a permit for their shipment.

I would, however, observe that these goods could well be supplied from this country, and it is only because the delay required to place the orders might prove inconvenient for the users in the United States of America that His Majesty's Government have decided to treat the present application as a special case. The grant of a permit for the whole amount in this instance must therefore not be considered in any way as a precedent for dealing with future applications of this kind.

I have [etc.]

[File copy not signed]

Importation of Goods of Belgian Origin

File No. 763.72112/1243a

The Secretary of State ad interim to the Consul General at London (Skinner)

[Telegram]

WASHINGTON, June 11, 1915.

British Embassy here states goods originating in that part Belgium occupied by German forces regarded as goods German origin and subject Article 4, order in council March 11. In cases where particular factories in that territory are employing Belgians in Belgian interests, Belgian Legation, London, certifying facts to British Foreign Office and permits are being given for exportation their products. Informally investigate this situation and report fully status goods originating that part Belgium occupied by German forces.

LANSING

File No. 763.72112/1244

The Consul General at London (Skinner) to the Secretary of State

[Telegram]

LONDON, June 12, 1915.

[Received 10.30 a. m.]

Department's 11th. Goods originating Belgium are presumptively enemy origin and it lies upon those interested to prove that Germany would not profit from intended operation. In practice this is difficult to prove, as Belgian representatives not in position to ascertain material facts. Am assured each case will be considered upon merits and whenever it can be demonstrated that transaction is for benefit Belgians to exclusion of German advantage permission will be granted.

SKINNER

File No. 300.115/3710

The Consul General at London (Skinner) to the Secretary of State

[Telegram]

LONDON, June 14, 1915.

[Received 2 p. m.]

Department's 11th. After cabling 12th, authorities decided to consult Cabinet respecting exports from Belgium and will not decide particular questions until Cabinet acts. Will continue to press Welsch and Culley case.

SKINNER

File No. 763.72112/1549

The Ambassador in Great Britain (Page) to the Secretary of State

[Telegram]

LONDON, September 8, 1915.

[Received September 9, 8 a. m.]

2769. Foreign office to-day sends me printed form now being sent to all persons desiring to export goods of Belgian origin from Holland. Form is as follows:

The Under Secretary of State for Foreign Affairs presents his compliments to Messrs. . . . and in reply to their letter of the relative to the exportation from Belgium to of is directed by Secretary Sir E. Grey to state that His Majesty's consular officer at the port of shipment will be instructed to issue the necessary permit as soon as Messrs. have produced to the satisfaction of the Foreign Office—

1. A declaration or certificate from the competent Belgian local or municipal authority that the goods in question are of Belgian origin or manufacture; and
2. A written guarantee from a bank in this country that the purchase money for the goods has been deposited with them, and will not be withdrawn without the special authorization of His Majesty's Government, during the continuance of the occupation of Belgium by the enemy; or alternatively clear evidence that the purchase money was remitted to Belgium before the 31st July, 1915, such as an affidavit of the bank in a neutral country through which the money was remitted.

Please request persons approaching Embassy in cases of this description to furnish documents set forth above.

AMERICAN AMBASSADOR

File No. 763.72112/1588

The Ambassador in Great Britain (Page) to the Secretary of State

[Telegram]

LONDON, September 17, 1915.

[Received 5.35 p. m.]

2817. I have to-day received the following note from Sir Edward Grey, dated September 16:

With reference to my note of the 7th ultimo, regarding the conditions on which His Majesty's Government are prepared to issue permits for the export of goods of Belgian origin to neutral countries, I have the honour to inform your excellency that an arrangement has now been reached with the Belgian

Government by which the deposit of documents covering the sale and shipment of such goods with a bank in the United Kingdom will be accepted in lieu of the deposit of the purchase money itself, in cases where the latter condition is not practicable.

AMERICAN AMBASSADOR

File No. 763.72112/1653

The Acting Secretary of State to the Ambassador in Great Britain
(Page)

[Telegram]

WASHINGTON, September 30, 1915.

2190. Your 2817, September 17. What documents is it contemplated shall be deposited with bank in Great Britain? Will certified copies documents be sufficient? Goods cannot be taken from customhouse without documents here and as many goods are of perishable nature—as trees and plants—they must be taken from customhouse on arrival without delay.

POLK

File No. 763.72112/1681

The Ambassador in Great Britain (Page) to the Secretary of State

[Telegram]

LONDON, October 5, 1915.

[Received 7.15 p. m.]

2932. Your 2190, September 30. Foreign Office informs me that "documents" referred to are "such shipping documents as are commonly deposited in banks in business transactions." Certified copies will not do.

AMERICAN AMBASSADOR

File No. 763.72112/1967

The Ambassador in Great Britain (Page) to the Secretary of State

[Telegram]

LONDON, December 3, 1915.

[Received 8.30 p. m.]

3337. My despatches 2119, September 8,¹ and 2586, November 23.² Foreign office advises me, regarding desire American firms to import goods of Belgian origin, that in several cases submitted to Foreign Office, conditions imposed by British Government have not been fully complied with and suggests that delay will be saved if revised conditions of British Government, under which these goods may be exported, be made public for information of importing firms. To the Foreign Office circular form enclosed in my 2119, the following paragraph is added, together with a footnote:

¹ Not printed; the circular form enclosed in this despatch was also transmitted in the Ambassador's telegram No. 2769, of the same date, printed *ante*, p. 266.

² Not printed.

If, however, Messrs. are unable to deposit the purchase money in advance, it will be sufficient if they deposit with a bank in this country the documents covering the sale and shipment of the goods.* In this case a written guarantee from the bank must be produced that they will collect the purchase money against the documents and will retain it during the continuance of the occupation of Belgium by the enemy and, upon issue of the permit, the documents should be delivered to His Majesty's consular officer at the port of shipment for transmission to the bank named.

* A declaration or statement by the manufacturers legalized by a Belgian authority is not sufficient. The certificate must be issued directly by such authority on their own responsibility.

Original of revised form transmitted to Department in my 2586.¹

AMERICAN EMBASSY

**ARRANGEMENTS FOR THE REGULATION OF IMPORT AND TRANSIT
TRADE MADE BY EUROPEAN NEUTRAL COUNTRIES**

The Netherlands Oversea Trust Company

File No. 763.72112/608

The Consul General at Rotterdam (Listoe) to the Secretary of State

ROTTERDAM, December 21, 1914.

[Received January 4, 1915.]

SIR: I have the honor to transmit herewith, in triplicate, "Memorandum and articles of association of the Netherlands Oversea Trust Company, Limited," a company established to act as intermediary for Netherlands' merchants or trading companies, with a view to enable the unmolested conveyance from oversea of merchandise which has been declared contraband, either absolute or conditional, by belligerent states.²

The company has been but recently established, after much negotiating with the Dutch Government by six of the leading banks and bankers, and twelve prominent shipowners of the Netherlands. As consignee, the Netherlands Oversea Trust Company, Limited, will undertake to protect the interests of importers generally and furnish the Government the required guaranty to maintain absolute neutrality. The board of directors consists of seventeen members, five of whom constitute the executive committee. The company's capital, which amounts to 2,500,000 florins (one million dollars), is more of a guaranty fund, inasmuch as only 10 per cent of the same is to be paid in.

While the company has not as yet commenced to operate, negotiations are at present being carried on between the Dutch Government at The Hague and British Foreign Office at London for the purpose of obtaining the approval of the latter.

I have [etc.]

S. LISTOE

¹ Not printed.

² Not printed; the articles in their final form are printed as enclosure to despatch No. 201, February 1, from the Minister in the Netherlands, *post*, p. 270.

File No. 763.72112/593

The Netherland Minister of Foreign Affairs to the Netherland Minister at Washington (Van Rappard)

[Telegram—Translation]

[Left at the Department of State
by the Netherland Minister,
January 4, 1915.]

British and French Ministers, joined orally by Russian Minister, declared by note of December 26¹ contraband merchandise consigned to recently constituted Netherlands Oversea Trust not to be stopped. They also declared will not stop foodstuffs which are not necessities of life consigned to merchants unless these merchants are beyond doubt intermediaries for delivery to enemy governments.

File No. 763.72112/654

The Minister in the Netherlands (Van Dyke) to the Secretary of State

No. 191]

THE HAGUE, January 9, 1915.

[Received January 25.]

SIR: Referring to my cablegram of January 4 and my despatch No. 186 of the same date,¹ I have the honor to enclose a copy, with translation, of an advertisement which has appeared in the Netherlands newspapers to-day.¹

The formation of this Netherlands Oversea Trust Company represents a careful and wise effort to broaden and safeguard the avenues of neutral commerce. The company itself seeks no profits, but will give any revenue it may make to the Dutch Relief Committee.

In view of the repeated and apparently unnecessary inquiries which come to this Legation on the subject of shipments to or through the Netherlands, I beg you to call the attention of the Department of Commerce to the following points:

(1) All goods, contraband or non-contraband, in transit through the Netherlands, i. e., consigned via the Netherlands to ulterior points, are not subjected to any embargo or duty by the Dutch Government; but if they are contraband (absolute or conditional), they must reach the Netherlands at the owner's risk of detention or seizure by the belligerents.

(2) All contraband goods (absolute or conditional) which are consigned either to the Netherlands Government or to the Netherlands Oversea Trust, will be allowed by the Allied powers to enter Holland without interference but the Government embargo prevents their exportation from Holland.

(3) The Netherlands Oversea Trust, for the present, accept only consignments of contraband goods (absolute or conditional), except wheat, wheat flour, copper, and petroleum and its products, which must still be consigned to the Netherlands Government.

¹ Not printed.

(4) It is possible that in the future, should special difficulty arise in the movement of non-contraband goods, the Netherlands Oversea Trust will accept such shipments also, but this is subject to later and specific arrangements.

I believe that the above statement represents clearly the present situation in regard to commercial affairs here. I respectfully suggest that if it were given wide publicity and if shippers would study it with intelligent attention, their interests would be promoted and the problems which they bring to the Department would be reduced and simplified.

I have [etc.]

HENRY VAN DYKE

File No. 763.72112/742

The Minister in the Netherlands (Van Dyke) to the Secretary of State

No. 201]

THE HAGUE, *February 1, 1915.*

[*Received February 17.*]

SIR: Referring to my despatches No. 186 of January 4,¹ and No. 191 of January 9, and to my cablegram, No. 131, of January 29,¹ I have the honor to enclose herewith: (1) In English translation a copy of the articles of the Netherlands Oversea Trust Company; and (2) a list of the members of that company with designation of the positions which they occupy in commercial and financial affairs.²

It will be observed that the members represent the most important banking and shipping concerns in the Netherlands; and it is on the strength of this representative character and of the high reputation which these gentlemen bear for probity and honor, that it has been possible to arrange with the Allied Governments to accept the company's guarantee that contraband goods consigned to it shall not be exported to belligerents, and thus to secure for such goods freedom from interference in transportation. This, of course, relieves the Netherlands Government of a great deal of detail work and trouble in connection with the matter.

I would respectfully suggest that if you see fit to transmit the contents of this despatch to the Department of Commerce, it might be worth while for that Department to consider the question whether some similar arrangement, modified of course to suit the different circumstances in America, might not be of service in facilitating a freer movement of our own trade, and in lessening to some degree the amount of work which now falls upon the Department of Commerce.

I have [etc.]

HENRY VAN DYKE

[Enclosure]

The Netherlands Oversea Trust Company

ARTICLES

1. The name of the company is "The Netherlands Oversea Trust Company, Limited."

The registered office of the company is at The Hague.

¹ Not printed.

² List not printed.

2. The object for which the company is established is:

To act as intermediary for Netherlands merchants or trading companies with a view to enable the unmolested conveyance from overseas of merchandise, which has been or may be declared contraband—either absolute or conditional—by belligerent states.

The company may not transact any business for own account.

3. The company will commence with the date of the present deed and will be liquidated by the general meeting of shareholders on proposal of the board as soon as—in the opinion of the board of directors—the now existing state of war will cease to exist, before December 31, 1919.

4. The capital of the company is 2,400,000 florins (£200,000), divided into 1,200 "A" shares and 1,200 "B" shares of one thousand florins each.

The whole of the "A" shares has been subscribed for by:

De Nederlandsche Handel-Maatschappij, de Nederlandsch-Indische Handelsbank, de Amsterdamsche Bank, de Twentsche Bankvereniging B. W. Blydenstein & Co., de Rotterdamsche Bankvereniging, de firma R. Mees en Zoonen, de Stoomvaart Maatschappij Nederland, de Stoomvaart Maatschappij Rotterdamsche Lloyd, de Nederlandsche Stoomvaart Maatschappij "Oceaan," de Koninklyke Paketvaart Maatschappij, de Nederlandsch-Amerikaansche Stoomvaart Maatschappij, de Koninklyke Nederlandsche Stoomvaart Maatschappij, de Koninklyke West-Indische Maildienst, de Koninklyke Hollandsche Lloyd, Wm. H. Müller & Co.'s Algemeene Scheepvaart Maatschappij en de Hollandsche Stoomboot Maatschappij, each of them for 75 "A" shares.

The "B" shares must be subscribed for before or on the 1st July, 1919, and will be issued at par and according to the opinion of the board of the directors, who will only allot the same to such Netherlands merchants or trading companies, who avail themselves of the company's services.

5. The capital of the company may be increased by resolution of a general meeting of shareholders taken by simple majority of votes at the proposal of the board of directors, save the approbation of the Crown.

6. Each share shall be registered in the name of the holder and no joint holding of one share shall be recognized. The transfer of shares shall be by deed executed both by the transferor and the transferee and be registered in the company's book. The board of directors may decline to register a transfer without stating any reason for their decision.

7. A call of ten per cent will be made on the issue of any shares.

Further calls will be made by the board of directors and will be payable within a fortnight after notification of such call has been given.

If the payment is not made in due time, the board may prosecute without further notice.

8. The business of the company shall be managed by a board of directors, whose number shall not be less than seven. The directors shall be elected and be removable by the general meeting of shareholders.

Every two years three members of the board of directors will retire according to a rotation to be fixed by the board. The first time in the general meeting of shareholders in the year 1917.

When a member of the board deceases or goes out the vacant place will be filled in the next general meeting of shareholders or earlier in an extraordinary general meeting of shareholders if such is necessary in the opinion of the board of directors.

No member of the board can be dismissed, unless at his request if not at least approved by three fourths of the number of the votes brought out in due form by the meeting.

9. The board of directors will elect undiminished his responsibility—from their body an executive committee whose powers will be fixed by the board by special rule [*sic*].

The board will appoint a secretary, who will also act as secretary to the committee.

10. The board of directors will legally represent the company in every respect and will exercise all powers which by the present deed have not been expressly reserved to others. The signature of two directors jointly with the secretary's signature will bind the company towards third parties. The board and the committee will each elect a chairman. The same member may act as chairman to the board and to the committee.

The decisions of the board and the committee will be taken by simple majority of votes, and if such majority is not obtained, the proposal will be considered as rejected. The board of directors appoints and dismisses the

legal adviser, the accountants and the further staff of the company. The board will fix the remuneration of the members of their committee.

11. The board of directors fixes—either in general or in each separate case—the conditions on which the company will put its services at the disposal of applicants thereof. The committee will decide in the first instance whether the applicant for such services will be admitted. In the affirmative, such decision will be communicated to the other directors and, unless within three clear days after such communication three or more directors express the desire that this decision shall be reconsidered by the full board of directors, such decision will become valid.

In giving their decision on applications for the company's services, both the board and the committee shall be guided by the consideration whether the applicant is a Netherland merchant, trading or interested in the goods which he desires to import from overseas, and also whether the applicant is not an agent or in connection with an agent for a foreign government. Furthermore, the applicant shall have to give an undertaking that for the duration of the war he will import articles of contraband exclusively for consumption in the Netherlands or for reexport to the Netherlands colonies or to neutral countries for consumption in such countries.

Such undertaking will be embodied in a written agreement between the company and the applicant, such agreement also to contain the conditions on which the company has granted its intermediary.

12. The company's books of account will be closed per the 31st December of each year, for the first time per 31st December, 1915.

The board of directors will establish both balance sheet and profit and loss account, which are to be approved by the general meeting of shareholders before the 1st March following on the closure of the books. They will be open to inspection by the general meeting of shareholders to be held in the month of May at the latest at an office to be designed [*sic*] by the board.

No division of profits will take place before the liquidation of the company and any balance of profit or loss shall be carried on to new account.

The winding up of the company shall be done by the board of directors. The approval of the liquidation account by a majority of shareholders in a general meeting shall clear the directors from their liability.

Any balance of assets over debts shall be dealt with as follows:

As far as possible the sums of money paid in by the shareholders shall be refunded to them with interest at 4 per cent per annum from date of payment.

Any surplus balance left shall be handed over to the Royal National Committee of Support.

13. General meetings of shareholders shall be held whenever the board think fit. Upon a requisition made in writing by shareholders representing at least one fourth of the issued capital, the board shall summon a general meeting within four weeks after receipt of such a requisition with notification of the agenda.

Five days' notice at the least, specifying the business to be transacted, shall be given, and no other business shall be considered unless with the approval of the board, who is entitled to treat other subjects and to take a decision about them.

The chairman of the meeting shall be designated by the board of directors.

Each share shall entitle to a vote subject to the legal maximum of six votes by the same person.

In contravention of the aforementioned, as to the convocation of a meeting, the first general meeting after the drawing up of this deed, and will be managed by the eldest present shareholder.

14. If and whenever any difference shall arise between the board of directors and a general meeting of shareholders or between shareholders mutually, such difference shall be referred to a legal arbitrator to be appointed by the president of the high court, should the said president be inclined to such appointment.

15. Modifications of the present articles can only be voted by a general meeting of shareholders if and whenever proposed by the board of directors.

The disposal of the balance of profit referred to in Art. 12 can only be modified with the special consent of the Royal National Committee of Support.

All this subject to the approval of the Crown.

The Royal Consent of the concept of this present deed has been granted by decree of 23d November, 1914, No. 35.

File No. 763.72112/1003c

*The Secretary of State to the Minister in the Netherlands
(Van Dyke).*

[Telegram]

WASHINGTON, March 4, 1915.

117. Ascertain if Overseas Trust will act as consignee American cotton for Holland consumption. Important in order to prevent prohibitive insurance premium of 30 per cent.

BRYAN

File No. 763.72112/806

*The Minister in the Netherlands (Van Dyke) to the Secretary of
State*

[Telegram]

THE HAGUE, March 5, 1915, 6 p. m.

[Received 6.20 p. m.]

186. Your 117, March 4. We learn from private conversation with executive committee Netherlands Overseas Trust they will probably accept consignments of cotton upon request of Dutch manufacturers for actual consumption in the Netherlands but not for storage with a view to future foreign sale. This decision needs confirmation by directors meeting in a few days. The attitude of trust is waiting with the hope that American needs will result in leadership of neutrals by the United States in claiming fair conditions for general neutral trade.

VAN DYKE

File No. 763.72112/883a

*The Secretary of State to the Minister in the Netherlands
(Van Dyke)*

[Telegram]

WASHINGTON, March 16, 1915, 4.30 p. m.

130. American exporters tobacco and other non-contraband commodities at present handicapped by action of Holland-America Line in refusing to accept shipments. Articles of Overseas Trust appear to limit their operations to contraband commodities. Can Overseas Trust accept such non-contraband shipments? If not, will application be made to enlarge its powers to enable it to do so, thus preventing transshipment to Germany? If so, ascertain from Holland-America if goods will be accepted consigned to Overseas Trust.

BRYAN

File No. 763.72112/951

*The Minister in the Netherlands (Van Dyke) to the Secretary of
State*

[Telegram]

THE HAGUE, March 31, 1915.

[Received April 1, 12.10 p. m.]

230. Your 134, 29th.¹ Overseas Trust for present prefers not accept non-contraband. Exceptions only possible in special cases for

¹ Not printed.

limited quantities by specific arrangement. Tobacco out of question at present. I renew recommendation of my previous despatches 186¹ and 201. .

VAN DYKE

*The Secretary of State to the Minister in the Netherlands
(Van Dyke)*

[Telegram]

WASHINGTON, April 14, 1915.

142. British Embassy notifies Department tobacco, cocoa, and coffee destined to Holland must be consigned to Overseas Trust. Has Overseas Trust now authority to receive consignments non-contraband goods?

BRYAN

File No. 763.72112/1012

*The Minister in the Netherlands (Van Dyke) to the Secretary of
State*

[Telegram]

THE HAGUE, April 16, 1915.

[Received 3.45 p. m.]

243. Your 142. Oversea Trust makes following ruling for goods shipped before April 30:

Will receive certain non-contraband goods but only if for Holland consumption and if this is only way to avoid detention and if permission for each specific case is requested and obtained by consignee. Tobacco, cocoa, and coffee can move under this ruling. In any and all cases consignment to Oversea Trust definitely precludes reexportation to enemies of Allies.

Notify Commerce Department.

VAN DYKE

[For a statement of the conditions under which the Oversea Trust aided in forwarding goods brought out from Germany, see telegram No. 257, April 30, 1915, from the Minister in the Netherlands, above, page 212.]

File No. 763.72112/1162

*The Minister in the Netherlands (Van Dyke) to the Secretary of
State*

[Telegram]

THE HAGUE, May 22, 1915.

[Received 5 p. m.]

269. Netherlands Oversea Trust forbids further imports cotton oil fearing too much accumulated stock; representations now being made may induce them to revoke order.

VAN DYKE

¹ Not printed.

File No. 763.72112/1168a

*The Secretary of State to the Minister in the Netherlands
(Van Dyke)*

[Telegram]

WASHINGTON, May 22, 1915.

155. Is American tobacco discriminated against in favor of that from Netherlands colonies or elsewhere? Department informed colonial and other tobacco can be imported without restrictions and sold in open market in Rotterdam and Amsterdam to both neutrals and belligerents.

BRYAN

File No. 763.72112/1169

*The Minister in the Netherlands (Van Dyke) to the Secretary of
State*

[Telegram]

THE HAGUE, May 25, 1915.

[Received 10.30 a. m.]

270. Your 155, 22d. Tobacco from Netherlands colonies may come to Holland consigned to agents of colonial estates for sale at auction without restriction to both neutrals and belligerents. Tobacco from all other sources must be consigned to Netherlands Oversea Trust and may not be exported to belligerent countries. This is not discrimination made by Netherlands Government but *modus vivendi* arranged by Allies with Oversea Trust based on theory that Netherlands and colonies are one country.

VAN DYKE

File No. 763.72112/1248

*The Secretary of State ad interim to the Minister in the Netherlands
(Van Dyke)*

No. 127]

WASHINGTON, June 19, 1915.

SIR: The Department has received your despatch No. 272, dated May 27, 1915, enclosing a newspaper clipping in regard to the friendly relations existing between British officials and the Netherlands Oversea Trust.¹

The Department will be glad to have you keep it promptly informed in regard to the future operations of the Netherlands Oversea Trust, especially with reference to any activities of the trust that may be regarded as discriminating against the United States.

I have [etc.]

ROBERT LANSING

File No. 763.72112/1270

*The Acting Secretary of State to the Minister in the Netherlands
(Van Dyke)*

No. 129]

WASHINGTON, June 29, 1915.

SIR: There is enclosed a copy of a letter from P. C. Tomson and Company, dated June 23, 1915,¹ in regard to the procedure necessary

¹ Not printed.

to obtain shipment of goods to the Netherlands. You will notice that in the letter of the American Importing Company, quoted in this letter, it is stated:

We are not able to receive any goods, unless they are consigned to the Netherlands Oversea Trust Company, which concern however are not willing to have our goods addressed to them, because we are an American firm and they only give their assistance to Dutch concerns.

The Department has not been informed that the Netherlands Oversea Trust is unwilling to accept the consignment of American goods intended for American firms in the Netherlands.

You are instructed to investigate this matter and report to the Department whether this statement of the American Importing Company is in fact in accordance with the practice of the Netherlands Oversea Trust, as well as any other instances of an apparent discrimination against American and in favor of Dutch firms.

I am [etc.]

JOHN E. OSBORNE

File No. 341.115M83/11

*The Acting Secretary of State to the Minister in the Netherlands
(Van Dyke)*

[Telegram]

WASHINGTON, June 30, 1915.

167. Morris and Company have shipped from Chicago thirty carloads boxed meats, grease, oleo oil, oleostearine, and neutral lard for Rotterdam for sailing June 1, consigned to the Netherlands Oversea Trust Company. Steamship lines refuse to accept, stating Oversea Trust had cabled that large unsold stocks in Rotterdam prohibited them from accepting further shipments of anything except short fatbacks. Thirty cars still in New York at great expense. They claim no large stocks of unsold goods in Rotterdam for them and insist on right to do business with neutral country. Other shipment of five cars oleo oil, neutral lard, and boxed meats at New Orleans under same conditions.

See Oversea Trust and vigorously endeavor to secure permission to consign these goods to trust and secure instructions from them to Holland-America Line to accept shipment.

OSBORNE

File No. 341.115M83/12

*The Minister in the Netherlands (Van Dyke) to the Secretary of
State*

[Telegram]

THE HAGUE, July 2, 1915.

[Received 3.10 p. m.]

308. Your 167, 30th. Have made vigorous representation to Oversea Trust. They answer that as private corporation they have discretion regarding consignment; they judge stock of oil and fats at Rotterdam already overabundant for Dutch consumption; most dealers have refused to give information on this point. To accept

more would awaken suspicion of reexportation and destroy confidence of British Government in Oversea Trust, which is designed to guarantee consumption of imports in Holland, therefore, trust decline consignment of fats and oils at present and cannot instruct Holland-America Line to ship. Only remedy is for Department to ask British Government to advise and authorize trust to accept specific lots. Written despatch follows.

VAN DYKE

File No. 763.72112/1363

The Minister in the Netherlands (Van Dyke) to the Secretary of State

No. 299]

THE HAGUE, July 8, 1915.

[Received July 21.]

Sir: Referring to your instruction No. 127 of June 19, I have the honor to make the following report, which I trust may help to a clearer understanding of the position and activities of the Netherlands Oversea Trust:

I. This trust is a private corporation, composed of representatives of some of the most important and solid banks and shipping companies in the Netherlands. It is not a branch or department of the Dutch Government. It was formed primarily for the purpose of facilitating the commerce of the Netherlands in contraband goods by giving guaranties that these goods would not be exported from the Netherlands to belligerent countries. These guaranties of the Oversea Trust the Allied Governments agreed to accept as valid and efficient. Owing to the practical abolition of a distinction between contraband, conditional contraband, and non-contraband, which was made by the British order in council of March 5, the Oversea Trust has extended its operations to goods of all kinds. (See my despatches 186, of January 4;¹ 191, of January 9;² and 201 of February 1.³)

II. The position of the Netherlands Government in regard to the various restraints on neutral commerce which have been imposed by the different orders and proclamations of the belligerents, is precisely that of the United States; namely, a refusal to admit the legal right of these restraints under international law, and a willingness, while reserving these rights, to permit the finding of some temporary *modus vivendi* which would preserve as much elbowroom as possible for the trade of neutral nations. The Netherlands Government perceived at once that if a private corporation could be formed to conduct conversations and negotiations in regard to this *modus vivendi*, it would have the great advantage of relieving the Government itself from all official responsibility in the matter, and thus avoiding any danger of compromising those reserved rights to which reference has been made. This was the primary reason for the creation of the Oversea Trust.

III. The second reason for its creation was the need of having a piece of machinery especially constructed for this purpose of promoting and facilitating trade under the present difficult conditions more quickly and more efficiently than any government department

¹ Not printed.

² *Ante*, p. 269.

³ *Ante*, p. 270.

could do. The Oversea Trust being in the closest possible touch with the banking, mercantile, and commercial interests of the country, and having established relations of confidence with the Allied Governments, has been able to do its work with a degree of rapidity and accuracy most beneficial to the interests of Netherlands trade.

IV. Referring to the last paragraph of your instruction 127, I would say that as the Oversea Trust is a purely Dutch corporation, established primarily for the purpose of furthering and safeguarding Dutch commerce, it naturally gives the first attention to the object for which it was created. But as the commerce of no one nation can be conducted without commerce with other nations, so the Oversea Trust has been serviceable in a less degree to the trade of other neutral states, including the United States of America. I have not been able to discover any activities on the part of the trust, which may properly be regarded as "discriminating against the United States" in comparison with other neutral countries. But it is true that on the whole the trust has done more for the trade of the Netherlands than for that of any other nation. This was the intention.

I observe that other neutral countries, like Switzerland, Sweden, and Norway, are now taking steps toward the formation of similar trusts, in order to obtain like benefits for their trade in the present abnormal circumstances of restraint and difficulty, which have been created by the action of the belligerent nations.

I would respectfully refer the Department to the closing paragraphs in my despatches 201 of February 1,¹ and 244 of April 2,² in which I suggested the possible value to American commerce of a responsible, but non-governmental body, similar to the Oversea Trust in general character, but modified in accordance with the difference in conditions, which might render the same services to American trade as the trust is rendering to Dutch trade, without in any way involving our Government in the necessary negotiations for a *modus vivendi* under maritime orders and regulations, whose legal validity our Government is not prepared to admit without further question.

I have [etc.]

HENRY VAN DYKE

File No. 763.72112/1443

The Minister in the Netherlands (Van Dyke) to the Secretary of State

No. 317]

THE HAGUE, July 24, 1915.

[Received August 6.]

SIR: Referring to the Department's instruction No. 129 of June 29 enclosing a copy of a letter from Tomson and Company in which it is alleged that the Netherlands Oversea Trust Company "only give their assistance to Dutch concerns," I have the honor to report that on several occasions I have carefully investigated the status of the Netherlands Oversea Trust with respect to issuing licenses for the importation of goods, American and otherwise, for consumption in the Netherlands.

I think the whole matter has been quite clearly reported in my despatches No. 299 of July 8 and No. 314 of July 19.³

¹Ante, p. 270.

²Not printed.

³Latter not printed.

A full explanation of what has been called "discrimination" is found in my despatch No. 299, in paragraph No. IV.

I have [etc.]

HENRY VAN DYKE

File No. 763.72112/1580

*The Acting Secretary of State to the Minister in the Netherlands
(Van Dyke)*

[Telegram]

WASHINGTON, September 18, 1915.

199. Endeavor obtain permission Netherlands Oversea Trust for D. B. Martin Company, Philadelphia, to consign 1,500 tierces oleo oil, 500 oleo stock, 250 beef casings to Netherlands Oversea Trust for warehouse in Rotterdam to be taken out as sold by their Rotterdam representative, Daniel Loeb, with approval of Oversea Trust.

POLK

File No. 763.72112/1600

*The Minister in the Netherlands (Van Dyke) to the Secretary of
State*

[Telegram]

THE HAGUE, undated.

[Received September 20, 1915, 4.30 p. m.]

379. Your 199, 18th. Have endeavored obtain permission for Martin consignment. Oversea Trust declines because present supply of these goods sufficient for Dutch consumption.

VAN DYKE

File No. 763.72112/1927

*The Minister in the Netherlands (Van Dyke) to the Secretary of
State*

No. 375]

THE HAGUE, November 4, 1915.

[Received November 24.]

SIR: I have the honor to enclose an announcement, made in "as-it-were" English, by the Netherlands Oversea Trust on November 3.¹ This announcement renders the following points sufficiently clear:

(1) The trust proposes, as a private corporation, to exercise the right of discretion [referred to in my despatch No. 314, of July 19, 1915¹] of accepting or refusing clients, in accordance with its fundamental principle, which is to secure the import of goods purely for Dutch consumption.

(2) The trust keeps a list of clients who violate or evade the obligations which they have freely undertaken in order to obtain the advantage of consigning shipments to the trust.

(3) In withholding its service from such clients, who use the mediation of the trust to cover imports which are not really intended for Dutch consumption, but for direct or indirect reexportation to a belligerent country, the trust merely safeguards its own existence and usefulness. It reserves the

¹ Not printed.

right to publish the names of those who have imperiled its operation by violating or evading their promises of non-exportation, which they made for the sake of securing the assistance of the trust.

All this represents an extraordinary and hitherto unheard-of state of commercial affairs, which is due chiefly to the maritime measures of the belligerents, the legality of which our Government has not admitted.

But as a matter of fact the Oversea Trust has effected the actual *modus vivendi* under which trade between the United States and the Netherlands has proceeded since January 1915. American merchants who avail themselves of this channel of trade, should, in my opinion, be clearly advised that they, as well as their agents in the Netherlands, should strictly observe the obligations which they undertake towards the Oversea Trust. If they should fail to do this, it seems to me that they would have no claim to invoke diplomatic intervention to restore them to credit.

It will be observed that during the operation of the Netherlands Oversea Trust the export trade of the United States to the Netherlands has considerably increased, the figures being approximately as follows:

First seven months of 1914.....	\$55,000,000
First seven months of 1915.....	100,000,000

This refers to American exports for consumption in the Netherlands, and does not include cotton in transit for Germany.

I have [etc.]

HENRY VAN DYKE

File No. 763.72112/2017

The Secretary of State to the Minister in the Netherlands (Van Dyke)

[Telegram]

WASHINGTON, December 16, 1915, 4 p. m.

233. Refer letter Commercial Attaché Thompson to Pratt of November 18.¹

Revocation licenses after shipment goods preventing delivery to Dutch buyers not only seriously detrimental to interests of American trade but must involve material losses to Dutch importers. If investigation substantiates Thompson's allegations bring matter to attention of Foreign Office.

After consultation with Dutch authorities advise Department by cable in order that instructions may be sent to Ambassador, London, if necessary.

LANSING

File No. 763.72112/2018

The Minister in the Netherlands (Van Dyke) to the Secretary of State

[Telegram]

THE HAGUE, December 18, 1915, 8 p. m.

[Received December 19, 11.40 p. m.]

455. Your December 16, 4 p. m. I have investigated and have had an interview with the Foreign Minister. It appears that in the

¹ Not printed.

original agreement with Netherlands Oversea Trust the British Government reserved the right to suspend or refuse delivery of any goods suspected of enemy destination even though covered by license and already arrived in the Netherlands. Ships were detained in England for the purpose of careful search for suspected cargo thus causing great delay to innocent cargo. A subsequent agreement allowed such ships to proceed for delivery of innocent cargo in the Netherlands but Oversea Trust was instructed to suspend delivery of suspicious goods until investigated by British agents here. Goods condemned were to be indefinitely detained by Oversea Trust or shipped back to England for the prize court. Under the circumstances the Foreign Minister does not think it would be profitable to take the matter up formally in London at present though informal inquiries might be made by the American Ambassador. I concur in this opinion.

VAN DYKE

The Swedish Cotton Spinners Association and the Transito Company

File No. 763.72112/1291

The Southern Products Company to the Secretary of State

[Telegram]

DALLAS, TEX., *June 30, 1915.*

Local evening papers published article saying England will permit letting 10,000 bales American cotton monthly go through to Sweden. Please wire us if any stipulations for American shippers in order to safely try and execute orders under this new arrangement.

SOUTHERN PRODUCTS COMPANY

The Foreign Trade Adviser of the Department of State (Rose) to the Southern Products Company

[Telegram]

WASHINGTON, *July 2, 1915.*

Only information State Department has on subject is that British Embassy has instructed its consular officers that the British Government have made an agreement with the Swedish Cotton Spinners Association allowing that body to import 10,000 bales of cotton a month, that association having stated that this quantity represents the maximum requirements of Sweden for home consumption, and that it is probable that all cotton shipped for Sweden will be held up unless it is consigned to the Swedish Cotton Spinners Association whose assent to such consignments must first be obtained.

ROBERT F. ROSE

File No. 763.72112/1347a

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

[Telegram]

WASHINGTON, July 16, 1915.

27. What is attitude Swedish Government toward cotton shipped from America to Russia via Narvik, Norway, and through Sweden on through bills of lading?

LANSING

File No. 763.72112/1348

The Chargé in Sweden (Caffery) to the Secretary of State

[Telegram]

STOCKHOLM, July 17, 1915, 4 p. m.

[Received July 18, 9.15 a. m.]

47. Foreign Office states necessary to obtain export license in each case. However, that attitude of Swedish Government depends on attitude of British Government since British Government is not permitting Sweden to secure supplies of cotton needed here, and policy has been one of bargaining, Swedish Government permitting export certain quantity Russia, British Government permitting import of similar quantity Sweden; that policy similar for other articles needed here, but that situation likely to be ameliorated as result British commission now sitting here. Foreign Office assures me Swedish Government entirely sympathetic but must adopt measures to attempt to obtain from America articles needed here; however, that on account of attitude of British Government transit trade for Germany not possible.

CAFFERY

[For statement by surveyor of customs at Kirkwall that all other shipments cotton "cannot be allowed proceed until July 17, and then only if consigned to Swedish Cotton Spinners Association, for which arrangements must be made through Purchasing Department, Board of Trade," which, the Consul General says, "outlines arrangements for limited export cotton to Sweden," see telegram from the Consul General in London, July 19, 1915, below, page 478.]

File No. 763.72112/1406

The Chargé in Sweden (Caffery) to the Secretary of State

No. 246]

STOCKHOLM, July 3, 1915.

[Received July 26.]

SIR: I have the honor to report that because of the complaints made by the Swedish Government concerning the delay and difficulties of traffic as a result of the measures adopted by the English, the British Government has sent a commission to Sweden to try to come to some understanding in the matter. This commission is now sit-

ting in Stockholm in conjunction with a similar commission appointed by the Swedish Government.

I have [etc.]

JEFFERSON CAFFERY

File No. 763.72112/1464

The Chargé in Sweden (Caffery) to the Secretary of State

No. 302]

STOCKHOLM, *July 27, 1915.*

[*Received August 14.*]

SIR: With reference to my telegram of the 17th instant regarding the exportation from Sweden of certain articles, I have the honor to report that I am reliably informed that the English Government has agreed to allow the import into Sweden of 10,000 bales of cotton during the month of August and 10,000 bales of cotton during the month of September next.

I am also informed that there is a probability of some arrangements being concluded by the joint commission now sitting here, as the Swedish Government is anxious to procure coal from England and the British Government is anxious to procure the finer grades of iron from Sweden, and that therefore Sweden will allow the export of iron needed in Great Britain in case the British authorities allow the export to Sweden of the coal needed here.

I have [etc.]

JEFFERSON CAFFERY

File No. 763.72112/1528

The Chargé in Sweden (Caffery) to the Secretary of State

No. 347]

STOCKHOLM, *August 13, 1915.*

[*Received August 31.*]

SIR: With reference to my telegram No. 51¹ of to-day, regarding the temporary adjournment of the Swedish and English commercial commissions, I have the honor to report that the British Minister informs me that he does not regard the situation as being very hopeful.

The British commissioners are endeavoring to cause an arrangement to be made by which supplies could pass through Sweden in transit to Russia, and are endeavoring to prevent the importation of any articles into Sweden which might be reexported to Germany; while the Swedish commissioners are endeavoring to secure goods for their own use, part of which the British authorities are afraid might pass on to Germany. The difference in the point of view of the two commissions makes an agreement almost impossible.

Mr. Howard, the British Minister, says that the British commission consider that what the Swedish commissioners really are trying to obtain, although without avowing it, is the right to export to Ger-

¹ Not printed.

many as much goods as they allow to pass to Russia. This is of course denied by the Swedish commissioners.

I have [etc.]

JEFFERSON CAFFERY

File No. 763.72112/1813

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

[Telegram]

STOCKHOLM, *October 30, 1915, 1 p. m.*

[Received 11 p. m.]

68. Negotiations have been definitely broken off between Swedish and English trade commissions.

MORRIS

File No. 763.72112/1939

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

No. 453]

STOCKHOLM, *October 30, 1915.*

[Received November 23.]

SIR: With reference to my telegram No. 68 of to-day, concerning the breaking off of negotiations between the Swedish and British trade commissions which have been attempting to adjust various matters in dispute between their respective Governments, I have the honor to report that I am now informed that owing to the wide divergence in their points of view and the unwillingness of both sides to make concessions, it has been found impossible for the two delegations to come to any agreement in the various matters in dispute.

The Swedish people have always been very proud of their nation and of its independence and power, and they are not at all prone to submit to any infractions of what they consider their sovereign rights.

Now during this war the Swedish Government considers that there have been various infractions of these rights on the part of the British authorities in their interference with trade between Sweden and America. The British Government is of the opinion that the authorities here would, if they were in the position to do so, give aid and succor to Germany in the shape of goods and merchandise which are much needed by the Teutonic allies and therefore British ships have been stopping the transit of any goods which they consider might find their way to the ports of enemies of the British Empire. This has sometimes caused a lack of articles needed here in Sweden and a corresponding rise in prices. As previously reported, there are many necessary articles which it is almost impossible to purchase on account of the lack of same, and when one finds that they are for sale the prices are often almost prohibitive.

A few days ago I had occasion to have a conversation with Admiral Lindman, the chief of the Swedish trade commission, who has been a Prime Minister of Sweden and a leader of the conservative party. Admiral Lindman states that he has been given full power by the King in dealing with these matters and that he was

responsible for the nomination of the members of his commission. He said that they had entered into these negotiations with the best will possible and with the intention of arriving at some agreement with the British delegates, and while they were willing to make any reasonable concessions, they were not willing to do anything inconsistent with the sovereign rights of the Swedish nation. It was their opinion that it was the purpose of the British Government to induce Sweden to allow the passage in transit of any amount of goods to Russia and at the same time to restrict Sweden to a minimum amount for her own use, and of course not allow the passage of any goods from Sweden to Germany. The Swedish Government has placed a prohibition on practically all goods that might find their way from this country into Germany and yet the English Government was not willing to grant any freedom to Sweden in the matter of its commerce.

The result of all these disputes has been that the commissions have concluded that they are serving no useful purpose in continuing their negotiations and have accordingly decided to terminate them.

The Swedish telegram bureau has given out the following official communication regarding this decision:

The negotiations between Sweden and England which were begun in the beginning of July to attempt to come to some agreement on certain matters of economic nature have not led to the desired result and will therefore be terminated. Both parties have pointed out that the breaking off of the negotiations would not have any effect on the friendly commercial relations existing between the two countries.

The members of the British delegation left Stockholm last night for Christiania.

I have [etc.]

IRA N. MORRIS

File No. 763.72112/2024

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

No. 491]

STOCKHOLM, November 26, 1915.

[Received December 17.]

SIR: With reference to my despatch No. 489¹ of November 24, 1915, regarding the monopoly of traffic passing through Sweden in transit to England and Russia, I have the honor to transmit herewith a statement made by the Swedish Foreign Office in regard to this matter.

I have [etc.]

IRA N. MORRIS

[Enclosure]

The Government and the Transito Company

In consequence of reports that the founders of the Transito Company had acted in conjunction with the Swedish Government, the Swedish Foreign Office has made the following statement:

His excellency Mr. Wallenberg regretted very much that the papers should have made any statements before inquiring about the actual state of affairs.

¹ See following page.

He wished to have it understood that the Government had not authorized any firm or agents to take charge of transportation, and had not given its approval of any possible arrangements that might be made between the English and Russian governments and the Transito Company. There had been no negotiations between the Swedish Foreign Office and the director of the company.

File No. 763.72112/2022

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

No. 489]

STOCKHOLM, November 24, 1915.

[Received December 21.]

SIR: With reference to my despatch No. 363,¹ regarding a statement made by Mr. Axel Bildt that he hoped to be appointed agent for handling goods passing through Sweden in transit, I have the honor to transmit herewith a communication concerning this matter made by Mr. Bildt.

The whole matter is being very sharply criticized by the Swedish newspapers, who consider it to be simply a continuation of the interference by the British authorities with the trade between America and Sweden.

I have [etc.]

IRA N. MORRIS

[Enclosure]

THE MONOPOLY OF TRANSITION TRAFFIC

A company called "Aktiebolaget Transito" has been formed in Stockholm with Axel R. Bildt as leading man and supported by the director of the Finnish Steamship Company and a number of Englishmen. The reports that have been circulating about this company have been of such a nature that various business men, forwarding agents and *speditioners* have lodged complaints with the Department of Commerce.

Mr. Bildt makes the following statement about the purpose of the new company:

During the past year it has been shown that goods licensed in England for Russia, or *vice versa*, have been lost on the way, in spite of the efforts of the Swedish and Norwegian Governments to hinder such illegal traffic. As a result, both England and Russia have of late refused to grant licenses for goods that were to pass through Sweden in transit. However, through the good work of our Department of Commerce, our trade with England has again been taken up by allowing ordinary goods (not war material) to pass through Sweden in transit to England and Russia in exchange for goods that England herself sells to Sweden. In this way licenses for goods to be transited through Sweden are a method by which Sweden obtains from England or her allies the material necessary for her industries. Then it was necessary for England to make sure that when licenses were granted the goods would reach their destination and not be lost on the way, and therefore an agreement was made between me (Mr. Bildt) and the British and Russian Legations here that all goods which passed through Sweden in transit should be handled by the Transito Company.

There is no truth in the statement that the company is owned by the Finnish Steamship Company or that foreign capital has been invested. Neither is it true that the British and Russian Legations have salaried employees in the company. Through the Wilson Line a very able man, Mr. Franke Leake, has been obtained to manage the company, and a Russian correspondent has been employed. These constitute the "Anglo-

¹ Not printed.

Russian staff," but neither of these men has been employed by the legations.

A statement has been made that Swedish vessels and Swedish forwarding agents would not be used by the Transito Company but this is pure fantasy, as is the report that certain Norwegian companies had been given the monopoly of forwarding the goods. These companies have only been given the preference when goods must be forwarded by land via Haparanda and Torneå. All goods that normally would be, or which can be shipped via Göteborg and Stockholm, will continue to go that way. The Transito Company will not concern itself with the actual shipping of the goods, but the goods have to be consigned to them, although the shippers may use any line or agents they wish.

As the company is organized, it will aid not only the traffic of transition goods but will also further Sweden's direct import. It is also quite evident that this company can be of much use to Sweden after the war, as many business connections will be made and goods between Russia and England, and Russia and other European countries will most likely continue to go via Sweden.

File No. 763.72112/2050

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

No. 497]

STOCKHOLM, December 1, 1915.

[Received December 28.]

SIR: With reference to my despatch No. 496 of November 30, 1915, regarding the agreement between the British Government and Aktiebolaget Transito,¹ I have the honor to transmit herewith copies of a communication published by the British Legation here concerning this matter.

I have [etc.]

IRA N. MORRIS

[Enclosure]

Communication of British Legation concerning Aktiebolaget Transito

The British Legation in Stockholm has asked that the following communication be published:

Since misunderstandings have arisen which are evidently due to a wrong translation of an incomplete outline of a proposed contract with Aktiebolaget Transito, concerning their control of goods which are sent to and from Russia in transit through Sweden, the British Legation has the honor to make the following statement:

An arrangement has now been made between the English and Swedish Governments, by which the English Government grants licenses for the export to Sweden of articles on the English list of prohibited exports, in exchange for which the Swedish Government grants England and Russia licenses to ship through Sweden articles which are on the Swedish list of prohibited exports. By this means it is hoped that the usual traffic between England and Sweden will be kept up.

Unfortunately it has sometimes happened that goods, for which the English Government has issued licenses for export to Russia, or *vice versa*, have gone astray on their way through Sweden and have not reached their destination. This has naturally made the countries which grant licenses for export through Sweden, suspicious. If they did not regain confidence, Swedish interests would be doubly injured, first because of the decrease in the quantity of transit goods, and secondly because of the difficulty of getting enough material from England to fill the demand in Sweden.

Under these circumstances it is evident that something must be done to make it absolutely certain that goods which pass through Sweden in transit reach their destination. Therefore one of the chief duties of Aktiebolaget Transito is to see that the goods reach their destination, either in England or Russia.

¹ Not printed.

As the system which has been arranged for the exchange of licenses demands a very careful and rather extensive bookkeeping, which the Legations cannot very well attend to themselves, it was necessary to come to an agreement with some Swedish concern.

Thus the work of Aktiebolaget Transito, inasmuch as it will insure the arrival at its destination of goods which pass through Sweden in transit, will reestablish and strengthen the confidence in the transition traffic.

The British Legation wishes to refute all statements that have been made to the effect that it was their object to establish a monopoly either in steamship traffic or *spedition*, which would in any way injure Swedish interests. On the other hand the only things which will influence the British authorities when choosing routes will be cost and safety. But it must be taken into consideration that because of these two things a great deal of the traffic has hitherto taken place via Norwegian ports and therefore there will be no change to the detriment of Swedish interests. On the other hand the transoceanic traffic via Göteborg and Stockholm, which has hitherto been looked upon with much suspicion, because of which the boats have been brought to England, will hereafter enjoy greater freedom because of the agreement with Aktiebolaget Transito.

Furthermore the public should take special notice that Aktiebolaget Transito will have nothing whatever to do with goods for Swedish consumption, but will only take charge of goods which pass through Sweden in transit to Russia or England.

It must be admitted that the respective governments have a right to look out for these goods without in any way encroaching on Swedish sovereignty or national rights.

The Danish Chamber of Manufacturers and Merchants Guild

File No. 763.72112/2028

The Ambassador in Great Britain (Page) to the Secretary of State

No. 2653]

LONDON, December 7, 1915.

[Received December 18.]

SIR: In reference to statements which have appeared on several occasions in the British press to the effect that arrangements have been concluded between the British Foreign Office and the Merchants Guild of Copenhagen and Danish Chamber of Manufacturers concerning the import into Denmark of certain articles, I have the honor to enclose herewith for the information of the Department a clipping from the *London Times* of December 2, 1915, setting forth a question asked in the House of Lords as to this agreement, and further a clipping from the *London Morning Post* of December 7, 1915, reporting certain questions and answers in this connection which were made in the House of Commons on the 6th instant, together with a clipping from the same paper of the same date setting forth an official announcement in regard to this agreement.¹

I have been informed confidentially at the Foreign Office in reply to an informal request that I might be furnished with the terms of this agreement, if there were no objection on the part of the British Government, that the details of this arrangement had not been made public and would not be made public for the present, due to the request of the Danish importers, who, I was informed, were apprehensive of the action of Germany should the arrangement be made known. The Foreign Office further stated that the arrangement

¹ Enclosures not printed.

was practically the same as that concluded with Holland and carried out through the means of the Netherlands Oversea Trust.

I further beg to enclose herewith a copy of a letter addressed to me by Mr. Charles H. Burr, who is well-known to the Department, in which he transmitted what he states are the most important clauses of the above-mentioned arrangement.¹ I desire to add that I have not been able to verify this draft agreement which Mr. Burr sent me.

I have [etc.]

WALTER HINES PAGE

File No. 763.72112/2081

The Consul General at Copenhagen (Winslow) to the Secretary of State

No. 134]

COPENHAGEN, December 17, 1915.

[Received January 5, 1916.]

SIR: I have the honor to inform the Department that the Society of Wholesale Dealers and the Association of Industry, commercial organizations of Denmark comprising in their membership the almost complete business world of the Kingdom, have entered into a compact with the English Government dating from December 7, 1915, by which goods may be imported by the merchants of the Kingdom from British ports unhindered, and dating from December 21, 1915, for the free importation of goods from other ports of the world.

These societies have appointed a standing committee to pass on the requirements of the Kingdom and to decide to whom and the quantities of goods that firms are entitled to import. The recommendations of the committee will be forwarded to the proper authorities in England and subject to certain restrictions and with the exception of contraband the exportation will be allowed from England and her possessions, or a ship from a neutral port may convey through the English blockade these permitted goods if a license has been obtained.

The Danish merchants will sign a form (Exhibit A) for the committee, who in turn will sign another form (Exhibit B) for the use of British officials.¹

The agreement in its complete form between Great Britain and the Danish organizations has not been wholly made public but so much of it as has come to light is sent as enclosures and marked Exhibit D.¹

It is thought that under this agreement certain goods can be reexported to lands that are at war with the Allies, but it is surmise and the facts are not public property.

The Copenhagen *Politiken*, a trustworthy daily paper, printed in its issue of December 12, 1915, a private dispatch from London, quoting from the London *Morning Post* as follows: "Dalziel claims that Denmark has obtained a license to export to Germany limited quantities of porcelain, tools, inks, cheese and machines and unlimited quantities of beer, leather, matches, malt, coffee, Danish cheese, tea, fruits, clothing and watches and clocks."

¹ Enclosures not printed.

By the terms of this agreement, cablegrams with England, her allies, and neutrals referring to business transactions will be allowed to be forwarded uncensored if the cables are addressed to the branch office of the Danish associations in London, which office will forward them to their ultimate destination. These cables will not be sent direct from here, however, but must be delivered to a special bureau in this city that will pass on them.

The gist of the agreement seems to be that it is the intention that all goods imported by Denmark shall remain in the Kingdom.

Certain articles are mentioned which the agreement does not touch and concerning the importation of which the Danish committee can be of no avail to the importer. The goods mentioned are British coal and coke, cotton, yarns, petroleum and its by-products, mineral oils, "American" oil, tin plate, tires, gold and silver bars intended to be minted.

The following wares are mentioned as being allowed to be re-exported to Norway and Sweden: Coffee, cocoa, steel and iron plates, piping and fittings, machinery, tools, gas and oil stoves, fresh and dried fruits, tea, tobacco, wines and liquors, feathers, paper, salt, soda, linoleum, tropical woods, furniture, sanitary articles, seeds, perfumery, confectionery, crackers and macaroni, glassware, hardware and carpets.

This agreement will most likely make it easier for American exporters to ship to Denmark if their consignee will sign the declarations exhibited and permits obtained for safe transit from the Danish committee.

I have [etc.]

E. D. WINSLOW

The Swiss Society of Surveillance

File No. 768.72112/1442

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

No. 159]

BERNE, July 16, 1915.

[Received August 3.]

SIR: I have the honor to refer to my despatch No. 151 of July 2,¹ in reference to the importation of raw materials into Switzerland. The Consul at Basel reports that there is comparatively little at present coming into Switzerland.

The Allies charge that Switzerland has been the medium through which food supplies have been received by the Central powers.

It is said that the food supplies in Switzerland are running short and that the future is threatened.

Switzerland has supplies lying in the French docks which will not be permitted to proceed to Switzerland until certain assurances and *bona fide* guarantees are given that these will not be reexported to Germany or Austria. The Allies purport to name all conditions under which food will be released to Switzerland; viz., that only such quantities as are actually necessary for Swiss consumption and Swiss

¹ Not printed.

trade with the Allies and neutrals will be permitted to enter. Of foodstuffs she will be permitted to import only as much as she is able to establish proof of need; of raw materials she is to give guarantees that neither the raw materials nor the finished products thereof will be sent out of Switzerland to the Central powers.

In order that these conditions may be carried out there is to be formed a Swiss Import Committee, such as exists at present in Holland, and only such concerns or individuals are to belong to this committee and receive shipments of goods as have not been actively engaged in furnishing supplies to the Central powers. This committee is to be directed by Englishmen, appointed for the purpose of seeing that the terms of this import committee are strictly carried out. It further appears that this last condition is the obstacle chiefly in the way of the agreement being signed. The Swiss claim that they can be trusted to carry out any agreement which they make. Up to the present time an understanding has not been reached. Many of the Swiss, especially the Basel and other German Swiss, loudly proclaim their unwillingness to submit to British control of their commerce and denounce the English in no uncertain terms.

On the other hand Germany has given notice that, in case Switzerland permits this import committee to be formed and operated, it will completely shut off the supply of coal, which, unless England supplies that product, would close all the industries in Switzerland, except those operated by hydroelectric power.

Some Swiss have intimated that they would rather have Switzerland go to war on the side of the Central powers than to submit to the dictation of England. These are of course the most violent in their feelings. Up to the present time the Allies have not wavered in their negotiations from their demand that they dictate the head of the committee and are refusing to permit goods to be released to Switzerland. In the meantime the situation is becoming more delicate, and the supply of food is approaching a state of shortage. The rank and file of the people are said to be unaware of the situation, and it is to be hoped that it will be settled before food reaches prohibitive prices and also before the situation becomes known.

Owing to the reported activity of some of the shipping agents in Switzerland in receiving merchandise and reshipping it to Germany and Austria, the Allies refuse absolutely to permit any consignment whatever to reach them. At present only certain agents who have shown friendliness in the past are permitted to receive shipments. Just how the Federal Council will settle the matter remains as yet to be determined.

In addition to the above, and which has been one of the chief causes of the present difficulty, is the "Compensation Trust," which is an agreement entered into between Germany and Austria on the one side and Switzerland on the other, whereby for certain supplies released by Switzerland to the Central powers, Switzerland in turn had released to her certain needed supplies. The details of this agreement are not available but are generally reported known to the importers and exporters as well as the terms of the agreement. In other words, Germany and Austria stipulated what they needed that Switzerland could supply and what they would be willing to release to Switzerland in return. Relative values were not considered, but simply relative needs, and the amounts to be compensated are often

disproportionate. For instance, it is understood that 100 pounds of copper would secure the release of many tons of sugar or coal. This extended up and down the list in proportion to the respective needs and to the ability of each to export.

This agreement worked without any serious hitch until Italy entered into the conflict. Now Switzerland cannot supply Germany and Austria without getting the supplies first through the Allies.

What will be done in Switzerland to avoid future trouble is as yet undetermined.

I have [etc.]

PLEASANT A. STOVALL

File No. 763.72112/1576

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

[Telegram]

BERNE, September 15, 1915, 4 p. m.

[Received September 16, 8.15 a. m.]

188. I have to-day been informed by Swiss Political Department that an agreement between Switzerland and Great Britain and its allies regulating imports into Switzerland has been reached. Terms of agreement will be communicated to Swiss Federal Council Friday next.

STOVALL

File No. 763.72112/1657

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

[Telegram]

BERNE, October 1, 1915.

[Received 7.45 p. m.]

199. Your 157, 30th.¹ Details of agreement not yet perfected but trust proposal approved by Federal Council and organization will probably be in operation within a month. I have reported fully by mail in my despatch No. 209, September 29.¹

STOVALL

File No. 763.72112/1917

The Vice Consul at London (Westacott) to the Secretary of State

[Telegram]

LONDON, November 23, 1915.

[Received 10.50 a. m.]

Foreign Office announces Swiss import trust called Société Suisse de Surveillance Economique commenced operations November 16 as only authorized consignee in Switzerland of contraband and prohibited exports from Allies. Articles for exportation of which British licenses granted previous to 16th November may proceed notwithstanding.

WESTACOTT

¹ Not printed.

File No. 665.11251/97

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

No. 423]

ROME, December 4, 1915.

[Received December 27.]

SIR: In reply to the Department's instruction No. 236 of November 9,¹ I have the honor to state that I at once presented the matter of shipments for Switzerland from neutral countries to the Royal Italian Foreign Office asking details as to the conditions under which such goods might be shipped, and am to-day in receipt of a reply informing me that:

- (1) The bill of lading must be made in conformity with the Royal decree of November 13, 1914.
- (2) Goods which are sent to the address of the S.S.S. (Société Suisse de Surveillance Economique), must be accompanied by the acceptance of the S.S.S.

The first point was settled between Italy and Switzerland by agreement of November 13, 1914; the second by an arrangement between Switzerland and the interested powers concerning the organization of the S.S.S. (decree of November 26, 1915).

With regard to the question brought up in the letter of Morris and Company, which was enclosed in the above-mentioned instruction, I was told at the Foreign Office that it was, of course, impossible to force a steamship company to accept goods for Switzerland, and, furthermore, that goods arriving at an Italian port with bill of lading made out in the name of an Italian consignee or "to order" could not pass through Italy in transit, as is shown in the Royal decree of November 13, 1914.

I have the honor to enclose herewith the two decrees mentioned.¹
I have [etc.]

THOS. NELSON PAGE

File No. 763.72112/2484a

Statement issued by the Swiss Legation with respect to shipments for Switzerland

Pursuant to an agreement made by the Swiss Import Trust with the Governments of France, England, and Italy, shipments destined for Switzerland must, with certain exceptions, be consigned to the "Société Suisse de Surveillance Economique" in Berne, commonly known as "S.S.S.", not to the individual buyer.

All shipments for Switzerland must be accompanied by a shipping certificate, issued by the Swiss Legation in Washington (which will have it viséed by the French or Italian and British Embassies), or by any Swiss Consulate in the United States (in which case it must be viséed by the consuls of the respective countries).

The bills of lading must be made out in the name of the S.S.S. In order to avoid difficulties in transit upon arrival in a European port, the bills of lading must contain the statement (on margin)

¹ Not printed.

that a certificate covering the goods in question has been issued, or that such a certificate is attached to it.

The actual permit of the S.S.S. to consign shipments to it is not required here. This document has to be secured by the buyer in Switzerland, and must be presented at the European port.

WASHINGTON, *January 4, 1916.*

File No. 651.11251/33

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

No. 1824]

PARIS, *December 31, 1915.*

[*Received January 12, 1916.*]

SIR: In reply to the Department's No. 727 of November 20,¹ I have the honor to enclose herewith in copy and translation the answer of the French Government to my request for information regarding the policy of the French Government as regards American merchandise destined for Switzerland sent in transit through France.¹ There is also enclosed the list referred to, as published in the *Journal officiel* of November 15, and translation of same arranged alphabetically.¹

According to the note above referred to, it appears that before March 1, 1916, merchandise from America must be consigned to the Société Suisse de Surveillance Economique by a declaration made at the time of loading and mentioned upon the bills of lading, subject to the certificates of consignment established by the Société Suisse de Surveillance Economique being produced at the port of unloading. On and after March 1, 1916, the written consent of the Société Suisse will have to be obtained for the consignment to it of the merchandise mentioned on the list in the quantities which it may be desired to send in transit through France.

As regards the actual transportation in France, it will be noted that the delays are attributed by the French Government to the scarcity of cars and to the exigencies of the military situation, although it is promised that these conditions will be ameliorated in cooperation with the Swiss Government.

Any further information upon this subject which may be available will be transmitted from time to time.

I may add that the two cases specifically mentioned in the enclosures to the instruction above mentioned were properly brought to the attention of the French Government.

I have [etc.]

W. G. SHARP

¹ Not printed.

**INTERFERENCE BY BELLIGERENT GOVERNMENTS WITH
NEUTRAL SHIPS, CARGOES, AND PASSENGERS**

Cases and Correspondence Arising Under Orders, Decrees, and Proclamations of 1914—The British Preliminary Note of January 7, 1915, on Detention of Neutral Ships and Cargoes

File No. 300.115/1892a

The Secretary of State to the Ambassador in Great Britain (Page)

[Telegram]

WASHINGTON, December 18, 1914, 9 p. m.

780. (1) Copies of telegraphic correspondence between William Symington, London, and Stewart Hotchkiss, New York, exhibited to Department state that permits for exportation of rubber have been granted by British authorities for shipment to Sweden and Italy on individual guarantees of manufacturers against reexportation and that Italian Government have not prohibited exportation of rubber. Department desires you discreetly ascertain as far as possible any and all instances of permission for exportation of embargoed articles from either British Isles or British foreign territories to any country.

(2) American Metal Company, New York, write Department they received recent cable from London house asking that shipment of copper be made to merchant in Copenhagen; that steamship company promptly gave space for shipment on *Arkansas* and *Alexandria*, stating no certificate or evidence of neutral consumption necessary; at the same time refused requested space for shipment of copper to merchant in Stockholm unless accompanied by certificate of Swedish Ambassador, countersigned by British Ambassador, and that for more than ten days have been unable to secure certificate.

(3) Department also informed by representative of copper interests that significant proposal was made by London concern that American copper interests would do well to engage them to handle shipments of copper for European countries. Indications are not wanting that copper is being sold by English concerns to neutral countries of Europe while American shipments are seized by British authorities. It would be interesting to know if any copper seized or detained by British ultimately finds its way to countries of Europe.

Bear this information in mind and discreetly ascertain and cable any information in verification of these reports, or tending to show advantages reaped by British concerns in matter of trade with neutrals.

BRYAN

File No. 300.115/2012a

The Secretary of State to the Ambassador in Great Britain (Page)

[Telegram]

WASHINGTON, December 21, 1914, 6 p. m.

797. Please deliver a copy of this instruction to Consul General Skinner at the earliest moment. The Department desires to ascertain, through the consuls in the British Isles, and through such other

channels as you may deem appropriate to use, statistics showing the imports of copper by Great Britain for each month since hostilities began, and also for the corresponding months of 1913. From information received indications are not wanting that Great Britain, through its interference with the copper trade between the United States and neutral countries in Europe, is able to purchase copper from the United States at a very low rate and sell it to neutral countries in Europe at a profit, thus using her belligerent rights to make a profit on the copper trade to the disadvantage of the industry in the United States. Please add, if possible, in a separate statement the amount of copper received by Great Britain through detention of copper shipments, and what disposition is being made of copper obtained in this way. The American Consul at Gibraltar has been requested to report in regard to copper detained there.

BRYAN

File No. 763.72112/599

The Danish Minister (Brun) to the Secretary of State

MEMORANDUM

The Danish Government is desirous to learn whether the United States, if England applies Article 2 of the order in council of October 29, 1914,¹ to Denmark, would recognize the right of England to seize American vessels carrying conditional contraband of war to ports of Denmark.

C. BRUN

WASHINGTON, December 23, 1914.

File No. 763.72112/1057

The Danish Minister (Brun) to the Secretary of State

MEMORANDUM

J No. 40 A III]

In a conversation on December 23 with the Danish Minister, the Solicitor of the State Department intimated that to insist strongly in London upon the rights of the United States with regard to commerce with other countries during the present conditions of war in Europe might create difficulties for the smaller neutral countries, but that the time had perhaps now come for a conference between the United States and other neutral countries with a view to concerted action for the protection of their legitimate commerce.

The Danish Minister is authorized to state that the British Government has threatened to apply Article 2 of the order in council of October 29 to Denmark, as a consequence apparently of shipments from the United States of contraband of war (absolute or conditional), presumably intended for Germany, and that the American exporters, if they are really *bona fide*, should limit their shipments to neutral countries to the normal quantity.

¹*Foreign Relations, 1914, Supplement, p. 262.*

If the shipments from America to Denmark are not limited to normal, it is to be feared that England will compel Denmark to take measures which will bring Denmark in a difficult position and result in the prohibition of transit trade.

The three Scandinavian countries have resolved, if demands of this order are addressed to them by any of the belligerent governments, to confer on the subject and to reply only after having held such consultations.

Any step which the United States might decide to take for the support of the smaller neutral countries in this matter, will be viewed with satisfaction by the Danish Government.

C. BRUN

WASHINGTON, *December 28, 1914.*¹

File No. 763.72112/690a

The Secretary of State to the Ambassador in Great Britain (Page)

[Telegram]

WASHINGTON, *January 4, 1915.*

877. Following notice to exporters will be issued by Treasury Department to-morrow.

BRYAN

[Notice]

The attention of exporters is respectfully called to the importance of having foreign shipping manifests complete and accurate, in order to avoid delay incident to search while in transit.

Cases have occurred where manifests have been incomplete or inaccurate, and where it is claimed efforts have been made to conceal the nature of the goods carried. Even a few cases of this kind may throw suspicion upon other American commerce, and, through delay, work injury to our foreign trade. While a shipowner who knowingly becomes a party to such a transaction may be liable to such of his patrons as may unjustly suffer thereby, still this is not a sufficient protection since it does not safeguard other shippers who suffer inconvenience because of occasional derelictions of those who inaccurately describe or conceal the character of their shipments.

The Government is making every practicable effort to secure the uninterrupted flow of American commerce and to reduce to a minimum such delays as may be unavoidable in time of war. It looks with confidence for cooperation from the American business public to prevent such action on the part of shippers as adds unnecessarily to the difficulties of business at this time.

Whenever shippers desire such aid in carrying on their foreign business, the Treasury Department will furnish, upon application to the customs collector at any port, an officer to supervise the loading of cargo and to certify to the completeness and accuracy of the manifest.

As a further precaution it is suggested that shippers accompany ship's manifest with an affidavit stating that the articles shipped are correctly shown by the manifest, and that the packages contain nothing except that which is shown thereon.

ANDREW J. PETERS

Acting Secretary of the Treasury

Approved:

W. J. BRYAN
*Secretary of State*WILLIAM C. REDFIELD
*Secretary of Commerce*¹ Date of receipt not indicated.

File No. 300.115/2013

The Ambassador in Great Britain (Page) to the Secretary of State

[Telegram]

LONDON, *January 5, 1915, 9 p. m.*[*Received 11.30 p. m.*]

1414. In reply to your 780 and 797. Consul General Skinner reports that copper and rubber have been shipped from United Kingdom to Allies but that very small quantities have been allowed to go to other European countries. It took one firm in London six weeks to get permission to send 25 tons of copper to Italy. The shipments to neutral countries have been inconsiderable.

The export of rubber was prohibited to all countries only on November 20. By far the largest quantity exported to any country in August, September, October, and November was exported to the United States. This quantity was for August 1914 about the same as for August 1912; for September it was twice as large as for September 1912; for October two and a half times; for November twice as much.

Skinner reports that while there are dealers who no doubt hope to divert copper trade to this country which properly belongs to the United States, they have not influenced the public authorities. So much for Skinner's first report, full text of which is sent by mail.¹

A member of the firm of Symington and Company, rubber dealers, has informed Stabler of Embassy that such shipments of rubber as have been made to Sweden were made on Swedish Government's guarantee against exportation and that lately no rubber has been allowed to go to Sweden. British Government caused large rubber firm in Milan to cancel contract made before war with Austrian Government. Small quantities of rubber have since been permitted to enter Italy under this firm's guarantee transmitted through Italian Government.

There is no evidence at hand that British Government has issued permits for exportation which helped to divert trade in favor of Great Britain in articles held up by British Navy.

AMERICAN AMBASSADOR

File No. 763.72112/599

The Department of State to the Danish Legation

MEMORANDUM

The memorandum of the Danish Legation of December 28, 1914, states that the Danish Government is desirous to learn whether the United States, if England applies Article 2 of the order in council of October 29, 1914, to Denmark, would recognize the right of England to seize American vessels having contraband of war to ports of Denmark.

The Department finds itself unable to make categorical answer to the question propounded, inasmuch as the same calls for a statement

¹ Not printed.

of the action which would be taken by the Government of the United States in advance of the event and of the circumstances upon which it would be called to act.

The article of the order in council referred to is as follows:

Where it is shown to the satisfaction of one of His Majesty's Principal Secretaries of State that the enemy Government is drawing supplies for its armed forces from or through a neutral country, he may direct that in respect of ships bound for a port in that country, Article 35 of the said Declaration shall not apply. Such direction shall be notified in the *London Gazette* and shall operate until the same is withdrawn. So long as such direction is in force, a vessel which is carrying conditional contraband to a port in that country shall not be immune from capture.

The Department is not aware of any principle of international law by which the whole territory of a neutral country may, in effect, be placed under inhibition because the enemy is receiving supplies from or through such neutral country. Manifestly the action to be taken by the United States in case Great Britain shall apply Article 2 of the order in council, referred to, to the country of Denmark must depend upon the facts and circumstances as they shall exist at the time such application is attempted, and consideration no doubt would also be given to the course and attitude of the Danish Government in that case.

WASHINGTON, *January 7, 1915.*

File No. 763.72112/589

The Ambassador in Great Britain (Page) to the Secretary of State

[Telegram]

LONDON, *January 7, 1915, 8 p. m.*

[*Received January 8, 8.15 a. m.*]

1434. Following is the text of Sir Edward Grey's note:

FOREIGN OFFICE, *January 7, 1915.*

YOUR EXCELLENCY: I have the honour to acknowledge receipt of your note of the 28th of December.¹

It is being carefully examined and the points raised in it are receiving consideration, as the result of which a reply shall be addressed to your excellency, dealing in detail with the issues raised and the points to which the United States Government have drawn attention. This consideration and the preparation of the reply will necessarily require some time, and I therefore desire to send without further delay some preliminary observations which will, I trust, help to clear the ground and remove some misconceptions that seem to exist.

Let me say at once that we entirely recognize the most friendly spirit referred to by your excellency, and that we desire to reply in the same spirit and in the belief that, as your excellency states, frankness will best serve the continuance of cordial relations between the two countries.

His Majesty's Government cordially concur in the principle enunciated by the Government of the United States that a belligerent, in dealing with trade between neutrals, should not interfere unless such interference is necessary to protect the belligerent's national safety, and then only to the extent to which this is necessary. We shall endeavour to keep our action within the limits of this principle on the understanding that it admits our right to interfere when such interference is not with *bona fide* trade between the United States and another neutral country, but with trade in contraband destined for the enemy's

¹*Foreign Relations, 1914, Supplement, p. 372.*

country, and we are ready, whenever our action may unintentionally exceed this principle, to make redress.

We think that much misconception exists as to the extent to which we have, in practice, interfered with trade. Your excellency's note seems to hold His Majesty's Government responsible for the present condition of trade with neutral countries, and it is stated that, through the action of His Majesty's Government, the products of the great industries of the United States have been denied long-established markets in European countries which, though neutral, are contiguous to the seat of war. Such a result is far from being the intention of His Majesty's Government, and they would exceedingly regret that it should be due to their action. I have been unable to obtain complete or conclusive figures showing what the state of trade with these neutral countries has been recently, and I can therefore only ask that some further consideration should be given to the question whether United States trade with these neutral countries has been so seriously affected. The only figures as to the total volume of trade that I have seen are those for the exports from New York for the month of November 1914, and they are as follows, compared with the month of November 1913:

Exports from New York for November 1913 [and] November 1914, respectively

Denmark -----	\$558,000	\$7,101,000
Sweden -----	377,000	2,858,000
Norway -----	477,000	2,318,000
Italy -----	2,971,000	4,781,000
Holland -----	4,389,000	3,960,000

It is true that there may have been a falling off in cotton exports, as to which New York figures would be no guide, but His Majesty's Government have been most careful not to interfere with cotton, and its place on the free list has been scrupulously maintained.

We do not wish to lay too much stress upon incomplete statistics, the figures above are not put forward as conclusive; and we are prepared to examine any further evidence with regard to the state of trade with these neutral countries which may point to a different conclusion or show that it is the action of His Majesty's Government in particular, and not the existence of a state of war and consequent diminution of purchasing power and shrinkage of trade, which is responsible for adverse effects upon trade with the neutral countries.

That the existence of a state of war on such a scale has had a very adverse effect upon certain great industries, such as cotton, is obvious; but it is submitted that this is due to the general cause of diminished purchasing power of such countries as France, Germany, and the United Kingdom, rather than to interference with trade with neutral countries. In the matter of cotton, it may be recalled that the British Government gave special assistance through the Liverpool Cotton Exchange to the renewal of transactions in the cotton trade of not only the United Kingdom but of many neutral countries.

Your excellency's note refers in particular to the detention of copper. The figures taken from official returns for the export of copper from the United States for Italy for the months during which the war has been in progress up to the end of the first three weeks of December are as follows:

1913 -----	£15,202,000
1914 -----	£36,285,000

Norway, Sweden, Denmark, and Switzerland are not shown separately for the whole period in the United States returns, but are included in the heading "Other Europe"; that is, Europe other than the United Kingdom, Russia, France, Belgium, Austria, Germany, Holland, and Italy. The corresponding figures under this heading are as follows:

1913 -----	£7,271,000
1914 -----	£35,347,000

With such figures the presumption is very strong that the bulk of copper consigned to these countries has recently been intended, not for their own use, but for that of a belligerent who can not import it direct. It is therefore an imperative necessity for the safety of this country while it is at war that His Majesty's Government should do all in their power to stop such part of this import of copper as is not genuinely destined for neutral countries.

Your excellency does not quote any particular shipment of copper to Sweden, which has been detained. There are, however, four consignments to Sweden at the present time of copper and aluminium which, though definitely consigned to Sweden, are, according to positive evidence in the possession of His Majesty's Government, definitely destined for Germany.

I can not believe that, with such figures before them and in such cases as those just mentioned, the Government of the United States would question the propriety of the action of His Majesty's Government in taking suspected cargoes to a prize court, and we are convinced that it can not be in accord with the wish either of the Government or of the people of the United States to strain the international code in favour of private interests so as to prevent Great Britain from taking such legitimate means for this purpose as are in her power.

With regard to the seizure of foodstuffs to which your excellency refers, His Majesty's Government are prepared to admit that foodstuffs should not be detained and put into a prize court without presumption that they are intended for the armed forces of the enemy or the enemy government. We believe that this rule has been adhered to in practice hitherto, but if the United States Government have instances to the contrary, we are prepared to examine them, and it is our present intention to adhere to the rule, though we can not give an unlimited and unconditional undertaking in view of the departure by those against whom we are fighting from hitherto accepted rules of civilization and humanity and the uncertainty as to the extent to which such rules may be violated by them in future.

From the 4th of August last to the 3d of January the number of steamships proceeding from the United States for Holland, Denmark, Norway, Sweden, and Italy has been 773. Of these there are 45 which have had consignments or cargoes placed in the prize court while of the ships themselves only 8 have been placed in the prize court and 1 of these has since been released. It is, however, essential under modern conditions that where there is real ground for suspecting the presence of contraband, the vessels should be brought into port for examination: in no other way can the right of search be exercised, and but for this practice it would have to be completely abandoned. Information was received by us that special instructions had been given to ship rubber from the United States under another designation to escape notice, and such cases have occurred in several instances. Only by search in a port can such cases, when suspected, be discovered and proved. The necessity for examination in a port may also be illustrated by a hypothetical instance, connected with cotton, which has not yet occurred. Cotton is not specifically mentioned in your excellency's note, but I have seen public statements made in the United States that the attitude of His Majesty's Government with regard to cotton has been ambiguous, and thereby responsible for depression in the cotton trade. There has never been any foundation for this allegation. His Majesty's Government have never put cotton on the list of contraband; they have throughout the war kept it on the free list; and, on every occasion when questioned on the point, they have stated their intention of adhering to this practice. But information has reached us that, precisely because we have declared our intention of not interfering with cotton, ships carrying cotton will be specially selected to carry concealed contraband; and we have been warned that copper will be concealed in bales of cotton. Whatever suspicions we have entertained, we have not so far made these a ground for detaining any ship carrying cotton, but, should we have information giving us real reason to believe in the case of a particular ship that the bales of cotton concealed copper or other contraband, the only way to prove our case would be to examine and weigh the bales; a process that could be carried out only by bringing the vessel into a port. In such a case, or if examination justified the action of His Majesty's Government, the case shall be brought before a prize court and dealt with in the ordinary way.

That the decisions of British prize courts hitherto have not been unfavourable to neutrals is evidenced by the decision in the *Miramichi* case. This case, which was decided against the Crown, laid down that the American shipper was to be paid even when he had sold a cargo c. i. f. and when the risk of loss after the cargo had been shipped did not apply to him at all.

It has further been represented to His Majesty's Government, though this subject is not dealt with in your excellency's note, that our embargoes on the export of some articles, more especially rubber, have interfered with commercial interests in the United States. It is, of course, difficult for His Majesty's

Government to permit the export of rubber from British Dominions to the United States at a time when rubber is essential to belligerent countries for carrying on the war, and when a new trade in exporting rubber from the United States in suspiciously large quantities to neutral countries has actually sprung up since the war. It would be impossible to permit the export of rubber from Great Britain unless the right of His Majesty's Government were admitted to submit to a prize court cargoes of rubber exported from the United States which they believe to be destined for an enemy country, and reasonable latitude of action for this purpose were conceded. But His Majesty's Government have now provisionally come to an arrangement with the rubber exporters in Great Britain which will permit of licenses being given under proper guaranties for the export of rubber to the United States.

We are confronted with the growing danger that neutral countries contiguous to the enemy will become on a scale hitherto unprecedented a base of supplies for the armed forces of our enemies and for materials for manufacturing armament. The trade figures of imports show how strong this tendency is, but we have no complaint to make of the attitude of the governments of those countries, which so far as we are aware have not departed from proper rules of neutrality. We endeavour in the interest of our own national safety to prevent this danger by intercepting goods really destined for the enemy without interfering with those which are *bona fide* neutral.

Since the outbreak of the war, the Government of the United States have changed their previous practice and have prohibited the publication of manifests till 30 [days] after the departure of vessels from the United States ports. We have no *locus standi* for complaining of this change, and did not complain. But the effect of it must be to increase the difficulty of ascertaining the presence of contraband and to render necessary in the interests of our national safety the examination and detention of more ships than would have been the case if the former practice had continued.

Pending a more detailed reply, I would conclude by saying that His Majesty's Government do not desire to contest the general principles of law on which they understand the note of the United States to be based, and desire to restrict their action solely to interference with contraband destined for the enemy. His Majesty's Government are prepared, whenever a cargo coming from the United States is detained, to explain the case on which such detention has taken place, and would gladly enter into any arrangement by which mistakes can be avoided and reparation secured promptly when any injury to the neutral owners of a ship or cargo has been improperly caused, for they are most desirous in the interest both of the United States and of other neutral countries that British action should not interfere with the normal importation and use by the neutral countries of goods from the United States.

I have [etc.]

E. GREY

AMERICAN AMBASSADOR

File No. 763.72112/595

The Ambassador in Great Britain (Page) to the Secretary of State

[Telegram]

LONDON, *January 8, 1915, 6 p. m.*

[Received 8 p. m.]

1440. In a private conversation to-day with Sir Edward Grey about his reply to your note sent last night he informed me that the working arrangements between Great Britain and European neutral countries are better than they have been hitherto. He left the distinct impression on my mind that he hopes for less trouble in the future, except possibly as regards copper. He expressed hope that Department would recognize complete change in shipping, from sail to steam, from small ships to big ships, which has made search at sea under modern conditions practically impossible. Moreover, he continued, for a warship to stop alongside a merchantman long enough

to search her would surely invite submarine attacks endangering both.

AMERICAN AMBASSADOR

File No. 763.72112/598

The Swiss Minister (Ritter) to the Secretary of State

WASHINGTON, January 8, 1915.

SIR: Upon telegraphic instructions from my Government, I have the honor to convey to your excellency the sincere thanks of the Swiss Federal Council for defending the interests of neutrals with regard to their commercial intercourse.

The President of the Swiss Confederation requests me to direct your kind attention especially to the manifold difficulties still confronting the American exporters of goods destined for Switzerland. The question of transit of goods classed as contraband through Italy, for some time a barrier standing in the way, has been satisfactorily adjusted by an Italian decree of November 13, whereby the transshipment of goods, if consigned to Swiss firms, or whose bills of lading clearly show the ultimate destination to be Switzerland, will not be interfered with.

A further protection for shippers lies in the embargo placed in Switzerland on the exportation of copper and other metals, as well as of numerous other articles. The reexportation from Switzerland of such imported articles is thereby effectively prevented. The embargo rules and regulations are enforced in a *bona fide* manner.

In spite of this, and although this Legation provides exporters with a certificate to the effect that the respective goods will be consumed exclusively in Switzerland and that they can not be reexported therefrom, most steamship companies still refuse, as I had the honor to point out to your excellency on previous occasions, to accept any freight for Switzerland. Not only are thereby additional burdens laid on the commercial relations between Switzerland and the United States, but American shippers are in numerous instances prevented from filling orders for old customers and from forming new connections.

The economic interests of Switzerland, however, require that the Federal Council reserve a free hand in granting exceptions from the above-mentioned embargo. Under all circumstances, the Government should have the right to permit certain exceptions on industrial products in the case of articles for further use in manufacture and, exceptionally, for the purpose of giving compensations for obtaining from abroad such indispensable articles as coal, soda, and partially worked pieces of iron. The total of these exceptions does, the Federal Council states, not play any part whatever on belligerents.

In view of the existing conditions, the Government of the Swiss Confederation would greatly appreciate it if the American Government would continue to keep in view the interests of Switzerland in its negotiations for removing the unnecessary hardships placed at present on the commerce between neutral nations.

Accept [etc.]

P. RITTER

File No. 300.115/2070

The Ambassador in Great Britain (Page) to the Secretary of State

[Telegram]

LONDON, January 11, 1915, 4 p. m.

[Received 7 p. m.]

1450. Continuing reply to your 780, December 19 [18].¹ In addition to investigation by Consul General and Stabler and inquiries made by me, Chance, Treasury agent, reports what follows.

Merton and Company, London, copper merchants, sent one of their men named Gardner to the United States seeking agency for the sale of all American copper in Europe. Gardner was unsuccessful. It is not thought that Government had to do with this but that it was private trade effort to take advantage of situation.

Chance's information is that no copper has been shipped from England since full embargo on copper was laid except one cargo to an English dealer in Rotterdam who guaranteed local use.

Swedish Legation informs Stabler no copper finds its way to Sweden from England. Prohibition has become more strict since presentation of American note.

AMERICAN AMBASSADOR

File No. 763.72112/567½

The Consul General at London (Skinner) to the Secretary of State

No. 215]

LONDON, January 1, 1915.

[Received January 12.]

SIR: Referring to the Department's cabled instruction of September 22² stating that it did not consider the British Government to be entitled to collect freight on cargo on diverted, detained, or seized vessels sailing before the war, and subsequent correspondence dealing with the same point, I have the honor to enclose herewith a copy of a note received from the Foreign Office, through the Ambassador, in reply to my representations. I shall be greatly interested in the Department's opinion respecting the contents of this note.

The Foreign Office states that payment of freight will be required in all cases in which the cargo released "would have been condemned either to confiscation or to detention if it had been taken into the prize court, but in which the neutral shipper asks for its release to him."

I do not quite perceive how the authorities are able to determine in advance that a given consignment would have been condemned had the matter gone to the prize court, and in any case, I do not understand how the Foreign Office can waive to one side the Department's reiterated contention that goods that cleared before the war are not subject to condemnation from any point of view.

I have [etc.]

ROBERT P. SKINNER

¹Ante, p. 295.²Foreign Relations, 1914, Supplement, p. 314.

[Enclosure]

The British Secretary of State for Foreign Affairs (Grey) to the American Ambassador (Page)

No. 85880]

LONDON, December 23, 1914.

YOUR EXCELLENCY: In recent letters to His Majesty's procurator general and the Board of Trade the United States Consul General has raised the question of the payment of freight and charges incurred in connection with the release of cargoes shipped before the war by United States shippers, and in my note of 28th ultimo I had the honour to inform your excellency, with reference to your note of the 10th ultimo, that I hoped shortly to be able to communicate the views of His Majesty's Government on the matter.

I have now the honour to state, for your excellency's information and for that of the United States Consul General, that, as regards freight in the case of cargoes on enemy vessels, it is the decision of His Majesty's Government that freight will only be charged on such cargoes when it has been earned, i. e., when the cargo concerned has been brought to its original destination, save in the cases mentioned subsequently in this note. Neutral shippers to whom cargo is released will not therefore (save in the cases subsequently mentioned) be required to pay freight, unless the voyage of the vessel carrying the cargo is complete, or the contract of affreightment provides for *pro rata* freight.

The cases in which payment of freight will be required in any event, are those in which the cargo released would have been condemned either to confiscation or to detention if it had been taken into the prize court, but in which the neutral shipper asks for its release to him; and in these cases His Majesty's Government consider that payment of freight is a proper condition of release as an alternative to condemnation of the cargo by the prize court.

The above observations apply both in the case of cargoes on ships liable to confiscation and in that of cargoes on ships liable to detention only.

As regards the question of expenses in connection with the release of cargo, His Majesty's Government consider that expenses reasonably incurred in respect of the care, custody, or sale of the property concerned, or otherwise incidental to the matter, can properly be charged as a condition of the release of the cargo, in accordance with the established practice of prize courts, and they will therefore continue to require the payment of such expenses as a condition of release.

I have [etc.]

For Sir Edward Grey:

W. LANGLEY

File No. 763.72112/594

The Secretary of State to the Ambassador in Great Britain (Page)

[Telegram]

WASHINGTON, January 12, 1915, 7 p. m.

939. Your number 1434, January 7, 8 p. m.¹ Please prepare a note to Sir Edward Grey in reply to his note of January 7 in the sense of the following:

We appreciate the friendly spirit in which the American note of December 28² was received by the British Government and we have no doubt that the cordial relations between the two Governments will continue throughout the pending diplomatic discussion. The Government of the United States notes with satisfaction that His Majesty's Government agree with the principles of international law as set forth in the American note. As this note is being carefully examined by the British Government with a view to making a further reply in detail, it would seem premature for me to answer at the present time

¹Ante, p. 299.²Foreign Relations, 1914, Supplement, p. 372.

the remarks of Sir Edward Grey. It is the intention of this Government to consider the points raised by Sir Edward Grey in connection with the further reply of the British Government promised by him.

BRYAN

File No. 763.72112/1257½

The British Secretary of State for Foreign Affairs (Grey) to the British Embassy in Washington

[Telegram]

January 13, 1915.

[Left at the Department of State June 12.]

I cannot give a pledge that all ships now in prize court will be released on bail being offered because decision must rest with judge, but you may make it known that in order to relieve a shortage of tonnage H. M. G. are anxious to withdraw ships as little as possible from carrying trade and will therefore not oppose release on bail of ships now in prize court if bail is offered.

Only seven neutral vessels are at present in prize court and only five ships are detained here in addition at this moment for examination as to character and true destination of their cargo; one of these will probably be released almost immediately and no one of them is under American flag.

It would perhaps be well if this were publicly known and I am giving information to press here.

[File copy not signed]

File No. 763.72/1382

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

[Telegram]

STOCKHOLM, *January 13, 1915.*

[Received 8 p. m.]

12. Decree prohibits transit war material over Sweden.

MORRIS

File No. 763.72112/630

The Secretary of State to the British Ambassador (Spring Rice)

No. 475]

WASHINGTON, *January 13, 1915.*

EXCELLENCY: I have the honor to acknowledge the receipt of your note of January 1 last, relative to the inclusion by His Majesty's Government of turpentine and rosin within its contraband list.¹

I note your excellency's statement that in taking the measure of placing resinous products and turpentine on the list of contraband, His Britannic Majesty's Government followed the usage of all maritime nations, and notably that of the United States, when at war, who have invariably claimed and exercised the right of making

¹*Foreign Relations, 1914, Supplement, p. 379.*

additions from time to time to their lists of contraband—a right explicitly conferred in the Declaration of London.

I do not for a moment suppose that by this statement your excellency intends to advance the principle that belligerents have the right to add at their pleasure to the list of contraband without reference to the character of the article involved, for in that case I would be compelled to question the principle.

Regarding your statement, when speaking of shipments of copper, that in every case of a cargo seized which was embarked before notification its full value has been paid, except when the cargo itself has been released, your excellency will permit me to say such is not my understanding. To the contrary, the Department is in receipt of very recent complaints from shippers of copper on board the steamships *Kroontland* and others, seized at Gibraltar, that compensation has not been made by His Britannic Majesty's Government, but that the copper has been sent, or will be sent, to the prize court for adjudication; that in other cases of copper seized the interested parties were compelled to accept payment at a price below the current price in New York, and probably London, to say nothing of the price of copper at the point of destination, and that in the cases of copper now held at Gibraltar, the price proposed to be paid is below that of New York, the point of shipment.

The Department has no intention of questioning any principle of international law or recognized usage, but is disposed toward a liberal application of those principles to the situation produced by the war in Europe. As has been pointed out to your excellency's Government, the United States cannot agree in several particulars to the application made by His Britannic Majesty's Government of the accepted principles of international law. It is much to be desired that the two Governments may come nearer to an agreement as to the relative rights of belligerents and neutrals.

In conclusion permit me to assure your excellency that this Government is not unmindful of the situation in which His Britannic Majesty's Government finds itself at this time and has no desire to unnecessarily or needlessly press upon it any matter which is not deemed of material consequence to the rights of American citizens.

I have [etc.]

W. J. BRYAN

File No. 763.72112/614

Crossman and Sielcken to the Secretary of State

NEW YORK, *January 13, 1915.*

SIR: We are in receipt of the following cablegram from Mess. L. Paulsen and Company, Copenhagen, which we respectfully submit as requested by them:

Regarding English answer (to) Wilson's note, tell Foreign Office (it is) no wonder exports (from) United States (to) Denmark (in) November (were) large, as (at) beginning (of the) war (there was) no business. Exports August September came together (in) November. All American goods formerly shipped via German ports come now direct. All grain, oil cake, formerly imported from Germany (and) Russia now (come) from United States. Danish statistics 1914 show smaller from all countries import to Denmark in 1914 than 1913.

The parenthetical insertions are made by ourselves to make Mess. Paulsen's meaning clearer.

Respectfully,

CROSSMAN AND SIELCKEN

File No. 763.72112/598

The Secretary of State to the British Ambassador (Spring Rice)

No. 476]

WASHINGTON, January 14, 1915.

EXCELLENCY: I have the honor to advise you that, in a note of the 8th instant, the Swiss Minister at this Capital, by instructions from his Government, makes the following representations in regard to commerce with the United States under the conditions of trade which now exist:

Attention is especially directed to the manifold difficulties still confronting the American exporters of goods destined for Switzerland. The question of transit of goods classed as contraband through Italy, for some time a barrier standing in the way, has been satisfactorily adjusted by an Italian decree of November 13, whereby the transshipment of goods, if consigned to Swiss firms, or whose bills of lading clearly show the ultimate destination to be Switzerland, will not meet with interference.

A further protection for shippers lies in the embargo in Switzerland placed upon the exportation of copper and other metals, as well as upon numerous other articles. The reexportation from Switzerland of such imported articles is thereby effectively prevented. The embargo rules and regulations are enforced in a *bona fide* manner.

In spite of this, and although the Swiss Legation provides exporters with certificates to the effect that the respective goods will be consumed exclusively in Switzerland and that they cannot be reexported therefrom, most steamship companies still refuse, as the Swiss Minister has pointed out on previous occasions, to accept any freight for Switzerland. Not only are additional burdens thereby laid on the commercial relation between the United States and Switzerland, but American shippers are in numerous instances prevented from filling orders for old customers and from forming new connections.

I have [etc.]

W. J. BRYAN

File No. 300.115/2101

The Secretary of State to the Ambassador in Great Britain (Page)

[Telegram]

WASHINGTON, January 15, 1915.

964. Department advised by Swiss Legation Department Foreign Affairs Swiss Government requests good offices of United States with British Government for release of 800 tons copper steamers *Ascot*, *Palermo* and *Regina d'Italia*, detained at Gibraltar, shipped by American Metal Company, destined for Brown Boveri, Baden, Aargau, Switzerland. Appropriately present matter British Foreign Office, requesting release copper for forwarding to Swiss consignees.

BRYAN

File No. 763.72112/627

The Ambassador in Great Britain (Page) to the Secretary of State

No. 728]

LONDON, January 7, 1915.

[Received January 18.]

SIR: Just a day or two before the receipt of your note to the British Government about shipping, I received from the Foreign Office a memorandum covering the several kinds of difficulties that we encounter. I do not know that this memorandum is now of any particular value, nevertheless I herewith enclose a copy to you.

I have [etc.]

WALTER HINES PAGE

[Enclosure]

The British Foreign Office to the American Embassy

MEMORANDUM

1. In view of some of the criticisms to which the measures taken by His Majesty's Government for checking the sea-borne trade in contraband have been exposed, they desire to state that the sole object of those measures has been to prevent contraband from reaching their enemies, whether direct or through neutral countries.

2. Their task has of late been lightened, and consequently the unavoidable inconvenience caused to neutral shipping by the exercise of the belligerent right of search reduced, by the fact that several of the neutral countries contiguous to Germany and Austria have, for the protection of their home markets, prohibited the exportation from their respective territories of large classes of commodities. Where articles on the lists of contraband are covered by such prohibitions of export from a particular neutral country, the belligerents find themselves relieved of the necessity of enquiring as to any ulterior destination of goods consigned to that country, provided the prohibition is effectively enforced.

3. Lists of the commodities of which the export is at this moment prohibited from Italy, Switzerland, the three Scandinavian countries and Holland, are attached hereto.¹ It should be observed that these lists are not final, but are being added to from time to time.

4. Under the rules in force in the Scandinavian countries, the exportation of all the articles on their respective prohibited lists remains freely permitted from each one of them to either of the others and as their lists are not uniform—some comprising items which are not included in the others—this system of exceptions has to a certain extent neutralized the effect of the prohibition, and so failed to afford the belligerents any certainty that shipments of a particular commodity, whilst ostensibly consigned to one of these neutral States, are not in fact destined for the enemy, intended to reach him by the roundabout way of reexportation through a neighboring neutral country.

5. There is, however, a growing tendency on the part of the three Scandinavian States to assimilate their enactments in this respect, and to the extent that their lists of prohibited exports are approaching uniformity, it will become easier to distinguish the *bona fide* import trade into these countries of goods having a potentially contraband character from frankly contraband trade really intended merely to pass through them in transit to enemy territory.

6. Another difficulty of a more general kind, which arises specially in the case of certain metals on the contraband list, such as copper, nickel, lead, and aluminium, and also of rubber, is that the prices ruling in the enemy countries are so high as to make it profitable to import even goods manufactured from those raw materials, or their alloys, for the purpose of melting them down. Where the export of the manufactured article is not also prohibited, this difficulty is in some cases met by the importing firms giving special guarantees that the goods to be manufactured from the imported metals or rubber will not in fact reach the enemy.

¹ Not printed.

7. Subject to the above safeguards, no difficulty is now, practically, made in allowing cargoes of goods on the lists of exports prohibited respectively from Italy, Sweden, Norway, and Denmark to pass freely to those countries if addressed to named *bona fide* consignees, except of course in cases where His Majesty's Government are in possession of special information that particular shipments have in fact an enemy destination.

8. The case of Switzerland is somewhat different, as the Federal Government maintain the right to grant unlimited dispensations from their prohibitions of export, which moreover do not include articles manufactured from the contraband metals, or rubber. In these circumstances, His Majesty's Government feel compelled to enquire into the ulterior destination of individual shipments, at least of certain classes of goods, such as copper and the other contraband metals, rubber, and petroleum, whilst allowing most other commodities on the contraband lists freely to pass to Italian ports in transit for Switzerland if consigned to named persons on through bills of lading. There are indications that Switzerland may gradually harmonize her system of prohibitions with that enforced in Italy by eliminating some of the features which at present make it necessary for the belligerents to take special measures of precaution in the case of shipments with a Swiss destination.

9. It may here be observed that the effect of the Italian decree of November 13, 1914, absolutely prohibiting the reexportation of certain classes of goods landed at Italian ports, has been to hold up in Italy a large number of cargoes which, although consigned on the bills of lading to Italian ports, were really intended for Switzerland. The Swiss Government have been most anxious that the British Government should press at Rome for the release of such cargoes, but the British Government have had to point out the difficulties in the way of their inviting Italy to weaken the operation of her decrees of prohibition, whose effective enforcement is a matter of great practical importance to them: for the Italian Government, if they were to accede to this Swiss request at the instance of Great Britain, would not thereafter be in a position to refuse analogous demands for dispensations on the part of Germany and Austria which might be made under conditions ensuring that consignments of particular goods found their way to those countries. His Majesty's Ambassador at Rome has however been instructed to use his good offices with the view of facilitating an amicable arrangement between the Swiss and Italian Governments in so far as cargoes are concerned which were shipped before the date of the Italian decree (November 13), and it is hoped and believed that a satisfactory settlement will in this way be arrived at.

10. A system of prohibitions of export is equally in force in the Netherlands. Owing however to the provisions of the Rhine conventions, these prohibitions are entirely ineffective as regards cargoes arriving in the ordinary way oversea, since, under those conventions, all goods even although accompanied by bills of lading to named consignees in Holland may, on arrival at Rotterdam, be declared to be in transit, so that, not being technically classed as imports, they automatically escape the operation of the prohibitions of export. The fact, therefore, that certain commodities appear on the Dutch list of prohibited exports, affords no security that they will not in fact, on reaching Holland, be allowed to pass direct into Germany. It has however been ascertained that if goods are consigned either to the Netherlands Government themselves, or to an association called the Netherlands Oversea Trust, they are certainly destined for home consumption and will not be permitted to leave the country save in exceptional circumstances. His Majesty's Government have accordingly decided not for the present to interfere with any goods addressed either to the Netherlands Government or to the Netherlands Oversea Trust and to restrict their scrutiny of ultimate hostile destination to the case of cargoes going to Holland not so consigned.

11. In laying down the foregoing rules for the present guidance of the several British authorities in dealing with cargoes of goods listed as contraband that are on their way to neutral countries contiguous to Germany or Austria, His Majesty's Government must not be understood to consider themselves bound by them indefinitely or in all circumstances. Should it be found more particularly that in spite of the prohibitions of export enacted by neutral countries, commodities on the prohibited lists are nevertheless entering those countries in quantities obviously exceeding any possible requirements of the respective home markets, His Majesty's Government reserve the right to enquire seriously into the *bona fides* of such large importations.

December 29, 1914.

File No. 763.72112/634

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

[Telegram]

STOCKHOLM, *January 19, 1915, 7 p. m.*

[Received 11.45 p. m.]

14. Swedish Government has furnished me with memorandum calling attention to fact that statistics of Swedish imports as set out in British note of January 7¹ do not correspond with Swedish statistics of imports.

MORRIS

File No. 763.72112/614

*The Secretary of State to Crossman and Sielcken*WASHINGTON, *January 20, 1915.*

GENTLEMEN: The Department is in receipt of your letter of January 13, 1915, quoting the text of a telegram received by you from Messrs. L. Paulsen and Company, Copenhagen, with reference to the reply made by the British Government to the representations of this Government in the matter of the difficulties encountered by American exporters of goods to neutral countries.

In reply the Department thanks you for the information contained in your letter which appears to be quite pertinent to the subject matter of the diplomatic correspondence between the United States and Great Britain.

I am [etc.]

For the Secretary of State:

JOHN E. OSBORNE

File No. 763.72/1397

*The Secretary of the German-American Chamber of Commerce (Heinrich Charles) to the Secretary of State*NEW YORK, *January 20, 1915.*

SIR: The Swedish papers publish that great pressure on the part of the Allies is brought to bear on the Swedish Government to cancel the prohibition of the transit of war material through Sweden. The Swedish press is urging the Government to stand firm and it also expresses the hope that the bills and joint resolutions of Senators Hitchcock and Works, and Representatives Lobeck, Vollmer, and Bartholdt will pass in Congress, saying editorially that these are steps in the right direction of true neutrality.

Yours very respectfully,

HEINRICH CHARLES

*Secretary*¹Ante, p. 299.

File No. 763.72112/635

The British Ambassador (Spring Rice) to the Secretary of State

No. 27]

WASHINGTON, January 18, 1915.

[Received January 21.]

SIR: I have the honour to acknowledge the receipt of your note No. 476 of January 14 respecting certain difficulties which are experienced by firms in this country in connection with the exportation of goods to Switzerland.

The attention of my Government had already been drawn to this matter and on the instructions of His Majesty's Secretary of State for Foreign Affairs I issued to the press on the 11th instant a statement on the subject, copy of which I have the honour to enclose. I trust that in view of this statement the shipping companies will see their way to accept shipments for Switzerland and that the difficulties experienced by American firms will be diminished in proportion as it is found by experience that shipments destined for use in Switzerland are not interfered with.

I have [etc.]

CECIL SPRING RICE

[Enclosure]

Statement to the press issued by the British Embassy January 11, 1915

It is understood that certain American and Italian shipping lines are refusing to carry goods consigned by name to Swiss firms, and that this refusal has been attributed in some quarters to some suggestion or action on the part of the British authorities. There is no foundation whatever for the latter statement; the British Government are on the contrary most anxious that no restrictions whatever should be placed in the way of articles intended for *bona fide* consumption in Switzerland.

File No. 300.115/2235

The Secretary of State to the Ambassador in Great Britain (Page)

[Telegram]

WASHINGTON, January 22, 1915.

1015. Swiss Minister with much earnestness represents that no copper has been permitted to reach Switzerland whose industries are in sore need. It is understood his Government has made or will make assurances of need of copper for Swiss consumption and against reexport. Department wishes you to assist in appropriate way the desires of Swiss Government after conferring with Swiss Minister there. It is desired that copper now held at Gibraltar go forward, and new purchases and consignments to definite consignees be permitted without interception.

BRYAN

The Case of the "Wilhelmina"¹—The Control of Foodstuffs by the German Government²

File No. 300.115/2208

Hays, Kaufmann and Lindheim to the Secretary of State

NEW YORK, January 22, 1915.

DEAR SIR: We have been instructed by the W. L. Green Commission Company of St. Louis, Missouri, to inform you that they have this day shipped on the steamer *Wilhelmina* a cargo of foodstuffs destined for Hamburg, Germany, and consigned to the W. L. Green Commission Company, Hamburg, Germany.

On January 2, 1915, our clients wrote to you from St. Louis in reference to their desire to sell a cargo of foodstuffs for German consumption. In reply thereto, they received a telegram from you dated January 12, 1915, confirming their understanding of the proposition of international law involved; namely, that they had the right to ship foodstuffs, provided they were not destined or intended as supplies for a belligerent government or its armed forces.

After deliberation and consultation, they decided not to consign these goods to any German buyers nor to sell them to any German citizens or residents, nor to obtain any guarantee from the German Government that the foodstuffs were not for military usage. Instead, they have chartered an American ship, the *Wilhelmina*. This ship has been an American ship for a number of years. The captain and officers are all citizens of this country and the crew practically likewise, except that there are a few citizens of such neutral countries as Spain, Sweden, and Norway.

The cargo consists solely of foodstuffs comprising wheat, corn, oats, hams, beef, tongues, pork, lard, dried fruit, peas, and beans. There is no cargo of any other nature whatsoever on this ship, of which fact we can furnish you proper guarantees and evidence.

The W. L. Green Commission Company has paid for and owns the entire cargo on the ship and proposed to send its representative, the manager of its export department, Mr. W. T. Brooking, to Hamburg, Germany, to take charge of said cargo and dispose of same solely to the civil population.

Attached to the manifest and filed in the customhouse here in New York City and to the copy of the manifest in the possession of the captain of the vessel is an affidavit stating the facts and guaranteeing and warranting that the cargo is solely for consumption by the civil population and that no part thereof will be sold to any belligerent power or its military or naval forces or any agent or contractor supplying the same.

The W. L. Green Commission Company has been in the business of exporting foodstuffs to Europe for many years, and its business with Germany has ceased owing to the arbitrary paper blockade established by the Allies.

It has been advised by its attorneys that it has, as a matter of undoubted law, the right to ship foodstuffs to the civil population of

¹ *Ante*, pp. 105 and 116, and *post*, p. 363.

² See also *ante*, pp. 95 and 102.

belligerent countries. It has likewise relied on the statement of international law laid down in your telegram of January 12. It recognizes that you are not, as you stated, prepared to give any promise in advance as your action depends on the circumstances of the case. We are merely calling these facts to your attention so that if the ship is detained by any foreign war vessel, you will be in position to know the facts. We are prepared to furnish you with any proof or guarantee that you may desire.

The vessel is American; the officers are American; the consignees are American; the cargo is of American manufacture. It is an American venture pure and simple and no one else has any interest in it whatsoever.

If you should desire to communicate with our clients in reference to this matter, Mr. Lindheim of this office would be glad to discuss the matter with you or your representative in Washington, if you will telegraph us and make an appointment.

We beg to remain [etc.]

HAYS, KAUFMANN AND LINDHEIM

File No. 763.72112/644

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

[Telegram]

STOCKHOLM, January 22, 1915, 3 p. m.

[Received January 23, 8.30 a. m.]

16. Department's January 21, 6 p. m.¹ Foreign Office states comparisons in values set out by Great Britain unfair for reason prices greatly enhanced since outbreak of war; that only fair comparison is by weight or volume.

Foreign Office furnishes following approximate statistics of Swedish imports for November–December 1913, and same period 1914:

	[1913]	[1914]
Cotton -----	4, 000 tons	9, 000 tons
Grain and food products---	108, 000 tons	88, 000 tons
Sulphur -----	7, 000 tons	11, 000 tons
Mineral oils-----	30, 000 tons	32, 000 tons
Copper -----	1, 700, 000 [kilograms]	3, 000, 000 kilograms

Complete statistics available about February 1.

MORRIS

File No. 763.72112/662

The Consul General at London (Skinner) to the Secretary of State

No. 249]

LONDON, January 15, 1915.

[Received January 26.]

SIR: Referring to my despatch No. 215, dated January 1,² enclosing a note from the British Foreign Office dated December 23 stating that after consideration of my representations, payment of freight and charges incurred in connection with the release of American

¹ Not printed.

² Ante, p. 304.

cargoes shipped before the war would be remitted, I have the honor to report that as the note from the Foreign Office was somewhat obscure, I immediately brought its terms to the attention of the procurator general. I requested the procurator general to give me his opinion as to the application of the Foreign Office note to cargoes shipped in British vessels, which, as it seemed to me, should be dealt with in the same manner as cargoes shipped in enemy vessels. I continued:

I take it that a good many releases have been effected in which freight and charges have been collected and which would have been released free of charges under the terms of the enclosed note. May I inquire how it is proposed to deal with these matters, as I assume that freight collected under these circumstances will be reimbursed?

Finally would you be kind enough to explain to me what are meant by cases "in which the cargo released would have been condemned either to confiscation or to detention if it had been taken into the prize court"? It does not seem to me possible to assume that in given cases the prize court would have condemned any cargo confiscated without actually taking the case to trial.

Perhaps you would be so good as to illustrate this class of cases by reference to one or two with which I am familiar.

I have received a reply from the procurator general, a copy of which is enclosed herewith.

The reply deals not only with my inquiries of January 1 based upon the Foreign Office note, but also with letter of December 31, 1914, reiterating the contention that under Article 43 of the Declaration of London cargoes shipped before the war were not liable to condemnation and that proceedings in the prize court in respect of such cargo were entirely inappropriate. The Department will not fail to note that upon this point the procurator general joins issue with me.

While the correspondence with the British authorities in respect of payments of freight and charges which they have been collecting on released cargo is not wholly satisfactory, at least some substantial progress has been made. The procurator general states that he is now prepared to consider applications for the reimbursement of freight collected under these circumstances.

I have no means of knowing what particular claimants have paid freight which should be reimbursed, except as to perhaps three hundred cases which have been brought to my personal attention. Perhaps the Department may have some suggestions to make upon this point.

I have [etc.]

ROBERT P. SKINNER

[Enclosure]

The British Procurator General to the American Consul General

13th January 1915.

SIR: I regret that owing to pressure of other business I have been unable hitherto to reply to your letters of the 31st ultimo and the 1st instant.

Taking first your letter of the 31st instant [sic], I understand that the cargoes there referred to in the S. S. *Belgia* are being treated as being subject to prize proceedings on the ground that they are enemy property.

I understand that you desire to raise the contention that notwithstanding that they are enemy property they are exempt from condemnation under Article 43 of the Declaration of London. Probably I have not fully understood the scope of your contention, but my difficulty is that the articles, of which Article 43 forms one, are not dealing with enemy property at all. They are dealing

with contraband which, *ex hypothesi*, is neutral property. If it were enemy property, there would be no need to consider whether the property was contraband or not and Article 43, as I understand, is introduced for the purpose of protecting neutral contraband in certain circumstances; and it is provided that when those circumstances are present, the contraband is not liable to condemnation nor is the ship or the remainder of the cargo liable to condemnation under Articles 41 and 42 as they might otherwise be if the contraband were liable to condemnation. At present, therefore, I am afraid I do not quite follow the contention that Article 43 would apply to the case of enemy goods, but I feel that I may have misunderstood the point which you wish to put forward and I shall be glad to reconsider the matter if you will return to it in further correspondence.

With regard to your letter of the 1st January, the note to which you refer is not applicable to cargoes shipped in British vessels. I think that in an interview which I had with you at a very early stage I pointed out that the British Government could not interfere between the owners of British ships and the owners of American cargoes, and that, in such cases, the freight must be paid where by law it was payable and, of course, would not be payable where by law it was not payable; and I think that if you will refer to the correspondence which has passed between us you will find that the reference throughout is only to cargoes on enemy vessels and certainly that is so in the note addressed to the Ambassador to which you refer.

As regards the question of past release where the cargoes would have been released free of freight under the terms of the enclosed note, I shall be prepared to consider applications for the return of the freight.

I am afraid that pressure of work may cause some delay in these matters as the claims of persons seeking to have their cargoes must necessarily have priority, but the matter will be dealt with as speedily as is found possible.

Finally with regard to the question asked in the third paragraph of your letter, the question whether the cargo released would have been condemned if it had been taken into the prize court must, of course, under the circumstances prevailing, be decided by the procurator general or the committee dealing with the matter, to the best of his or their judgment upon the facts appearing in the case.

It would be impossible within the confines of a letter to give a full account of all the cases in which property would or would not be condemned which would amount almost to writing a treatise on prize law, but fortunately there is, as far as I know, no difference as regards the law on these subjects between the American and the English prize law. In fact some of the authorities to which we chiefly refer are those of great American lawyers.

There are, however, two guiding principles which I think may be of assistance to you: The first is that, as was decided in the *Miramichi* case, the question depends on whether the property has or has not, at the time of seizure, passed to the enemy in accordance with the ordinary rules of English law, that is, in cases of shipments before war with which alone we are now dealing. The second principle is that where the goods are on enemy ships there is a presumption in favour of their being enemy goods which it lies upon the owner of the goods to rebut.

As regards illustrations I might perhaps refer to the cases where property is under a f. o. b. contract and has been shipped to the order of the enemy purchaser. There have been many such cases in which the property has undoubtedly passed to the enemy but in which the procurator general or the committee have, in the exercise of their discretion, returned it to the American owners who have not received payment. Another class of case is where the documents have gone forward to the enemy consignee and passed into his possession or where no evidence is forthcoming as to whether they have passed into his possession or not. In all these cases I think that no doubt can be felt that the prize court, on the matter being put before them on that state of facts, would have condemned the cargo.

There is a case which has recently been considered, which though perhaps not typical of a large class of cases is also a case where the property would have been condemned, and that is the case which you have put forward of the National Cash Register Company. There the goods were sold to German companies having an independent corporate existence in Germany and the property had undoubtedly passed to the German companies, and on that account the goods would have been condemned by the prize court. It was, however, con-

sidered under the circumstances of the case that the goods might fairly be released, but in that case the committee have decided that freight should be charged in accordance with the terms of the note.

I am [etc.]

A. H. DENNIS

File No. 300.115/2237

The Ambassador in Great Britain (Page) to the Secretary of State

[Telegram]

LONDON, *January 27, 1915, 5 p. m.*

[Received 4 p. m.]

1537. Sir Edward Grey informs me that his first intention was not to interfere with the cargo of the *Wilhelmina*. But the military powers of the German Government have now officially taken over the use of and distribution of all food in the Empire so that there is now no private dealing in food. All food in effect belongs to the army.

Since the *Wilhelmina* started on her voyage before this official action was taken, British Government will see that the owners of the cargo do not lose. This Government will stop it and buy it.

AMERICAN AMBASSADOR

File No. 300.115/2236

*The Ambassador in Great Britain (Page) to the Secretary of State*¹

[Telegram]

LONDON, *January 27, 1915.*

[Received 4.30 p. m.]

1536. Your 1015, January 22.² Swiss Minister informs me he has practically secured the result he wishes.

AMERICAN AMBASSADOR

File No. 300.115/2249

The German Ambassador (Bernstorff) to the Secretary of State

NEW YORK, *January 28, 1915.*

[Received January 29.]

MY DEAR MR. SECRETARY: The attorneys of the W. L. Green Commission Company of St. Louis, Missouri, Messrs. Hays, Kaufmann and Lindheim, New York, have addressed to me the enclosed letter, informing me of a shipment of foodstuffs to Germany.³ In reply I have sent Messrs. Hays, Kaufmann and Lindheim the letter also enclosed.³

I avail myself of this opportunity to officially confirm to you the statement given to the above attorneys in regard to the regulations

¹ Communicated to the Swiss Minister January 30.

² *Ante*, p. 312.

³ Not printed.

of the order of the German Federal Council. This order does not refer to foodstuffs that will reach Germany from neutral countries, but refers solely to the supply of food at present in Germany, the object being to prevent a possible accumulation and cornering of foodstuffs, in other words, to prevent all speculation in same. The order, therefore, does not in the least affect questions of international law. I may assume that my Government has already notified the American Ambassador accordingly.

I shall be in a position within the next few days to submit, for my Government, proposals for an organization, which will assure the fulfilment of the guarantee of my Government to the effect that the German Government will not interfere with the importation of foodstuffs from the United States and their exclusive sale to the civilian population, and that the foodstuffs will not reach the Government or the military and naval forces.¹

Believe me [etc.]

J. BERNSTORFF

File No. 763.72112/696

The Assistant Secretary of the Treasury (Peters) to the Solicitor for the Department of State

WASHINGTON, February 1, 1915.

MY DEAR MR. JOHNSON: I enclose herewith a letter from Mr. George E. Warren, of the Morrellville Coal Mining Company, 1 Broadway, New York, to me, which I beg to refer to you for an answer to his inquiry.

Yours sincerely,

A. J. PETERS
Assistant Secretary

[Enclosure]

Mr. George E. Warren to the Assistant Secretary of the Treasury (Peters)

NEW YORK, January 30, 1915.

MY DEAR MR. PETERS: As a chartered owner of steamships under American registry, I would like to be informed at my office, 35 Congress Street, Boston, on Monday, if possible, whether a cargo of foodstuffs, consigned to German ports from this country, would be considered non-contraband in case the consignee were a company composed largely of German stockholders, provided that the German Ambassador at Washington furnished a certificate to the effect that none of these foodstuffs was for either the Government, any agent of the Government or for use by the army or navy. If you could get the proper official to wire or write me Monday, it would be a great favor.

I am [etc.]

GEO. E. WARREN

The Secretary of State to the Secretary of the Treasury (McAdoo)

WASHINGTON, February 3, 1915.

MY DEAR MR. SECRETARY: I have the honor to acknowledge receipt of your letter of February 1 addressed to Solicitor Johnson, enclos-

¹ See memorandum of February 7 and note of February 13, *ante*, pp. 95 and 102.

ing one from Mr. George E. Warren of New York, who desires to know whether a cargo of foodstuffs consigned to Germany would or would not be considered contraband, and in reply beg leave to say that the right of neutrals to ship foodstuffs and other conditional contraband to the territories of belligerents, when destined and intended for use by the civilian population and not destined or intended for ultimate delivery to a department of the belligerent government, or its armed forces, is well established. But shippers proposing to send foodstuffs to Germany should consider the situation produced by reported recent decree of the German authorities, which, from the accounts of it received by the Department, appears to establish a governmental control, if not to constitute expropriation, of the food supply in Germany. The British Government have said that, in view of this decree and its effect, they must regard shipments of foodstuffs to Germany as, in fact, destined for the German Government. Without at this time undertaking to determine the effect of the decree, the text of which we have not, the Department feels that interested persons should be advised that the status of shipments of provisions to Germany is put in doubt by reason of the decree mentioned.

I have [etc.]

W. J. BRYAN

File No. 195.1/316

The Acting Secretary of State to Mr. J. H. Morrison

WASHINGTON, February 4, 1915.

SIR: The Department has received, by reference from the White House, your letter to the President of January 26, 1915, wherein you urge that it is a serious mistake to permit the sailing of the steamer *Dacia*.¹

In reply you are advised that the Department does not perceive in the *Dacia* case any serious complications involving the Government of the United States.

I am [etc.]

ROBERT LANSING

File No. 300.115/2297

The Ambassador in Great Britain (Page) to the Secretary of State

[Telegram]

LONDON, February 4, 1915, 5 p. m.

[Received 7.30 p. m.]

1592. My 1537, January 27, was written after a conversation with Sir Edward Grey. Since then he has reduced the decision of the British Government to writing and has sent me the following note which confirms and adds to my telegram:

German views as to what constitutes a fortified place on British coast would apparently justify us in declaring any German port to be a fortified place and foodstuffs consigned to it as being therefore open to presumption of being conditional contraband.

¹ Not printed. Correspondence regarding the transfer of the *Dacia* to the American flag and her contemplated voyage is printed in the section relating to transfer of ships, *post*, p. 674.

But apart from this it is now officially announced from Berlin that the Federal Council has decided to seize all the stocks of corn and flour in Germany by February 1. This materially affects the cargo on the *Wilhelmina* and His Majesty's Government feel bound to submit corn and flour going to German port to a prize court as conditional contraband on the ground that the German decree causes all corn and flour to be compulsorily consigned to the enemy government.

As, however, the *Wilhelmina* could presumably have had no knowledge of this decree of which there had been no public notification before she sailed, His Majesty's Government are prepared to compensate the owners of the ship and cargo for any loss sustained by them owing to action taken by His Majesty's Government in stopping the ship and submitting the cargo to a prize court if the cargo consists of foodstuffs as stated.

AMERICAN AMBASSADOR

File No. 763.72112/697

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

No. 66]

CHRISTIANIA, January 20, 1915.

[Received February 4.]

SIR: I have the honor to enclose, herewith, together with a translation, a report issued by the Norwegian National Victualing Commission, which is under the supervision of the Department of Social Affairs. The report may be of special interest to the Department at this time, as the statistics are given showing the import to Norway the past year, compared with import in 1913. In discussing this report with the Minister for Foreign Affairs, I inferred from his statements that this report was sent to the English Government to refute the statement that has been made that Norway's import had vastly increased in 1914.

I have [etc.]

A. G. SCHMEDEMAN

[Enclosure—Translation]

The Norwegian Minister of Foreign Affairs (Ihlen) to the American Minister (Schmedeman)

REPORT OF THE NATIONAL VICTUALING COMMISSION

CHRISTIANIA, January 15, 1915.

The Royal Department for Foreign Affairs:

In accordance with a request from the Royal Department the following statistics are furnished respecting imports to Norway during the past year compared with the imports during 1913:

	IMPORTS	
	1913	1914
Wheat-----	22, 005 tons	46, 532 tons
Wheat flour-----	67, 532 "	69, 958 "
Rye-----	190, 817 "	142, 777 "
Rye flour-----	52, 993 "	33, 883 "
Oats-----	4, 666 "	3, 987 "
Barley-----	83, 857 "	81, 174 "
	421, 870 tons	378, 311 tons
Adding to this:		
Corn-----	28, 853 "	40, 229 "
	450, 723 tons	418, 540 tons

Thus the total imports of grain and corn into this country during 1914, according to statistics obtained by the National Victualing Commission from the collector of customs, are altogether 32,183 tons less than in 1913.

In spite of these smaller imports, however, there was a considerable increase in the imports from the United States of America, owing to the circumstances that from the time when the war broke out that was practically speaking the only country from which grain could be obtained. As is well known, the other countries from which Norway regularly supplied the bulk of her requirements for grain (Russia and Germany) have an embargo on these commodities.

This increase in the imports from the United States of America, when viewed in the light of the total imports, is therefore not in the least extraordinary. The enormous rise in the price of the American grain and flour naturally resulted in an increase in the value of the grain and flour exports, and in fact of the exports to Norway on the whole, showing a comparatively stronger increase as compared with the quantity of the exports. With the extraordinary conditions of the market now prevailing, however, the value of the exports of any article throws little light on the subject and is of small value in comparing statistics of the kind under consideration.

We have as yet no material for judging what portion of the total imports for 1914 came from the United States.

As regards the increased imports of corn we are able to state that the great rise in the price of wheat and rye resulted in many people employing corn flour to mix with the wheat flour and rye flour, by which means a cheaper bread can be produced and at the same time the actual bread material is economized.

The great increase in the price of strong cattle foods also resulted in corn being more widely employed for cattle food than previously.

All suspicions against Norwegian commerce in the above direction should vanish on noting the fact that the imports of grain and flour to Norway during 1914 were less than those of 1913. Under the prevailing conditions it would have been desirable to have greater imports so that the reserve supplies might have been stored with greater facility.

As regards the imports of sugar, salt, coal, coke, petroleum, and benzine, the following figures are given:

IMPORTS IN TONS

	Sugar	Salt	Coal	Coke	Petroleum	Benzine
1913.....	53, 547	214, 987	2, 276, 808	205, 616	79, 253	992
1914.....	59, 891	200, 603	2, 464, 790	253, 852	86, 632	3, 369

The above table shows that there was some increase in the imports of the commodities in question during the past year, with the exception of salt. This increase was due to the desire to secure reserve supplies as far as possible during the existing circumstances. The increase in the imports of benzine is due to the fact that it was no longer possible to obtain the crude oil from European fields for refining and for the production of benzine. The supply of the crude oil stopped during the war, and in consequence it was necessary to import benzine from America. Moreover the increased use of benzine for motors had resulted in a rapid rise in the consumption of benzine.

With the exception of salt, the export from Norway of all the commodities mentioned above is prohibited.

HARALD PEDERSEN
ANDERS FJELSTAD

File No. 763.72112/662

The Secretary of State to the Consul General at London (Skinner)

No. 140]

WASHINGTON, February 6, 1915.

SIR: Referring to your despatch No. 249 of January 15¹ in regard to the payment of freight and charges incurred in connection with

¹Ante, p. 314.

the release of American cargoes, you are informed that the Department approves your course in this matter.

In this connection, it may be added that the Department has no data at hand to show what particular claimants have paid freights.

I am [etc.]

For the Secretary of State:

WILBUR J. CARR

File No. 763.72112/704

The French Ambassador (Jusserand) to the Secretary of State

[Translation]

WASHINGTON, February 6, 1915.

[Received February 8.]

MR. SECRETARY OF STATE: My Government informs me that the German Federal Council, by order dated the 25th ultimo, decreed the seizure by the German authorities of all the flour and cereals then in the Empire or which might reach it on and after the first of this month.

In compliance with instructions received I have the honor to call to your excellency's attention one of the effects necessarily produced by that decree which is to make that class of merchandise, listed as conditional contraband, liable to capture whoever may be the consignee named in the bill of lading. For their mere arrival in Germany places them, by virtue of the aforesaid decree, at the disposal of the enemy.

Be pleased to accept [etc.]

JUSSERAND

File No. 763.72112/699

The Ambassador in Great Britain (Page) to the Secretary of State

[Telegram]

LONDON, February 8, 1915, 2 p. m.

[Received 6.45 p. m.]

1607. The order prohibiting the publication of ship manifests till after thirty days continues to produce ill feeling and harsh criticism in shipping and commercial circles. This order was made without notice or chance for discussion and no reason for it has ever been made known here. The *Commercial World* assumes it was made to conceal contraband shipments. This order has perhaps more than any other single fact caused harsh criticism and ill feeling. To rescind it would be to go a long way toward restoring normal feeling. As long as it stands it will remain an active irritant. Would it not be possible to rescind it now since cargoes are certified? If this be utterly impossible, could some explanation of the reason for issuing it not be given? But no explanation will be satisfying. It is constantly said here, sometimes in print, that the Secretary of the Treasury is pro-German and is using his office to further German interests and I am told that this view is generally expressed and believed, also, in several European neutral countries. That such nonsense is taken seriously and is deeply resented shows the extent and the depth and the persistence of the bad effects caused by this order.

AMERICAN AMBASSADOR

File No. 763.72112/704

The Secretary of State to the French Ambassador (Jusserand)

No. 1462]

WASHINGTON, *March 1, 1915.*

EXCELLENCY: I have the honor to acknowledge the receipt of your note of February 6, 1915, stating that your Government informs you that the German Federal Council by order dated January 25 decreed the seizure by the German authorities of all the flour and cereals then in the Empire or which might reach it on and after the first of February.

The Department notes your excellency's statement that "one of the effects necessarily produced by that decree is to make that class of merchandise, listed as conditional contraband, liable to capture whoever may be the consignee named in the bill of lading, for their mere arrival in Germany places them by virtue of the aforesaid decree at the disposal of the enemy."

In this relation I have the honor to call your attention to a formal communication which the German Government has addressed to the Government of the United States in relation to the effect of the order issued by the German Federal Council. This communication reads as follows:

- (1) The Federal Council's decision concerning the seizure of food products, which England alleges to be the cause of food products shipped to Germany being treated as contraband, bears exclusively on "wheat, rye, both unmixed and mixed with other products," and also "wheat, rye, oats, and barley flour."
- (2) The Federal Council makes an express exception in Section 45 of the order. Section 45 provides as follows:

The stipulations of this regulation do not apply to grain or flour imported from abroad after January 31.

- (3) Conjunctively with that saving clause the Federal Council's order contains a provision under which imported cereals and flours could be sold exclusively to the municipalities or certain specially designated organizations by the importers. Although that provision had for its object simply to throw imported grain and flours into such channels as supply the private consumption of civilians and, in consequence of that provision, the intent and purpose of the Federal Council's order which was to protect the civilian population from speculators and engrossers were fully met, it was nevertheless rescinded so as to leave no room for doubt.

- (4) My Government is amenable to any proposition looking to control by a special American organization under the supervision of the American consular officers and, if necessary, will itself make a proposition in that direction.

- (5) The German Government further calls attention to the fact that municipalities do not form part of or belong to the Government but are "self-administrative bodies," which are elected by the inhabitants of the commune in accordance with fixed rules and therefore exclusively represent the private part of the population and act as it directs. Although those principles are generally known and obtain in the United States as well as in England itself, the German Government desired to point out the fact so as to avoid any further unnecessary delay.

- (6) Hence it is absolutely assured that imported food products will be consumed by the civilian population in Germany exclusively and there remains no ground upon which England can prevent the exportation of food products from America to Germany for the use of civilians.

The Imperial Government expresses the firm hope that the American Government will stand on its right in the matter.

This Government has received another communication from the German Government giving formal assurance to the Government of the United States that all goods imported into Germany from the

United States directly or indirectly which belong to the class of relative contraband, such as foodstuffs, will not be used by the German Army or Navy or by the Government authorities but will be left to the free consumption of the German civilian population, excluding all Government purveyors.

Accept [etc.]

W. J. BRYAN

The British Note of February 10, 1915, in Justification of the Detention of Neutral Ships and Cargoes—The Seizure of the "Wilhelmina" and the "Dacia"

File No. 763.72112/716

The Ambassador in Great Britain (Page) to the Secretary of State

[Telegram]

LONDON, *undated.*

[Received February 12, 1915, noon.¹]

1627. My 1626.²

FOREIGN OFFICE, *February 10, 1915.*

YOUR EXCELLENCY: Your excellency has already received the preliminary answer which I handed to you on the 7th January,³ in reply to your note of the 28th December,⁴ on the subject of seizures and detentions of American cargoes destined for neutral European ports.

Since that date I have had further opportunity of examining into the trade statistics of the United States as embodied in the customs returns, in order to see whether the belligerent action of Great Britain has been in any way the cause of the trade depression which your excellency describes as existing in the United States, and also whether the seizures of vessels or cargoes which have been made by the British Navy have inflicted any loss on American owners for which our existing machinery provides no means of redress. In setting out the results of my investigation I think it well to take the opportunity of giving a general review of the methods employed by His Majesty's Government to intercept contraband trade with the enemy, of their consistency with the admitted right of a belligerent to intercept such trade, and also of the extent to which they have endeavoured to meet the representations and complaints from time to time addressed to them on behalf of the United States Government.

Towards the close of your note of the 28th December your excellency describes the situation produced by the action of Great Britain as a critical one to the commercial interests of the United States, and said that many of the great industries of the country were suffering because their products were denied long-established markets in neutral European countries contiguous to the nations at war.

It is unfortunately true that in these days, when trade and finance are cosmopolitan, any war—particularly a war of any magnitude—must result in a grievous dislocation of commerce, including that of the nations which take no part in the war. Your excellency will realize that in this tremendous struggle, for the outbreak of which Great Britain is in no way responsible, it is impossible for the trade of any country to escape all injury and loss, but for such His Majesty's Government are not to blame.

I do not understand the paragraph which I have quoted from your excellency's note as referring to these indirect consequences of the state of war, but to the more proximate and direct effect of our belligerent action in dealing with neutral ships and cargoes on the high seas. Such action has been limited to vessels on their way to enemy ports or ports in neutral countries adjacent to the theatre of war, because it is only through such ports that the enemy introduces the supplies which he requires for carrying on the war.

¹ Last portion received February 13, 11.30 p. m.

² Not printed.

³ *Ante*, p. 299.

⁴ *Foreign Relations*, 1914, Supplement, p. 372.

In my earlier note I set out the number of ships which had sailed from the United States for Holland, Denmark, Norway, Sweden, and Italy, and I there stated that only 8 of the 773 had been placed in the prize court, and that only 45 had been temporarily detained to enable particular consignments of cargo to be discharged for the purpose of prize-court proceedings. To measure the effect of such naval action it is necessary to take into consideration the general statistics of the export trade of the United States during the months preceding the outbreak of war and those since the outbreak.

Taking the figures in millions of dollars, the exports of merchandise from the United States for the seven months of January to July 1914, inclusive, were 1,201, as compared with 1,327 in the corresponding months of 1913, a drop of 126 millions of dollars.

For the months of August, September, October, and November, that is to say, for the four months of the war preceding the delivery of your excellency's note, the figures of the exports of merchandise were (again in millions of dollars) 667 as compared with 923 in the corresponding months of 1913, a drop of 256 millions of dollars.

If, however, the single article of cotton be eliminated from the comparison, the figures show a very different result. Thus the exports of all articles of merchandise other than cotton from the United States during the first seven months of 1914 were 966 millions of dollars as against 1,127 millions in 1913, a drop of 161 millions of dollars, or 14½ per cent. On the other hand, the exports of the same articles during the months August to November amounted to 608 millions of dollars as compared with 630 millions in 1913, a drop of 22 millions, or less than 4 per cent.

It is therefore clear that, if cotton be excluded, the effect of the war has been not to increase but practically to arrest the decline of American exports which was in progress earlier in the year. In fact, any decrease in American exports which is attributed to the war is essentially due to cotton. Cotton is an article which can not possibly have been affected by the exercise of our belligerent rights, for, as your excellency is aware, it has not been declared by His Majesty's Government to be contraband of war, and the rules under which we are at present conducting our belligerent operations give us no power in the absence of a blockade to seize or interfere with it when on its way to a belligerent country in neutral ships. Consequently no cotton has been touched.

Into the causes of the decrease in the exports of cotton I do not feel that there is any need for me to enter, because, whatever may have been the cause, it is not to be found in the exercise of the belligerent rights of visitation, search, and capture, or in our general right when at war to intercept the contraband trade of our enemy. Imports of cotton to the United Kingdom fell as heavily as those to other countries. No place felt the outbreak of war more acutely than the cotton districts of Lancashire, where for a time an immense number of spindles were idle. Though this condition has now to a large extent passed away, the consumption of the raw material in Great Britain was temporarily much diminished. The same is no doubt true of France.

The general result is to show convincingly that the naval operations of Great Britain are not the cause of any diminution in the volume of American exports, and that if the commerce of the United States is in the unfavourable condition which your excellency describes, the cause ought in fairness to be sought elsewhere than in the activities of His Majesty's naval forces.

I may add that the circular issued by the Department of Commerce at Washington on the 23d January admits a marked improvement in the foreign trade of the United States of America, which we have noted with great satisfaction. The first paragraph of the circular is worth quoting verbatim:

A marked improvement in our foreign trade is indicated by the latest reports issued by the Department of Commerce through its Bureau of Foreign and Domestic Commerce, sales of foodstuffs and certain lines of manufactures having been unusually large in November, the latest period for which detailed information is at hand. In that month exports aggregated \$206,000,000, or double the total for August last, when, by reason of the outbreak of war, our foreign trade fell to the lowest level reached in many years. In December there was further improvement, the month's exports being valued at \$246,000,000, compared with \$233,000,000 in December 1913, and within \$4,000,000 of the high record established in December 1912.

A better view of the situation is obtained by looking at these figures month by month. The exports of merchandise for the last five months have been (in millions of dollars):

August.....	110
September.....	156
October.....	194
November.....	205
December.....	246

The outbreak of war produced in the United States, as it did in all neutral countries, an acute but temporary disturbance of trade. Since that time there seems to have been a steady recovery, for to-day the exports from the United States stand at a higher figure than on the same date last year.

Before passing away from the statistics of trade, and in order to demonstrate still more clearly, if necessary, that the naval operations of Great Britain and her allies have had no detrimental effect on the volume of trade between the United States and neutral countries, it is worth while to analyse the figures of the exports to Europe since the outbreak of hostilities. For this purpose the European countries ought to be grouped under three heads: Great Britain and those fighting with her, neutral countries, and enemy countries. It is, however, impossible for me to group the countries in this way satisfactorily, as the figures relating to the export trade of the United States with each country have not yet been published. In the preliminary statement of the export trade of the United States with foreign countries only principal countries are shown, and various countries which are tabulated separately in the more detailed monthly summary of commerce and finance are omitted. Those omitted include not only the Scandinavian countries, the exports to which are of peculiar importance in dealing with this question, but also Austria.

So far as it is possible to distribute the figures under the headings which I have indicated above (all the figures being given in thousands of dollars) the results are as follows:

Total exports to Europe from the 1st August to the 30th November, 413,995, as against 597,342 [in 1913]. Of these, Great Britain and her allies took 285,312, as against 316,805 in 1913; Germany and Belgium took 1,881 as against 177,136 in 1913; whereas neutral countries (among which Austria-Hungary is unavoidably included) took 123,802, as against 103,401 in 1913.

The general complaint in your excellency's note was that the action of Great Britain was affecting adversely the trade of the United States with neutral countries. The naval operations of Great Britain certainly do not interfere with commerce from the United States on its way to the United Kingdom and the allied countries, and yet the exports to Great Britain and her allies during those four months diminished to the extent of over \$28,000,000, whereas those to neutral countries and Austria increased by over \$20,000,000.

The inference may fairly be drawn from these figures, all of which are taken from the official returns published by the United States Government, that not only has the trade of the United States with the neutral countries in Europe been maintained as compared with previous years, but also that a substantial part of this trade was, in fact, trade intended for the enemy countries going through neutral ports by routes to which it was previously unaccustomed.

One of the many inconveniences to which this great war is exposing the commerce of all neutral countries is undoubtedly the serious shortage in shipping available for ocean transport, and the consequential result of excessive freights.

It cannot fairly be said that this shortage is caused by Great Britain's interference with neutral ships. At the present time there are only seven neutral vessels awaiting adjudication in the prize courts in this country, and three in those in the British dominions. As your excellency is aware, I have already instructed our ambassador at Washington to remind the parties who are interested in all these vessels that it is open to them to apply to the court for the release of these ships on bail, and if an application of this sort is made by them it is not likely to be opposed by the Crown. There is therefore no reason why such an application should not be favourably entertained by the court, and, if acceded to, all these vessels will again be available for the carriage of commerce. Only one neutral vessel is now detained in this country in addition to those awaiting adjudication in the prize court.

Every effort has been made in cases in which it has been found necessary to institute proceedings against portions of the cargo to secure the speedy dis-

charge of the cargo and the release of the shipment, so as to enable it to resume work. Great Britain is suffering from the shortage of shipping and the rise in freights as acutely as, if not more than, other nations and His Majesty's Government have taken every step that they could consistently with their belligerent interests to increase the tonnage available for the transport of sea-borne commerce. The enemy ships which have been condemned in the prize courts in this country are being sold as rapidly as possible in order that they may become available for use; and those which have been condemned in the prize courts oversea are being brought to this country in order that they may be disposed of here, and again placed in active employment.

The difficulties have been accentuated by the unforeseen consequences of the convention which was signed at The Hague in 1907 relative to the status of enemy merchant vessels at the outbreak of war. This convention was a well-intentioned effort to diminish the losses which war must impose upon innocent persons, and provided that enemy merchant ships seized by a belligerent in whose ports they lay at the outbreak of war should not be condemned, but should merely be detained for the period of the war, unless they were liberated in the days of grace. We could come to no arrangement with the German Government for the reciprocal grant of days of grace, and the German merchant vessels lying in British ports when the war broke out have therefore been sentenced to detention in lieu of condemnation. The normal result would have been still further to reduce the volume of shipping available for the commerce of the world. To ease the situation, however, His Majesty's Government are resorting to the power of requisitioning which is given by the convention, so that these ships may again be placed in active service.

Your excellency will see therefore that His Majesty's Government are doing all in their power to increase the volume of shipping available. I hope it will be realized that the detention of neutral ships by His Majesty's Government with a view to the capture of contraband trade on its way to the enemy has not contributed nearly so much to the shortage of shipping as has the destruction of neutral vessels by submarine mines indiscriminately laid by the enemy on the high seas, many miles from the coast, in the track of merchant vessels. Up till now twenty-five neutral vessels have been reported as destroyed by mines on the high seas; quite apart from all questions of the breach of treaties and the destruction of life, there is far more reason for protest on the score of belligerent interference with innocent neutral trade through the mines scattered by the enemy than through the British exercise of the right of seizing contraband.

I trust that what I have said above will be sufficient to convince your excellency's Government that the complaint that the naval policy of Great Britain has interfered with the shipments of American products to long-established markets in neutral European countries is founded on a misconception.

In justice to the peoples of both countries, I feel that this opportunity should be taken to explain the lines on which His Majesty's Government have been acting hitherto, so as to show that the line they have followed is in no way inconsistent with the general fundamental principle of international law, and to indicate the care with which they have endeavoured to meet the representations which have been made by the United States Government from time to time during the war on these questions.

No one in these days will dispute the general proposition that a belligerent is entitled to capture contraband goods on their way to the enemy; that right has now become consecrated by long usage and general acquiescence. Though the right is ancient, the means of exercising it alter and develop with the changes in the methods and machinery of commerce. A century ago the difficulties of land transport rendered it impracticable for the belligerent to obtain supplies of sea-borne goods through a neighboring neutral country. Consequently the belligerent actions of his opponents neither required nor justified any interference with shipments on their way to a neutral port. This principle was recognized and acted on in the decisions in which Lord Stowell laid down the lines on which captures of such goods should be dealt with.

The advent of steam power has rendered it as easy for a belligerent to supply himself through the ports of a neutral contiguous country as through his own, and has therefore rendered it impossible for his opponent to refrain from interfering with commerce intended for the enemy merely because it is on its way to a neutral port.

No better instance of the necessity of countering new devices for despatching contraband goods to an enemy by new methods of applying the fundamental

principle of the right to capture contraband can be given than the steps which the Government of the United States found it necessary to take during the American Civil War. It was at that time that the doctrine of continuous voyage was first applied to the capture of contraband, that is to say, it was then for the first time that a belligerent found himself obliged to capture contraband goods on their way to the enemy, even though at the time of capture they were *en route* for a neutral port from which they were intended subsequently to continue their journey. The policy then followed by the Government of the United States was not inconsistent with general principles already sanctioned by international law, and met with no protest from His Majesty's Government, though it was upon British cargoes and upon British ships that the losses and the inconvenience due to this new development of the application of the old rule of international law principally fell. The criticisms which have been directed against the steps then taken by the United States came, and come, from those who saw in the methods employed in Napoleonic times for the prevention of contraband a limitation upon the right itself, and failed to see that in Napoleonic times goods on their way to a neutral port were immune from capture, not because the immediate destination conferred a privilege, but because capture under such circumstances was unnecessary.

The facilities which the introduction of steamers and railways have given to a belligerent to introduce contraband goods through neutral ports have imposed upon his opponent the additional difficulty, when endeavouring to intercept such trade, of distinguishing between the goods which are really destined for the commerce of that neutral country and the goods which are on their way to the enemy. It is one of the many difficulties with which the United States Government found themselves confronted in the days of the Civil War, and I cannot do better than quote the words which Mr. Seward, who was then Secretary of State, used in the course of the diplomatic discussion arising out of the capture of some goods on their way to Matamoros which were believed to be for the insurgents:

Neutrals engaged in honest trade with Matamoros must expect to experience inconvenience from the existing blockade of Brownsville and the adjacent coast of Texas. While this Government unfeignedly regrets this inconvenience, it cannot relinquish any of its belligerent rights to favor contraband trade with insurgent territory. By insisting upon those rights, however, it is sure that that necessity for their exercise at all, which must be deplored by every friendly commercial power, will the more speedily be terminated.

The opportunities now enjoyed by a belligerent for obtaining supplies through neutral ports are far greater than they were fifty years ago, and the geographical conditions of the present struggle lend additional assistance to the enemy in carrying out such importation. We are faced with the problem of intercepting such supplies when arranged with all the advantages that flow from elaborate organization and unstinted expenditure. If our belligerent rights are to be maintained, it is of the first importance for us to distinguish between what is really *bona fide* trade intended for the neutral country concerned and the trade intended for the enemy country. Every effort is made by organizers of this trade to conceal the true destination, and if the innocent neutral trade is to be distinguished from the enemy trade it is essential that His Majesty's Government should be entitled to make, and should make, careful enquiry with regard to the destination of particular shipments of goods even at the risk of some slight delay to the parties interested. If such enquiries were not made, either the exercise of our belligerent rights would have to be abandoned, tending to the prolongation of this war and the increase of the loss and suffering which it is entailing upon the whole world, or else it would be necessary to indulge in indiscriminate captures of neutral goods and their detention throughout all the period of the resulting prize-court proceedings. Under the system now adopted it has been found possible to release without delay, and consequently without appreciable loss to the parties interested, all the goods of which the destination is shown as the result of the enquiries to be innocent.

It may well be that the system of making such enquiries is to a certain extent a new introduction, in that it has been practised to a far greater extent than in previous wars; but if it is correctly described as a new departure, it is a departure which is wholly to the advantage of neutrals, and which has been

made for the purpose of relieving them so far as possible from loss and inconvenience.

There was a passage in a note which the State Department addressed to the British Ambassador at Washington on the 7th November to which I think it may be well to refer:

In the opinion of this Government, the belligerent right of visit and search requires that the search should be made on the high seas at the time of the visit, and that the conclusion of the search should rest upon the evidence found on the ship under investigation, and not upon circumstances ascertained from external sources.

The principle here enunciated appears to me to be inconsistent with the practice in these matters of the United States Government, as well as of the British Government. It certainly was not the rule upon which the United States Government acted either during the Civil War or during the Spanish-American War, nor has it ever been the practice of the British Government, nor so far as I am aware, of any other government which has had to carry on a great naval war; as a principle I think it is impossible in modern times. The necessity for giving the belligerent captor full liberty to establish by all the evidence at his disposal the enemy destination with which the goods were shipped was recognized in all the leading decisions in the prize courts of the United States during the Civil War.

No clearer instance could be given than the reporter's statement of the case of the *Bermuda* (3 Wallace, 514):

The final destination of the cargo in this particular voyage was left so skillfully open . . . that it was not quite easy to prove, with that certainty which American courts require, the intention, which it seemed plain must have really existed. Thus to prove it required that truth should be collated from a variety of sources, darkened and disguised; from others opened as the cause advanced, and by accident only; from coincidences undesigned, and facts that were circumstantial. Collocations and comparisons, in short, brought largely their collective force in aid of evidence that was more direct.

It is not impossible that the course of the present struggle will show the necessity for belligerent action to be taken in various ways which may at first sight be regarded as a departure from old practice. In my note of the 7th January, I dealt at some length with the question of the necessity of taking vessels into port for the purposes of carrying out an effective search, where search was necessary; to that subject I feel that I need not again recur.

The growth in the size of steamships necessitates in many cases that the vessels should go into calm water, in order that even the right of visit, as apart from the right of search, should be exercised. In modern times a steamer is capable of pursuing her voyage irrespective of the conditions of the weather. Many of the neutral merchantmen which our naval officers are called upon to visit at sea are encountered by our cruisers in places and under conditions which render the launching of a boat impossible. The conditions during winter in the North Atlantic frequently render it impracticable for days together for a naval officer to board a vessel on her way to Scandinavian countries. If a belligerent is to be denied the right of taking a neutral merchantman, met with under such conditions, into calm water in order that the visiting officer may go aboard, the right of visit and of search would become a nullity.

The present conflict is not the first in which this necessity has arisen. As long ago as the Civil War the United States found it necessary to take vessels to United States ports in order to determine whether the circumstances justified their detention.

The same need arose during the Russo-Japanese War and also during the second Balkan War, when it sometimes happened that British vessels were made to deviate from their course and follow the cruisers to some spot where the right of visit and of search could be more conveniently carried out. In both cases this exercise of belligerent rights, although questioned at first by His Majesty's Government, was ultimately acquiesced in.

No power in these days can afford during a great war to forego the exercise of the right of visit and search. Vessels which are apparently harmless mer-

chantmen can be used for carrying and laying mines, and even fitted to discharge torpedoes. Supplies for submarines can without difficulty be concealed under other cargoes. The only protection against these risks is to visit and search thoroughly every vessel appearing in the zone of operations, and if the circumstances are such as to render it impossible to carry it out at the spot where the vessel was met with, the only practicable course is to take the ship to some more convenient locality for the purpose. To do so is not to be looked upon as a new belligerent right, but as an adaptation of the existing right to the modern conditions of commerce. Like all belligerent rights, it must be exercised with due regard for neutral interests, and it would be unreasonable to expect a neutral vessel to make long deviations from her course for this purpose. It is for this reason that we have done all we can to encourage neutral merchantmen on their way to ports contiguous to the enemy country to visit some British port lying on their line of route in order that the necessary examination of the ship's papers, and, if required, of the cargo, can be made under conditions of convenience to the ship herself. The alternative would be to keep a vessel which the naval officers desired to board waiting, it might be for days together, until the weather conditions enabled the visit to be carried out at sea.

No war has yet been waged in which neutral individuals have not occasionally suffered from unjustified belligerent action; no neutral has experienced this fact more frequently in the past than Great Britain. The only method by which it is possible to harmonize belligerent action with the rights of neutrals is for the belligerent nation to provide some adequate machinery by which in any such case the facts can be investigated and appropriate redress can be obtained by the neutral individual. In this country such machinery is provided by the powers which are given to the prize court to deal not only with captures, but also with claims for compensation. Order V, rule 2, of the British prize court rules, provides that where a ship has been captured as prize, but has been subsequently released by the captors, or has by loss, destruction, or otherwise ceased to be detained by them, without proceedings for condemnation having been taken, any person interested in the ship (which by Order I, rule 2, includes goods) wishing to make a claim for costs and damages in respect thereof, shall issue a writ as provided by Order I[II]. And writ so issued will initiate a proceeding, which will follow its ordinary course in the prize court.

This rule gives the prize court ample jurisdiction to deal with any claim for compensation by a neutral arising from the interference with a ship or goods by our naval forces. The best evidence that can be given of the discrimination and the moderation with which our naval officers have carried out their duties is to be found in the fact that up to this time no proceedings for the recovery of compensation have been initiated under the rule which I have quoted.

It is the common experience of every war that neutrals whose attempts to engage in suspicious trading are frustrated by a belligerent are wont to have recourse to their Government to urge that diplomatic remonstrances should be made on their behalf, and that redress should be obtained for them in this way. When an effective mode of redress is open to them in the courts of a civilized country by which they can obtain adequate satisfaction for any invasion of their rights which is contrary to the law of nations, the only course which is consistent with sound principle is that they should be referred to that mode of redress, and that no diplomatic action should be taken until their legal remedies have been exhausted, and they are in a position to show *prima facie* denial of justice.

The course adopted by His Majesty's Government during the American Civil War was in strict accordance with this principle. In spite of remonstrances from many quarters, they placed full reliance on the American prize courts to grant redress to the parties interested in cases of alleged wrongful capture by American ships of war, and put forward no claims until the opportunities for redress in those courts had been exhausted. The same course was adopted in the Spanish-American War, when all British subjects who complained of captures or detentions of their ships were referred to the prize courts for relief.

Before leaving the subject may I remind your excellency of the fact that at your request you are now supplied immediately by this department with particulars of every ship under American colours which is detained, and of every shipment of cargo in which an American citizen appears to be the party inter-

ested. Not only is the fact of detention notified to your excellency, but so far as is practicable the grounds upon which the vessel or cargo has been detained are also communicated to you, a concession which enables any United States citizen to take steps at once to protect his interests.

His Majesty's Government have also done all that lies in their power to insure rapid action when ships are reported in British ports. They realize that the ship and cargo owners may reasonably expect an immediate decision to be taken as to whether the ship may be allowed to proceed, and whether her cargo or any part of it must be discharged and put into the prize court. Realizing that the ordinary methods of interdepartmental correspondence might cause delays which could be obviated by another method of procedure, they established several months ago a special committee, on which all the departments concerned are represented. This committee sits daily, and is provided with a special clerical staff. As soon as a ship reaches port full particulars are telegraphed to London, and the case is dealt with at the next meeting of the committee, immediate steps being taken to carry out the action decided upon. By the adoption of this procedure it has been found possible to reduce to a minimum the delays to which neutral shipping is exposed by the exercise of belligerent rights, and by the necessity, imposed by modern times, of examining with care the destination of contraband articles.

Particular attention is directed in your excellency's note to the policy we are pursuing with regard to conditional contraband, especially foodstuffs, and it is there stated that a number of American cargoes have been seized without, so far as your excellency's Government are informed, our being in possession of facts which warranted a reasonable belief that the shipments had in reality a belligerent destination, and in spite of the presumption of innocent use due to their being destined to neutral territory. The note does not specify any particular seizures as those which formed the basis of this complaint, and I am therefore not aware whether the passage refers to cargoes which were detained before or since the order in council of the 29th October was issued.

Your excellency will no doubt remember that soon after the outbreak of war an order of His Majesty in council was issued under which no distinction was drawn in the application of the doctrine of continuous voyage between absolute contraband and conditional contraband, and which also imposed upon the neutral owner of contraband somewhat drastic conditions as to the burden of proof of the guilt or innocence of the shipment.

The principle that the burden of proof should always be imposed upon the captor has usually been admitted as a theory. In practice, however, it has almost always been otherwise, and any student of the prize courts' decisions of the past or even of modern wars will find that goods seldom escape condemnation unless their owner was in a position to prove that their destination was innocent. An attempt was made some few years ago, in the unratified Declaration of London, to formulate some definite rules upon this subject, but time alone can show whether the rules there laid down will stand the test of modern warfare.

The rules which His Majesty's Government published in the order in council of the 20th August, 1914, were criticized by the United States Government as contrary to the generally recognized principles of international law, and as inflicting unnecessary hardship upon neutral commerce, and your excellency will remember the prolonged discussions which took place between us throughout the month of October with a view to finding some new formulæ which should enable us to restrict supplies to the enemy forces, and to prevent the supply to the enemy of materials essential for the making of munitions of war, while inflicting the minimum of injury and interference with neutral commerce. It was with this object that the order in council of the 29th October was issued, under the provisions of which a far greater measure of immunity is conferred upon neutral commerce. In that order the principle of non-interference with conditional contraband on its way to a neutral port is in large measure admitted; only in three cases is the right to seize maintained, and in all those cases the opportunity is given to the claimants of the goods to establish their innocence.

Two of those cases are where the ship's papers afford no information as to the person for whom the goods are intended. It is only reasonable that a belligerent should be entitled to regard as suspicious cases where the shippers of the goods do not choose to disclose the name of the individual who is to receive them. The third case is that of goods addressed to a person in the

enemy territory. In the peculiar circumstances of the present struggle, where the forces of the enemy comprise so large a proportion of the population, and where there is so little evidence of shipments on private as distinguished from Government account, it is most reasonable that the burden of proof should rest upon the claimant.

The most difficult questions in connection with conditional contraband arise with reference to the shipment of foodstuffs. No country has maintained more stoutly than Great Britain in modern times the principle that a belligerent should abstain from interference with the foodstuffs intended for the civil population. The circumstances of the present struggle are causing His Majesty's Government some anxiety as to whether the existing rules with regard to conditional contraband, framed as they were with the object of protecting so far as possible the supplies which were intended for the civil population, are effective for the purpose, or suitable to the conditions present. The principle which I have indicated above is one which His Majesty's Government have constantly had to uphold against the opposition of continental powers. In the absence of some certainty that the rule would be respected by both parties to this conflict, we feel great doubt whether it should be regarded as an established principle of international law.

Your excellency will, no doubt, remember that in 1885, at the time when His Majesty's Government were discussing with the French Government this question of the right to declare foodstuffs not intended for the military forces to be contraband, and when public attention had been drawn to the matter, the Kiel Chamber of Commerce applied to the German Government for a statement of the latter's views on the subject. Prince Bismarck's answer was as follows:

In answer to their representations of the 1st instant, I reply to the Chamber of Commerce that any disadvantage our commercial and carrying interests may suffer by the treatment of rice as contraband of war does not justify our opposing a measure which it has been thought fit to take in carrying on a foreign war. Every war is a great calamity, which entails evil consequences, not only on the combatants, but also on neutrals. These evils may easily be increased by the interference of a neutral power with the way in which a third carries on the war, to the disadvantage of the subjects of the interfering power, and by this means German commerce might be weighted with far heavier losses than a transitory prohibition of the rice trade in Chinese waters. The measure in question has for its object the shortening of the war by increasing the difficulties of the enemy, and is a justifiable step in war if impartially enforced against all neutral ships.

His Majesty's Government are disposed to think that the same view is still maintained by the German Government.

Another circumstance which is now coming to light is that an elaborate machinery has been organized by the enemy for supply of foodstuffs for the use of the German army from overseas. Under these circumstances it would be absurd to give any definite pledge that in cases where the supplies can be proved to be for the use of the enemy forces they should be given complete immunity by the simple expedient of despatching them to an agent in a neutral port.

The reason for drawing a distinction between foodstuffs intended for the civil population and those for the armed forces or enemy Government disappears when the distinction between the civil population and the armed forces itself disappears.

In any country in which there exists such tremendous organization for war as now obtains in Germany there is no clear diversion [*division*] between those whom the Government is responsible for feeding and those whom it is not. Experience shows that the power to requisition will be used to the fullest extent in order to make sure that the [wants] of the military are supplied, and however much goods may be imported for civil use it is by the military that they will be consumed if military exigencies require it, especially now that the German Government have taken control of all the foodstuffs in the country.

I do not wish to overburden this note with statistics, but in proof of my statement as to the unprecedented extent to which supplies are reaching neutral ports, I should like to instance the figures of the exports of certain meat products to Denmark during the months of September and October. Denmark is a country which in normal times imports a certain quantity of such products,

but exports still more. In 1913, during the above two months, the United States exports of lard to Denmark were nil, as compared with 22,652,598 pounds in the same two months of 1914. The corresponding figures with regard to bacon were: 1913, nil; 1914, 1,022,195 pounds; canned beef, 1913, nil; 1914, 151,200 pounds; pickled and cured [beef], 1913, 42,901 pounds; 1914, 156,143 pounds; pickled pork, 1913, nil; 1914, 812,872 pounds.

In the same two months the United States exported to Denmark 280,176 gallons of mineral lubricating oil in 1914 as compared with 179,252 in 1913; to Norway, 335,468 gallons in 1914, as against 151,179 gallons in 1913; to Sweden, 896,193 gallons in 1914, as against 385,476 gallons in 1913.

I have already mentioned the framing of the order in council of the 29th October, and the transmission to your excellency of particulars of ships and cargoes seized as instances of the efforts which we have made throughout the course of this war to meet all reasonable complaints made on behalf of American citizens, and in my note of the 7th January I alluded to the decision in the case of the *Miramichi*, as evidencing the liberal principles adopted toward neutral commerce.

I should also like to refer to the steps which we took at the beginning of the war to insure the speedy release of cargo claimed by neutrals on board enemy ships which were captured or detained at the outbreak of war. Under our prize-court rules release of such goods can be obtained without the necessity of entering a claim in the prize court if the documents of title are produced to the officer representing His Majesty's Government, and the title to the goods is established to his satisfaction. It was shortly found, however, that this procedure did not provide for the case where the available evidence was so scanty that the officer representing the Crown was not justified in consenting to a release. In order, therefore, to ameliorate the situation we established a special committee, with full powers to authorize the release of goods without insisting on full evidence of title being produced. This committee dealt with the utmost expedition with a large number of claims. In the great majority of cases the goods claimed were released at once. In addition to the cases dealt with by this committee a very large amount of cargo was released at once by the procurator general on production of documents. Claimants therefore obtained their goods without the necessity of applying to the prize court and of incurring the expense involved in retaining lawyers, and without the risk, which was in some cases a considerable one, of the goods being eventually held to be enemy property and condemned. We have reason to know that our action in this matter was highly appreciated by many American citizens.

Another instance of the efforts which His Majesty's Government have made to deal as leniently as possible with neutral interests may be found in the policy which we have followed with regard to the transfer to a neutral flag of enemy ships belonging to companies which were incorporated in the enemy country, but all of whose shareholders were neutral. The rules applied by the British and by the American prize courts have always treated the flag as conclusive in favour of the captors in spite of neutral proprietary interests (see the case of the *Pedro*, 175 U. S., 354). In several cases, however, we have consented to waive our belligerent right to treat as enemy vessels ships belonging to companies incorporated in Germany which were subsidiary to and owned by American corporations. The only condition which we have imposed is that these vessels should take no further part in trade with the enemy country.

I have given these indications of the policy which we have followed, because I cannot help feeling that if the facts were more fully known as to the efforts which we have made to avoid inflicting any avoidable injury on neutral interests, many of the complaints which have been received by the administration in Washington, and which led to the protest which your excellency handed to me on the 28th December would never have been made. My hope is that when the facts which I have set out above are realized, and when it is seen that our naval operations have not diminished American trade with neutral countries, and that the lines on which we have acted are consistent with the fundamental principles of international law, it will be apparent to the Government and people of the United States that His Majesty's Government have hitherto endeavoured to exercise their belligerent rights with every possible consideration for the interests of neutrals.

It will still be our endeavour to avoid injury and loss to neutrals, but the announcement by the German Government of their intention to sink merchant

vessels and their cargoes without verification of their nationality or character, and without making any provision for the safety of non-combatant crews or giving them a chance of saving their lives, has made it necessary for His Majesty's Government to consider what measures they should adopt to protect their interests. It is impossible for one belligerent to depart from rules and precedents and for the other to remain bound by them.

I have [etc.]

E. GREY

AMERICAN AMBASSADOR

[The telegram from the Secretary of State to the Ambassador in Great Britain, No. 1134, February 15, 1915, instructing him to request the release of the *Wilhelmina* if the British Government had no other evidence warranting the seizure of her cargo than that based on the decree of the German Federal Council for control of foodstuffs, is printed above, page 105; as is also the British Ambassador's memorandum of February 19, page 116.]

File No. 763.72112/699

The Secretary of State to the Ambassador in Great Britain (Page)

[Telegram]

WASHINGTON, February 16, 1915.

1138. Your 1607, 8th.¹ Order prohibiting publication ship manifests until after thirty days has been rescinded.

BRYAN

File No. 763.72112/739

The Ambassador in Great Britain (Page) to the Secretary of State

[Telegram]

LONDON, February 17, 1915.

[Received 5 p. m.]

1662. Your 1138, February 16. Although rescinding of order forbidding publication for thirty days of ships' manifests comes at a time when the public mind and press are occupied with more exciting subjects, it is appreciatively received and will have excellent effect. The *Times* this morning has thankful comment.

AMERICAN AMBASSADOR

File No. 300.115/2414a

The Secretary of State to the Ambassador in Great Britain (Page)

[Telegram]

WASHINGTON, February 19, 1915.

1157. Department advised Harrington, New York attorney for underwriters, has been in conference with you concerning copper detained Gibraltar since October; that British Government has of-

¹Ante, p. 322.

ferred to buy or requisition at £60 per ton, and that Harrington also intimates British Government might release copper to shippers on condition that they take delivery at Gibraltar free of all charge or claim. Shippers desire fair arrangement but represent injustice of taking delivery at Gibraltar owing to difficulty of handling and abnormal freight market there. As shippers have already paid freight and insurance to neutral port, it would seem British Government should deliver copper to them free of further expense in England, France, or United States or take copper at Gibraltar at current market price which is about £69. From the suggested arrangement there should apparently be excepted 800 tons shipped by American Metal Company to Brown, Boveri and Company, Switzerland; if, as your telegram 1536 of January 27 indicates, British Government has agreed with Swiss Government to release for original destination. Department desires prompt and fair settlement of matter and hopes you may assist in facilitating it.

BRYAN

File No. 341.115G82/9

The Ambassador in Great Britain (Page) to the Secretary of State

[Telegram]

LONDON, February 19, 1915.

[Received February 20, 12.05 a. m.]

1672. Your 1134, 15th.¹ Sir Edward Grey has just handed me the following memorandum. Since your telegram to him was given to the press in Washington, I consented to his proposal to give this memorandum out for publication in Saturday (to-morrow) morning's newspapers:

MEMORANDUM

The communication made by the United States Ambassador in his note to Sir Edward Grey of the 16th instant has been carefully considered and the following observations are offered in reply:

2. At the time when His Majesty's Government gave directions for the seizure of the cargo of the steamship *Wilhelmina* as contraband they had before them the text of the decree made by the German Federal Council on the 25th January, under Article 45 of which all grain and flour imported into Germany after the 31st January was declared deliverable only to certain organizations under direct government control or to municipal authorities. The vessel was bound for Hamburg, one of the free cities of the German Empire, the government of which is vested in the municipality. This was one of the reasons actuating His Majesty's Government in deciding to bring the cargo of the *Wilhelmina* before the prize court.

3. Information has only now reached them that by a subsequent decree, dated the 6th February, the above provision in Article 45 of the previous decree was repealed, it would appear for the express purpose of rendering difficult the anticipated proceedings against the *Wilhelmina*. The repeal was not known to His Majesty's Government at the time of detention of the cargo, or, indeed, until now.

4. How far the ostensible exception of imported supplies from the general Government monopoly of all grain and flour set up by the German Government may affect the question of the contraband nature of the shipment seized is a matter which will most suitably be investigated by the prize court.

¹Ante, p. 105.

5. It is, however, necessary to state that the German decree is not the only ground on which the submission of the cargo of the *Wilhelmina* to a prize court is justified. The German Government have in public announcements claimed to treat practically every town or port on the English east coast as a fortified place and base of operations. On the strength of this contention they have subjected to bombardment the open towns of Yarmouth, Scarborough, and Whitby, among others. On the same ground, a number of neutral vessels sailing for English ports on the east coast with cargoes of goods on the German list of conditional contraband have been seized by German cruisers and brought before the German prize court. Again, the Dutch vessel *Maria*, having sailed from California with a cargo of grain consigned to Dublin and Belfast, was sunk in September last by the German cruiser *Karlsruhe*. This could only have been justified if, among other things, the cargo could have been proved to be destined for the British Government or armed forces and if a presumption to this effect had been established owing to Dublin or Belfast being considered a fortified place or a base for the armed forces.

6. The German Government can not have it both ways. If they consider themselves justified in destroying by bombardment the lives and property of peaceful civil inhabitants of English open towns and watering places, and in seizing and sinking ships and cargoes of conditional contraband on the way thither, on the ground that they were consigned to a fortified place or base, *a fortiori* His Majesty's Government must be at liberty to treat Hamburg, which is in part protected by the fortifications at the mouth of the Elbe, as a fortified town, and a base of operations and supply for the purposes of Article 34 of the Declaration of London. If the owners of the cargo of the *Wilhelmina* desire to question the validity in international law of the action taken by order of His Majesty's Government they will have every opportunity of establishing their case in due course before the prize court, and His Majesty's Government would, in this connection, recall the attention of the United States Government to the considerations put forward in Sir Edward Grey's note to Mr. Page of the 10th instant as to the propriety of awaiting the result of prize-court proceedings before diplomatic action is initiated. It will be remembered that they have from the outset given a definite assurance that the owners of the *Wilhelmina*, as well as the owners of her cargo if found to be contraband, would be equitably indemnified.

7. There is one further observation to which His Majesty's Government think it right, and appropriate in the present connection, to give expression. They have not, so far, declared foodstuffs to be absolute contraband. They have not interfered with any neutral vessels on account of their carrying foodstuffs, except on the basis of such foodstuffs being liable to capture if destined for the enemy forces or governments. In so acting, they have been guided by the general principle, of late universally upheld by civilized nations, and observed in practice, that the civil populations of countries at war are not to be exposed to the treatment rightly reserved for combatants. This distinction has to all intents and purposes been swept away by the novel doctrines proclaimed and acted upon by the German Government.

8. It is unnecessary here to dwell upon the treatment that has been meted out to the civil population of Belgium, and those parts of France which are in German occupation. When Germany, long before any mines had been laid by British authorities, proceeded to sow mines upon the high seas, and, by this means, sunk a considerable number not only of British but also of neutral merchantmen with their unoffending crews, it was, so His Majesty's Government hold, open to them to take retaliatory measures, even if such measures were of a kind to involve pressure of the civil population—not indeed of neutral states—but of their enemies. They refrained from doing so.

9. When, subsequently, English towns and defenceless British subjects, including women and children, were deliberately and systematically fired upon and killed by ships flying the flag of the Imperial German Navy, when quiet country towns and villages, void of defences and possessing no military or naval importance, were bombarded by German airships, His Majesty's Government still abstained from drawing the logical consequences from this form of attack on defenceless citizens. Further steps in the same direction are now announced, and in fact have already been taken by Germany. British merchant vessels have been torpedoed at sight without any attempt being made to give warning to the crew or any opportunity being given to save their lives; a torpedo has

been fired against a British hospital ship in daylight; and similar treatment is threatened to all British merchant vessels in future as well as to any neutral ships that may happen to be found in the neighbourhood of the British Isles.

10. Faced with this situation, His Majesty's Government consider it would be altogether unreasonable that Great Britain and her allies should be expected to remain indefinitely bound, to their grave detriment, by rules and principles of which they recognize the justice if impartially observed as between belligerents, but which are at the present moment openly set at defiance by their enemy.

11. If, therefore, His Majesty's Government should hereafter feel constrained to declare foodstuffs absolute contraband, or to take other measures for interfering with German trade, by way of reprisals, they confidently expect that such action will not be challenged on the part of neutral states by appeals to laws and usages of war whose validity rests on their forming an integral part of that system of international doctrine which as a whole their enemy frankly boasts the liberty and intention to disregard, so long as such neutral states can not compel the German Government to abandon methods of warfare which have not in recent history been regarded as having the sanction of either law or humanity.

AMERICAN AMBASSADOR

File No. 300.115/2236

The Secretary of State to the Ambassador in Great Britain (Page)

[Telegram]

WASHINGTON, February 20, 1915.

1165. Your 1536, January 27.¹ Department informed by Swiss Minister here and interested persons it appears release of copper has not been ordered. Please continue efforts to bring about release.

BRYAN

File No. 300.115/2403

The Ambassador in Great Britain (Page) to the Secretary of State

No. 872]

LONDON, February 9, 1915.

[Received February 24.]

SIR: Adverting to the Department's cablegram No. 1015 of January 22,² in which I am instructed to assist in an appropriate way the desires of the Government of Switzerland that certain copper purchased from American firms by Swiss citizens and now detained at Gibraltar by the British Government authorities be released, I have the honor to advise the Department that I am in receipt of a note from Sir Edward Grey, dated February 5, in reply to my representations in the premises, in which it is set forth that 800 tons of copper from the *S. S. Regina d'Italia, Palermo* and *Ascot* will be purchased by His Majesty's Government, this copper having been offered for sale by the American Metal Company.

I have [etc.]

WALTER HINES PAGE

¹ Ante, p. 317.

² Ante, p. 312.

File No. 763.72112/771

The Ambassador in Great Britain (Page) to the Secretary of State

No. 877]

LONDON, February 11, 1915.

[Received February 24.]

SIR: With reference to the British Government's reply of the 10th instant to your note of December the 28th last,¹ I have the honor to transmit herewith enclosed a copy of a memorandum I have just received from Sir Edward Grey embodying a circular which it is believed has been issued by a firm in New York bearing a German name, suggesting that American exporters write to the Department and to their Representatives and Senators, urging that steps be taken toward relief from restrictions believed to be placed on exports from the United States.

I have [etc.]

WALTER HINES PAGE

[Enclosure]

The British Secretary of State for Foreign Affairs (Grey) to the American Ambassador (Page)

MEMORANDUM

In connexion with the reply which Sir E. Grey is sending to-day to the United States Ambassador's note of December the 28th, His Majesty's Government desire to draw the attention of the United States Government to the following circular of which a copy has been sent to Sir E. Grey. The circular shows the sources of the protests made in the United States against the belligerent action which His Majesty's Government have found it necessary to take, and of the mistaken belief which is prevalent in the United States that the actions of His Majesty's Government have gravely affected the commerce of the country:

Among the many tremendous handicaps which we encounter in trying to do business with the few neutral countries in Europe which are accessible we have the trouble of shipping our goods, and we think it would be quite in order that you address a letter to the State Department in Washington, also to your representative and senator, and apply for relief that should be given to exporters in that direction.

The warfaring nations in Europe are getting from week to week more pretentious in their control of cargoes of neutral vessels, even to such an extent that the steamship managers here are afraid to take almost anything and when they do take any cargo it is only by observing a lot of red tape regulations in compliance with the demand of those countries now at war in Europe.

We have found our State Department so timid and hesitating that we could get no effective help from them. We need not mention that this attitude works harm to you all that are anxious to keep up exports to Europe as much as possible, and the loss of trade which is thereby caused to this country can be counted in millions.

We suggest in your own interests that you write a letter of a tenor similar to the following sketch:

We learn from our export friends in New York that they are meeting with all sorts of impediments in their efforts to ship our line of goods to European neutral countries, and we are told that the restrictions placed upon exports are getting severer from week to week. The steamship lines in New York—caused by the overbearing attitude against neutral ships—have been asking conditions, some of which can really not be complied with, and they are refusing to accept goods for shipment unless we submit to a lot of onerous and

¹*Foreign Relations*, 1914, Supplement, p. 372.

annoying restrictions. The list of contraband and "conditional contraband," especially the latter, is increasing fabulously and we do not believe that our interests are properly cared for by our Government.

We are in need of business to keep our factories running and we look to your Department to take a firm attitude against such nations of Europe that are making it troublesome or impossible to ship our line of goods to neutral European markets as we did before the war. To the best of our knowledge and belief we are making no goods that are straight contraband goods but we believe we are entitled to energetic assistance from your Department that we be undisturbed in our peaceful efforts to supply a foreign market and thus produce work for our factory employees.

You need not write this letter exactly in the same way but we simply indicate by this sketch the lines along which we would ask you to kindly write your letter.

The circular is dated New York, December 26, 1914, and it need scarcely be added that the firm from which it emanates bears German names.

LONDON, February 10, 1915.

File No. 300.115Ev2/4

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

[Telegram]

BERLIN, February 22, 1915.

[Received February 24, 9.30 a. m.]

1659. Consul General, Bremerhaven, reports steamer *Evelyn* ran on two mines 19th, 4 a. m., near Isle Borkum, sank seven hours later. Only two boats manned: Captain Smith, thirteen men, Dutch pilot in one; First Officer Swenson, thirteen men in other. First boat said to have been rescued 10 o'clock Saturday morning, but present whereabouts yet unknown. Latter boat picked up by German scoutship *Mars* 4 o'clock Saturday afternoon; taken to Heligoland. Thirteen men brought to Bremerhaven, put in sailors' home. Spanish stoker, Hans Ilaro, frozen and buried at sea; appears to be only death. Other survivors expected to-morrow. Those in Bremerhaven out of danger.

GERARD

File No. 300.115C19/4

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

[Telegram]

BERLIN, February 25, 1915.

[Received February 26, 5 p. m.]

1687. Consular Agent, Bremerhaven, reports *Carib* apparently ran on mine 22d, 11 a. m., 10 miles west Norderney, soon sank. Three of crew of thirty lost. Captain Cole and twenty-six men picked up hour and half later by German scout boat *Annie Busse*; brought to Bremerhaven 24th, 10 p. m.

GERARD

File No. 451.11B74

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

[Telegram]

PARIS, February 28, 1915.

[Received 5.10 p. m.]

574. Morning papers publish announcement by Ministry of Marine to effect that *Dacia* was captured in western part of English Channel by French cruiser and taken to Brest.¹

SHARP

File No. 300.115Ev2/17

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

[Telegram]

BERLIN, March 2, 1915, 7 p. m.

[Received March 3, 4.00 p. m.]

1728. Naval Attaché Gherardi returned from Bremen where I sent him to get statements of captains of ships *Evelyn* and *Carib*. Both boats sunk by mines, no false directions given by British as reported here, boats simply ran on mine field. Reported to me privately that Scandinavian countries will convoy their merchant vessels using converted merchant vessels with naval crews.

GERARD

File No. 451.11B74/7

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

[Telegram]

PARIS, March 6, 1915, 3 p. m.

[Received 4.15 p. m.]

594. Following the presentation to the Minister for Foreign Affairs yesterday afternoon of a note in conformity with your telegram 600, March 3 [2], 2 p. m.,² I referred informally to seizure of *Dacia*. Monsieur Delcassé said in substance that *Dacia* was considered as an enemy's vessel according to laws of France which did not recognize change of flag after commencement of hostilities; crew had been released as neutrals; French Government was not disposed to examine closely the possibility of enemy ownership of cargo and that probably shipper would be given choice of cargo being sent to destination or paid for here.³ He said that the French Government was most anxious to avoid any inconvenience to American citizens.

SHARP

¹ For previous correspondence concerning the *Dacia* case, see the section dealing with transfer of ships, *post*, p. 674.

² *Post*, p. 747.

³ The cargo of cotton had been insured by the Bureau of War Risk Insurance; its value was eventually paid over by the French Government to the Treasury of the United States. Correspondence on this aspect of the case is not printed.

The Cases of the "William P. Frye," "Vitalia," and "Wico"—The Packers' Cases—German Prize-Court Rules and Decisions

File No. 462.11Se8/1

Arthur Sewall and Company to the Secretary of State

[Telegram]

BATH, ME., March 10, 1915, 8 p. m.

Associated Press dispatch states German auxiliary cruiser *Prinz Eitel Friedrich* put into Newport News this morning having among other prisoners Captain Kiehne, wife, and members of crew American ship *William P. Frye*, further reporting sinking ship in South Atlantic January 27. The *Frye* was loaded with full cargo wheat sailing from Seattle, Washington, November 6 and bound to Queens-town for orders to discharge in the U. K. Please make necessary investigation and do the needful in protecting our interests and entering claim for proper indemnity.

ARTHUR SEWALL AND COMPANY
Managing owners, ship "*William P. Frye*"

File No. 763.72/1592

The British Embassy to the Department of State

The British Embassy has the honour to invite the attention of the United States Department of State to reports published in the press as to the arrival in a United States port of a German ship which had on board upwards of 300 prisoners of different nationalities, of both sexes, some of them citizens of the United States.

The State Department of the United States will doubtless have under their consideration the fact that had a cruiser of the British fleet met this German ship and engaged her, these innocent civilians, men, women, and children, including citizens of the United States, would have been in imminent danger of their lives. While the practice above indicated has no doubt some strategical value, it has not as far as this Embassy is informed, been generally resorted to, at least for some centuries.

The British Embassy is of course aware that the United States Government is not called on to take action on grounds of a general humanitarian character not directly affecting American interests.

As, however, the lives of citizens of the United States were in this particular instance immediately concerned, the British Embassy has the honour to request to be informed (should there be no objection thereto) whether the United States Government has called the attention of the competent authority to the consequences which may naturally be expected to follow from the practice of sinking neutral ships and carrying (in this instance for several weeks) their neutral crews on a ship of war in constant danger of attack.

CECIL SPRING RICE

WASHINGTON, March 12, 1915.

[Received March 13.]

File No. 300.115/2561

The Consul General at London (Skinner) to the Secretary of State

[Telegram]

LONDON, *March 13, 1915.*

[Received 12.45 p. m.]

British proclamation October 29¹ in effect prescribes that conditional contraband when shipped to neutral countries must be forwarded to named consignee, since which date shippers have generally sought to comply; nevertheless *Vitalia* with cargo consigned according to only known rule held from February 26 to March 11 and released only after all goods had been reconsigned to Netherlands Oversea Trust. American ship *A. A. Raven* detained since March 2 similar circumstances, owners now endeavoring under difficulties to reconsign. American ship *Ruby* expected 16th and will be detained until goods are reconsigned. This situation unsatisfactory inasmuch as Government has proclaimed one rule and is enforcing another without defining it or giving shippers opportunity to adjust themselves to it, furthermore unwritten rule imposes expense about one and half per cent upon neutral shippers for benefit of Government but which Government does not assume. Respectfully suggest British Government be requested to state rules relating shipments to Holland and position of floating cargoes with respect thereto.

SKINNER

File No. 300.115/2801

The Ambassador in Great Britain (Page) to the Secretary of State

No. 939]

LONDON, *February 22, 1915.*

[Received March 15.]

SIR: Referring to the telegrams from the Department Nos. 780, 799 [797], and 821 of December 18, 21 and 23 respectively, and telegrams from this Embassy to the Department of December 23, 10 p. m., Nos. 1414 of January 5 and 1450 of January 11,² concerning the sale of copper in neutral countries, and the investigation of alleged transactions by British concerns for the sale of copper detained or seized by the British Government, I have the honor to advise the Department that, at the time this investigation was commenced, it seemed to me to be advisable to bring to the notice of Sir Edward Grey in conversation that certain persons in the United States had expressed a suspicion that the British Government had permitted the sale of copper to neutral countries at a higher price than the Government had paid for the same copper which was purchased after the detention and seizure of American cargoes.

Sir Edward Grey has replied to my verbal inquiries in the premises in a note under date of February 18, a copy of which is enclosed herewith, in which it is stated that there is no foundation for this suspicion on the part of American citizens.

The last two paragraphs of this note have reference to the cargoes of copper which were detained and discharged at Gibraltar and are

¹ *Foreign Relations*, 1914, Supplement, p. 261.² *Ante*, pp. 295, 298, and 304; telegrams of December 23 not printed.

now in the hands of the British Government, regarding which I had the honor to advise the Department by cable on the 19th instant.¹

I have [etc.]

WALTER HINES PAGE

[Enclosure]

The British Secretary of State for Foreign Affairs (Grey) to the American Ambassador (Page)

No. 17884/15]

February 18, 1915.

YOUR EXCELLENCY: I have the honour to inform your excellency that careful enquiries have been made into the report which you brought to my notice in conversation on December 23 last that copper detained or seized by His Majesty's Government has been bought by them at prices current in this country and that some, at any rate, of the copper has then been sold at higher prices to neutral countries and exported from Great Britain under licence.

The result of these enquiries has been to show that these allegations are entirely devoid of foundation.

The only copper of which the purchase has so far been completed was the cargo of the vessels *Rotterdam*, *Potsdam*, *Westerdyke*, and *Slotterdyke* all bound for Holland. The copper taken from these vessels was bought by His Majesty's Government at a higher price than the market price of the day and great expense was incurred by them in the unloading of the vessels and the conveyance of the cargoes from Rotterdam.

Part of this copper the departments concerned did not require and His Majesty's Government were left with it on their hands. In the meantime a considerable rise in prices took place. The balance which His Majesty's Government could not use was sold in the open market by a London broker in the usual way, with the strictest instructions that he was not to sell it for export.

There was a small quantity which was not included in this arrangement. His Majesty's Government were unable to induce the consignees to sell, and this portion was either left in Holland or returned there. No copper has in fact been sold abroad by His Majesty's Government at all.

Your excellency will agree that this entirely disposes of the grave general allegation to which you gave expression.

In regard to copper discharged at Gibraltar, none of this has been bought or sold and if any copper is purchased at Gibraltar there is not at present any intention to export it from this country.

Most of the copper was consigned to suspected consignees and some was without any doubt whatever destined for Germany and was, before shipment, actually paid for by German merchants, so that in these cases if His Majesty's Government purchase they are simply reimbursing the German merchant.

I have [etc.]

[File copy not signed]

File No. 462.11Se8/41

The Assistant Secretary of the Treasury (Peters) to the Counselor for the Department of State

[Extract]

WASHINGTON, March 15, 1915.

STR: In connection with the case of the German cruiser *Prinz Eitel Friedrich* now in port at Newport News, Virginia, I enclose herewith the original report of Collector Hamilton of that district, dated March 12,² with the following exhibits:

Exhibit (C): Statement by the commander of the German cruiser regarding the circumstances of the destruction of the *Frye* . . .

Sincerely yours,

A. J. PETERS
Assistant Secretary

¹ Not printed.

² Post, p. 825.

[Enclosure]

Statement by the commander of the Prinz Eitel Friedrich

NEWPORT NEWS, March 11, 1915.

The American sailing ship *William P. Frye* was met by the auxiliary cruiser *Pr. Eit. Friedr.* on 1/27/1915 in 29° 34' 5" latitude S. and 24° 25' longitude W. An officer was sent on board to examine the ship's papers as to her right to the flag, port of destination, and cargo. The result of the examination was:

- (a) Right to the American flag.
- (b) Cargo: wheat.
- (c) Place of destination: Queenstown, Falmouth, or Plymouth, to order.

Wheat is conditional contraband and is therefore liable to capture if intended for the use of the enemy's armed forces or a government department of the enemy state. Such a destination is presumed to exist if the goods are consigned to a fortified place of the enemy or to some other place that is used by the armed forces of the enemy as a base of operations or supplies (see Declaration of London concerning the laws of naval warfare). All those destinations named in the *William P. Frye's* charter party and bill of lading are in fact fortified places and points of support of Great Britain.

The commander of the cruiser had made an effort to confine himself to destroying the wheat cargo. After about 50 tons of wheat had been thrown overboard, the commander came to the conclusion that the unloading would consume too much time and would have injured the further success of the cruiser's operation as the enemy armed forces were near. The commander had therefore to avail himself of the right conferred upon him by the Declaration of London to sink the ship.

THIERICKENS

Corvette Captain Commander

File No. 300.115/2585

The Ambassador in Great Britain (Page) to the Secretary of State

[Telegram]

LONDON, March 15, 1915.

[Received 9.32 p. m.]

1789. My 1785, March 13, regarding *Taurus*.¹ Foreign Office informs me it has been decided to place in prize court in addition to items mentioned in above cable consignments meat and lard shipped by Armour to Armour of Göteborg and by Swift and Company to Peder Mellin of Göteborg.

AMERICAN AMBASSADOR

File No. 300.115/2540

The Secretary of State to the Ambassador in Great Britain (Page)

[Telegram]

WASHINGTON, March 16, 1915, 6 p. m.

1281. Governor General, Philippine Islands, has telegraphed Secretary of War as follows:

Complaints made by chambers of commerce and merchants in Manila that goods of German or Austrian origin consigned to them in Dutch or Danish vessels and unloaded for transshipment at Singapore are being held by the authorities there unless proof be furnished showing goods were manufactured

¹ Not printed.

in neutral countries or were property of a neutral firm before war was declared. In either event consignees must produce invoices for verification by local British consuls and then forward same to Singapore. Merchants desire more prompt method of forwarding goods than requirement forwarding invoices Singapore and ruling regarding goods German or Austrian origin purchased by neutral firms in Europe and resold to merchants in the Philippines; also what will be final disposition of goods held by authorities at Singapore if satisfactory proof not produced.

Bring this matter to attention of Foreign Office and say that this Government does not perceive on what grounds British authorities in Singapore justify interference with private property shipped on neutral vessels for ultimate delivery to merchants in the Philippines and would like to receive a statement from the British Government regarding this matter.

BRYAN

File No. 300.115/2634

The Consul General at London (Skinner) to the Secretary of State

No. 306]

LONDON, *February 25, 1915.*

[*Received March 18.*]

SIR: Referring to the seizure of certain American meat products forwarded by Messrs. Armour and Company, Swift and Company, Morris and Company, the Cudahy Packing Company, G. H. Hammond Company, and Sulzberger and Sons Company, per ships *Alfred Nobel*, *Björnstjerne Björnson*, *Fridland*, *Kim*, and *Arkansas*, I have the honor to report that after various interviews with the committee of the British Government empowered to deal with questions of this character, the shippers now make a proposition, which, if accepted, will terminate the negotiations. The Department will recall that the consignments under consideration were shipped to neutral countries, and for the most part to order, some days prior to the proclamation of the present British rule whereunder such shipments become presumptively contraband of war. The ships were brought into this country after the rule became effective and were taken into the prize court. The owners contended, and I put forth the claim on their behalf, that the consignments could not be held, as the rule was not published until after the ships had put out to sea. Nevertheless, since the middle of November the matter has been in abeyance, the packers being unwilling to accept in settlement the proceeds of a sale of the goods carried on under the auspices of the Government. I understand that a representative of the Chicago concerns, Mr. Alfred R. Urion, has now submitted the following proposition to the Government, and that in all probability it will be accepted:

PROPOSITION

That Great Britain promptly pay to the American packers the aforementioned amount, \$2,641,899.05 (E & OE), c. i. f. Copenhagen prices on cargoes seized taken and held to the prize court.

PROPOSITION—CONTRA

The American packers, appreciating in a measure the extraordinary conditions with which Great Britain has to deal, reciprocally offer, as to future dealings with European neutral countries during hostilities between belligerent European countries, that they severally will undertake:

- (1) To make no more "to order" shipments to any European neutral country.
- (2) That as to all future shipments to European neutral countries from the several and various packing houses in the United States represented, sworn copies of invoices will be submitted to British consuls at packing points there to be viséed and attached to the through foreign (ship's) bill of lading.
- (3) That so far as each of them may do so the packers agree to waive the U. S. A. shipping regulation against publication of ship's manifest for 30 days and consent that in so far as the packers' products are concerned, ship's manifest may be at once published.
- (4) The packers represented and each of them voluntarily, in a spirit of reciprocity, upon the acceptance of the proposition that Great Britain promptly pay for cargoes seized at c. i. f. prices named, further agree for the future neither to sell nor to ship to agents or buyers in Scandinavia more than their general average sales in Scandinavia for the whole of the calendar year 1914 plus 50 per cent thereof, on the condition precedent, however, that your committee agree to protect against other competition not similarly restrained.

Due to the alteration in existing conditions caused by the war whereby the Scandinavian countries are now for the first time shut off from purchasing or from receiving through German free ports, to wit, Hamburg, a very large, if not major portion of their trade requirements in packers' products, these products which have hitherto been procured largely from Hamburg, etc., and sent thence to Scandinavian markets must of necessity henceforth be supplied direct from packing points in the United States; and this has been true since the breaking out of hostilities between European belligerents dating from about August 1, 1914.

And in addition thereto to provide for the increased demand on Scandinavian countries from Russia and Finland for packing-house products hitherto purchased by Russia and Finland from German dealers at German ports.

I have [etc.]

ROBERT P. SKINNER

File No. 763.72112/886

*The Consul General at Hamburg (Morgan) to the Secretary of State*¹

No. 204]

HAMBURG, February 17, 1915.

[Received March 18.]

SIR: I have the honor to inform you that under the regulations of the German prize courts it is provided that the court has to announce in the *Reichsanzeiger* (the official organ) the time at which interested parties may enter their claims for damages on account of the seizure or destruction of cargo on enemies' ships and such claims to entitle them to consideration must be entered within the time stipulated by the court—not less than two weeks' nor more than two months' notice shall be given for the time allowed for the presentation of claims and such notice will be given for the cargo of each steamer which will come before the prize court. Paragraph 28 of the German law, which is of particular interest to citizens of the United States, has been interpreted by the prize court to mean that no claim presented after the expiration of the time appointed in the public notices published by the prize court in the *Reichsanzeiger* will be recognized. It would result, therefore, that if a notice is

¹This despatch, together with its enclosure, was printed by the Department and transmitted to parties making inquiries concerning ships and cargoes captured or destroyed by German naval authorities.

given by the prize court to file claims within two weeks after the publication citizens of the United States would be unable to file their claims through German counsel for lack of time, and for this reason I propose to cable to the Department immediately such notice is published giving the name of the vessel whose cargo will come before the court and limit of time fixed for filing claims. It will always be possible to withdraw the claim if it should appear impossible to maintain it, but a claim, however valid, cannot be made after the time limit for presenting same has elapsed.

Claimants can only be represented before the prize court by German counsel and in order that counsel should be able to present the case it will be necessary to give at least the name of the vessel, a description of the cargo claimed, an estimation of the value and some indication as to what proof the claimant has that the cargo in question is the property of a citizen of the United States. A full power of attorney should at once be sent. For the first application to the prize court, however, a simple telegraphic authorization to German counsel will be sufficient. It is not necessary that the full phraseology of an American power of attorney should be telegraphed. Any proofs which the claimant may have should be dispatched at the earliest possible moment and further proofs can be sent afterwards, although it will help the case considerably if such proofs as are available are produced on entering the claim.

The formal application to the prize court, which must be within the time limit as hereinbefore set forth, has only reference to open proceedings. The actual trial of the case will only be heard by the prize court later and there will always be sufficient time to fully prepare the case and produce the necessary proofs.

To secure a favorable decision it will be necessary in the first place to prove that the claimant is a citizen of the United States. If the claimant is a company, a sworn affidavit or some other official document must be produced showing conclusively that all partners of the firm are citizens of the United States. If one partner of the firm is a citizen or subject of an enemy state, this fact alone will debar the claimant. If the claimant should be a limited company, it will be necessary to prove by an official document that such company is incorporated and domiciled in the United States. It will furthermore be necessary to prove that the cargo at the time of its capture or destruction was the property of a citizen of the United States and the production of the bills of lading of such goods will, generally speaking, be accepted as competent proof; but it will be advisable to produce at the same time proof that the bill of lading has not passed into the hand of an alien enemy, such proofs, for instance, as bankers' letters showing that the receiver has refused to accept the drafts annexed or similar documents.

The law does not exclude the right of claimants to bring proofs by witness and paragraph 56 of the law in question provides that prize courts may order a commission to issue to German consuls to take the evidence of witness. It is the general opinion, however, of prominent lawyers in Hamburg that the prize courts would not resort to the long and tedious process of taking the depositions in America, and it is therefore of great importance that as full documentary evidence as possible be produced.

From the decision of the prize court there is always an appeal to the supreme prize court and a notice of appeal must be given within two weeks after the decision of the court of first instance has been handed down.

The prize court rendered a decision some time ago that the neutral owners of cargo on British vessels sunk by the German cruiser *Karlsruhe* had no right to claim for damages but an appeal has been taken from this decision. I am endeavoring to obtain a copy of the decision referred to and will send it forward when received.

All the foregoing information has been given after consultation with Dr. Stammann, of the firm of Dres. Schroeder, Stammann and Nolte, one of the most important and influential firms of attorneys in Hamburg.

Copies and translations of such parts of the German law as are cited in this despatch and which I have considered would be of interest to American citizens are enclosed herewith.

I have [etc.]

HENRY H. MORGAN

[Enclosure—Translation]

PARAGRAPHS OF THE "DEUTSCHES SEEKRIEGSRECHT" OF INTEREST TO CITIZENS OF THE UNITED STATES

26. The president of the prize court should, although the prize has been released, request the interested parties to present their claims within a certain period by filing petition with the court. The time granted should not be less than two weeks and should not exceed two months.

The summons can be served by publication of the fact in the *Reichsanzeiger*. It is considered legal after the second day on which the publication of the announcement is made.

The interested parties, whose residences are known, should, when possible, receive special summons by post unless they have filed their claims in the meantime; however, they are looked upon as being legally notified by official publication of the summons.

The interested parties are:

- (1) The owner of the vessel and the cargo in the vessel seized;
- (2) All private persons claiming to have a lawful interest in the releasing of the prize, or in damages the owners may receive.

27. The petition must contain all facts and proofs upon which the claim is based; the originals of official documents should, if possible, be produced.

The petition must be presented by a lawyer admitted to practice before a German court, who is provided with a written power of attorney and who has acquired the right to perform the duties of a judge.

If the claimant does not reside within the official district of the prize court, a person should be named, residing within this district, upon whom the summons may be served for the claimant.

28. Upon such claims as have not been presented within the stipulated time, the prize court will pass judgment after having consulted the Imperial commissioner in regard to the evidence based on the records.

29. If the claim was presented in time, the president shall stipulate the time when the verbal proceedings should take place. The Imperial commissioner and the claimant should be summoned officially. Several claims regarding the same subject should as a rule be tried at the same time.

30. A term may be postponed *ex officio* or upon application the proceedings may be adjourned and another time may be set when the proceedings shall be continued.

31. The Imperial commissioner shall have full power to examine all vouchers. Upon application and if permission is granted by the Imperial commissioner, the claimant or his representative may be granted permission to examine the contents of the vouchers prior to the proceeding. The Imperial commissioner can refuse his consent only in so far as military interests come into consideration.

32. The hearings are public. However, the public may be excluded during the entire time, or such part of the time as the prize court may decide upon when the interests of the Government are endangered.

The stipulations of constitutional law for German courts are applied accordingly.

33. The hearings start with a statement of the facts by the assessor charged with the report, whereupon the Imperial commissioner and the petitioner are entitled to state particulars and make propositions. The introduction of new facts and proofs are admissible.

The claimant must be represented by a lawyer admitted to practice before a German court, authorized to act as a judge. The prize court may admit another competent person thoroughly versed in law matters.

Although the petitioner is not satisfactorily represented, the proceedings will go on.

34. A sworn clerk to take the testimony is required during the hearings. The constitutional regulations applicable to civil law are enforced accordingly.

35. The prize court passes judgment after consideration of all the evidence pertaining to the proceedings in question.

Should the judgment as passed be based upon facts which were not brought out at the hearings, the petitioner must be heard prior to pronouncement of the verdict.

The paragraphs of the constitutional law concerning discussions and rulings are applied accordingly. The associate judges must vote first, the president last, the younger members vote prior to the older ones.

36. In the verdict as pronounced all questions should be decided which are referred to in the first paragraph of this law.

37. Furthermore the verdict must state who is to pay the costs of the action at law.

If the claim of the petitioner is rejected he is to be held liable for the costs of the action resulting from his claim. If the costs were brought about by joint claims, they should be proportioned accordingly.

If the claim is acknowledged, the Government pays the costs. The latter is also liable for any necessary costs caused by the claim of the petitioners should the Imperial Chancellor declare that the exchange is warranted, unless sufficient reasons existed for the measures taken by the prize court, in which the claim was presented.

If a ship, the cargo of which consisted of contraband, is released, the costs of the trial relating to the seizure of the contraband, as well as the costs of maintaining the ship and cargo during the trial of the case, are to be charged to the owners of the vessel, although no claim was made.

The amount of the costs is stipulated in a special ruling. Such ruling may be combined in the verdict.

38. The verdict should state all reasons for the verdict as passed. It also should state the name of all judges having voted in the particular case, and it should be signed by the president and an assessor who should be thoroughly versed in legal matters. It should start with the preamble of introduction: "In the name of the Empire."

39. The Imperial commissioner as well as the petitioner are entitled to take an appeal from the verdict, except in cases set forth in paragraph 25.

A written appeal must be filed with the prize court within two weeks after the verdict has been handed down.

The person taking the appeal should file a brief within one month following, stating the grounds on which the appeal is based, and what changes the petitioner desires to make.

The grounds for the appeal may be filed with the application.

The appeal and the grounds therefor filed by the petitioner must be signed by a lawyer admitted to practice before a German court and authorized to act as a judge.

The court may decide that a legal power of attorney be subsequently produced.

40. If the appeal was not taken in time or the grounds therefor are not supplied within the time limit or in due form, the prize court must reject it and hold that it is not admissible.

The applicant may demand within one week's time after the verdict is handed down that the matter be placed before the superior prize court. The prize court cannot alter the verdict returned; the records must be sent to the

superior prize court for decision through the mediation of the Imperial commissioner.

41. The prize court has a right to prolong the time limits stated in paragraph 39, sections 2 and 3, upon application by a petitioner taking an appeal.

42. If the appeal is taken in time and the grounds therefor filed within the time specified and in due form, the appeal and the grounds therefor are turned over to the plaintiff with the request that he file his answer to the appeal within two weeks' time. The regulation contained in paragraph 39, section 5, is applicable to the declaration last mentioned.

43. After having received the answer to the appeal, or after the time has elapsed, the Imperial commissioner places the documents before the superior prize court.

44. The regulations contained in paragraphs 24, 25, 29 to 38 are applicable to the proceedings to be held before the superior prize court.

If any questions were not settled by the decision disputed by the petitioner in the matter turned over to the superior prize court, the same may be returned to the prize court, in so far as new hearings are made necessary.

56. All courts and administrations within the Imperial territory and within the German protectorates, as well as the representatives of the Empire abroad, have to comply with all requests of prize officials and of the Imperial commissioner to perform official duties within their respective districts. Nos. 158 to 162, 166 and 167 of the constitutional laws are applicable according to the legal assistance rendered by the court. German consuls are authorized to take the depositions of witnesses and experts under oath in order to determine such cases.

Costs (in cash) are reimbursed by the prize court making the request to the authorities to whom the inquiry was addressed.

File No. 300.115/2635

The Consul General at Hamburg (Morgan) to the Secretary of State

No. 209]

HAMBURG, February 18, 1915.

[Received March 18.]

SIR: Referring to my despatch No. 204, February 17, 1915, I now have the honor to transmit herewith enclosed a copy and translation of the decision of the prize court in Hamburg in the *Glitra* case together with a copy of a letter from Dres. Schroeder, Stammann and Nolte, commenting upon the decision, which accompanied it.¹

I have [etc.]

HENRY H. MORGAN

[Enclosure—Translation]

DECISION OF THE HAMBURG PRIZE COURT IN THE CASE OF THE "GLITRA"

On October 20, 1914, the steamer *Glitra*, a merchantman, carrying freight to Norway, was captured and sunk in the open sea, in latitude 59° 4' N. and longitude 5° 14' E., by His Majesty's submarine boat *U-17*. According to the prize record, the ship when stopped was flying the English flag, and there was no doubt that she had the right to fly this flag. The list of the crew found among the ship's papers and a document dated London, February 2, 1907, showed also beyond doubt that she apparently was an English ship, being the property of the English firm Salversen and Company in Leith and hailing from Leith. Consequently there is no doubt but that the *Glitra* was an English and hence an enemy ship. The ship was sunk upon the orders of the commander of the war vessel, because, as stated in the record, bringing her in was impossible on account of the great distance. The cargo was sunk along with the ship.

¹ Not printed. This decision involved no American interests, but is important as setting a precedent which was followed in the case of the *Indian Prince*, carrying American-owned cargo; *post*, p. 520. The affirming decision of the supreme prize court is printed *post*, p. 571.

The request to present claims concerning ship and cargo according to paragraph 26 of the regulations of the prize court was published in the German *Reichsanzeiger* of November 6, 1914, fixing a time therefor of two months. No claims regarding the sunken ship nor that part of the cargo which is not touched by the claims which are specifically stated in this report, were filed within the time limit.

The thirteen claimants named in the decision have presented their claims for indemnity within the time limit, expired on January 6, 1915, by filing an application signed by a lawyer admitted to practice before a German court; the claims are based upon the facts that at the time of destruction of the ship each one of the petitioners was the owner of that portion of the cargo which is specified; that the claimants are Norwegian subjects, thus belonging to a neutral country, and that they are entitled to receive indemnity according to paragraph 114, P. O. [*Prisen-Ordnung*], as neutral property is not subject to seizure (see paragraph 19, P. O.) except under certain circumstances not coming into consideration in this instance. It is, however, necessary to determine whether or not the statements of facts set forth by the claimants relative to the ownership of the goods destroyed and the nationality of the owners are correct, as the prize court is of the same opinion as the Imperial commissioner, namely, that for neutral goods constituting the cargo of an enemy ship and sunk along with the ship by order of the commander of the war vessel, no indemnity shall be granted under any circumstances.

Neither by the prize regulations nor by the international agreements referring to the laws of marine warfare is this question decided; therefore it must be considered just how far the preliminary proceedings will afford a basis for its solution. Necessarily, if not exclusively, the discussions and decisions of the London Naval Conference dating from December 1908 until February 1909, regarding naval warfare, in which most of the civilized nations took part, must be considered in connection therewith. The memorials presented by the separate states which were introduced during the conference, must also be considered because these led to the Declaration of London of February 26, 1909, which, however, has not yet been ratified, but whose regulations form almost the entire basis for the German prize regulations, especially in so far as in naval warfare legal status of neutral property comes into consideration. The transactions and decisions of the London Naval Conference regarding naval warfare have been collected and published by Dr. Schramm by direction of the Imperial naval authorities; the authoritative paragraphs upon which the decision in this case is to be based are cited in the following, as given in Dr. Schramm's book. Stress should be laid upon the following sentences taken from the memorials presented at the beginning of the deliberations (see Schramm, pp. 41 and 57):

From the French text:

If for military reasons the captor thinks it necessary to destroy a prize in the open sea, this destruction is a war measure which does not form any basis for a claim for indemnity on the part of the neutral owner of the cargo.

From the English text, which takes the opposite standpoint:

As a lawful cargo on board of an enemy ship is not subject to seizure, the owner of this cargo can, when the enemy ship is destroyed, put forth a legal claim for indemnity.

With reference to these and other essential but different points of view, as set forth in the memorials of these two and of the other nations participating in the conference, the British Government thought it opportune to formulate a principle applicable to the decision of cases such as this; and in its leading principles in preparation of the deliberations the British Government, under No. 32, put this principle in the form of a question, reading as follows (Schramm, pp. 103 and 104):

Is the owner of certain goods forming part of the cargo of a ship destroyed, entitled to claim indemnity, considering the principle that neutral goods shipped under an enemy flag are not subject to seizure, or is the destruction of the ship in such cases an act of war which does not obligate the belligerent nations to the payment of an indemnity?

During the fifth meeting of the conference on January 15, 1909, the leading principles No. 30 ("a neutral prize must on principle be brought into a prize harbor"), No. 31 ("Is the obligation to bring a captured neutral ship into a prize harbor looked upon as absolute or are exceptions admissible?") and No. 32 (as above) were treated. The discussions related, however, in the main, to the admissibility of the destruction of neutral ships and of neutral goods in the latter. Furthermore, the German delegation discussed especially the details of a case in which goods not subject to seizure are destroyed together with a neutral ship, the destruction of which is to be considered as lawful; in opposition to the standpoint taken by the French delegates, the German delegates suggested that in such a case an adequate indemnity should be granted to the owners of such destroyed goods (see Schramm, p. 205 *et seq.*, especially pp. 211 and 212). Only the Japanese delegates agreed to the principle, in harmony with the view expressed by the British Government, to the effect that: "If an enemy merchant ship is destroyed, the owner of the neutral goods on board should be granted an indemnity on principle" (Schramm, p. 221). It does not appear that this view was supported in the discussions which followed. The result of the discussions in this fifth meeting was the unanimous determination that on principle the destruction of neutral prizes should only be permissible in exceptional cases; that the latter should be precisely defined and that no success could attend the discussion of every single matter in dispute before the committee itself (Schramm, p. 223). At the conference proper no further discussions took place, the suggestions of the committee having been accepted unanimously (Schramm, p. 224). From the facts above mentioned it will be perceived that the delegates deliberately avoided a settlement of the question as to whether indemnity should be granted for neutral property destroyed in an enemy ship, and furthermore that Germany especially had suggested the granting of an indemnity for the destruction of neutral goods on a neutral ship that is destroyed. There is nothing to show, therefore, that especially in view of her geographic position which in a majority of cases in naval warfare precludes the bringing in of captured ships to a German port, Germany should without cogent reasons and plainly to her own disadvantage have laid down as a principle of the prize laws a regulation to the effect that an indemnity should be allowed to the neutral owners of property on board an enemy ship that is destroyed for reasons dictated by war necessity. In such instances the commander of a war vessel capturing an enemy ship, would in most cases have to consider too many things, which for the most part he cannot go into thoroughly on account of the limited time for action, if it should be impossible to bring the ship in question into a German port, and therefore had to be destroyed; although in doubt perhaps, he could not under the circumstances determine whether or not the injury caused to the enemy through the destruction of the ship would be less considerable than the loss which the German Empire would sustain through being obliged to grant indemnity for the value of the neutral cargo destroyed together with the ship. A consequence scarcely intended by the legislator would be that in many cases the commander of the war vessel would release the enemy merchant ship merely on account of the pending indemnity to be granted for the cargo which would go down with her. Furthermore, in this connection attention may be called to the fact that it is stated in paragraph 20 b, section 2, of the prize regulations that generally it will not be possible on shipboard to ascertain proof of ownership of certain portions of the cargo.

The one doubt in opposition to the standpoint taken here by the prize court might be inferred from paragraph 114, P. O., on which the claimants have, to a great extent, based their claims. Here it is stated, however, that before resolving to destroy "a ship" the commander should consider "whether the damage caused to the enemy is compensated by the indemnity which must be paid for the portion of the shipment not subject to seizure (compare 18, 421, 51, 56 and 80)." From this wording it might seem as if the prize regulations took the standpoint that in the case of destroying any ship, even if an enemy ship, an indemnity should be paid for the destruction of all goods destroyed which do not come under the paragraphs cited, as being subject to confiscation; i. e., merely for neutral goods in so far as they do not represent contraband or otherwise constituting an exceptional case. The deduction of such a principle from paragraph 114 of the prize regulations would, however, considering the above statements, only be justified if it were absolutely convincing; this, however, according to the opinion of the prize court, is not the case. On the contrary, it is to be supposed that paragraph 114 only deals with the destruction

of neutral ships, and that we are here confronted by an inaccurate wording when reference is made to the destruction "of a (any?) ship." The position of paragraph 114 between the preceding and the following paragraphs especially points to this conclusion, in view of the fact that paragraph 113 explicitly deals with cases in which a neutral ship can be destroyed, while paragraph 115 deals with the question of the indemnity in case of the destruction of a neutral ship. The wording of paragraph 114 itself can be interpreted to a certain extent in support of this conclusion. Because if in such a case the damage caused to the enemy by the destruction is compared with the indemnity which the German Empire may possibly be obliged to pay for destroying that portion of the cargo which was not subject to seizure, it can easily be conceived that with "the damage caused to the enemy" such injury is intended as has been sustained through the destruction of that part of the cargo which should be considered as enemy cargo and thus is seizable; the loss caused to a neutral party by the destruction of a ship is probably not thought of in paragraph 114.

There can be no divided opinion as to whether the destroyed merchantman could alone be sunk, if it was to be taken from the enemy at all, when we bear in mind that the place of capture was at a great distance from a German port and the war vessel making the capture was a submarine. Hence the cargo went down with a ship that was lawfully sunk, and the owners of the cargo have not the right to present a claim for indemnity, even if they are subjects of a neutral country.

Applying paragraphs 1, 10, 11, 17, P. O., and paragraph 1 of the prize court regulations, the verdict is therefore rendered according to the motion of the Imperial commissioner.

The decision regarding costs is founded upon paragraph 37, P.G.O. [*Prisen-Gerichts-Ordnung*].

BRANDIS
HARTMANN

File No. 300.115/2638

The Ambassador in Great Britain (Page) to the Secretary of State

No. 1020]

LONDON, *March 9, 1915.*

[*Received March 19.*]

SIR: Referring to my despatch No. 975 of the 2d instant,¹ in regard to the detention of the Norwegian S. S. *Vitalia* and her American cargo by the British authorities at Falmouth, I have the honor to inform the Department that I am in receipt of a further communication from Sir Edward Grey dated March 7, in the premises, a copy of which is herewith enclosed.¹

In this note a statement is made to the effect that the British Government is satisfied that if shipments are consigned to the Netherlands Oversea Trust, all danger of their reaching the forces of the enemies of Great Britain will be averted, and that they feel assured that conditional contraband which is not so consigned will reach those forces, and that they have evidence to prove this contention. In this connection I desire to point out to the Department that the British Government has taken a very strong stand on this point, and that I have been informed on various occasions in conversation at the Foreign Office that if all consignments of conditional contraband with a destination in the Netherlands, are definitely consigned to the Netherlands Oversea Trust, no objections will be made and no delay will be occasioned by His Majesty's authorities.

As it would appear that His Majesty's Government will not change their position in this matter, American shippers, in order to avoid

¹ Not printed.

further trouble in shipments of this description, should be advised to comply in the strictest manner with these conditions.

I have [etc.]

For the Ambassador:

IRWIN LAUGHLIN

File No. 300.115/2627

The Secretary of State to the Ambassador in Great Britain (Page)

[Telegram]

WASHINGTON, March 20, 1915, 5 p. m.

1296. American Minister, Stockholm, telegraphs:

His Britannic Majesty's Legation has the honor to inform the Royal Swedish Ministry for Foreign Affairs that the American S. S. *Wico* has arrived in the United Kingdom with a full cargo of oil for Krooks Petroleum and Oil Company, Stockholm. In view of the recent seizure by German men-of-war off Falsterbo of the S. S. *Bryssel* and her cargo of oil His Majesty's Government require to have complete assurances that this vessel will not share the same fate before they can allow her to proceed to destination. His Britannic Majesty's Legation would therefore be much obliged to be furnished with such assurances for immediate communication to the Foreign Office.

Inquire British Government if vessel is held for reasons stated above, and say that, if so, this Government considers she should be released at once inasmuch as it, of course, cannot admit right of British authorities to detain the vessel without any evidence indicating an illegal destination of her cargo and, pending a response to a requirement made of a neutral country, with which such country evidently is not in a position to comply, that assurances be given that the vessel, while proceeding on her journey, will not be detained by authorities of another belligerent.

BRYAN

File No. 763.72/1618

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

[Telegram]

BERLIN, March 21, 1915, 2 p. m.

[Received March 22, 5 p. m.]

1885. Your 1382 giving English note received.¹ Respectfully suggest that if administration is attacked for failing to go to war with England in order to force English blockade of Germany you can answer that Germany has placed an embargo on so many goods which America needs and has so discriminated against American goods that it hardly seems worth while to go to war to keep up trade relations with a country that does not seem to wish to trade with us. Note absolute embargo on potash, carbolic acid, manganese hydrate, medical oil, machinery, chemicals, surgical instruments, and probably five hundred other articles set forth in pamphlets already sent you or on way. Only dyestuffs for a month at a time allowed out. Only three hundred tons cyanide a month. Absolute embargo on all intermediate dyestuffs. This put on through influence

¹ Not printed.

of German dyestuffs trust, thinks present time apt for killing all manufacture of dyestuffs in America. For discrimination against American goods, oils, meats, provisions, etc., see my reports 20 and 31, November 5 and 24, 1913, etc.¹ Returning American ships bringing cotton have to return empty because of this absolute and qualified embargo.

GERARD

File No. 462.11Se8/12a

The Secretary of State to the Consul General at London (Skinner)

[Telegram]

WASHINGTON, March 23, 1915, 5 p. m.

Endeavor ascertain owner cargo *William P. Frye*, January 28, and any subsequent change of ownership. Consul Queenstown cabled, "Understand *William P. Frye's* cargo owned by Leatham's of Hull, millers, who might or might not have large army contracts." Shippers inform Department cargo sold November 16 to S. and T. Trounson, Limited, Redruth, England, but changed hands several times in passage. Report fully, giving any facts suggesting Government interest.

BRYAN

File No. 462.11Se8/12

The Consul General at London (Skinner) to the Secretary of State

[Telegram]

LONDON, March 24, 1915, 6 p. m.

[Received 6.30 p. m.]

Department's 23d. Cargo of *William P. Frye* sold by Trounson, Limited, through brokers, Alexander and Company, to Leatham, who sold to Figgis Brothers, Limited; Figgis sold to Hutchinson and Company, large millers of Liverpool. Edward Hutchinson states ship was consigned to Queenstown or Falmouth for orders. His intention was to order *Frye* to Liverpool or Barrow for conversion cargo into flour by his own firm. From moment of purchase cargo has remained in Hutchinson's ownership at present price. Forbes and Company acting for underwriters hold bills of lading. No evidence whatever that cargo belongs directly or indirectly to Government which purchases flour but not wheat. Final destination grain cargoes usually determined only when ship reaches port of call. Director army contracts informs me privately quite certain grain not bought or contracted for army account.

SKINNER

File No. 763.72/1592

The Department of State to the British Embassy

[Memorandum]

The Department of State has received His Britannic Majesty's Embassy's note of March 12, 1915² inviting attention to press reports

¹ Not printed.² *Ante*, p. 341.

as to the arrival in a United States port of a German ship which had on board upwards of three hundred prisoners of different nationalities, of both sexes, some of them citizens of the United States, and pointing out that, as the Department of State has doubtless considered, the fact that had a cruiser of the British fleet met this German ship and engaged her, these civilians, including citizens of the United States, would have been in imminent danger of their lives.

His Britannic Majesty's Embassy requests to be informed, should there be no objection thereto, whether the Government of the United States has called the attention of the competent authority to the consequences which may be expected to follow from the practice of sinking neutral ships and carrying their neutral crews on a ship of war in constant danger of attack.

In reply the Department of State informs His Britannic Majesty's Embassy that, as the information requested appears to relate to questions between neutral countries and Germany, the Department of State regrets that it is precluded from discussing the question presented by His Britannic Majesty's Embassy.

WASHINGTON, *March 26, 1915.*

File No. 300.115/2721

The Consul General at London (Skinner) to the Secretary of State

[Telegram—Extract]

LONDON, *March 27, 1915.*

[Received 12.30 p. m.]

Prize claims committee has been formed to consider claims of British, Allied or neutral third parties against ships or cargoes condemned or detained by prize court and recommend terms of adjustment. Such claims in respect of ships named below should be filed soon as possible and will not be entertained after three months from March 25. Names of ships are¹

SKINNER

File No. 300.115/2585

The Secretary of State to the Ambassador in Great Britain (Page)

[Telegram]

WASHINGTON, *March 30, 1915.*

1342. Your 1789, 15th.² Have consignments actually been placed in prize court? If so, report date and reasons assigned. If not, inform Foreign Office owners protest and request release on ground goods were shipped in neutral trade between neutral countries and were not contraband.

BRYAN

¹ Names of 140 ships follow. Parties known to be interested in 17 of these notified by the Department.

² *Ante*, p. 344.

File No. 462.118e8/6

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

[Telegram]

WASHINGTON, *March 31, 1915, 10 p. m.*¹

1446. You are instructed to present the following note to the German Foreign Office:

Under instructions from my Government I have the honor to present a claim for \$228,059.54, with interest from January 28, 1915, against the German Government on behalf of the owners and captain of the American sailing vessel *William P. Frye* for damages suffered by them on account of the destruction of that vessel on the high seas by the German armed cruiser *Prinz Eitel Friedrich*, on January 28, 1915.

The facts upon which this claim arises and by reason of which the German Government is held responsible by the Government of the United States for the attendant loss and damages are briefly as follows:

The *William P. Frye*, a steel sailing vessel of 3,374 tons gross tonnage, owned by American citizens and sailing under the United States flag and register, cleared from Seattle, Washington, November 4, 1914, under charter to M. H. Houser, of Portland, Oregon, bound for Queenstown, Falmouth, or Plymouth for orders, with a cargo consisting solely of 186,950 bushels of wheat owned by the aforesaid Houser and consigned "unto order or to its assigns," all of which appears from the ship's papers which were taken from the vessel at the time of her destruction by the commander of the German cruiser.

On January 27, 1915, the *Prinz Eitel Friedrich* encountered the *Frye* on the high seas, compelled her to stop, and sent on board an armed boarding party, who took possession. After an examination of the ship's papers the commander of the cruiser directed that the cargo be thrown overboard, but subsequently decided to destroy the vessel, and on the following morning, by his order, the *Frye* was sunk.

The claim of the owners and captain consists of the following items:

Value of ship, equipment, and outfit-----	\$150,000.00
Actual freight as per freight list, 5034 1000/2240 tons, at 32/6—£8,180 19/6 at \$4.86-----	39,759.54
Traveling and other expenses of Captain Kiehne and Arthur Sewall and Company, agents of ship, in con- nection with making affidavits, preparing and filing claim	500.00
Personal effects of Capt. H. H. Kiehne-----	300.00
Damages covering loss due to deprivation of use of ship.	37,500.00
Total -----	228,059.54

By direction of my Government, I have the honor to request that full reparation be made by the German Government for the destruction of the *William P. Frye* by the German cruiser *Prinz Eitel Friedrich*.

In presenting this note you will request that the claim be given prompt attention by the German Government. Inform Department as soon as you have delivered note.

BRYAN

¹ Presented April 3.

Cases Arising under the German War-Zone Proclamation of February 4, 1915: Torpedoing of the "Falaba" and "Gulfight," Attack on the "Cushing"—Cases Arising under the British Order in Council of March 11, 1915: Detention of the "Seguranca," "Ogeechee," and "Joseph W. Fordney"—Note of April 28, 1915, to Germany Asking Diplomatic Settlement of the "Frye" Case—British Prize-Court Rules

File No. 362.112T41/2

The Ambassador in Great Britain (Page) to the Secretary of State

[Telegram]

LONDON, March 31, 1915.

[Received April 1, 9.30 a. m.]

1864. For your information. Leon Chester Thrasher, engineer, stated to be American citizen but unknown to Embassy, is reported missing, presumably drowned from British ship *Falaba* sunk March 28 in Irish Sea by German submarine.

AMERICAN AMBASSADOR

File No. 300.115G82/1

The Consul General at Rotterdam (Listoe) to the Secretary of State

[Telegram]

ROTTERDAM, April 3, 1915.

Consul Fee, Bremen, wires steamer *Greenbrier*, Captain Dalton, sailed April 1 Bremerhaven New York with general cargo sunk April 2, apparently mine explosion near North Frisian Island Amrom. All thirty-eight members crew saved.

LISTOE

File No. 362.112T41/3

The Secretary of State to the Consul General at London (Skinner)

[Telegram]

WASHINGTON, April 5, 1915.

Your telegram April 1, Thrasher case.¹ Endeavor if possible to obtain from survivors of steamship *Falaba* details regarding sinking of vessel by German submarine, including any attempts at resistance by the *Falaba*, time given for crew and passengers to leave vessel, letter and number of submarine, definite evidence showing that Thrasher was on board, and details as to his drowning. Report briefly by cable as soon as possible. Urgent.

BRYAN

File No. F.W.462.11T41

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

[Telegram]

WASHINGTON, April 6, 1915, 4 p. m.

1471. American citizen reported drowned when British steamship *Falaba* was sunk March 28 by German submarine. Has there been

¹ Not printed.

official report of incident? If not, can you obtain by discreet and unofficial inquiries German account, and particularly reason for torpedoing *Falaba* before crew and passengers had time to withdraw in boats to a distance from vessel sufficient to insure safety when *Falaba* sank? You are urgently requested to report as soon as possible.

BRYAN

File No. 441.11B74/1

The Ambassador in Great Britain (Page) to the Secretary of State

[Telegram]

LONDON, April 6, 1915.

[Received 8 p. m.]

1889. Foreign Office informs me that American steamship *Segurança*, which arrived in the Downs 31st ultimo, carries cargo almost all of which is contraband for named consignees Rotterdam, and states that all this cargo with exception of green coffee should be reconsigned to Netherlands Oversea Trust.

AMERICAN AMBASSADOR

File No. 362.112T41/5

The Consul General at London (Skinner) to the Secretary of State

[Telegram]

LONDON, April 7, 1915.

[Received 4.45 p. m.]

Department's 5th. Craig, managing director, Elder-Dempster, owners *Falaba*, testifies Thrasher embarked as second-class passenger March 27. Vessel torpedoed 28th, Thrasher not among saved. Dr. J. C. Fox, passenger, declares under oath before me saw submarine one mile distant. *Falaba* appeared endeavor to escape but on signal from submarine hove to, no resistance offered. Torpedo fired within ten minutes after *Falaba* hove to, one boat on davits being filled, about forty passengers on deck when torpedo struck. Could see no number or letter on submarine. Saw people swimming near submarine crying to it for help but no assistance was given or notice taken. No reason why submarine should hurry away as only a small trawler in sight on other side of *Falaba*. W. J. Barrell, passenger, sworn before me repeats testimony of Croft, adding: "Had submarine given us ten or fifteen minutes more before firing torpedo, all might have been saved as there were plenty of boats, no excitement, perfect order."

Harry Dibley, passenger, sworn before me, declares *Falaba* sought escape but submarine signaled and *Falaba* hove to, torpedo fired within seven minutes when submarine approached flying British flag and made no attempt to rescue any one. Owing dispersion crew and passengers unable to-day to supply direct evidence Thrasher's drowning. Coroner's inquest at Milford Haven, report proceedings expected to-morrow will be forwarded with affidavits by mail. Can be no doubt that Thrasher perished. Submarine

believed to be *U-31* but number was painted out. Have telegram from Liverpool stating chief officer states positively submarine flew British naval ensign and all witnesses state submarine without letter or number.

SKINNER

File No. 462.11Se8/16

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

[Telegram]

BERLIN, April 5, 1915, 5 p. m.

[Received April 7, 11.05 p. m.]

1984. Your 1446.¹ The following is translation of the reply of the Foreign Office to my note of April 3:²

The undersigned has the honor to make reply to the note of his excellency, Mr. James W. Gerard, Ambassador, the United States [of] America, dated the 3d instant, Foreign Office No. 2892, relative to claims for damages for the sinking of the American merchant vessel *William P. Frye* by the German auxiliary cruiser *Prinz Eitel Friedrich*.

According to the reports which have reached the German Government the commander of the *Prinz Eitel Friedrich* stopped the *William P. Frye* on the high seas January 27, 1915, and searched her. He found on board a cargo of wheat consigned to Queenstown, Falmouth, or Plymouth to order. After he had first tried to remove the cargo from the *William P. Frye* he took the ship's papers and her crew on board and sank ship.

It results from these facts that the German commander acted quite in accordance with the principles of international law as laid down in the Declaration of London and the German prize ordinance. The ports of Queenstown, Falmouth, and Plymouth, whither the ship visited was bound, are strongly fortified English coast places, which, moreover, serve as bases for the British naval forces. The cargo of wheat being food or foodstuffs, was conditional contraband within the meaning of Article 24, No. 1, of the Declaration of London, and Article 23, No. 1, of the German prize ordinance, and was therefore to be considered as destined for the armed forces of the enemy, pursuant to Articles 33 and 34 of the Declaration of London and Articles 32 and 33 of the German prize ordinance, and to be treated as contraband pending proof of the contrary. This proof was certainly not capable of being adduced at the time of the visiting of the vessel, since the cargo papers read to order. This, however, furnished the conditions under which, pursuant to Article 49 of the Declaration of London and Article 113 of the German prize ordinance, the sinking of the ship was permissible, since it was not possible for the auxiliary cruiser to take the prize into a German port without involving danger to its own security or the success of its operations. The duties devolving upon the cruiser before destruction of the ship, pursuant to Article 50 of the Declaration of London and Article 116 of the German prize ordinance, were fulfilled by the cruiser in that it took on board all the persons found on the sailing vessel, as well as the ship's papers.

The legality of the measures taken by the German commander is furthermore subject to examination by the German prize court pursuant to Article 51 of the Declaration of London and Section 1, No. 2, of the German code of prize procedure. These prize proceedings will be instituted before the prize court at Hamburg as soon as the ship's papers are received and will comprise the settlement of questions whether the destruction of the cargo and the ship was necessary within the meaning of Article 49 of the Declaration of London; whether the property sunk was liable to capture; and whether, or to what extent, indemnity is to be awarded the owners. In the trial the owners of ship and cargo would be at liberty, pursuant to Article 34, paragraph 3, of the Declaration of London, to adduce proof that the cargo of wheat had an innocent destination and did not, therefore, have the character of contraband. If such proof is not adduced, the German Government would not be liable for

¹ *Ante*, p. 357.

² See footnote 1, *ante*, p. 357.

any compensation whatever, according to the general principles of international law.

However, the legal situation is somewhat different in the light of the special stipulations applicable to the relations between Germany and the United States, since Article 13 of the Prussian-American treaty of friendship and commerce of July 11, 1799, taken in connection with Article 12 of Prussian-American treaty of commerce and navigation of May 1, 1828, provides that contraband belonging to the subjects or citizens of either party can not be confiscated by the other in any case but only detained or used in consideration of payment of the full value of the same. On the ground of this treaty stipulation, which is as a matter of course binding on the German prize court, the American owners of ship and cargo would receive compensation even if the court should declare the cargo of wheat to be contraband. Nevertheless the approaching prize proceedings are not rendered superfluous since the competent prize court must examine into the legality of the capture and destruction and also pronounce upon the standing of the claimants and the amount of indemnity.

The undersigned begs to suggest that the Ambassador bring the above to the knowledge of his Government and avails himself [etc.]

April 4, 1915.

JAGOW

GERARD

File No. 362.112T41/5

The Secretary of State to the Consul General at London (Skinner)

[Telegram]

WASHINGTON, April 8, 1915.

Your telegram April 7, Thrasher case. Please ascertain positively whether *Falaba* carried guns, mounted or in hold, and ammunition.

BRYAN

File No. 341.115St2/114

The Ambassador in Great Britain (Page) to the Secretary of State

[Telegram]

LONDON, April 8, 1915.

[Received 9 p. m.]

1907. Your 1296, March 20, regarding *Wico*.¹ Foreign Office replies to my representations in the premises stating that it has been decided in this case to permit this vessel to proceed to her destination, and instructions in that sense have already been issued. It is further stated that it is desired to point out that British Government feels that in event of further cargoes going to Stockholm being seized by German ships, the whole question of permitting oil cargoes to proceed to that destination will have to be seriously reconsidered.

AMERICAN AMBASSADOR

File No. 763.72112/986

The Consul General at London (Skinner) to the Secretary of State

[Telegram]

LONDON, April 8, 1915.

[Received April 9, 8 a. m.]

If discharge of innocent cargo necessary to get at prize cargo expenses of warehousing, reshipment and dues must be paid by

¹ *Ante*, p. 354.

ship and if not recoverable from ship then *pro rata* from cargo owners. April 1 I appealed to prize court for ruling which would free ship and innocent cargo from all dues and expenses arising from Government's orders. President replies declining to instruct Admiralty marshal except in consequence of proceedings in form of judgment. Therefore unless representations are made to Government, all detained ships will be required themselves to pay costs resulting exclusively from orders of Admiralty.

SKINNER

File No. 441.11B74/3

The Secretary of State to the Ambassador in Great Britain (Page)

[Telegram]

WASHINGTON, April 9, 1915.

1398. Your 1889, 6th. Inform Foreign Office this Government objects on behalf of owners to detention of *Seguranga*. Shipper's manifest shows entire cargo consigned to named consignees, Holland, and is accompanied by certificate of British Consul General, New York, that loading was supervised by his inspector, and vessel contains no cargo other than specified in manifest. This Government does not admit right of British Government to require that this cargo be reconsigned to Netherlands Oversea Trust, and will support claims of owners of vessel and cargo for damages for detention.

For information yourself and Consul General. Owners of vessel endeavoring to arrange reconsignment to Oversea Trust and willing, if necessary for prompt release of vessel and cargo, that representative British Government be sent on ship to Rotterdam at owners' expense to place in storage all articles not delivered to Oversea Trust. This Government will not participate in any arrangements recognizing right of British Government to interfere with this vessel and cargo, but you may submit owners' suggestion as coming from them, and render such assistance as is possible to secure prompt release. Show Consul General owners' cable April 7 to you.

BRYAN

File No. 362.112T41/7

The Consul General at London (Skinner) to the Secretary of State

[Telegram]

LONDON, April 9, 1915.

[Received 5.30 p. m.]

Department's 8th.¹ Number passengers on board *Falaba* 147, all on board 242; number of passengers rescued 89, all rescued 136. Chief Officer Baxter's affidavit declares submarine first signaled "stop and abandon ship" but *Falaba* continued whereupon submarine changed signal to "stop or will fire" whereupon *Falaba* stopped. Quartermaster Harrison confirms this but interprets first signal as "stop immediately." Chief Bedroom Steward Ellams swears per-

¹ Not printed.

sonally heard megaphone message to Captain now dead giving ten minutes to get to boats. All signals took place before firing torpedo, none after. Chief Officer Baxter swears submarine flew British ensign when sighted but hoisted German flag after overhauling *Falaba*, and while he was executing Captain's order to wireless that German submarine was following flying British colors.

SKINNER

File No. 341.115G82/37

The Ambassador in Great Britain (Page) to the Secretary of State

[Telegram]

LONDON, April 8, 1915.

[Received April 9, 8 p. m.]

1903. The Prime Minister has just handed me the following, which I have communicated to Hayes and Brooking, who strongly recommend its acceptance by their principals:

His Majesty's Government share the desire of the United States Government for an immediate settlement of the case of the *Wilhelmina*. This American ship laden with foodstuffs left New York for Hamburg on January 22. She called at Falmouth of her own accord on February 9 and her cargo was detained as prize on February 11. The writ instituting prize-court proceedings was issued on February 27, and claimed that the cargo should be condemned as contraband of war. No proceedings were taken or even threatened against the ship itself, and in the ordinary course the cargo would have been unloaded when seized so that the ship would be free to leave. The owners of the cargo, however, have throughout objected to the discharge of the cargo and it is because of this objection that the ship is still at Falmouth with the cargo on board.

His Majesty's Government have formally undertaken that even should the condemnation of the cargo as contraband be secured in the prize court they would none the less compensate the owners for any loss sustained in consequence of the ship having been stopped and proceedings taken against the cargo.

It was understood at the time that the proceedings in the prize court would be in the nature of a test case, the decision in which would govern the treatment of any subsequent shipments of food supplies to Germany in similar circumstances. Since then the situation has, however, materially changed by the issue of the order in council of March 11, 1915, and the measures taken thereunder which prevent further supplies being sent from America to Germany, whether contraband or not.

In these circumstances there is no longer any object in continuing the judicial proceedings in the case of the *Wilhelmina*; for it can no longer serve as a test case, and it is really agreed that the owners of the cargo, even if proved to have no claim, are to be treated as if their claim was good. Nothing therefore remains but to settle the claim on proper and just conditions, and this would, in the opinion of His Majesty's Government, be secured most expeditiously and with the least inconvenience to all parties by an agreement between the Crown and the claimants for the disposal of the whole matter. His Majesty's Government accordingly propose that such an agreement be arrived at on the following terms:

"His Majesty's Government having undertaken to compensate the claimants by paying for the cargo seized on the basis of the loss of the profit the claimants would have made if the ship had proceeded in due course to Hamburg, and by indemnifying them for the delay caused to the ship so far as this delay has been due to the action of the British authorities, all proceedings in the prize court shall be stayed, on the understanding that His Majesty's Government buy the cargo from the claimants on the above terms. The cargo shall be discharged and delivered to the proper officer of the Crown forthwith. The sum to be paid shall be assessed by a single referee nominated jointly by the Ambassador of the United States of America and His Majesty's Principal Secretary of State for Foreign Affairs, who shall certify the total amount after

making such inquiries as he may think fit, but without formal hearing or arbitration."

His Majesty's Government would be grateful if the United States Ambassador would inform the claimants of the above proposal at his early convenience and obtain their acceptance.

AMERICAN AMBASSADOR

File No. F.W.462.11T41

The Consul General at London (Skinner) to the Secretary of State

[Telegram]

LONDON, April 10, 1915.

[Received 8.30 a. m.]

Department's 8th. Harry Pengelly, third officer of *Falaba*, makes affidavit no guns carried, mounted or unmounted, and no ammunition for ship's purposes. John Craig, Liverpool, managing director, Elder-Dempster, makes affidavit did not carry guns mounted or in hold and no ammunition for ship's purposes. Consul, Liverpool, states ship wholly unarmed but amongst cargo in hold number three and four between decks was parcel [?] ammunition weighing twelve to thirteen tons consisting of fuses and cartridges destined for West Coast Africa. Pengelly also swears that time between flying first signals by submarine and striking of torpedo was about twenty-five minutes, between flying second signal and striking about ten minutes.

SKINNER

File No. 362.112T41/10

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

[Telegram]

BERLIN, April 10, 1915.

[Received April 11, 7.30 p. m.]

2026. My 2021, April 9, 6 p. m.¹ Our naval attaché was told by officer at Marine Department that the German side of sinking of the *Falaba* was given in the *North German Gazette*, the official newspaper, April 2, and that nothing more would be said. The article referred to reads in part as follows:

The *Falaba* lies! Until now it has almost always been stated, even by Englishmen, that opportunity was given crews of ships doomed to destruction to leave their vessel. That is a postulate of humanity and it is a matter of course that our submarine commanders are obedient to it as long as ever possible from the military standpoint, but naturally not a moment longer. This humanity is, however, rendered practically impossible for our submarines the moment England offers rewards to her merchant vessels which ram submarines and systematically trains them for combat. Since England proceeds in such a manner every English merchant vessel is not only confiscable enemy's property but is under suspicion of a hostile act of an attack and our submarines are bound to observe greatest caution. When a submarine is lying alongside such valuable booty and other ships approach, as is possibly the case in this instance, the time for rescuing crew and passengers is limited to such time as the other vessels may require to reach a proximity which might imperil the submarine. At this instant the military necessity of action arises; that is, it becomes im-

¹ Not printed.

perative to sink the steamer which has been stopped. This is therefore merely a consequence of the instructions which England's merchant vessels received to attack our submarines. In counseling her merchant vessels to aggression England sowed the winds; may she now reap the storm!

GERARD

File No. 341.115G82/37

The Secretary of State to the Ambassador in Great Britain (Page)

[Telegram]

WASHINGTON, April 12, 1915.

1407. Your 1903, 8th. Attorneys for *Wilhelmina* inform Department that April 10 they cabled their representative, London, authorizing acceptance in substance British proposal, leaving details to him. They request proceedings be expedited. You are authorized render all possible assistance.

BRYAN

File No. 341.115St2/114

The Secretary of State to the Ambassador in Great Britain (Page)

[Telegram]

WASHINGTON, April 12, 1915, 6.12 p. m.

1408. Your April 8, 1907. You will say to British Government, in replying to its statement regarding release steamer *Wico*, that this Government considers that any seizure of American cargoes which might be made by the German authorities would be a matter which should be adjusted between the Government of the United States and the German Government, and further say that the Government of the United States does not perceive that any such action on the part of the German authorities could afford justification for seizures of American cargoes by the British authorities.

BRYAN

File No. 362.112T41/10

The Secretary of State to the Ambassador in Great Britain (Page)

[Telegram]

WASHINGTON, April 12, 1915.

1411. The *North German Gazette* of April 2 contains the following:

The *Falaba* lies! Until now it has almost always been stated, even by Englishmen, that opportunity was given crews of ships doomed to destruction to leave their vessel. That is a postulate of humanity and it is a matter of course that our submarine commanders are obedient to it as long as ever possible from the military standpoint, but naturally not a moment longer. This humanity is, however, rendered practically impossible for our submarines the moment England offers rewards to her merchant vessels which ram submarines and systematically trains them for combat. Since England proceeds in such a manner, every English merchant vessel is not only confiscable enemy's property but is under suspicion of a hostile act of an attack and our submarines are bound to observe greatest caution.

Please inform us whether any order has been issued giving reward to merchant vessels which ram submarines and whether merchant vessels are trained to combat with submarines.

BRYAN

File No. 763.72112/999

The Ambassador in Great Britain (Page) to the Secretary of State

No. 1136]

LONDON, *March 30, 1915.*

[*Received April 13.*]

SIR: Pursuant to the instructions of the Department relative to the transmission of all published official documents respecting the present state of hostilities, I have the honor to enclose herewith seven copies each of the following:

. . .
Order in Council (prize court rules) of March 23, 1915.
. . .

I have [etc.]

WALTER HINES PAGE

[Enclosure]

ORDER IN COUNCIL OF MARCH 23, 1915

WHEREAS by section 3 of the prize courts act, 1894, His Majesty in Council is authorized to make rules of court for regulating, subject to the provisions of the naval prize act, 1864, and the said act, the procedure and practice of prize courts within the meaning of the naval prize act, 1864, and the duties and conduct of the officers of the courts and of the practitioners therein, and for regulating the fees to be taken by the officers thereof, and the costs, charges, and expenses to be allowed to the practitioners therein;

And whereas in pursuance of the prize courts act, 1894, certain rules were made by the Order of His Majesty in Council, dated the 5th day of August, 1914, and amended by the Orders of His Majesty in Council of the 30th day of September, 1914, and the 28th day of November, 1914, respectively, which said rules and amended rules were by the said Orders in Council directed to take effect *provisionally* in accordance with the provisions of section 2 of the rules publication act, 1893, from the dates of the said Orders in Council, respectively;

And whereas the provisions of section 1 of the rules publication act, 1893, were duly complied with in respect of the said rules and amended rules, and the same were *finally* made by the Orders of His Majesty in Council, dated respectively the 17th day of September, 1914, the 28th day of November, 1914, and the 3d day of February, 1915;

And whereas it is expedient that the said rules and amended rules should be further amended;

And whereas on account of urgency this Order should come into immediate operation:

Now, therefore, His Majesty, by virtue of the powers in this behalf by the said act or otherwise in him vested, is pleased, by and with the advice of his Privy Council, to order, and it is hereby ordered, as follows:

1. That in Order IX (discovery, inspection, and admission of documents and facts) of the said rules:

In rule 1, the words "upon filing an affidavit" shall be omitted.

In rule 1, instead of the words "any other party" there shall be substituted the words "any party other than the proper officer of the Crown."

2. That in Order XI (sale, appraisement, safe custody, and inspection of prize) of the said rules, in rule 1, the following words shall be omitted: "on account of the condition of a ship, or on application of a claimant, and on or after condemnation."

3. That in Order XV (evidence and hearing) of the said rules, the following rule shall be added:

21. Notwithstanding anything contained in these rules the proper officer of the Crown may apply to the judge for leave to administer interrogatories for the examination of any person whether a party to the cause or not.

4. That Order XXIX (requisition by Admiralty) of the said rules, as amended by His Majesty's Order in Council dated the 28th day of November, 1914, shall be, and the same is hereby, revoked, and in lieu thereof the following order shall have effect:

ORDER XXIX—REQUISITION

1. Where it is made to appear to the judge on the application of the proper officer of the Crown that it is desired to requisition on behalf of His Majesty a ship in respect of which no final decree of condemnation has been made, he shall order that the ship shall be appraised, and that upon an undertaking being given in accordance with rule 5 of this order, the ship shall be released and delivered to the Crown.

2. Where a decree for the detention of a ship has been made in accordance with Order XXVIII, the proper officer of the Crown may file a notice (Appendix A, Form No. 55) that the Crown desires to requisition the same, and thereupon a commission (Appendix A, Form No. 56) to the marshal directing him to appraise the ship shall issue. Upon an undertaking being given in accordance with rule 5 of this order the ship shall be released, and delivered to the Crown. Service of this notice shall not be required before filing, but copies thereof shall be served upon the parties by the proper officer of the Crown as soon thereafter as possible.

3. Where in any case of requisition under this order it is made to appear to the judge on behalf of the Crown that the ship is required for the service of His Majesty forthwith, the judge may order the same to be forthwith released, and delivered to the Crown without appraisal.

4. In any case where a ship has been requisitioned under the provisions of this order and whether or not an appraisal has been made, the court may, on the application of any party, fix the amount to be paid by the Crown in respect of the value of the ship.

5. In every case of requisition under this order an undertaking in writing shall be filed by the proper officer of the Crown for payment into court on behalf of the Crown of the appraised value of the ship, or of the amount fixed under rule 4 of this order, as the case may be, at such time or times as the court shall declare by order that the same or any part thereof is required for the purpose of payment out of court.

6. Where in any case of requisition under this order it is made to appear to the judge on behalf of the Crown that the Crown desires to requisition the ship temporarily, the court may, in lieu of an order of release, make an order for the temporary delivery of the ship to the Crown, and subject as aforesaid the provisions of this order shall apply to such a requisition; provided that, in the event of the return of the ship to the custody of the court, the court may make such order as it thinks fit for the release of the undertaking given on behalf of the Crown or the reduction of the amount undertaken to be paid thereby, as the case may be; and provided also that, where the ship so requisitioned is subject to the provisions of Order XXVIII, rule 1, relating to detention, the amount for which the Crown shall be considered liable in respect of such requisition shall be the amount of the damage, if any, which the ship has suffered by reason of such temporary delivery as aforesaid.

7. The proceedings in respect of a ship requisitioned under this order shall continue notwithstanding the requisition.

8. In any case of requisition of a ship in respect of which no cause has been instituted, any person interested in such ship may, without issuing a writ, provided he does not intend to make a claim for restitution or damages, apply by summons for an order that the amount to be paid in respect of such ship be fixed by the court, and the judge may, on the hearing of such summons, order the ship to be appraised or to be valued, or give such other directions for fixing the amount as he may think fit.

5. That in Form 4 in Appendix A to the said rules there shall be omitted the words "commander of our ship of war" and the words "taken and seized as prize by our said ship of war."

6. This order shall take effect provisionally in accordance with the provisions of Section 2 of the rules publication act, 1893, from the date hereof.

ALMERIC FITZROY

File No. 362.112T41/13

The Ambassador in Great Britain (Page) to the Secretary of State

[Telegram]

LONDON, April 13, 1915, 11 p. m.

[Received 3.15 p. m.]

1917. Your 1399, April 9, 8 p. m.¹ British Government have made no declaration of policy in this regard. There are no indications that any ships engaged in regular cross-channel or Irish Sea services have been armed and the same is true with regard to the large transatlantic liners going to American ports. There have been no reports, official or unofficial, that any of the English ships which have been torpedoed or pursued by submarines have used guns to defend themselves.

There was private talk at one time that a few merchantmen in British waters were armed but no proof can be got that this was true. The same must be said about current reports that some merchantmen engaged in oversea traffic have been armed.

I learn from a reliable source that there are at Liverpool three ocean-going liners with names painted out which have mounted guns apparently four point sevens aft. These ships may be intended for transports but have not yet at all events been painted navy gray.

AMERICAN AMBASSADOR

File No. F.W.462.11T41

The Ambassador in Great Britain (Page) to the Secretary of State

[Telegram]

LONDON, April 13, 1915, noon.

[Received 7 p. m.]

1918. Your telegram 1411, April 12. When the so-called submarine blockade was instituted rewards were offered publicly by private persons and organizations to merchant vessels for sinking German submarines. Claim for these rewards has been put in by several ships.

There is no record that the Government have offered such rewards but the press states that the steamer *Thordis* has received a sum of money from the Admiralty for sinking an enemy submarine.

The Admiralty has issued instructions to merchant vessels as how to best avoid attack by submarines but I know of no instructions having been issued to merchant vessels with regard to attacking submarines.

AMERICAN AMBASSADOR

¹Ante, p. 159.

File No. 300.115/2902

The Ambassador in Great Britain (Page) to the Secretary of State

[Telegram]

LONDON, April 13, 1915.

[Received 9 p. m.]

1920. Foreign Office informs me that American steamship *Ogeechee* has arrived at Stornoway with cargo loaded entirely at Bremen which port she left April 3, and that under terms of order in council of March 11, vessel has been ordered to proceed to Sharpness to discharge cargo, after which she will be permitted to proceed to her destination.

AMERICAN AMBASSADOR

File No. 341.115 P51/37

The Secretary of State to the Ambassador in Great Britain (Page)

[Telegram]

WASHINGTON, April 14, 1915.

1421. Department informed American steamer *Joseph W. Fordney*, which sailed from New York March 20, was seized four miles off Norwegian coast and in charge of prize crew brought into Kirkwall April 8. Ship's manifest, copy of which has been furnished Department, shows cargo consists entirely of cattle fodder consigned to E. Klingener, Malmö, Sweden. It appears from other information presented to Department, affidavit regarding character and destination of cargo made by president of Atlantic Export Company of New York, shipper of entire cargo, was attached to bill of lading; that this affidavit contained certification of British Consul General and Swedish Consul and also a statement by latter to effect that exportation from Sweden of goods of which cargo consists is prohibited. It further appears vessel was loaded under supervision British consular officers, who sealed her hatches prior to sailing. Department from information in its possession is strongly inclined to believe that proper examination of the vessel has not disclosed evidence of any illegal shipment, and that seizure of the vessel is another illustration of the deplorable disregard of rights of American shippers by British naval authorities. If vessel is still held on receipt of this telegram, communicate with Foreign Office in sense of the foregoing and request immediate release of vessel if examination has not revealed evidence she carried contraband shipment.

BRYAN

File No. 763.72112/1025a

The Secretary of State to the Ambassador in Great Britain (Page)

[Telegram]

WASHINGTON, April 15, 1915, 9 a. m.

1422. Reports hitherto received *Antilla* and similar cases furnish no explanation justifying British Government for extraordinary delay in determining which shipments to seize, in unloading cargo, taking prize-court proceedings, and consequent unnecessary deten-

tion vessels. Can you and Consul General furnish any additional explanations, suggestions and facts which would be useful to Department in making representations to British Government against such delays? Report promptly.

BRYAN

File No. F.W.462.11T41

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

[Telegram]

BERLIN, April 14, 1915, 8 p. m.

[Received April 16, 8 a. m.]

2044. My 2039, April 13, 6 p. m.¹ The following statement about sinking of *Falaba* was to-day given officially to Commander Gherardi of the Navy Department:

The submarine signaled to the steamer *Falaba*, "Lay to immediately or I shall shoot." Without heeding this the steamer ran away and even made rocket signals calling for help and could not be rejoined until after a chase lasting a quarter of an hour. Although the submarine was in danger of being shot at by the steamer or attacked by approaching vessels, it nevertheless did not shoot immediately but when it had come within five hundred meters of the steamer megaphoned the order to leave the ship within ten minutes. This order was likewise signaled. The lowering of the boats had already begun on the steamer. While this took place in an unseamanlike manner in part so that several boats were damaged in the attempt, some of the crew of the vessel quickly saved themselves in boats and remained in the neighborhood without, however, lending assistance of any kind to the passengers struggling in the water although it would have been possible for them to do so. From the time of the command to leave the ship to the firing of their torpedo twenty-three minutes elapsed, not ten as at first allowed, and preceding this the chase had taken place which could have been utilized to clear the boats. The assertion that the time allowed was only five or even three minutes is untrue.

The torpedo was not discharged until the approach of suspicious vessels from which attacks had to be expected forced the commander to act more quickly. When the shot went off nobody else was to be seen on the ship but the captain who bravely stayed at his post. It was not until afterwards that some persons became visible who were trying to get a boat. Of the crew of the submarine the men required to handle the guns and for signaling were at their posts on deck. It was denied them to do any rescuing work because a submarine cannot take on any passengers. To defend our crew against the calumnious accusation of having laughed mockingly would be a waste of words. At the legal hearing in England no one of the witnesses who testified dared to make this charge.

It is likewise untrue that the submarine flew the English flag at any time.

During the whole occurrence the submarine displayed as much consideration as was at all compatible with its safety. It is regrettable that human lives were lost but the responsibility falls on England who arms her merchant vessels and makes them participate in operations of war and attacks on submarines.

GERARD

File No. 763.72112/1027

The Secretary of State to the Consul General at London (Skinner)

[Telegram]

WASHINGTON, April 16, 1915.

Your telegram March 27.² Department presumes prize-claims committee will consider only claims growing out of detention of ships and cargoes which have actually come within jurisdiction prize

¹ Not printed.

² *Ante*, p. 356.

court and not claims growing out detentions of vessels and cargoes in cases where writs of prize court have not been issued. Adjudication of claims by a committee seems to supplant remedy pointed out in British note of February 10, 1915, to Ambassador, regarding suits for damages in prize court in accordance with Order V, rule 2, British prize court rules. Endeavor obtain full information regarding these matters. Report by telegraph.

BRYAN

File No. 763.72112/1011

The Consul General at London (Skinner) to the Secretary of State

[Telegram]

LONDON, April 16, 1915.

[Received 3.20 p. m.]

Advise as means of determining facts that Department Commerce instruct American port authorities to forward promptly this office certified copy manifests all ships proceeding to Europe with information as to inspection cargo by British consul, charterer's name and other pertinent details.

SKINNER

File No. 763.72112/1028

The Consul General at London (Skinner) to the Secretary of State

[Telegram]

LONDON, April 17, 1915.

[Received 10 a. m.]

Department's 16th. Adjudication by prize-claims committee does not supplant remedy provided in Order V, rule 2, of prize court rules. Committee considers exclusively equity claims of ship repairers, mortgagees and like against ships or cargoes already finally dealt with by prize court, who are deprived of ordinary remedies and cannot appear in ordinary proceedings.

SKINNER

File No. 763.72112/1026

The Ambassador in Great Britain (Page) to the Secretary of State

[Telegram]

LONDON, April 19, 1915.

[Received 3.05 p. m.]

1950. Referring to the Department's 1422 of 15th and Consul General's cable 15th [16th] proposing that certified copies of manifests and other pertinent information relating to outward-bound ships be forwarded to Consul General in order to have material facts promptly available, it is suggested further that our Government undertake if possible to guarantee that cargo in every case conform to manifest and that relevant facts relating to each outgoing ship be cabled and laid before British authorities in order to obtain decision from them prior to actual arrival of vessel concerned

whether ship should be detained or allowed to proceed. In case British authorities insist upon detention after consideration of this evidence we should then have from ten days to two weeks to discuss question prior to actual arrival of vessel and could direct ship to a specified discharging port, thus avoiding long delays at Kirkwall and Stornoway.

At conference with Consul General it was also thought that it might be desirable, should it meet with Department's approval, to address an informal memorandum to Sir Edward Grey and to state that while the Government of the United States did not alter for a moment its views or the position which it had clearly set forth in its previous formal notes to the British Government, nevertheless it would be glad to receive a proposal of practical measures which might be adopted by American shippers so that American ships and cargoes could proceed to their destination without interference or delay on the part of the British naval authorities.

AMERICAN AMBASSADOR

File No. 341.115P51/39

The Ambassador in Great Britain (Page) to the Secretary of State

[Telegram]

LONDON, April 19, 1915.

[Received 5.55 p. m.]

1955. Your 1421, 14th. Foreign Office informs me British Government have decided to discharge the cargo on *Joseph W. Fordney* on ground that it is believed to be intended for Germany.

AMERICAN AMBASSADOR

File No. 763.72112/1037

The Consul General at London (Skinner) to the Secretary of State

[Telegram]

LONDON, April 20, 1915, 6 p. m.

[Received 8 p. m.]

My 16th and referring to suggestions to Ambassador reported in his telegram after conference Saturday. I saw Admiral Slade Monday evening who said in private conversation if contents manifests, indicating consignor and consignee, quantity of article and destination cargo, were cabled to Consulate General promptly and laid before British authorities, they would undoubtedly immediately state whether ship must be detained and would endeavor to adjust matters of controversy before arrival of vessel so that ship might proceed or be directed to actual discharging port instead of sojourning uselessly week or more at Kirkwall or Stornoway. He believes this would largely obviate future trouble. He appeared deeply impressed by my statement that British Government must provide definite practical means of assuring uninterrupted innocent commerce with neutral countries, promising his support in interdepartmental committee in which his authority is great. I suggested that no arrangements would be satisfactory which did not include purchase of cargoes in suspense without costly and protracted prize-

court delays and canceling of rules whereby American ships must pay burdensome dues and discharging and loading costs arising out of enforced detention. He readily acknowledged correctness the view. If Department can adopt foregoing without derogation to American standpoint believe that note to British Government would lead to working agreement.

SKINNER

File No. 763.72112/1054

The Consul General at London (Skinner) to the Secretary of State

No. 394]

LONDON, April 14, 1915.

[Received April 27.]

SIR: Referring to the Department's instruction to the Ambassador, No. 1398, dated April 9,¹ in regard to the *Segurança* and to the long detention of the *S. S. Kim, Fridland, Alfred Nobel, Björnstjerne Björnson*, and many other vessels, I have the honor to suggest that it is most difficult to make substantial progress in securing the release of these vessels and others similarly situated and their cargoes, for the reason that the British authorities are acting almost entirely on suspicions and are very slightly concerned respecting legal rights, or for that matter, their own rules. Even in the case of cotton-carrying ships which cleared from the United States with cargoes passed by British consuls, and certificates from British consuls proving that the goods were sold prior to March 2 and forwarded under freight engagements of earlier date than March 31, protracted delays arise and there is no apparent disposition to propose a line of conduct which would render the dispatch of shipping from the United States to neutral ports less hazardous than it is.

Obviously the American Government cannot recognize the right of the British Government to set up rules and regulations which are beyond the limits of international law, and therefore is denied the possibility of initiating a discussion with a view to arranging for the dispatch of vessels from American ports in a manner agreeable to the British authorities. On the other hand, I am convinced that there is no inclination in this country to lighten the weight of existing regulations in the slightest respect or to take any chances whatever under which occasional cargoes might filter through to or from Germany.

I can see but one possible hope of reaching a relatively satisfactory working basis, and that by provoking in some way a meeting in London of representatives of the principal shipping interests for the purpose of formulating definite proposals to the British Government. It seems not beyond the range of possibility that these proposals, emanating from purely private organizations, might bring forth a set of rules governing the dispatch of cargoes to and from the United States. Conceivably, the American Government might consent to deliver manifests to departing vessels conclusively showing that the cargo was forwarded in accordance with the agreement, and thereupon the British Government would undertake not to interfere with the free navigation of such vessels. Our own Gov-

¹Ante, p. 362.

ernment would not waive any of its rights or alter its point of view, but would merely lend itself to private interests, guaranteeing a state of fact for the benefit of those immediately concerned.

If this arrangement could be put into effect, vessels departing from American ports which neglected or declined to adhere to this arrangement would be no less well off than they are at present and would have every opportunity of submitting claims to the British Government for future consideration.

The Department cannot initiate any such effort as I have briefly outlined, but may be inclined to lend itself to the carrying out of the proposals should they ever take definite form. I have not discussed this matter with any person whatever, nor shall I do so without first being advised that there are no objections to my doing so.

As the whole problem now stands, there appears to be little to do but to make representations here and there, and eventually to submit a claim for damages sustained.

I have [etc.]

ROBERT P. SKINNER

File No. 763.72112/1055

The Consul General at London (Skinner) to the Secretary of State

No. 406]

LONDON, April 16, 1915.

[Received April 27.]

SIR: Referring to the Ambassador's telegram to the Department dated April 6,¹ stating on behalf of the British Foreign Office that all cargo of the S. S. *Segurança*, except green coffee, "should be reconsigned to the Netherlands Oversea Trust," and subsequent correspondence on the same subject, I have the honor to call attention again to the attitude of the British Government in undertaking to force the reconsignment of goods to the Netherlands Oversea Trust at the expense of shippers, and its assumption that goods not so consigned are forwarded in violation of existing laws and regulations notwithstanding the plain prescriptions of the Declaration of London, Order in Council No. 2, of October 29, 1914.

While the British authorities are, in practice, requiring the reconsignment of cargoes of absolute and conditional contraband to the Dutch Government, or to the Netherlands Oversea Trust, as though these were requirements of international or municipal law, as a matter of fact the only known rule for which it accepts responsibility is the Declaration of London, Order in Council No. 2, already referred to.

Some time ago I requested the Ambassador to ascertain why ships were being detained and compelled to reassign to the Netherlands Oversea Trust, and whether the Order in Council No. 2 had been modified to require reconsignment to that concern, and the answer from the Foreign Office now received is as follows:

Sir E. Grey presents his compliments to the United States Ambassador and, with reference to the enquiry made by his excellency as to consignments of

¹Ante, p. 359.

cargoes to the Netherlands Oversea Trust, has the honour to reply that, with the exception of an announcement of the Board of Trade (copy of which is enclosed for his excellency's information) concerning the export of tin, no official notice of the arrangement made with the Netherlands Oversea Trust has been published in this country.

Instructions were however telegraphed on February 24 last to His Majesty's Ambassador at Washington and through him to the British consular officers in the United States to advise American exporters and shippers as to consigning goods to the Netherlands Oversea Trust, as was explained at the time in a letter addressed by Sir E. Crowe under the same date to Mr. Laughlin.

I have [etc.]

ROBERT P. SKINNER

File No. 763.72112/1059

The Consul General at London (Skinner) to the Secretary of State

No. 396]

LONDON, *April 13, 1915.*

[*Received April 27.*]

SIR: Referring to the Department's cabled instruction of April 2, 1915,¹ in regard to the preparation of claims, I have the honor to state that in each case where goods are released to the claimants without going through the prize court, an indemnity in the following terms must first be signed:

IN PRIZE

S. S. -----

WHEREAS the undermentioned goods have been seized as prize;

And whereas -----
claims to be entitled to the goods hereafter described and has requested the procurator general to consent to an order for the release to him of the said goods;

And whereas the procurator general is willing upon receiving the following indemnity (and subject to such other conditions (if any), as may have been arranged between the parties) to consent to such an order:

Now in consideration of the procurator general agreeing to give such consent the said ----- undertakes to indemnify the procurator general whether on his own behalf or on behalf of the Crown or on behalf of the Admiralty marshal or of any officer or official of the Crown or of the prize court or of any person acting under the authority or instructions of the same or of any one or more of them against all petitions (including petitions of right) claims proceedings actions or demands for or in respect or on account of the goods or any part thereof or any proceeds thereof or arising directly or indirectly out of or connected with the seizure, detention or release of the goods or any part thereof and against all costs damages and expenses in respect of the premises.

Description of goods above referred to:

Witness to the signature of the said: -----

Claimants have no choice but to sign the foregoing and I should be glad to be informed whether or not, in the view of the Department, the execution of these documents terminates or in any way modifies the right of such claimants to demand eventually reimbursement of expenses and other losses sustained in consequence of the action of the British Government.

I have [etc.]

ROBERT P. SKINNER

¹ Not printed.

File No. 341.115P51/37

The Secretary of State to the Ambassador in Great Britain (Page)

[Telegram]

WASHINGTON, April 27, 1915.

1473. Your 1955, 19th. Department, presuming that you, of course, delivered to Foreign Office a communication in the language of Department's 1421, April 14, is surprised that British Government should furnish no more satisfactory reply than that contained in your telegram under acknowledgment. This Government must insist that the legal rights of American shippers be respected. The information presented to the Department regarding the character and destination of the cargo of the steamer *Joseph W. Fordney* prompted the Department's belief that examination of her would not disclose evidence of illegal shipments warranting her seizure. This Government, therefore, felt justified in requesting the release of the vessel in case such evidence had not been disclosed. From the statement received from the British Government regarding the seizure of the vessel this Government is confirmed in its conclusion that such evidence has not been disclosed and that, therefore, the seizure of the vessel is unwarranted.

Bring matter again to the attention British Government with a view to obtaining satisfactory statement from them regarding the apparently unwarranted and illegal seizure of this vessel.

BRYAN

File No. 341.115P51/46

The Ambassador in Great Britain (Page) to the Secretary of State

[Telegram]

LONDON, April 27, 1915.

[Received 7.55 p. m.]

1998. My 1995 [1955] of 19th.¹ Foreign Office informs me that British Government never had any intention of seizing the *Joseph W. Fordney*, but that, as the result inquiries, they have decided to detain her cargo under order in council of March 11, on ground that the ostensible consignee does not exist at the port to which the bills of lading were made out.

AMERICAN AMBASSADOR

File No. 462.11Se8/16

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

[Telegram]

WASHINGTON, April 28, 1915, 4 p. m.

1583. You are instructed to present the following note to the German Foreign Office:

In reply to your excellency's note of the 5th [4th] instant,² which the Government of the United States understands admits the liability of the Imperial Ger-

¹Ante, p. 372.²Ante, p. 360.

man Government for the damages resulting from the sinking of the American sailing vessel *William P. Frye* by the German auxiliary cruiser *Prinz Eitel Friedrich* on January 28 last, I have the honor to say, by direction of my Government, that while the promptness with which the Imperial German Government has admitted its liability is highly appreciated, my Government feels that it would be inappropriate in the circumstances of this case, and would involve unnecessary delay, to adopt the suggestion in your note that the legality of the capture and destruction, the standing of the claimants, and the amount of indemnity should be submitted to a prize court.

Unquestionably the destruction of this vessel was a violation of the obligations imposed upon the Imperial German Government under existing treaty stipulations between the United States and Prussia, and the United States Government, by virtue of its treaty rights, has presented to the Imperial German Government a claim for indemnity on account of the resulting damages suffered by American citizens. The liability of the Imperial German Government, and the standing of the claimants as American citizens, and the amount of indemnity are all questions which lend themselves to diplomatic negotiation between the two Governments, and happily the question of liability has already been settled in that way. The status of the claimants and the amount of the indemnity are the only questions remaining to be settled, and it is appropriate that they should be dealt with in the same way.

The Government of the United States fully understands that, as stated in your excellency's note, the German Government is liable under the treaty provisions above mentioned for the damages arising from the destruction of the cargo as well as from the destruction of the vessel. But it will be observed that the claim under discussion does not include damages for the destruction of the cargo, and the question of the value of the cargo therefore is not involved in the present discussion.

The Government of the United States recognizes that the German Government will wish to be satisfied as to the American ownership of the vessel, and the amount of the damages sustained in consequence of her destruction.

These matters are readily ascertainable and if the German Government desires any further evidence in substantiation of the claim on these points in addition to that furnished by the ship's papers, which are already in the possession of the German Government, any additional evidence found necessary will be produced. In that case, however, inasmuch as any evidence which the German Government may wish to have produced is more accessible and can more conveniently be examined in the United States than elsewhere, on account of the presence there of the owners and captain of the *William P. Frye* and their documentary records, and other possible witnesses, the Government of the United States ventures to suggest the advisability of transferring the negotiations for the settlement of these points to the Imperial German Embassy at Washington.

In view of the admission of liability by reason of specific treaty stipulations, it has become unnecessary to enter into a discussion of the meaning and effect of the Declaration of London, which is given some prominence in your excellency's note of April 5, further than to say that, as the German Government has already been advised, the Government of the United States does not regard the Declaration of London as in force.

BRYAN

File No. 441.11B74/13

The Ambassador in Great Britain (Page) to the Secretary of State

[Telegram]

LONDON, *April 28, 1915.*

[Received 1.30 p. m.]

2002. Your 1471, 26th.¹ Replying to my representations of 17th instant Foreign Office advises me as follows:

¹ Not printed.

The steamship *Seguranca* was allowed to proceed on April 22, all the consignees having agreed to receive their goods through the Netherlands Oversea Trust.

While His Majesty's Government do not "require" cargoes to be consigned to the Netherlands Oversea Trust, they do accept a consignment in that form as proof that the cargo is intended for *bona fide* consumption in Holland, and they find by experience that no objection to that course is raised by reputable shippers and consignees.

As this practice has greatly facilitated and expedited the release of vessels bound for Dutch ports when brought in or calling for examination, it is hoped that the United States Government will not do anything to interfere with its smooth working in the future.

AMERICAN AMBASSADOR

File No. 362.115St21

The Minister in the Netherlands (Van Dyke) to the Secretary of State

[Telegram]

THE HAGUE, April 30, 1915.

[Received 9.08 p. m.]

255. American Consul, Rotterdam, reports American steamship *Cushing*, Captain Herland, with petroleum from New York to Rotterdam, flying American flag, was attacked by German aeroplane near North Hinder Lightship, afternoon April 29. Three bombs dropped, one struck ship causing damage but no life lost.

VAN DYKE

File No. 300.115G95

The Consul at Plymouth (Stephens) to the Secretary of State

[Telegram]

PLYMOUTH, undated.

[Received May 3, 1915, 12.55 p. m.]

American tank steamer *Gulflight* torpedoed off Scilly 1st instant. Captain died heart failure, body landed. Two of crew drowned, thirty-four saved. Vessel afloat, patrol boats attempting tow her into Scilly.

STEPHENS

The Secretary of State to the Ambassador in Great Britain (Page)¹

[Telegram]

WASHINGTON, May 3, 1915.

1500. Reported American tank steamer *Gulflight* torpedoed off Scilly May 1. Please obtain detailed report and forward Department immediately. Cabling American Consul Plymouth to-day for detailed report.

BRYAN

¹The same to the Ambassador in Germany, No. 1612, May 3.

File No. 300.115/3187a

The Secretary of State to the Consul General at London (Skinner)

[Telegram]

WASHINGTON, May 3, 1915.

Ogeechee evidently carried mixed cargo consisting of numerous shipments. Department has by now received approximately a hundred complaints from American consignees regarding detention of goods which they desire have promptly released. In numerous instances it appears American merchants have already contracted for sale of detained goods, which, in the opinion of this Government, are held by British authorities without legal warrant. While it seems probable title to all shipments has passed to American citizens, it should be borne in mind that according to the Declaration of Paris, to which all the belligerents appear to be parties, the neutral flag covers enemy's goods with the exception of contraband of war. And there is of course no question as to the destination of these goods.

In view these facts and in view of the delay in connection with proceedings in cases of steamers *Kim*, *Alfred Nobel*, *Björnstjerne Björnson* and *Fridland*, which delay it appears from enclosure with your despatch of April 14¹ is due largely to fact that there are numerous shipments on these vessels, it would seem to Department probable that British authorities might desire avoid having these shipments remain in prize court for adjudication provided some other satisfactory means of dealing with the situation could be adopted.

The prompt release which you succeeded in effecting of automobile belonging to Elizabeth Babcock, as reported your telegram April 26,² also suggests possibility British authorities might be willing to effect arrangement for release of the detained shipments without prize-court proceedings.

The Department would like to have you appropriately take up this matter with proper British authorities and, without indicating in any way that this Government concedes that goods in question are legally detained, ascertain whether some arrangement for their prompt release might be effected, pointing out the desirability this be done in the interest of the numerous shippers as well as in interest of Government of the United States and Government of Great Britain.

BRYAN

File No. 300.115G95/7

The Ambassador in Great Britain (Page) to the Secretary of State

[Telegram]

LONDON, May 4, 1915.

[Received 7.10 p. m.]

2042. Your 1500, 3d. British Admiralty has charge of steamer *Gulfight* now at Scilly Islands, but are on the point of turning it over to the salvage company. Officers and crew are at Penzance. I am sending Lieutenant Towers and Naval Constructor McBride

¹Ante, p. 373.²Not printed.

to Scilly to-day to make investigation and have instructed Consul at Plymouth to mail me depositions of ship's officers and crew.

AMERICAN AMBASSADOR

File No. 341.115P51/50

The Ambassador in Great Britain (Page) to the Secretary of State

[Telegram]

LONDON, May 4, 1915, 4 p. m.

[Received 7.45 p. m.]

2029. Your 1473 and my 1998 of April 27 regarding the *Joseph W. Fordney*.¹ Have requested Legation at Stockholm to investigate matter of consignee of cargo at Malmö. Understand firm of E. Klingener exists at Göteborg but does not appear as existing at Malmö. Should he have branch house at Malmö will immediately present facts to British Government and request release of vessel and cargo.

AMERICAN AMBASSADOR

File No. 763.72112/1059

The Secretary of State to the Consul General at London (Skinner)

[Telegram]

WASHINGTON, May 5, 1915, 2 p. m.

Your despatch No. 396.² Cable brief report how long practice of giving indemnity guarantee has been in operation and list of cases in which release signed. Mail full report. Ascertain from Charles Russell and Company, solicitors, Norfolk Street, their charge for opinion on legal effect under British law of this release and whether effective as bar to prosecution in British courts of claims for damages in these cases; also whether they are interested in other prize-court cases except under their retainer through Embassy to represent Austrian interests, as Department may wish to retain them in other cases.

Ascertain discreetly and informally whether guarantee intended release British Government from liability if claims for damages presented before international tribunal. Confer with Embassy and report promptly.

BRYAN

File No. 300.115/3188

The Consul General at London (Skinner) to the Secretary of State

[Telegram]

LONDON, May 5, 1915.

[Received 4.45 p. m.]

Department's 3d. Prize-court authorities considering some method for rapidly dealing *Ogeechee's* cargo probably through com-

¹ *Ante*, p. 376.

² *Ante*, p. 375.

mittee still existing which has power to release American goods shipped before war began. However, original expectations respecting this committee proved largely illusory and many such consignments even now are being subjected to searching inquiry. *Ogeechee's* claimants should forward at once evidence American ownership showing clearly that title has passed. Many unsupported protests already received but are useless for practical purposes. Prize-court authorities skeptical respecting American ownership, inclined to believe that American buyers would not assume risks under order in council, March 11, but if American ownership clearly established and proof furnished that such ownership existed prior to March 11, deem it quite probable that release will follow as in prior to war shipments.

SKINNER

File No. 441.11B74/13

The Secretary of State to the Ambassador in Great Britain (Page)

[Telegram]

WASHINGTON, May 6, 1915.

1512. Your 2002, April 28. Replying communication *Seguranga* inform Foreign Office owners advise Department that, although British Consul General supervised loading vessel, he did not inform them of practice of consigning shipments to Netherlands Oversea Trust. If British Government wish this practice followed as a matter of convenience, they should bring it to attention of shippers.

The United States Government does not object to consignment of American shipments to Netherlands Oversea Trust, if shippers voluntarily adopt that plan, but it does object to detention by British Government of non-contraband shipments until reconsigned to Netherlands Oversea Trust. Shipments consigned to other consignees in Holland have same legal status as those consigned to Netherlands Oversea Trust. There is no legal justification for detention non-contraband shipments, and burden of proof is on British Government to establish contraband character, and not on shipper to establish non-contraband character.

BRYAN

File No. 300.115G95/6

The Secretary of State to the Ambassador in Great Britain (Page)

[Telegram]

WASHINGTON, May 6, 1915.

1514, Gulf Refining Company informs Department that *Gulflight* was torpedoed without warning while "following British patrol boats to Bishop." Please ascertain immediately from ship's officers and crew or other persons whether *Gulflight* was under convoy or protection of patrol boats, and, if not, what communication passed between them, and why the *Gulflight* was following patrol boats.

BRYAN

File No. 763.72112/1085

The Consul General at London (Skinner) to the Secretary of State

[Telegram]

LONDON, May 6, 1915, 6 p. m.

[Received 5.15 p. m.]

Department's 5th. Procurator states verbally indemnity intended protect Crown against claims from third parties who may allege that released goods have not been delivered to true owners and will not prevent consideration of claims against Government itself. Each consignment not released as act of grace covered by indemnity, but list unavailable. Russell and Company have only Austrian cases from Embassy. Will furnish junior counsel's opinion on effect of indemnity for five guineas or King's counsel's opinion for ten.

SKINNER

File No. 763.72112/1087

The Consul General at London (Skinner) to the Secretary of State

No. 412]

LONDON, April 21, 1915.

[Received May 6.]

SIR: Continuing my telegram of April 16 in regard to detained cargoes and the desirability of centralizing certified copies of manifests in London in the same manner as documents relating to claims,¹ I have the honor to report that I met Admiral Slade on the 19th instant for an informal discussion of the difficulties of various ships now in British ports. Admiral Slade, I may remark, is a member of an important interdepartmental committee now dealing with war detentions, and his influence I believe to be very great, if not predominant in these questions. After dealing with the subject immediately in hand, I stated to the Admiral that existing conditions under which the British Government was interrupting all innocent American commerce with neutral countries without undertaking to provide any definite remedies which would enable unobjectionable commerce to be carried on, were entirely unacceptable and in this he fully agreed. I then inquired whether the proper authorities would be able to indicate their intentions respecting given ships if provided with contents of manifests transmitted by cable, to which he replied that undoubtedly they would. He appeared to be quite gratified with this idea, intimating that with the facts set forth in the manifests before them, the authorities could in many cases arrange for the uninterrupted transit of ships going to neutral countries and as to other ships, they would have ten days to two weeks in which to adjust matters of controversy. Even when the British authorities would be unable to consent to the dispatch of a vessel, they could at least direct it to proceed to a port of actual discharge instead of being taken into Kirkwall or Stornoway, where, under existing conditions, ships remain days and even weeks before sent with a prize crew to a commercial port for discharge of cargo. Admiral Slade assured me that he would use all his influence to

¹Ante, p. 371.

obtain the prompt adoption of any working rules based on the foregoing, or something similar.

I took advantage of the conversation to point out that innumerable ships were now in British ports, and although even from a British point of view the owners of cargo were entitled to compensation, no steps, apparently, had been taken to adjust their claims promptly. It seemed to me, therefore, that any working arrangement respecting future business must also include an immediate settlement with cargo owners whose goods were delayed in this country. I reminded him that in the case of the *Wilhelmina*, a ship openly dispatched to a German port by newcomers in the business, the British Government had undertaken to make cash settlement, and with this precedent before us, it was scarcely to be expected that we would be satisfied when traders engaged in commerce to neutral countries since many years were required to go into the prize court and bear all the expenses and delays of the ordinary procedure. I called Admiral Slade's particular attention to the circumstance that food ships dispatched to neutral countries prior to the proclamation of the order in council of October 29, 1914, were still being dealt with and that the cases would not be called in the prize court until June 7, and that even upon that date it was by no means certain that the trial would take place.

Admiral Slade was scarcely less affirmative than myself in stating that these were matters which should not be, and only could be, because of the thousands of details with which the Government was trying to deal. As I have already remarked, this conversation was entirely devoid of an official character. I even stated to Admiral Slade that I was by no means sure that the American Government, which stood squarely upon its rights under international law, might not feel inclined to enter upon a working agreement which might seem, perhaps, to give a shadow of sanction to the orders in council. This point the Admiral fully understood.

I think it of importance, however, that our right to carry on our ordinary commerce with Sweden, Denmark, Norway, and Holland is recognized, and that at least one high official is disposed to be helpful in developing practical rules under which it may be carried on.

I have [etc.]

ROBERT P. SKINNER

File No. 763.72112/1085

The Secretary of State to the Consul General at London (Skinner)

[Telegram]

WASHINGTON, May 7, 1915.

Your 6th. Arrange with Russell and Company for opinion King's counsel high standing on questions submitted Department's 5th in connection with procurator's verbal explanation reported by you. Call attention and ascertain if desired special conditions third clause preamble. Also call attention Order XIII, subdivision 4, prize court rules.

BRYAN

The Sinking of the "Lusitania"—The Note of May 13, 1915, to Germany
Demanding Disavowal, Reparation, and Assurances

File No. 841.857/97

The Ambassador in Great Britain (Page) to the Secretary of State

[Telegram]

LONDON, May 7, 1915.

[Received 3.06 p. m.]

2060. The *Lusitania* was torpedoed off the Irish coast and sunk in half an hour. No news yet of passengers.

AMERICAN AMBASSADOR

File No. 763.72/1743

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

[Telegram]

BERLIN, May 6, 1915.

[Received May 7, 10.40 p. m.]

2179. Foreign Office sends me following memorandum:

During the past few weeks it has repeatedly occurred that neutral ships have sunk in the waters designated as an area of maritime war by the German Admiralty February 4. In one case it was established that the sinking was traceable to an attack by a German submarine which took the neutral ship for an English vessel on account of the inadequate illumination of its neutral markings in the darkness.

The Imperial German Government begs to suggest that the American Embassy draw the attention of its Government to these facts and recommend that the American Government again warn American shipping circles against traversing the war zone without taking due precautions and also urge them to make the neutral markings as plain as possible and especially to have them illuminated promptly at nightfall and throughout the night.

BERLIN, May 5.

GERARD

File No. 300.115G95/9

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

[Telegram]

BERLIN, May 7, 1915.

[Received 10.45 p. m.]

2175. Department's 1612, 3d.¹ German Admiralty has as yet no news as to *Gulflight*. Will report as soon as information obtained.²

GERARD

¹ See footnote 1, *ante*, p. 378.

² The statement of the German Government is contained in the note of June 1, transmitted by the Ambassador in Germany in his telegram No. 2346 of the same date, *post*, p. 431.

File No. 300.115/3230

The Consul General at London (Skinner) to the Secretary of State

[Telegram]

LONDON, May 8, 1915.

[Received 10.30 a. m.]

Department's 7th.¹ No official answer yet to suggestion that *Ogeechee* cargo as whole to be dealt with outside paragraph 5, order March 11. Meantime, convincing evidence of American ownership, and especially that ownership passed prior to March 11, if sent to me, may enable me as in two cases already settled, to effect immediate release.

SKINNER

File No. 841.857L97/4a

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

[Telegram]

WASHINGTON, May 8, 1915, noon.

1639. Please secure and cable as soon as possible the German Government's report on the sinking of the *Lusitania*. Latest reports estimate loss of life at more than one thousand, many of them being Americans.

BRYAN

File No. 763.72/2541

The Ambassador in Great Britain (Page) to the Secretary of State

[Telegram]

LONDON, May 8, 1915, 5 p. m.

[Received 10.30 p. m.]

2068. As nearly as I can interpret public opinion here, as affected by the sinking of the *Lusitania*, it is as follows, which I transmit for your information:

A profound effect has been produced on English opinion in general regarding both the surprising efficiency of the German submarine work and the extreme recklessness of the Germans. The sinking of the *Lusitania*, following the use of poisonous gas and the poisoning of wells, and the torpedoing of the *Gulflight* and other plainly marked neutral ships, the English regard as the complete abandonment of war regulations and of humanity in its conduct, as well as of any consideration for neutrals. Sir Edward Grey said to me last night, "They are running amuck." It is war under the black flag. Indignation in the aggregate reached a new pitch.

Official comment is of course reticent. The freely expressed unofficial feeling is that the United States must declare war or forfeit European respect. So far as I know this opinion is universal. If the United States comes in, the moral and physical effect will be to

¹ Not printed.

bring peace quickly and to give the United States a great influence in ending the war and in so reorganizing the world as to prevent its recurrence. If the United States submits to German disregard of her citizens' lives and of her property and of her neutral rights on the sea, the United States will have no voice or influence in settling the war nor in what follows for a long time to come. This, so far as I can ascertain, is the practically unanimous opinion here. The Americans in London are outspoken to the same effect.

Much the profoundest depression is felt to-day that has been felt since the war began and British opinion is stirred to its depths.

The foreign editor of the *Times*, a usually well-informed and trustworthy man, who knows all the principal European statesmen, is just returned from a week in France. He tells me in strictest confidence that England, France, and Russia made a bargain with Italy on April 30, agreeing to cede to Italy very large parts of Austrian territory, some of which has a Slavic population, if Italy comes into the war within a month. This was done without consulting Serbia and against her wishes. Italy will soon come in if she keeps her agreement, to be followed by Roumania. I have heard unofficial confirmation of this agreement here.

The same editor informs me that General Joffre told him that he is confident that he would break through the German lines within a month.

I have heard the opinion expressed to-day in several well-informed but unofficial quarters that warlike action by the United States would be a signal for other neutral nations whose rights Germany has disregarded, especially the Scandinavian countries and possibly Holland. For the correctness of this view I cannot vouch but I know it is widely entertained.

AMERICAN AMBASSADOR

File No. 341.111L97/8

The Consul at Cork (Frost) to the Secretary of State

[Telegram]

QUEENSTOWN, May 9, 1915.

[Received 7.45 p. m.]

Please assume that persons not listed as either survivors or identified dead are missing and almost certainly dead. No news of Vanderbilt, Stone, Shields, Myers, Klein, Hubbard, Frohman, etc., nor of their bodies. Add following survivors: May Maycock, Violet Henderson, Huntley Henderson, Mary Barrett, J. Lehmann, Mrs. Erhart, Mrs. Pye, Mrs. Sam Sharp, Kitty McDonnell. Some of these probably Canadians. Hope to send details as per circular 312. Add C. J. Broderick identified dead. Rough weather has prevented recovering bodies. Following is statement Mrs. Jessie Taft Smith:

Was first-class passenger *Lusitania* on Friday May 7. Was in reading room about 2 p. m., when heard noise and ship seemed to lift. Shortly afterward another explosion occurred. Went toward my stateroom. Was told not to hurry as there was no danger. Had beforehand got life belt ready in cabin. Now put it on and went upper deck. Steward helped me into boat hanging in davits. Between forty and fifty people got in, boat was lowered and we pushed off. Rescued two ladies and one man from water. I did not actually see

ship sinking. Rowed away and were taken in tow fishing boat and afterward transferred to patrol boat which landed us Queenstown eight ten. Was met on wharf by consul who took me consulate and then placed me [with] Mrs. Townsend, American lady of Scranton, from whom and husband have experienced much kindness. Did not see submarine.

Statement of Robert Rankin:

At 12 noon ship began to zigzag course off Irish coast. Walked deck till 1.30. Went lunch twenty minutes. Arrived rear starboard A deck at about 2 o'clock, ship's time, of night before. At exactly 2.10 p. m. one of our group of four sighted submarine low black ridge about quarter mile starboard bow. *Lusitania* going slow all morning, had been blowing foghorn till about 10 a. m. and was still steaming about 15 knots. Torpedo left submarine almost instantly and traveled rapidly toward boat, leaving white trail. Struck ship not far from a line below bridge and through boiler room. Explosion tore upward through deck destroying part of forward lifeboat. A boiler exploded immediately. No second torpedo. Boat listed immediately and began to fill through open ports and hole caused by explosion. Ship sank 2.33 by watch of passenger who jumped sea. Torpedo fired without warning whilst most of passengers were below at food.

More follows.¹

FROST

File No. 763.72/2196

Memorandum by the Secretary of State

May 10, 1915.

The Ambassador from Germany called about 11.40 and "expressed his deep regret that the events of the war had led to the loss of the so many American lives."

Words in quotation marks in Ambassador's writing.

File No. 763.72/1750

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

[Telegram]

BERLIN, May 9, 1915, 7 p. m.

[Received May 10, 9 p. m.]

2198. Following circular statement regarding attacks made by mistake by German submarine boats on neutral vessels of commerce handed me by Foreign Office at 5.30 this afternoon:

(1) Imperial German Government has naturally no intention of causing to be attacked by submarines or aircraft such neutral ships of commerce in the zone of naval warfare, more definitely described in the notice of the German Admiralty staff of February 4 last, as have been guilty of no hostile act; on the contrary, the most definite instructions have repeatedly been issued to German war vessels to avoid attacks on such ships under all circumstances. Even when such ships have contraband of war on board, they are dealt with by submarines solely according to the rules of international law applying to prize warfare.

(2) Should a neutral ship, nevertheless, come to harm through German submarines or aircraft on account of an unfortunate [mistake] in the above-mentioned zone of naval warfare, the German Government will unreservedly

¹ Post, p. 400.

recognize its responsibility therefor. In such a case it will express its regrets and afford damages without first instituting a prize court action.

(3) It is the custom of the German Government, as soon as the sinking of a neutral ship in the above-mentioned zone of naval warfare is ascribed to German war vessels, to institute an immediate investigation into the cause. If grounds appear thereby to be given for assuming such a hypothesis, the German Navy places itself in communication with the interested neutral government, so that the latter may also institute an investigation. If the German Government is thereby convinced that the ship has been destroyed by German war vessels, it will not delay in carrying out the provisions of paragraph 2 above. In case the German Government, contrary to the viewpoint of the neutral government, is not convinced by the result of the investigation, the German Government has already on several occasions declared itself ready to allow the question to be decided by an international investigation commission according to chapter 3 of the Hague convention of October 18, 1907, for the peaceful solution of international disputes.

GERARD

File No. 763.72112/1099

The Consul General at London (Skinner) to the Secretary of State

No. 421]

LONDON, April 27, 1915.

[Received May 10.]

SIR: I have the honor to advert to my despatch No. 215 dated January 1, 1915,¹ in regard to the practice of the prize court authorities up to that time of compelling American claimants of detained cargo to pay unearned freight. It will be recalled that with the Department's approval I protested against this practice and that on December 23 last, the Foreign Office decided to desist therefrom when the goods had been brought into a British port in an enemy vessel. The prize court authorities thereupon were asked to reimburse shippers who had already paid freight charges, and to-day I have received a letter from the procurator general, dated April 26, declaring that he has no list of such cases, and cannot assume the responsibility of making one up. In the circumstances he proposes that "any person wishing to make a claim for return of freight should furnish you (me) with the particulars, or should make his claim through solicitors so that it could be examined on its merits either by the Admiralty marshal or by this Department."

As there is no reason why these claims should not be paid at once, and as they will not be paid at all unless those who are properly claimants make them known in some manner, I suggest that the Department issue a notice to the press, setting forth the circumstances more or less in the terms of the enclosure.

I have [etc.]

ROBERT P. SKINNER

[Enclosure]

*Statement for the press*²

PAYMENTS OF FREIGHT ON DETAINED CARGOES IN GREAT BRITAIN

Shippers of freight in German or Austro-Hungarian vessels which cleared from the United States before the war, and were captured or detained in British ports, are informed that, in case they have paid freight in order to secure the release of their goods, they should at once make claim for its reimburse-

¹Ante, p. 304.

²This statement was given out on May 13, 1915.

ment. Claims of this character should be supported by proofs of the payments in question and may be transmitted to the American Consul General at London who will submit them to the proper officer of the prize court, or they may be submitted through the solicitors originally employed to bring about the release.

File No. 841.857L97/8

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

[Telegram]

BERLIN, May 10, 1915, 5 p. m.

[Received May 11, 1.10 p. m.]

2205. The following given me this morning by Von Jagow who said German wireless not working. As first given stated that plan of starving civil population had forced Germany resort to retaliatory measures. I said if foodstuffs for civilian population would mean end of submarine war of this kind I thought matter could be arranged in twenty-four hours. He then took paper back and returned it with words "preventing importation foodstuffs and raw materials for civilian population" inserted, and words "starving civil population" erased, and words "in case this plan be given up" instead of "in case starvation plan be given up." Document as finally given follows:

GERMAN EMBASSY, Washington.

Please communicate to State Department following:

German Government desires to express deepest sympathy at loss of American lives on board steamship *Lusitania*. Responsibility rests, however, with British Government which, through plan preventing importation foodstuffs and raw materials for civilian population, forced Germany resort to retaliatory measures, and answered German offer to stop submarine war in case this plan be given up by even more stringent blockade measures. British merchant vessels being generally armed with guns and having repeatedly tried to ram German submarines so that previous search impossible, can not be treated as ordinary merchant vessels. Recent declaration in British Parliament by Parliamentary Secretary, answering question of Lord Beresford, stated at present practically all British merchant vessels armed and provided with hand grenades. Besides openly admitted by English press that *Lusitania* was armed, Germany knows that *Lusitania* on previous voyages repeatedly carried large quantities war material. On present voyage *Lusitania* carried 5,400 cases of ammunition; rest of cargo also chiefly contraband. If England, after repeated official and unofficial German warnings, considered herself able to declare that boat ran no risk and thus lightheartedly assumed responsibility for human lives on board of steamer which owing to armament and cargo was liable to destruction, German Government, in spite of heartfelt sympathy for loss of American lives, can not but regret that Americans felt more inclined to trust English promises rather than pay attention to warnings from the German side.

FOREIGN OFFICE

GERARD

File No. 763.72112/1105

The Ambassador in Great Britain (Page) to the Secretary of State

No. 1312]

LONDON, April 30, 1915.

[Received May 11.]

SIR: I have the honor to enclose herewith for information of the Department, a copy of a memorandum which I left with Sir Edward

Grey on the afternoon of April 28 after an interview with him in relation to the detention of American ships and cargoes by His Majesty's authorities.

In view of the repeated assurances made by Sir Edward Grey in my various conversations with him, and particularly with reference to the statement contained in his note of February 10, that notification of detention of American ships and cargoes was being promptly made to the Embassy by the Foreign Office, I have regretted to notice during the past month that on some occasions I have not been informed in regard to these matters with the utmost promptitude, as was promised.

I therefore thought it my duty to bring this matter again to Sir Edward Grey's attention, as this question assumes greater proportions on account of the number of ships and cargoes which are bound for different foreign ports from the United States, and are being **detained for investigation to be made by the British Government.**

I feel very sure that Sir Edward Grey and the other officials of the Foreign Office have desired, since the commencement of this serious condition of affairs in regard to American shipping, to act with promptness, and wish to give the Embassy all information in their possession. I am informed that all these matters in regard to detention of vessels and cargoes are decided by a committee comprised of representatives of the Admiralty, Foreign Office, War Office and Board of Trade, and on account of the enormous mass of cases upon which their decision is necessary, they are unable to act with the dispatch which is necessary for the proper conduct of official business. I therefore feel it is **only by repeated representations, informally and under instructions from the Department, that the importance of this matter to the Government of the United States may be brought to the attention of the British Government.**

In my conference with Sir Edward Grey he informed me that he would immediately inquire into the matters contained in my memorandum and would do all in his power to comply with the request set forth therein.

I have [etc.]

WALTER HINES PAGE

[Enclosure]

The American Ambassador (Page) to the British Secretary of State for Foreign Affairs (Grey)

MEMORANDUM

Referring to the several conversations which Mr. Page has had the honor of having with Sir Edward Grey, relative to the detention of American ships and cargoes by the authorities of His Majesty's Government, and particularly to the assurances which Sir Edward Grey was so good as to give to the effect that notice of the detention of ships and cargoes, and the reason for such detention, would be communicated to the American Embassy with the least possible delay, it is desired to call attention to several matters which have occurred in this connection.

Mr. Page is exceedingly grateful to Sir Edward Grey for his courtesy in advising him as to the detention of ships and cargoes, but feels he must state that on several occasions he has received information from private persons regarding cargoes on certain vessels which have been detained by His Majesty's authorities, or from the shippers or owners of such cargoes, of which no notice had been received by the Embassy from the Foreign Office.

The most recent case of this description is that of the *S. S. America*, which has on board certain consignments of alundum belonging to the Norton Company of Worcester, Massachusetts, in regard to the seizure and detention of

which no information has been received up to the present time. It is also understood that three ships, namely the *Livonia*, *Marie*, and *Dicido*, carrying cotton from the United States, have been detained, but as yet the Embassy has received no information from His Majesty's authorities.

It is hoped that it will be found possible to cause information concerning the detention of any American vessel or cargo to be supplied to the Embassy at the earliest possible moment, in order that the shippers may be in a position to clear up any misunderstanding which may exist in the minds of His Majesty's Government.

It is also urgently requested that the Embassy may be informed as to the release of any vessels or cargoes which have been detained, for there is no absolutely sure and prompt means of obtaining such information except through official channels, as vessels are sometimes discharged at ports at which there is no American consul, and the masters of the vessels seldom inform the Embassy or consulate general that they have been permitted to proceed to their destination.

The Embassy is constantly asked by the Government in Washington, and by the owners and shippers, as to the position and status of vessels and cargoes, and it is impossible to make correct replies unless they are based on notification through His Majesty's Foreign Office.

The attention of Sir Edward Grey is further invited to a matter which has caused the Embassy certain embarrassment. On March 2 the Foreign Office notified the Embassy that the American S. S. A. A. *Raven* had been detained in the Downs, and that she would not be allowed to proceed until the conditional contraband on board had been reconsigned to the Netherlands Oversea Trust, and on March 31 a note was received by the Embassy in which it was stated that the cargo on this vessel had been placed in the prize court, except the goods consigned to four persons in Holland, on the ground that it was contraband and believed to be destined for Germany. On the 1st or 2d of April the Embassy was unofficially informed that orders had been given for the A. A. *Raven* to proceed to her destination, and that she had cleared from the Downs. Up to the present moment no information has been received from His Majesty's Foreign Office in regard to the release of this vessel, and from the last official communication on the subject it would appear that her cargo is still in the prize court.

Mr. Page desires to impress upon Sir Edward Grey that the foregoing facts are presented to him for his consideration in the most informal manner, in order that an understanding may be established for the purpose of facilitating the work both of His Majesty's Foreign Office and of the Embassy.

The question of the detention of American ships and cargoes is one of the utmost importance at the present moment to the Government of the United States, and, in view of this fact, the Embassy is endeavoring to the best of its ability to answer all inquiries which are addressed to it, and to report immediately upon all matters which come before it, in order that the Department of State may have at hand all available information in this respect.

While again expressing to Sir Edward Grey his great appreciation of his interest and attention to this matter, Mr. Page ventures to hope that the request which has been set forth in this memorandum may receive the earnest and favorable consideration of His Majesty's authorities.

LONDON, April 26, 1915.

File No. 763.72/2383

The Ambassador in Great Britain (Page) to the Secretary of State

[Telegram]

LONDON, May 11, 1915, 1 p. m.

[Received 8 p. m.]

2080. To the Secretary and the President: My telegram No. 2065 [2068], May 8.¹ Continuing my report of British feeling and opinion. Every day without news of definite action by the American government about the *Gulfight* and the *Lusitania* deepens the British

¹Ante, p. 385.

suspicion into a conviction that our Government will content itself with mere argumentative protests. The respectful and sympathetic silence of the first few days' excitement is now giving way to open criticism of American failure to realize the situation and of American unwillingness to act. There is a good deal of contempt in British feeling. This contempt is not based upon British wish for military help, but on the feeling that America falls short morally to condemn German methods and has fallen victim to German propaganda and does not properly rate German character, as shown in war, nor understand German danger to all free institutions. Fear grows of a moral failure on the part of the United States.

The most conservative action hoped for by the best friends of America here is that diplomatic relations be severed with Germany pending satisfactory settlement, and that Congress be convened so that the voice of the nation may be heard.

The aristocratic element of English life which enjoys social and governmental privileges and is what we should call reactionary, consciously or unconsciously hopes for American inactivity to justify their distrust of democratic institutions. Their feeling is that Great Britain will emerge from the war far more powerful than ever, and they are content that the United States should be of as slight influence in the world as possible. The few expressions that the United States will remain neutral and will refrain from breaking off diplomatic relations with Germany come from this element of English society and unofficially from governing circles.

Official life here is studiously silent to me. The few persons who have called to express condolence or who have written letters of sympathy about the *Lusitania* are all, I think, more or less close personal friends who feel free to speak for personal reasons.

The impression is clear that delay in definite action in some really effective form or failure to act definitely will shut the United States out of British, and I should guess, of all European respect for a generation.

AMERICAN AMBASSADOR

File No. 300.115/3230

The Secretary of State to the Consul General at London (Skinner)

[Telegram]

WASHINGTON, May 12, 1915.

Department hopes for early and favorable reply to suggestion that cargo *Ogeechee* may be treated and released without institution proceedings under paragraph 5, order in council March 11. Meanwhile, Department arranging to advise interested shippers to prepare and forward to you full proof of American ownership and that title passed prior to March 11.¹ Report early as possible.

BRYAN

¹A printed circular to this effect was sent out by the Department to the shippers concerned.

File No. 763.72112/1109

The Consul General at London (Skinner) to the Secretary of State

No. 425]

LONDON, April 30, 1915.

[Received May 12.]

SIR: Referring to the Department's cabled instruction of April 16 in regard to the duties of the prize claims committee, and to my reply of April 17¹ stating, briefly, that the committee would deal with equity cases, I have the honor to report that the procurator general consulted with the Foreign Office, after receiving confirmation of my verbal inquiries, and the Foreign Office, in a note addressed to the Ambassador of April 24, confirms my cabled report in the following language:

I have accordingly the honour to state that the view expressed by Mr. Skinner in his letter is substantially correct. Order V, Rule 2, of the prize court rules refers to cases "where a ship has been captured as prize but has been subsequently released by the captors, or has by loss, destruction, or otherwise, ceased to be detained by them without proceedings for condemnation having been taken." The prize claims committee on the other hand have been constituted to consider claims put forward in respect of vessels or cargoes which have been sentenced to condemnation or detention by the prize court. The former thus relates to claims arising out of delays caused to vessels in consequence of their detention by the British authorities—the latter to claims preferred by third parties against vessels condemned or detained (as the case may be) by the prize court.

I should be much obliged if your excellency would be good enough to inform Mr. Skinner of this communication.

I may add that, although the *Fridland* appears in the published list of ships with which the prize claims committee is dealing, I am now informed that this is the result of an error.

I have [etc.]

ROBERT P. SKINNER

File No. 763.72/1764a

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

[Telegram]

WASHINGTON, May 13, 1915.

1664. Please call on the Minister of Foreign Affairs and, after reading to him this communication, leave him with a copy:

In view of recent acts of the German authorities in violation of American rights on the high seas which culminated in the torpedoing and sinking of the British steamship *Lusitania* on May 7, 1915, by which over 100 American citizens lost their lives, it is clearly wise and desirable that the Government of the United States and the Imperial German Government should come to a clear and full understanding as to the grave situation which has resulted.

The sinking of the British passenger steamer *Falaba* by a German submarine on March 28, through which Leon C. Thrasher, an American citizen was drowned; the attack on April 28 on the American

¹Ante, pp. 370 and 371.

vessel *Crushing* by a German aeroplane; the torpedoing on May 1 of the American vessel *Gulflight* by a German submarine, as a result of which two or more American citizens met their death; and, finally, the torpedoing and sinking of the steamship *Lusitania*, constitute a series of events which the Government of the United States has observed with growing concern, distress, and amazement.

Recalling the humane and enlightened attitude hitherto assumed by the Imperial German Government in matters of international right, and particularly with regard to the freedom of the seas; having learned to recognize the German views and the German influence in the field of international obligation as always engaged upon the side of justice and humanity; and having understood the instructions of the Imperial German Government to its naval commanders to be upon the same plane of humane action prescribed by the naval codes of other nations, the Government of the United States was loath to believe—it can not now bring itself to believe—that these acts, so absolutely contrary to the rules, the practices, and the spirit of modern warfare, could have the countenance or sanction of that great Government. It feels it to be its duty, therefore, to address the Imperial German Government concerning them with the utmost frankness and in the earnest hope that it is not mistaken in expecting action on the part of the Imperial German Government which will correct the unfortunate impressions which have been created, and vindicate once more the position of that Government with regard to the sacred freedom of the seas.

The Government of the United States has been apprised that the Imperial German Government considered themselves to be obliged by the extraordinary circumstances of the present war and the measures adopted by their adversaries in seeking to cut Germany off from all commerce, to adopt methods of retaliation which go much beyond the ordinary methods of warfare at sea, in the proclamation of a war zone from which they have warned neutral ships to keep away. This Government has already taken occasion to inform the Imperial German Government that it can not admit the adoption of such measures or such a warning of danger to operate as in any degree an abbreviation of the rights of American shipmasters or of American citizens bound on lawful errands as passengers on merchant ships of belligerent nationality; and that it must hold the Imperial German Government to a strict accountability for any infringement of those rights, intentional or incidental. It does not understand the Imperial German Government to question those rights. It assumes, on the contrary, that the Imperial Government accept, as of course, the rule that the lives of non-combatants, whether they be of neutral citizenship or citizens of one of the nations at war, can not lawfully or rightfully be put in jeopardy by the capture or destruction of an unarmed merchantman, and recognize also, as all other nations do, the obligation to take the usual precaution of visit and search to ascertain whether a suspected merchantman is in fact of belligerent nationality or is in fact carrying contraband of war under a neutral flag.

The Government of the United States, therefore, desires to call the attention of the Imperial German Government with the utmost earnestness to the fact that the objection to their present method of

attack against the trade of their enemies lies in the practical impossibility of employing submarines in the destruction of commerce without disregarding those rules of fairness, reason, justice, and humanity, which all modern opinion regards as imperative. It is practically impossible for the officers of a submarine to visit a merchantman at sea and examine her papers and cargo. It is practically impossible for them to make a prize of her; and, if they can not put a prize crew on board of her, they can not sink her without leaving her crew and all on board of her to the mercy of the sea in her small boats. These facts it is understood the Imperial German Government frankly admit. We are informed that, in the instances of which we have spoken, time enough for even that poor measure of safety was not given, and in at least two of the cases cited, not so much as a warning was received. Manifestly submarines can not be used against merchantmen, as the last few weeks have shown, without an inevitable violation of many sacred principles of justice and humanity.

American citizens act within their indisputable rights in taking their ships and in traveling wherever their legitimate business calls them upon the high seas, and exercise those rights in what should be the well-justified confidence that their lives will not be endangered by acts done in clear violation of universally acknowledged international obligations, and certainly in the confidence that their own Government will sustain them in the exercise of their rights.

There was recently published in the newspapers of the United States, I regret to inform the Imperial German Government, a formal warning, purporting to come from the Imperial German Embassy at Washington, addressed to the people of the United States, and stating, in effect, that any citizen of the United States who exercised his right of free travel upon the seas would do so at his peril if his journey should take him within the zone of waters within which the Imperial German Navy was using submarines against the commerce of Great Britain and France, notwithstanding the respectful but very earnest protest of his Government, the Government of the United States. I do not refer to this for the purpose of calling the attention of the Imperial German Government at this time to the surprising irregularity of a communication from the Imperial German Embassy at Washington addressed to the people of the United States through the newspapers, but only for the purpose of pointing out that no warning that an unlawful and inhumane act will be committed can possibly be accepted as an excuse or palliation for that act or as an abatement of the responsibility for its commission.

Long acquainted as this Government has been with the character of the Imperial German Government and with the high principles of equity by which they have in the past been actuated and guided, the Government of the United States can not believe that the commanders of the vessels which committed these acts of lawlessness did so except under a misapprehension of the orders issued by the Imperial German naval authorities. It takes it for granted that, at least within the practical possibilities of every such case, the commanders even of submarines were expected to do nothing that would involve the lives of non-combatants or the safety of neutral

ships, even at the cost of failing of their object of capture or destruction. It confidently expects, therefore, that the Imperial German Government will disavow the acts of which the Government of the United States complains, that they will make reparation so far as reparation is possible for injuries which are without measure, and that they will take immediate steps to prevent the recurrence of anything so obviously subversive of the principles of warfare for which the Imperial German Government have in the past so wisely and so firmly contended.

The Government and the people of the United States look to the Imperial German Government for just, prompt, and enlightened action in this vital matter with the greater confidence because the United States and Germany are bound together not only by special ties of friendship but also by the explicit stipulations of the treaty of 1828 between the United States and the Kingdom of Prussia.

Expressions of regret and offers of reparation in case of the destruction of neutral ships sunk by mistake, while they may satisfy international obligations, if no loss of life results, can not justify or excuse a practice, the natural and necessary effect of which is to subject neutral nations and neutral persons to new and immeasurable risks.

The Imperial German Government will not expect the Government of the United States to omit any word or any act necessary to the performance of its sacred duty of maintaining the rights of the United States and its citizens and of safeguarding their free exercise and enjoyment.

BRYAN

File No. 763.72/1764

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

[Telegram]

BERLIN, *May 15, 1915, 11 a. m.*

[*Received May 17, 8 a. m.*]

2234. Your 1664, May 13, 11 a. m., did not arrive until 10 p. m. last night. It was sent from Rome 4 p. m. yesterday. I presented it at 10.30 this morning to Von Jagow personally; he asked that he might read it himself as he understands written better than spoken English. While reading it he laughed and said, "Right of free travel on the seas, why not right of free travel on land in war territory?"

In confidential conversation he said that there would have to be a sitting of the authorities and no answer should be expected before Monday or Tuesday, but that he was sure Germany would never give up this method of submarine warfare. I am myself positive that Germany will continue this method of war and that it is only a question of short time before other American ships or lives are destroyed, and if that happens you say that United States will not omit any act necessary to maintain the rights which you have claimed for the United States and its citizens.

Your cables require two days or more to reach Germany and therefore, in view of your note and what I take to be the inevitable consequences, I hope you will cable me full instructions now as to all possible contingencies.

GERARD

File No. 763.72/2439

The Ambassador in Great Britain (Page) to the Secretary of State

[Telegram]

LONDON, May 16, 1915, 10 p. m.

[Received May 17, 8 a. m.]

2104. Commendation of the note to Germany and gratification are universally expressed privately and in the press. The *Times* says: "It is a note that both in substance and expression recalls the best traditions of American diplomacy. The stand taken by President Wilson is something more than a declaration of national policy. Nothing less than the conscience of humanity makes itself audible in his measured and incisive sentences." The *Times* editorial ends in these words: "The moral interests of the United States and the Allies are henceforward indissolubly linked." The *Westminster Gazette* says: "We count this note as from all human and moral points of view the greatest event of this war."

The following to the President and the Secretary:

Among the men whose private expressions of praise have come to me are most members of the government, as well as Lansdowne, Balfour and Bonar Law, of the opposition.

I think the practically unanimous expectation here is that the German Government will give an evasive answer and decline to abbreviate the use of submarines against merchant ships.

The representatives of other neutral governments here privately express pleasure and gratitude. The Americans in London about whose impatience I telegraphed feel ashamed of their hasty fears.

May I be allowed to express my personal congratulations on the note?

AMERICAN AMBASSADOR

File No. 300.115G95/15

The Ambassador in Great Britain (Page) to the Secretary of State

[Telegram]

LONDON, May 17, 1915, 3 p. m.

[Received 2.45 p. m.]

2105. Your 1529, May 8, and my May 10.¹ Captain Smith of S. S. *Gulfight*, states that the conversation between the late Captain Gunter of *Gulfight* and the skipper of British patrol boat *Filey* was to the effect that Captain Gunter, in replying that the ship was bound to Rouen, asked when he could secure a French pilot. The reply of the patrol boat was that he could not get one there and directed the *Gulfight* to follow the patrols to the Bishop Rock.

The British Admiralty states in reply to my inquiry that the ships which did the convoying are now at sea out of communication, but the details will be obtained as soon as they return to port.

AMERICAN AMBASSADOR

¹ Neither printed. See Department's No. 1514, May 6, *ante*, p. 381.

File No. 341.115R221

The Secretary of State to the Ambassador in Great Britain (Page)

[Telegram]

WASHINGTON, May 17, 1915.

1575. Reagan Bale Company, Austin, Texas, shipped on *Helge* from Galveston 200 bales cotton sold to Norwegian spinner direct through Norwegian Minister, Washington. Cotton paid for through National City Bank. The detention of shipments to neutral purchasers is plainly illegal, inflicts serious damage upon American shippers and great injury to American cotton industry. Present this case to Foreign Office and insist that shipment be released.

BRYAN

File No. 763.72/1770

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

[Telegram]

BERLIN, May 17, 1915, 1 p. m.

[Received May 18, 8.45 a. m.]

2226. My impression amounting almost to a certainty is that Germany will refuse to abandon present method of submarine warfare although note will be in polite terms. Suggest that you authorize me to advise Americans to leave and give me directions for all contingencies.

GERARD

File No. 763.72/1771

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

[Telegram]

BERLIN, May 17, 1915, 7 p. m.

[Received May 18, 2.15 p. m.]

2243. Afternoon papers publish *Lusitania* note. *Lokal-Anzeiger*, a Government organ, says thus, the version of the Havas Agency:

German Government will certainly not delay long with the reply requested and will presumably have to answer that sacred duties are imposed upon it likewise in the fulfilment and which it will not permit itself to be disconnected by any one. That the American Government should call the *Lusitania* a harmless packet boat without taking note of the fact that it is a question of an auxiliary cruiser and ammunition steamer of the British Navy, appears hardly credible to us for the moment. But as already said, the German reply to Washington will make it plain to Mr. Wilson, in a form alike polite and clear, that we are obliged to carry on the battle as we are carrying it on, and that we can carry it on with a clear conscience.

GERARD

File No. 763.72/1770

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

[Telegram]

WASHINGTON, May 18, 1915, 4 p. m.

Your 2226, May 17. Inasmuch as there will be time if necessary to give advice to Americans resident in Germany after receipt of

German Government's reply, Department does not desire to take initiative now. You may however, as a precaution, advise the consuls confidentially to keep closely in touch with the Americans in their respective districts so that communication may be the more prompt if it is found necessary to give any instructions.

BRYAN

File No. 341.115P51/54

The Ambassador in Great Britain (Page) to the Secretary of State
[Telegram]

LONDON, May 18, 1915.

[Received 7.30 p. m.]

2122. My 1998, April 27, and 2029, May 4, re *Joseph W. Fordney*.¹
Replying to my representations Foreign Office informs me:

Apart from the uncertainty of the address of the consignee of the cargo of this vessel, Mr. E. Klingener, His Majesty's Government have evidence that the cargo was not destined for *bona-fide* Swedish consumption, but was intended for Germany, and that the proper course of the consignees is to make application to the prize court.

AMERICAN AMBASSADOR

File No. 763.72112/1124

The Ambassador in Great Britain (Page) to the Secretary of State
[Telegram]

LONDON, May 18, 1915, 6 p. m.

[Received 9 p. m.]

2124. Again I have taken up with Sir Edward Grey the whole series of delays and provocations about cargoes. This in addition to the daily representations made to the Foreign Office about single cases. I reminded him of the necessity to clear up the docket of accumulated cases. I informed him emphatically of the irritation in the United States. I expressed my opinion that our Government had shown great patience. I cited cases of long delay and of the repeated failure of his Government to give me satisfactory or prompt answers to inquiries.

He practically, though not openly, confessed the reasonableness of my contention and showed his own disposition to meet our wishes. The trouble is with the other departments of the Government, and I intimated that they must be more prompt and frank or I feared regrettable controversies. As a result of this conversation, I am preparing for him a chronological list of cases of long delay about which we have made repeated requests without satisfactory results.

The recent improvement in giving fuller and prompter answers together with Sir Edward Grey's own sympathetic attitude gives me hope of better results.

AMERICAN AMBASSADOR

¹ *Ante*, pp. 376 and 380.

File No. 763.72/1773

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

[Telegram]

BERLIN, May 18, 1915, 5 p. m.

[Received May 19, 9.15 a. m.]

2253. I do not expect *Lusitania* note for some days, possibly not this week. From what I gather, it will be long and based largely on argument that Germany cannot permit ammunition to kill hundreds of thousands of Germans brought to Allies on belligerent boats protected from submarine attack by presence of American passengers. Chancellor addressed Reichstag to-day but referred to prospects of an early settlement Italian question.

GERARD

New Suggestions for an Agreement Between the Belligerents—Conversation Between the Secretary of State and the Austro-Hungarian Ambassador—The Torpedoing of the "Nebraskan"

File No. 763.72/1779

*The Ambassador in Great Britain (Page) to the Secretary of State*¹

[Telegram]

LONDON, May 19, 1915, noon.

[Received 12.50 p. m.]

Rush for the President:

Please transmit following to Berlin Embassy immediately:

It is of imperative importance that you get German Government to delay the answer to our note regarding the *Lusitania* until you receive the letter I am sending by messenger to-day. I will explain to Washington by cable so that the delay in answering will be understood and approved. Acknowledge receipt of this as soon as received. EDWARD HOUSE.

I am sending you explanatory cable in our private code. EDWARD HOUSE

AMERICAN AMBASSADOR

File No. 763.72/1780

*The Ambassador in Great Britain (Page) to the Secretary of State*²

[Telegram]

LONDON, May 19, 1915, 4 p. m.

[Received 5.30 p. m.]

2130. Rush for the President:

Please transmit following to Berlin Embassy immediately:

Have concluded to cable my suggestion rather than delay it by letter. Can you not induce the German Government to answer our note by proposing that if England will permit foodstuffs in the near future to go to neutral ports without question, Germany will discontinue her submarine warfare on merchant vessels and will also discontinue the use of poison gas? Such a pro-

¹ Repeated to the Ambassador in Germany, No. 1704, May 19.² Repeated to the Ambassador in Germany, No. 1712, May 19.

posal from Germany at this time will give her great advantage, and in my opinion she will make a grave mistake if she does not seize it.

EDWARD HOUSE

AMERICAN AMBASSADOR

[The full text of the British memorandum dealing with detained ships and cargoes, which was published in the London press on May 20, 1915, is printed below, page 427. The summary thereof contained in the telegram received from the Ambassador in Great Britain on May 19, 1915, 5.30 p. m. (No. 2129), is therefore not here printed. The reply thereto of the Secretary of State, in which certain paragraphs relating to cotton arrangements are discussed, is printed above, page 190.]

File No. 763.72/1881

The Third Assistant Secretary to the Secretary of State

WASHINGTON, May 20, 1915.

DEAR MR. SECRETARY: The Austrian Ambassador called this morning to leave with me a memorandum expressing the desire of his Government that Mr. Montgomery Schuyler should return to Petrograd to care for the Austrian prisoners in Russia. During the conversation the Ambassador brought up the relations between this country and Germany, and spoke of the necessity of this Government recognizing the principle of submarine warfare. I said that it was my earnest hope that Berlin and Vienna realized the unanimity of opinion in this country which had been very clear since the publication of our note to Germany. To my surprise Mr. Dumba replied that he did not feel at all that the country was unanimous and that the Middle West did not go as far as the President. In addition he said that the newspapers throughout the country had, for the most part, failed to express an opinion until the publication of the note, which indicated, he felt, that they were led to take their pronounced stand only after learning of the President's views. In other words, he gave me the impression, very clearly, that he was contradicting my assertion that the country was a unit at this time. My only reply was that I did not know his source of information, but that my information was quite to the contrary.

I bring the substance of this conversation to your attention, Mr. Secretary, because I feel it to be of the utmost importance that the representatives of Germany and Austria should not misrepresent the state of feelings in this country to their governments. I had assumed that the two ambassadors were impressing on their governments the seriousness of the situation over here, but since my conversation this morning I am not convinced that they are accurately representing the situation. It is probable that both Count von Bernstorff and Mr. Dumba are surrounded by an atmosphere of sympathy and are receiving expressions of sympathy from many individuals, and it would be only human if such expressions might at this time lead them away from the reality of the temper of this country.

Sincerely,

W. PHILLIPS

File No. 763.72/1783

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

[Telegram]

BERLIN, May 19, 1915, 5 p. m.

[Received May 20, 1 p. m.]

2255. As I cabled, I am sure Germany will not abandon present method submarine warfare. Newspapers and all classes are unanimous in declaring that enemy ships carrying munitions of war should not be made immune from submarine attack by fact that they carry American passengers. The prospect of war with America is contemplated with equanimity. It is said that in the case of war American ships carrying munitions can be destroyed by submarines and that the delivery of American munitions to the Allies will be diminished because more munitions will be required in America. If you do not desire to go to extremities, it is possible perhaps to arrange that if Americans insist in traveling on British ships that these ships shall be inspected at American ports before sailing, that the American Government shall then guarantee both that the ships are unarmed and carry no contraband of war and that such ships shall then carry distinguishing flags and marks and be, of course, subject to the usual rules as to visit and search, capture and destruction by enemy vessels but not to be torpedoed without notice. This suggestion, however, does not come from the German Government. Germans of position here, bankers, editors, officials, have told me that America has not enforced its rights to trade with Germany, but have acquiesced in England's holding cotton destined for Germany although there is no effective blockade of German coast. They refer also to fact that Americans were told by American Government that they remained in Mexico at their own risk, and they cannot see why the American Government should enforce the protection of cargoes of munitions by the presence of American passengers in British vessels who can travel in American ships in perfect safety and without causing complications. Germany has had great successes in the east, and is perfectly prepared to fight Italy with Austria, and is quite ready for the war.

GERARD

File No. 763.72/1784

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

[Telegram]

BERLIN, May 19, 1915.

[Received May 20, 5.30 p. m.]

2254. *Cologne Gazette* writes that American note will get the answer it deserves. It is merely a continuation of the unneutral attitude assumed in an increasing degree by the American Government toward Germany. The note is therefore assured of the approval of the Allies but that will be its sole success. We take it that the German military establishment will not permit it to cause a swerving of one inch from the course recognized as necessary by the German

Government after mature deliberation. The note pretends to plead the sacred freedom of the seas. But does not America know that England was the first to repudiate this principle by tearing up the Declaration of London, an instrument that the civilized nations had drawn up to safeguard this very freedom of the seas? Has America forgotten how England trampled upon this principle by closing the North Sea to neutral trade or the many infringements of the principle recited in the long note to England last December to which no satisfaction was given? Was it not England's infamous starvation warfare which even America's power did not suffice to check, as the case of the *Wilhelmina* showed, that drove Germany to take up submarine warfare in retaliation? Germany offered to hold back if America could enforce the freedom of the seas, but in vain; the cargo of the *Wilhelmina* was seized and the United States resigned themselves to the fact. By their acquiescence in all these violations of the freedom of the seas, which it would even seem that America has deliberately omitted to mention, she has for us forfeited all right to plead for the freedom of the seas. We shall enforce this principle with our own swords; if our blows strike neutrals who will not keep out of the way then they have only themselves to blame.

Let us take for a moment the position of the American Government: England prevents food from entering Germany and Germany foregoes the use of her submarines; England carries on its ships not only food, but all kinds of munitions of war, destined to kill and destroy thousands of German soldiers; and Germany sheathes the only weapon which it has to intercept these supplies. Could a more unreasonable demand be made? Certainly not if one stands on the ground of neutrality, justice, and equity, but only when one has made the cause of our enemies one's own cause. For this reason the American note will fail of all effect on the German people. Its threats do not frighten us, for, as an English paper writes, America cannot be of more assistance to the Allies than she is now. The complaints and moral phraseology of the note do not move us, for we know the feeling which is behind them. We shall put the note with the rest of them and go steadily on our way.

GERARD

File No. 763.72112/1141

The Ambassador in Great Britain (Page) to the Secretary of State

[Telegram]

LONDON, undated.

[Received May 20, 1915, 7.30 p. m.]

2136. Embassy has on record since war began names of thirty-three ships carrying cargoes of American cotton which have been detained by British Government. Of these ships the cargoes of eight are before prize court, ten have been released with their cargo, three of which were permitted to go forward before the publication of order in council. The British Government have agreed to purchase all or part of cargo of thirteen of these ships; in several cases part of cargo put into prize court and part British Government states it will pur-

chase. There are two cargoes about which no replies have yet been received to my representations. Am taking up question of cotton cargoes again with Sir Edward Grey, and am urging upon him again the great necessity for speedy trial by prize court and immediate settlement with American owners as to cargoes which British Government have decided to purchase.

AMERICAN AMBASSADOR

File No. 763.72112/1201

The Counselor of the British Embassy (Barclay) to the Counselor for the Department of State

WASHINGTON, May 20, 1915.

MY DEAR MR. LANSING: With reference to our conversation of three days ago on the subject of the complaints that are being made here against the delays to which cotton cargoes in England are alleged to be subjected, I beg to quote for your information the following telegram received from the Foreign Office:

We are doing all we can to expedite purchase of cotton cargoes and are in direct communication for this purpose with American cotton representatives here. Payment will be made without delay in each case to proper parties on proof that they are persons entitled to payment and on their furnishing evidence of contract price. Need for these particulars is now only obstacle to making payment.

It appears also that a memorandum, explaining fully these and other circumstances to which delay in disposing of cases of detention has been due, has been communicated to Mr. Page.

I am [etc.]

COLVILLE BARCLAY

File No. 341.115P51/51

The Secretary of State to the Ambassador in Great Britain (Page)

[Telegram]

WASHINGTON, May 21, 1915.

1596. Your 2120.¹ With reference to statement in your telegram that Foreign Office has informed you suspicious conduct of steamer *Joseph W. Fordney* in endeavoring to elude British patrol boat has tended to confirm evidence cargo was intended for Germany, you may inform British Government persons interested in vessel having previously been informed regarding this allegation, have transmitted to Department affidavit of captain of vessel to the effect that he made no effort to evade British patrol ship, and that no other officer at any time said anything to him indicating that he had not obeyed orders promptly or had not been absolutely frank in his statements.

BRYAN

¹ Not printed.

File No. 763.72112/1148

The Ambassador in Great Britain (Page) to the Secretary of State

[Telegram]

LONDON, May 21, 1915, 2 p. m.

[Received 4.15 p. m.]

2141. The two groups of unsettled cargoes now are cotton, for the prompt settlement of which I am making all possible efforts, and the Chicago packers' meat products. The prize-court proceedings on the latter are promised in June. The difficulty about the packers' cargoes is the British contention that the packers have set far too high a price on their products. It has even been intimated to me that the packers show a disposition to dump vast quantities of their products on the British Government. The packers' attorney, who has gone home to confer with the Department, I fear left a bad impression on the Government by the exorbitance of his demands.

Detailed statement of whole situation regarding cargoes goes by mail to-day on the *Lapland*.

The difficulty of securing prompt action is for the moment augmented by the internal differences in the Cabinet and the reorganization of the Government. But the probable new heads of the Admiralty and of the War Office seem likely to make our dealings with those dilatory departments more satisfactory than in the past. Our troubles have been chiefly with these departments whose heads have been less capable for our tasks with them than their successors seem likely to be.

AMERICAN AMBASSADOR

File No. 763.72112/1149

The Consul General at London (Skinner) to the Secretary of State

[Telegram]

LONDON, May 21, 1915.

[Received 5 p. m.]

Embassy's 19th transmitting Foreign Office explanation delays.¹

2. Cotton agreement loosely drawn neglects to deal question of demurrage and authorities have refrained from giving definite assurances on this important point.

3. Meat shipments were forwarded by quickest traders before British Government undertook to declare shipments "to order" contraband, and whereas Government has agreed to purchase *Wilhelmina* cargo avowedly shipped to Germany has temporized on meat products cases since November last, endeavoring by pressure to compel packers to agree to comprehensive control of world trade instead of dealing with case on merits and with no assurance that case will come to trial June 7. Port Hull congested, other valuable meats products rapidly deteriorating on lighters since months and Government refrains from offering any solution although repeatedly asked to do so. Government's only answer to request for immediate

¹ Not printed.

compensation to ships for port expenses and like arising out of detentions frequently lasting weeks is to present claims in already congested prize court.

SKINNER

File No. 763.72112/1161

The Ambassador in Great Britain (Page) to the Secretary of State

[Telegram]

LONDON, May 22, 1915.

[Received 10.20 p. m.]

2093 [2153?]. I have informally suggested to Sir Edward Grey that the British Government make an advance payment of the minimum price to owners of cotton cargoes that the Government proposes to buy without prejudice to the final negotiations.

The Cabinet can do no business till the task of reforming it is finished. All Government business except war business is at a practical standstill meanwhile.

AMERICAN AMBASSADOR

File No. 763.72/1500a

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

[Telegram]

WASHINGTON, May 23, 1915, 2 p. m.

1723. Despatches from House in London give us reason to hope that the new British ministry will be willing now to consider the proposals which we submitted to the Governments of Germany and Great Britain in our identic note of February 22 [20]¹ last, if the German Government will renew the proposals either through us or in any way it may prefer, and will now include in its proposals a mutual agreement to discontinue the use of poisonous gases. Please take this up unofficially and very confidentially with the German Foreign Office, but be careful at the same time to make it perfectly clear that while this action on the part of the German Government, if it lead to successful results, would practically clear away the difficult questions now under discussion between ourselves and them, we are conveying this information and making this suggestion only as the sincere common friend of Germany and England, desirous of rendering any service to them, and not as if we for a moment suggested a bargain or compromise with regard to our own rights upon the seas, or were willing to make those rights contingent upon what England and Germany might agree upon. No matter what England does to Germany or Germany to England, our rights are unaltered and we cannot abate them in the least. They cannot depend upon any circumstances of the war which do not by recognized international law constitute a necessary limitation. You will know how to make this clear, at the same time, that our services are most cordially offered and it is made evident that the adoption of this suggestion would furnish a happy way of clearing the field.

BRYAN

¹Ante, p. 119.

File No. 763.72/1794

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

[Telegram]

BERLIN, May 22, 1915, noon.

[Received May 23, 3.55 p. m.]

2277. Prominent German-American acquaintance of mine, head of large German concern, was called to Foreign Office and cross-examined for hour and half about possibility of German-American rising in arms against our Government. Zimmermann told me yesterday that Dumba, Austro-Hungarian Minister, had cabled that you had told him *Lusitania* note was not meant in earnest and was only sent as sop to public opinion. German defense union met May 20 in Prussian House of Deputies and adopted resolutions calling on the Chancellor to prevent by force export of arms from America. Newspapers this morning print a note of Emperor dated May 19 to widow of Lieutenant Weddigen of submarine fame authorizing her to keep the orders given her husband and saying that the whole Fatherland mourns with her for her husband who was a shining example. (Italian Ambassador?) still here.

GERARD

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

[Telegram]

WASHINGTON, May 24, 1915.

Answering your 2277, May 22, 12 m., have asked Dumba to call at 4 p. m. Will secure from him and cable you a statement denying the reported communication to Zimmermann, or correcting the construction placed upon it. I need not tell you that there is absolutely no justification for his report and you will please so notify the Government at once. The Government must not, for a moment, misunderstand the language or intent of the note regarding the submarine attack on the *Lusitania*, *Gulflight*, *Crushing*, and *Falaba*.

BRYAN

The Secretary of State to the President

WASHINGTON, May 24, 1915.

MY DEAR MR. PRESIDENT: I am enclosing a copy of my letter to Ambassador Dumba and also a copy of a note which I have just received from him in reply.¹ You will notice that he endorses the correctness of my report of the interview and gives the substance of his note to the Austrian Government which went through Berlin. He thinks that Von Jagow must have tried to bluff Gerard—that is the way he expresses it—but I suppose he would not want to be so quoted. The only thing in his telegram is what he says about the wave of public sentiment. He explained to me that by that he meant that the difference between our note to Germany and the one

¹ Not printed.

to England was that our note to Germany dealt with the loss of human lives while our note to Great Britain dealt with the loss of property. I made that distinction to him when he spoke of the difference between the two notes. You will notice that he makes reference in his note to the possibility of your sending a note to Great Britain. He explained to me that he did not get that information from me but that after he left the State Department he was told by someone that such a note was going to be sent. That may have come from Villard, who, as you remember, made the statement in the *Evening Post*. Ambassador Dumba is telegraphing the German Government, correcting the interpretation which they placed upon his note, and he will telegraph Gerard that part of my note to Dumba which sets forth his conversation and that portion of his reply to me which admits the correctness of this conversation. I shall also inform Gerard that Ambassador Dumba is telegraphing the German Government a denial of the statement which Von Jagow attributed to me.

With assurances [etc.]

W. J. BRYAN

P. S. I enclose a copy of the English translation of a cipher telegram which Ambassador Dumba is sending to the German Government.¹ At his suggestion I am sending it to Gerard in our cipher to be delivered to the German Government—this precaution being taken for fear that his cipher despatch may be delayed.

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

[Telegram]

WASHINGTON, May 24, 1915, 9.49 p. m.

1731. Please deliver the following despatch to the German Government as the English translation of a telegram which the Austrian Ambassador is sending in cipher. I am sending this at the Ambassador's request for fear his cipher despatch may be delayed.

Secretary of State just advised me of a cable of Mr. Gerard purporting that I had sent to Berlin a telegram which, according to Mr. Zimmermann said in substance the *Lusitania* note was not meant in earnest and "was only sent as sop to public opinion." I do not understand how my telegram could produce such an erroneous impression. Mr. Bryan emphasized the difference between the destruction of many human lives and material damage, the high tension of public opinion and the correspondent earnestness of his protest which does not exclude a friendly tone and spirit. It would be a great mistake to minimize the earnestness of this protest.

BRYAN

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

[Telegram]

WASHINGTON, May 24, 1915.

1732. Below you will find a memorandum of my conversation with the Austrian Ambassador:

I made a memorandum of our conversation for the President, immediately after your departure, and refreshing my memory by an examination of the

¹ *Infra*.

memorandum, I give you herewith the substance of our conversation. I feel sure that you could not have misunderstood the points which I endeavored to impress upon you—first, that I would not feel authorized to discuss the subject of arbitration without first getting the President's views. In answer to your statement that Germany did not desire war and was anxious to maintain friendly relations with the United States, I stated that you might say to the German Government that you felt sure there was no desire for war in this country, and that we expected Germany to answer the note in the same spirit of friendship that prompted ours. You then suggested that it would make it easier for Germany if she could, in her reply, say that she expected us to insist in the same spirit upon the freedom of trade with neutrals. I pointed out to you that such an expression in the answer might embarrass us and make it more difficult to deal with the Allies and I thought that Germany ought to assume that we would live up to our answer to the orders in council. You asked whether we would give confidential assurances of that kind, and I told you it ought not to be necessary and that if the German Government desired to justify before the people its acceptance of the doctrine set forth in our note, it could publish its views in a statement, not to us, but to the German people, and say that she took it for granted that we would maintain the position taken in that statement and would insist upon our right to trade with neutrals. I pointed out that if her answer contained any expression of opinion as to how we should deal with Great Britain, it would seemingly link the two cases together and put us in the attitude of acting at Germany's suggestion, instead of acting upon our own initiative and for the protection of our own interests, and that it might be construed as a sort of trade whereby we would settle an account with Germany by opening an account with the Allies. When you referred to Germany's prohibition of the carrying of explosives on railways and asked if we could not refuse clearance to ships carrying explosives and munitions, I replied that Germany was at liberty to make any suggestions she thought proper in her reply, but that we could not consider these suggestions in advance.

Upon receipt of your telegram I sent this memorandum of conversation to the Austrian Ambassador for his verification. He has just called and brought an answer to my letter in which is the following language:

I find the memorandum you had the kindness to send me quite correct and rendering faithfully the substance of our conversation.

Please bring this to the attention of the Foreign Office in order that there may be no misunderstanding as to my conversation with Ambassador Dumba. My statement that there is no desire for war in this country was brought out by his assurance that Germany did not desire war and was anxious to maintain diplomatic relations.

BRYAN

File No. 841.857L97/27

The Consul at Cork (Frost) to the Secretary of State

No. 61]

CORK (QUEENSTOWN), May 11, 1915.

[Received May 24.]

SIR: I have the honor to submit a brief review of the *Lusitania* situation up to midday of this day, unrevised and in haste to avail of to-morrow's American mail boat from Liverpool.

At 3 p. m. on Friday, the 7th instant, we noticed tugs leaving the harbor, and almost immediately a street rumor confirmed our conjecture that the *Lusitania* was injured. The Cunard Company admitted on the telephone that it appeared probable that the vessel

was sunk or sinking, and the Admiralty stated positively that it was gone. As the rescue crafts, all tugs and small trawlers, probably none over 50 tons register, had no wireless, no news could be had until they returned. Land observers at the Old Head of Kinsale could not report effectively on a disaster ten miles out at sea, but stated that about twenty boats were floating. This statement I telegraphed to the Consul General, with the fact that the sinking occurred twenty-three minutes after the torpedoing, and that the survivors would arrive here at about 7 o'clock. My two telegrams to the Consul General were probably communicated to the Ambassador. At all events, he telegraphed that information be sent him direct, and this has ever since been done. I cabled the Department at about 6 o'clock, thinking it conceivable that the Consul General might not understand that I was hesitating to omit addressing the Department through him.

Meanwhile I had drawn out in gold my deposit account and had borrowed 200 additional pounds in gold. As it seemed probable that survivors, possibly the majority of them, would be landed at Kinsale, I sent Mr. Thompson, the Vice Consul, in a motor car with £100. Mr. Jenkins, Consul at Guadeloupe, detailed at Dublin, telephoned to know if he should come to Queenstown, and I urged him to do so at once.

At 8.10 the first tender with survivors arrived at the Cunard Wharf, Queenstown, with 134 survivors. These were ushered into the rear rooms of the Cunard offices, in no order, and their names were taken by volunteer members of the Cunard and customs staff, three or four in all. At first nationalities were not recorded, but I at once asked that they be so, and thenceforth I referred to each list from time to time as it was built up, and drew off the names of Americans. I also mingled among the survivors, who were wholly unmarshalled, and endeavored to locate Americans. The Cunard officials were also asked to direct all Americans to me or to the Consulate, where Mr. Dawson was in charge; but though this request was made repeatedly they were sufficiently flustered to pay little heed to it. There was infinite good heart displayed, but almost no organization, except on the part of the naval and military authorities. The tenders kept appearing at the wharf in close succession, and the Cunard offices remained thronged, although the survivors were taken out to hotels and lodging houses rapidly. I was at the wharf as each vessel arrived, and took the numbers from the captains, building up a total by one o'clock of over 600 survivors. The lists and figures thus built up I transmitted by wire in instalments to the Ambassador and Department. Mr. Thompson had found nothing of significance at Kinsale, and returned about 10 o'clock and aided. Every survivor was informed that clothing and lodging were provided for him, and was assured that funds would be loaned him—this last applying to Americans only. Nevertheless, I know that one or two cablegrams were sent by survivors stating hysterically that they were destitute, etc. As a matter of fact, most of them were fed and placed in bed without new clothes, as the morning was the proper time for that. The names as drawn from the volunteer lists were not always spelled correctly, and as the survivors rapidly left Queenstown, they cannot be checked up here at this time.

On Saturday morning, with the aid of Mr. Jenkins, then arrived, the Consulate was busy loaning money and taking details as far as possible. We tried to circulate in every way that Americans should come to us before leaving; and most of them did so. We suggested that the police make a hotel census of survivors, we arranged with the Cunard details as to how transportation forward was to be secured, and began the work of identifying corpses. A good number of survivors took the 12 o'clock train, and others the 3 o'clock train; and we were not able to detach a man to take the names of those departing, but checked up most of them on Sunday morning through lists the railway prepared for us, and thenceforth kept records of departing American survivors with addresses as far as possible.

We found it very difficult to secure an embalmer, but secured a professor from the University College Medical School, and he was at work before evening, and has been constantly at work since. The remains of Messrs. Frohman, Pearson, and other identified American dead of importance—now thirteen in all [*sic*]. The expense is £20 each, but in a number of cases the payment is guaranteed, and probably no expense will ultimately fall on the Department. American remains in the cases of which embalming did not seem warranted are being encased in lead for safe shipment, at a cost of £15 each—now six in all. As it was planned to bury unidentified dead on Sunday, there was danger that some Americans would be buried, and in large pits from which disinterment would be difficult. Accordingly it occurred to Mr. Jenkins to see that photographs were taken of all bodies before burial, and this he was able to effect, to the benefit of both nationalities. The burial in three large pits, however, took place, though delayed until Monday; and disinterment will be very awkward if identification transpires from photographs.

On Sunday noon Captains Castle and Miller, detached by the Embassy arrived; and they have been aiding constantly in visiting ill or incapacitated Americans, dealing with specific cases, etc. They represented the United States in the funeral procession for unidentified dead on Monday afternoon. On instructions from Department we are securing statements of survivors, but this has been secondary to relief of need and quieting uncertainty. About eleven intelligent statements have been secured; the two cabled are not altogether up to the average. They will be forwarded later.

On Sunday afternoon the two captains and Mr. Jenkins and myself paid a call upon Vice Admiral Sir Charles Coke, in command in South Ireland, and he read us the wireless messages sent to Captain Turner of the *Lusitania* on the 7th. The regular warning signal which has been sent all ships approaching the British Isles for some weeks or months past was sent, instructing to keep away from headlands, etc. This was almost routine. It was supplemented by two messages between 12.30 and 2 o'clock, one reporting submarines in south Irish Channel, 100 miles ahead, and one reporting a submarine off Cape Clear, 20 miles behind the ship. Bare facts only. No instruction or interpretation. It is true that Turner should have kept farther out; but to my mind it seemed that the Admiralty had by no means done their full duty by him.

As to the sinking of the ship, it appears that no warning was given. The torpedo hit amidships starboard, and the ship listed

because of the longitudinal warship-character bulkheads, the port air spaces remaining intact. Later she righted. The sinking was in 60 fathoms, and Turner thinks her nose touched bottom before her stern disappeared, accounting for slight suction. Second torpedo dubious; probably boiler explosion. Sinking took eighteen minutes; occurred 2.23. Newspaper accounts, of *New York World* and *Tribune* probably very good, as they have had good men here.

The search for floating bodies has been wretchedly managed, in my judgment. An Admiralty tug was cruising around the scene till midnight Friday night, rather ineffectively, as she returned with neither news nor bodies. No other vessel was sent until Saturday midnight, when a Cunard tug went out, but turned back after a few hours, and as I understand it did not reach the scene at all. Admiralty patrol boats pass not far from the scene, and are ordered to look out, but not to leave their beats. No other vessel was sent out until Monday at 4 p. m., when I represented to Cunard that diplomatic intervention would result if immediate steps were not taken. They then chartered a Dutch tug and sent her out. She is due shortly and has some bodies on board, but not many—perhaps a dozen. No other search of the scene is contemplated; and I have wired both the Department and the Ambassador twice on the subject. The Cunard people and the Admiralty each appear willing to shift responsibility to the other. The Admiralty protests that all their vessels are busy on regular patrols, though to my mind the importance of searching for the twelve hundred odd bodies would justify some modification of the patrols. The Cunard claim that the Admiralty has direction of all available vessels, and even Liverpool could not send an effective boat. I am frankly much dissatisfied with the course of events in this respect, but hope that through the Ambassador action may be taken. I do not feel called upon to adopt abrupt tone with Admiralty, as it would impair my usefulness here later, but have tried to give vigorous hints. I do not know whether fear, indifference, or financial considerations are controlling.

As I said before, there has been good will in abundance, but many human mistakes have been made—some, of course, by this Consulate, so that perhaps I should not criticize. I fear this despatch is of little service, but no opportunity for a better is present at this time.

I have [etc.]

WESLEY FROST

File No. 763.72112/1168

The Ambassador in Great Britain (Page) to the Secretary of State

No. 1371]

LONDON, *May 11, 1915.*

[*Received May 24.*]

SIR: Adverting to my despatch No. 1312 of April 30,¹ in which I enclosed to the Department a copy of a memorandum dated April 26 which I left with Sir Edward Grey on the 28th ultimo, in relation to the detention of American ships and cargoes by the British authorities, I now have the honor to transmit herewith for the information of the Department a copy of a note under date of May 10,

¹Ante, p. 389.

which I have received from Sir Edward Grey in reply to the above-mentioned memorandum.

I have [etc.]

WALTER HINES PAGE

[Enclosure]

The British Secretary of State for Foreign Affairs (Grey) to the American Ambassador (Page)

No. 51431/15]

The Secretary of State for Foreign Affairs presents his compliments to the United States Ambassador, and, with reference to his excellency's memorandum of April 28 relative to the detention of American ships and cargoes by the authorities of His Majesty's Government has the honour to express his sincere regret, if, in the pressure of work arising out of the numerable cases of this nature which have occurred of late, the Foreign Office may not, in all cases, have been as prompt as might have been desired in notifying his excellency of the detention of ships and cargoes or part cargoes, arriving from the United States, and more particularly of the five cases cited in the memorandum now under reply.

Measures are being taken which, it is hoped, will secure that in future, complete and timely notice shall be given to the United States Embassy, of all such cases as they arise.

His excellency's enquiry concerning the consignment of alundum on board the steamer *America* has already been answered in a communication from this Department dated the 4th instant. With regard to the case of the three vessels *Marie*, *Livonia* and *Dicido* mentioned in the third paragraph of his excellency's memorandum, Sir E. Grey has the honour to submit the following observations.

The Swedish steamer *Marie*, bound for Malmö from Galveston, arrived at Kirkwall on or about the 8th of April. She carried a cargo of 1,355 tons of cotton shipped by Messrs. L. Wolff and Company for three consignees in Sweden. This cotton was originally intended for Germany, but the shippers subsequently decided to sell the cargo to Swedish buyers. His Majesty's Government have decided to acquire the whole of the cotton at the contract price, under the terms of the cotton arrangement, and steps are being taken for the conclusion of the purchase. The vessel is now at Greenock to discharge her cargo.

The steamer *Livonia* with 5,140 tons of cotton from Galveston for Aalborg and Copenhagen, and the Swedish steamer *Dicido* with a cargo of cotton from Galveston for Gothenburg, arrived at Falmouth and at Kirkwall respectively on April 14. The cargoes of cotton on these vessels were shipped by Messrs. L. Wolff and Company, and His Majesty's Government have after due consideration decided, as in the case of the steamer *Marie*, to acquire the cotton on both vessels at the contract price, in accordance with the terms of the cotton arrangement, and both vessels have been directed to suitable ports for the discharge of their cargoes.

As regards the steamer *A. A. Raven*, the cargo consisted almost entirely of contraband articles consigned to firms in Holland. It was intimated to the interested parties on March 1 that these goods must be consigned to the Netherlands Oversea Trust, but as no steps appeared to have been taken to obtain reconsignment by March 30, it was decided to place the goods in the prize court. As, however, a telegram was subsequently received stating that the Netherlands Oversea Trust had accepted consignment of the greater part of the cargo, the vessel was permitted to proceed with her cargo on March 31.

LONDON, *May 10, 1915.*

File No. 763.72112/1055

The Secretary of State to the Consul General at London (Skinner)

No. 253]

WASHINGTON, *May 24, 1915.*

SIR: The Department has received your despatch No. 406 of April 16, 1915,¹ in regard to the attitude of the British Government in the matter of reconsigning American shipments to the Netherlands.

¹Ante, p. 374.

This Government does not object to the consignment of American shipments to the Netherlands Oversea Trust, if shippers voluntarily adopt that plan, but it does object to the detention by the British Government of non-contraband shipments until reconsigned to the Netherlands Oversea Trust. Shipments consigned to other consignees in Holland have the same legal status as those consigned to the Netherlands Oversea Trust. There is no legal justification for the detention of non-contraband shipments, and the burden of proof is on the British Government to establish contraband character, and not on the shipper to establish non-contraband character.

I am [etc.]

For the Secretary of State:

WILBUR J. CARR

File No. 300.115N27/1

The Ambassador in Great Britain (Page) to the Secretary of State

[Telegram]

LONDON, undated.

[Received May 26, 1915, 10.10 a. m.]

2166. Urgent. Report at midnight last night to British Admiralty from Land's End states that American steamer *Nebraskan* torpedoed 40 miles south by west of Southcliffe [?], crew taking to boats.

British trawler standing by now reports *Nebraskan* still afloat and making for Liverpool with four holds full of water. No lives reported lost.

AMERICAN AMBASSADOR

File No. 300.115/3446

The Consul General at London (Skinner) to the Secretary of State

[Telegram]

LONDON, May 26, 1915.

[Received 6 p. m.]

Department's 3d¹ and 7th.² *Ogeechee* case. Procurator general after consulting Foreign Office writes:

Foreign office unable see any reason why proceedings should not take usual course, and I may point out that goods fall within jurisdiction of prize court. When vessel detained by executive authority comes under provisions order in council, it is not in my power, but must rest with Secretary of State to grant permission to continue voyage without discharging cargo. With regard your proposal that I suggest expeditious manner clearing up *Ogeechee*, I should be glad to do what is possible. I should be prepared to consider any evidence which claimants produce to show that goods had become property citizens of United States before issue of order in council, with view to release goods without action under clause five. In proper cases I should myself be prepared to take necessary steps.

In view of foregoing, renew my recommendation May 3 [5] and 8.³

SKINNER

¹ *Ante*, p. 379.

² Not printed.

³ *Ante*, pp. 380 and 385.

File No. 763.72/2478

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

[Telegram]

BERLIN, May 25, 1915, 4 p. m.

[Received May 26, 7.05 p. m.]

2289. Referring to your 1723, May 23, 2 p. m.,¹ regret your telegram not quite clear because you say that House reports that new British Ministry now willing to consider the proposals which we made in our note received February 22 last,² and you then speak of getting the German Government to renew its proposals. The essential difference between the proposition made in our identic note and the German counter proposal is that we proposed that foodstuffs should be allowed to enter Germany and the German counter proposal demanded not only foodstuff and forage, but raw material also. Colonel House cabled me from London direct on May 18, the text of his telegram having been repeated in your 1622 [1712]³ to me. I immediately had interview with Von Jagow and on May 21 cabled House as follows:

Gave your suggestion to Von Jagow this morning. This proposition of permitting passage food in return for cessation of submarine methods already made and declined. If raw material added, matter can perhaps be arranged. Germany in no need of food. Ask Department to cable you my cable number 2305 [2205]⁴ of May 10, 5 p. m.

This disposes of the proposition if you mean that the British Government is willing to allow foodstuffs but not raw material to enter Germany in return for cessation of torpedoing of merchant ships without notice by submarines. I had a talk to-day with Zimmermann, Von Jagow being out of town, and he reiterated what Von Jagow said, but expressed himself as satisfied that an agreement might be reached on somewhat the following basis: Germany and England both agree not to use gases. Food, cotton, copper, rubber, and such other raw material as does not directly enter into manufacture of munitions of war to be allowed to enter Germany. Germany to stop torpedoing of merchant vessels without notice, but England to agree that merchant vessels shall not be armed and shall not attempt to ram submarines.

I think German answer to *Lusitania* note will be only in first place a statement of facts, and we shall be asked if we agree that this statement correctly sets forth the facts.

GERARD

File No. 763.72/2440

The Ambassador in Great Britain (Page) to the Secretary of State

[Telegram]

LONDON, May 25, 1915, 5 p. m.

[Received May 26, 11.15 p. m.]

2175. To the Secretary and the President:

I send the following for your information as an item in my report on broadcast opinions.

¹Ante, p. 406.²See identic note of February 20, ante, p. 119.³See footnote 2, ante, p. 400.⁴Ante, p. 389.

There is a feeling in official circles that some sinister influence is at work to cause misunderstanding at Washington of British feeling and action. The English were surprised at such a misunderstanding as occurred at Washington about the dealings of private American interests directly with the British Government about shipping.¹ They had never considered our Government a party to these dealings. There are plain intimations that the Chicago packers are, in British opinion, not playing a fair game but are "loading up" the British Government with products that are not marketable here, by taking advantage of the British willingness to buy cargoes rather than permit them to pass through neutral countries to Germany. The official feeling, as I gather it, is strong that German influence and special interests in the United States are pushing to bring about a public demand that, a blow having been given to Germany, a corresponding blow must now be given to England.

The Foreign Office has lately been more prompt and effective in giving answers to shipping questions than at any previous period in spite of the fundamental disturbance in the make-up of the Cabinet, and they show a keener appreciation of the need and justice of promptness. I remarked to Sir Edward Grey the other day that this was surely a good time to clean the slate, and he almost effusively agreed with me. . . . I am doing everything possible to hurry action and with better results and better hope than I had awhile ago.

AMERICAN AMBASSADOR

File No. 763.72112/12931

Memorandum by the Counselor for the Department of State

WASHINGTON, May 27, 1915.

In a conversation, which I had this afternoon at the Department with Sir Cecil Spring Rice, I said to him that information received from many sources indicated that Germany was not suffering from lack of food, but on the contrary had sufficient to last until the next harvest, and that after that there would be a great abundance, as all arable land had been planted with grain and other food crops.

The Ambassador replied that the information was undoubtedly correct as it coincided with the reports received by his Government.

I asked him why, in view of this fact, his Government should be so determined to keep foodstuffs out of Germany. I said, "You admit that you cannot starve Germany by interrupting food imports, and yet you continue your efforts to stop the trade and lay yourself open to the charge of inhumanity by attempting to reduce Germany by starvation."

He replied that what I said was true, but that knowledge of Germany's food supply had been only recently obtained by his Government.

I asked him if, knowing the facts and the futility of their "starvation policy," it would not be a wise course for his Government to

¹Ante, pp. 216-23.

accede to the proposal, which was made some time ago, that Great Britain would permit foodstuffs to go to the civil population of Germany, provided Germany would cease her submarine warfare on merchant ships. I pointed out to him that the idea of starving men, women, and children seemed to many people as inhuman as drowning them; that the legality of the attempt was neither here nor there, since the very idea was repugnant to the humane sentiments of modern society; that the attempt offered a more or less plausible excuse for Germany's sinking of unarmed merchantmen; and that Germany was, as he knew, using this excuse with considerable effect.

The Ambassador replied that what I said was convincing; that he knew that the purpose of starving the German people had made a bad impression in this country, although we had done the same thing in our Civil War; and that the Germans asserted that their submarine warfare was only retaliatory.

I asked him, "Why, then, does not your Government relieve themselves of the odium of pursuing an inhuman policy by agreeing to allow food to go to the civil population of Germany? You have nothing to lose, because you admit you cannot starve the nation into submission, and you have much to gain, because you will put Germany in the position of having to stop her submarine attacks or else bear alone the stigma of being cruel and inhuman. Whichever way the German Government decides, Great Britain would seem to be the gainer. I do not suggest this course on humanitarian grounds, but solely on the ground of expediency. It seems to me the politic thing for your Government to do."

He replied with marked emphasis, "You are entirely right. It would be the very best course my Government could take, and would put Germany in a serious dilemma. I shall suggest it to Sir Edward Grey and urge its adoption."

I said to him that, if he proposed to his Government to take that action, I earnestly hoped that he would not mention having had any conversation with me on the subject, that he must understand I had spoken confidentially and personally, and that to have anyone in the Department making, even unofficially, such a suggestion, and especially advancing arguments in its favor from the British standpoint, would be most embarrassing.

The Ambassador replied that he understood my position and would promise that our conversation would be treated as secret and not mentioned in any way. He added, "The suggestion will be my own, and so will the arguments in its favor. I will not mention your name or your Government in connection with the subject."

He spoke again of the tactical benefit to his Government, if the course proposed should be adopted, and of the favorable effect which he knew it would have on public opinion in this country.

He left me with the impression that he was heartily in favor of the suggestion and would do all that he could to have his Government adopt it.

ROBERT LANSING

File No. 763.72/2478

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

[Telegram]

WASHINGTON, May 27, 1915, 3 p. m.

Your No. 2289, May 25, 4 p. m. The President directs me to send you the following:

Please point out kindly and unofficially, but very earnestly, to the Foreign Office that the conditions now prevailing in the marine war zone are rapidly becoming intolerable to the whole world, that their rectification is in the interest of both parties to the present conflict, and that this Government, while it has nothing to propose as between the belligerents, but will confine itself to the protection of its own clear rights, will act with pleasure in conveying any proposals that either the one government or the other has to make for the correction of the present conditions fraught as they are with universal danger.

Do not mistake instructions in our 1723, May 23, 2 p. m.¹ We did not state that the new Ministry in England would be willing, but said only that we had reason to hope that they would be.

BRYAN

File No. 300.115N27/8

The Consul at Liverpool (Washington) to the Secretary of State

[Telegram]

LIVERPOOL, May 28, 1915, 8 a. m.

[Received 8.15 a. m.]

Nebraskan chartered White Star Line, water ballast. Shock followed by explosion 8.24 evening May 25, latitude 51.14 N., longitude 10.52 W. Captain and officer watch say flag lowered ten minutes before explosion. Chief engineer only person saw track approaching torpedo. Captain, officer watch, and chief engineer say light time explosion sufficient see two thousand feet. Name and port painted both sides letters six feet high. Lieutenant Towers, Constructor McBride making further examination *Nebraskan* to-day. They will photograph in dry dock next week.

WASHINGTON

File No. 441.11B74/20

The Ambassador in Great Britain (Page) to the Secretary of State

[Telegram]

LONDON, May 29, 1915.

[Received 12.30 p. m.]

2189. Your 1512, 6th.¹ In reply to my representations regarding *Segurança* Foreign Office advises me that instructions have been sent to British Ambassador at Washington to inform British consuls that, to minimize the risks of delay and detention, it would be advisable that shippers should arrange to have their cargoes for Holland consigned to the Netherlands Oversea Trust.

AMERICAN AMBASSADOR

¹ *Ante*, p. 406.² *Ante*, p. 381.

File No. 763.72/1826

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

[Telegram]

BERLIN, May 28, 1915.
[Received May 30, 9 a. m.]

2320. Best naval sources state no change will be made in method of submarine blockade even if consequences involve war between Germany and United States.

GERARD

The German Notes of May 28, 1915, on the "Lusitania," June 1, 1915, on the "Gulfight" and "Cushing," and June 7, 1915, on the "Frye"—British Prize-Court Cases

File No. 763.72/1830

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

[Telegram]

BERLIN, May 29, 1915, 7 p. m.
[Received May 31, 1.30 a. m.]

2326. The following is the text of the reply of the German Government to the *Lusitania* note, which I am informed will be published here Monday:

BERLIN, May 28, 1915.

The undersigned has the honor to make the following reply to the note of his excellency, Mr. James W. Gerard, Ambassador of the United States of America, dated the 15th [13th]¹ instant, on the subject of the impairment of many American interests by the German submarine war.

The Imperial Government has subjected the statements of the Government of the United States to a careful examination and has the lively wish on its part also to contribute in a convincing and friendly manner to clear up any misunderstandings which may have entered into the relations of the two Governments through the events mentioned by the American Government.

With regard firstly to the cases of the American steamers *Cushing* and *Gulfight*, the American Embassy has already been informed that it is far from the German Government to have any intention of ordering attacks by submarines or flyers on neutral vessels in the zone which have not been guilty of any hostile act; on the contrary, the most explicit instructions have been repeatedly given the German armed forces to avoid attacking such vessels. If neutral vessels have come to grief through the German submarine war during the past few months, by mistake, it is a question of isolated and exceptional cases which are traceable to the misuse of flags by the British Government in connection with carelessness or suspicious actions on the part of [the] captains of the vessels. In all cases where a neutral vessel through no fault of its own has come to grief through the German submarine or flyers according to the facts as ascertained by the German Government, this Government has expressed its regret at the unfortunate occurrence and promised indemnification where the facts justified it. The German Government will treat the cases of the American steamers *Cushing* and *Gulfight* according to the same principles. An investigation of these cases is in progress. Its results will be communicated to the Embassy shortly. The investigation might, if thought desirable, be supplemented by an international commission of inquiry, pursuant to Title III of the Hague Convention of October 18, 1907, for the pacific settlement of international disputes.

In the case of the sinking of the English steamer *Falaba*, the commander of the German submarine had the intention of allowing passengers and crew ample opportunity to save themselves. It was not until the captain disregarded

¹Ante, p. 393.

the order to lay to and took to flight, sending up rocket signals for help, that the German commander ordered the crew and passengers by signals and megaphone to leave the ship within ten minutes. As a matter of fact he allowed them twenty-three minutes and did not fire the torpedo until suspicious steamers were hurrying to the aid of the *Falaba*.

With regard to the loss of life when the British passenger steamer *Lusitania* was sunk, the German Government has already expressed its deep regret to the neutral Governments concerned that nationals of those countries lost their lives on that occasion. The Imperial Government must state for the rest the impression that certain important facts most directly connected with the sinking of the *Lusitania* may have escaped the attention of the Government of the United States. It therefore considers it necessary in the interest of the clear and full understanding aimed at by either Government primarily to convince itself that the reports of the facts which are before the two Governments are complete and in agreement.

The Government of the United States proceeds on the assumption that the *Lusitania* is to be considered as an ordinary unarmed merchant vessel. The Imperial Government begs in this connection to point out that the *Lusitania* was one of the largest and fastest English commerce steamers, constructed with Government funds as auxiliary cruisers, and is expressly included in the navy list published by British Admiralty. It is moreover known to the Imperial Government from reliable information furnished by its officials and neutral passengers that for some time practically all the more valuable English merchant vessels have been provided with guns, ammunition, and other weapons, and reinforced with a crew specially practiced in manning guns. According to reports at hand here, the *Lusitania* when she left New York undoubtedly had guns on board which were mounted under decks and masked.

The Imperial Government furthermore has the honor to direct the particular attention of the American Government to the fact that the British Admiralty by a secret instruction of February of this year advised the British merchant marine not only to seek protection behind neutral flags and markings, but even when so disguised to attack German submarines by ramming them. High rewards have been offered by the British Government as a special incentive for the destruction of the submarines by merchant vessels, and such rewards have already been paid out. In view of these facts, which are satisfactorily known to it, the Imperial Government is unable to consider English merchant vessels any longer as "undefended territory" in the zone of maritime war designated by the Admiralty Staff of the Imperial German Navy, the German commanders are consequently no longer in a position to observe the rules of capture otherwise usual and with which they invariably complied before this. Lastly, the Imperial Government must specially point out that on her last trip the *Lusitania*, as on earlier occasions, had Canadian troops and munitions on board, including no less than 5,400 cases of ammunition destined for the destruction of brave German soldiers who are fulfilling with self-sacrifice and devotion their duty in the service of the Fatherland. The German Government believes that it acts in just self-defense when it seeks to protect the lives of its soldiers by destroying ammunition destined for the enemy with the means of war at its command. The English steamship company must have been aware of the dangers to which passengers on board the *Lusitania* were exposed under the circumstances. In taking them on board in spite of this the company quite deliberately tried to use the lives of American citizens as protection for the ammunition carried, and violated the clear provisions of American laws which expressly prohibit, and provide punishment for, the carrying of passengers on ships which have explosives on board. The company thereby wantonly caused the death of so many passengers. According to the express report of the submarine commander concerned, which is further confirmed by all other reports, there can be no doubt that the rapid sinking of the *Lusitania* was primarily due to the explosion of the cargo of ammunition caused by the torpedo. Otherwise, in all human probability, the passengers of the *Lusitania* would have been saved.

The Imperial Government holds the facts recited above to be of sufficient importance to recommend them to a careful examination by the American Government. The Imperial Government begs to reserve a final statement of its position with regard to the demands made in connection with the sinking of the *Lusitania* until a reply is received from the American Government, and believes that it should recall here that it took note with satisfaction of the proposals of good offices submitted by the American Government in Berlin and

London with a view to paying the way for a *modus vivendi* for the conduct of maritime war between Germany and Great Britain. The Imperial Government furnished at that time ample evidence of its good will by its willingness to consider these proposals. The realization of these proposals failed, as is known, on account of their rejection by the Government of Great Britain.

The undersigned requests his excellency, the Ambassador, to bring the above to the knowledge of the American Government and avails himself of the opportunity to renew [etc.]

VON JAGOW

GERARD

File No. 763.72112/1203

The Ambassador in Great Britain (Page) to the Secretary of State

[Telegram]

LONDON, *May 31, 1915.*

[Received 3.10 p. m.]

2198. Replying to my representations regarding the detention of American cargoes, Foreign Office advises me as follows:

That everything is being done to accelerate the settlement regarding the cotton cargoes which are to be purchased by His Majesty's Government.

Sir E. Grey would, however, point out to his excellency that a representative of American shippers of cotton on seventeen vessels, the cargoes of which have been purchased, was informed on the 26th instant that His Majesty's Government were ready and anxious to pay at once. He admitted however his complete inability at present to make any definite claim with regard to any one of the cargoes of these vessels.

The representative of shippers of cotton on another vessel was similarly informed, but he also acknowledged that he was not in a position to present any definite statement of account. Both these persons undertook to communicate immediately with their principals in the United States with a view to obtain all necessary particulars and thus hasten an early settlement.

The cargoes of the remaining six vessels are also being dealt with as rapidly as possible.

Dr. Page will no doubt readily recognize that the process of arriving at a settlement is retarded by the necessity of establishing the real ownership of each consignment, and of ascertaining whether it has passed from shipper to consignee, and who is the person entitled to receive the payment.

That this preliminary investigation is really necessary is proved by the fact that certain Swedish consignees are threatening to institute proceedings in London with a view to preventing the purchase by His Majesty's Government from the American shippers of cotton cargoes, which they allege have been bought and actually paid for by themselves.

AMERICAN AMBASSADOR

File No. 341.115R221/4

The Ambassador in Great Britain (Page) to the Secretary of State

[Telegram]

LONDON, *May 31, 1915.*

[Received 4.25 p. m.]

2202. Your 1575 of 17th *re Helge*.¹ Foreign Office advises me that consignment shipped by Reagan Bale Company was not amongst items of cargo placed in prize court, and there has never been any intention of interfering with it; further states that it is somewhat at

¹Ante, p. 398.

a loss to understand what injury can be inflicted on United States shippers seeing that in all cases in which shipments of cotton, covered by the terms of the cotton arrangement, are detained and purchased by British Government, such purchases are made at the contract price in accordance with the terms agreed upon.

AMERICAN AMBASSADOR

File No. 763.72/1832

The British Ambassador (Spring Rice) to the Secretary of State

No. 206]

WASHINGTON, *May 31, 1915.*

[*Received June 1.*]

SIR: In the text of the German note, as published in the press this morning, it is stated that practically all the more valuable British merchantmen have been equipped with cannon and ammunition and that "the *Lusitania*," too, according to "information received here (Berlin), had cannon aboard which were mounted and concealed below decks."

I have the honour, under instructions from His Majesty's Principal Secretary of State for Foreign Affairs, to give you the categorical assurance that the *Lusitania* was not carrying any guns, and has not done so at any time during the war.

I have [etc.]

CECIL SPRING RICE

File No. 341.115St2/137

The Ambassador in Great Britain (Page) to the Secretary of State

No. 1412]

LONDON, *May 18, 1915.*

[*Received June 1.*]

SIR: Adverting to the Department's cablegram No. 1408 of April 12,¹ in regard to the detention of the S. S. *Wico* by the British authorities, and instructing me to acquaint the British Government that the Government of the United States considered that any question arising out of the seizure of American cargoes by the German authorities would be a matter for adjustment between the two Governments, and could not afford justification for the seizure of American cargoes by the British authorities, I have the honor to transmit herewith, for the information of the Department, a copy of a note, under date of May 16, which I have received from the Foreign Office in reply to my representations in the premises.

I have [etc.]

WALTER HINES PAGE

[Enclosure]

The British Secretary of State for Foreign Affairs (Grey) to the American Ambassador (Page)

No. 46625/15

May 16, 1915.

SIR: I have the honour to acknowledge the receipt of the note of the 16th ultimo, in which your excellency stated, in connection with the detention of the American ship *Wico*, that the Government of the United States considered

¹*Ante*, p. 365.

that any question arising out of the seizure of American cargoes by the German authorities would be a matter for adjustment between the two Governments, and could not afford justification for the seizure of American cargoes by British authorities.

I regret that my note of the 7th instant did not explain with sufficient clearness the attitude which His Majesty's Government feel constrained to adopt in the matter. They had no intention of claiming the right to interfere with neutral vessels on their way to neutral ports, on the ground that such vessels were liable to be captured by enemy cruisers. I should have stated that the recent seizures of a number of such vessels and their diversion to German ports were effected in circumstances which left no doubt that there was collusion between the parties interested in the cargoes and the German authorities.

The right which His Majesty's Government claim, and which they feel confident will not be questioned by the United States Government, is that neutral ships may be held up in cases where there are good grounds to suspect that their ostensible destination is not the genuine destination, and that fraudulent arrangements have been concerted with the enemy cruisers for delivering ship and cargo into their hands.

I have [etc.]

For the Secretary of State:

W. LANGLEY

File No. 763.72112/1217

The Ambassador in Great Britain (Page) to the Secretary of State

No. 1442]

LONDON, *May 20, 1915.*

[*Received June 1.*]

SIR: Referring to correspondence which has passed between the Department of State and this Embassy since the outbreak of the war in regard to the seizure and detention of American vessels and cargoes by the British Government authorities, I have the honor to present herewith for the consideration of the Department a statement of the actual existing conditions and of the actions of this Embassy in connection therewith, and also a summary of the procedure which has been adopted by this Embassy with a view to expediting, under instructions, the release of such ships and cargoes as have been detained.

As the Department is aware, two distinct situations have arisen in this connection; the first being the action of the British Government in detaining ships and cargoes with a view to preventing contraband and conditional contraband from proceeding to Germany, before the promulgation of the order in council of March 11, and the second being the endeavor of the British Government, after the above-mentioned date, to prevent all goods of any description from proceeding to the German Empire.

Referring to the class of ships which were detained prior to the order in council, it will be found that the British Government has given as the reason for detention in most cases:

- (a) that the vessel carried contraband; or
- (b) that there was an apparent irregularity in the ship's papers;
or
- (c) that the ultimate destination of contraband or conditional contraband cargo consigned to a consignee in a neutral country was suspected.

After the publication of the order in council of March 11, and the formation of the Netherlands Oversea Trust, the majority of ships which have been detained are those carrying cotton, the cargoes of most of which have been consigned to some firm in one of the Scandinavian countries, and the delay which has been occasioned appears to be due to the fact that investigations as to the consignee have taken much time, and also in cases where the British Government had decided to discharge a portion of the cargo of the detained ship before releasing the vessel.

A study of the record of the case of every ship, which are kept in alphabetical order and which contain a chronological history of each vessel which has been brought to the attention of the Embassy and about which representations have been made to the Foreign Office, will show that the Embassy has endeavored to immediately apprise the Foreign Office of the instructions which it has received, and has in every case requested exact information as to the reasons for the detention, and further has pressed for the prompt release.

Upon the receipt of information as to the detention of any American vessel or cargo, the Embassy has immediately brought this fact to the attention of the Foreign Office, and has requested that it be apprised of the reasons for the detention, and has asked, if no objection was found on the part of the British Government to so doing, that the vessel be immediately allowed to proceed to her destination. It has been the endeavor of the Embassy to impress upon the Foreign Office the fact that information of a definite character as to the detention of every vessel carrying American cargo is absolutely necessary, and also that the delay caused by investigation and in the discharge of that part of the cargo which the British Government decided to place in the prize court, has caused extreme discontent in the United States.

Copper, foodstuffs, and machinery have been the principal articles which have been placed in the prize court by the British Government, and in some cases these goods have been purchased outright before trial proceedings were entered into. The delay in the decision as to the prices of these goods and the final payment has occasioned more dissatisfaction on the part of the American shippers than the fact of the detention, as ultimately they consider that they will receive a fair and satisfactory price.

In the case of the S. S. *Antilla*, detained at Kirkwall the latter part of February, after repeated representations to the Foreign Office, the British Government informed the Embassy that the discharge of the items of the cargo which had been placed in the prize court had been retarded owing to the difficulty in finding suitable berthing accommodation for the vessel on account of the congestion of the docks at Dundee, and, even in view of repeated requests that the vessel be promptly discharged, the British Government appear to have been unable to accomplish this in shorter time than was taken, the Foreign Office stating that it was a physical impossibility to proceed faster with work of unloading.

The question of the consignment of goods to the Netherlands Oversea Trust is one which has involved a great deal of delay, which it has been impossible for this Embassy to prevent, as the Foreign

Office have stated on repeated occasions that it would be impossible for instructions to be issued for the clearance of any vessel carrying contraband or conditional contraband for any Dutch port until advices had been received from the British officials in Holland stating that all the cargo was consigned in the proper way to the Netherlands Oversea Trust.

The attention of the Department is respectfully requested upon the case of the S. S. *Segurança*, an American vessel which had its cargo consigned to certain Dutch firms and was detained by the British authorities in order that all the items of the cargo might be re-consigned to the Netherlands Oversea Trust, which procedure the British Government is endeavoring to enforce in all cases with the utmost strictness. A transcript of a chronological history of the detention of this vessel, which has been copied verbatim from the list of cases of ships which is kept on record in the Embassy, is enclosed herewith.¹ It is respectfully desired to draw the Department's attention [to what] might appear to be a long delay in the presentation to the Foreign Office of the instructions of the Department in connection with this case. On April 9 the Department cabled the Embassy instructing it to inform the Foreign Office as to the objection of the owners to the detention of this vessel, and further directing that this matter be brought to the attention of the Consul General. This cablegram was received on Saturday, April 10, and, as no action is taken on Sunday by the Government committee which sits on questions regarding ships, the matter was held until the early part of the next week when a conference was held with the Consul General in order that the Embassy might be informed as to the result of the negotiations between Mr. Skinner and the Procurator General. Mr. Skinner had addressed a note to the Procurator General on April 13, and in the conference it was decided, for the better representation of the matter to the Foreign Office, to wait until an answer had been received by him from the Procurator General's office. Accordingly, on the receipt of the Consul General's letter embodying this information, a note was addressed to the Foreign Office in the sense of the Department's instructions and incorporating certain requests made by Mr. Skinner on behalf of the owners of part of the cargo.

It is also desired to point out to the Department that its cablegram No. 1512 of May 6² was not received at the Embassy until late that night, and was not deciphered until the following day. As there were certain groups in this cable which were undecipherable and which appeared to be most pertinent to its meaning, corrections had necessarily to be called for, and it was not until early in the following week that the cable was in such a condition as could be properly dealt with, and a note in the sense of the Department's instructions contained therein was dispatched to the Foreign Office on the 13th instant.

This Embassy has on record in its list of ships 134 cases concerning American vessels and cargoes with which it has dealt since the outbreak of the war. Of these, 33 cases have to deal with cargoes of cotton which have been detained by the British Government. Of

¹ Not printed.

² *Ante*, p. 381.

this number, the cargoes of 8 vessels are now before the prize court, 10 have been released with their cargoes, 3 of which were permitted to go forward before the publication of the order in council. The British Government have agreed to purchase all or part of the cargo of 13 of these ships; in several cases part of the cargo has been put in the prize court and part the British authorities state they will purchase. There are 2 cargoes regarding which no reply has yet been received from the Foreign Office to the representations made by the Embassy.

Since the beginning of the war there have been placed in the British prize court the whole or part of American cargoes from 46 vessels which were detained by the British Government. In most instances the vessels were allowed to proceed after discharging the cargo or a portion of the cargo, and in a few instances the ship and cargo were both placed in the prize court; 31 vessels carrying American cargo detained by the British authorities, about which representations have been made by the Embassy to the Foreign Office, have been released. Investigations are being made by the British Government at the present time concerning 10 vessels carrying American cargo. Representations have been made to the Foreign Office by the Embassy in respect to claims against the British Government for losses occasioned to American shippers of cargoes through the detention of the ships on which these cargoes were carried in 8 cases; 5 vessels have been requisitioned by the British Government, about which representations were made to the Foreign Office by the Embassy according to the instructions of the Department or the request of the owners; 3 of these vessels were released and 2 held by the British Government. The American cargo on board 1 ship was seized; it was afterwards decided by the British authorities that this cargo was not liable to seizure and it was therefore purchased.

The procedure to which the Embassy has endeavored to conform is as follows:

Upon the receipt of information from the Department of State or any private parties as to the detention of any vessel by the British Government, a note has immediately been addressed to the Foreign Office requesting full details as to the cause of the detention, and in most cases asking for release. In cases where the Foreign Office have informed the Embassy that a vessel was detained, and given some specific reason, the Embassy has at once advised the Department of State by cable. In other cases where the Foreign Office has addressed a note to the Embassy merely stating that a vessel was held, the Embassy has requested all details regarding its detention. In cases of delay in a reply by the Foreign Office to its representations, I have brought the matter personally to the attention of Sir Edward Grey, or Mr. Laughlin or Mr. Stabler has conferred with Sir Eyre Crowe, one of the Under Secretaries of State for Foreign Affairs who is at the present time at the head of the contraband department, and a memorandum has been left with him requesting prompt action.

I have been informed that the case of each vessel which is detained by the British Government is decided upon by a committee composed of representatives of the Foreign Office, the War Office, the Admiralty, and the Board of Trade. The Foreign Office states that the

delay which is caused is due to the consideration of the many technicalities involved in each case, and that although they endeavor to deal as promptly as possible with all matters under their consideration, nevertheless it is impossible to make decisions without care, which involves some length of time. I have continually impressed upon Sir Edward Grey the desire of the Government of the United States to have every case expedited, and he has, I feel sure, endeavored to do all in his power to comply with my request, and it appears that during the past six weeks the Embassy has been more promptly advised than heretofore as to the actions of the Government authorities in this connection.

I shall continue to urge for promptitude in the presenting to the Embassy of all the reasons for the detention of any ships carrying American cargo, in the speedy discharge of cargoes which it has been decided to place in the prize court, and in the immediate settlement for cargoes of cotton which the British Government has decided to purchase.

I have [etc.]

WALTER HINES PAGE

File No. 763.72112/1208

The Ambassador in Great Britain (Page) to the Secretary of State

No. 1468]

LONDON, *May 20, 1915.*

[*Received June 1.*]

SIR: Referring to my cablegram No. 2129 of May 19,¹ I have the honor to transmit herewith to the Department copy, in duplicate, of a memorandum respecting American ships and cargoes detained at British ports, which I have received from Sir Edward Grey in reply to my numerous conversations with him upon this subject, and also a copy, in duplicate, of a *note verbale* substantiating his memorandum.

I have [etc.]

W. H. PAGE

[Enclosure 1]

MEMORANDUM RESPECTING AMERICAN SHIPS AND CARGOES DETAINED AT BRITISH PORTS

There is at the present moment detained in this country but one American ship, the *Joseph W. Fordney*. This vessel, with a cargo of feeding stuffs consigned to E. Klingener at Malmö was brought into Kirkwall on the 8th April. She had been sighted by His Majesty's ships about ten miles from the Norwegian coast, and had thereupon endeavoured, with the evident desire to evade search, to escape rapidly into Norwegian territorial waters, but without success. On the vessel's arrival at Kirkwall enquiries were at once addressed to His Majesty's Minister at Stockholm in regard to the consignee of the cargo and a reply was received to the effect that no person of the name could be identified at Malmö, though a person of the name, who resided at Gothenburg and was manager of the Gothenburg branch of the Hamburg firm of Hugo Hartvig, had stated that the consignments addressed to him on board the *Joseph W. Fordney* were intended for storage in Malmö.

2. The suspicious conduct of the vessel in endeavouring to elude His Majesty's patrols, and the known connections of the consignee of her cargo, have tended to confirm other evidence which has come to the knowledge of His Majesty's Government that the foodstuffs were in reality destined for

¹Not printed, as it contains only a summary of the following enclosed memorandum.

Germany. It was accordingly decided, as the United States Ambassador was duly informed, that the cargo must be placed in the prize court and the vessel is at present discharging at Portishead, on the completion of which operation she will be released. His Majesty's Government feel satisfied that, in the circumstances of this case, undue interference with American interests can not with reason be imputed to them.

3. The number of neutral vessels carrying American cargoes and at present held up, is thirty-six; of these, twenty-three carry cargoes of American cotton. The United States Government are aware that, since the enforcement of the blockade measures announced in the supplement of the *London Gazette* of the 12th March last, His Majesty's Government have acted, as regards shipments of American cotton, in accordance with the provisions of an arrangement arrived at in collaboration with representatives of the American cotton interests. The terms of the arrangement are as follows:

1. All cotton for which contracts of sale and freight engagements have already been made before the 2d March is to be allowed free (or bought at contract price if stopped), provided the ship sails not later than the 31st March.

2. Similar treatment is to be accorded to all cotton insured before the 2d March, provided it is put on board not later than the 16th March.

3. All shipments of cotton claiming the above protection are to be declared before sailing, and documents produced to and certificates obtained from consular officers or other authority fixed by the Government.

4. In accepting this scheme, which, it may be noted, applies to shipments of cotton for neutral destinations only, the principal representative of the American cotton interests described it to His Majesty's Ambassador at Washington as conceding all that the American interests could properly ask. It was never suggested that vessels or cargoes with an enemy destination should be allowed to proceed. His Majesty's Government were, moreover, given to understand that the provisions of the arrangement were acceptable to the United States Government.

5. As the United States Ambassador has already been informed, it is intended shortly to furnish a statement showing precisely what cargoes, or portions of cargoes, His Majesty's Government have dealt with under the above arrangement, and, as regards those which they have decided to purchase at contract price, under the terms of paragraph 1 of the arrangement, direct discussions have already been opened with special representatives of the American parties interested in London.

6. A considerable portion of the cotton has already been sold, and arrangements are being made for handing over the proceeds to the parties entitled to receive the total value as a first instalment of the completed transaction. It is obvious that all these arrangements require some time for adjustment. Meanwhile it is not believed that the original owners can, as appears to be apprehended, be suffering acutely by the delay of full payment. It is to be presumed that, in accordance with the customs of the trade, the owners drew bills for the value of their goods before or at the time of shipment, and, if such bills have been negotiated in the usual way, it is difficult to understand why the drawers should be put to inconvenience on this account, at least before the date when the bills fall due.

7. On an impartial review of the facts it will, His Majesty's Government feel sure, be admitted that no arbitrary interference with American interests has, in regard to these cargoes, occurred, seeing that His Majesty's Government have acted throughout in conformity with the terms of an arrangement agreeable to the interests concerned, and that United States citizens will suffer no pecuniary loss.

8. As regards other American cargoes or portions of cargoes which have been placed in the prize court, His Majesty's Government only resort to this measure in cases where either the goods concerned are contraband, or there is evidence that, although ostensibly consigned to a person in a neutral country, they are in reality destined for the enemy, in contravention of the rules of blockade. The right to submit such cases to the public investigation of a judicial tribunal is one which His Majesty's Government can not forego, and they feel convinced that enlightened opinion in the United States of America can not adversely criticise their course of action in this respect.

9. It is true that a number of these cases have been pending in the prize court for some time. This is notably the case in regard to certain vessels carrying large shipments of meat and lard, ostensibly consigned to Scandinavian ports. The United States Government are, however, no doubt aware that much of the delay involved in these instances is due to the fact that negotiations have been carried on for many weeks with a representative of the principal American meat packers for an arrangement designed to limit the importation into neutral countries adjacent to Germany to the quantities actually required in those countries for *bona fide* home consumption. The American meat packers have demanded, as a part of the settlement to be agreed upon, that His Majesty's Government should buy the cargoes of the several ships now held up in the prize court. Hence the delay in bringing these cases to adjudication. It may be added that the ill-success which has so far attended these negotiations is due, not to a refusal of His Majesty's Government to entertain the idea of purchase, but to the uncompromising attitude taken up by the American negotiator, who appears unwilling even to discuss any modification of his own demands as regards price. This stage having now been reached, His Majesty's Government have decided to go on with the prize-court proceedings in these cases, and it is not expected that a decision will be much longer delayed.

10. It may finally be pointed out that the repeated complaints as to the great injury suffered generally by American trade in consequence of the interference due to British naval measures derives little substance from the published American trade returns. A table of figures taken from these returns, and showing the amount of recent American trade with Germany and with neutral countries supplying Germany, is annexed hereto.¹ It certainly tends to disprove any contention that American trade with neutral countries has recently suffered. It will be seen that, whereas American exports to Germany and Austria in February 1915, fell \$21,500,000, as compared with the same month in 1914, American exports to Scandinavia, Holland, and Italy rose by the enormous figure of \$61,200,000.

11. Similar figures for the month of March have not yet reached His Majesty's Government, but they have received statistics for that month of the value of exports and imports through New York as issued by the collector of that port, and, while pointing that the large increase in value of exports in 1915 compared with those of 1914 (as shown in the tables annexed), they desire especially to call attention to a separate statement indicating the increase in the amount of the export to Scandinavian and Dutch ports of two commodities only, bacon and lard. These figures show that, as against 1,253 boxes of bacon and 9,186 tierces of lard exported to the ports noted in the above countries in March 1914, there were exported in March 1915, 32,222 boxes of bacon and 95,676 tierces of lard.

12. His Majesty's Government consider that the abnormal increase of supplies imported by neutral countries as shown in these statistics alone justifies their assumption as to the ultimate destination of many items of cargo consigned to one or other of the countries in question on vessels which they have detained, but they would call attention to the fact that it is only when they have believed themselves to be in possession of conclusive evidence of the enemy destination of cargo that they have seized such cargo, and that American interests, as for instance in the case of cotton, have received especially sympathetic consideration.

FOREIGN OFFICE, May 14, 1915.

[Enclosure 2—Note verbale]

The British Secretary of State for Foreign Affairs (Grey) to the American Ambassador (Page)

No. 57189/15]

May 15, 1915.

Sir Edward Grey presents his compliments to the United States Ambassador, and with reference to the Foreign Office memorandum No. 57189 of May 14

¹The statistical tables, which were transmitted separately as enclosures to the Ambassador's despatch No. 1476, May 22 (File No. 763.72112/1222), are not printed.

has the honour to inform his excellency that the opening statement, to the effect that only one American vessel was then detained in the United Kingdom, did not embrace cotton ships, which are dealt with in subsequent paragraphs of the memorandum.

There were, as his excellency is aware, two American cotton ships, the *Southerner* and the *Carolyn*, then detained in the United Kingdom.

Sir E. Grey considers that the memorandum of May 14 was not sufficiently explicit on this point, in regard to which he wishes to leave no room for misunderstanding.

File No. 763.72/1837

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

[Telegram]

BERLIN, *May 31, 1915, 5 p. m.*

[Received June 1, 7.20 p. m.]

2337. Von Jagow gave to United Press to-day an interview implying Germany will not give up its method of submarine warfare. He also quoted from autobiography of ex-Ambassador Andrew D. White, volume II, page 168, when White says at his request during our Spanish war German Government stopped and searched steamer supposed to be sailing with arms for Spain. In this connection please note German Government was probably quite ready to oblige White, as he practically offered them a gift of part of the Philippine Islands. See his 494, July 13, 1898, and 507, July 30, 1898, to Department, and Department's 556 of August 15, 1898, to him.

GERARD.

File No. 300.115/3523

The Consul General at London (Skinner) to the Secretary of State

[Telegram]

LONDON, *June 2, 1915.*

[Received 3.30 p. m.]

Board Trade has agreed to advance fivepence per pound on certain cotton *ex Livonia* and *Dicido*. Advances in these cases indicate that on presentation of satisfactory documents other similar advances will be made.

SKINNER

File No. 300.115N27/13a

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

[Telegram]

WASHINGTON, *June 2, 1915, 8 p. m.*

1770. The evidence thus far furnished indicates that *Nebraskan* was struck by a torpedo on evening of May 25.¹ Please inquire whether the German Government has any report of attack on this vessel. It was an American vessel leaving Liverpool.

BRYAN

¹The full text of depositions and reports forwarded by the Ambassador in Great Britain May 28 and June 2, is printed in *Diplomatic Correspondence with Belligerent Governments relating to Neutral Rights and Duties*, Department of State, European War No. 4, May 18, 1918, pp. 229-34; reprinted in the *American Journal of International Law*, vol. 11, Special Supplement, pp. 82-89.

File No. 300.115G95/31

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

[Telegram]

BERLIN, June 1, 1915.

[Received June 3, 8 a. m.]

2346. Following note received 9 p. m., from German Government. Foreign Office asked me this afternoon to make special effort to send it to-night. No answer yet to *Frye* note.

With reference to the note of May 23,¹ the undersigned has the honor to inform his excellency, the Ambassador of the United States of America, Mr. James W. Gerard, that the examination undertaken on the part of the German Government concerning the cases of the American steamers *Gulflight* and *Cushing* has led to the following conclusions:

In regard to the attack on the steamer *Gulflight*: The commander of a German submarine saw on the afternoon of May 1, in the vicinity of the Scilly Islands, a large merchant steamer coming towards him, which was accompanied by two small vessels. These latter took up such a position in relation to the steamer that they formed a regulation safeguard against submarines; one of them, moreover, had a wireless apparatus, which is not as a rule usual with small vessels. From this it was evidently a case of English convoy vessels. Since such vessels are regularly armed, the submarine could not approach the steamer on the surface of the water without running the danger of destruction. On the other hand, it was to be assumed that the steamer was of considerable value to the British Government since it was so particularly guarded. The commander could see no neutral markings on it of any kind, that is, distinctive marks painted on the freeboard, recognizable at a distance, such as are now usual on neutral ships in the English zone of naval warfare. In consequence, he arrived at the conclusion from all the circumstances that he had to deal with an English steamer and attacked submerged. The torpedo came in the immediate neighborhood of one of the convoy ships, which at once rapidly approached the point of firing, so that the submarine was forced to go to a great depth to avoid being rammed; the conclusion of the commander that an English convoy ship was concerned was in this way confirmed. That the attacked steamer carried the American flag was first observed at the moment of firing the shot. The fact that the steamship was pursuing a course which led neither to nor from America was a further reason why it did not occur to the commander of the submarine that he had to deal with an American steamship.

Upon scrutiny of the time and place of the occurrence described, the German Government has become convinced that the attacked steamship was actually the American S. S. *Gulflight*. According to the attendant circumstances there can be no doubt that the attack is not to be attributed to the fault of the commander, but to an unfortunate accident. The German Government expresses its regrets to the Government of the United States concerning this incident and declares itself ready to furnish full recompense for the damage thereby sustained by American citizens. It begs to leave it to the discretion of the American Government to present a statement of this damage, or, if doubts may arise over individual points, to designate an expert, who would have to determine, together with a German expert, the amount of the damage.

It has not yet been possible by means of an inquiry fully to clear up the case of the American S. S. *Cushing*. According to the official reports available, only one merchant steamship was attacked by a German flying machine in the vicinity of Nordhind Lightship. The German aviator considered the vessel as hostile, and was forced to consider it as such, because it carried no flag and also because of no further recognizable neutral markings. The attack, which was carried into effect by means of four bombs, was of course not aimed at any American ship.

That, however, the ship attacked was the American steamer *Cushing* is not impossible, considering the time and place of the occurrence; nevertheless the German Government accordingly requests the American Government to communicate to it the material which has been submitted for judgment, in order that, with this as a basis, it can take a further position in regard to the matter.

¹Ante. p. 419.

While the undersigned leaves it to the Ambassador to bring the foregoing to the immediate attention of his Government, he takes this opportunity [etc.]

June 1, 1915.

VON JAGOW

GERARD

File No. 763.72112/1233

The Consul General at London (Skinner) to the Secretary of State

No. 458]

LONDON, May 15, 1915.

[Received June 4.]

SIR: I have the honor to inform the Department that I have been in communication with the Admiralty marshal on the subject of the costs of discharging cargo from vessels brought into British ports under the order in council of March 11. The Admiralty marshal has stated to me that he has instructed the customs officials to require the masters, or ships' agents, to discharge such cargoes, and should they make any complaint or protest as to the matter of payment, to inform the master or ships' agents, that the payment of the expenses in no way precludes them from making a claim therefor in the prize court.

I have protested against this decision and have informed the Admiralty marshal that as the order in council itself does not appear to warrant the placing of any further burdens upon neutral shipping, by way of compelling them to bear the cost of discharging cargo, and as there is certainly no warrant for any such course of action in the precepts of international law, I shall advise the masters of American ships engaged in innocent commercial undertakings to refuse to pay bills of this kind. Privately I am of the opinion that if masters refuse to pay these bills, the Admiralty marshal will meet them himself. However that may be, it seems to me utterly unfair that neutral shipping should be saddled with the expense of carrying out the instructions of the British Government solely in its own interest, and I shall be glad to learn the Department's views upon this point.

I have [etc.]

ROBERT P. SKINNER

File No. 763.72/1850

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

[Telegram]

BERLIN, June 4, 1915, 4 p. m.

[Received 11.20 p. m.]

2369. Department's 1770. Asked Von Jagow for report *Nebraskan*. Says he knows of none, but will ask Marine Department. In conversation I gathered there is little chance of Germany giving up torpedoing without notice unless England will allow entrance copper, cotton, rubber, and raw material not directly used for munitions of war. Prospect our breaking diplomatic relations foreshadowed in papers here does not worry German Government in the least. They do not believe we will declare war. He said he labored under great

disadvantage in not being able to get Washington sentiment from Von Bernstorff. There is a remote chance of Germany arranging not to torpedo enemy ships carrying American passengers if such ships are certified by American authorities or consuls as not having munitions on board or cannon or arms and such ships must not ram submarine boats. Arrangements might be made for limited number of such ships with special flags.

Germany probably putting ten new submarine boats a month in water. Cannot see why raw material proposal not accepted, it will benefit us. Germany has plenty of food and raw material for war purposes. Needs raw material for industry.

GERARD

File No. 341.115G79/4

The Consul General at London (Skinner) to the Secretary of State

No. 473]

LONDON, *May 20, 1915.*

[*Received June 5.*]

SIR: Referring to my No. 396 dated April 13, 1915, and the Department's cabled instructions of May 5 and May 7 on this matter [indemnity signed by American claimants],¹ I have the honor to report that after my last interview with the procurator general in regard to the indemnity under consideration, I requested him to supply me with written confirmation of his statement, with special reference to a certain claim submitted by Messrs. W. S. Gray and Company of New York. In asking the procurator general for his views in writing, I inquired whether the indemnity in prize, which claimants of released goods are obliged to sign, covered only possible claims of third parties and would not be construed as affecting in any manner the right of claimants to the payment of compensation from the British Government itself for any losses which they might feel they had incurred. I also asked: "Does the determination of the Government not to regard the indemnity as a waiver to the prosecution of such claims as I have described grow out of a policy adopted by your administration, or do you hold that the text of the indemnity itself, regardless of your own action, admits the presentation of such claims?" To my inquiries on this subject, the procurator general has very kindly replied in the following terms:

TREASURY, WHITEHALL, S. W., *18 May 1915.*

S. S. "BELGIA," W. S. GRAY AND COMPANY

SIR: In reply to your letter of the 17th instant I have the honour to inform you that the first paragraph thereof correctly states the understanding and intention of this Department that the indemnity in prize, which the claimants for release execute, covers only possible claims of third parties. At the same time there may, of course, have been special cases in which as part of the terms of the understanding arrived at, apart from the actual indemnity, other claims by the party interested may have been barred.

As the above is the intention with which the indemnity has been executed it seems hardly material to consider the question put in the last paragraph of

¹*Ante*, pp. 375, 380, and 383.

your letter, which is one depending upon the legal construction of the words of the indemnity as to which there might be some doubt.

I am [etc.]

A. H. DENNIS

I have [etc.]

ROBERT P. SKINNER

File No. 300.115/3597

The Consul General at London (Skinner) to the Secretary of State

[Telegram]

LONDON, June 7, 1915.

[Received 3.25 p. m.]

Department's 5th.¹ Cargo from *Hilding* seized as contraband with expectation of holding under order in council, March 11, if contraband charge fails. If claims are forwarded to me I propose as in other cases to ascertain position and where possible effect release goods. Even though goods may be contraband, procurator general will consider evidence indicating innocent ultimate destination and has advised me to obtain where possible original correspondence with buyers or consignees. When cases are submitted through Consulate General there is always hope that release will follow without formal proceedings or expense and in contrary event they can be turned over to solicitors. In all cases it is futile to forward request for release unsupported by documentary history of consignment. Procurator general is releasing all *Ogeechee* consignments where proof payment and ownership prior March 11 is clearly shown but many claims alleging payment unconfirmed.

SKINNER

File No. 341.115R221/4

The Secretary of State to the Ambassador in Great Britain (Page)

[Telegram]

WASHINGTON, June 8, 1915.

1681. Your 2202, May 31,² stating that Foreign Office is at loss to understand what injury can be inflicted on American shippers since in all cases where shipments of cotton are covered by terms of cotton arrangement they are, when detained, purchased by British Government at contract price. The British order in council of March 11, together with the so-called cotton arrangement, as applied in practice, intercepts trade in American cotton with neutrals as well as with belligerents. This Government cannot but regard the detention of cargoes of non-contraband goods as without legal justification, the natural effect and proximate result of which is upsetting of American commerce, depression of the cotton industry, and loss to owners and exporters. Goods, the trade in which is perfectly legal, are by this course denied access to regular legitimate markets, with the result that exporters are perplexed and the cotton trade deranged. The proposal of Great Britain to take and pay for ship-

¹ Not printed.

² *Ante*, p. 421.

ments at contract price of sale will not cover the losses sustained by American shippers through the course of the British authorities, for many exporters already have notice from neutral purchasers and consignees that, unless delivery be made, exporters must replace cotton to fill contract, or else account to the purchaser at the market price of cotton at the place and time of delivery as contracted.

These views you will present appropriately to the Foreign Office by note.

BRYAN

File No. 462.11Se8/30

The Ambassador in Germany (Gerard) to the Secretary of State
[Telegram]

BERLIN, June 7, 1915, 9 p. m.

[Received June 8, 11.40 p. m.]

2391. My 2278, May 22, 1 p. m.¹ The following is the text of the reply of the German Government in the *Frye* case:

BERLIN, June 7, 1915.

The undersigned has the honor to make the following reply to the note of his excellency Mr. James W. Gerard, Ambassador of the United States of America, dated April 30 [28], 1915,² Foreign Office No. 3291, on the subject of the sinking of the American sailing vessel *William P. Frye* by the German auxiliary cruiser *Prinz Eitel Friedrich*:

The German Government can not admit that, as the American Government assumes, the destruction of the sailing vessel mentioned constitutes a violation of the treaties concluded between Prussia and the United States at an earlier date and now applicable to the relation between the German Empire and the United States or of the American rights derived therefrom. For these treaties did not have the intention of depriving one of the contracting parties engaged in war of the right of stopping the supply of contraband to his enemy when he recognizes the supply of such [contraband] as detrimental to his military interests. On the contrary, Article 13 of the Prussian-American treaty of July 11, 1799, expressly reserves to the party at war the right to stop the carrying of contraband and to detain the contraband; it follows then that if it can not be accomplished in any other way, the stopping of the supply may in the extreme case be effected by the destruction of the contraband and of the ship carrying it. As a matter of course, the obligation of the party at war to pay compensation to the interested parties of the neutral contracting party remains in force whatever be the manner of stopping the supply.

According to general principles of international law, any exercise of the right of control over the trade in contraband is subject to the decision of the prize courts, even though such right may be restricted by special treaties. At the beginning of the present war Germany, pursuant to these principles, established by law prize jurisdiction for cases of the kind under consideration. The case of the *William P. Frye* is likewise subject to the German prize jurisdiction, for the Prussian-American treaties mentioned contain no stipulation as to how the amount of the compensation provided by Article 13 of treaty cited is to be fixed. The German Government therefore complies with its treaty obligations to a full extent when the prize courts instituted by it in accordance with international law proceed in pursuance of the treaty stipulations and thus award the American interested equitable indemnity. There would therefore be no foundation for a claim of the American Government unless the prize courts should not grant indemnity in accordance with the treaty; in such event, however, the German Government would not hesitate to arrange for equitable indemnity notwithstanding. For the rest, prize proceedings of the case of the *Frye* are indispensable, apart from the American claims, for the reason that other claims of the neutral and enemy interested parties are to be considered in the matter.

¹ Not printed.

² *Ante*, p. 376.

As was stated in the note of April 4 last, the prize court should have to decide the questions whether the destruction of the ship and cargo was legal; whether and under what conditions the property sunk was liable to confiscation, and to whom and in what amount indemnity is to be paid provided application therefore is received. Since the decision of the prize court must first be awaited before any further position is taken by the German Government, the simplest way for the American interested parties to settle their claims would be to enter them in the competent records in accordance with the provisions of the German code of prize proceedings.

The undersigned begs to suggest that the Ambassador bring the above to the knowledge of his Government, and avails himself [etc.]

V. JAGOW

GERARD

The Note of June 9, 1915, to Germany on the "Lusitania" and Other Cases—The Note of June 24, 1915, on the "Frye"

File No. 763.72/1830

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

[Telegram]

WASHINGTON, June 9, 1915.

1803. You are instructed to deliver textually the following note to the Minister of Foreign Affairs:

In compliance with your excellency's request I did not fail to transmit to my Government immediately upon their receipt your note of May 28 in reply to my note of May 15 [13], and your supplementary note of June 1, setting forth the conclusions so far as reached by the Imperial German Government concerning the attacks on the American steamers *Cushing* and *Gulflight*.¹ I am now instructed by my Government to communicate the following in reply:

The Government of the United States notes with gratification the full recognition by the Imperial German Government, in discussing the cases of the *Cushing* and the *Gulflight*, of the principle of the freedom of all parts of the open sea to neutral ships and the frank willingness of the Imperial German Government to acknowledge and meet its liability where the fact of attack upon neutral ships "which have not been guilty of any hostile act" by German aircraft or vessels of war is satisfactorily established; and the Government of the United States will in due course lay before the Imperial German Government, as it requests, full information concerning the attack on the steamer *Cushing*.

With regard to the sinking of the steamer *Falaba*, by which an American citizen lost his life, the Government of the United States is surprised to find the Imperial German Government contending that an effort on the part of a merchantman to escape capture and secure assistance alters the obligation of the officer seeking to make the capture in respect of the safety of the lives of those on board the merchantman, although the vessel had ceased her attempt to escape when torpedoed. These are not new circumstances. They have been in the minds of statesmen and of international jurists throughout the development of naval warfare, and the Government of the United States does not understand that they have ever been held to alter the principles of humanity upon which it has insisted. Nothing but actual forcible resistance or continued efforts to escape by flight when ordered to stop for the purpose of visit on the part of the merchantman has ever been held to forfeit the lives of her passengers or crew. The Government of the United States, however, does not understand that the Imperial German Government is seeking in this case to relieve itself of liability, but only intends to set forth the circumstances which led the commander of the submarine to allow himself to be hurried into the course which he took.

¹Ante, pp. 419, 398, and 431.

Your excellency's note, in discussing the loss of American lives resulting from the sinking of the steamship *Lusitania*, adverts at some length to certain information which the Imperial German Government has received with regard to the character and outfit of that vessel, and your excellency expresses the fear that this information may not have been brought to the attention of the Government of the United States. It is stated in the note that the *Lusitania* was undoubtedly equipped with masked guns, supplied with trained gunners and special ammunition, transporting troops from Canada, carrying a cargo not permitted under the laws of the United States to a vessel also carrying passengers, and serving, in virtual effect, as an auxiliary to the naval forces of Great Britain. Fortunately, these are matters concerning which the Government of the United States is in a position to give the Imperial German Government official information. Of the facts alleged in your excellency's note, if true, the Government of the United States would have been bound to take official cognizance in performing its recognized duty as a neutral power and in enforcing its national laws. It was its duty to see to it that the *Lusitania* was not armed for offensive action, that she was not serving as a transport, that she did not carry a cargo prohibited by the statutes of the United States, and that, if in fact she was a naval vessel of Great Britain, she should not receive clearance as a merchantman; and it performed that duty and enforced its statutes with scrupulous vigilance through its regularly constituted officials. It is able, therefore, to assure the Imperial German Government that it has been misinformed. If the Imperial German Government should deem itself to be in possession of convincing evidence that the officials of the Government of the United States did not perform these duties with thoroughness, the Government of the United States sincerely hopes that it will submit that evidence for consideration.

Whatever may be the contentions of the Imperial German Government regarding the carriage of contraband of war on board the *Lusitania* or regarding the explosion of that material by the torpedo, it need only be said that in the view of this Government these contentions are irrelevant to the question of the legality of the methods used by the German naval authorities in sinking the vessel.

But the sinking of passenger ships involves principles of humanity which throw into the background any special circumstances of detail that may be thought to affect the cases, principles which lift it, as the Imperial German Government will no doubt be quick to recognize and acknowledge, out of the class of ordinary subjects of diplomatic discussion or of international controversy. Whatever be the other facts regarding the *Lusitania*, the principal fact is that a great steamer, primarily and chiefly a conveyance for passengers, and carrying more than a thousand souls who had no part or lot in the conduct of the war, was torpedoed and sunk without so much as a challenge or a warning, and that men, women, and children were sent to their death in circumstances unparalleled in modern warfare. The fact that more than one hundred American citizens were among those who perished made it the duty of the Government of the United States to speak of these things and once more, with solemn emphasis, to call the attention of the Imperial German Government to the grave responsibility which the Government of the United States conceives that it has incurred in this tragic occurrence, and to the indisputable principle upon which that responsibility rests. The Government of the United States is contending for something much greater than mere rights of property or privileges of commerce. It is contending for nothing less high and sacred than the rights of humanity, which every Government honors itself in respecting and which no Government is justified in resigning on behalf of those under its care and authority. Only her actual resistance to capture or refusal to stop when ordered to do so for the purpose of visit could have afforded the commander of the submarine any justification for so much as putting the lives of those on board the ship in jeopardy. This principle the Government of the United States understands the explicit instructions issued on August 3, 1914, by the Imperial German Admiralty to its commanders at sea to have recognized and embodied, as do the naval codes of all other nations, and upon it every traveler and seaman had a right to depend. It is upon this principle of humanity as well as upon the law founded upon this principle that the United States must stand.

The Government of the United States is happy to observe that your excellency's note closes with the intimation that the Imperial German Government is willing, now as before, to accept the good offices of the United States in an

attempt to come to an understanding with the Government of Great Britain by which the character and conditions of the war upon the sea may be changed. The Government of the United States would consider it a privilege thus to serve its friends and the world. It stands ready at any time to convey to either Government any intimation or suggestion the other may be willing to have it convey and cordially invites the Imperial German Government to make use of its services in this way at its convenience. The whole world is concerned in anything that may bring about even a partial accommodation of interests or in any way mitigate the terrors of the present distressing conflict.

In the meantime, whatever arrangement may happily be made between the parties to the war, and whatever may in the opinion of the Imperial German Government have been the provocation or the circumstantial justification for the past acts of its commanders at sea, the Government of the United States confidently looks to see the justice and humanity of the Government of Germany vindicated in all cases where Americans have been wronged or their rights as neutrals invaded.

The Government of the United States therefore very earnestly and very solemnly renews the representations of its note transmitted to the Imperial German Government on the 15th of May, and relies in these representations upon the principles of humanity, the universally recognized understandings of international law, and the ancient friendship of the German nation.

The Government of the United States can not admit that the proclamation of a war zone from which neutral ships have been warned to keep away may be made to operate as in any degree an abbreviation of the rights either of American shipmasters or of American citizens bound on lawful errands as passengers on merchant ships of belligerent nationality. It does not understand the Imperial German Government to question those rights. It understands it, also, to accept as established beyond question the principle that the lives of non-combatants can not lawfully or rightfully be put in jeopardy by the capture or destruction of an unresisting merchantman, and to recognize the obligation to take sufficient precaution to ascertain whether a suspected merchantman is in fact of belligerent nationality or is in fact carrying contraband of war under a neutral flag. The Government of the United States therefore deems it reasonable to expect that the Imperial German Government will adopt the measures necessary to put these principles into practice in respect of the safeguarding of American lives and American ships, and asks for assurances that this will be done.

LANPING

File No. 763.72112/1241

The Ambassador in Great Britain (Page) to the Secretary of State

[Telegram]

LONDON, June 10, 1915, 5 p. m.

[Received 6.55 p. m.]

2258. I have again taken up *in extenso* with Lord Crewe, temporarily in charge of the Foreign Office, our troubles about stopped cotton cargoes. After making urgent requests for early answers in a number of specific cases which are of an imperative nature, I expressed the hope on my own account that the British answer to our note on the blockade would not be longer delayed. He confessed confidentially that it was ready and he implied that it was held till our correspondence with Germany should be out of the way. I suggested that if the contents of the reply were satisfactory to us this was a peculiarly good time to send it, especially if the British Government should see its way to settle these cotton controversies promptly by acceding to our requests. I reminded him that it is a very good time now to clean up our whole docket.

He expressed agreement with me. Such an attitude of the First Secretary is one thing. Action by the Admiralty and by committees

on shipping is sometimes another thing. I am informally making renewed urgent representations also to the new members of the Admiralty and of the cabinet committees.

AMERICAN AMBASSADOR

File No. 763.72/1861

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

[Telegram]

BERLIN, June 11, 1915, 3 p. m.

[Received June 12, 2 p. m.]

2416. Presented *Lusitania* note personally to Von Jagow one o'clock to-day. He read it and said he could not comment now but thought tone friendly and way still open to possible agreement. Sentiment here is changing towards some sort of agreement. What do you think of method outlined in my 2255, May 19, and 2369, June 4? ¹

GERARD

The Secretary of State ad interim to the Ambassador in Germany

[Telegram]

WASHINGTON, June 12, 1915.

1820. Your 2416, June 11. Department does not feel that methods proposed in your 2255, May 19, and 2369, June 4, can advantageously be brought up for discussion at present time.

LANSING

File No. 763.72/1863

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

[Telegram]

BERLIN, June 13, 1915, 1 p. m.

[Received June 14, 10 a. m.]

2424. Note in general well received here. Belief expressed in newspapers and among people that way to further discussion and some arrangement is open. Hope you will send me any ideas as to possible arrangement as Germans not good at suggesting compromises.

GERARD

File No. 763.72/1864

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

No. 992]

BERLIN, June 1, 1915.

[Received June 14.]

SIR: I have the honor to transmit herewith a memorandum of a conversation which I had on May 29, 1915, with Admiral Behncke, Acting Chief of the German Admiralty Staff, at his request; Com-

¹Ante, pp. 402 and 432.

mander Gherardi, naval attaché of this Embassy, was present during the conversation.

The conversation touched on many points besides the ones mentioned. Admiral Behncke spoke with great earnestness and with apparent conviction that the German attitude was a correct one. The tone of the conversation was in no sense provocative or unpleasant.

THE "GULFLIGHT"

The German submarine which torpedoed the *Gulflight* sighted the ship approaching accompanied by two vessels of the trawler type. One of these vessels had a very wireless installation [*sic*]. The trawlers occupied positions a little ahead of and on the bows of the steamer, which positions are the best for attacking a submarine attempting to torpedo the ship. The flag of the ship was not visible, nor any distinguishing mark up to the time that the torpedo was fired. At that moment the flag on the staff on the poop came in sight but too late to stop the firing of the torpedo. The nearest trawler turned toward the submarine and attempted to ram her. Under the circumstances Admiral Behncke considers the captain of the submarine not liable to disciplinary measures, as he made a mistake which considering the circumstances was unavoidable. Of course full recompense would be made for damage. He hoped that our Government would consider it as an unintentional mistake which he considered that it was.

THE "CUSHING"

In this case the officer of the hydroaeroplane recognized no marks showing the ship to be a neutral and it was very much regretted that the attack had been made but it was hoped that it would be regarded as an unfortunate, unintentional accident. No damage had been made.

THE "LUSITANIA"

On the subject of the *Lusitania* the staff considered that they had acted within their rights and that while they deplored the loss of life which could not be foreseen, they considered that they had complied with international law when they had published warnings in regard to the steamer. However, the subject was so bound up with other subjects that the reply to be given in the answer to the American note must be consulted before judging the whole matter.

This reply is to be submitted May 29 to our Embassy and will appear in the German newspapers of Monday, May 31.

Admiral Behncke called attention to the propositions made earlier in the war to insure safety of neutral passengers—that of convoy and of securing a "free port" in England to which no reply had been given. Admiral Behncke spoke of the misuse of the neutral flag, especially the Scandinavian flags, and of the painting which he claimed was still done. I asked him if he had any evidence to show that such had occurred with the American flag, as no information had been given us of such misuse. He said he had no direct evidence but there had been some reports which he would send to the Embassy. He thought they had come from a Spanish port where English steamers had arrived.

I asked Admiral Behncke if any of the neutral ships torpedoed had been found to be English ships under false colors as I had never seen any reports to show that such was the case. He replied that he thought there had not been such a case.

Admiral Behncke and the Ambassador each stated their positions in regard to the American delivery of ammunition which has been one of the great factors in the intense dislike of the German people for America. Afterwards Admiral Behncke spoke about the growing power of submarine warfare about as follows:

With the increasing efficiency of the German submarine fleet due to the numbers now under construction and to the greatly increased efficiency of the units, it is certain that we can blockade England absolutely so that not a single ship can get in or out. If we surrender our rights to conduct the warfare of the sea with the submarine, we bar ourselves forever for securing our rights under international law for the free navigation of the ocean for our merchant

marine. We can therefore make no concessions which will lead to the abandonment of the submarine blockade. The captains of our submarines have orders to be most careful in their regard for neutral ships and they report having had opportunity to torpedo in one case as many as nineteen ships before a ship flying the British flag came along.

Admiral Behncke said that to finish the submarine fleet to the proportions proposed would take four to five years.

I have [etc.]

JAMES W. GERARD

File No. 300.115/3597

The Secretary of State ad interim to the Consul General at London (Skinner)

[Telegram]

WASHINGTON, June 14, 1915.

Your 7th¹ regarding cargo *Hilding* and release of shipments. If goods classified as contraband have been sent to prize court, will procurator general consider evidence regarding innocent destination in the manner indicated in your telegram? Please report.

LANSING

File No. 300.115/3722

The Consul General at London (Skinner) to the Secretary of State

[Telegram]

LONDON, June 15, 1915.

[Received 2.40 p. m.]

Department's 14th, cargo *Hilding*. Procurator general will consider evidence regarding innocent destination but should be convincing.

SKINNER

File No. 763.72/1871

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

[Telegram]

BERLIN, June 14, 1915.

[Received June 15, 4.30 p. m.]

2426. An extraordinary article in to-day's *Lokal-Anzeiger* rebukes those who insist on relentless warfare and points out that America is in the right; that it is wrong to abuse America for supplying ammunition because Germany herself advocated the acceptance of the rule permitting this at The Hague. This article probably by Foreign Office.

GERARD

¹Ante, p. 434.

File No. 300.115/3753

The Consul General at London (Skinner) to the Secretary of State

[Telegram]

LONDON, June 16, 1915.

[Received 2.50 p. m.]

Department's 15th.¹ In *Ogeechee* and similar cases, procurator general prefers conclusive proof payment in order to release goods, but will consider any evidence showing that ownership has passed, such evidence to take form of actual documents and supported where possible by original correspondence between buyer and seller. When proof seems inconclusive he will decline to release and will send case to prize court.

SKINNER

File No. 763.72/1884

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

[Telegram]

BERLIN, June 18, 1915, 2 p. m.

[Received June 19, 11.50 a. m.]

2457. It is claimed here that the submarine *U-29* was rammed by a British merchant steamer sailing under Swedish flag. This will have bad influence on *Lusitania* note situation.

GERARD

File No. 763.72/1885

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

[Telegram]

BERLIN, June 18, 1915, 3 p. m.

[Received June 19, 4.20 p. m.]

2456. Can learn nothing definite as to Germany's answer to note. Probably nothing yet decided. Army and navy against any concession. Only solutions talked of are either plan for certified passenger ships already outlined to you, or mediation by our President of question of submarine warfare and blockade of Germany. Situation complicated by personal feuds between Von Tirpitz, Von Müller, Von Jagow, Chancellor and Falkenhayn. Von Tirpitz being against Chancellor and Von Jagow; Falkenhayn inclined to approve; Von Tirpitz neutral.

GERARD

File No. 763.72/1887

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

[Telegram]

BERLIN, June 20, 1915, 3 p. m.

[Received June 21, 3.10 p. m.]

2465. Think German note not yet drafted. Probably will be again dilatory and lay much weight on alleged use of neutral flags to lure

¹ Not printed.

German submarines to destruction and on fact that British merchant vessels were encouraged to try to ram submarines. Our naval attaché, Gherardi, informed confidentially that on June 10 near Long Stone Lighthouse a ship under Swedish flag tried to ram a German submarine and succeeded in carrying away periscope and that this boat was accompanied by an English destroyer. Think you can get confirmation of this from Swedish Government. Newspapers publish articles stating *U-29* sunk in March commanded by Weddigen probably rammed by English merchant ship. Von Tirpitz is in town.

GERARD

File No. 763.72112/1259

The Ambassador in Great Britain (Page) to the Secretary of State

[Telegram]

LONDON, June 22, 1915, 9.23 p. m.

[Received 5.50 p. m.]

2325. Lord Crewe, in charge of Foreign Office during Sir Edward Grey's temporary absence, has just handed me a printed memorandum dated June 17. It is not an answer to the principles set forth in the note transmitted in your 1343 of March 30,¹ but merely an explanation of concrete cases and the regulations under which they are dealt with. Foreign Office wishes to arrange for simultaneous publication here and in Washington morning of 25th inst. Please telegraph if this date is satisfactory. Memorandum reads as follows:

1. His Majesty's Government have on various occasions, and notably in the communication which was addressed to the United States Ambassador on the 15th March last, given assurances to the United States Government that they would make it their first aim to minimize the inconvenience which must inevitably be caused to neutral commerce from the existence of a state of war at sea, and in particular from the measures taken by the Allied Governments for the restriction of the enemies' oversea trade. In view of the representation and complaints made to this department by the Ambassador from time to time as to the peculiar hardships alleged to have been wrongly inflicted on American trade and shipping by the operation of those measures, His Majesty's Government desire to offer the following observations respecting the manner in which they have consistently endeavoured to give practical effect to those assurances.

2. It will be recalled that, at the moment when His Majesty's Government announced their measures against enemy commerce, they declared their intention to refrain altogether from the exercise of the right to confiscate ships or cargoes, which belligerents had always previously claimed in respect of breaches of blockade; that under Article 5 (1) of the enactment of the 11th March, it was expressly provided that any person claiming to be interested in goods placed in the prize court in pursuance of the provision of that enactment, might forthwith issue a writ against the proper officer of the Crown, the object being to confer upon claimants the right to institute proceedings without waiting for the writ of the procurator general, and thus to remove all possible cause of legitimate grievance on account of delay; and that, finally, a pacific [specific?] assurance was given to the United States Government that the instructions to be issued by His Majesty's Government to the fleet, and to the customs officials and executive officials concerned, would impress upon them the duty of acting with the utmost dispatch consistent with the object in view, and of showing in every case such consideration for neutrals as might be compatible with that object, namely, to prevent vessels carrying goods for, or coming from, the enemy's territory.

¹Ante, p. 152.

3. The above measures were all designed to alleviate the burdens imposed upon neutral sea-borne commerce in general. Various special concessions, over and above those enumerated, have moreover been made in favour of United States citizens.

4. Thus His Majesty's Government have acted, as regards shipments of American cotton, in accordance with the provisions of an arrangement arrived at in direct collaboration with representatives of the American cotton interests. In accepting this scheme, the principal representative of those interests described it as conceding all that American interests could properly ask. The provisions of the arrangement were, as the United States Ambassador is aware, as follows:

(1) All cotton for which contracts of sale and freight engagements have already been made before the 2d March is to be allowed free [or bought at contract price if stopped], provided the ship sails not later than the 31st March.

(2) Similar treatment is to be accorded to all cotton insured before the 2d March, provided it is put on board not later than the 16th March.

(3) All shipments of cotton claiming the above protection are to be declared before sailing, and documents produced to, and certificates obtained from, consular officers or other authority fixed by the Government.

5. Considerable shipments of cotton have already been dealt with under this arrangement, and in certain cases the dates specified have been extended in favour of American shippers. The Board of Trade have already paid a sum exceeding £450,000 to various American claimants, and all claims are being and will continue to be paid as rapidly as they are presented and the proofs of title can be checked. If in some cases progress has been delayed, this has been due to the fact which has seriously embarrassed His Majesty's Government—that a number of consignments, for which the American shippers had specifically invoked the protection of the arrangement, are now claimed by Swedish and Dutch firms, whose title of ownership, notwithstanding the action of the American shippers, appears in some cases to be valid, and in others has led to the issue of writs in the prize court.

6. It has been explicitly acknowledged by the special representatives of the American claimants, who have been in constant and direct communication with the Board of Trade, that all the claims so far submitted under the cotton arrangement have been settled with the utmost promptitude so soon as the production of the necessary documents by the claimants allowed of this being done. There is, at the present moment, no claim before His Majesty's Government that has not been paid, and the sums so paid over are already considerably in excess of the amounts realized by the sale of the goods.

7. As regards the more general allegation of delay in dealing with cases of detained cargoes, the following facts and figures may be quoted:

The total number of vessels which, having cleared from United States ports since the initiation of the retaliatory measures against German trade, are still detained in United Kingdom ports, is 27; of this number, 8 are discharging cotton which His Majesty's Government has agreed to purchase under the above arrangement. Of the remaining 19 vessels, 7 are free to depart so soon as the items of their cargo placed in the prize court have been discharged. The other 12, of which 3 only are American ships, are detained pending enquiries as to suspicious consignments and particulars as to the dates and approximate causes of detention are furnished in the accompanying list. It will be observed that 8 have been detained for a period of less than a week, and 3 for a period of less than a fortnight, while the detention of one is due to the difficulties in regard to transit across Sweden and Russia.

8. His Majesty's Government remain convinced that, on an impartial review of the facts, it will be admitted that no arbitrary interference with American interests has, in regard to cotton cargoes, occurred; while if due regard be paid to the enormous volume of American and neutral shipping which is continually engaged in the transatlantic trade, the figures and dates quoted in the preceding paragraph will emphasize the restricted nature of any interference which has taken place and the close attention with which the officials con-

cerned have adhered to their instructions to act in all cases with expedition and with every possible consideration for neutrals.

9. Since His Majesty's Government have been compelled to adopt their present measures against German commerce, they have given special consideration to the question of avoiding as far as possible unnecessary damage to the interests of neutrals in regard to the export of goods of German origin, and here again liberal concessions have been made to United States citizens. Under the rules enacted on the 11th March provision is made for the investigation of all neutral claims respecting such goods in the prize court, and it is obvious that these claims can receive due and equitable consideration most properly before a judicial tribunal. Nevertheless, in deference to the express desire of the United States Government, arrangements were made towards the end of March whereby United States citizens who might desire to import goods of German origin via a neutral port were enabled to produce proof of payment to His Majesty's Embassy at Washington. If such proof were deemed satisfactory, His Majesty's Government gave an undertaking that the goods concerned should not be interfered with in transit, and the American importer was freed from the necessity of submitting his claim to the prize court in London for adjudication. A few days later His Majesty's Government further agreed to recognize the neutral ownership of goods of enemy origin even if not paid for before the 1st March, provided they were the subject of an *f. o. b.* contract of earlier date, and had arrived at a neutral port before the 15th March.

10. Special treatment has also been accorded to cargoes of particular products destined for the United States and stated to be indispensable for the industries of the country; and, in notes addressed to the United States Ambassador in April and May, undertakings were given not to interfere during transit with certain cargoes of dyestuffs, potash, and German beet seed.

11. When it became apparent that large quantities of enemy goods were still passing out through neutral countries, His Majesty's Government felt it necessary to fix a definite date after which such shipments must cease to enjoy the special immunity, theretofore granted, from liability to being placed in the prize court. It had been observed that a large increase had taken place in the number of vessels sailing from neutral countries to America and one of the principal lines of steamships advertised a daily in place of a weekly service. In such circumstances it appeared scarcely possible that goods of enemy origin, bought and paid for prior to the 1st March should not have already been shipped to their destination. First June was accordingly fixed as the date after which the privilege allowed in the case of such shipments should cease; but once more a special favour was granted by extending the date in exceptional cases to the 15th June.

12. Importers in the United States having now had three months in which to clear off their purchases in enemy territory, His Majesty's Government trust that, in presence of the circumstances enumerated, the United States Government will acknowledge the great consideration which has been shown to American interests.

13. Nevertheless a fresh appeal has now been made to His Majesty's Government that shipments of American-owned goods of enemy origin, if paid for before the beginning of March, should be allowed to be shipped without molestation after the 15th June. The appeal is based principally upon the contentions (a) that insufficient time has already elapsed; (b) that no mention of a time limit is made in the enactment of the 11th March; (c) that the proofs of ownership required by His Majesty's Government are of an exacting nature and involve much time for preparation.

14. The first contention (a) has already been dealt with. As regards (b) and (c), it is true that the enactment of the 11th March contains no mention of a time limit. But it seems to be overlooked that the time limit had been fixed only for the special immunity granted as an exception from that enactment. It was as a friendly concession to American interests that His Majesty's Government agreed to an investigation of claims outside the prize court. As for the exacting nature of the proofs required by His Majesty's Government, experience has shown that such proofs were necessary.

15. In deference, however, to the renewed representations of the United States Ambassador, His Majesty's Government have given further directions that in all such cases, as may have been specially submitted through the

British Embassy at Washington or to His Majesty's Government direct on or before the 15th June and passed, the goods shall be allowed to proceed without interference, if shipped from a neutral port on the conditions already laid down, notwithstanding the fact that shipment may not have been made before the 15th June.

16. His Majesty's Government will also be prepared hereafter to give special consideration to cases presented to them and involving particular hardships, if the goods concerned are required for neutral governments or municipalities, or in respect of works of public utility, and where payment can be shown to have been made before the 1st March, 1915.

17. With the above exceptions, His Majesty's Government regret they can not continue to deal through the diplomatic channel with individual cases, but they would again point out that special provision is made for the consideration of such cases in the prize court.

18. Complaints have not infrequently been made that undue delay occurs in dealing with American cargoes in the prize court. An interesting comment on this subject was made by the president of the prize court in the case of the cargo *ex* steamship *Ogeechee* on the 14th instant. His Lordship, according to the transcript from the official shorthand writer's notes, made the following observations:

It is a very extraordinary thing that, when the Crown are ready to go on, the claimants come here and say, "We can not proceed for six weeks." Some day, towards the end of last term, I had a row of eminent counsel in front pressing me to fix a case at once. I fixed it very nearly at once—that is to say, the second day of the following term. They all came and said: "We want an adjournment for six weeks."

19. The solicitor general hereupon remarked:

If I might say so on that one of the reasons I applied to-day on behalf of the Crown, that the matter should be dealt with as soon as possible is for that very reason [*sic*]. There has been such a strong desire on the part of America and American citizens that there should be no delay, but one finds, in fact, the delay comes from there.

20. The president then stated: "I know that. I do not know what the explanation is, but I am anxious that there should be no delay."

21. It is true that a number of cases, principally relating to cargoes which, though ostensibly consigned to a person in a neutral country, are in reality believed to be destined for the enemy, have been pending in the prize court for some time. The United States Government are aware that most of these cargoes consist of meat and lard, and that much of the delay in bringing these cargoes to adjudication was due to the fact that negotiations were being carried on for many weeks with a representative of the principal American meat packers, for an amicable settlement out of court. When at length, owing to the failure of the negotiations, His Majesty's Government decided that they would continue the prize-court proceedings, and had at the request of the claimants fixed the earliest possible date for the hearing, counsel for the latter asked for an adjournment in their interests despite the fact that the Crown was, by his own admission, ready to proceed.

22. His Majesty's Government are earnestly desirous of removing all causes of avoidable delay in dealing with American cargoes and vessels which may be detained, and any specific enquiries or representations which may be made by the United States Government in regard to particular cases will always receive the most careful consideration and all information which can be afforded without prejudice to prize-court proceedings will be readily communicated; but they can scarcely admit that on the basis of actual facts, any substantial grievance on the part of American citizens is justified or can be sustained, and they therefore confidently appeal to the opinion of the United States Government as enlightened by this memorandum.

AMERICAN AMBASSADOR

File No. 763.72112/1261

The Consul General at London (Skinner) to the Secretary of State

No. 523]

LONDON, June 9, 1915.

[Received June 22.]

SIR: Referring to my No. 396, dated April 13, 1915, and to the Department's cabled instructions of May 5 and 7, directing me to obtain the opinion of counsel on the above subject,¹ I have the honor to report that Messrs. Charles Russell and Company have submitted to me the opinion of Mr. Leslie Scott, K. C., on the points raised in the Department's inquiries. The opinion as submitted is enclosed herewith.

Upon the receipt of the opinion of Mr. Leslie Scott, I drew his attention to the first sentence therein, according to which the indemnity is intended to indemnify the Crown and all other official persons mentioned against all claims and proceedings within its scope instituted against any of those persons whoever may be the claimant, and I remarked that this view seemed to be negated by Mr. Scott's answer to the inquiry "Does this indemnity constitute a bar to prosecution in British courts of claims for damages?" Upon this particular point I have received a supplementary opinion, a copy of which is also enclosed as No. 2.

The Department will not fail to note from this correspondence that while the procurator general holds that the indemnity covers only possible claims of third parties, it is the opinion of Mr. Leslie Scott that taken by itself the indemnity debars the party giving the indemnity from claiming against the procurator general or any other official persons in respect of the goods released.

I have [etc.]

ROBERT P. SKINNER

[Enclosure 1]

Opinion of Leslie Scott, K. C., re indemnity guarantee

COUNSEL is sent HEREWITH:

FORM OF INDEMNITY GUARANTEE

As Counsel knows all Claimants of goods detained by the British Authorities the validity of whose claims is recognized by the Procurator General are required to sign an Indemnity in the form sent herewith and unless they do so they are unable to obtain the possession of their goods. The Procurator General has informed the American Consul General that the only effect of the Indemnity is to protect the Procurator General against any claims that may be made in respect of the goods released. Many persons who have signed the Indemnities are dissatisfied with the terms on which the goods have been released and will probably wish to make claims against third parties for damages and other relief and the American Consul General therefore is frequently called upon to say whether the signing of the Indemnity will in any way prejudice the making of such claims hereafter.

Counsel's attention is called to the third clause of the Preamble of the Order in Council of March 11th, and also to Order 13 subdivision 4 of the Prize Court Rules.

The American Consul desires to be advised on the following points with regard to the legal effect of entering into the Prize Court Indemnity Guarantee:

1. Does this Indemnity constitute a bar to prosecution in British Courts of claims for damages.

¹Ante, pp. 375, 380, and 383.

2. Does it constitute such a bar to prosecution before any International Tribunal which may be called upon to determine matters of this character.
3. Generally as to the position of the Guarantor.

OPINION

1. The Procurator General's form of Indemnity is intended to indemnify not only the Procurator General but also the Crown and all the other official persons mentioned against all claims and proceedings within its scope instituted *against any of those persons* whoever may be the claimant. If any claim should be made by any third person against any one of the official persons mentioned the guarantor would be responsible to the Procurator General by way of indemnity for any damages awarded and for the costs of the proceedings. On the other hand the indemnity contains no undertaking by the party giving it that he will not make claims against third parties, and he is perfectly free to do so. The indemnity will only affect him if the claim he so makes should lead such third party in his turn to claim against the Procurator General. Whether such a contingency is likely to arise in practice I do not know—I therefore answer the questions:

- (1) No.
- (2) No.
- (3) The guarantor's rights against any third parties other than the Crown and the other persons mentioned in the Indemnity are not directly affected by signing this indemnity.

Whether and if so how far they are affected indirectly it is difficult to say without concrete illustrations before me.

LESLIE SCOTT

20th May, 1915.

GOLDSMITH BUILDING, TEMPLE, E. C.

[Enclosure 2]

NOTE ON OPINION

My answer to question No. 1 proceeded upon the assumption that the question related to claims *against third parties* as indicated in the instructions. The party giving the indemnity is debarred from claiming against the Procurator General and other Official persons in respect of the goods released. The object of demanding the indemnity would otherwise be defeated.

LESLIE SCOTT

GOLDSMITH BUILDING, TEMPLE, E. C.

3rd June, 1915.

File No. 763.72112/1266

The Consul General at London (Skinner) to the Secretary of State

No. 533]

LONDON, June 11, 1915.

[Received June 22.]

SIR: I have the honor to enclose herewith a copy of a letter which I am to-day addressing to the Ambassador, the terms of which I hope will receive the Department's approval.

It seems to me highly desirable that we should do everything possible to prevent the utilization of war measures in this country as instruments for the transfer to British control of various lines of trade and commerce.

I have [etc.]

ROBERT P. SKINNER

[Enclosure]

The Consul General at London (Skinner) to the American Ambassador (Page)

LONDON, June 11, 1915.

SIR: I have the honor to bring to your attention the following facts in regard to trading in cotton in this country, in the hope that you will find it practicable to lay the circumstances before the Foreign Office on my behalf and to obtain the views of that department of the Government.

Although cotton has not been declared contraband of war, the British authorities have taken steps in their own interests, the effect of which has been practically to prevent the shipment of the commodity mentioned from American ports to various neutral ports in Europe. Many cargoes which went forward from the United States under the so-called cotton agreement have been detained in this country and shipments forwarded outside the terms of that agreement are in an even less favorable situation.

As far as can be observed, the British authorities have interposed a veto upon the carrying on of this important branch of our trade with the Scandinavian countries and with Holland. While this has been the situation during the past few months in respect of shipments from the United States, enormously increased quantities of cotton, and American cotton principally, have been exported from Great Britain to the same destinations from which our own trading ships are excluded.

It cannot have escaped your observation that the extraordinary recent re-exports of cotton from Great Britain have led to a discussion of the question in Parliament, and according to trustworthy reports, the House of Commons has been informed that the Board of Trade has now set up a cotton licensing committee for the purpose of scrutinizing more closely exports of the commodity under consideration, apparently with the intention of permitting the business to continue subject to control.

I should very much like to be informed whether any steps have been taken by any branch of the British Government to facilitate the carrying on of business in cotton between the United States and neutral European ports, as it certainly cannot be admitted that all American ships bringing cotton to Europe are to be detained and their cargoes placed in the prize courts, while the trade of this country is given every opportunity to be carried on and to be increased.

The matter is one of such grave concern that I earnestly hope it may prove possible to obtain a full discussion of the subject at a very early date.

I have [etc.]

ROBERT P. SKINNER

File No. 300. 115/3817

The Consul General at London (Skinner) to the Secretary of State

[Telegram]

LONDON, June 21, 1915, 3 p. m.

[Received June 22, 3.05 p. m.]

Llama, after being released June 5, rearrested, detained without charges until June 12. *Nebraskan* in ballast detained two days, no reason whatsoever. *Leelanaw* now detained while British Government awaits proofs that its suspicions are unfounded. *F. J. Lisman* now detained while innocent cargo reconsigned Netherlands Trust. *Segurança*, *A. A. Raven* and others similarly detained for reconsignment cargo. In all such cases claims for demurrage and local expenses referred by Foreign Office to prize court although payments for requisitioned steamers are made promptly on commercial basis. Similarly Government are paying for *Wilhelmina* cargo and twenty-eight cotton cargoes on commercial lines. It is unjust that vessel

owners not carrying contraband and under no charges should be deprived of their property and compelled to go to court to obtain payment legitimate bills but unless Department insist upon payment bills for demurrage and reimbursement local expenses, adjustment such heavy items will be subject to hazards and delays prize-court procedure.

SKINNER

File No. 763.72/1900

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

[Telegram]

BERLIN, June 22, 1915, 4 p. m.

[Received June 23, 8 p. m.]

2469. The newspaper *Deutsche Tageszeitung*, to which Count Reventlow contributes, has been suppressed. The *North German Gazette* comments as follows:

For some time an ardent campaign has been conducted in the *Deutsche Tageszeitung* almost daily affecting rational [tone?] and aiming to open the eyes of its readers to the pretended dangers menacing Germany's prestige in general and the energetic conduct of warlike operations against England in particular through a conciliatory attitude on the part of the Government in the well-known differences with America on account of submarine warfare. On the one hand the impression is created that official circles were thinking of abandoning Germany's superiority in submarine weapons just for the sake of peace with America, and on the other hand it did not hesitate to make the foolish assertion that the addition of the United States to the number of our enemies was quite an indifferent matter. In this Monday's edition the *Deutsche Tageszeitung* presumes in scarcely veiled language to ridicule the legal standpoint taken in the German notes to America and to make a personal attack on the leading statesmen.

The men who bear the responsibility and have to weigh the dangers and advantages which present themselves are beyond the reach of reproaches of timidity, weakness, or lack of backbone, whether made openly or by all kinds of circumlocution. They lay full claim to the feelings of national strength and dignity which the naval contributor of the *Deutsche Tageszeitung* believes himself to be the only one to represent.

Such a campaign is merely calculated to complicate the task of the Imperial Government in settling the dispute with America, not only to preserve the fighting power of our arms but also to avoid injurious effects on the general political situation. In the interest of the national defense and foreign policy it must be expected that a stop be put to this propaganda which works with empty rumors and *unpolitical* feelings of indignation.

This Reventlow is a voluntary retainer of Von Tirpitz. The German answer depends on the issue of the dispute between Von Tirpitz and the Chancellor. The draft of German answer will be ready Saturday but then goes to Von Tirpitz, Military, and Emperor.

GERARD

File No. 462.11Se8/33

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

[Telegram]

WASHINGTON, June 24, 1915, noon.

1868. You are instructed to present the following note to the German Minister of Foreign Affairs:

I have the honor to inform your excellency that I duly communicated to my Government your note of the 7th instant on the subject of the claim presented

In my note of April 3 last,¹ on behalf of the owners and captain of the American sailing vessel *William P. Frye* in consequence of her destruction by the German auxiliary cruiser *Prinz Eitel Friedrich*.

In reply I am instructed by my Government to say that it has carefully considered the reasons given by the Imperial German Government for urging that this claim should be passed upon by the German prize court instead of being settled by direct diplomatic discussion between the two Governments, as proposed by the Government of the United States, and that it regrets to find that it can not concur in the conclusions reached by the Imperial German Government.

As pointed out in my last note to you on this subject, dated April 30 [28],² the Government of the United States has considered that the only question under discussion was the method which should be adopted for ascertaining the amount of the indemnity to be paid under an admitted liability, and it notes with surprise that in addition to this question the Imperial German Government now desires to raise some questions as to the meaning and effect of the treaty stipulations under which it has admitted its liability.

If the Government of the United States correctly understands the position of the Imperial German Government as now presented, it is that the provisions of Article 13 of the treaty of 1799 between the United States and Prussia, which is continued in force by the treaty of 1828, justified the commander of the *Prinz Eitel Friedrich* in sinking the *William P. Frye*, although making the Imperial German Government liable for the damages suffered in consequence, and that inasmuch as the treaty provides no specific method for ascertaining the amount of indemnity to be paid, that question must be submitted to the German prize court for determination.

The Government of the United States, on the other hand, does not find in the treaty stipulations mentioned any justification for the sinking of the *Frye*, and does not consider that the German prize court has any jurisdiction over the question of the amount of indemnity to be paid by the Imperial German Government on account of its admitted liability for the destruction of an American vessel on the high seas.

You state in your note of the 7th instant that Article 13 of the above-mentioned treaty of 1799 "expressly reserves to the party at war the right to stop the carrying of contraband and to detain the contraband; it follows then that if it can not be accomplished in any other way, the stopping of the supply may in the extreme case be effected by the destruction of the contraband and of the ship carrying it."

The Government of the United States can not concur in this conclusion. On the contrary, it holds that these treaty provisions do not authorize the destruction of a neutral vessel in any circumstances. By its express terms the treaty prohibits even the detention of a neutral vessel carrying contraband if the master of the vessel is willing to surrender the contraband. Article 13 provides: "In the case supposed of a vessel stopped for articles of contraband, if the master of the vessel stopped will deliver out the goods supposed to be of contraband nature, he shall be admitted to do it, and the vessel shall not in that case be carried into any port, nor further detained, but shall be allowed to proceed on her voyage."

In this case the admitted facts show that pursuant to orders from the commander of the German cruiser, the master of the *Frye* undertook to throw overboard the cargo of that vessel, but that before the work of delivering out the cargo was finished the vessel with the cargo was sunk by order of the German commander.

For these reasons, even if it be assumed as your excellency has done, that the cargo was contraband, your contention that the destruction of the vessel was justified by the provisions of Article 13 does not seem to be well founded. The Government of the United States has not thought it necessary in the discussion of this case to go into the question of the contraband or non-contraband character of the cargo. The Imperial German Government has admitted that this question makes no difference so far as its liability for damages is concerned, and the result is the same so far as the justification for the sinking of the vessel is concerned. As shown above, if we assume that the cargo was contraband, the master of the *Frye* should have been allowed to deliver it out, and the vessel should have been allowed to proceed on her voyage.

¹ *Ante*, pp. 435 and 357 (footnote 1).

² *Ante*, p. 376.

On the other hand, if we assume that the cargo was non-contraband, the destruction either of the cargo or the vessel could not be justified in the circumstances of this case under any accepted rule of international law. Attention is also called to the provisions of Article 12 of the treaty of 1785 between the United States and Prussia, which, like Article 13 of the treaty of 1799, was continued in force by Article 12 of the treaty of 1828. So far as the provisions of Article 12 of the treaty of 1785 apply to the question under consideration, they are as follows:

"If one of the contracting parties should be engaged in war with any other Power, the free intercourse and commerce of the subjects or citizens of the party remaining neuter with the belligerent Powers shall not be interrupted. On the contrary, in that case, as in full peace, the vessels of the neutral party may navigate freely to and from the ports and on the coasts of the belligerent parties, free vessels making free goods, insomuch that all things shall be adjudged free which shall be on board any vessel belonging to the neutral party, although such things belong to an enemy of the other."

It seems clear to the Government of the United States, therefore, that whether the cargo of the *Frye* is regarded as contraband or as non-contraband, the destruction of the vessel was, as stated in my previous communication on this subject, "a violation of the obligations imposed upon the Imperial German Government under existing treaty stipulations between the United States and Prussia."

For these reasons the Government of the United States must disagree with the contention which it understands is now made by the Imperial German Government that an American vessel carrying contraband may be destroyed without liability or accountability beyond the payment of such compensation for damages as may be fixed by a German prize court. The issue thus presented arises on a disputed interpretation of treaty provisions, the settlement of which requires direct diplomatic discussion between the two Governments, and can not properly be based upon the decision of the German prize court, which is in no way conclusive or binding upon the Government of the United States.

Moreover, even if no disputed question of treaty interpretation was involved, the admission by the Imperial German Government of its liability for damages for sinking the vessel would seem to make it unnecessary, so far as this claim is concerned, to ask the prize court to decide "whether the destruction of the ship and cargo was legal, and whether and under what conditions the property sunk was liable to confiscation," which, you state in your note dated June 7, are questions which should be decided by the prize court. In so far as these questions relate to the cargo, they are outside of the present discussion, because, as pointed out in my previous note to you on the subject dated April 30, "the claim under discussion does not include damages for the destruction of the cargo."

The real question between the two Governments is what reparation must be made for a breach of treaty obligations, and that is not a question which falls within the jurisdiction of a prize court.

In my first note on the subject the Government of the United States requested that "full reparation be made by the Imperial German Government for the destruction of the *William P. Frye*." Reparation necessarily includes an indemnity for the actual pecuniary loss sustained, and the Government of the United States takes this opportunity to assure the Imperial German Government that such an indemnity, if promptly paid, will be accepted as satisfactory reparation, but it does not rest with a prize court to determine what reparation should be made or what reparation would be satisfactory to the Government of the United States.

Your excellency states in your note of June 7 that in the event the prize court should not grant indemnity in accordance with the treaty requirements, the German Government would not hesitate to arrange for equitable indemnity, but it is also necessary that the Government of the United States should be satisfied with the amount of the indemnity, and it would seem to be more appropriate and convenient that an arrangement for equitable indemnity should be agreed upon now rather than later. The decision of the prize court, even on the question of the amount of indemnity to be paid, would not be binding or conclusive on the Government of the United States.

The Government of the United States also dissents from the view expressed in your note that "there would be no foundation for a claim of the American

Government unless the prize courts should not grant indemnity in accordance with the treaty." The claim presented by the American Government is for an indemnity for a violation of a treaty, in distinction from an indemnity in accordance with the treaty, and therefore is a matter for adjustment by direct diplomatic discussion between the two Governments and is in no way dependent upon the action of a German prize court.

For the reasons above stated the Government of the United States can not recognize the propriety of submitting the claim presented by it on behalf of the owners and captain of the *Frye* to the German prize court for settlement.

The Government of the United States is not concerned with any proceedings which the Imperial German Government may wish to take on "other claims of neutral and enemy interested parties" which have not been presented by the Government of the United States, but which you state in your note of June 7 make prize-court proceedings in this case indispensable, and it does not perceive the necessity for postponing the settlement of the present claim pending the consideration of those other claims by the prize court.

The Government of the United States, therefore, suggests that the Imperial German Government reconsider the subject in the light of these considerations, and because of the objections against resorting to the prize court the Government of the United States renews its former suggestion that an effort be made to settle this claim by direct diplomatic negotiations.

LANSING

File No. 763.72/1903

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

[Telegram]

BERLIN, June 24, 1915, 1 p. m.

[Received June 25, 3 p. m.]

2501. Note as at present drafted will offer security to ships usually and especially engaged in passenger traffic. There is a fight on between the peace party and the war party as to whether this offer shall be unconditional, simply expressing a hope that ammunition and arms shall not be sent on these ships, or as to whether this offer shall be made conditional on the fact these passenger ships shall not carry arms and ammunition. Foreign Office and the Chancellor are for the former proposition; the war-Von Tirpitz party for the latter. I think the feeling between America and Germany will be helped to a better understanding if you can assure me that President will come out and endeavor to secure non-shipment of arms and ammunition on these passenger ships and allow me to convey this informally to Foreign Office. The peace party is having a hard time and will receive, I hope, some encouragement from our side. Of course all above is informal and confidential but my information from high and good sources is confirmed by information given Conger of Associated Press. A friend of mine in Foreign Office has suggested that President send me a message to give Kaiser personally. Kaiser would then have to see me which friend thinks will help as Kaiser now entirely surrounded by military and hears only war talk.

GERARD

File No. 763.72/1905

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

[Telegram]

BERLIN, June 25, 1915, 4 p. m.

[Received June 26, 4.30 p. m.]

2494. The suspension of the newspaper reported in my 2469,¹ has been severely criticized and the paper is now permitted to appear again. The gagging of the press is resented everywhere. Conservative and clerical papers side with the *Tageszeitung* and deprecate the publication of evidently inspired articles like that in *Lokal-Anzeiger*, referred to in my 2426² and 2451,³ maintaining that this is a falsification of public opinion in Germany which does not want war with America but will not approve of any understanding with America at the cost of any concessions which would impair the efficiency of the submarines. The impression seems to prevail that the conciliatory articles originated in official circles and it is feared that they will weaken the position of the German negotiations.

GERARD

File No. 763.72/1907

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

[Telegram]

BERLIN, June 25, 1915, 8 p. m.

[Received June 27, 12.45 p. m.]

2504. My present information is that German note will propose that belligerent regular passenger ships shall not be torpedoed by submarines without notice but these ships shall carry no cargo other than passengers' baggage. Note will not be delivered in any event until after July 4.

GERARD

File No. 763.72/1906

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

[Telegram]

BERLIN, June 26, 1915, 3 p. m.

[Received June 27, 1.30 p. m.]

2498. Learn naturally informally that Meyer-Gerhard reported that a feeling in favor of Germany was growing in America and which might have even prevented exportation of arms but that *Lusitania* case ended all this. That America did not want war but was determined to get some satisfactory answer to *Lusitania* note and if one not forthcoming that diplomatic relations would be broken and then if another *Lusitania* case occurred there would be war.

GERARD

¹ *Ante*, p. 450.² *Ante*, p. 441.³ Not printed.

File No. 763.72112/1266

*The Acting Secretary of State to the Consul General at London
(Skinner)*

[Telegram]

WASHINGTON, June 28, 1915.

Statements in your despatch June 11, No. 533, are of interest.¹ Department would like to receive earliest possible moment all available and authentic data in keeping with your observation in the third paragraph of first page of your note to Embassy.

OSBORNE

File No. 763.72112/1289

The Consul General at London (Skinner) to the Secretary of State

[Telegram]

LONDON, June 29, 1915.

[Received 4.25 p. m.]

Department's 28th. In extension my 533,¹ exports of cotton from United Kingdom from January 1 to June 17: 352,303 bales against 231,431 bales previous year, including 165,866 bales American cotton against 96,613 bales previous year, foregoing figures under cotton statistics act 1868. Board Trade figures January 1 to May 31 show exports cotton from United Kingdom 1,622,213 centals against 1,152,600 centals previous year, including 243,987 centals to Holland and 132,276 centals to Sweden against 14,191 and 15,747 respectively, previous year. Rice: Totals exported 1,466,307 hundredweights against 663,767 hundredweights previous year, including 769,363 to Cuba against 384,286 previous year. Coffee: Total exports, 329,332 hundredweights against 260,759 previous year, including 218,573 to Holland against 68,356 previous year.

Following figures cover total exports from United Kingdom of commodities named five months 1915 and 1914 respectively:

	1915	1914
Flour.....	284, 194 cwts.....	97, 063 cwts.
Barley.....	269, 866 ".....	44, 237 "
Corn.....	250, 981 ".....	350, 004 "
Frozen beef.....	260, 557 ".....	75, 130 "
Bacon.....	60, 198 ".....	42, 542 "
Lard.....	101, 499 ".....	99, 205 "
Condensed milk.....	7, 230 ".....	2, 169 "
Refined cocoanut oil.....	26, 791 ".....	2, 916 "
Raw cocoanut oil.....	71, 404 ".....	7, 099 "
Cotton oil.....	6, 136 ".....	194 "
Cinnamon.....	584, 825 pounds.....	198, 087 pounds
Pepper.....	9, 132, 683 ".....	3, 427, 758 "
Unenumerated spices.....	3, 992, 587 ".....	2, 411, 839 "
Raw cocoa.....	20, 551, 986 ".....	7, 293, 973 "
Prepared cocoa.....	23, 044 cwts.....	3, 840 cwts.
Apples.....	76, 264 ".....	31, 443 "
Indian tea.....	11, 470, 748 pounds.....	8, 153, 550 pounds
Included in Indian teas to European countries other than Russia.....	4, 237, 224 ".....	2, 397, 415 "

¹ Ante, p. 448.

	1915	1914
Total tea.....	25,944,535 pounds	22,642,930 pounds
Unmanufactured tobacco.....	3,423,366 "	1,607,378 "
Manufactured tobacco.....	365,162 "	153,980 "
Raw silk.....	30,935 "	11,466 "
Linseed.....	77,005 quarters	6,009 quarters
Oil nuts.....	55,385 tons	12,835 tons
Lamp oil.....	2,886,676 gallons	205,307 gallons
Motor spirit.....	2,865,526 "	101,883 "
Lubricating oils.....	1,025,439 "	439,632 "
Rosin.....	143,137 cwts.	44,973 cwts.
Bristles.....	1,063,882 pounds	865,624 pounds
Rubber.....	667,509 centals	553,864 centals
Seeds.....	40,618 cwts.	8,386 cwts.
Watch cases.....	302,244 pieces	253,461 pieces
Unbleached gray cotton piece goods.....	1,498,342 yards	185,655 yards
Quinine.....	98,313 ounces	47,028 ounces

Export of wool from United Kingdom to United States declined under embargo from 56,623,902 pounds in five months 1914 to 34,976,607 pounds in 1915 and licenses issued chiefly to enable American manufacturers to fill contracts for Allies; but while American manufacturers were thus handicapped, exports of woollen carpets of British manufacture to the United States composed of wool which American manufacturers seek in vain to import, increased from 191,800 square yards in 1914 to 212,900 square yards 1915. The licensing committees in this country are composed of active business men who advise Government on commercial questions and British exporters appear to have little difficulty in carrying on increasing business as shown in figures.

SKINNER

File No. 763.72112/1560b

The Acting Secretary of State to the Ambassador in Great Britain
(Page)

[Telegram]

WASHINGTON, June 29, 1915, 8 p. m.

1785. Department informed that when goods improperly seized or detained are released by procurator general, he requires claimants to sign undertaking indemnifying procurator general whether on his own behalf or on behalf of Crown or Admiralty marshal or any officer or official of Crown or of prize court, or any person acting under authority or instructions of same, against all petitions, "claims proceedings, actions or demands for or in respect or on account of the goods or any part thereof or any proceeds thereof or arising directly or indirectly out of or connected with the seizure, detention or release of the goods or any part thereof and against all costs, damages and expenses, in respect of the premises." Department understands this indemnity for release intended merely to protect British officials against possible claims by third parties in respect of goods released, and not to release British Government from liability for damages arising from seizure and detention. Confer with Consul General. Bring subject attention Foreign Office, requesting official statement confirming above understanding.

OSBORNE

File No. 341.115St2/151

The Acting Secretary of State to the Ambassador in Great Britain
(Page)

[Telegram]

WASHINGTON, June 29, 1915.

1786. Department's attention called to prolonged detention steamers *Polarine*, *Platuria*, and *Pioneer*. Standard Oil Company complains justly, as this Government believes, against prolonged detentions vessels this character carrying usual cargoes consigned in good faith to long-established subsidiaries in neutral countries. Company further points out that since supplies from Russia and Roumania have been prevented from entering Scandinavian countries it expected large increase in business with them, but finds that during first five months this year total shipments of all petroleum products to these countries are less than for same period last year although business in previous years steadily increased.

Request release these vessels if examination has not disclosed evidence illicit destination cargoes.

OSBORNE

File No. 841.857Ar5/2

The Ambassador in Great Britain (Page) to the Secretary of State

[Telegram]

LONDON, June 30, 1915, 4 p. m.

[Received 7.30 p. m.]

2378. Consul at Bristol reports that British authorities state *Armenian* of Leyland Line from Newport News to British port has been torpedoed and sunk by German submarine *U-38* off Cornwall. Consul reports twenty-one Americans lost. British Admiralty informs me that ship was engaged on Admiralty business and understands she carried no passengers. Americans lost therefore appear to be members of crew.

AMERICAN AMBASSADOR

File No. 763.72/1915

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

[Telegram]

BERLIN, June 30, 1915, 7 p. m.

[Received July 1, 4 p. m.]

2525. Note is not yet even in final draft form but learn that at present proposition favored is that ships flying American flag and having given guarantee that there is no contraband on board will be allowed to pass without visitation and search and that passenger ships under belligerent flag possibly having given similar guarantee and guarantee being given that they will not attack or resist submarines will not be torpedoed without notice. Matter still in discussion stage and note will not be delivered until after July 4. I shall probably be asked to transmit a cipher to you for Bernstorff

in order that he may submit propositions to you and learn whether they are satisfactory.

GERARD

File No. 451.11B74/32

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

[Telegram]

WASHINGTON, July 2, 1915, 1 p. m.

935. Your 830, June 16.¹ In order to avoid any misunderstanding as to attitude of Government of the United States toward *Dacia* case, inform French Government that in view of the differences which are understood to exist between the two Governments as to the principles of law applicable to this case, the Government of the United States desires to make clear to the French Government that it has postponed any discussion of these differences until after the decision of the prize court on account of the statement received from the French Government that it could not discuss the principles of law to be expounded in the present case in advance of the judgment of the prize court without infringing upon the jurisdiction of that court, but this discussion is postponed on the distinct understanding that if the decision of the prize court should make a discussion necessary, the postponement of it is not to be taken as an admission on the part of the Government of the United States that a judgment of the prize court can impair or prejudice the rights of an American citizen under the principles of law which the Government of the United States maintains are established by international usage governing the purchase of belligerent vessels by neutrals after the outbreak of hostilities, and the transfer of such vessels to a neutral flag.

LANSING

File No. 841.115R221/5

The Ambassador in Great Britain (Page) to the Secretary of State

[Telegram]

LONDON, July 3, 1915.

[Received 11.55 a. m.]

2499. Department's 1681, June 8, *re Helge*.² Foreign Office informs me this matter receiving careful attention of British Government.

AMERICAN AMBASSADOR

File No. 841.857Ar5/6

The Ambassador in Great Britain (Page) to the Secretary of State

[Telegram]

LONDON, July 3, 1915,

[Received 1 p. m.]

2395. From information received by the consul at Bristol, the matter of the *Armenian* appears to be as follows:

¹ Not printed.

² *Ante*, p. 434.

Armenian, British merchantman, sailed Newport News to British port with contraband cargo, was hailed by German warship and ordered to stop but refused and endeavored to escape. She was then shelled and ultimately obliged surrender when her ship's company were ordered to the boats and she was torpedoed and sunk. All loss of life appears to have occurred from the gunfire and not from ship's company having to take the boats.

AMERICAN AMBASSADOR

File No. 763.72/1918

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

[Telegram]

BERLIN, July 3, 1915, 10 p. m.
[Received July 5, 9 a. m.]

2543. I have seen draft of note. After friendly phrases, etc., reference to Germany's willingness to adopt Declaration of London, recital of grievances against England, statement that commander of submarine which sank *Lusitania* was in doubt whether to sacrifice lives or allow ammunition to pass which would kill thousands of Germans, makes following four propositions:

- (1) Germany repeats the assurances that American ships and lives of American citizens on neutral ships will not be endangered.
- (2) In order to exclude American passenger ships from unforeseen accidents which are incidental to the practice of sea war as carried on by our enemies, the German submarines will be ordered to let pass free and safely such passenger steamers as are distinguished by special signs and notified beforehand in proper time. The German Government permits itself to take it for granted that the American Government will guarantee that these ships do not carry contraband. Details to be settled for such unhampered voyages by marine authorities of both countries.
- (3) In order to provide a sufficient opportunity for American citizens to cross the Atlantic the German Government invites the consideration of the augmenting of the number of these steamers to a number sufficient for the traffic by the addition of neutral steamers under the American flag under the same conditions as for American steamers.
- (4) If this in the view of the American Government should not be sufficient for the needs of the passenger service, the Imperial Government is quite ready to discuss in a friendly manner the use of belligerent ships which in such case should be put under the American flag.

I said, speaking on my own personal responsibility alone and not officially, that I did not think this satisfactory; that it did not answer *Lusitania* question at all and in section (2) assumed to expect that our Government would forbid our ships to carry contraband which I did not for a moment believe would be done. After some talk learned that there is a possibility that for section (4) a section

might be substituted offering not to fire without notice on belligerent passenger ships which are guaranteed not to be carriers of arms and ammunition or possibly absolute contraband, American Government to see that British Government guarantees that such ships will not be armed and will not ram submarines when exercising right of visit and search. Possibly one such ship per week each way on Atlantic, similar arrangements for other routes. Also that section (2) might be amended so as to provide that German Government would express hope, not make condition, that such American ships given free passage would not be permitted to carry, say arms and ammunition, or possibly absolute contraband. This would leave American ships free to pass even when carrying conditional contraband.

Germans not good compromisers or suggestors. Wish you could send me some ideas relative to these propositions. Chancellor and Foreign Office anxious for peace but opposed by formidable opposition and public opinion. Draft of note stated submarine captain did not expect *Lusitania* to sink so quickly. If you cable me that you intend to enforce international law as it stands and require that American passengers on a belligerent passenger or merchant ship shall be first put in safety and will entertain no compromise, this although it appears in your previous notes may have a good effect. I was again told to-day that they do not believe we will declare war and that a break of diplomatic relations amounts to nothing.

GERARD

File No. 763.72/1919

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

[Telegram]

BERLIN, July 4, 1915, 11 a. m.

[Received July 5, 2 p. m.]

2544. Reason why I asked in yesterday's cable that you cable me as to the stand of the American Government and as to whether or not it is willing to accept any compromise on the lines I indicated, is because there is a universal belief here that since the resignation of Bryan, he has become the leader of a powerful party which is so favorable to Germany that it will not only influence the American Government to put an embargo on arms and ammunition, but will also terrorize our Government into submitting without protest to the destruction of American lives and ships at sea, although such destruction may be contrary to present international law. If, on the other hand, our Government believes that the declaration of a sea war territory by England, its alleged blockade of food upon Germany, its orders to merchant vessels to resist and ram submarines when the latter attempt to exercise the right of visitation and search, the carrying of arms and ammunition on passenger ships, call for some modification of rules made before the advent of submarine war so the lives and property rights of Americans are protected by reasonable concessions, then you should give me some latitude in negotiations. A mere formal exchange of notes between Germany and our Government will inevitably lead to a break.

GERARD

File No. 763.72/1924

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

[Telegram]

BERLIN, July 5, 1915, 7 p. m.

[Received 8.30 p. m.]

2548. Have seen another draft of note. Paragraphs 1 and 3 same as already cabled in my 2543, July 3. Paragraph 2 same except that the German Government will simply express a hope that American Government will see that these American ships thus exempted from visitation and search do not carry munitions of war and will not demand guarantee. Paragraph 4 states that Germany only followed example of England in declaring part of sea war territory; that civilians are not guaranteed from harm in land war territory; that Germany cannot suffer that all England's shipment of ammunition shall be protected by mere presence of Americans on English ships; and that Germany is ready to concede that certain belligerent passenger ships, say one each week across the Atlantic, shall not be fired on without notice nor the ships sunk until passengers and crew are placed in safety. But America shall obtain guarantees that these belligerent ships do not carry contraband of war, are not armed, and will not ram submarines. They, of course, are subject to visitation and search according to ordinary rules. Why does this not afford a reasonable solution of the difficulty? Please note as to paragraph 2 that of course American ships can still carry contraband but must then be subject to the usual rules as to visit, search, etc., and of course American ships will not be fired on without notice. This paragraph refers only to such American ships as may desire to be safeguarded from any stoppage, visit or search. The only change made in present alleged international law is that English can not hire Americans to travel on English ships carrying arms and so complicate American-German relations if these ships are sunk without notice. The safety of American passengers desiring to cross the ocean even on English ships is provided for. Anyway, when Americans have reasonable opportunity to cross the ocean why should we enter a great war because some American wants to cross on a ship where he can have a private bathroom or because Americans may be hired to protect by their presence cargoes of ammunition? On land no American sitting on an ammunition wagon could prevent its being fired on on its way to the front and England made land rules applicable to the sea when she set the example of declaring part of the open sea war territory; nor can English passenger ships sailing with orders to ram submarines and often armed be put quite in the category of altogether peaceful merchantmen.

I may of course be wrong but I am convinced that Germany will go little, if any, farther in concessions. I am sending you above sketch of note with the knowledge of friends in the Foreign Office and the note will not be delivered until I hear from you. I hope you will cable that this plan is acceptable. At any rate if you cable me that you prefer not to express an opinion I shall know that that means that at least the propositions are viewed from a not hostile standpoint. The note at the end accepts the friendly inter-

vention of the United States and hopes that the propositions embodied in it as well as others concerning the freedom of the seas will be taken up with England. Please cable immediately. If you think well of proposition I respectfully suggest that you authorize me to say that if note is accepted as a solution that it is on verbal understanding that German Government shut up its propaganda about export of arms or at least stop egging on this campaign of hate against America. On all propositions made I of course stated that I had no idea whether the proposition would be acceptable to America or not.

GERARD

File No. 763.72/1918

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

[Telegram]

WASHINGTON, July 6, 1915, 7 p. m.

1915. The suggestions contained in your 2543 and 2544 are receiving attentive consideration.

The belief in Germany as reported in your 2544 regarding the resignation of Mr. Bryan is entirely erroneous. Mr. Bryan is not endeavoring to influence public opinion against this Government, and he will support the President. As far as one can judge, the country is almost unanimous in its hearty support of the President.

We do not think it advisable at present to enter negotiations on the subject of the German reply. The position of the United States was fully set forth in its instruction to you of June 9 and we do not feel that the principles upon which this Government stands can be properly the subject of preliminary negotiations.

LANSING

File No. 763.72/1924

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

[Telegram]

WASHINGTON, July 8, 1915, 4 p. m.

1918. Your 2543, 2544, and 2548. You are instructed to convey unofficially to the Imperial Government that the President is determined not to surrender or compromise in any way the rights of the United States or of its citizens as neutrals or enter into discussion which might be construed into such surrender or compromise. At the same time you may express the hearty willingness of this Government to exercise its good offices with the object of effecting any arrangement which will lessen the dangers to non-belligerents in traversing the high seas.

In presenting these views you will keep entirely distinct these two things, namely, our rights, which this Government can in no way abate, and our services as friends of the belligerent powers. You may add that this Government is willing to consider and discuss any proposal or suggestion which is reasonable and practicable to discuss unless its purpose is to curtail the clear and established rights of the United States or of its citizens.

LANSING

File No. 763.72/1933

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

[Telegram]

BERLIN, July 8, 1915, 1 p. m.

[Received July 9, 12.30 p. m.]

2562. Department's 1915, July 6, 7 p. m. In order to have no mistake communicated in writing to Foreign Office that you did not desire to engage in any preliminary negotiations. Think note will come to-morrow. Paragraph 4 (see my 2543, July 3, 10 p. m., and 2548, July 5, 7 p. m.) will be changed by offering that a certain number of belligerent passenger ships shall be put under American flag and come under paragraph 2.

GERARD

File No. 841.857Ar5/10

The Ambassador in Great Britain (Page) to the Secretary of State

[Telegram]

LONDON, July 10, 1915.

[Received 11.45 a. m.]

2435. My 2395, July 3. Foreign Office inform me that *Armenian* was under charter to British Government when she was sunk and was carrying cargo of mules.

AMERICAN AMBASSADOR

The German Note of July 8, 1915, on the "Lusitania"—German Memorandum on the "Nebraskan"—British Prize-Court Decision in the Case of the "Zamora" Upholding Orders in Council

File No. 763.72/1940

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

[Telegram]

BERLIN, July 8, 1915.

[Received July 10, in sections.¹]

2565.

FOREIGN OFFICE,
BERLIN, July 8, 1915.

The undersigned has the honor to make the following reply to the note of his excellency, Mr. James W. Gerard, Ambassador of the United States of America, dated the 10th [9th] ultimo, Foreign Office No. 3814, on the subject of the impairment of American interests by the German submarine war;²

The Imperial Government has learned with satisfaction from the note how earnestly the Government of the United States is concerned in seeing the principles of humanity realized in the present war. Also, this appeal meets with

¹ According to a later telegram from the Ambassador, of July 14 (file No. 763.72/1954), the note was delivered to him on July 8, "late at night." It was telegraphed, in five sections, during the course of the following afternoon, by way of the Legation in Denmark. Four of the sections, in irregular order, arrived on July 10 between 4.30 and 7.30 p. m. One of them, the third, was not received until 7.15 a. m., on the 11th.

² *Ante*, p. 436.

full sympathy in Germany, and the Imperial Government is quite willing to permit its statements and decisions in the case under consideration to be governed by the principles of humanity just as it has done always.

The Imperial Government welcomed it with gratitude when the American Government in its note of May 15 [13], 1915,¹ itself recalled that Germany had always permitted itself to be governed by the principles of progress and humanity in dealing with the law of maritime war. Since the time when Frederick the Great negotiated with John Adams, Benjamin Franklin, and Thomas Jefferson the treaty of friendship and commerce of September 10, 1785, between Prussia and the Republic of the West, German and American statesmen have in fact always stood together in the struggle for the freedom of the seas and for the protection of peaceable trade. In the international proceedings which have since been conducted for the regulation of the right of maritime war Germany and America have jointly advocated progressive principles, especially the abolishment of the right of capture at sea and the protection of the interests of neutrals. Even at the beginning of the present war the German Government immediately declared its willingness, in response to the proposal of the American Government, to ratify the Declaration of London and thereby to subject itself, in the use of its naval forces, to all the restrictions provided therein in favor of neutrals. Germany has likewise been always tenacious of the principle that war should be conducted against the armed and organized forces of the enemy country, but that the civilian population of the enemy must be spared as far as possible from the measures of war. The Imperial Government cherishes the definite hope that some way will be found when peace is concluded, or perhaps earlier, to regulate the law of maritime war in a manner guaranteeing the freedom of the seas, and will welcome it with gratitude and satisfaction if it can work hand in hand with the American Government on that occasion.

If in the present war the principles which should be the ideal of the future have been traversed more and more the longer its duration, the German Government has no guilt therein.

It is known to the American Government how Germany's adversaries, by completely paralyzing peaceable traffic between Germany and the neutral countries, have aimed from the very beginning, and with increasing lack of consideration, at the destruction, not so much of the armed forces, as the life of the German nation, repudiating in so doing all the rules of international law and disregarding all the rights of neutrals. On November 3, 1914,² England declared the North Sea to be a war area, and by planting poorly anchored mines and the stoppage and capture of vessels made passage extremely dangerous and difficult for neutral shipping, so that it is actually blockading neutral coasts and ports, contrary to all international law. Long before the beginning of the submarine war England practically completely intercepted legitimate neutral navigation to Germany also. Thus Germany was driven to submarine war on trade. On November 16, 1914, the English Prime Minister declared in the House of Commons that it was one of England's principal tasks to prevent food for the German population from reaching Germany by way of neutral ports. Since March 1 of this year England has been taking from neutral ships, without further formality, all merchandise proceeding to Germany, as well as all merchandise coming from Germany, even when neutral property. Just as was the case with the Boers, the German people is now to be given the choice of perishing from starvation, with its women and children, or of relinquishing its independence.

While our enemies thus loudly and openly have proclaimed war without mercy until our utter destruction, we are conducting war in self-defense for our national existence and for the sake of peace of assured permanency. We have been obliged to adopt submarine warfare to meet the declared intentions of our enemies and the method of warfare adopted by them in contravention of international law.

With all its efforts in principle to protect neutral life and property from damage as much as possible, the German Government recognized unreservedly in its memorandum of February 4 that the interests of neutrals might suffer from submarine warfare.³ However, the American Government will also under-

¹ *Ante*, p. 393.

² *Foreign Relations*, 1914, Supplement, p. 464.

³ *Ante*, p. 96.

stand and appreciate that in the fight for existence which has been forced upon Germany by its adversaries and announced by them, it is the sacred duty of the Imperial Government to do all within its power to protect and to save the lives of German subjects. If the Imperial Government were derelict in these, its duties, it would be guilty before God and history of the violation of those principles of the highest humanity which are the foundation of every national existence.

The case of the *Lusitania* shows with horrible clearness to what jeopardizing of human lives the manner of conducting war employed by our adversaries leads. In most direct contradiction of international law, all distinctions between merchantmen and war vessels have been obliterated by the order to British merchantmen to arm themselves and to ram submarines, and the promise of rewards therefor; and neutrals who use merchantmen as travelers have thereby been exposed in an increasing degree to all the dangers of war. If the commander of the German submarine which destroyed the *Lusitania* had caused the crew and travelers to put out in boats before firing the torpedo, this would have meant the sure destruction of his own vessel. After the experiences in the sinking of much smaller and less seaworthy vessels, it was to be expected that a mighty ship like the *Lusitania* would remain above water long enough, even after the torpedoing, to permit the passengers to enter the ship's boats. Circumstances of a very peculiar kind, especially the presence on board of large quantities of highly explosive materials, defeated this expectation. In addition, it may be pointed out that if the *Lusitania* had been spared, thousands of cases of ammunition would have been sent to Germany's enemies and thereby thousands of German mothers and children robbed of their supporters.

In the spirit of friendship with which the German nation has been imbued toward the Union and its inhabitants since the earliest days of its existence, the Imperial Government will always be ready to do all it can, during the present war also, to prevent the jeopardizing of the lives of American citizens.

The Imperial Government therefore repeats the assurances that American ships will not be hindered in the prosecution of legitimate shipping, and the lives of American citizens on neutral vessels shall not be placed in jeopardy.

In order to exclude any unforeseen dangers to American passenger steamers, made possible in view of the conduct of maritime war on the part of Germany's adversaries, the German submarines will be instructed to permit the free and safe passage of such passenger steamers when made recognizable by special markings and notified a reasonable time in advance. The Imperial Government, however, confidently hopes that the American Government will assume the guarantee that these vessels have no contraband on board. The details of the arrangements for the unhampered passage of these vessels would have to be agreed upon by the naval authorities of both sides.

In order to furnish adequate facilities for travel across the Atlantic Ocean for American citizens, the German Government submits for consideration [a proposal] to increase the number of available steamers by installing in the passenger service a reasonable number of neutral steamers, the exact number to be agreed upon, under the American flag under the same conditions as the American steamers above mentioned.

The Imperial Government believes that it can assume that in this manner adequate facilities for travel across the Atlantic Ocean can be afforded American citizens. There would therefore appear to be no compelling necessity for American citizens to travel to Europe in time of war on ships carrying an enemy flag. In particular the Imperial Government is unable to admit that American citizens can protect an enemy ship through the mere fact of their presence on board. Germany merely followed England's example when it declared part of the high seas an area of war. Consequently accidents suffered by neutrals on enemy ships in this area of war can not well be judged differently from accidents to which neutrals are at all times exposed at the seat of war on land when they betake themselves into dangerous localities in spite of previous warning.

If, however, it should not be possible for the American Government to acquire an adequate number of neutral passenger steamers, the Imperial Government is prepared to interpose no objections to the placing under the American flag by the American Government of four enemy passenger steamers for the passenger traffic between America and England. The assurances of "free and safe" passage for American passenger steamers would then be extended to apply under the identical pre-conditions to these formerly hostile passenger ships.

The President of the United States has declared his readiness, in a way deserving of thanks, to communicate and suggest proposals to the Government of Great Britain with particular reference to the alteration of maritime war. The Imperial Government will always be glad to make use of the good offices of the President, and hopes that his efforts in the present case, as well as in the direction of the lofty ideal of the freedom of the seas, will lead to an understanding.

The undersigned requests the Ambassador to bring the above to the knowledge of the American Government, and avails himself [etc.]

VON JAGOW

GERARD

File No. 763.72112/1808

The Consul General at London (Skinner) to the Secretary of State

LONDON, June 28, 1915.

[Received July 12.]

DEAR MR. SECRETARY: I beg to offer my respectful congratulations upon your appointment to be Secretary of State. The President has done the obvious, the necessary, and the very admirable thing in this matter, and as a modest spoke in the very large wheel of state, I am rejoicing sincerely over his action.

I observe from to-day's despatches that strong pressure is being exerted on behalf of New York importers to obtain departmental action in favor of the shipment to the United States of large quantities of German goods detained at Rotterdam. According to the despatches, while these goods are of German origin, the property interest is American. Although these statements may be perfectly true, I cannot help remarking that in the case of the *Ogeechee*, the claimants appear not to be in a position to show that ownership has passed, except in comparatively few instances. In the other instances, while there is often a *prima-facie* case of American ownership, it is usually of a highly technical character; and while I should not wish to mention the matter officially, there seem to be a good many cases of alleged ownership of a bookkeeping variety.

As the order in council of March 11 becomes older, it becomes plainer that whatever may be said against it, from the point of view of international law, it is serving the military purposes of the Allies, and in my opinion, will not be withdrawn or substantially modified until the war is over. If our British friends would only put their administrative machinery in order, and deal with neutral cargoes and ships in a spirit of fairness, and also with some efficiency, they probably could carry out their program, while at the same time reducing complaints to a very low figure indeed. Their whole attitude is one of negation, and they seem to be incapable of undertaking anything helpful or constructive. As things stand, ships are taken to Kirkwall, kept there for days, and then sent to commercial ports (all much congested), where they remain a long time for the unloading process and finally, when all is over, the innocent shipper, in addition to losing time, is expected to pay these same British authorities for discharging, wharfage, and the like. They could very readily arrest neutral ships, just as they do at present, and provide sailing orders

within four or five hours. In some cases they could discharge small items at Kirkwall, and in any event, they could direct the ship immediately to a nearby port and there have lighters or coasting ships to take off the cargo and store it at any convenient port, giving the arriving vessel clearance in a week or ten days at the outside. Common fairness should dictate to them the propriety of immediately paying vessels thus detained their bills for demurrage; but instead of this, their one answer is to direct claimants to go into the prize court.

As to the prize court, its general attitude is that the shipper must prove his innocence and in the *Zamora* case, the court held that its action was governed by orders in council and not by general principles of international law. The administrative or executive departments of the Government may make their law when and how they please, and in fact can determine their own cases by executive order.

I have an impression that if we insisted upon the application of fair principles in the attempts to enforce the order in council, the British Government assuming its own burdens and paying its own costs, we might get something helpful; and it would do no harm to point out that, if in the highest spheres of official activity broad patriotic influences are the only ones that count, down below there are plenty of commercial influences which perceive in the war an opportunity to make use of these orders in council merely for their own advantage, and are so using them.

There is loud talk in this country about the increase of American exports to neutral countries, but there is very little said about the increase of British exports to those same countries.

Here are a few examples of the way exports from Great Britain have increased during the first five months of the present year:

	1914	1915
Tobacco, unmanufactured.....	1, 607, 378 lbs.-----	3, 423, 366 lbs.
“ manufactured.....	158, 980 “-----	365, 162 “
Tea.....	22, 642, 930 “-----	25, 944, 535 “
Coffee.....	260, 759 cwts-----	329, 332 cwts.
whereof to Holland.....	68, 356 “-----	218, 573 “
Milk.....	7, 348 “-----	16, 463 “
Cocoa.....	7, 293, 973 lbs.-----	20, 551, 986 lbs.
Lard.....	99, 205 cwts-----	101, 499 cwts.
Apples.....	31, 443 “-----	76, 264 “
Cocanut oil.....	2, 916 “-----	26, 791 “
Cottonseed oil.....	194 “-----	6, 136 “
Cotton.....	1, 152, 600 centals--	1, 622, 213 centals
whereof to Holland.....	14, 191 “-----	243, 987 “
“ “ Sweden.....	15, 747 “-----	132, 276 “

But exports of wool to the United States, which we need, fell off from 56,623,902 pounds in 1914, to 34,976,607 pounds in 1915, because of the embargo; while carpets, manufactured in this country, and which we do not need, increased from 191,800 square yards to 212,900 square yards.

With many excuses for having written so long a letter to one who can scarcely have the time to read it, and with my sincerest good wishes, I am,

Very truly yours,

ROBERT P. SKINNER

File No. 763.72/1943

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

[Telegram]

BERLIN, July 12, 1915, 1 p. m.

[Received 10.40 p. m.]

2571. Suggest that if you are inclined to accept any compromise on questions treated in German note that you make it conditional on Germany's shutting up about arms, and also on Germany's allowing dyestuffs, potash, etc., to be exported; this to be informally arranged.

GERARD

File No. 763.72/2412a

The Secretary of State to the Secretary of Commerce (Redfield)

WASHINGTON, July 13, 1915.

SIR: As you are aware, this Department, since February 19, 1915, in compliance with the request of the German Government, has been transmitting to that Government, through the American Embassy at Berlin, information concerning the sailings and arrivals of American vessels, giving as complete details as possible.

I now have the honor to advise you, for the information of the Bureau of Navigation, that, although the Department will continue to transmit such information regarding American passenger vessels, it is considered inadvisable at this time to send to the German Government any information concerning the departure and arrival of ships carrying freight only, other than to neutral ports.

I have [etc.]

ROBERT LANSING

File No. 300.115 N27/17

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

[Telegram]

BERLIN, July 12, 1915, 11 a. m.

[Received July 13, 5 p. m.]

2573. Following memorandum just received from the Foreign Office:

Memorandum relative to the damaging of the American steamer *Nebraskan* by a German submarine:

The German Government received from newspaper reports the intelligence that the American steamer *Nebraskan* had been damaged by a mine or torpedo on the southwest coast of Ireland. It therefore started a thorough investigation of the case without delay, and from the results of the investigation it has become convinced that the damage to the *Nebraskan* was caused by an attack by a submarine.

On the evening of May 25 last the submarine met a steamer bound westward, without a flag and with no neutral markings on her freeboard, about 35 nautical miles west of Fastnet Rock; no appliance of any kind for the illumination of the flag or markings was to be seen. In the twilight, which had already set in, the name of the steamer was not visible from the submarine. Since the commander of the submarine was obliged to assume, from his wide experience in

the area of maritime war, that only English steamers, and no neutral steamers, traversed this war area without flag and markings, he attacked the vessel with a torpedo in the conviction that he had an enemy vessel before him. Some time after the shot the commander saw that the vessel had in the meantime hoisted the American flag. As a consequence he of course refrained from any further attack. Since the vessel remained afloat he had no occasion to concern himself further with the boats which had been launched.

It results from this, without a doubt, that attack on the steamer *Nebraskan* was not meant for the American flag; nor is it traceable to any fault on the part of the commander of the German submarine, but is to be considered an unfortunate accident. The German Government expresses its regret at the occurrence to the Government of the United States of America and declares its readiness to make compensation for the damage thereby sustained by American citizens.

As in the case of the steamer *Gulflight*, the German Government begs to suggest that the American Government submit to it a detailed statement of such damage, or, if doubt might arise as to certain points, to designate an expert to fix the amount of compensation, acting in conjunction with a German expert.

GERARD

File No. 763.72/1940

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

[Telegram]

WASHINGTON, July 14, 1915, 4 p. m.

1947. For your information. The German reply has been received as a general disappointment by the press of this country.¹ It was hoped at least that principle for which Government of United States stood would be acknowledged by German Government, and the failure in this respect has made adjustment by compromise practically impossible. It is felt also that the note was framed for home consumption rather than as a sincere desire to reach an understanding.

LANSING

File No. 300.115/4215

The Ambassador in Great Britain (Page) to the Secretary of State

No. 1693]

LONDON, June 29, 1915.

[Received July 14.]

SIR: I have the honor to enclose herewith for the information of the Department, respectfully referring to my despatch No. 1678 of June 25,² in regard to the decision of Sir Samuel Evans, president of the prize court, in the case of 400 tons of copper on board the *S. S. Zamora*, the reasons given for this decision, as published in *Lloyd's List* on Wednesday June 23.

The judgment of the president points out what may be considered a departure from the heretofore recognized procedure of prize courts, in that he considers that municipal law, as set forth in a Royal order in council, may be quoted by a prize court as a basis for a decision, and this opinion would seem to place in the prize court of a country the right to determine whether or not municipal law

¹ See German note of July 8, *ante*, p. 463.

² Not printed.

should be followed, even in cases when it might appear to be at variance with the recognized principles of the law of nations. He supports his decision by quoting numerous cases, particularly those in prize courts in the United States.

The final paragraph of the president's judgment reads as follows, and would appear to be a forecast of the attitude which the British prize court will take in the future:

For the reasons, historical and other, which I have endeavoured to set forth, I am of opinion that nothing contained in the provisions of Order XXIX of the prize court rules is repugnant to international law; and that the powers entrusted to and to be exercised by the court under the order are in accordance with the inherent powers of the court itself and are well within the rights of the Crown under the statutory provisions referred to, no less than under its prerogative authority.

I further have the honor to enclose herewith a comment on the *Zamora* decision which was written by Mr. Arthur Garfield Hays, who has been acting as attorney for the Green Commission Company in the case of the S. S. *Wilhelmina*, and for several other American corporations. This statement, which Mr. Hays informs me he has written at the request of the Associated Press, may be of interest to the Department in this connection.

I have [etc.]

WALTER HINES PAGE

[Enclosure 1—Extracts]

Decision of the British prize court in the case of the "Zamora"

The president, giving judgment, said:

By a summons issued in an action in prize relating to the S. S. *Zamora* and her cargo, an application was made by the procurator general for an interlocutory order that part of the cargo laden on the vessel, viz., about 400 tons of copper, should be released and delivered up to the Crown under Order XXIX of the prize court rules, upon an undertaking to be given by the proper officer of the Crown to pay into court the appraised value of the copper in accordance with Rule 5 of the order.

The claim in the writ in the prize proceedings was—

For a decree that the said *Zamora* be condemned and confiscated as good and lawful prize on the ground that the cargo which she was carrying at the time of her capture and seizure was as to more than one-half thereof contraband of war, and for a decree that the said cargo be condemned as good and lawful prize as contraband of war; or in the alternative for an order for the detention and/or for the sale of the said cargo on the ground that the said steamship sailed from a port other than a German port after March 1, 1915, having on board the said cargo, which had an enemy destination or was enemy property.

The *Zamora* was a Swedish vessel registered at Stockholm. She sailed from New York, U.S.A., on March 20, 1915, bound for Stockholm. On April 8, when between the Faroes and the Shetlands, she was stopped and captured by His Majesty's ship *Alsation*, and a prize crew was put on board. She was taken to the Orkney Islands, and was, with the cargo, finally handed over to the marshal of this court on April 19. Thenceforth the ship and cargo remained in the custody of the marshal of the prize court awaiting the hearing of the cause upon the judgment in which their condemnation or release depended.

In support of the present application for the release and delivery of the cargo to the Crown a sufficient affidavit of the director of army contracts was filed. The application was strenuously resisted on behalf of a Swedish firm, who claim to be the owners of the cargo. The summons came before me in chambers, and, at the request of counsel for the claimants, I ordered that it be adjourned into court for argument. Upon the hearing it was contended that the provisions of Order XXIX material to the present question violated

the law of nations; were not binding upon this court; and that this court owed no obedience to them, and ought not to act under them.

In my view persons who lay claim to property captured or seized have no right by any rule of international law to demand that the property should be preserved in specie until the final decree determines whether it is to be released or to be condemned. Prize courts have always acted upon the principle that the capture is lawful, until claimants establish the contrary. All that it is necessary for captors to allege in prize proceedings is that the capture was made, and that the property captured is claimed as prize: thereupon claimants must establish their claim to release. If their claim to release is sustained they may have the property delivered up, if it has been kept intact; or they will receive its value if it has been sold or otherwise disposed of with or without costs and damages against the captors as the circumstances may require.

I am not called upon to declare what this court would or ought to do in an extreme case if an order in council directed something to be done which was clearly repugnant to and subversive of an acknowledged principle of the law of nations.

I make bold to express the hope and belief that the nations of the world need not be apprehensive that orders in council will emanate from the Government of this country in such violation of the acknowledged law of nations as to make it conceivable that our prize tribunals, holding the law of nations in reverence, would feel called upon to disregard and refuse obedience to the provisions of such orders.

For the reasons, historical and other, which I have endeavoured to set forth, I am of opinion that nothing contained in the provisions of Order XXIX of the prize court rules is repugnant to international law; and that the powers entrusted to and to be exercised by the court under the order are in accordance with the inherent powers of the court itself and are well within the rights of the Crown under the statutory provisions referred to, no less than under its prerogative authority.

I therefore order the copper to be delivered up to the Crown as prayed by the summons.

[Enclosure 2]

Comment on the "Zamora" decision by Arthur Garfield Hays

A few months ago, the prize court decided in the *Antares* case that under the then prize rules neutral property could not be requisitioned. The Government promptly changed the law, and amended Rule 29 under which the decision had been rendered. The *Zamora* sailed before the amendment. Whatever reason there may be for a country in need of material to requisition cargoes would not apply to England, with the world's supplies at her doors, unless the object be either to prevent owners of goods from obtaining the full profit of their undertaking, in case the prize court should determine the shipment was innocent, or to increase supplies here so that the Admiralty can obtain goods at a low figure. The Crown need not even show that it requires the goods or cannot get them elsewhere. Requisition is made upon a showing that "it is desired to requisition" (Rule 29). This may be the law, but it is not justice.

England evidently reserves the right to scour the seas, bring goods into her ports, requisition them pending proceedings, and then condemn them unless the owner assumes a burden of proof, which is often practically impossible. One of the results, though of course not the object, of these seizures has been the creation of artificial or fancy prices in neutral countries by the seizure of American cargoes, from which English shippers often obtain the benefit. For instance, while American cotton to neutral countries was seized in March, April, and May, the shipment of cotton from the United Kingdom in these months was twenty times that of the year before.

The opinion is very disquieting to American lawyers on other points. The court says:

Prize courts have always acted upon the principle that the capture is lawful until claimants establish the contrary. All that is necessary for captors to allege in prize proceedings is, that the capture was made, and that the property captured is claimed as prize; thereupon claimants must establish their claim to release.

This puts the burden of proving innocence upon the shipper. Where goods have been shipped to neutral ports because of attractive markets, the ship-

owner ordinarily is not interested as to the ultimate destination of these goods, nor, except in case of absolute contraband, has he had any reason to fear confiscation, even though a further shipment were made as the result of a separate commercial transaction. While the goods are on the high seas, the neutral consignee might have contracted to deliver them to a belligerent. However innocent the shipper might be, he will often not be in the position to prove an innocent ultimate destination. The proposition of proving oneself innocent, though there be no evidence of guilt, would seem to be rather new to English law.

Another important feature of the decision is the position taken by the court, that its action is governed by orders in council rather than by general principles of international law. This means that the administrative or executive departments of the Government can at any time make the international law which is binding upon the prize court. The Government will, therefore, be in a position to determine its own case by executive order.

The result would seem to be that submission to a prize court, where our Government denies the legal validity of orders in council, will be merely a formal matter, and that the question of the legal determination of these cases will have to be dealt with diplomatically.

Statements of July 14 and 15, 1915, to Great Britain, Denying the Legality of Actions Taken under Orders in Council: The Case of the "Neches"

File No. 763.72112/1343a

The Secretary of State to the Ambassador in Great Britain (Page)

[Telegram]

WASHINGTON, July 14, 1915, 5 p. m.

1848. In order to avoid any misunderstanding as to attitude of Government of United States in regard to prize court proceedings in cases involving American interests, inform British Government that in view of differences which are understood to exist between the two Governments as to the principles of law applicable in these cases, the Government of the United States desires to make clear to the British Government that in so far as the interests of American citizens are concerned, it will insist upon their rights under the hitherto established principles and rules of international law governing neutral trade in time of war, without modification or limitation by orders in council or other municipal legislation by Great Britain, and it will not recognize the validity of proceedings taken in prize court under restraints imposed by British municipal law in derogation of their rights.

Inform Urion¹ and report any suggestions by him.

LANSING

File No. 300.115/4301a

The Secretary of State to the Ambassador in Great Britain (Page)

[Telegram]

WASHINGTON, July 15, 1915.

1852. It is brought to the attention of the Department that the steamship *Neches*, of American register, sailing from Rotterdam to

¹ Attorney for the American packers. See telegrams from the Ambassador, May 21, *ante*, p. 405, and July 17, *post*, p. 474.

a port of the United States, carrying a general cargo, after being detained at the Downs, was brought to London where it was made by the British authorities to discharge cargo, the property of American citizens.

The ground advanced to sustain this action, it appears, is that the goods originated, in part at least, in Belgium, and fall, therefore, within the provisions of paragraph 4 of the order in council of March 11, which stipulates that every merchant vessel sailing from a port other than a German port, carrying goods of enemy origin, may be required to discharge such goods in a British or Allied port. The Government of the United States very earnestly reiterates its position with respect to this order in council as set forth in its instruction to the Embassy of March 30, 1915,¹ and regards the international invalidity of the order as plainly illustrated by the present instance of the seizure of American-owned goods, passing from the neutral port of Rotterdam to a neutral port of the United States, merely because the goods came originally from territory in the possession of Great Britain's enemy.

The Department desires that you inform the Foreign Office courteously, but plainly, that the legality of this seizure cannot be admitted, and that in the view of this Government it violates the right of the citizens of one neutral to trade with those of another, as well as with those of belligerents, except in contraband or in violation of a legal blockade of an enemy seaport. The Department must insist upon the rights of American owners of goods to bring them out of Holland in due course in neutral ships, even though such goods may have come originally from the territories of Great Britain's enemies. Therefore, you will communicate with Foreign Office in the sense of the foregoing, and insist that goods taken from the *Neches* which are the property of American citizens shall be expeditiously released to be forwarded to their destination, and request to be advised at the earliest convenient moment of the British Government's intended course in this matter.

LANSING

File No. 763.72112/1354a

The Secretary of State to the Ambassador in Great Britain (Page)

[Telegram]

WASHINGTON, July 16, 1915, 5 p. m.

1860. Am informed by British Ambassador that he cabled yesterday to Sir Edward Grey urging the necessity for more considerate and liberal treatment of American trade, particularly cotton, oil, and meat products. It is exceedingly important that British Government should understand this necessity, and should realize that this Government considers the general policy of the British Government in seizing American shipments on mere presumption of enemy destination, and in restraining American trade with neutral countries, is unjustifiable in law. The course pursued by Great Britain has produced widespread irritation and dissatisfaction

¹ *Ante*, p. 152.

through this country, and unless some radical change is made, the situation will become so serious politically that it will be difficult, if not impossible, to find a solution. In view of the increasing gravity of the question, which is reaching a crisis in this country, I would suggest that you communicate unofficially these views to Sir Edward and, if you can do so without offense, intimate to him that the matter be treated as a cabinet question, and not left to the decision of subordinates in the governmental departments.

LANSING

File No. 763.72/1956

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

[Telegram]

BERLIN, July 15, 1915, 7 p. m.

[Received July 16, 7.25 p. m.]

2586. Have seen both Von Jagow and Zimmermann on routine matters to-day. Incidentally I learned that they claim they did not know Austria was going to send munitions note at this time.¹ Von Jagow said Austrians had proposed it six weeks or so ago. Regret was expressed that you did not want to talk over matters and suggest possible compromises, etc., before the German note was sent. Referring your 1947, July 14, 4 p. m.,² I learned that possibly they would have been willing to recognize principle you refer to if it had been suggested. Possibility that even now principle may be recognized if they are assured matter may be compromised in lines indicated as *modus vivendi* or with possible modifications.

GERARD

File No. 763.72112/1347

The Ambassador in Great Britain (Page) to the Secretary of State

[Telegram]

LONDON, July 17, 1915.

[Received 4 p. m.]

2485. Your 1851, 15th.³ Urion's letter to Sir Edward Grey consists of seven and half pages. Following is full *résumé* made by Urion at my request:

In view of final hearing next Monday, prize court, it is desirable bring to your notice the present condition negotiations for settlement.

Early last August American packers ascertained through Washington that the position of American shippers would be under war conditions. British Ambassador represented to State Department that exportation from the United States to neutrals would not be interfered with, and, relying upon this assurance by packers, the *Kim* group of ships were loaded and dispatched.

Immediately after capture these and similar cargoes [and] complaints by shippers, British Government invited packers to send to England representative authorized negotiate terms settlement.

I was selected packers' representative. Arrived England January 24. Found some time after arrival great difficulties in conduct negotiations with British

¹ See enclosure to despatch No. 608 *post*, p. 700.

² *Ante*, p. 469.

³ Not printed.

Government because of overlapping jurisdiction various departments. Result: went round several Government departments, referred one to other, finally ending, after months, with Foreign Office, where started.

To May 1, although had striven hard, made several proposals for settlement, gone so far agree suspend further shipments Scandinavian countries pending negotiations as evidence packers' good faith, seriously trying meet views British Government, being led to believe this an important consideration leading to settlement, I had never succeeded in obtaining any counter proposal from any of various Government departments what terms the British would be willing accept; but led understand, up to this time, difficulty was not arising out of values goods seized or prices, but settlement mainly depended upon packers entering arrangement control future shipments.

May 15 left this country for the United States; [at] that time ascertained that packers would come under positive understanding, backed bank guarantee, to control least 90 per cent future exports European neutrals. Would [in] future confine shipments packing-house products Scandinavian countries quantity equal average quantity exported countries from United States during last three years plus agreed allowance, increase population, other contingencies. Armed with this authority returned. Anticipated no difficulty arriving settlement, seeing only difficulty which up to that time confronted us now removed.

Shortly after return, informed British difficulty they had raised [regarding] future control was now removed. This obstacle removed question price was led believe only outstanding question remaining.

Packers conceived price ought receive for captured cargoes actual market price cargoes would have fetched had they proceeded to and arrived destination. Care taken ascertain these prices, called spot prices, market prices if such goods sold port destination day after arrival vessel that port. Ascertainment these prices on nearly forty ships sailing different times entailed considerable trouble, but submitted in detail to British who objected prices too high and different basis be adopted.

Seeing packers have been out their money nearly year and no interests whatever been charged thought spot prices were proper prices packers entitled and was fortified arriving this conclusion knowledge *Wilhelmína* case. Government actually agreed pay owners the cargo prices upon basis I was asking. Not only was this [the] case, but within my knowledge other cargoes had been settled upon same footing, and spot prices such cargoes paid. Saw no reason why packer should be differentiated against, and thought [and] still think spot price proper which should have been paid. However clients anxious put no difficulties way settlement, and were all desirous avoiding any diplomatic interference. Thereupon a bargaining took place about prices as basis settlement.

To cut matter short ultimately offered to accept actual c. i. f. prices for goods; i. e., basis many Scandinavian independent buyers had actually paid Chicago packers for similar goods before being shipped to them. Again labor undertaken showing these c. i. f. prices. Complete list furnished British showing what entire claim on c. i. f. basis.

In view approaching hearing prize court briefs delivered three weeks. Since that time negotiations for settlement which had previously been conducted through the Foreign Office, board trade, departmental committees, Anderson, were now conducted by Attorney General, and all the prices were supplied him. Attorney General, when matter first came before him, informed Counsel Sir Robert Finlay before settlement could be made must ascertain whether owners five ships *Kim* group would concur in settlement and withdraw their independent claims. He also desired know whether the Scandinavian buyers who had bought [and] paid for their goods on c. i. f. terms would come into settlement.

Accordingly communicated with London representatives most c. i. f. buyers conclusion reached that c. i. f. buyers would probably settle on terms corresponding or nearly corresponding packers will accept.

Regarding owners five ships, packers went to length undertaking indemnify these five shipowners against expense claims which might be brought against them American courts by charterers, shipowners themselves relinquishing claims against Crown by reason capture. Attorney General so advised. This effectually cleared off the five shipowners.

Then asked by Crown furnish figures showing amount claims c. i. f. buyers. After considerable trouble, got complete list which showed if c. i. f. buyers were

paid c. i. f. prices claims would amount approximately £682,816, and figures showing how this total arrived at submitted Attorney General.

Another meeting called House Commons July 7, and having up to that point met every successive difficulty which had been raised by the Crown's advisers, believed was at last on eve arriving settlement. To my astonishment, at interview found Crown expected packers to undertake responsibility settling both with Scandinavian buyers and owners all ships.

Crown's proposals with these new conditions added: (1) Packers to be paid lump sum £2,250,000 full settlement of their claims; (2) packers were to pay Scandinavian buyers amounting £682,816 or whatever larger sum buyers might [be] willing accept; (3) packers to protect Government against claims by owners of all ships; (3-a) it was subsequently suggested in discussion that Government would settle with buyers deducting sum £682,816 from amount payable packers who should indemnify Government against any excess which might be paid [to] settle buyers' claims, and Government were also settle the shipowners (including the first four known as the *Kim* group), deducting further £50,000 from payment to be made packers. Net result would be packers would receive at most £1,500,000—perhaps no more than £1,250,000—in settlement their claims.

These terms [in] addition [to] two obligations which packers expressed willingness accept: (a) Future shipments from United States [to] Scandinavia [of] packing-house products [to] be confined [to] average quantity indicated; (b) that owners *Kim* group ships release all claims against Crown on surrender bail. The conditions (2), (3), (3-a), introduced for first time interviews July 7. Effect these repeated introductions new conditions most discouragingly unfair. Have on several occasions been as though on point arriving satisfactory settlement, but at last moment new conditions been added to old ones. This has not happened once, but on various occasions, with result have never been able arrive at any finality. Desire to repeat that packers are unable make any further concessions or undertake any new obligations other than those already expressed herein, and I emphatically assert that conditions (2), (3), and (3-a) will not be accepted, and the introduction and insistence upon them at the last moment will create, am sure, great offense in my country.

Am quite alive to fact that if prize court tribunal declines recognize international law and insists on being bound by rules and orders made by British Government for conduct proceedings its own courts, decision adverse to the packers' claims may be arrived at. Having regard, however, to very large sum involved (reduced as heretofore stated to the c. i. f. figures of £2,073,284, waiving all interest, demurrage, and loss of market since our suspension of shipments to neutral countries on April 15 last, which amount and the proposition to control etc. is our last word in negotiations), and to state of feeling which exists in United States, I regard the decision of prize court as of comparatively minor importance, and whatever decision is arrived at by the prize court will in no way affect clients' conduct or steps they will take to obtain through their own Government redress to which they are entitled.

AMERICAN AMBASSADOR

File No. 763.72/1992a

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

[Telegram]

WASHINGTON, July 18, 1915, 7 p. m.

1965. Following message has been sent by wireless by Bernstorff to his Government:

In confidential and friendly conversation with Secretary of State whole ground was covered. It seems that our note is considered least satisfactory with regard to *Lusitania*. Effective pressure by American Government on England not to be expected if American public opinion is not satisfied on this point.

As possible formula, it was suggested for us to say that attack on *Lusitania* was justified as reprisal but that we were responsible if neutral citizens suffered by our reprisal.

Last sentence conclusion by Bernstorff from long conversation by me. Bear this in mind if matter is discussed by you. Extent of responsibility based on illegality of acts of retaliation.

LANSING

File No. 763.72112/1376

The Secretary of the Treasury (McAdoo) to the Secretary of State

WASHINGTON, July 19, 1915.

SIR: On behalf of the Bureau of War Risk Insurance, I wish to inquire whether your Department intends to make claim on the British Government for losses and expenses sustained on account of American steamers and their cargoes being detained and/or seized in British ports.

This inquiry is made because if such is the purpose of the State Department, then it is a matter that concerns the Bureau, as no doubt many claims will be received by the Bureau for losses and expenses on account of American steamers and their cargoes having been detained and/or seized by the British, and such being the case, if the State Department contemplates asking the British Government to make reparation for this kind of claims, we would sincerely appreciate your advising us, so that when such claims are settled by the Bureau, the documents which the State Department requires to deal with the matter could be obtained in the hope that the amount paid by the Bureau would be hereafter recovered from the British Government.

By direction of the Secretary:

WM. P. MALBURN
Assistant Secretary

File No. 763.72/1992B

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

[Telegram]

WASHINGTON, July 19, 1915, 3 p. m.

1968. Your 2586, July 15, 7 p. m.¹ Have indicated to you unwillingness of this Government to enter into any *modus vivendi*. It is entirely a question of principle which does not admit of compromise, since that would affect the freedom of American citizens to traverse the high seas to which they are entitled as a matter of right. In your conversations with Foreign Office avoid giving hope that your Government might consider any form of compromise.

LANSING

¹ *Ante*, p. 474.

File No. 763.72/1992C

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

[Telegram]

WASHINGTON, July 19, 1915, 3 p. m.

1969. Department's 1965, July 18, 7 p. m. In any discussion arising over Bernstorff's message you should make it clear that the *Lusitania* case is incidental to issue of principle as to safeguarding neutrals on the high seas; that admission of liability as to Americans on *Lusitania* will not be sufficient unless avoidance of future acts is substantially assured.

LANSING

File No. 341.115R221/8

The Consul General at London (Skinner) to the Secretary of State

[Telegram]

LONDON, July 19, 1915.

[Received 5.25 p. m.]

Swedish *Texas* ordered to Grimsby to discharge 149 bales cotton from Reagan Bale Company suspected enemy destination. Master of ship notified by surveyor of customs at Kirkwall that all other shipments cotton "cannot be allowed proceed until July 17, and then only if consigned to Swedish Cotton Spinners Association, for which arrangements must be made through Purchasing Department, Board of Trade." This outlines arrangements for limited export cotton to Sweden.

SKINNER

File No. 763.72112/1355

The Ambassador in Great Britain (Page) to the Secretary of State

[Telegram]

LONDON, July 19, 1915, 6 p. m.

[Received 10.50 p. m.]

2491. Your 1860, July 16, 5 p. m.¹ I have had a long unofficial conversation with Sir Edward Grey in which I fully explained thoroughly the whole political dangers that have arisen and may arise about interference with the cotton trade.

He is having conferences to-day and to-morrow about cotton, and the Cabinet will take up the subject on Wednesday. They will probably offer to the cotton interests to buy enough of the new crop to keep the price up to a reasonable figure.

About the more comprehensive subject of the so-called blockade, he informed me unofficially that if the British Government permitted unrestricted American trade with European neutral states they had might as well cease to stop anything at all, and that they would have to give up all efforts at economic pressure on Germany and indefinitely prolong the war; and he implied that such a course might even put the ultimate issue in doubt.

¹ *Ante*, p. 478.

I suggested that perhaps a clearer understanding might be reached if he would quickly give a frank and full answer to our last general note. He seemed to accept that suggestion and promised to bring the subject before Wednesday's Cabinet.

The seriousness of the situation is appreciated by Sir Edward. He assured me that no important decisions are left to departmental officers but are all made by the Cabinet.

AMERICAN AMBASSADOR

File No. 733.72112/1364

The Consul General at London (Skinner) to the Secretary of State

No. 592]

LONDON, July 9, 1915.

[Received July 20.]

SIR: Referring to the Department's cabled instruction of June 28 and my reply of June 29,¹ I have the honor to call particular attention to my monthly trade report which is annexed hereto, in triplicate. In this report will be found: (1) Some very interesting figures showing the great increase in exports from this country in certain lines;² and (2) a full list of the ships detained at Kirkwall from March 11 to June 17, together with the period of detention in each case.³

I have [etc.]

ROBERT P. SKINNER

[Enclosure]

Monthly trade report by the Consul General at London, July 8, 1915

The following figures taken from official British trade returns covering the first half of 1915 and 1914, illustrate very clearly the practical effect of war legislation upon foreign trade, and especially foreign trade in which the United States is interested. It will be perceived that while the articles under report cannot be shipped from the United States to neutral European countries without being stopped and rendered liable to condemnation, these same articles are being exported from Great Britain itself in enormously increased quantities. Especial attention is directed to the items of copper, cotton goods, raw cotton, petroleum, and wool. Perhaps in no commodity of trade has the British rule been more vexatious than in that of wool. Exports of raw wool to the United States have been refused usually, except in such cases when it could be shown that manufactured woolen goods for the armed forces would be returned in exchange, and in equivalent quantities. But while raw wool was being refused on the ground of military necessity, Great Britain found it entirely possible to export to the United States well over half her usual quantity of manufactured woollens and more than the usual quantity of carpets.

The British explanation of these singular facts is that the exports are in some degree controlled by the various committees which authorize the granting of licenses to export, and that only importers of known standing are favored, who can be counted upon not to sell to enemy countries. The explanation would have some force if the quantities exported were normal, but inasmuch as they are wholly abnormal, and as the ease with which the exports from Great Britain are made is a matter of common knowledge, it is quite evident that measures designed to protect the military situation are being

¹ *Ante*, p. 455.

² Only the introductory paragraphs of the report are here printed. The statistical portions of part (1) are printed, in rearranged order and under the erroneous date of June 15, in *Commerce Reports* (pub. by Department of Commerce), 1915, No. 180, vol. 3, p. 572.

³ See *post*, p. 594.

utilized to protect and extend British foreign trade at the expense of other countries. A most curious fact revealed in the figures is the existence of a decreased but fairly substantial amount of trade with Turkey.

File No. 763.72/1986

The Secretary of State to the Ambassador in Great Britain (Page)

[Telegram]

WASHINGTON, July 20, 1915, 4 p. m.

1878. Department has received printed circular stating that at the outbreak of the Japanese-Russian War the following official order to all British subjects was issued by the British Consulate at Shanghai:

All subjects of the crown are notified that the British Government will not undertake to be responsible for the safety of any British subject leaving this port on a ship of either of the belligerent nations.

Please ascertain discreetly whether any such order was issued at Shanghai or elsewhere with the authorization of the British Government. Report promptly by telegraph.

LANSING

The Note of July 21, 1915, to Germany on the "Lusitania" Case—The Torpedoing of the "Orduna," "Leelanaw," and "Iberian"—German Note of July 30, 1915, Offering Settlement of the "Frye" Case

File No. 763.72/1940

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

[Telegram]

WASHINGTON, July 21, 1915, 9 p. m.

1981. You are instructed to deliver textually the following note to the Minister for Foreign Affairs:

The note of the Imperial German Government, dated July 8, 1915,¹ has received the careful consideration of the Government of the United States, and it regrets to be obliged to say that it has found it very unsatisfactory, because it fails to meet the real differences between the two Governments and indicates no way in which the accepted principles of law and humanity may be applied in the grave matter in controversy, but proposes, on the contrary, arrangements for a partial suspension of those principles which virtually set them aside.

The Government of the United States notes with satisfaction that the Imperial German Government recognizes without reservation the validity of the principles insisted on in the several communications which this Government has addressed to the Imperial German Government with regard to its announcement of a war zone and the use of submarines against merchantmen on the high seas—the principle that the high seas are free, that the character and cargo of a merchantman must first be ascertained before she can lawfully be seized or destroyed, and that the lives of non-combatants may in no case be put in jeopardy unless the vessel resists or seeks to escape after being summoned to submit to examination; for a belligerent act of retaliation is *per se* an act beyond the law, and the defense of an act as retaliatory is an admission that it is illegal.

¹ *Ante*, p. 463.

The Government of the United States is, however, keenly disappointed to find that the Imperial German Government regards itself as in large degree exempt from the obligation to observe these principles, even where neutral vessels are concerned, by what it believes the policy and practice of the Government of Great Britain to be in the present war with regard to neutral commerce. The Imperial German Government will readily understand that the Government of the United States can not discuss the policy of the Government of Great Britain with regard to neutral trade except with that Government itself, and that it must regard the conduct of other belligerent governments as irrelevant to any discussion with the Imperial German Government of what this Government regards as grave and unjustifiable violations of the rights of American citizens by German naval commanders. Illegal and inhuman acts, however justifiable they may be thought to be against an enemy who is believed to have acted in contravention of law and humanity, are manifestly indefensible when they deprive neutrals of their acknowledged rights, particularly when they violate the right to life itself. If a belligerent can not retaliate against an enemy without injuring the lives of neutrals, as well as their property, humanity, as well as justice and a due regard for the dignity of neutral powers, should dictate that the practice be discontinued. If persisted in, it would in such circumstances constitute an unpardonable offense against the sovereignty of the neutral nation affected. The Government of the United States is not unmindful of the extraordinary conditions created by this war or of the radical alterations of circumstance and method of attack produced by the use of instrumentalities of naval warfare which the nations of the world can not have had in view when the existing rules of international law were formulated, and it is ready to make every reasonable allowance for these novel and unexpected aspects of war at sea; but it can not consent to abate any essential or fundamental right of its people because of a mere alteration of circumstance. The rights of neutrals in time of war are based upon principle, not upon expediency, and the principles are immutable. It is the duty and obligation of belligerents to find a way to adapt the new circumstances to them.

The events of the past two months have clearly indicated that it is possible and practicable to conduct such submarine operations as have characterized the activity of the Imperial German Navy within the so-called war zone, in substantial accord with the accepted practices of regulated warfare. The whole world has looked with interest and increasing satisfaction at the demonstration of that possibility by German naval commanders. It is manifestly possible, therefore, to lift the whole practice of submarine attack above the criticism which it has aroused and remove the chief causes of offense.

In view of the admission of illegality made by the Imperial Government when it pleaded the right of retaliation in defense of its acts, and in view of the manifest possibility of conforming to the established rules of naval warfare, the Government of the United States can not believe that the Imperial Government will longer refrain from disavowing the wanton act of its naval commander in sinking the *Lusitania* or from offering reparation for the American lives lost, so far as reparation can be made for a needless destruction of human life by an illegal act.

The Government of the United States, while not indifferent to the friendly spirit in which it is made, can not accept the suggestion of the Imperial German Government that certain vessels be designated and agreed upon which shall be free on the seas now illegally proscribed. The very agreement would, by implication, subject other vessels to illegal attack and would be a curtailment and therefore an abandonment of the principles for which this Government contends and which in times of calmer counsels every nation would concede as of course.

The Government of the United States and the Imperial German Government are contending for the same great object, have long stood together in urging the very principles upon which the Government of the United States now so solemnly insists. They are both contending for the freedom of the seas. The Government of the United States will continue to contend for that freedom, from whatever quarter violated, without compromise and at any cost. It invites the practical cooperation of the Imperial German Government at this time when cooperation may accomplish most and this great common object be most strikingly and effectively achieved.

The Imperial German Government expresses the hope that this object may be in some measure accomplished even before the present war ends. It can be. The Government of the United States not only feels obliged to insist upon it, by whomsoever violated or ignored, in the protection of its own citizens, but is

also deeply interested in seeing it made practicable between the belligerents themselves, and holds itself ready at any time to act as the common friend who may be privileged to suggest a way.

In the meantime the very value which this Government sets upon the long and unbroken friendship between the people and Government of the United States and the people and Government of the German nation impels it to press very solemnly upon the Imperial German Government the necessity for a scrupulous observance of neutral rights in this critical matter. Friendship itself prompts it to say to the Imperial Government that repetition by the commanders of German naval vessels of acts in contravention of those rights must be regarded by the Government of the United States, when they affect American citizens, as deliberately unfriendly.

LANSING

File No. 783.72/1970

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

[Telegram]

BERLIN, July 21, 1915, noon.

[Received July 22, 3 p. m.]

2609. Foreign Office requests attention of Department called to the fact that the news of the schedule of arrival of the *Saint Paul* in Liverpool on June 26, as transmitted in Department's 1858, June 21,¹ only reached German Government on June 23. Likewise the news of schedule of arrival of the *Philadelphia* in Liverpool on July 10, as announced Department's 1912, July 6,¹ only reached German Government on July 8. The Foreign Office transmitted the information at once to the Admiralty. Admiralty states, however, that such a late notification fails of its purpose, as it is impossible to place the German naval forces concerned sufficiently early in possession of the information regarding the schedule of the steamer.

In order that such advance notification may take place in all cases with certainty, the schedule of the American steamer must be made known some weeks before the arrival of the ship in the war zone. It would be best if the notification were made early enough to have the German submarines acquainted with the name and schedule of the steamer one month before the arrival of the steamer in the war zone. Such an early notification can scarcely present insuperable difficulties, as the sailings of the steamers making regular journeys are generally fixed for a very long period in advance.

GERARD

File No. 300.115/4343

The Consul General at London (Skinner) to the Secretary of State

No. 565]

LONDON, July 3, 1915.

[Received July 22.]

SIR: I have the honor to inform you that I addressed a cable despatch to the Department yesterday evening in regard to the detention of the American S. S. *Neches* in the port of London. The ship named came from the United States some weeks ago and was detained for a long time on the west coast before clearance was obtained which enabled the captain to proceed to Rotterdam to dis-

¹ Not printed.

charge cotton. Miscellaneous cargo was taken on board at Rotterdam for the return journey, and the ship shortly after putting out to sea was arrested by the British Admiralty and required to come to London to discharge under the order in council of March 11. Armed men came aboard the *Neches* when the arrest was made, and a pilot was placed in charge of the ship, who, at a certain point nearing the city of London, was displaced by a local pilot, so that the captain during that entire period was no longer in command of his ship, and declined all responsibility for the care of the ship under these circumstances.

When ordered to discharge the cargo, by my direction, the captain declined to do so at his own expense, and when this point was submitted to the Admiralty marshal, that official undertook to perform this work at the cost of the British Government. However, bills for enforced pilotage and wharfage dues now have come in, and these I have instructed the master of the ship to refuse to pay.

As the ship approached the city, in charge of an Admiralty pilot, a collision occurred with a laden barge, which was sunk, causing a loss of about £1,500 (\$7,300). The owners have brought suit against the ship and I have informed the president of the prize court and the Admiralty marshal that, intending no disrespect whatever to their orders, the master would not defend the suit, and on his behalf I asked that the British Government accept full responsibility for its own acts. Furthermore, inasmuch as the screw of the *Neches* was damaged by the collision, and as the surveyors are requiring that it be replaced, I asked also that the British Government meet this bill and, similarly, bills for coal and ballast.

I have stated to the authorities that all of the losses and expenses above described proceed from their own direct interference with an innocent vessel engaged in lawful trade, and that as soon as the cargo was discharged from the ship and the damages to the screw repaired, we should demand clearance papers and a pilot, entirely regardless of the claims of private persons now attempting to hold the ship liable for bills of various kinds.

In my telegram to the Department I requested that instructions be cabled for my guidance, in the event that the public authorities refuse to allow the ship to proceed on Tuesday next unless the master himself pays the numerous bills piled up against him, which may amount to as much as \$30,000. In my own judgment, we should hold the British Government strictly responsible for each item of expense, and refuse to bring suit in the prize court for reimbursement. The use of the docks, the time of pilots, and the like, have been imposed by the public authorities, and I am unable to understand how the master can be held responsible for payment.

The incidents arising out of the detention of the *Neches* are so varied in character, involving as they do practically all of the accidents and occurrences possible in the case of an arriving vessel, that I am strongly convinced that we should make a test case and make a firm stand for all of our rights in the premises.

I may add that, in my communication to the public authorities and in my relations with them, the utmost friendliness prevails consistent with strong insistence in the sense of the foregoing.

I have [etc.]

ROBERT P. SKINNER

File No. 763.72112/1357

The Secretary of State to the Consul General at London (Skinner)

[Telegram]

WASHINGTON, July 22, 1915, 6 p. m.

Department would like much to have exact, or at least approximate, number of bales of American cotton seized by Great Britain first and last since the order in council of March 11, and number of these for which to this time full payment has been made.

LANSING

File No. 300.115/4322

The Ambassador in Great Britain (Page) to the Secretary of State

[Telegram]

LONDON, July 22, 1915, 7 p. m.

[Received 7.35 p. m.]

2511. Your 1852, July 15.¹ Sir Edward Grey has reminded me that no court has yet passed on the validity of the order in council of March 11, and he intimated that the prize court in the case of the *Neches* would probably have to pass on this question. The foregoing was an incidental part of a general conversation on the validity of the order in council. He promises an early reply to your 1852.

AMERICAN AMBASSADOR

File No. 763.72/1970

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

[Telegram]

WASHINGTON, July 23, 1915, 5 p. m.

1987. Your 2609, July 21, 12 noon. Department has made arrangements with the customs collector at port of New York, through Department of Commerce, to be notified immediately upon the departure of American passenger steamers, and will forward such information to you at once. Department suggests that you make arrangements to telephone this information direct to the German Admiralty, thus saving time. Department is also sending you by mail the advertised schedule of sailing of these ships which, however, may be subject to change.

ADEE

File No. 763.72/1976

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

[Telegram]

BERLIN, July 23, 1915, noon.

[Received 11.15 p. m.]

2617. Wolff's Bureau sends out semi-officially notice that Germans working in America on war material for Allies make them-

¹ *Ante*, p. 472.

selves liable to prosecution for treason as soon as they touch German soil.

The hate campaign against America continues with unabated violence, backed, I am convinced, by Von Tirpitz, Reventlow and company, who seem to desire war with America.

Although I have advocated concessions to preserve peace, I am now convinced that no concession that we make short of joining Germany in war will satisfy this extreme party which seems for the present in control.

GERARD

File No. 763.72112/1383

The Ambassador in Great Britain (Page) to the Secretary of State

[Telegram]

LONDON, July 24, 1915.

[Received 1.10 p. m.]

2527. Following is personal note from Grey to me referring to my telegram No. 2522 of to-day:¹

I am sending you a note which had been prepared and was ready before the notes from your Government about our prize court proceedings and the *Neches* case were sent in last week.² The note I now send you was therefore written without reference to these later notes; but I think it well to send it, as it explains more clearly than has yet been done why we have felt ourselves compelled to take the measures that were initiated last March, and the grounds on which we consider that they may be justified.

The notes that you have sent in about the prize court proceedings and the *Neches* case are receiving careful consideration and I hope to send you an answer on both of them next week.³

AMERICAN AMBASSADOR

File No. 841.850r2/5a

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

[Telegram]

WASHINGTON, July 24, 1915, 4 p. m.

1993. It is reported that S. S. *Orduna*, bound for New York from Liverpool, July 8 was without notice fired at with torpedo which missed mark and was afterwards shelled by submarine. Please ask German Government for any information which it may have regarding this incident.

ADEE

¹ *Ante*, p. 168.

² See telegrams Nos. 1848 and 1852 of July 14 and 15 to the Ambassador in Great Britain, *ante*, p. 472.

³ This communication was telegraphed a second time by the Ambassador on July 27, No. 2537, as a "covering letter" to the note of July 23, with the injunction: "Please consider this as closely related to the note itself." In this second version of the document there appears, in place of the concluding words "next week," a new final sentence reading: "Negotiations are pending." (File No. 763.72112/1394.)

File No. 362.115H21

The Consul at Dundee (Dennison) to the Secretary of State

[Telegram]

DUNDEE, undated.

[Received July 26, 1915, 11 a. m.]

American steamer *Leelanaw* of New York, from Archangel to Belfast, with flax, torpedoed and sunk by German submarine on 25th. Whole crew landed at Kirkwall this morning in their own boats. Have instructed consular agent to send them on to Dundee immediately.

DENNISON

File No. 763.72112/1386b

The Secretary of State to the Swedish Minister (Ekengren)

WASHINGTON, July 26, 1915.

MY DEAR MR. MINISTER: I have received your letter delivered by Miss Hendrickson, the Chancellor of your Legation, in regard to negotiations between the United States and Great Britain upon the question of neutral rights.¹ As I informed Miss Hendrickson, the Department has just received a note from Great Britain in reply to the United States note of March 30, relative to the order in council of March 11.

I have not, however, had time to read the note which has just been placed on my desk and am, therefore, unable to say at the present moment what the attitude of this Government will be. Of course, this Government will prepare a reply to this British note, and meanwhile I shall be glad to discuss with you personally the points of difference between your Government and the British Government, with a view to ascertaining whether it is possible for our two Governments to make more or less uniform representations to the British Government in behalf of the rights of neutrals.

Very sincerely yours,

ROBERT LANSING

File No. 763.72112/1389

The Ambassador in Great Britain (Page) to the Secretary of State

[Telegram]

LONDON, July 26, 1915, 1 p. m.

[Received 9.15 p. m.]

2432. I have investigated the accusation that the British Government, after stopping American cotton, gives licenses to British traders to export the same cotton at a profit to neutral states; and I have found no case in which this has been done. The cotton trade permits of transactions which appear to confirm this suspicion, but on investigation the suspicion disappears. For example, there is a certain trade in cotton in normal times between England and the Scandina-

¹ Not printed; see the letter of the Swedish Minister, July 31, *post*, p. 500.

vian states, and something of that trade is now permitted under rigid regulation. But this trade is in cotton bought by English merchants in the regular way, and has nothing to do with cotton stopped by the British Navy. Again, limited amounts of stopped cotton destined for Sweden have been allowed to go on—after having been bought here by the British Government—on proper guarantees by Swedish mills. But no case can be found where any profit has been charged on these shipments. Neither the British Government nor British merchants make a farthing by these limited transactions. I am forced to the conclusion that the British Government is acting with scrupulous fairness in this matter.

AMERICAN AMBASSADOR

File No. 362.115H21/2

The Consul General at London (Skinner) to the Secretary of State

[Telegram]

LONDON, July 27, 1915.

[Received 8.45 a. m.]

Leelanaw crew proceeding to Dundee. Captain torpedoed ship states agent Kirkwall he had ample time leave his ship before being fired on. Crew went on board submarine and remained some time, ship's boats being taken in tow for about fifty miles.

SKINNER

File No. 300.115/4859

The Consul General at London (Skinner) to the Secretary of State

[Telegram]

LONDON, July 27, 1915.

[Received 3 p. m.]

Relative to *Ogeechee*, officially informed that Holman Gregory, on behalf Crown, will sit at Treasury from and after August 2 to meet representatives cargo interests. Am unofficially advised if this referee satisfied that transactions were *bona fide* and entered into before issue order March 11, he will report in favor of release.¹ Am pressing for extension this plan to cargo *F. J. Lisman, Seaconnet* and other similarly situated ships.

SKINNER

File No. 763.72112/1395

The Consul General at London (Skinner) to the Secretary of State

[Telegram]

LONDON, July 27, 1915, 6 p. m.

[Received 3.40 p. m.]

Department's 23d [22d].² On going into effect order in council March 11, 28 cotton ships were seized up to May 19. Few seizures since. These 28 ships carried 204,633 bales, of which 8,891 were

¹A second circular, containing this information, was sent out by the Department to the shippers, and releases in practically all cases were subsequently secured.

²*Ante*, p. 484.

released. Practically all seized cotton is being purchased under so-called cotton agreement, and where proofs adequate, advance ten cents per pound made without difficulty, final adjustment on ascertainment weights and qualities. Some few lots in the total held for prize court as having been sold to Germans, although said lots were forwarded on in cotton agreement.

SKINNER

File No. 300.115/4414

The Consul General at London (Skinner) to the Secretary of State

No. 606]

LONDON, July 16, 1915.

[Received July 27.]

SIR: In extension of my cabled reports regarding the recent detention of the American ships *Neches* at London and *Seaconnet* at North Shields, under the order in council of March 11, 1915, I have the honor to report as follows:

The *Neches* was confronted with bills for discharging seized cargo, pilotage, dock dues, and a suit for civil damages for the destruction of a lighter in consequence of a collision in port while the ship was under the control of an Admiralty pilot. I protested against the payment of any charges whatsoever, and after considerable controversy, won on every point except that of the damage suit. The ship was obliged to give bond or submit to considerable further delay while the question was being debated, and it was decided, therefore, to give the bond. Inasmuch as the government has admitted liability for pilotage and the like, showing that the ship was no longer under the captain's control, it would seem as though the damage suit should result in the ship's favor.¹

The *Seaconnet* was first refused clearance papers, after discharging cargo, until pilotage and dock dues were paid. In this case, also, I protested, and although the authorities at first declined to meet these bills, eventually they decided to do so.

The decisions in both cases clear up the situation considerably, as up to the present time the British Government, not content with detaining ships, had been insisting that they pay the ordinary charges assessed against ships arriving in the usual course of business. While, as I have before intimated, it will probably be extremely difficult, if not impossible, to induce the British Government to radically alter its present commercial policy, I am disposed to believe that by insisting firmly upon a reasonable carrying out of the orders in council in concrete cases, it will be possible, gradually, to bring about a more satisfactory state of affairs.

I have [etc.]

ROBERT P. SKINNER

¹ In his despatch No. 784, October 19, 1915 (File No. 300.115/5802), the Consul General reported that the suit was settled out of court through payment by the insurance companies of the damages claimed.

File No. 763.72112/1408

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

No. 1194]

BERLIN, July 9, 1915.

[Received July 27.]

SIR: I have the honor to transmit herewith a copy and a translation of a *note verbale* from the German Foreign Office relative to the reciprocity of treatment of claimants in prize court proceedings in Germany and in the United States.

I have [etc.]

JAMES W. GERARD

[Enclosure—Translation]

The German Foreign Office to the American Embassy

No. IIIa 12475/92479]

NOTE VERBALE

According to section 37 of the German prize court regulations, the costs of the prize court proceedings are charged to the account of the Empire in those cases where the claim is allowed. The Empire is furthermore to be debited in general with the necessary expenses of the claimant in those cases where the Imperial Chancellor declares that reciprocity is assured.

Proceedings have recently come before the German prize courts in cases in which citizens of the United States of America have been interested. From the material at hand, the Imperial Chancellor is not in a position to declare, in the absence of further data, that reciprocity on the part of the United States is assured. The Foreign Office requests, therefore, that the Embassy of the United States of America kindly obtain a binding declaration from its Government to the effect that, in contrary cases, the American prize courts would likewise recompense the German claimants for their expenses.

BERLIN, July 7, 1915.

File No. 763.72/1981

The Ambassador in Great Britain (Page) to the Secretary of State

[Telegram]

LONDON, July 27, 1915, 1 p. m.

[Received 11.40 p. m.]

2536. The public and private and official and unofficial comment on our latest note to Germany is practically unanimous in approval. Most of it is of very hearty commendation. The very general opinion, as far as I can gather it, is that war is inevitable between the United States and Germany. Nobody seems to believe that Germany will meet our demands nor that she will cease her unlawful submarine acts.

AMERICAN AMBASSADOR

File No. 763.72112/1393

The Ambassador in Great Britain (Page) to the Secretary of State

[Telegram]

LONDON, July 27, 1915, 3 p. m.

[Received 8.30 p. m.]

2538. I had another long informal private conversation with Sir Edward Grey yesterday, which might almost be intimate, about the whole relation between the United States and Great Britain. I explained to him with candor and frankness the whole political

situation in the United States. He is alive to the dangers and difficulties, and he will try in the additional note he is now preparing to clear away as many difficulties as possible. I advised him, since the Cabinet has decided to make cotton contraband, to announce this fact soon, because cotton is sold long in advance of delivery. He will probably include this announcement in his forthcoming note. Sir Edward Grey will go to the limit of his ability to make British action bear as lightly on American interests as possible.

AMERICAN AMBASSADOR

File No. 763.72112/1393

The Secretary of State to the Ambassador in Great Britain (Page)

[Telegram]

WASHINGTON, July 28, 1915.

1917. Your 2538, July 27, and 2463, July 15.¹ On Monday, in a conversation with the British Ambassador on the subject of cotton, I told him that for his Government to put cotton on the contraband list was a confession that their alleged blockade was ineffective; that if it was effective and their theory of blockade was correct, it was needless to declare cotton contraband, since all articles, regardless of their character, would be prevented from entering or leaving Germany. I added that if cotton was made contraband, we would have to assume that the British theory of blockade, so far as neutral ports were concerned, had been abandoned, and we would proceed on that assumption, which would create a very difficult situation. I pointed out to him the resentment which would be aroused in this country by the proposed action, and by the feeling that Great Britain had broken her promise, and that his Government could not hold us responsible for the consequences.

LANSING

File No. 763.72/1985

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

[Telegram]

BERLIN, July 27, 1915, 11 a. m.

[Received July 28, 1.30 p. m.]

2634. I gather that German Government will endeavor to let submarine controversy drag along as long as possible without coming to a definite break. The Germans are prodigiously [making?] efforts to bring the war to a close before entering into another winter campaign, and they now hope and expect to take Warsaw in near future and to shorten their lines in Poland so that one or two million men can be spared for the west front in order to break through to Calais or Paris. They would therefore be glad to avoid further complications at present. At the same time, both press and Foreign Office are extremely angry at the American note and there is much bluster about continuing the submarine warfare without restriction. It is not yet possible to gauge whether this is bluff or in earnest,

¹ No. 2463 printed *ante*, p. 192.

but from present indications I am inclined to think that the deliberately unfriendly act specified in the American note will be avoided.

GERARD

File No. 763.72/1987

The Ambassador in Great Britain (Page) to the Secretary of State

[Telegram]

LONDON, July 28, 1915, 2 p. m.

[Received 3.40 p. m.]

2547. Your 1878, July 21 [20].¹ It has been ascertained that no trace of any such official order can be found in the files of the Foreign Office nor in the columns of the *North China Herald* published in Shanghai; and further, that British representatives and consular officers were expressly instructed to abstain from giving any advice to merchants, etc., by a circular of February 15, 1904. It is considered extremely unlikely that any warning was issued, and if it was, it was certainly without authority of His Majesty's Government, and indeed, directly contrary to their instructions, and was never reported to the Foreign Office.

AMERICAN AMBASSADOR

File No. 763.72/1992

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

[Telegram]

BERLIN, July 29, 1915, 9 p. m.

[Received July 30, 11.55 a. m.]

2652. Do not believe Germany will answer last note. May possibly offer verbally to submit question damages *Lusitania* to Hague.

GERARD

File No. 300.115/4343

The Secretary of State to the Consul General at London (Skinner)

No. 362]

WASHINGTON, July 30, 1915.

SIR: The Department is in receipt of your despatch No. 565 of July 3, 1915,² having reference to the second detention of the steamer *Neches*, and has noted the account of your action in advising the master of the *Neches* that he ought not to pay the bills for enforced pilotage and wharfage dues demanded by the British authorities or the claim for damage sustained by the vessel with which the *Neches* collided while being operated by the Admiralty pilot.

You are referred to the Department's telegram to the Embassy at London of July 9, 1915,³ of the contents of which you are no doubt advised, wherein your views in this matter, as disclosed by your telegram of July 2,³ were concurred in by the Department. The arrest

¹ *Ante*, p. 480.

² *Ante*, p. 482.

³ Not printed.

of the *Neches* on the high seas and the taking of it to London to discharge cargo under the order in council of March 11, 1915, must be regarded by this Government as unwarranted and illegal. Consequently, charges against the ship for enforced pilotage, wharfage dues, and costs of discharging the cargo, as well as damage for the injury inflicted upon the vessel with which the *Neches* collided while under arrest and in charge of the Admiralty pilot, cannot be regarded as justly due by the ship or its owners. Likewise, the cost of repairing the damages sustained by the *Neches* in the collision aforesaid should, in the opinion of the Department, be borne by the British Government.

The Department appreciates the interest manifested by you in behalf of the rights of American shippers; but it is deemed advisable that the views of the Department in this matter should not be presented to the British authorities except by the Embassy, upon instructions to it, to the end that representations in the case may be kept in a single channel.

I am [etc.]

For the Secretary of State:

WILBUR J. CARR

File No. 841.857Ib3

The Consul at Cork (Frost) to the Secretary of State

[Telegram]

QUEENSTOWN, undated.

[Received July 31, 1915, 11 a. m.]

Steamer *Iberian* submarined. Wiley, American muleteer, killed.

FROST

File No. 841.857Ib3/1

The Consul at Cork (Frost) to the Secretary of State

[Telegram]

QUEENSTOWN, undated.

[Received July 31, 1915, noon.]

Ship surgeon Burns, of *Iberian*, American citizen, states submarine did not shell *Iberian* until latter disregarded signal. Gave time to take boats. Wiley died shock, superficial wounds. Cable me disposition remains. No other Americans injured.

FROST

File No. 362.115H21/5

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

[Telegram]

WASHINGTON, July 31, 1915, 3 p. m.

2022. Department informed American ship *Leelanaw*, after examination ship's papers, sunk by German submarine July 25. Obtain and forward Department certified copies ship's papers with full report of facts.

LANSING

File No. 462.11Se8/39

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

[Telegram]

BERLIN, July 30, 1915, 8 p. m.

[Received July 31 in sections.]

2656. Following note received:

FOREIGN OFFICE,
BERLIN, July 30, 1915.

The undersigned has the honor to inform his excellency, Mr. James W. Gerard, Ambassador of the United States of America, in reply to the note of the 26th [24th] ultimo, Foreign Office No. 3990,¹ on the subject of the sinking of the American merchant vessel *William P. Frye* by the German auxiliary cruiser *Prince Eitel Friedrich*, that the points of view brought out in the note have been carefully examined by the Imperial German Government. This examination has led to the following conclusions:

The Government of the United States believes that it is incumbent upon it to take the position that the treaty rights to which America is entitled, as contained in Article 12 of the Prussian-American treaty of amity and commerce of September 10, 1785, in Article 13 of the Prussian-American treaty of amity and commerce of July 11, 1799, were violated by the sinking of the *William P. Frye*. It interprets these articles as meaning that a merchantman of the neutral contracting party carrying contraband can not in any circumstances be destroyed by a warship of the belligerent contracting party, and that the sinking of the *William P. Frye* was, therefore, in violation of the treaty, even if her cargo should have consisted of contraband, which it leaves outside of the discussion.

The German Government can not accept this view. It insists as heretofore that the commander of the German auxiliary cruiser acted in the legal exercise of the right of control of trade in contraband enjoyed by warships of belligerent nations, and that the treaty stipulations mentioned merely oblige the German Government to make compensation for the damage sustained by the American citizens concerned.

It is not disputed by the American Government that, according to general principles of international law, a belligerent is authorized in sinking neutral vessels under almost any conditions for carrying contraband. As is well known, these principles were laid down in Articles 49 and 50 of the Declaration of London, and were recognized at that time by the duly empowered delegates of all the nations which participated in the conference, including the American delegates, to be declarative of existing international law (see preliminary clause of the Declaration of London); moreover, at the beginning of the present war, the American Government proposed to the belligerent nations to ratify the Declaration of London and give its provisions formal validity also.

The German Government has already explained in its note of April 4 last² for what reasons it considers that the conditions justifying the sinking under international law were present in the case of the *William P. Frye*. The cargo consisted of conditional contraband, the destination of which for the hostile armed forces was to be presumed under the circumstances; no proof to overcome this presumption has been furnished. More than half the cargo of the vessel was contraband, so that the vessel was liable to confiscation. The attempt to bring the American vessel into a German port would have greatly imperiled the German vessel in the given situation of the war, and at any rate, practically defeated the success of her further operations. Thus the authority for sinking the vessel was given according to general principles of international law.

There only remains then to be examined the question how far the Prussian-American treaty stipulations modify these principles of international law.

In this connection Article 12 of the treaty of 1785 provides that in the event of a war between one of the contracting parties with another power, the free commerce and intercourse of the nationals of the party remaining neutral with the belligerent powers shall not be interrupted, but that on the contrary the

¹ Ante, p. 450.² Ante, p. 360.

vessel of the neutral party may navigate freely to and from the ports of the belligerent powers, even neutralizing enemy goods on board thereof. However, this article merely formulates general rules for the freedom of maritime intercourse and leaves the question of contraband untouched; the specific stipulations on this point are contained in the following article, which is materially identical with Article 13 of the treaty of 1799 now in force.

The plain intention of Article 13 is to establish a reasonable compromise between the military interests of the belligerent contracting party and the commercial interests of the neutral party. On the one hand the belligerent party is to have the right to prevent the transportation of war supplies to his adversaries, even when carried on vessels of the neutral party; on the other hand the commerce and navigation of the neutral party is to be interfered with as little as possible by the measures necessary for such prevention, and reasonable compensation is to be paid for any inconvenience or damage which may nevertheless ensue from the proceeding of the belligerent party.

Article 13 recites the following means whereby the belligerent party can prevent the vessels of the neutral party from carrying war supplies to his adversary: The detention of the ship and cargo for such length of time as the belligerent may think necessary; furthermore, the taking over of the war stores for his own use, paying the full value of the same as ascertained at the place of destination. The right of sinking is not mentioned in the treaty and is therefore neither expressly permitted nor expressly prohibited, so that on this point the party stipulations must be supplemented by the general rules of international law. From the meaning and spirit of the treaty it really appears out of the question that it was intended to expect of the belligerent that he should permit a vessel loaded with contraband, for example a shipment of arms and ammunition of decisive importance for the outcome of the war, to proceed unhindered to his enemy when circumstances forbid the carrying of the vessel into port, if the general rules of international law allow sinking of the vessel.

The remaining stipulations of Article 13 must likewise be considered in this light. They provide that the captain of a vessel stopped shall be allowed to proceed on his voyage if he delivers out the contraband to the warship which stopped his vessel. For such delivering out can not of course be considered when the ensuing loss of time imperils either the warship herself or the success of her other operations. In the case of the *William P. Frye* the German commander at first tried to have matters settled by the delivery of contraband, but convinced himself of the impracticability of this attempt in that it would expose his ship to attack by whatever superior force of enemy war vessels pursuing him, and was accordingly obliged to determine upon the sinking of the *Frye*. Thus he did not exceed on this point the limits to which he was bound by Article 13.

However, Article 13 asserts itself here to the extent that it founds the obligation to compensate the American citizens affected, whereas according to the general rules of international law the belligerent party does not need to grant compensation for a vessel lawfully sunk. For if, by Article 13, the mere exercise of right of highways makes the belligerent liable for compensation, this must apply *a fortiori* to the exercise of the right of sinking.

The question whether the German commander acted legally was primarily a subject for the consideration of the German prize courts, according to general principles of international law as laid down; also in Article 1 of the Hague convention for the establishment of an international prize court, and in Article 51 of the Declaration of London. The German Government consequently laid the case of *William P. Frye* before the competent prize court at Hamburg, as was stated in its note of the 7th ultimo.¹ This court found by its judgment of the 10th instant that the cargo of the American vessel *William P. Frye* was contraband, that the vessel could not be carried into port, and that the sinking was therefore justified; at the same time the court expressly recognized the validity of the Prussian-American treaty stipulations severally model [mentioned] for the relations between the German Empire and America, so that the sinking of the ship and cargo, so far as American property, makes the German Empire liable for indemnity. The prize court was unable to fix the indemnity itself, since it had no data before it, failing the receipt of the necessary details from the parties interested.

It will now be necessary to settle these points in a different way. The German Government suggests as the simplest way that each of the two Gov-

¹ *Ante*, p. 435.

ernments designate an expert, and that the two experts jointly fix the amount of indemnity for the vessel and any American property which may have been sunk with her. The German Government will promptly pay the amount of indemnity thus ascertained; it expressly declares, however, reverting to what has been stated above, that this payment does not constitute satisfaction for the violation of American treaty rights, but a duty or policy of this Government founded on the existing treaty stipulations.

Should the American Government not agree to this manner of settling the matter, the German Government is prepared to submit the difference of opinion as being a question of the interpretation of the existing treaties between Germany and the United States to the tribunal at The Hague, pursuant to Article 38 of the Hague convention for the pacific settlement of international disputes.

The undersigned begs to suggest that the Ambassador bring the above to the attention of his Government and avails himself [etc.]

VON JAGOW

GERARD

British Replies to the Statements of July 14 and 15, 1915—Swedish Overtures for Cooperation—Note of August 10, 1915, to Germany on the "Frye" Case—Condemnation of the "Dacia" by French Prize Court—British Note of August 13, 1915, on the Effects of Orders in Council on Neutral Trade

File No. 300.115/4432

The Ambassador in Great Britain (Page) to the Secretary of State

[Telegram]

LONDON, *July 31, 1915.*

[Received 6.15 p. m.]

2573. Your 1852, 15th.¹ Sir Edward Grey has to-day sent me the following note:

The note which your excellency addressed to me on the 17th [15th] instant, respecting the detention of the cargo of the steamship *Neches*, has, I need hardly say, received the careful attention of His Majesty's Government.

The note which I had the honour to send to your excellency on the 23d instant² has already explained the view of His Majesty's Government on the legal aspect of the question, though it was prepared before your excellency's communication of the 17th had been received, and pending consideration by the Government of the United States of the views and arguments set forth in the British note of the 23d, it is unnecessary for me to say more on the question of right or of law.

There is, however, one general observation that seems relevant to the note from your excellency respecting the cargo of the *Neches*.

It is the practice of the German Government in the waters through which the *Neches* was passing to sink neutral as well as British merchant vessels irrespective of the destination of the vessel or of the destination or origin of the cargo, and without proper regard or provision for the safety of passengers or crews, many of whom have lost their lives in consequence. There can be no question that this action is contrary to the recognized and settled rules of international law, as well as to the principles of humanity.

His Majesty's Government, on the other hand, have adhered to the rules of visit and search, and have observed the obligation to bring into port and submit to a prize court any ships or cargoes with regard to which they think they have a good case for detention or for condemnation as contraband.

His Majesty's Government are not aware, except from the published correspondence between the United States and Germany, to what extent reparation has been claimed from Germany by neutrals for loss of ships, lives, and

¹ *Ante*, p. 472.

² *Ante*, p. 168.

cargoes, nor how far these acts have been the subject even of protest by the neutral Governments concerned.

While these acts of the German Government continue, it seems neither reasonable nor just that His Majesty's Government should be pressed to abandon the rights claimed in the British note of the 23d, and to allow goods from Germany to pass freely through waters effectively patrolled by British ships of war.

If, however, it be alleged that in particular cases and special circumstances hardship may be inflicted on citizens of neutral countries, His Majesty's Government are ready in such cases to examine the facts in a spirit of consideration for the interest of neutrals, and in this spirit they are prepared to deal with the cargo of the *Neches*, to which your excellency has called attention, if it is held that the particular circumstances of this case fall within this category.

AMERICAN AMBASSADOR

File No. 841.8571b3/2

The Consul at Cork (Frost) to the Secretary of State

[Telegram]

QUEENSTOWN, undated.

[Received July 31, 1915, 8.20 p. m.]

Burns changes statement. Says submarine fired two shots before ship¹ sought to stop, then several more before submarine, which was dead astern, appeared to realize ship had stopped.

FROST

File No. 763.72112/1423

The Ambassador in Great Britain (Page) to the Secretary of State

[Telegram]

LONDON, July 31, 1915, 11.55 p. m.²

2575. Your 1848, July 14, 5 p. m.³ I have to-day received the following note from Sir Edward Grey:

FOREIGN OFFICE, July 31, 1915.

YOUR EXCELLENCY:

1. I have the honour to acknowledge the receipt of the note dated the 16th [14th] instant³ in which you were good enough to communicate to me, for the information of His Majesty's Government, the opinion held by the Government of the United States that, in view of differences which they understand to exist between the two countries as to the principles of law applicable in cases before the prize court, they could not recognize the validity of proceedings taken in His Majesty's prize court in derogation of the rights of citizens of the United States.

2. I do not understand to what divergence of views as to the principles of law applicable in cases before the prize court the Government of the United States refer, for I am not aware of any differences existing between the two countries as to the principles of law applicable in cases before such courts.

3. British prize courts, "according to the ancient form of commission under which they sit, are to determine cases which come before them according to the course of Admiralty and the law of nations and the statutes, rules, and regulations for the time being in force in that behalf."

As to the principles applied by the American prize courts, I note that in the case of the *Amy Warwick* (2 Sprague, 123), it was held that prize courts are subject to the instructions of their own sovereign. In the absence of such instructions, their jurisdiction and rules of decision are to be ascertained by

¹ See the case of the *Iberian*, ante, p. 492.

² Time of receipt not indicated.

³ Ante, p. 472.

reference to the known powers of such tribunals and the principles by which they are governed under the public law and the practice of nations. It would appear, therefore, that the principles applied by the prize courts of the two countries are identical.

4. As illustrating further the attitude adopted by the judges of British prize courts toward these two sources of law, the municipal legislation of its Sovereign on the one hand and the principles of international law on the other, I should like to refer your excellency to a classical passage in the judgment of Lord Stowell, in the case of the *Fox*, in which that famous judge observed:

In the course of the discussion a question has been started, What would be the duty of the court under orders in council, that were repugnant to the law of nations? It has been contended on one side that the court would at all events be bound to enforce the orders in council; on the other, that the court would be bound to apply the rule of the law of nations adapted to the particular case, in disregard of the orders in council. This court is bound to administer the law of nations to the subjects of other countries in the different relations in which they may be placed toward this country and its Government. That is what others have a right to demand for their subjects and to complain if they receive it not. This is its unwritten law evidenced in the course of its decisions and collected from the common usage of civilized states. At the same time it is strictly true that, by the Constitution of this country, the King in Council possesses legislative rights over this court and has power to issue orders and instructions which it is bound to obey and enforce; and these constitute the written law of this court. These two propositions, that the court is bound to administer the law of nations, and that it is bound to enforce the King's orders in council, are not at all inconsistent with each other, because these orders and instructions are presumed to conform themselves, under the given circumstances, to the principles of its unwritten law. They are either directory applications of these principles to the cases indicated in them, cases which, with all the facts and circumstances belonging to them, and which constitute their legal character, could be but imperfectly known to the court itself; or they are positive regulations, consistent with these principles, applying to matters which require more exact and definite rules than those general principles are capable of furnishing. The constitution of this court, relatively to the legislative power of the King in Council, is analogous to that of the courts of common law relatively to the Parliament of this Kingdom. These courts have their unwritten law, the approved principles of natural reason and justice; they have likewise the written or statute law in acts of Parliament, which are directory applications of the same principles to particular subjects, or positive regulations consistent with them, upon matters which would remain too much at large if they were left to the imperfect information which the courts could extract from mere general speculations. What could be the duty of the individuals who preside in these courts, if required to enforce an act of Parliament which contradicted those principles, is a question which I presume they would not entertain *a priori*; because they will not entertain *a priori* the supposition that any such will arise. In like manner this court will not let itself loose into speculations as to what would be its duty under such an emergency; because it can not, without extreme indecency, presume that any such emergency will happen. And it is the less disposed to entertain them because its own observation and experience attest the general conformity of such orders and instructions to its principles of unwritten law.

5. The above passage has recently been quoted and adopted by the president of the prize court in the case of the *Zamora*, in which Sir S. Evans said: "I make bold to express the hope and belief that the nations of the world need not be apprehensive that orders in council will emanate from the Government of this country in such violation of the acknowledged law of nations that it is conceivable that our prize tribunals, holding the law of nations in reverence, would feel called upon to disregard and refuse obedience to the provisions of such orders."

6. In the note which I handed to your excellency on the 23d July,¹ I endeavoured to convince the Government of the United States, and I trust with success, that the measures that we have felt ourselves compelled to adopt, in consequence of the numerous acts committed by our enemies in violation of the laws of war and the dictates of humanity, are consistent with the principles of international law. The legality of these measures has not yet formed the subject of a decision of the prize court; but I wish to take this opportunity of reminding your excellency that it is open to any United States citizen whose claim is before the prize court to contend that any order in council which may affect his claim is inconsistent with the principles of international law and is, therefore, not binding upon the court. If the prize court declines to accept his contentions, and if, after such a decision has been upheld on appeal by the judicial committee of His Majesty's Privy Council, the Government of the United States of America consider that there is serious ground for holding that the decision is incorrect and infringes the rights of their citizens, it is open to them to claim that it should be subjected to review by an international tribunal.

7. This principle that the decisions of the national prize courts may properly be subjected to international review was conceded by Great Britain in Article 7 of the Jay treaty of 1793 and by the United States of America under the treaty of Washington of 1871. Your excellency will no doubt remember that certain cases (collectively known as the "Matamoros cases") were submitted to the commission established under Articles 12-17 of the treaty of Washington. In each of these cases proceedings in prize had been instituted in the prize courts of the United States, and in each case the judgment of the Supreme Court, the court of last resort in cases of prize, had been obtained. The United States filed a demurrer in these cases, alleging that as they had been heard by the prize courts of the United States of original and appellate jurisdiction, the decision of the appellate court was final and no claim based upon it could be made before the commission. The demurrer was unanimously overruled and the cases heard, and the agent of the United States, in his report of the proceedings of the commission, stated that he personally "maintained no doubt of the jurisdiction of the commission as an international tribunal to review the decisions of the prize courts of the United States, where the parties alleging themselves aggrieved had prosecuted their claims by appeals to the court of last resort. As this jurisdiction, however, had been sometimes questioned, he deemed it desirable that a formal adjudication by the commission should be had upon this question."

8. The same principle was accepted both by the United States Government and His Majesty's Government in 1907 in connection with the proposed establishment of an International Prize Court, although certain constitutional difficulties have led the United States Government to propose that the right of recourse to the International Prize Court in connection with a decision of the Supreme Court of the United States should take the form of a direct claim for compensation.

9. It is clear, therefore, that both the United States Government and His Majesty's Government have adopted the principle that the decisions of a national prize court may be open to review. If it is held in the prize court and in the judicial committee of the Privy Council, on appeal, that the orders and instructions issued by His Majesty's Government in matters relating to prize are in harmony with the principles of international law, and should the Government of the United States, unfortunately, feel compelled to maintain a contrary view, His Majesty's Government will be prepared to concert with the United States Government in order to decide upon the best way of applying the above principle to the situation which would then have arisen. I trust, however, that the defence of our action, which I have already communicated to your excellency, and the willingness of His Majesty's Government (which has been shown in so many instances) to make reasonable concessions to American interests, will prevent the necessity for such action arising.

10. In any case, I trust that the explanations given above will remove the misapprehension under which I can not but feel the Government of the United States are labouring as to the principles applied by British prize courts in dealing with the cases which come before them.

I have [etc.]

E. GREY

AMERICAN AMBASSADOR

¹ *Ante*, p. 168.

File No. 763.72112/1376

The Secretary of State to the Secretary of the Treasury (McAdoo)

WASHINGTON, August 2, 1915.

SIR: I have the honor to acknowledge the receipt of your letter of July 19, 1915,¹ in which, on behalf of the Bureau of War Risk Insurance, inquiry is made whether this Department intends to make claim against the British Government for losses and expenses sustained on account of the seizure and detention in British ports of various American steamers and their cargoes.

In cases in which claims have been presented to the Department against the British Government on account of the interference by British naval authorities with American vessels and cargoes, the Department will, as a matter of course, press such claims against the Government of Great Britain whenever it appears that, in the opinion of this Government, the action of the British authorities has been at variance with the principles of international law.

Sometime ago the American Ambassador at London, acting under instructions from the Department, presented to the British Government a claim based upon the detention of a neutral vessel which had been chartered by an American corporation and which was carrying an American cargo. To the representations made by the Ambassador regarding this claim the British Foreign Office replied that all claims arising from the detention of neutral vessels for examination should be made in the prize court and that it was accordingly open to the claimant in this case to put forward a claim in this manner.

The Department is now giving consideration to the question as to the steps to be taken in the future to obtain compensation for the improper detention of American vessels and cargoes.

I am [etc.]

For the Secretary of State:

CONE JOHNSON

File No. 763.72112/1433

The Chargé in Sweden (Caffery) to the Secretary of State

[Telegram]

STOCKHOLM, August 3, 1915, 1 p. m.

[Received 9.25 p. m.]

49. Foreign Office desires to know if American Government contemplating any steps near future regarding English attitude toward trade with Scandinavia.

CAFFERY

The Secretary of State to the Chargé in Sweden (Caffery)

[Telegram]

WASHINGTON, August 5, 1915.

29. Your 49, August 3, 1 p. m. All I can say at present is that American Government is preparing a note to the British Government in regard to maintenance of trade with neutral countries.

LANSING

¹ Ante, p. 477.

File No. 763.72112/1438

The Swedish Minister (Ekengren) to the Secretary of State

BAR HARBOR, ME., July 31, 1915.

[Received August 5.]

MY DEAR MR. SECRETARY: I beg to express my thanks for your letter of the 26th instant.¹

Several days ago I received a message from the Minister for Foreign Affairs wherein it was stated that the Royal Government and the British delegation found it impossible to agree on certain points, because the latter made requirements that the former considered to be of such a nature that sovereign dignity and true neutrality forbade meeting. In the same message I was requested to find out whether it might be possible to effectuate cooperation with the American Government in making representations to England in the matter of neutral rights.

Knowing that the policy of the American Government had right along been to avoid joint action, I instructed Miss Hendrickson, as the telegram came while she was in Washington, to try to find out how the State Department would look upon cooperation to the extent of uniform action, so far as such might be practicable.

I am gratified to learn from your letter that you are prepared to discuss the possibilities for uniform action. So far, the main issues between my Government and the English have been that the latter proposes to limit the importation of certain American goods. *Prima facie* this point concerns Sweden only. In fact it concerns America equally, as I see it. The effect would be to limit American export to Sweden and to limit Swedish import from America. I am not in a position to at this time quote just how many articles (or what kind they are) that would be involved, but I hope to furnish information in that respect soon. I have requested a more definite outline.

I shall be glad to learn how you look at the question of limited export to Sweden.

Very sincerely yours,

W. A. F. EKENGREN

The Secretary of State to the Swedish Minister (Ekengren)

WASHINGTON, August 6, 1915.

MY DEAR MR. MINISTER: I was interested to learn from your letter of the 31st ultimo the point of difference between your Government and that of Great Britain in regard to trade. I note that you believe the effect of the British proposals would be to limit American exports to Sweden. Of course, if this action was taken with the consent of the Swedish Government, I feel that the United States would have no special grounds for objection. If, however, this limitation should be imposed by the British Government, the situation would be quite different and I cannot foretell what the position of this Government might be. If the normal trade of the United States with

¹ *Ante*, p. 486.

Sweden should be affected, the situation might be such as to require consideration by the United States Government.

I am [etc.]

ROBERT LANSING

File No. 300.115/4554

The British Ambassador (Spring Rice) to the Department of State

NOTE VERBALE

Comments have reached His Majesty's Government from various quarters that a misapprehension seems to have arisen with regard to the British note of July 31¹ concerning the steamer *Neches*, which it was asserted had been interpreted as stating that the cargo of the vessel had been seized as a reprisal measure against Germany's submarine policy.

Sir Edward Grey has requested me to explain that the misunderstanding arises no doubt from the brevity of the note. The note admits no illegality of procedure. The seizure was not meant in the nature of a reprisal, but was based solely on the British contention of the absolute legality of the orders in council as explained in the note of July 23,² to which the *Neches* note refers.

It is also explained that in stating that the British Government does not yet know what steps neutrals have taken against German submarine policy, no reference was intended to the action of the United States Government, but to other neutrals, who have lost more ships than the United States but of whose action nothing is known by the British Government.

It should be further explained that in making reference to the German submarine policy the British Government only desired to point out that from its standpoint it was hardly just or reasonable that it should be asked by neutrals to abandon any of its legal rights while Germany commits illegalities both on Great Britain and on neutrals, though it is admitted and regretted that interference with German trade, however legal, may be inconvenient to neutrals.

WASHINGTON, August 6, 1915.

File No. 763.72/2015

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

[Telegram]

BERLIN, August 7, 1915, 1 p. m.

[Received August 8, 1.30 p. m.]

2700. Informed from fairly reliable source Chancellor had about eleven submarine commanders at dinner and begged them to be careful, much to rage of Von Tirpitz.

GERARD

¹ *Ante*, p. 495.

² *Ante*, p. 168.

File No. 763.72112/1446

The Consul General at London (Skinner) to the Secretary of State

No. 629]

LONDON, July 28, 1915.

[Received August 9.]

SIR: I have the honor to acknowledge the receipt of the Department's cabled instruction of July 22,¹ requesting me to supply the approximate number of bales of American cotton seized by Great Britain since the going into effect of the order in council of March 11, 1915, and also the number of bales for which full payment has been made.

I replied to this telegram on July 27,² stating that between the going into effect of the order in council of March 11 and May 19, 28 ships, wholly or partly laden with cotton, had been seized in this country, the total seizure amounting to 204,633 bales. Of this total number 8,891 were released and the remainder is being purchased under the terms of the so-called cotton agreement. In all cases where ownership is shown, an advance of 10 cents a pound will be made, or has been made, without the slightest difficulty, final settlement to be effected upon ascertainment of weights and qualities. In some cases, and probably in very few, settlement has been refused on the ground that the consignments have passed to German ownership, and in such cases the goods are being sent to the prize court.

The names of the ships, the cargoes of which have been seized and are being dealt with as explained above are:

Artemis	Fotis	Panaghi Vaglianos
Atlantic	Hammershus	Rolf
Anglia	Kina	Southerner
Baltic	Lejre	Spyros Vallianos
Belize	Livonia	Helge
Bia	Magdalene	Neches
Carolyn	Marie	Nordic
Carolina	Maud	Lonsa
Dicido	Navajo	
Dronning Olga	Olaf Kyree	

Some few ships partly laden with cotton have been brought in since May 19, but the number of bales involved is not very great.

I have already telegraphed to the Department that the British Government has come to some agreement with the Swedish Cotton Spinners Association whereby American cotton in proportion to the actual needs of the association may be forwarded from this country.

While much is said in regard to British interference with the American cotton trade, and while no doubt, legally speaking, this interference is indefensible, on the other hand, it may be said for this country that if with the one hand she is preventing cotton shipments and has actually detained something under 300,000 bales in transit, with the other she has purchased enormously increased quantities for her own use, thus compensating for the damage wrought. British cotton statistics are published regularly under the act of 1868 and they show that during twenty-eight weeks ending

¹Ante, p. 484.²Ante, p. 487.

July 15 of the following years, the importations and reexportations from this country were as stated:

Year	Importations (bales)		Reexportations (bales)	
	Total	From U.S.A.	Total	From U.S.A.
1915-----	3, 772, 258	3, 118, 387	410, 053	201, 334
1914-----	2, 599, 645	1, 844, 628	257, 386	103, 114
1913-----	2, 237, 479	1, 753, 116	298, 148	137, 343

From the foregoing it will be perceived that if as a consequence of the war Great Britain has closed the German market for American cotton, she has increased her own demands during the first half of the present year by 1,273,759 bales, which is only 400,000 bales under her total importations during the same period of 1913.

It cannot be said, therefore, that the war has been disadvantageous to American cotton interests since by the fact of its existence it has caused an enormously increased consumption of cotton for the manufacture of explosives, whereas up to the beginning of the war, the cotton manufacturing business had been dull and the general demand, at least as far as Great Britain was concerned, far below normal.

I have [etc.]

ROBERT P. SKINNER

File No. 341.115P51/60

The Ambassador in Great Britain (Page) to the Secretary of State

No. 1873]

LONDON, July 26, 1915.

[Received August 9.]

SIR: Adverting to the cablegraphic instructions from the Department, No. 1596 of June [May] 21,¹ in regard to the American S. S. *Joseph W. Fordney*, instructing me to inform the British Government to the effect that an affidavit of the captain of the vessel had been received, stating that he had made no effort to elude the British patrol boat, I now have the honor to enclose herewith, for the information of the Department, a copy of a note which I have received from Sir Edward Grey in reply to my representations in the premises.

I have [etc.]

WALTER HINES PAGE

[Enclosure]

The British Secretary of State for Foreign Affairs (Grey) to the American Ambassador (Page)

No. 95233/15]

LONDON, July 24, 1915.

YOUR EXCELLENCY: With reference to your note of May 22 relative to the American S.S. *Joseph W. Fordney*, I have the honour to transmit herewith for your excellency's information a copy of a report which has been submitted to the Admiralty by the commanding officer of H.M.S. *Teutonic* respecting the circumstances attending the interception of this vessel on April 6 last.

¹ *Ante*, p. 404.

I think your excellency will admit that this report constitutes a sufficient basis for the statement made in the first paragraph of my memorandum of May 14, which the master of the vessel is now endeavouring to contravert.

I have [etc.]

For the Secretary of State:

EYRE A. CROWE

[Subenclosure]

*Summary of report of commanding officer of H.M.S. "Teutonic"*¹

At 3.50 a. m. on April 6, 1915, H.M.S. *Teutonic* sighted the American steamer *Joseph W. Fordney* bearing SE. (magnetic) and steaming on a southerly course. H.M.S. *Teutonic* at that time was steering S. 77° E. speed 13 knots, and course was altered and telegraphs put to full speed to intercept the steamer, the white ensign being hoisted at the peak and signal to stop engines also hoisted. The steamer was then seen to alter course and appeared to be steaming full speed. At 4 a. m. course was altered to S. 27° E. At 4.20 a. m. H.M.S. *Teutonic* having overhauled the *Joseph W. Fordney*, an alphabetical signal "We have no code book" was made by the latter. An alphabetical signal "Stop" was then made by H.M.S. *Teutonic*, and the boarding officer was alongside the S.S. *Joseph W. Fordney* at 5.15 a. m.

The master of S.S. *Joseph W. Fordney* stated in conversation with the officer in charge of the armed guard, that he had been promised a bonus of about one thousand dollars if he got through without being sent to Kirkwall, from the time charterers, as a recompense for the money saved to them if the delay of the vessel being sent to Kirkwall for examination was obviated. He also stated that he altered course towards the land for territorial waters to avoid being intercepted.

File No. 462.11Se8/39

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

[Telegram]

WASHINGTON, August 10, 1915, 3 p. m.

2057. You are instructed to present the following note to the German Minister of Foreign Affairs:²

Under instructions from my Government, I have the honor to inform your excellency, in reply to your note of July 30 in regard to the claim for reparation for the sinking of the *William P. Frye*, that the Government of the United States learns with regret that the objections urged by it against the submission of this case to the prize court for decision have not commended themselves to the Imperial German Government, and it equally regrets that the reasons presented by the Imperial German Government for submitting this case to the prize court have failed to remove the objections of the Government of the United States to the adoption of that course. As this disagreement has been reached after the full presentation of the views of both Governments in our previous correspondence, a further exchange of views on the questions in dispute would doubtless be unprofitable, and the Government of the United States therefore welcomes your excellency's suggestion that some other way should now be found for settling this case.

The two methods of settlement proposed as alternative suggestions in your excellency's note have been given careful consideration, and it is believed that if they can be combined so that they may both be adopted, they will furnish a satisfactory basis for the solution of the question at issue.

The Government of the United States has already expressed its desire that the question of the amount of indemnity to be paid by the Imperial German Government under its admitted liability for the losses of the owners and captain on account of the destruction of the *Frye* should be settled by diplomatic

¹ The form of the report here used was transmitted to the American Ambassador June 16, 1916, as that in which the British Government preferred it should be published (File No. 341.115P51/66).

² *Ante*, p. 493.

negotiation, and it entirely concurs with the suggestion of the Imperial German Government that the simplest way would be to agree, as proposed in your note, "that each of the two Governments designate an expert and that the two experts jointly fix the amount of indemnity for the vessel and any American property which may have been sunk with her," to be paid by the Imperial German Government when ascertained as stated in your note. It is assumed that the arrangement will include some provision for calling in an umpire in case the experts fail to agree.

The Government of the United States notes that your suggestion is made with the express reservation that a payment under this arrangement would not constitute an admission that American treaty rights had been violated, but would be regarded by the Imperial German Government merely as fulfilling a duty or policy founded on existing treaty stipulations. A payment made on this understanding would be entirely acceptable to the Government of the United States, provided that the acceptance of such payment should likewise be understood to be without prejudice to the contention of the Government of the United States that the sinking of the *Frye* was without legal justification, and provided also that an arrangement can be agreed upon for the immediate submission to arbitration of the question of legal justification, in so far as it involves the interpretation of existing treaty stipulations.

There can be no difference of opinion between the two Governments as to the desirability of having this question of the true intent and meaning of their treaty stipulations determined without delay, and to that end the Government of the United States proposes that the alternative suggestion of the Imperial German Government also be adopted, so that this question of treaty interpretation can be submitted forthwith to arbitration pursuant to Article 38 of the Hague convention for the pacific settlement of international disputes.

In this way both the question of indemnity and the question of treaty interpretation can promptly be settled, and it will be observed that the only change made in the plan proposed by the Imperial German Government is that instead of eliminating either one of its alternative suggestions, they are both given effect in order that both of the questions under discussion may be dealt with at the same time.

If this proposal proves acceptable to the Imperial German Government, it will be necessary also to determine whether, pending the arbitral award, the Imperial German Government shall govern its naval operations in accordance with its own interpretation, or in accordance with the interpretation maintained by the United States, as to the obligations imposed by their treaty stipulations, and the Government of the United States would be glad to have an expression of the views of the Imperial German Government on this point.

You are cautioned against expressing any opinion as to position of this Government on the point raised in last paragraph of note.

Arrange with Foreign Office for simultaneous publication of this note at earliest date which will give you time to cable Department.

LANSING

File No. 763.72112/1054

The Secretary of State to the Consul General at London (Skinner)

No. 363]

WASHINGTON, August 10, 1915.

SIR: The Department has received your despatch No. 394 of April 14, 1915,¹ in regard to possible plans for rendering the shipping from America to neutral countries less hazardous than it is at present.

The Department does not perceive any objection to your suggesting a meeting of shipping interests, provided, of course, you act entirely unofficially in bringing it about. As to subsequent participation or recognition by this Government, even unofficially, the proposals or plans resulting from the meeting would have to be considered. In case you undertake to set on foot such a meeting, the

¹Ante, p. 373.

Department desires that you make it clear that you act merely in an advisory capacity and in no respect officially.

I am [etc.]

For the Secretary of State:

WILBUR J. CARR

File No. 763.72/2023

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

[Telegram]

BERLIN, August 9, 1915, 6 p. m.

[Received August 11, 8 a. m.]

2706. Following probably inspired notice circulated in the press, August 7 and 8:

ENGLISH MARITIME FRANCS-TIREURS

The main claim in the note of the United States is that of the pretended fundamental and immutable rights of neutrals. The Government of the United States cannot consent to abate any essential or fundamental right of its people because of a mere alteration of circumstances. Here it declares itself that it is not its intention to take a practical position but, whether prompted by the most unbending dogmatism or by pronounced partiality, to cling fast to theories which could not have contemplated the forms which maritime war has assumed and must therefore be considered untenable. To be sure, Germany recognizes in a great degree the same principles of right and humanity for maritime war as do the United States; but America wrongly applies these principles to absolutely new circumstances and would like to bind Germany to the unconditional acceptance of the same rules for war in commerce as the Government of the United States has derived from those principles.

Especially the remarks on commercial warfare and the use of the expression "merchantman" are bound to cause surprise; for at the very beginning of the war the United States felt that it was impossible to make any sharp distinction between merchantman and warship in view of the way in which England thought fit to carry on warfare. This was clearly expressed in the instructions of the Department of State of September 20 [19], 1914¹ which provide that merchant vessels of belligerent nations may leave American ports with guns and ammunition solely for defensive purposes. The provisions for establishing whether armament is not for offensive instead of defensive purposes are exceedingly vague. A statement lately made by Lord Cecil in the House of Commons, namey, that the principle of the equipment of belligerent merchantmen with guns for defense was generally recognized agrees with this. Thus while the idea of an armed merchantman has been quite familiar to the United States since the beginning of the war and it has to a certain extent contributed itself towards the very objectionable obliteration of the distinction between merchantman and warship, the new note speaks merely of the merchantman as if in the English practice merchantmen and warships could be distinguished at all in submarine warfare.

Even in hostile England it appears that some recognition of the confusion which has been caused is now prevalent, although this is not the case with the neutral government of the United States. The following remarks of the naval correspondent of the *Daily Chronicle* of July 6 deserve notice:

It is an unpalatable truth that the distinction between warships and merchant vessels is being obliterated. When Mr. Churchill mounted twelve-centimeter guns on the stern of certain vessels he took a step towards this obliteration; but the German submarine which torpedoed such vessels as the *Lusitania* and the *Armenian* completed this process. Perhaps we shall have to recognize the fact that henceforward freight vessels and passenger vessels are to be considered as warships and sunk, for submarines cannot capture them.

¹ *Foreign Relations*, 1914, Supplement, p. 611.

These statements hit the nail on the head in this judgment of England's objectionable measures, and it is of particular interest to note the concession that England commenced the obliteration by inventing armed merchantmen and already feels that this is an unpalatable truth. It only needs to be added that the instructions issued to English vessels to use their prows as a ram and aggressive weapon against submarines, even though they may not be armed, deprive them of the last vestige of the right to be treated as merchantmen in the sense of existing international law. England herself has transformed her merchant marine not to warships but, as the *Daily Chronicle* teaches us, to maritime *francs-tireurs*. We may readily assume that the American note left these well-known facts unconsidered and only spoke of merchantmen, not out of abstractedness, but with pure intention, because otherwise it would have been necessary to admit that no generally accepted principles of international law exist for the idea of armed merchantmen.

GERARD

File No. 763.72112/1462

The Swedish Minister (Ekengren) to the Secretary of State

BAR HARBOR, ME., August 10, 1915.

[Received August 12.]

MY DEAR MR. SECRETARY: I have the honor to acknowledge the receipt of your note of the 6th instant.¹

From the wording of your note I come to the conclusion that mine of the 31st¹ was not understood in the light I intended it should be. I did not mean to even imply that the question of limitation on Swedish imports from America, eventually imposed by England, would affect America more than it would Sweden, nor that the normal trade would be affected. I do not doubt but that the amounts proposed by England are equal to the normal, but, as I see it, that is not the point in issue. The point, as I see it, is this: Has a belligerent a right to limit the commercial intercourse between two neutrals? The theory of such a course seems repulsive, even though the limitation is actually no limitation. So far as export from America to Sweden is concerned, I am well aware that it has been much greater since the outbreak of the war than before. But the other important markets for Sweden are closed, or almost closed. An examination of the Swedish import figures shows that there has been no extraordinary increase in the importation as a whole. In many instances there has been no increase and in many others there has been a decrease. However, that is more or less irrelevant in this connection.

Of course, if a neutral agrees with a belligerent to import only so or so much of a certain article, another neutral could hardly object on the ground that its trade with the first neutral power was being limited. But Sweden has not, so far as I know, done anything but refuse to consider England's propositions in the matter. There was, I recall, an article in a paper sometime ago wherein it was stated that arrangements had been made between England and Sweden relative to the amount of cotton to be imported by the latter per month. This article was misleading. The arrangement was between some British institution and the cotton spinners of Sweden, whereby the former would allow a certain amount of cotton to pass uninterrupted when consigned to the latter.

¹Ante, p. 500.

I might add that I did not intend in my letter of July 31 to have the question of limitation of import and export appear concrete, but hypothetical. My intention was to unofficially initiate discussion of the principle in general. I put it in the form I did to make it clear.

So far, I have not received the full outline of my Government's difference with the British. As soon as I receive it I shall take pleasure in communicating its contents to you.

I am [etc.]

W. A. F. EKENGREN

File No. 451.11B74/38

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

[Telegram]

PARIS, August 12, 1915, 10 p. m.

[Received August 13, 8 a. m.]

942. Have obtained preliminary copy of prize court's decision declaring capture *Dacia* valid, main points of which are as follows:

French cruiser captured *Dacia* which declared she was bound from Norfolk to Rotterdam, while papers showed cargo to be from Texas for Bremen. Although Breitung claims sale was made to him in normal course of his mercantile business and not with intent to avoid consequences of war, yet vessel was previous to and at moment of outbreak of hostilities plying between ports of Germany and Gulf of Mexico, and manifestly remained thereafter at Port Arthur, Texas, to avoid capture. On December 9, 1914, E. von Novelty and Company made contract with Tom B. Owens to transport cargo of 11,000 bales of cotton from Galveston to Bremen, per *Dacia*, and agreeing that said vessel would be under American register and flag. On December 10 and 12 Owens sold to Harold von Luistow [Linstow] of Bremen 11,000 bales of cotton to be transported on *Dacia*. Vessel was sold to Von Novelty and transferred to Edward Breitung. Even on the supposition of the reality of *Dacia* transfer, she had not only continued to trade with enemy as in the past, but also at time of capture was on voyage for which chartered while still under German flag. Decision advances arguments to show that transfer of vessel under neutral flag was with object of trade with enemy and to avoid capture.

Text and translation will be forwarded by steamer sailing from England 18th instant.¹

SHARP

File No. 462.11Se8/44

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

[Telegram]

BERLIN, August 12, 1915, 4 p. m.

[Received August 13, 1.30 p. m.]

2719. Following telegram from Consul General, Hamburg, for Department was accepted by Berlin telegraph office August 5 but

¹ Not printed.

returned to Embassy by Foreign Office to-day on the ground that cipher telegrams cannot be sent by wireless unless cipher from which telegrams are coded is placed at the disposal of censor according to the practice followed in the United States. I consider that responsibility for delay rests with German telegraph authorities who accepted the telegram without question.

August 4, 3 p. m. Prize court refuses to give information regarding the decision in case of *William P. Frye*. However, I have been confidentially informed that the decision was to the effect that as there were no claims presented at the expiration of monitions, claimants had [no] further rights. According to the prize court laws, every claimant is forever debarred if he has not presented his claims before the expiration of monitions.

MORGAN

GERARD

File No. 763.72112/1648

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

[Telegram]

BERLIN, August 13, 1915, 6 p. m.

[Received August 14, 12.15 p. m.]

2726. Consular agent Swinemünde reports that every American vessel passing Drogden lightship will be stopped by a German war vessel and brought to Swinemünde for examination, whether or not it carries contraband. What disposition does Department desire to have the consular agent make of masters' protests?

GERARD

File No. 763.72112/1468

The Chargé in Sweden (Caffery) to the Secretary of State

No. 309]

STOCKHOLM, July 29, 1915.

[Received August 14.]

SIR: I have the honor to report that the Foreign Minister and officials of the Foreign Office take many occasions to impress me with the hardships which Swedish business men are undergoing on account of the acts of the British Government in interfering with trade between Sweden and America. They cite occasions when ships are forced to unload as many as four times during one voyage in different ports, on account of repeated seizures by different English vessels.

Mr. Wallenberg informs me that up to the present time the British prize courts have not handed down any decisions in any causes involving goods destined to Sweden, with the exception of one judgment regarding the requisition of copper, which the prize court was afterwards forced to rescind on account of the new British order in council.

There exists a scarcity of many articles which may be purchased in the United States and which are badly needed here, as is the case with certain parts of machinery, rosin, and various food products. On account of the lack of rubber, it is not possible to purchase any automobile tires in Sweden.

The Foreign Minister also states that he has been informed that it was the intention of the American Government to forward a protest to Great Britain on account of the undue interference with trade to Scandinavia by the British authorities. He expressed his deep interest in this matter and the hope that something might be done to alleviate present conditions.

I have [etc.]

JEFFERSON CAFFERY

File No. 841.8571b3/9

The Consul at Cork (Frost) to the Secretary of State

No. 94]

CORK (QUEENSTOWN), July 31, 1915.

[Received August 16.]

SIR: I have the honor to transmit hereby confirmation copies of my three cable messages of even date with reference to the sinking of the Leyland Line S. S. *Iberian* on the 30th instant. I also transmit herewith a statement by Dr. Patrick S. Burns, ship's surgeon of the *Iberian*, and a statement jointly given by Harry N. Healy and George Killeen, all the deponents being American citizens.¹

I think there cannot be the shadow of a doubt that the *Iberian* was seeking to escape and evade visit and search at the time she was shelled. Dr. Burns' statement to me in the morning gave me clearly that idea, but when he returned in the afternoon to sign the statement which I had meanwhile drawn up, I found him much less inclined to positiveness, and I suspect that the other ship's officers had been conversing with him in the meantime. I myself had a conversation with Captain Jagoe, and he sought to represent that the submarine had not given adequate warning at the time the shell struck the *Iberian*, causing the death of Wiley, the American citizen. In this the crew, with the exception of the officers close to Captain Jagoe, disagree decidedly. The conversation between the commander of the submarine and Captain Jagoe was witnessed by eight or ten men and recounted among the crew; and it appears that the submarine commander passed the lie to Captain Jagoe when the latter stated that he had stopped as soon as he could, and succeeded in facing Captain Jagoe down on the point. There was no doubt that the ship had zigzagged and made special efforts to get up steam before the first shots were fired, and that these efforts were continued after the shots were fired until Captain Jagoe became convinced that resistance was useless. The shelling appears to have been resorted to by the submarine only in so far as was necessary to induce this conviction. All unite in praising the courtesy and consideration shown by the submarine in connection with the abandonment of the ship. The commander inquired whether a wireless call for help had been sent out, and learning that it had, he expressed regret that he could not therefore venture to give the boats a tow toward land.

The statement by Healy and Killeen I regard as more trustworthy than that by Dr. Burns, as these young men were alert, intelligent, and naive in giving their experience. Dr. Burns was perhaps somewhat affected by his nexus to the Leyland Line and the fact that

¹ Not printed.

his captain had been placed on record in a sense hardly compatible with that in which the doctor had at first spoken.

One interesting feature of Dr. Burns' statement was his account of the habits of Mark Wiley, whom he knew fairly well. It appears that Wiley was more or less of the vagabond type, although a capable man and acting chief horse foreman on the *Iberian*; and that he had been on a protracted course of dissipation at Manchester after the horses from the *Iberian* had been unloaded. So unstrung and debilitated was he that he had come to Dr. Burns' door in the middle of the night preceding the attack, and Dr. Burns had given him bromide of potassium to quiet his nerves. There seems to be no doubt that death would not have occurred had it not been for Wiley's ill condition. Dr. Burns believes that Wiley's sisters have been supporting themselves, but would probably not feel impelled to bring their brother's body back to America at any expense, as their ties with him were slight. Their residence he believes was in Salem, Massachusetts; while Wiley himself had last lodged at a sailors' rest or sailors' haven in South Boston, Massachusetts.

There are rumors of others of the killed or wounded having American nationality, but I think they are erroneous. The naval hospital authorities assure me that none of the six wounded men admits being other than a British subject; and the most probably American of the dead men, one Carroll, is of Irish blood, with a wife in Liverpool, and has for twenty-five years been on horse-ships between Boston and England. It is possible that he may have taken out naturalization papers at one time, but probably the presumption of expatriation would have arisen against him.

In any event, I conceive that the important feature of the occurrence was the principle involved and not the number of casualties. It seems clear to me that, in so far as the torpedoing of the *Iberian* can serve as an indication, the German submarine policy will be tempered with efforts to effect visit and search, or at least to give warning and opportunity for abandonment of the vessels before torpedoing. As this is the first instance which has arisen since the sending of the third *Lusitania* note, I have taken pains to go into it at some length, thinking it safer to overburden the Department with details than to omit anything which might be of value.

I have [etc.]

WESLEY FROST

File No. 763.72112/1475

The Ambassador in Great Britain (Page) to the Secretary of State

[Telegram]

LONDON, August 16, 1915, 5 p. m.

[Received August 17, 8.15 a. m.]

2634. I have to-day received the following note from Sir Edward Grey, dated August 3 [13]:

I have the honour to refer to the memorandum which you were good enough to communicate on the 3d June last, in which you informed me of the desire of the United States Consul General in London to be furnished with figures showing the amount of raw cocoa and preparations of cocoa exported from Great Britain to Holland, Denmark, Sweden, Norway, and Italy during the four months ending April 30, 1915, as compared with the same period in 1914 and

1913. Your excellency will remember that I had the honour to communicate to you the tabular statement of these figures on the 16th ultimo.

His Majesty's Ambassador at Washington reported on the 22d July that the Acting Counsellor of the State Department had referred in conversation to the unfavourable impression created at Washington by reports as to the increase in British exports to northern European neutral ports since the outbreak of war received from Mr. Consul General Skinner, these reports having given figures showing increases in the British exports of some commodities to those countries. I am therefore communicating to Sir C. Spring Rice statistics showing what the exports of the United Kingdom were in comparison with those of the United States during the first five months of this year, in order that this impression may be removed as soon as possible; but as I hear that statements no doubt inspired by German agents are being circulated in America to the effect that His Majesty's Government are trying to stop the legitimate trade of the United States with neutral countries in order to capture the trade for the British Empire, and are therefore allowing goods to be exported from the United Kingdom which they have not allowed to be imported into the same countries from the United States, I think it well to inform your excellency immediately of the true state of the case, and with this in view to invite attention to the following data and figures:

The increased reexport of cotton from the United Kingdom to Norway, Sweden, Denmark, and the Netherlands during the months of January to May, 1915, as compared with the same period in 1914, amounted to 503,995 centals of 100 pounds. The United States exported to the four countries mentioned, during this period in 1915, as much as 3,353,638 centals, as compared with 204,177 centals during January to May, 1914, an increase of 3,149,461 centals, or six times the increase in the export of cotton from the United Kingdom.

The above figures for the United Kingdom are taken from the official customs returns; those for the United States have been carefully compiled by the War Trade Department from the manifests of those vessels which actually arrived with cargo from the United States in Scandinavian and Dutch ports during the five months, February to June 1915, as compared with five twelfths of the total recorded exports from the United States to those countries in the year ended June 30, 1914. It has been necessary to adopt this method, as the *Monthly Summary of Foreign Commerce*, issued by the United States Government, gives very few details with regard to American trade with those countries. It is evident that some shipments must have taken place from the United States to Scandinavia and the Netherlands which could not come within the scope of even the most circumstantial compilation of statistics drawn up from the manifests of examined ships alone, and I would therefore lay particular stress on the fact that the figures thus obtained by the War Trade Department are necessarily understatements of the total amounts actually shipped. But even from the figures thus obtained it is possible to show conclusively how much greater the increases in the American exports to Scandinavian countries and the Netherlands have been than those of Great Britain during the first five months of this year, not only in the case of cotton, but in that of almost every other important commodity.

Reexports of rubber from the United Kingdom to Scandinavia and the Netherlands declined from 17,727 centals of 100 pounds in January-May, 1914, to 16,693 centals in January-May, 1915; on the other hand, exports of rubber from the United States to the same destinations increased from 1,579 centals to 5,040 centals. Larger reexports of rubber to the United States from this country have indeed taken place, but all other reexports of rubber have declined during this period, as the following figures show:

UNITED KINGDOM—REEXPORTS OF RUBBER

	Centals of 100 pounds		
	January- May, 1914	January- May, 1915	Increase in 1915 over 1914
To all destinations.....	553, 864	667, 509	^a 113, 645
Of which to United States.....	248, 435	418, 619	^b 170, 184

^a Or 20.5 per cent.

^b Or 68.6 per cent.

It will therefore be seen that this country has actually been supplying more rubber to the United States at the expense of other neutrals, while American exporters have taken advantage of this to ship increased quantities of rubber to Scandinavia and the Netherlands.

In the case of lubricating oils, the increase of United Kingdom exports to Scandinavia and Holland was 703,370 gallons; the increase of the United States exports during the same five months was 3,857,593 gallons, being five times as great as the British increase.

The increase in the reexports of unmanufactured tobacco from the United Kingdom to the same countries and over the same period was 2,937,244 pounds, the corresponding United States increase was 6,081,848 pounds. The British increase is mainly due to the diversion of tobacco grown in the British Dominions from continental to United Kingdom ports. The reexports of manufactured tobacco from the United Kingdom have actually declined, while exports of this commodity from the United States to Scandinavia and the Netherlands have hitherto been relatively insignificant. It is therefore altogether improbable that the United States can have lost trade in tobacco in consequence of the measures taken by His Majesty's Government.

United Kingdom reexports of cocoa have risen from 2,976,143 pounds in January–May, 1914, to 14,504,013 pounds in January–May, 1915, an increase in round numbers of 11,500,000. Exports from the United States for the same months have risen from 12,300 pounds in 1914 to 16,016,000 pounds in 1915, an increase of 16,000,000. These figures speak for themselves.

In the first five months of 1914 the United Kingdom reexports of coffee to the same countries amounted to 80,407 hundredweight, and the exports from the United States to 7,376 hundredweight. In the corresponding five months of 1915 the United Kingdom reexports were 263,488 hundredweight, while the imports from the United States were 285,760 hundredweight, showing that the United States exports, which were formerly much less, are now greater than those of the United Kingdom.

In the case of rice, the increased reexport from the United Kingdom, which amounted to 193,458 hundredweight for the period under review, was entirely due to the diversion to the United Kingdom ports of the large trade in Indian rice formerly carried on through Hamburg and other continental ports. The exports from the United States have increased from 262 hundredweight in January–May, 1914, to 27,800 hundredweight in January–May, 1915, an increase of 27,538 hundredweight.

The United Kingdom increase in the export of wheat flour to Scandinavia and the Netherlands during January–May, 1915, compared with 1914, was 47,045 hundredweight; the United States increase was 2,555,593 hundredweight.

For the same period the United Kingdom increase in the export of barley to Scandinavia and the Netherlands was 249,512 hundredweight; the United States increase, 2,016,892 hundredweight.

I could point to many other instances of similar proportionate increases in the exports of the United States to Scandinavia and the Netherlands as compared with exports to the same countries from the United Kingdom during the last five months. In respect to the great majority of articles for which figures of United States trade can be given, the increases in this trade are greater, and in some cases very considerably greater, than the increases in the United Kingdom trade.

In many cases increases in United Kingdom reexports are due to the fact that the products of British Indian and colonial products which formerly went direct to continental ports, such as Rotterdam or Copenhagen, are now sent to the United Kingdom and thence distributed to old customers in Scandinavia and the Netherlands. Among such may be mentioned pepper, cinnamon, and other spices (largely the product of the British East Indies), Indian tea, palm kernels (mainly from British West Africa), and copra (mainly from the Straits Settlements and Australia). The direct trade of the British overseas Dominions with the port of Hamburg alone is very great in normal times.

In many other instances our reexport trade for the first five months of this year shows a large decline. The following statement gives a few examples of such decreases in reexports from the United Kingdom to all destinations:

	1915 (5 months)	1914 (5 months)
Tallow, unrefined.....cwt..	190, 179	378, 926
Quicksilver.....lbs..	258, 075	784, 650
Machinery:		
Agricultural.....tons..	163	8, 396
Sewing machines.....no..	853	6, 683
Cotton waste.....lbs..	205, 960	469, 235
Carpet and carpet rugs.....sq. yds..	58, 161	184, 105
Silk, thrown.....lbs..	656	15, 582
Beef, chilled.....cwt..	3, 262	274, 151
Meat, preserved.....do..	19, 531	61, 000
Butter.....do..	19, 253	66, 343
Bananas.....bunches..	127, 217	258, 315
Hemp.....tons..	19, 399	25, 673
Palm oil.....cwt..	177, 529	382, 513
Gas oil.....gals..	9, 800	241, 724
Fuel oil.....do..	169, 884	515, 170

Everything in the statistics I have quoted tends to show that the mercantile community of the United States has made profits proportionately equal to or greater than those of the mercantile community of Great Britain in respect to all those demands which have inevitably arisen in Scandinavia and the Netherlands as a consequence of the closing of German ports. The total volume of the trade of the United States with these countries has increased 100 per cent, as your excellency will see from the accompanying table, taken from the United States official *Monthly Summary of Foreign Commerce*, which shows the comparative value of the total exports of the United States to Scandinavian countries and the Netherlands during the first five months of 1914 and 1915. The value of the total increase in those exports during this period amounted to \$145,658,000.

I have [etc.]

E. GREY

VALUE OF UNITED STATES EXPORTS

To—	In January— May, 1914	In January— May, 1915	Increase in 1915 over 1914
Norway.....	\$3, 679, 000	\$22, 478, 000	\$18, 799, 000
Sweden.....	5, 875, 000	52, 217, 000	46, 342, 000
Denmark.....	6, 421, 000	41, 321, 000	34, 900, 000
Netherlands.....	44, 114, 000	89, 731, 000	45, 617, 000
Total.....	60, 089, 000	205, 747, 000	145, 658, 000

The memorandum of June 3 sent by the Embassy to the Foreign Office referred to in paragraph 1 of Foreign Office note of August 13 is as follows:

The American Ambassador presents his compliments to His Majesty's Secretary of State for Foreign Affairs and has the honor to acquaint him that he is in receipt of a communication from the Consul General in London in which he requests that he may be informed regarding the amount of raw cocoa and preparations of cocoa exported from Great Britain to Holland, Denmark, Sweden, Norway, and Italy during the four months ending April 30, 1915, as compared with the same period of 1914 and 1913. Mr. Page ventures to hope that should no inconvenience be found in so doing, Sir Edward Grey may be so good as to cause him to be furnished with the desired information in this connection.

Consul General informs me that he transmitted to Department by mail despatch of August 12¹ statistics enclosed in Foreign Office note of July 16, referred to in first paragraph of note of August 13. Foreign Office asks if the Department will agree to simultaneous publication of Embassy's memorandum of June 3 and Foreign Office note of August 13, and if so, desires to be informed as to date which will be suitable to Department for publication. Please instruct.

AMERICAN AMBASSADOR

File No. 763.72112/1648

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

[Telegram]

WASHINGTON, August 17, 1915, 4 p. m.

2083. Your 2726, August 13.² While admitting established right of visit and search and reasonable liberality in its exercise, the United States cannot yield to the seizure of American ships or American-owned cargo in neutral ships on the high seas to be taken to belligerent ports for examination in search of evidence of contraband, where the captor is not in possession of evidential facts creating a legal presumption or just suspicion that the ship is engaged in illegitimate trade, or that contraband cargo is aboard. If report of consular agent Swinemünde is correct, you will make known these views to German Government and advise consuls and consular agents accordingly.

LANSING

File No. 763.72112/1489

The Secretary of State to the Consul General at London (Skinner)

[Telegram]

WASHINGTON, August 18, 1915.

Please wire soon as possible answers to following questions:

(1) Are there at the present moment any ships of American registry, carrying cargoes of cotton, held by the British authorities? If so, what number of ships and amount of cotton involved thereby? State if any of these ships are held for prize court adjudication.

(2) Are there at the present moment any neutral ships of foreign registry, carrying cargoes of cotton, held by British authorities? If so, number of ships and amount of cotton involved thereby. State whether any of such ships are held for prize court adjudication.

(3) Department has yours of July 27 *in re* total ships and number of bales cotton stopped since order in council of March 11. Does statement therein still give approximately correct number of ships and bales cotton stopped, also number of bales released? If not, bring same up to date.

(4) Have any shipments of cotton stopped under order in council of March 11 been settled for finally in full? If so, state amount so settled for and price paid.

¹ Not printed.

² *Ante*, p. 509.

You will note that inquiries (1) and (2) relate to neutral ships of American or foreign registry carrying cotton cargoes held by authorities at the present moment.

LANSING

File No. 763.72112/1485

The Consul General at London (Skinner) to the Secretary of State

[Telegram]

LONDON, August 20, 1915.

[Received 1.15 p. m.]

Department's 18th.

1. No American cotton ships now detained, and six only comprised in list of twenty-eight ships, cargo of which has been or is being purchased.

2. No neutral ships of foreign registry held.

3. My statement July 27 approximately correct, but since original detention of twenty-eight ships 10,721 further bales seized under order [in] council March 11, of which 5,000 steamer *Helge*, 1,700 steamer *Mexicano*, and 1,260 steamer *Pythia*.

4. Approximately 215,354 bales detained all told, of which 60,000 owned by Swedes or Danes who are making their own arrangements; 7,000 bales shipped by [?] for Harris Irby and 200 bales shipped by Page are alleged to have been sold to Germans after shipment and authorities are declining to purchase. All cases covering cotton sold under contract and for which commercial papers have been produced appear to have been paid for in full on contract prices at a fraction over ten cents to a fraction over thirteen cents per pound, and these cases include probably three fourths of all American-owned cotton seized. In all other cases as far as ascertainable, advance has been made of six cents for linters and eight and ten cents for staple. Owners are now asking from fifteen to eighteen cents for such cotton. Board Trade disinclined to pay these prices and proposition now being dealt with to adjust such claims on average price paid on contract cotton.

SKINNER

The Sinking of the "Arabic"—German Prize-Court Decision in the Case of the "Indian Prince" Dismissing Claims for American Cargo—Use of the American Flag by British Auxiliary Cruiser "Baralong"

File No. 841.857Ar1

The Vice Consul at Cork (Thompson) to the Secretary of State

[Telegram]

QUEENSTOWN, undated.

[Received August 19, 1915, 3 p. m.]

Arabic sunk at 9.30 to-day 60 miles from Queenstown. Sunk in eleven minutes. Eleven boats of survivors being brought here.

THOMPSON

File No. 841.857Ar1/2

The Vice Consul at Cork (Thompson) to the Secretary of State

[Telegram]

QUEENSTOWN, undated.

[Received August 20, 1915, 8.15 a. m.]

Only 21 American passengers on *Arabic* according to list from Liverpool; checked up 16 survivors, may find more in morning. List has been sent. Statement of Mr. Zella Covington:

Came up on deck from breakfast, was standing on starboard side looking at S. S. *Dunsley* which was sinking, having been torpedoed a few minutes before, when heard some one say, "Here it comes!" Then looked and saw the torpedo approaching about 300 yards away when noticed ship had changed her course and that the torpedo would either miss or strike well astern. It struck on starboard side astern about three feet below water line. Immediately ship had struck, captain ordered all passengers on deck. Boats were all swung out day before and equipped and provisioned in best manner, also all ropes and gear seen to and in perfect order. No panic, crew and passengers all orderly and work of getting boats out and life belts was a matter of only short time. Boats were in water about 4½ hours before rescue ships came in answer to wireless signal sent out at the time the torpedo struck. Will take my oath that no warning of any kind was given but that the ship was sunk deliberately and in cold blood.

THOMPSON

File No. 841.857Ar1/1

The Secretary of State to the Consul at Cork (Frost)

[Telegram]

WASHINGTON, August 21, 1915.

Report by telegraph brief summary of affidavits in *Arabic* case, covering particularly question of warning, ramming, convoy, and whether *Arabic* was going to assistance of *Dunsley*.

LANSING

File No. 763.72112/1462

The Secretary of State to the Swedish Minister (Ekengren)

WASHINGTON, August 21, 1915.

MY DEAR MR. MINISTER: I thank you for your note of August 10,¹ which explains more fully the question at issue between your Government and that of Great Britain in regard to restrictions upon trade.

I fully understand that the question is still in the hypothetical stage and that your discussion of it is unofficial. With your consent, however, I would greatly prefer to await the outline of your Government's position, which you have kindly offered to send me, before giving you even my informal views upon the matter.

I am [etc.]

ROBERT LANSING

¹Ante, p. 507.

File No. 841.857Ar1/21

The Consul at Cork (Frost) to the Secretary of State

[Telegram]

QUEENSTOWN, undated.

[Received August 22, 1915, 9 a. m.]

Have failed in devoutest efforts to discover any evidence that *Arabic* was warned by submarine or convoyed by war vessel. She did not attempt to ram submarine nor go to assistance of *Dunsley*. It is barely possible, however, that other facts may yet be found.

FROST

File No. 841.857/18

The Consul General at London (Skinner) to the Secretary of State

[Telegram]

LONDON, August 23, 1915.

[Received 8.15 a. m.]

American Consul, Bristol, reports British ship *Baron Erskine*, Avonmouth to New Orleans, destroyed submarine morning August 19. Seventy-seven returning American muleteers on board all saved. Survivors in Bristol.

SKINNER

File No. 841.857Ar1/24a

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

[Telegram]

WASHINGTON, August 23, 1915, 11 a. m.

2105. Please informally inquire of the Foreign Office whether any report has been made to the German Government on the torpedoing and sinking of the British steamship *Arabic*. Without inviting an explanation you should give Von Jagow an opportunity to explain the attack which we are advised was without warning. Report fully the substance of your conversation.

LANSING

File No. 841.857Ar1/25

The Ambassador in Great Britain (Page) to the Secretary of State

[Telegram]

LONDON, August 23, 1915.

[Received 6 p. m.]

2680. Following is summary of facts regarding *Arabic*:

The White Star Company reports two Americans dead: Edmund F. Woods and Mrs. Josephine Bruguere, the death of the latter confirmed by her son Louis Bruguere, now at Warwick.

No warning was given by submarine. This is reported to me verbally by order of Mr. Balfour, by Sir Douglas Brownrigg, chief censor of the Admiralty, and to the Consul at Liverpool by Captain Finch.

All English survivors and others reported by the press also confirm this fact, there was no warning whatever.

I have six affidavits from American survivors made to the Consul at Liverpool, the originals of which I shall transmit in the next pouch.¹ These are as follows:

From William Cummins of 210 West 107th Street, New York City, who swears as follows:

I was on board the S. S. *Arabic* when she was torpedoed in the Atlantic and I was on the top deck close to the captain's bridge looking at the steamer which had already been disabled by shell fire. I saw the track of the torpedo and also saw the torpedo strike the side of the vessel. I further assert under oath that the vessel was not warned and am positive that no one on board saw the submarine.

From Claude Roode of 620 Rugby Road, Schenectady, New York, who swears as follows:

About 9.30 a. m., August 19, I was on "B" deck, about amidships, and about two hundred yards away I saw the track of a torpedo coming and in my estimation the track was moving at a slight angle to the *Arabic*. I ran forward as I was apprehensive that the torpedo would strike that part of the vessel where I was standing. The track of the torpedo was the first intimation of danger. I state positively under oath that I know the ship was not hailed by any vessel at about this time and that no warning whatsoever of any kind was given prior to the sending of the torpedo against the *Arabic*.

From William Hughes of Kelso, Washington, who swears as follows:

I saw the track of the torpedo before it struck the S. S. *Arabic* and about two minutes after I observed the said track I was washed overboard by the listing of the vessel. I assert under oath that the vessel was not warned before torpedoing.

From Peter Dugal of Lamberton, Minnesota, who swears as follows:

All went well until the morning of the 19th instant when at about 9.15 a. m. I was on deck and sighted a steamer in distress and sinking. The *Arabic* altered her course and made towards this vessel. The *Arabic* had passed this vessel in distress when at about 9.25 a. m. I personally saw the wake of a torpedo coming towards the *Arabic* and this torpedo struck the *Arabic* abaft the engine room, there was a loud explosion and the vessel at once commenced to sink. I do further solemnly swear under oath that no warning was given of an intention to torpedo the *Arabic* and that no submarine was visible.

From John Olschewski of 49 Liberty Street, Trenton, New Jersey, who swears as follows:

I was on board the S. S. *Arabic* when she was torpedoed in the Atlantic and I was on the top deck close to the captain's bridge looking at the steamer which had already been disabled by shell fire. I saw the track of the torpedo and also saw the torpedo strike the side of the vessel. I further assert under oath that the vessel was not warned and am positive that no one on board saw the submarine.

¹ These and other pieces of evidence in the case are printed in full in *Diplomatic Correspondence with Belligerent Governments relating to Neutral Rights and Duties* (Department of State, European War No. 3, August 12, 1916), pp. 199-215, 219-27; reprinted in the *American Journal of International Law*, vol. 10, Special Supplement, pp. 203-29.

From Christopher McTamney of 821 Lambertton Street, Trenton, New Jersey, who swears as follows:

Immediately after breakfast on the 19th August, I was on "B" deck about 9 a. m. and at about 9.25 a. m. I was standing amidships when I saw the track of a torpedo coming directly towards me at a distance of about two hundred yards. The torpedo struck the *Arabic* just aft amidships and before the torpedo struck the vessel I state positively under oath that no warning whatsoever was given by the submarine and I did not see the submarine.

All agree that there was no effort and no chance and no time either to try to ram submarine or to escape; this fact also is conveyed to me verbally by Sir Douglas Brownrigg of the Admiralty and to the Consul at Liverpool by Captain Finch and by the survivors who have made affidavits.

Captain Finch of the *Arabic* in an affidavit which he has made to the Consul at Liverpool, states: (1) That no warning was given by the submarine; (2) that the submarine was not seen from the *Arabic*; (3) that the *Arabic* did not try to ram the submarine; (4) that it could not have done so if it had wished; (5) that there was no chance or time for doing so; (6) that the *Arabic* did not try to escape; (7) that there was no time or chance for doing so. The original of this affidavit I shall transmit in the next bag to Washington.

No question has been raised here by anybody on any of these points. They all seem as well established as any facts of observation can be established by competent testimony.

AMERICAN AMBASSADOR

File No. 300.115/4766

The Consul General at Hamburg (Morgan) to the Secretary of State

No. 315]

HAMBURG, August 5, 1915.

[Received August 23.]

SIR: I have the honor to transmit herewith enclosed a copy and translation of the decision rendered by the Hamburg prize court in the case of the steamer *Indian Prince*. It will be seen therefrom that the decision, according to my forecast, is adverse to the claimants, and this fact I communicated to the Department by cable on August 3, 1915.¹

It is presumed that the claimants will now appeal to the supreme prize court, who will, no doubt, affirm the decision of the lower court.

I have [etc.]

HENRY H. MORGAN

[Enclosure—Translation]

DECISION OF THE HAMBURG PRIZE COURT IN THE CASE OF THE "INDIAN PRINCE"

IN THE NAME OF THE EMPIRE

Pr. A. 37

In the prize matter concerning the English steamer *Indian Prince* (owner, Prince Line; home port, Newcastle) and her cargo, the following decision was handed down by the Imperial prize court in Hamburg in the session of July 3, 1915, being attended by the following:

¹ Not printed.

1. Dr. Brandis, President of the Supreme Court, *chairman*
2. Marine Captain Reineke (retired)
3. Dr. Lehmann, counsel of the Supreme Court
4. Thomann (director of a ship company)
5. F. W. Wittthoefft (merchant), assessor and judge
6. Rear Admiral Plachte (retired), Imperial commissioner
7. Clauss (secretary of the court), recorder

The wrecked ship and the lost cargo were subject to confiscation. The claims Nos. 1-10, 12-36, and 38 are rejected as being unfounded.

The cost of the legal proceedings must be paid by the claimants as follows: For Nos. 2-9, 17-19, 21-25, 33-36, and 38, each one fortieth; Nos. 26-28, 29-32, 20 (15 and 16), each two fortieths; Nos. 13 and 14 three fortieths; Nos. 10 and 12, each four fortieths.

ARGUMENTS

The English steamer (Prince Line) *Indian Prince*, hailing from Newcastle, was stopped on September 4, 1914, at sea, 7° south, 31° west, by His Majesty's auxiliary cruiser *Kronprinz Wilhelm*, and was brought up and sunk on September 9, 1914, 18° south, 28° west, after having rescued the crew and taken over the ship's papers and documents found on board. The ship's papers, or the register, proves that the ship was entitled to fly the English flag. According to cipher 10, P. O., the bringing up, and according to cipher 112, P. O., the destruction of the hostile ship took place lawfully, as it appeared unsafe to the commander to bring the ship in a port. According to the report of the prize, the steamer had a stock of 300 tons of coal from which 200 tons were taken over by the auxiliary cruiser, the coal belonging to the prize ship and being looked upon as hostile property.

The cargo consisted of coffee, cocoa, skins, pockwood, caoutchouc, which was taken on board in the ports of Santos, Rio de Janeiro, Victoria and Bahia. The ship was engaged in sailing to New York but was supposed, however, to call at Trinidad, where, it is stated, she was to coal.

The summons prescribed by law to put in the claims was published in the *Reichsanzeiger* on January 14, 1915, granting a respite of four weeks. This respite was prolonged two months and this prolongation was published officially in the *Reichsanzeiger* of February 10, 1915. Upon this proclamation the following claims were presented:

1. Insurance Company of North America in Philadelphia
2. W. R. Grace and Company in New York
3. Frederick J. West, Incorporated, New York
4. John O'Donohue's Sons, New York
5. The Merchants Coffee Company, Baltimore
6. Lawrence Johnson and Company, Philadelphia
7. Sutton and Vansant, New York
8. Gustav L. Steward Company, Baltimore
9. Eppens Smith and Company, New York
10. Chase and Sanborn, Boston
11. G. Amsinck and Company, New York
12. G. Amsinck and Company, New York, or Durish and Company
- 13 & 14. Hard and Rand, New York
- 15 & 16. Willard Hawes and Company, New York
17. J. H. Rossbach and Brothers, New York
18. Atwood and Company, Minneapolis
19. Aragon Coffee Company, South Richmond
20. Steinwender, Stoffregen and Company, New York
21. Herklotz, Corn and Company, New York
22. Potter, Sloan, O'Donohue Company, New York
23. Hewlett and Lee, New York
24. The Lowry Coffee Company, Philadelphia
25. Wessels, Kulenkampff and Company, New York
- 26, 27, & 28. Grossmann and Sielcken, New York
- 29 to 32. Leon Israel and Brothers, New York
33. F. W. Wager, Charleston (U St.)
- 34 & 35. W. R. Grace and Company, New York
36. The Great Atlantic and Pacific Tea Company, Jersey City
37. Kroger Grocery and Baking Company, Cincinnati
38. B. Fischer and Company, New York

The term appointed on which the trial should take place was July 3.

During this term of trial, however, the matter was discussed under the restriction: whether neutral property, which was on board a hostile vessel and was sunk together with the same, should be reimbursed.

The Imperial Commissioner moved for the decision that the destroyed ship was seized lawfully and that the vessel and the cargo were subject to confiscation, and that all claims of indemnification were to be dismissed, the costs of the proceedings being charged to the claimants.

The representatives of the claimants set forth the contents of the statements in writing, contained in the vouchers, under the restriction regarding the question whether reimbursement should be granted, if it were ascertained that the owners of the cargo are neutral subjects, that is, citizens of the United States.

Concerning the authority of the sinking of the vessel the attention is called to the arguments set forth in the beginning of this decision. Regarding the authority to sink the cargo without any obligation of indemnification this court adheres to its decision in the case of the *Glitra* and calls the attention to the statements made therein. The court is not in the position to take any new points of view from the statements of claims which would lead the court to an alteration of its conception set forth in the *Glitra* case. Cipher 114, P. O., does not contain any legal paragraph as to whether and when an indemnity should be paid, but merely an instruction for the commander of the men-of-war.

The question of indemnification is ruled by cipher 8, P. O. It is not presumable that the German Government intended to make greater concessions to neutral powers in the question of indemnity than those agreed to at the London conference. The acknowledgment of the prize law and the right of destruction of hostile merchant vessels excluded as a matter of consequence the acknowledgment of the obligation of indemnity for the neutral cargo destroyed together with the vessel. The purpose of the destruction of hostile merchant vessels, namely, to disturb the hostile navigation at sea, thereby disarranging the national welfare of the enemy, could never be attained if the obligations of indemnification for neutral cargoes, destroyed together with the hostile ship, existed. This idea is also shared by reputable teachers of legislation, as may be seen from the conclusions arrived at by Professor Hilfron, in his publication on the *Lusitania* case (I. W. 1915, pp. 485 *et seq.*) and the writers Pitt Cobbett (*Cases and Opinions*, p. 394), Barclay (*Problems of International Practice and Diplomacy*, 1907, p. 102), Hall-Atlay (*A Treatise on International Law*, 1904, p. 717), Oppenheim (*International Law*, II, 201). Also the essay published by Professor Rehm (*Deutsche Juristenzeitung*, 1915, pp. 454 *et seq.*) is by no means without restriction regarding the standpoint taken by the claimants; he states on page 457: "The commanders may take the standpoint that neutral owners would only rarely entrust their property to hostile ships; the commanders thus may look upon goods found on board such vessels as hostile without any formalities and may destroy the same. If it is found out later, that the cargo was neutral property, notwithstanding, no claim of indemnity arises therefrom, as sufficient reasons for the sinking of the cargo together with the ship existed." The Imperial Commissioner also called the attention to the fact that after the German-French war, the French prize courts decided in the same manner in the case of the cruiser *Désaix* which had sunk two German ships, *Vorwärts* and *Ludwig*, carrying English goods.

Regarding the appeal of the claimants, to the treaty between Prussia and America of the year 1799, this court believes that according to the information received from the Foreign Office, it has to take the standpoint that this treaty is also formally valid for the German Empire.

Article 13 of this treaty, however, was published with an incorrect text in Martens's *Recueil des Traités*, Volume II, page 237, as well as in the publication of commercial treaties of the German Empire, published in the Imperial Office of the Interior (1906), page 1266.

The prize court adheres to the text which was presented to the same as a legalized copy of the original treaty, such as may be found in the secret state archives.

This text reads as follows:

Dans le cas où l'une des parties contractantes se trouveroit en guerre avec une autre puissance, il a été convenu que pour prévenir les difficultés et les discussions, qui surviennent ordinairement par rapport aux

marchandises de contrebande, telles que armes et munitions de toute espèce, aucun de ces articles, chargés à bord des vaisseaux des sujets ou citoyens de l'une des Parties et destinés pour l'ennemi de l'autre, ne sera censé contrebande, au point d'impliquer confiscation ou condamnation, et d'entraîner la perte de la propriété des individus. Néanmoins il sera permis d'arrêter ces sortes de vaisseaux et effets, et de les retenir pendant tout le tems que le Preneur croira nécessaire pour prévenir les inconveniens et les dommages qui pourroient en résulter autrement, mais dans ce cas on accordera une compensation raisonnable pour les pertes qui auront été occasionnées par la saisie. Et il sera permis en outre aux Preneurs d'employer à leur service en tout ou en partie les munitions militaires détenues en payant aux Propriétaires la pleine valeur, à déterminer sur le prix qui aura cours à l'endroit de leur destination; mais si dans le cas énoncé d'un vaisseau arrêté pour des articles de contrebande, le maître du navire consent à délivrer les marchandises suspectes, il aura la liberté de le faire, et le navire ne sera plus amené dans le port, ni détenu plus longtems, mais aura toute liberté de poursuivre sa route.

This treaty was drawn up in French and English language; the French text, which is quite clear, takes the place of the German text, as the French language was at that time the official language of the Prussian Government in the intercourse with other than German states; besides, the English text also does not offer any difficulties, at any rate if the French text is considered at the same time. The decisive words are according to this text: "*Chargés à bord des vaisseaux des sujets ou citoyens de l'une des Parties.*" Privileged are according to this text—American goods on board of American vessels and German goods on board of German vessels, not American goods on board of hostile ships, or hostile cargo on board of American vessels.

According to the foregoing all claims are unfounded, also, if examination reserved of the conditions of ownership should prove that the cargo consisted of neutral or American goods.

Regarding the claim No. 37, which was withdrawn and filed again later on, nothing could be decided yet as to whether the claim should be looked upon as admissible as the representative of the claimant has not yet been given the opportunity to plead for this case.

BRANDIS
DR. K. LEHMANN

File No. 763.72112/1491

The Consul General at London (Skinner) to the Secretary of State

No. 651]

LONDON, August 10, 1915.

[Received August 24.]

SIR: I have the honor to enclose herewith a full report of the proceedings in what are known as the packing-houses cases, involving upwards of \$12,000,000 worth of meat products.¹ Judgment will not be given for some time. Unfortunately I am only able to send one copy of the proceedings in question, which have attracted more attention than any others thus far brought before the prize court.

The Crown is asking for condemnation of the goods, not on the ground that it was unlawful to send meat products to Scandinavian countries, or, for that matter, to Germany, for the civilian population, and has set up a very vaguely supported claim that there was an enemy military or government destination. It is generally agreed, however, that the Crown's proof of an intended military destination was exceedingly weak.

I have [etc.]

ROBERT P. SKINNER

¹ Not printed.

File No. 841.857Ar1/26

The German Ambassador (Bernstorff) to the Secretary of State

[Telegram]

NEW YORK, August 24, 1915.

[Received 10.55 a. m.]

I am instructed by my Government to communicate the following to you:

So far no official information about the sinking of the *Arabic* is available. The Imperial Government trusts that the Government of the United States will not take a definite stand after only hearing the reports coming from one side, which, according to the opinion of my Government, can not possibly correspond with the facts, but will give the Imperial Government a chance to be heard equally. Although my government does not doubt the good faith of the witnesses whose statements have been published by the newspapers in Europe, my Government thinks that it should be borne in mind that such statements have naturally been made in great excitement which might easily produce a wrong impression. In case Americans should actually have lost their life this would naturally be contrary to the intention of the German Government, who would deeply regret this fact and has instructed me to extend its sincerest sympathy to the Government of the United States.

May I ask you to be good enough to publish the above or to kindly let me know whether you agree to my publishing it?

J. BERNSTORFF

File No. 841.857Ar1/29

The Ambassador in Great Britain (Page) to the Secretary of State

[Telegram]

LONDON, August 24, 1915, 4 p. m.

[Received 8.45 p. m.]

2686. For the Secretary and the President:

I report the following as indicating public opinion here for whatever it may be worth, if it be worth anything.

Sir William Mather, who you know is a good representative of conservative-minded, non-political, thoughtful Englishmen, called to see me yesterday to express the friendly grave fear lest delay in action should deepen the impression throughout Europe that the United States is seeking to maintain peace at the price of humiliation in the face of repeated offenses. This fear is becoming more or less general, even among thoughtful men.

The reported intention of our Government published here to give Germany another opportunity to explain and thereby to evade and to cause delay provokes the general opinion that any delayed action on our part will lose much of its moral effect by tardiness.

The tone of the less responsible press is a tone of open ridicule. The tone of the best papers shows surprise at what they regard as an unfortunate delay and a restrained fear lest the United States delay too long.

Several men in official life have expressed opinions such as the opinion that follows. They have so spoken, not to me but in quarters where they knew I should hear from it: "The Germans shuffled and evaded and lied to us for ten years and we refused to believe that this

was their deliberate policy. The Americans seem slow to learn by our experience. They have a contempt for the United States as they had for England and they hope to keep her writing letters at which they laugh."

The facts about the *Arabic* seems so clear here as to leave no doubt of her deliberate sinking by the German submarine without any provocation. The testimony all survivors is identical on all important particulars.

AMERICAN AMBASSADOR

File No. 763.72/2131

The German Ambassador (Bernstorff) to the Secretary of State

CEDARHURST, N. Y., August 24, 1915.

[Received August 25.]

MY DEAR MR. SECRETARY: After Mr. Chandler Anderson's visit to me, of which he will have informed you, I thought it advisable to send the enclosed telegram to Berlin. If you agree, I beg you to be good enough to forward it as usual by wireless. Should you, however, wish to speak to me before the telegram goes, I will be at your disposal any moment.

Believe me [etc.]

J. BERNSTORFF

[Enclosure—Telegram—Translation]

The German Ambassador (Bernstorff) to the German Minister of Foreign Affairs (Von Jagow)

168. With regard to the confidential negotiations which I hope soon to be able to take up with the American Government, it seems that the last paragraph of the American *Frye* note of 10th inst.¹ contains a suggestion which may prove useful in the general negotiations concerning *Lusitania* and *Arabic*. I understand the suggestion so that we should refrain from attacking passenger ships without warning pending negotiations, which would put the burden on England to refrain from unlawful blockade pending negotiations. It does, however, not mean that we should give up the whole submarine warfare.

File No. 841.857Ar1/35

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

[Telegram]

BERLIN, August 24, 1915, 9 p. m.

[Received August 25, 1.30 p. m.]

2272. Your 2105.² According to your instructions saw Von Jagow 6.15 to-day. When I came in he said, "I have been expecting you every day. I do not understand this *Arabic* business." Asked him if they had any report. He said, no; but that it was done contrary to instructions if the boat had been torpedoed as reported. I said, "What were the instructions?" He said "Not to torpedo without notice," and so on. I said "You mean passenger ships?"

¹Ante, p. 504.

²Ante, p. 518.

He said he had sent Bernstorff a wireless cipher telling him to ask our Government to suspend judgment, that while not doubting the good faith by [of] the eyewitnesses, they might naturally have been excited, and that the Germans regretted the loss of life; he did not know whether Bernstorff had received the wireless, that he had not answered.

Von Jagow gave me the impression of being greatly worried by the occurrence; personally I am sure it was done by order of Von Tirpitz who thus wants to make a direct issue with the Foreign Office and Chancellor even at the expense of war with us. The threats of the friends and followers of Von Tirpitz that something of the kind would be done have been too open and continuous; even Von Gwinner, the head of the Deutsche Bank, sent me word by Winslow that if they could catch the *Mauretania* it would be treated like the *Lusitania*.

GERARD

File No. 841.857Ar1/38

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

[Telegram]

BERLIN, August 25, 1915, 4 p. m.

[Received August 26, 1 p. m.]

2777. Von Jagow sent for me at 1.30 to-day and asked me if I had any news. He said that he had no word from Bernstorff. We had some conversation; he finally said I could cable you and say, if *Arabic* torpedoed as reported in English papers, that the act would be disavowed and reparation made; that torpedoing, if as reported, was contrary to instructions. I asked again what those instructions were: he said not to torpedo passenger ships without notice and giving crew and passengers an opportunity to leave the ship. I asked if these instructions referred to passenger ships only or included merchant vessels also; he said he could not answer that but knew they did refer to passenger ships. I told him of a conversation with Admiral Behncke, head of Admiralty staff, in which Behncke had said, referring *Gulflight* case, that they could not punish or disavow act of a submarine commander who had made a mistake if he acted honestly, and also of a statement made by Lieutenant Rintelin, formerly of Admiralty staff, the Foreign Office might make concessions but that naval commanders would not. To this Von Jagow said that Emperor was the person who decided and not Admiralty.

GERARD

File No. 841.857Ar1/39

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

[Telegram]

BERLIN, August 25, 1915, 5 p. m.

[Received August 26, 1.10 p. m.]

2780. Von Jagow's statement to me at 1.30 to-day sent in my last cable in which he said that if the torpedoing of *Arabic* was as reported in English papers that it would be disavowed and reparation

made, was, I learn informally, made by direct direction of the Chancellor who has taken this stand on his own initiative. Both the Chancellor and Von Tirpitz are hurrying to see the Emperor who is in Silesia. I hope you understand in view of the political situation here and influence of Von Tirpitz what a bold step has been taken by the Chancellor and Foreign Office and that you will make their road to disavowal and reparation as easy as possible under the circumstances. If made too hard Von Tirpitz and the party of [frightfulness] might again get the upper hand.

GERARD

File No. 763.72/2067

The Ambassador in Great Britain (Page) to the Secretary of State

[Telegram]

LONDON, August 26, 1915, 11 p. m.

[Received August 27, 8 a. m.]

2703. Consul at Liverpool sends me an affidavit made by an American sailor Herbert Young, 19 years old, second steward on the Leyland Line steamer *Nicosian*, which arrived at Avonmouth August 20. Young swears that on the afternoon of August 19 about seventy miles from Queenstown off the coast of Ireland the *Nicosian* was shot at by a submarine and the crew were ordered into the [boats]. At about that time a tramp steamer appeared, possibly in answer to the *Nicosian's* S.O.S. call. The tramp flew the American flag until within one hundred yards of *Nicosian*. She then fired on the submarine and sank her. The submarine crew were killed and the *Nicosian* was towed in by the supposed tramp, which of course was a naval auxiliary ship manned by reserves.¹ Young was taken aboard this auxiliary boat for about fifteen minutes before he was returned to the *Nicosian*.

The Consul writes me that there has for several days been a rumor that the submarine which sunk the *Arabic* had been destroyed. I have asked him to secure confirmation and copy of Young's story. Young gives as his American address Rugless, Kentucky. His affidavit will be sent by the next pouch.

AMERICAN AMBASSADOR

File No. 763.72/2077

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

[Telegram]

BERLIN, August 28, 1915, 3 p. m.

[Received August 29, 6.50 p. m.]

2791. There is no doubt but that a grave fight is on between Von Tirpitz on the one side and the Chancellor and the Foreign Office on the other side. The final decision rests with the Emperor. Both sides are with him in Posen. Our naval attaché thinks Von Tirpitz will succeed; best informed correspondents and I personally think Chancellor will succeed. Von Tirpitz has the unthinking mob

¹ Its name, *Baralong*, not mentioned in correspondence of this period, is given post, pp. 623 and 650.

and a clever press bureau with him. Probably some other naval authorities are against him. There are three distinct naval branches each reporting direct to Emperor: the Naval Ministry, equivalent our Navy Department, of which Von Tirpitz is head; the Naval Academy Staff; and the Marine Cabinet, the latter having to do with the placing of officers of the various commands. It is quite possible that either Bachmann or Von Müller, heads of these other Departments, will oppose Von Tirpitz. Members of the Reichstag do not want war with America but there are some hot-heads. Even if Von Tirpitz wins, regrets and offers of payment in *Arabic* case may be conceded but no guarantees against reoccurrence will be given. If the Chancellor wins, the whole matter of submarine war will be settled now. Reventlow, in article August 25, states that submarine war will not be changed and that no submarine commander will be censured.

GERARD

File No. 763.72/2078

The Ambassador in Great Britain (Page) to the Secretary of State

[Telegram]

LONDON, August 29, 1915, 2 p. m.

[Received 8.55 p. m.]

2716. Your 2035, August 28, 2 p. m.¹ Henry Christy states that he is an American citizen born in New London, Connecticut, June 2, 1869, present address, care of his sister, Mrs. George Walters, at 416 Cook Street, Brooklyn, New York; that on August 19 he was a muleteer on the *Nicosian* leaving New Orleans August 2 bound for Avonmouth; that about three o'clock he saw a submarine about three miles to the starboard. When about two miles away the submarine fired one shot. The crew then took to the small boats and pulled away for a hundred yards. The submarine approached to within two hundred yards of the *Nicosian* firing continuously. At that time a ship approached from the starboard resembling a merchant vessel which was flying a small American flag at the stern and affiant thinks, though not positive, that she had a board on the side with a small American flag painted on it.² When the Stars and Stripes were seen the Americans in the small boats cheered. This supposed merchant vessel came between the small boats and the *Nicosian* and fired from the stern at the submarine. The American flag was not seen after she fired but a red and white English flag was hoisted. The second shot hit the submarine and at the fourth shot its crew jumped overboard. These men swam to the side of *Nicosian* and boarded her. *Nicosian's* crew then boarded supposed merchant vessel which was painted grey. Some of crew from the supposed merchant vessel, whom Christy was told were regular naval men, then boarded *Nicosian* and hunted down the escaped submarine crew; later the naval men returned to their own vessel and the *Nicosian's* crew were ordered back to their own ship and told to remain forward while the captain and officers searched ship for the

¹ Not printed.² Its name, *Baralong*, not mentioned in correspondence of this period, is given post, pp. 623 and 650.

Germans. Later Christy saw the bodies four German sailors who had changed their clothes for some found on the *Nicosian*. He is not certain who killed these men. At nine o'clock their bodies were thrown overboard. *Nicosian* was towed part way to Avonmouth and finished the voyage under her own steam.

William Roberts states that he is an American citizen, born in Benton Harbor, Michigan, March 6, 1876, now residing 2482 Clayborn Avenue, New Orleans; that on August 19 he was a muleteer on the *Nicosian*; that the latter was fired on by a submarine at three o'clock same date from a distance at first of two miles. Crew got at once into lifeboats and submarine kept a steady fire until about two hundred yards away. Shortly afterwards a ship came near; Roberts saw no flag on this ship and was not sure what kind of ship she was. When she came near submarine she swung around the bow to *Nicosian* and fired on the submarine a number of times, the third shot sinking her. A number of submarine's crew were in the water, three hanging on ropes of *Nicosian* were shot by the vessel that had just come up. Seven of the submarine's sailors succeeded in boarding *Nicosian* but three of them put life belts on and went overboard, one of these being submarine's skipper. All these men were shot in the water. *Nicosian's* men in lifeboats had gone on board the new arrival before these men were shot. The other vessel then backed down to *Nicosian* and some of her crew went on board her and killed the remaining Germans. Roberts witnessed this act. When they were dead the muleteers and crew returned to *Nicosian*; that evening the four bodies were thrown overboard. *Nicosian* arrived at Avonmouth the following day.

AMERICAN AMBASSADOR

File No. 763.72/2080

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

[Telegram]

BERLIN, August 30, 1915, 5 p. m.

[Received August 31, 3 p. m.]

2803. I learn on fair authority that Chancellor prevailed in dispute with Von Tirpitz. Probably some proposition will be made to us about not torpedoing regular passenger liners. I do not believe Germany will abandon submarine warfare as heretofore carried on against freight ships. Our naval attaché, who is in touch with naval authorities and others, believes that German Government will attempt to get by present crisis by some skilful use of words expressing regret and offering reparation for sinking of *Arabic* but that no satisfactory guarantees will be given for the future and that commander of submarine will not be disgraced. He believes that German program is to take Calais and then open Straits of Dover to passage of German submarines which will make submarine blockade effective, in order to crush England eventually by this means, and that they will therefore not bind themselves in such a manner as to render this program impossible. He believes it possible that submarine commander did not actually intend to sink a passenger [ship] but took the *Arabic* for a transport as she was so far south of Ireland

but that he was aware that he would be supported by the naval authorities in case he made a mistake of this kind.

GERARD

File No. 451.11B74/44

The Secretary of State to Breitung and Company, Limited

WASHINGTON, August 31, 1915.

GENTLEMEN: The Department has received your letter of August 25, in regard to the condemnation of the steamer *Dacia* by the French prize court, in which you request its further assistance in the matter.¹

In reply, the Department desires to call your attention to the generally accepted rule of international law, that, in cases of the character of the present one, the interested party must exhaust his local legal remedies before diplomatic intervention is appropriate. Accordingly, the Department thinks the owners of the *Dacia* should appeal from the decision of the prize court.²

I am [etc.]

For the Secretary of State:

CONE JOHNSON
Solicitor

File No. 841.857Ar1/48

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

[Telegram]

BERLIN, August 31, 1915, 1 p. m.

[Received September 1, 12.38 p. m.]

2809. I believe that German Government is anxious that *Arabic* case should not have *Lusitania* case brought in with it. It is easier for the Government to base its concessions on *Arabic* case because *Arabic* was going west and carried no ammunition. Popular feeling has been worked on because of Von Tirpitz party making the situation difficult for Chancellor. Above information given me by friend who has many acquaintances in Reichstag, not in any way from Government.

GERARD

The German Promise of September 1, 1915, not to Sink Liners Without Warning—The Case of the "Hesperian"

File No. 763.72/2084

The German Ambassador (Bernstorff) to the Secretary of State

WASHINGTON, September 1, 1915.

MY DEAR MR. SECRETARY: With reference to our conversation of this morning I beg to inform you that my instructions concerning our answer to your last *Lusitania* note contain the following passage:

¹ Not printed.

² An appeal was taken, the decision on which, against the appellants, was not rendered until November 30, 1916.

Liners will not be sunk by our submarines without warning and without safety of the lives of non-combatants, provided that the liners do not try to escape or offer resistance.

Although I know that you do not wish to discuss the *Lusitania* question till the *Arabic* incident has been definitely and satisfactorily settled, I desire to inform you of the above because this policy of my Government was decided on before the *Arabic* incident occurred.

I have no objection to your making any use you may please of the above information.

I remain [etc.]

J. BERNSTORFF

File No. 763.72/2086

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

[Telegram]

BERLIN, September 1, 1915, 2 p. m.

[Received September 2, 10.50 a. m.]

2819. I consider it significant that the wife of the Foreign Office official who is in charge of American affairs and who is supposed to have drafted the various German notes regarding the *Lusitania* said yesterday to a lady of this Embassy in course of conversation that there was little danger of a break in relations as the United States would take no action knowing too well that it would be to her disadvantage. I believe that this statement reflects the opinion of the Foreign Office.

GERARD

File No. 763.72/2085

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

[Telegram]

BERLIN, September 1, 1915, noon.

[Received September 2, noon.]

2817. Believe German Government only working for delay until Balkan situation well in hand. Suggest the sooner your demands are made the greater the probability that the demands will be granted.

GERARD

File No. 763.72112/1561a

The Secretary of State to the Consul General at London (Skinner)

[Telegram]

WASHINGTON, September 2, 1915.

Are you aware of any instance in which charges for unloading in connection with seizure shipments have been imposed on neutral vessel? Department understands port charges are imposed on vessels in such cases. Please telegraph.

LANSING

File No. 763.72112/1534

The Consul General at London (Skinner) to the Secretary of State

[Telegram]

LONDON, *September 3, 1915.*

[Received 3.40 p. m.]

Department's 2d. Admiralty marshal's rule is:

On arrival any vessel with contraband or seized under order March 11 master required to discharge cargo ordered placed in prize court and if discharge innocent cargo is necessary expenses of warehousing and reshipment of innocent cargo as well as all dues must be paid by ship. Payment may be made under protest. Should master refuse to discharge collector should make arrangements to discharge it.

In addition to costs of discharging ship must pay local wharf dues owing to private or semiprivate corporations, pilotage and all charges to which ships are subject in ordinary trade and clearance refused until settlement effected. When ships merely arrested at Kirkwall it is understood no charges imposed but when goods are ordered disembarked rule quoted applies.

In case *Antilla*, ship was detained February 24 to April 27 and paid boiler water £25, Dundee tonnage rates, shore dues, and pilotage £161, reloading cargo £106, lighthouse dues £37. Total bill, exclusive of demurrage, £282. Case of *Neches*, master refused to pay and Government did not insist. Case of *Seaconnet*, collector gave clearance in error without collecting costs which Government proposes to collect and in most cases does collect. Furthermore all neutral goods when released are subject to payment heavy storage charges, the British Government assumes no part of burden.

SKINNER

File No. 763.72/2089

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

[Telegram]

BERLIN, *September 2, 1915, 3 p. m.*

[Received September 3, 4.30 p. m.]

2824. Understand Bernstorff given wide discretion on submarine settlement with you. Probably will offer future assurances as to all liners. Respectfully suggest that press in America, if satisfactory settlement is made, should be asked to refrain from undue gloating as that would inflame press here and make general situation more difficult and interfere with Chancellor's offer of peaceful solution. Please give last suggestion to Melville Stone of Associated Press as coming both from Conger and from me.

GERARD

File No. 763.72112/1535

The Ambassador in Great Britain (Page) to the Secretary of State

[Telegram]

LONDON, *September 3, 1915.*

[Received 7.30 p. m.]

2744. Following is text of announcement of prize claims committee which appeared in the *London Gazette* of August 31 and which has been received by the Embassy to-day:

Whereas a committee has been instituted to receive and consider claims made by British, Allied, or neutral third parties against ships or cargoes which have been condemned or detained by orders of prize courts, and to recommend to what extent, in what manner, and on what terms, such claims should be met or provided for:

This is to give notice to all British, Allied, or neutral persons having any such claims against cargoes which have been or may be condemned or ordered to be detained by a prize court in the United Kingdom, Egypt, India, or in any of the colonies and protectorates, that any such claims should be sent, with all necessary particulars, to the secretary of the committee, Board of Trade, Whitehall Gardens, London, S. W., within three months of this date if the cargo has already been condemned or detained by an order of a prize court. If the cargo has not yet been dealt with by a prize court such application must be made within three months of the date of any order for condemnation or detention.

31st day of August, 1915.

AMERICAN AMBASSADOR

File No. 841.857Ar1/51

*The German Ambassador (Bernstorff) to the Secretary of State*CEDARHURST, L. I., *September 3, 1915.*

MY DEAR MR. SECRETARY: This evening I received a wireless message from my Government stating that the only German submarine which according to the sphere of operation might have sunk the *Arabic*, has not returned home and that consequently an explanation of the case is, for the present, impossible.

As the principle underlying this question has been satisfactorily settled, I hope the delay will not cause you any annoyance.

I remain [etc.]

J. BERNSTORFF

File No. 841.857/21

The Consul at Cork (Frost) to the Secretary of State

[Telegram]

QUEENSTOWN, *September 5, 1915, 1 p. m.*

[Received 7.45 p. m.]

Allan Liner *Hesperian* torpedoed German submarine 70 miles southwest Fastnet 8.30 last night. Only one or two Americans on board, none lost. Total loss of life about eight. Has not sunk. Admiralty boats landed passengers and troops 8.30 to-day. Have returned to bring *Hesperian* in here. Due about nine to-morrow morning. No *Hesperian* officers here. Until she comes in Admi-

rally not willing to state no warning but believe none, as also passengers and assistant purser. There were about forty-five Canadian troops unorganized, mainly invalided, also one four point seven gun, mounted and visible on stern. *Hesperian* bound Montreal. Will telegraph again when officers arrive. Copy of this has been sent to Ambassador.

FROST

File No. 763.72/2091

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

[Telegram]

BERLIN, September 5, 1915, 2 p. m.

[Received September 6, 9 a. m.]

2838. Chancellor and his friends seem very much afraid of Von Tirpitz and his press bureau. Friend who occasionally gives me correct information says the Pope responsible for change of German submarine policy; in return he is to work for peace which friend says Germany now desires.

GERARD

File No. 841.857/26

The Consul at Cork (Frost) to the Secretary of State

[Telegram]

QUEENSTOWN, undated.

[Received September 7, 1915, 8 a. m.]

Joint affidavit of the officers of the Allan Line S. S. *Hesperian* as to the torpedoing of the vessel on September 4, 1915.

UNITED KINGDOM OF GREAT BRITAIN AND IRELAND,
AMERICAN CONSULATE,
Cork (Queenstown), Ireland.

We the officers of the S. S. *Hesperian* whose names are subscribed hereunto being duly placed upon oath do aver and say as follows:

The *Hesperian* left Liverpool at 7 p. m. on Friday, September 3, 1915, and by 8.30 p. m., Greenwich time, on September 4, had reached approximately latitude 50 north, longitude 10 west, about 88 miles southwest of the Fastnet Rock off the southern coast of Ireland. The sky was clear and the ocean perfectly calm, dusk was closing down rapidly at the time last specified and explosion took place against the starboard bow No. 2 bulkhead admitting the water into compartments Nos. 1 and 2, so that the vessel at once commenced to settle by the bow on an even keel sinking about ten feet within four hours. The explosion occurred within about eight feet of the surface and threw a mass of water and steel fragments on to the deck of the *Hesperian* which was severely jarred by the shock. From steel fragments preserved it is indubitable that the explosion was produced by a torpedo and not by a mine. The characteristic odor of high explosion was strongly noticeable. No warning of any description was received by the *Hesperian* and the track of the torpedo approaching the vessel was not observed by any of the ship's officers, the present affiants. On account of the failing light it is doubtful whether the observation of the wake of the torpedo would have been a possibility. The submarine was not sighted by us either prior to the torpedoing or subsequently to it. The six-inch gun mounted on the stern of the *Hesperian* was painted a service-grey color and would not have been conspicuous even at short distance. It probably could not have been observed at all through a periscope. It is not possible to state

whether the submarine had followed the *Hesperian* during daylight but our impression is to the contrary. Among the passengers were forty Canadian soldiers, including officers, all either invalided or in attendance upon invalided individuals. These soldiers were from almost every different Canadian division and were not organized or traveling as a unit. No American citizens were among the passengers to our best knowledge but one third-cabin steward, F. J. Dallas, was an American citizen. Only slight and transient panic or confusion existed and the ship's boats and life-saving apparatus were in readiness and worked well. If the ship had sunk at once, however, there would have been heavy loss of life. Wireless signals, the siren and rockets brought a warship to the scene by 9.30 p. m. and two other Admiralty vessels before 10.30 p. m. but the *Hesperian* was not under convoy and had not spoken an Admiralty ship prior to the torpedoing.

Witness our signatures:

WM. O. MAIN, *Commander H. M. S. "Hesperian"*
ALEX MAXWELL, *Chief Officer*
CHAS. RICHARDSON, *First Officer*
WM. F. REID, *Second Officer*

Subscribed and sworn to before me this 6th day of September, 1915, at
Queenstown, Ireland.

WESLEY FROST

WESLEY FROST

File No. 763.72/2103

The German Ambassador (Bernstorff) to the Secretary of State

[Translation]

J. Nr. A 5476]

CEDARHURST, N. Y., *September 4, 1915.*

[*Received September 7.*]

MR. SECRETARY OF STATE: On the 15th of last month an English merchant vessel fired on a German submarine in the Irish Sea without any challenge of any kind.

On the 18th of the same month a German submarine was fired on in Bristol Channel by an English passenger steamer that had been summoned to stop.

By direction of my Government I have the honor to bring those cases to your excellency's notice in order again to lay stress on the point that British merchant vessels which attack German submarines of course expose themselves to the danger of destruction; American citizens who travel on such vessels do so on their own responsibility and incur the greatest risk.

Accept [etc.]

J. BERNSTORFF

File No. 300.115/4766

The Secretary of State to the Consul General at Hamburg (Morgan)

No. 397]

WASHINGTON, *September 7, 1915.*

SIR: The Department has received your despatch No. 315 of August 5, 1915, enclosing a copy and translation of the decision rendered by the Hamburg prize court in the case of the steamship *Indian Prince*.¹

There is enclosed a copy of a letter which the Department has addressed to all parties interested in the cargo of the vessel.

I am [etc.]

For the Secretary of State:

WILBUR J. CARR

¹ *Ante*, p. 520.

[Enclosure]

The Secretary of State to Mr. James H. Hayden

WASHINGTON, September 4, 1915.

SRB: Referring to previous correspondence on the subject, you are informed that the Department has received from the American Consul General at Hamburg a copy of the decision of the German prize court in reference to the claims of American owners of cargo on the steamship *Indian Prince*, which was captured and sunk on September 9, 1914, by the German auxiliary cruiser *Kronprinz Wilhelm*. It appears from this decision that all claims for indemnification on account of the loss of the cargo of this vessel were dismissed, the prize court following its former decision in the case of the steamship *Glitra*.

In view of several inquiries which have been received by it, the Department deems it advisable to call to the attention of interested parties at the present time the principle of international law that a claimant against a foreign government is not, as a general rule, entitled to diplomatic intervention by his own government until he has exhausted the legal remedies in the appropriate tribunals of the country against which he makes the claim.

Concerning the reference by the prize court in its decision in this case, which has presumably come to your attention, to Article 13 of the treaty of amity and commerce which was concluded between the United States and the Kingdom of Prussia on July 11, 1799, and the apparent discrepancies between certain English and French texts thereof, you are informed that this treaty as originally signed was in both English and French and that exact copies of the originals thereof, with the exception of minor typographical errors, may be found in Volume 8 of the United States Statutes at Large, pages 162-77. The English text as therein printed is the same as that which was approved by the Senate and proclaimed by the President of the United States.

I am [etc.]

For the Secretary of State:

ALVEY A. ADEE

File No. 763.72/2089

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

[Telegram]

WASHINGTON, September 7, 1915, 5 p. m.

2154. Your 2824, September 2.¹ On September 1 the German Ambassador wrote me as follows:

I beg to inform you that my instructions concerning our answer to your last *Lusitania* note contain the following passage: "Liners will not be sunk by our submarines without warning and without safety of the lives of non-combatants, provided that the liners do not try to escape or offer resistance." Although I know that you do not wish to discuss the *Lusitania* question till the *Arabic* incident has been definitely and satisfactorily settled, I desire to inform you of the above because this policy of my Government was decided on before the *Arabic* incident occurred.

As this note indicates that a further communication from the German Government may be expected, please bring this matter to the attention of the Minister of Foreign Affairs and request to be informed when this Government may expect a full statement in regard to the *Arabic* case.

LANSING

¹ *Ante*, p. 532.

File No. 841.857/30a

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

[Telegram]

WASHINGTON, September 7, 1915, 6 p. m.

2155. Investigation of American representatives in England shows that Allan Line S. S. *Hesperian* left Liverpool at 7 p. m. on Friday, September 3, and on reaching approximately latitude 50 north, longitude 10 west, 88 miles southwest of Fastnet Rock off the southern coast of Ireland at 8.30 p. m. September 4, an explosion took place, without warning of any description being received, against the starboard bow No. 2 bulkhead, after which the vessel commenced to settle by the bow about ten feet in four hours. The sky was clear and the ocean was calm and dusk was closing down rapidly at the time. The explosion occurred within about eight feet of the surface and threw a mass of water and steel fragments on the deck of the ship. From these fragments it is reported that the explosion was produced by a torpedo. There were some Americans on board, but it has not yet been definitely ascertained how many or whether any were lost.

Please bring foregoing to the attention of the Foreign Office and request to be informed at the earliest moment whether the German Government has any information bearing on the report that the *Hesperian* was sunk by a German submarine. Emphasize orally to the Foreign Minister the urgency in the view of your Government of a prompt reply.

LANSING

File No. 763.72/2100

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

[Telegram]

BERLIN, September 7, 1915, 9 p. m.

[Received September 8, 11 a. m.]

2854. I have had no news from you about submarine negotiations, notes, or position. Von Jagow complained to-day that he had no news whatever from Bernstorff; that as you have German cipher, communication of confidential nature by wireless is useless and that you refuse to transmit cipher to Bernstorff through me. Hope you will at least let me know what has happened and authorize me to inform Von Jagow.

GERARD

File No. 763.72/2106

The Ambassador in Great Britain (Page) to the Secretary of State

[Telegram]

LONDON, September 8, 1915, 8 p. m.

[Received September 9, 8 a. m.]

2771. The feeling even of conservative men here seems hardening into the conviction that the United States is losing the fear and

therefore the respect of foreign governments and of foreign opinion. The sinking of the *Arabic* and the apparent acceptance of Bernstorff's assurance of the cessation of submarine attacks on passenger ships created a bad impression because the assurance was not frank and specific and because no mention was made of the *Lusitania*. Fear of the same acquiescence in the torpedoing of the *Hesperian* is provoking ridicule and is fortifying the belief that we will desist from action under any provocation. This feeling is not confined to those who would like to have us enter the war but it exists among our best friends, who think we ought to keep out of actual war. They seem to construe our attitude as proof of weakness and there is danger that whatever we may say hereafter will be listened to with less respect. I think I detect evidence already of a diminishing respect for our communications. The impression grows that the "peace-at-any-price" type of man has control of American opinion. Dumba's remaining would certainly tend to deepen this feeling into a permanent conviction.

You must read this not as my opinion but as my interpretation of responsible opinion here. Men here are, of course, likely to form judgments on partial selfishness, but I have tried to leave out of account the ordinary, temporary, selfish section of public opinion and to include only that which looks as if it may become the permanent English judgment of the American democracy. Thinking men persist in regarding the United States as a more or less loose aggregation of different nationalities without national unity, national aims, or definite moral qualities.

AMERICAN AMBASSADOR

File No. 763.72/2100

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

[Telegram]

WASHINGTON, September 9, 1915, noon.

2162. Your 2847¹ and 2854, September 7. There have been no conversations between Count Bernstorff and myself and I have no information to give you other than the Department is impatiently awaiting the receipt of the full instructions which the German Government has given to the submarine commanders, as intimated in Count Bernstorff's personal note to me of September 1, cabled to you on September 7, and which I trust the German Government will furnish to that of United States.

LANSING

File No. 763.72/2101

The German Ambassador (Bernstorff) to the Secretary of State

CEDARHURST, N. Y., September 8, 1915.

[Received September 9.]

MY DEAR MR. SECRETARY: I have been waiting to hear from home about the *Hesperian* incident, but have as yet not received any in-

¹ Not printed.

formation, which seems natural, as the submarines engaged at the time of the sinking of the *Hesperian* must first return home. Till then it will not be possible to know whether the *Hesperian* was sunk by a German submarine or a German or British mine. However this may be, I wish to inform you, that this case in no way changes our general policy with regard to submarine warfare.

I further desire to draw your attention to the fact that according to all reports the *Hesperian* was armed. This seems exceedingly important as the whole controversy between the United States and Germany turns on the subject of "unarmed merchant vessels." Therefore, in my opinion, the case of the *Hesperian* has no bearing at all on the question we have been discussing.

I remain [etc.]

J. BERNSTORFF

The German Notes of September 7, 1915, on the "Arabic," September 9, 1915, on the "Orduna," and September 19, 1915, on the "Frye"

File No. 841.857Arl/61

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

[Telegram]

BERLIN, September 7, 1915, 10 p. m.

[Received September 9, 8 a. m.]

2855. Foreign Office sends me the following report of the sinking of the *Arabic*, with the request that it be brought to the knowledge of the American Government:

On the 19th of August a German submarine stopped the English steamer *Dunsley* about 60 nautical miles south of Kinsale and was on the point of sinking the prize by gunfire after the crew had left the vessel. At this moment the commander saw a large steamer making directly towards him. This steamer, which, as developed later, was identical with the *Arabic*, was recognized as an enemy vessel, as she did not fly any flag and bore no neutral markings. When she approached she altered her original course, but then again pointed directly toward the submarine. From this the commander became convinced that the steamer had the intention of attacking and ramming him. In order to anticipate this attack he gave orders to have the submarine submerge and fired a torpedo at the steamer. After firing he convinced himself that the people on board were being rescued in 15 boats.

According to his instructions the commander was not allowed to attack the *Arabic* without warning and without saving lives unless the ship attempted to escape or offered resistance. He was forced, however, to conclude from the attendant circumstances that the *Arabic* planned a violent attack on the submarine. This conclusion was all the more obvious, as he had been fired upon at a great distance in the Irish Sea on August 14, that is, a few days before, by a large passenger steamer apparently belonging to the British Royal Mail Steam Packet Company, which he had neither attacked nor stopped.

The German Government most deeply regrets that lives were lost through the action of the commander. It particularly expresses this regret to the Government of the United States on account of the death of American citizens. The German Government is unable, however, to acknowledge any obligation to grant indemnity in the matter, even if the commander should have been mistaken as to the aggressive intentions of the *Arabic*. If it should prove to be the case that it is impossible for the German and the American Government to reach a harmonious opinion on this point, the German Government would be prepared to submit the difference of opinion as being a question of international law to the Hague tribunals, pursuant to Article 38 of the Hague convention for the pacific settlement of international disputes. In so doing it assumes that as a matter of course the arbitral decision shall not be admitted to have the impor-

tance of a general decision on the permissibility or the converse under international law of German submarine warfare.

BERLIN, September 7, 1915.

Respectfully suggest that if *Arabic* was bow on toward submarine, torpedo would not have hit *Arabic* on side, and am convinced that situation here is such that if demands are not made quickly there is little chance of a favorable settlement.

GERARD

File No. 763.72/2102

The German Ambassador (Bernstorff) to the Secretary of State

CEDARHURST, N. Y., September 8, 1915.

[Received September 9.]

MY DEAR MR. SECRETARY: With regard to the *Arabic* incident I am authorized to inform you confidentially that since several months the commanders of our submarines had orders not to attack the large ocean liners without warning and safety for non-combatants. Therefore, if the *Arabic* was attacked without warning, this would have been done contrary to the instructions given to the commanders of the submarines. These orders have now been modified, so as to comprise all liners. These instructions are and will remain in force pending the negotiations with the Government of the United States, which as we hope will in the end lead to a complete understanding on all questions of maritime warfare.

I remain [etc.]

J. BERNSTORFF

File No. 763.72112/1408

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

No. 1241]

WASHINGTON, September 9, 1915.

SIR: The Department is in receipt of your No. 1194 of July 9, 1915,¹ with which you enclosed a translation of a *note verbale* from the German Foreign Office, relative to reciprocity of treatment of claimants in prize-courts proceedings in Germany and in the United States.

Under the constitutional form of government obtaining in this country the executive department has no control over the judicial department of the Government, and the Department therefore is not in a position to make any binding declaration as to what the practice of the Federal courts might be in the event that they might be required to determine prize causes.

The Department referred the communication of July 7 from the Imperial German Government to the Department of Justice for its consideration and has now received a reply as follows:

By the practice in American prize courts the matter of costs and expenses is left very largely to the discretion of the court. It has been the general rule, however, not to allow costs and expenses to a claimant where probable cause for the capture is shown by the record, even though a decree of restitution in

¹Ante, p. 489.

his favor is made. See *The Apollon* (9 Wheat. 362, 379); *The Mary* (9 Cranch 126, 151); *The Thompson* (3 Wall. 155, 162); *The Wren* (6 Wall. 582, 588); *The Qlinde Rodrigues* (174 U. S. 510); *The Buena Ventura* (175 U. S. 384, 395). And in cases where the conduct of the claimant has been such as to mislead or deceive the captors, costs will, as a general matter, be denied to the claimant notwithstanding a decree in his favor. *The Springbok* (5 Wall. 1, 28); *The Peterhoff* (5 Wall. 28, 62); *The Dashing Wave* (5 Wall. 170, 178); *The Sir William Peel* (5 Wall. 517, 536); *The Venus* (5 Wheat. 127, 132); *The London Packet* (5 Wheat. 132, 143).

It would seem, therefore, that if there is a general rule as to German prize courts by which costs and expenses are charged to the account of the German Empire in all cases where the claim is allowed, reciprocity of treatment cannot be assured in all cases, since in this country the court will charge a successful claimant with costs and expenses under some circumstances.

In communicating the above to the Foreign Office you may assure the Imperial German Government that German subjects would be accorded the same treatment by our prize courts as that accorded to the nationals of any other country, and say that it is hoped that American claimants may receive in the German prize courts treatment no less favorable than that accorded to the nationals of other countries.

I am [etc.]

ROBERT LANSING

File No. 341.115In841/44

The Secretary of State to the Consul General at London (Skinner)

[Telegram]

WASHINGTON, September 9, 1915, 5 p. m.

Your telegram August 31 regarding shipments on *Seacomet*.¹ Department presumes that if these shipments are released claimants will be required to give British authorities written release from indemnity for losses resulting from detention. Release of shipments on presentation proofs ownership and innocent destination would show goods improperly seized, but in absence prize-court proceedings no indemnity would be awarded owners as would be done if court released goods. Release of goods by administrative officials appears attempt to avoid decision prize court respecting validity order in council March 11 and to avoid payment indemnities. Please telegraph your views regarding this matter. Department considering advice which should be given shippers.

LANSING

File No. 300.115/5143

The Consul General at London (Skinner) to the Secretary of State

No. 666]

LONDON, August 17, 1915.

[Received September 10.]

SIR: I have the honor to enclose herewith a list of ships detained at Kirkwall, which I have received from the American consular agent at that place covering arrivals and departures during the month of July.¹

¹ Not printed.

It will be observed that the number of detentions is notably less than it was during the first weeks following the application of the order in council of March 11, 1915. It seems to be the case that shipping interests are adjusting themselves to this order in council and that we shall have fewer difficulties in the future than we have had in the past. I continue to believe that if the British Government would undertake to pay demurrage when they find it necessary to detain vessels, which are subsequently allowed to proceed, and would otherwise arrange to handle cargo promptly and without expense to innocent shipping interests, a very great step would have been made to allay irritation.

I have [etc.]

ROBERT P. SKINNER

File No. 763.72112/1560

The Consul General at London (Skinner) to the Secretary of State

LONDON, August 31, 1915.

[Received September 10.]

SIR: I have the honor to enclose herewith in duplicate a copy of the proceedings in the prize court on August 25 in relation to the steamships *Sir Ernest Cassel* and *Stigstad*.¹ In the case of the *Stigstad* detained under the order in council of March 11, it will be noted that the president of the prize court directed that the Crown "arrange to hand over some sum to the owners of the ship," the sum to be determined representing presumably demurrage claimed by the shipowners on account of the long detention of the vessel. It will be noticed also that in the *Stigstad* decision the president of the prize court remarked: "This is not a blockade but some sort of substitute for a blockade."

I have [etc.]

ROBERT P. SKINNER

File No. 763.72/2111

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

[Telegram]

BERLIN, September 9, 1915, 3 p. m.

[Received September 10, 12.45 p. m.]

2861. Reported that Admiral Bachmann, Chief of Naval Staff, and always at general headquarters with Emperor, and a Tirpitz man, has been replaced by Admiral Holtzendorff. Latter has a brother who is director of Hamburg-American Line and right-hand man of Ballin. Reported that Von Tirpitz angry at appointment of Holtzendorff, and that last *Arabic* note was a concession to Von Tirpitz. Von Jagow told me that his conversation with me about *Arabic*, reported in my 2777, August 25, 4 p. m.,² was for consumption of American Government only and that he meant if possible to keep it secret here, as public opinion here had to be considered. The

¹ Not printed.

² *Ante*, p. 526.

whole matter is complicated with internal politics and intrigues here and Von Tirpitz seems able to overrule Chancellor and Emperor.

GERARD

File No. 763.72/2112

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

[Telegram]

BERLIN, September 9, 1915, 5 p. m.

[Received September 10, 2 p. m.]

2860. Following memorandum is based largely on opinion of our naval attaché, with which opinion I agree. His deductions are founded upon careful observations and reliable information.

The remarkable change in the German attitude between Bernstorff's statement and the last German note regarding the *Arabic* arises from a decision having been reached to follow naval policy rather than the policy of the Foreign Office and to give no guarantees that the submarine warfare will in any way be modified. The reasons for this I believe to be as follows:

(1) Of the group of submarines of which one sank *Arabic* three boats failed to return and have been given up for lost, namely, *U-27* and two others. This constitutes by far the greatest loss sustained by the submarine fleet at one time although I believe that sixteen have been lost since the beginning of the war of which only ten have been publicly announced.

(2) It is reported by one returning submarine that on August 18 when trying to carry out order to give warning before torpedoing an English merchant vessel, she was fired on by this ship and escaped only by diving.

(3) English reports of destruction of the submarine *U-27* as received by the German Navy Department are as follows:

It is reported with certainty in England that a German submarine was sunk by an English destroyer¹ after the sinking of the *Arabic* in the vicinity of the scene of the latter's destruction. The submarine which had come to the surface was in the act of stopping and sinking a steamer² with a load of mules *en route* from New Orleans to Liverpool when an English destroyer, which had been hidden from sight by the steamer, hastened to the scene and destroyed the submarine with gunfire before it had a chance to submerge.

Backed up by these reasons the German Navy Department was in a position to tell the general Government that to follow the policy laid down for submarine warfare would mean total failure of that method of warfare, involving the destruction of the German submarine fleet. I believe that these facts were used by the Navy to influence the Government and that they were successful in reversing the policy as laid down by Bernstorff in his conversation and note.

The above statements could not have been applicable to the sinking of the *Arabic* or *Hesperian*. They apply only to the attitude adopted in the German note of September 7.³

GERARD

¹ See the case of the *Baralong*, *post*, p. 650.

² See the case of the *Nicosian*, *ante*, pp. 527 *et seq.*

³ The German Ambassador's note of September 1, repeated to the Ambassador in Germany, September 7, *ante*, pp. 530 and 536.

File No. 341.115In841/46

The Consul General at London (Skinner) to the Secretary of State

[Telegram]

LONDON, September 10, 1915, 5 p. m.

[Received 7.50 p. m.]

Department's 9th. Procurator general promises to deal with *Seaconnet* on same terms as *Ogeechee*. In *Ogeechee* case by direction prize court procurator general was directed to seek adviser to recommend detention or release of goods. Holman Gregory who was appointed for this purpose has broader vision than procurator general whose conception of duty is to build up prize fund and charge every item of expense to claimants. There is no apparent intention to release *Seaconnet* consignments with proviso that claimants refrain from demands indemnity for losses. One release already secured for A. J. Tower Company provides for release "on production bills lading subject to such rights if any over consignment as shipowner had at time of seizure and payment of expenses incurred in connection with detention."

My belief is shippers should forward claims, obtain release best terms possible, seeking indemnity later on completion transaction. Prize court has taken cognizance of order council March 11, but has rendered no decision specifically affirming its validity. Impossible to ascertain number of cases in which procurator has granted release subject to waiver of indemnity, equally impossible to ascertain principles on which procurator acts in establishing this condition. In three cases brought to my attention he withdrew his demand upon submission protest. On August 17 I objected to his undertaking to tie hands of claimants as agreements obtained under duress and stated we would not be bound by them. August 24 he stated that if it was intended that such agreements would be repudiated it must preclude future negotiations where claimants might deem it advantageous to effect compromise. I fully believe that diplomatic protest against releases so formulated as to prevent claimants from seeking damages would be effective. Also believe diplomatic protest against present obligation of claimants to pay warehousing charges and various expenses for benefit of Government when innocent goods involved would be helpful. At present time in *Stigstad* case president prize court has directed Crown and claimants to consider proper compensation for alleged excessive detention of ship. Moment opportune for strong request for general decision whereunder claims for demurrage can be settled without compelling claimants to go into prize court. Present general policy is to deny any responsibility for losses of any kind directing such claimants to apply to prize court.

SKINNER

File No. 841.857/30

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

[Telegram]

BERLIN, September 10, 1915, noon.

[Received September 11, 10.15 a. m.]

2866. Your 2155, September 6[7], 6 p. m.¹ Delivered request for report on *Hesperian* to Von Jagow last night. He said that he did not see what business it was of the United States unless American citizens had lost their lives, and said unless American lives had been lost he would give you no report. He intimated that the explosion was caused by a mine. Probably that will be the German position.

GERARD

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

[Telegram]

WASHINGTON, September 11, 1915, 4 p. m.

2182. Your 2866. The Department considers that the Government of the United States is as much concerned in cases where the lives of American citizens are endangered as it is in cases where there has been a loss of American lives.

LANSING

File No. 841.850r2/11

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

[Telegram]

BERLIN, September 10, 1915, 1 p. m.

[Received September 11, 6.15 p. m.]

2867. I have received from Foreign Office the following report of the attack on the *Orduna* by a German submarine:

At about quarter past seven on the morning of July 9 last a German submarine sighted a steamer from 3 to 5 miles away and a sailing vessel about a mile away. The steamer was proceeding without any flag or neutral markings and was taken for a small enemy steamer by the commander of the submarine on account of the difficulty of observation caused by the unfavorable weather. The commander decided first to attack the steamer submerged and fired a torpedo at the vessel which missed its mark.

Hoping to catch the steamer above the water, the submarine rose and chased the steamer on the surface. The steamer did not stop when a shot of warning was fired, and therefore several shells were fired at her which did not strike her, as the submarine was pitching about and the distance was great. The submarine then proceeded to the sailing vessel, which was shown to be the American bark *Normandy*, bound from New York to Liverpool with a cargo of lumber. Although the cargo contained contraband, the sailing vessel was permitted to continue her voyage unhindered, as it was impossible to guarantee that the crew would be surely rescued in the small boats if the ship were sunk.

The first attack on the *Orduna* by a torpedo was not in accordance with the existing instructions, which provide that large passenger steamers are only to be torpedoed after previous warning and after the rescuing of passengers and crew. The failure to observe the instructions was based on an error, which is

¹Ante, p. 537.

at any rate comprehensible, and the repetition of which appears to be out of the question, in view of the more explicit instructions issued in the meantime. Moreover, the commanders of the submarines have been reminded that it is their duty to exercise greater care and to observe carefully the orders issued.

BERLIN, September 9, 1915.

GERARD

File No. 763.72112/1574

The Consul General at London (Skinner) to the Secretary of State

No. 664]

LONDON, August 17, 1915.

[Received September 14.]

SIR: I have the honor to enclose herewith a copy of a letter on the subject—demand upon claimants to refrain from asking for compensation—which I am to-day addressing to the procurator general.

I have [etc.]

ROBERT P. SKINNER

[Enclosure]

The American Consul General (Skinner) to the British Procurator General (Mellor)

LONDON, August 17, 1915.

SIR:

Indemnity Forms—S. S. "Sydland"—S. F. Bowser & Company

I have received and read with attention your letter of August 12 stating that the terms upon which goods are released must depend upon the particular set of facts applicable, and that in some cases an indemnity is asked for, and in others not. In the case under consideration you were asking for the execution of the following form:

We the undersigned, receivers of 16 boxes, tanks and pumps manufactured by S. F. Bowser and Company, Incorporated, of Fort Wayne, Indiana, U. S. A., and shipped by S. S. *Sydland* from New York, declare hereby ourselves willing to pay the expenses for the detention of the mentioned goods in England provided the goods are delivered in good order and condition to Messrs. S. F. Bowser and Company, Victoria Street, London, or to their agents for further delivery to the original consignees at Stockholm and Gothenburg, Sweden.

We further declare that, if the goods are released and delivered as above mentioned, we will not make any claims for compensation for the time lost by seizure of the goods.

STOCKHOLM, July the 26th, 1915.

While you were good enough to withdraw the above form in this instance, I assume from your letter that you are applying it in other cases, and if that be so, I must respectfully protest and further state that as far as American claimants are concerned we shall not deem ourselves bound by any indemnities of this character.

On reflection you will readily admit, I feel sure, that should claims for compensation be submitted at some future time, in consequence of arrangements between our two Governments, your own Government would certainly have an opportunity to defend its action and the imposition of various charges and fees with which you are familiar. If a particular claim then submitted should be found to be unjustified, the indemnity we are discussing could not improve your situation, and if, on the other hand, the contrary should prove true, surely the British Government would not submit a waiver obtained from the claimants in return for the restoration of their own property, as an estoppel to the payment of an amount held to be rightfully due.

I am [etc.]

ROBERT P. SKINNER

File No. 841.857Ar1/77a

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

[Telegram]

WASHINGTON, September 14, 1915, 5 p. m.

2186. You are instructed to deliver to the Foreign Office the following summary of the evidence on file in the Department in regard to the sinking of the *Arabic*:

(1) It is generally agreed that the course of the *Arabic* drew her nearer to the *Dunsley* from the time the *Dunsley* and *Arabic* sighted each other until about the time the *Arabic* was torpedoed. (Affidavits of master, first, second, and third officers, mess steward and seamen of *Dunsley*; affidavits of captain and second officer of the *Arabic*; unsworn statements of three American passengers.) The officers of the *Dunsley* agree that the *Arabic* altered her course somewhat toward the *Dunsley*, but that her course was variable or zigzag. (Affidavits of master, first, second, and third officers and mess steward and one seaman of the *Dunsley*; affidavits of captain and second officer of *Arabic*; affidavit of one American passenger.) The third officer stated that the *Arabic* began the zigzag course four miles away from the *Dunsley*. Though the *Arabic* at times necessarily pointed toward the *Dunsley*, at the time the torpedo struck she was moving away from the *Dunsley*. (Affidavits of captain and second officer of *Arabic*, third officer of *Dunsley*, and one passenger of unknown nationality and unsworn statement of one American passenger.)

(2) The passengers on the *Arabic* variously estimated that the *Arabic* approached the *Dunsley* to within one to five miles. (Affidavits of three American passengers; unsworn statements of three American passengers and one passenger of unknown nationality.) While the *Dunsley* was sighted several miles away, the officers of that vessel estimated that the *Arabic* approached to one and a half to three miles from the *Dunsley*. (Affidavits of master, first, and second officers.) And one *Dunsley* seaman swore the distance was only one-half mile. The affidavits of the captain and the second officer of the *Arabic* agree that the *Arabic* did not approach nearer than two miles to the *Dunsley*.

(3) It appears that the submarine after shelling the *Dunsley* and after sighting the *Arabic* hid behind the *Dunsley* and submerged before the explosion of the torpedo which sank the *Arabic*. (Affidavits of master, first and second officers, mess steward, and one seaman of *Dunsley*.)

(4) Witnesses are in agreement that the submarine was not seen from the *Arabic* (affidavits of the captain and second officer of the *Arabic*, affidavits of three American passengers and unsworn statement of passenger of unknown nationality), and that the *Arabic* could not have seen the submarine from its position behind the *Dunsley* prior to submerging. (Affidavit of second officer of the *Dunsley*.)

(5) All agree that the *Arabic* received no warning. (Affidavits of six American passengers and two passengers of unknown nationality, and the unsworn statements of four American passengers and two

passengers of unknown nationality and the affidavits of captain and second officer of the *Arabic*.)

(6) The torpedo was first seen by the passengers at an estimated distance of 150 to 300 yards away. (Affidavit of passenger of unknown nationality, unsworn statements of two American passengers and one passenger of unknown nationality.) The captain of the *Arabic*, however, swears that the air bubbles and the torpedo were only 300 feet away when he saw them. (It appears that Consul Washington at Liverpool, in conversation with Captain Finch and the second officer of the *Arabic*, learned that they saw bubbles of air at the time they first noticed the torpedo, which were taken to indicate the air escaping at the time the torpedo was expelled from the tube, and that therefore the submarine was supposed to have been only 300 feet from the *Arabic* and about two miles from the *Dunsley* when the torpedo was fired. Consul Washington's three telegraphic reports of August 24.¹)

(7) All agree that the torpedo struck the *Arabic* near the stern on the starboard side. (Affidavit of captain, second officer of *Arabic*, captain and second officer of *Dunsley*, and two American passengers and a passenger of unknown nationality, and unsworn statement of one American passenger.)

From a diagram made by the second officer of the *Arabic*, who observed the approach of the torpedo from the navigating bridge, the course of the torpedo was almost at right angles to the course of the *Arabic*.

LANSING

File No. 763.72/2123

The Minister in the Netherlands (Van Dyke) to the Secretary of State

[Telegram]

THE HAGUE, September 15, 1915, 5 p. m.

[Received 5.40 p. m.]

376. Public opinion in the Netherlands thinks Germany is fooling with the United States. German officials here have declared in conversation "feeling in Berlin does not care a dash what the United States say. They can do nothing."

VAN DYKE

File No. 841.857/32

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

[Telegram]

BERLIN, September 14, 1915, 1 p. m.

[Received September 15, 8 p. m.]

2891. Department's September 6 [7], 6 p. m.² Following note received to-day:

FOREIGN OFFICE,

BERLIN, September 13, 1915.

The undersigned has the honor to inform his excellency Mr. Gerard, Ambassador of the United States of America, in reply to the note of the 9th instant,

¹ Not printed.

² Ante, p. 537.

on the subject of the sinking of the English passenger steamer *Hesperian*, that from the reports hitherto received taken in connection with the facts known to the Imperial Government it appears out of the question that a German submarine is concerned in the matter of the sinking.

First of all, pursuant to the scheduled assignment there was no German submarine on September 4 in the area of the sea where the *Hesperian* was sunk. Furthermore, according to the descriptions known here the effects of the explosion were such that a mine might be assumed to have been the cause but not a torpedo. It speaks in favor of this assumption that from the descriptions received the vessel was hit near the stem and the two foremost compartments were filled with water.

Although not all the submarines which were at sea on the 4th of September have yet returned, the Imperial Government nevertheless believes that it can now give expression to the conviction that German submarines had nothing to do with the sinking of the *Hesperian*.

The undersigned requests his excellency the Ambassador to bring the above to the knowledge of the American Government and avails himself [etc.]

VON JAGOW

GERARD

File No. 763.72112/1581

The Consul General at London (Skinner) to the Secretary of State

[Telegram]

LONDON, September 16, 1915.

[Received 5.15 p. m.]

Prize-court judgment against American packing houses given today. Judgment sustains orders in council and largely based [on] refusal of claimants to accept burden of proof and demonstrate innocent destination.

SKINNER

File No. 763.72/2127

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

[Telegram]

BERLIN, September 16, 1915, noon.

[Received September 17, 2.45 p. m.]

2900. Hear on fair authority military convention between Germany and Bulgaria has been signed. It was on this account I was anxious that you should decide the question on *Arabic* with Bernstorff as soon as possible. Hear Germans and Austrians will invade Servia in a few days. I really think you should send me some information about *Arabic* case, conversations [with] Von Bernstorff, etc. Since the commencement of this incident the only information sent me has been copy of Von Bernstorff's letter to you which you sent me five days after it had appeared in *London Times*.

GERARD

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

[Telegram]

WASHINGTON, September 20, 1915.

2214. Your 2900, September 16, 12 noon. The Secretary of State received Count Bernstorff on the 13th instant, and the following is the substance of the Secretary's remarks:

He pointed out the objectionable features which made it impossible to reply to the *Arabic* note in its present form, that the attack upon the *Arabic* and the unconditional support by the German Government of the submarine commander made Bernstorff's acceptance of the principles desired, valueless, and that the *Arabic* note did not disclose that any report had been received from the submarine commander. If there was such report we should be so informed. The instructions to the commander had not been definitely revealed, and the mistake of the German officer who attacked the *Arabic* made this Government doubtful as to the efficacy of his instructions. Furthermore, the Secretary pointed out that German declaration should be broadened so as to include all merchant vessels and not limited to passenger vessels. In past the Germans have very properly warned freight vessels as freighters might have Americans in crew.

He added that arbitration could not be discussed as we could not arbitrate justification of submarine commander, and only remaining question was amount of indemnity; in conclusion he expressed his opinion that Germany should admit that mistake was without justification, should disavow act of officer, and then question of arbitration could be considered.

POLK

File No. 763:72112/1598

The Consul General at London (Skinner) to the Secretary of State

[Telegram]

LONDON, September 20, 1915, 6 p. m.

[Received 4 p. m.]

Norwegian ship *Vitalia* detained here since September 5 with seventy carloads packers' products from Armour, Swift, Hammond, consigned to Netherlands Trust. Consignors have given bonds that all property so consigned is at disposal trust and no sales or deliveries will be made except upon permission of trust, names, buyers and other particulars to be specified. Packers' representatives have submitted extended formal statement that new condition is now imposed by trust in consequence of demand made upon it by British Government that no open shipment can be accepted by trust until orders for goods have first been presented to the trust whereupon it lies with the trust to issue licenses but until such licenses have been given Great Britain demands of trust that this organization shall not receive goods. Furthermore, statement declares additional condition now imposed that licenses to ship will be issued by trust only if shipments routed by Holland-America Line and exorbitant freight rate demanded by reason of this monopoly is characterized as outrageous. Respecting shipments in question detention at Falmouth made without any information being given as to cause which can only be surmised and when a demand was made on trust based on its contract with packers it communicated with British Foreign Office asking for instructions as to whether or not it might receive shipments in question. Packers allege that before *Vitalia* cleared from New York an officer of Holland-America Line in Rotterdam stated to *Vitalia's* agents that neither ship nor cargo would be permitted to enter any Dutch port.

Packers also allege maintenance of restrictions imposed by trust has resulted in establishment of a committee composed only of large buyers of packers' products at Rotterdam who meet on certain days, pool their proposed purchases, fix price which they will pay and deliver list of orders to a trust committee known as purchasing committee, which latter committee on behalf of the large buyers placed orders giving shipping directions for shipment via Holland-America Line only. Packers protest against situation created not only as to present detention but as to future shipments going into Holland and request prompt written answers to following questions: Why shipments on *Vitalia* are being detained by authority of British Government; whether it is proposed to release or discharge these cargoes; if to be released, when; if to be discharged, when?

SKINNER

File No. 462.11Se8/48

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

[Telegram]

BERLIN, September 20, 1915, 1 p. m.

[Received September 22, 8.20 a. m.]

2911. Following note received from the Foreign Office to-day:

BERLIN, September 19, 1915.

The undersigned has the honor to make the following reply to the note of his excellency, Mr. James W. Gerard, Ambassador of the United States of America, dated 13th [10th] ultimo¹ on the subject of the claim for reparation for the sinking of the American merchantman *William P. Frye*.

With regard first to the ascertainment of the damage by experts the German Government believes that it should dispense with the nomination of an umpire. In the cases of the ascertainment of damages hitherto arranged between the German Government and a neutral government from similar causes the experts named by the two parties have always reached an agreement as to the amount of the damage without difficulty; should it not be possible, however, to reach an agreement on some point, it could probably be settled by diplomatic negotiation. Assuming that the American Government agrees to this, the German Government names as its expert Doctor Kepny, of Bremen, director of the North German Lloyd's; it begs to await the designation of the American expert.

The German Government declares that it agrees to the proposal of the American Government to separate the question of indemnity from the question of the interpretation of the Prussian-American treaties of 1785, 1799, and 1828. It therefore again expressly states that in making payment it does not acknowledge the violation of the treaty as contended by the American side, but it will admit that the settlement of the question of indemnity does not prejudice the arrangement of the difference of opinion concerning the interpretation of the treaty rights, and that this dispute is left to be decided by the Hague tribunal of arbitration.

The negotiations relative to the signing of the *compromis* provided by Article 52 of the Hague arbitration convention would best be conducted between the Foreign Office and the American Embassy in Berlin in view of the difficulties in the way of instructing the Imperial Ambassador at Washington. In case the American Government agrees, the Foreign Office is prepared to submit to the Embassy a draft of such a *compromis*.

The American Government's inquiry whether the German Government will govern its naval operations in accordance with the German or the American interpretation of the treaty stipulations in question pending the arbitral proceedings has been carefully considered by German Government. From the

¹Ante, p. 504.

standpoint of law and equity it is not prevented in its opinion from proceeding against American ships carrying contraband according to its interpretation until the question is settled by arbitration. For the German Government does not need to depart from the application of generally recognized rules of the law of maritime war, as the Declaration of London, unless and in so far as an exception based on a treaty, is established beyond all doubt; in the case of the present difference of opinion between the German and the American Governments such an exception could not be taken to be established except on the ground of the arbitral award. Moreover, the disadvantages to Germany which would ensue from the American interpretation of the treaty stipulations would be so much greater as to be out of proportion to those which the German interpretation would entail for the United States. For whereas the American interpretation would materially impede Germany in her conduct of warfare, hardly any particular disadvantage to American citizens would result from the German interpretation, since they receive full reparation for any property damage sustained.

Nevertheless the German Government, in order to furnish to the American Government evidence of its conciliatory attitude, has issued orders to the German naval forces not to destroy American merchantmen which have loaded conditional contraband, even when the conditions of international law are present, but to permit them to continue their voyage unhindered if it is not possible to take them into port. On the other hand, it must reserve to itself the right to destroy vessels carrying absolute contraband wherever such destruction is permissible according to the provisions of the Declaration of London.

The undersigned begs to suggest that the Ambassador bring the above to the knowledge of his Government, and avails himself [etc.]

VON JAGOW

GERARD

File No. 763,72112/1574

The Secretary of State to the Consul General at London (Skinner)

No. 420]

WASHINGTON, September 22, 1915.

SIR: The Department has received your despatch No. 664 of August 17, 1915,¹ together with its enclosure, relative to the demand upon claimants to refrain from asking for compensation, and approves of the tenor of the communication addressed by you to the procurator general.

I am [etc.]

For the Secretary of State:

WILBUR J. CARR

File No. 763.72/2143

The German Ambassador (Bernstorff) to the Counselor for the Department of State

J. Nr. A 5764]

CEDARHURST, N. Y., September 22, 1915.

[Received September 23.]

MY DEAR MR. POLK: It gave me very great pleasure to hear that you have been appointed Counselor for the Department of State. I hope that the pleasant private relations we always had, will be continued now that I will have the privilege of entertaining official relations with you. I beg to add that the Imperial Government

¹Ante, p. 546.

is very pleased that the Secretary of State decided to settle the questions relating to our submarine war with me and to discontinue the exchange of notes. The Imperial Government is further very much obliged to the Secretary of State for permitting an exchange of telegrams through the Department of State on the above-mentioned matter, because the negotiations have till now been extremely difficult on account of the impossibility for me to communicate quickly with my Government. Wireless telegrams always seem to arrive very late and are often, as you know, illegally intercepted. I should, therefore, be very thankful, if you would kindly transmit the enclosed telegram to Berlin, which contains nothing that does not refer to the negotiations pending between our two governments.¹ With many thanks in advance,

Very sincerely yours,

J. BERNSTORFF

File No. 763.72/2144

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

[Telegram]

BERLIN, September 22, 1915, 2 p. m.

[Received September 23, 2.17 p. m.]

2921. Our naval attaché had talk to-day with Admiral Holtzendorff, the new Chief of Naval Staff. Admiral said that Naval Department was now in complete accord with general Government and that instructions given to submarines were strict and would be carried out.

I think you will find that Bernstorff has wide discretion and is empowered to offer to refer compensation for loss American lives on *Lusitania* and *Arabic* to Hague; that he will state that submarines have strict orders not to torpedo liners without warning and before passengers and crews in boats and that in all cases of doubt torpedo not to be fired; that these instructions as to cases of doubt possibly did not reach commander of submarine which sank *Arabic* as instructions were sent by wireless; think also Bernstorff empowered to state that *Arabic* might not have intended to ram. You will probably have some difficulty about disavowal of act of commander of submarine which sank *Arabic*, but convinced Germany intends to settle whole matter now.

GERARD

Reports of Advantages Gained by British Trade under the Orders in Council

File No. 763.72112/1627

Stanley Jordan and Company to the Secretary of State

NEW YORK, September 21, 1915.

DEAR SIR: The enclosed clipping is from the *New York Times* of this morning, and purports to be a summary of a report by our Consul General in London.

¹ Cipher telegram enclosed (not printed) forwarded to the Ambassador in Germany for transmission to the Foreign Office, September 23.

We have suffered, as have all import and export merchants, through the burdens of restrictions of Great Britain on our trade with neutral countries. The foreign trade advisers have helped us as best they could, and we have succeeded through their good offices in getting forward certain parcels of merchandise, of which the title was already vested in us, of German and Austrian origin stored in Rotterdam. We feel however, that the condition as given in Mr. Skinner's report, is a very different one than that which would arise from a blockade, even if the latter were legally extended to prevent the export or import of merchandise from or to Germany and Austria through neutral ports. When it seems to be an absolute fact that British merchants are trading with neutral countries, and almost certainly indirectly with their enemies, it is an unmitigated outrage that American merchants should be interfered with in their proper and legitimate business dealings. We have sympathized with the difficulties before our State Department, and the diplomatic problems which have been met and solved have been so treated that the admiration of every thinking American must have been excited, and a proper pride taken in the fact that American diplomacy has taken such a high position in the world to-day. But it does really now seem as if our patience with British interference might give way to a more forceful and insistent attitude.

Our export business to the countries contiguous to Germany has been now reduced to a spasmodic trade, which is so surrounded by restrictions that we feel, in our legitimate efforts to obtain business, as if we were smugglers engaged in some illicit traffic.

In conclusion, may we remind you that through the foreign trade advisers we submitted documentary evidence which showed conclusively that a permit had been issued by the British Government to a firm in London for the import of certain goods which we were not permitted to ship at that time from Rotterdam, and that the goods in question were actually imported by the London firm in this market, with the words "American property" endorsed upon the face of the bill of lading and entered here under a consular invoice, which was distinctly not in accordance with the facts in the transaction. The facts in this matter were impressed rather forcibly upon us because the goods in question belonged to us, were imported under our original shipping marks and numbers, and the difference in value between the price at which we contracted to buy them and that of the market at time of arrival here, was about \$12,000.

We hope to hear from you in regard to this matter of such vital importance to our entire export trade, and remain,

Very respectfully yours,

STANLEY JORDAN AND COMPANY

[Enclosure—Extract]

Article from the "New York Times" of September 21, 1915

WASHINGTON, September 20. Strange things of perhaps international significance are happening in the cocoa trade, according to a special report received at the State Department from Consul General Robert P. Skinner at London.¹ The United States has heretofore enjoyed a large trade in this staple in

¹Printed in *Commerce Reports* (pub. by Department of Commerce), August 30, 1915, No. 203, v. 3, p. 1055.

northern Europe. New York City alone usually takes the raw cocoa crop of Santo Domingo and markets it in Europe.

This year it seems that Great Britain is doing this on its own account, and the American trade has disappeared. Mr. Skinner quotes the statistics of Great Britain's cocoa trade with the Baltic countries to show that where England a year ago had no trade at all in this line, that country now has practically a monopoly.

Mr. Skinner says, where exportation from this country to the smaller neutral countries of northern Europe is attended with difficulty and hazard, all similar goods are going forward from England without trouble. In cocoa, for example, England shipped into these countries, he says, during July, 7,039,067 pounds without any difficulty, whereas in the same month of 1914 her entire export of cocoa was only 1,283,585 pounds.

In tobacco England is doing an enormous business, according to Mr. Skinner. The exports in July were 6,664,880 pounds,¹ as compared with 351,809 pounds in the same month of 1914.

File No. 641.00/10

*Monthly trade report by the Consul General at London (Skinner),
September 9, 1915²*

[Extracts]

[Received September 22, 1915.]

The trade and navigation returns of the United Kingdom covering eight months of the year, including August, show that the foreign trade has recovered substantially from the conditions revealed in returns for the month of August 1914. . . . It is especially interesting to observe that the severe check to exports, particularly of foreign and colonial products, which marked the first months of the war, has been overcome, and the reexports of these articles now show heavy increases which began in April last and have shown signs of accentuation in each succeeding month.

A further index to the steadily increasing control of certain classes of trade by British merchants will be found in statistics setting forth the quantities of the principal articles of imported merchandise remaining in the bonded warehouses of the United Kingdom or entered to be warehoused on August 31, 1915, as compared with the quantities on the same date of 1914 and 1913:

	1913	1914	1915
Chicory (cwt.)-----	11,000	7,000	92,000
Cocoa, raw (lb.)-----	23,874,000	32,223,000	56,461,000
Cocoa, prepared (cwt.)-----	8,000	11,000	9,000
Coffee (cwt.)-----	299,000	416,000	888,000

All the articles of trade already referred to are exported under permits from the British Government itself, which, while forbidding exports from neutral countries by various measures with which the public has become familiar, has made it possible that the trade of British merchants in the same goods shall increase steadily. . . . The figures show that the exports under the heads given are abnor-

¹ Should read 6,064,809 pounds.

² This report was not printed in *Commerce Reports*, as were the two preceding ones of similar character (see footnote 2, *ante*, p. 479, and footnote 1, *ante*, p. 554). Because of its length, consisting, like the others, mainly of statistical tables, it is not here reproduced *in extenso*.

mal and can only be attributed to the application of war measures intended, in the first instance, for defensive purposes, but extending practically very great advantages to British traders. . . .

File No. 841.857/40

The Consul at Cork (Frost) to the Secretary of State

[Telegram]

QUEENSTOWN, *undated.*

[Received September 24, 1915, 8 a. m.]

Anglo-Columbian, British horse transport, Montreal to England, torpedoed after chase 78 miles, off Fastnet, 9.30 this morning. Fair warning and time to take boats given. Six Americans in crew. No casualties.

FROST

File No. 841.857/41

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

[Telegram]

BERLIN, September 24, 1915, 1 p. m.

[Received September 25, 1.30 p. m.]

2930. My 2891.¹ I have received further note from the Foreign Office reading as follows:

BERLIN, September 23, 1915.

In supplement to the note of the 13th instant the undersigned has the honor to communicate the following to his excellency Mr. Gerard, Ambassador of the United States of America.

According to the investigation concluded in the meantime by the Admiralty Staff of the Imperial Navy it is now established with certainty that a German submarine is not concerned in the attack on the English passenger steamer *Hesperian*. On the other hand from quite reliable reports at hand here drifting mines were sighted after the *Hesperian* sank in the maritime area in question which are not of German origin.²

The undersigned requests his excellency the Ambassador to bring the above to the knowledge of the American Government and avails himself [etc.]

VON JAGOW

GERARD

File No. 763.72112/1631

The Consul General at London (Skinner) to the Secretary of State

[Telegram]

LONDON, September 27, 1915.

[Received 5.30 p. m.]

Packers proposed to-day *Vitalia* cargo be forwarded Rotterdam to which port goods were originally consigned to Netherlands Trust,

¹Ante, p. 548.

²See despatch No. 1843, November 1, to the Ambassador in Great Britain, *post*, p. 607.

there to remain in storage and resold only under special resale licenses from trust, subject to British approval. Procurator refuses this request and active discharge of cargo begins to-morrow.

SKINNER

File No. 763.72112/1531

The Acting Secretary of State to the Ambassador in Great Britain
(Page)

[Telegram]

WASHINGTON, *September 27, 1915.*

2178. Your 2851, September 23.¹ Department agreeable to simultaneous publication of Embassy's memorandum of June 3, and Foreign Office note August 13,² morning press Saturday, October 2. Cable if this date satisfactory.

POLK

File No. 763.72112/1634

The Ambassador in Great Britain (Page) to the Secretary of State

[Telegram]

LONDON, *September 27, 1915.*

[*Received September 28, 8 a. m.*]

2869. The following note dated September 24 has to-day been received from Foreign Office:

I have the honour to refer to my note of the 13th August,³ relative to the reports made by the United States Consul General in London as to the increase in British exports to northern European ports since the outbreak of war.

Since that date my attention has been called to the publication in the *Commerce Reports* issued by the Bureau of Foreign and Domestic Commerce of the United States Department of Commerce of reports on British foreign trade by Mr. Consul General Skinner which convey the impression that His Majesty's Government are attempting by one means or another to capture for the British Empire the legitimate trade of the United States; this at any rate is the impression which it appears to have conveyed to a large section of the press in the United States, where attention has been particularly drawn to the following passage in Mr. Skinner's report on British trade for July last: "It continues to be the case that many classes of goods, the exportation of which from the United States to neutral countries is continued with great difficulties and hazards, are going forward freely from Great Britain to the same countries and in some cases in largely increased quantities."⁴

I need hardly say how injurious these allegations are to the good name of His Majesty's Government who have endeavoured by the systematic prohibition of exports from the United Kingdom and every other means in their power to make it clear to all neutral countries that they are in no way discriminated against by the belligerent measures enforced against the oversea trade of Germany and her allies.

His Majesty's Government are therefore anxious without further delay to publish the memorandum which your excellency was good enough to communicate to me on the 3d June last⁴ regarding the desire of the United States Consul General in London to be furnished with figures showing the amount of cocoa

¹ Not printed.

² *Ante*, pp. 511-15.

³ *Commerce Reports*, August 30, 1915, No. 203, vol. 3, p. 1055.

⁴ *Ante*, p. 514.

exported from Great Britain to the Netherlands, Denmark, Sweden, Norway, and Italy during the first four months of this year as compared with the same period in 1914 and 1913, together with the note which I had the honour to address to your excellency on the 13th ultimo showing the general position as regards the increases in British exports during the first five months of 1915 as compared with the increases in exports from the United States during the same period.

The question of the publication of this correspondence has now been the subject of informal communication between the United States Embassy and this Department for more than a month and I have no doubt that your excellency will realize the importance which His Majesty's Government attribute to this publication in view of the adverse comments on the policy of the Allies which have appeared in the press in the United States of America. I have therefore the honour to ask your excellency to press upon the United States Government the urgency of this matter.

His Majesty's Government will evidently be compelled to publish this correspondence at an early date and would be reluctant to do so without having received the assent of the United States Government who will no doubt realize how essential it is in the interest of this country that both sides of the case should receive equal publicity in the United States and the United Kingdom.

The British Government betray much feeling about this often-repeated accusation and hitherto silence concerning their request to publish the above-referred-to correspondence is creating a bad impression. I have asked Skinner to give me facts in any concrete case and up to this date no concrete case of this sort against the British Government has been given to me or found by me fortified [by] definite facts. This situation is becoming serious. If we refrain from consenting to publication of Foreign Office note of August 13 they will publish it without our consent.

AMERICAN AMBASSADOR

File No. 763.72112/1642

The Ambassador in Great Britain (Page) to the Secretary of State

[Telegram]

LONDON, September 28, 1915.

[Received 8.05 p. m.]

2879. Your 2178, 27th. Saturday morning, October 2, satisfactory to British Government.

AMERICAN AMBASSADOR

File No. 763.72/2162

The Minister in Denmark (Egan) to the Secretary of State

[Telegram]

COPENHAGEN, September 28, 1915, 5 p. m.

[Received 8.10 p. m.]

174. I am credibly informed that through secret methods British destruction of German submarine boats shows remarkable progress. Evident German alarm.

AMERICAN MINISTER

File No. 763.72112/1664

The Consul General at London (Skinner) to the Secretary of State

No. 726]

LONDON, September 16, 1915.

[Received October 2.]

SIR: I have the honor to acknowledge the receipt of the Department's instruction No. 363, dated August 10, 1915,¹ suggesting that there is no objection to my undertaking to bring together a meeting of neutral shipping interests, provided my actions are entirely unofficial, with a view to improving shipping conditions generally.

The Department's instruction is based upon representations which I submitted on April 14 last,² since which time a considerable amelioration is noticeable in the situation in consequence of various understandings which, whatever may be said for them from the point of view of legal right, certainly have brought about a substantial decrease in the number of ships seized.

Under the circumstances it would seem to me perhaps a manifestation of excessive zeal if I now undertook to encourage a meeting of shipping interests. In any event, I realize from other circumstances that it is exceedingly difficult to pursue a line of action unofficially without sooner or later creating the impression in the minds of the British authorities that the action is to all intents and purposes official.

As the Department is aware, ships proceeding to Holland must depart with cargoes consigned to the Netherlands Oversea Trust, except as to certain arrangements which appear to permit the importation into Holland of tobacco and southern fruit as in normal times. In Denmark an arrangement has been come to with the Merchants Guild of Copenhagen very like that existing between this country and the Netherlands Oversea Trust. In Sweden an arrangement has been made with the Spinners Association for the forwarding of cotton and arrangements for the handling of general merchandise are now the subject of negotiation between the two governments. In Norway an arrangement is announced to-day whereunder cotton may be forwarded under certain circumstances.

Since these several countries have safeguarded their interests as best they can, it is not quite easy to see how we can advantageously reopen the discussion. Since the going into effect of the order in council of March 11, 1915, the number of detentions at Kirkwall, to which port practically all ships destined to neutral ports (except those of Holland) are diverted, has been from month to month as follows:

1915		
From March 11-31	-----	74
“ April 1-30	-----	114
“ May 1-31	-----	56
“ June 1-30	-----	46
“ July 1-31	-----	39
“ August 1-31	-----	37

Very few detentions occur nowadays arising out of ignorance of shippers, practically all of whom are entirely familiar with prevailing conditions. A very large proportion of steamers traversing

¹Ante, p. 505.²Ante, p. 373.

the Atlantic proceed to Kirkwall under orders and when captures are made, there is usually a suspicion, well or ill founded, that the master intended somehow to place his cargo within the control of the enemy.

I have [etc.]

ROBERT P. SKINNER

The German Note of October 5, 1915, Offering Disavowal and Reparation in the "Arabic" Case: Acceptance by the United States—Discussion of Adverse Decision of British Prize Court in the Packers' Cases—Note of October 12, 1915, to Germany Accepting Arbitration in the "Frye" Case

File No. 841.857Ar1/92

The German Ambassador (Bernstorff) to the Secretary of State

WASHINGTON, October 5, 1915.

MY DEAR MR. SECRETARY: Prompted by the desire to reach a satisfactory agreement with regard to the *Arabic* incident, my Government has given me the following instructions:

The orders issued by His Majesty the Emperor to the commanders of the German submarines—of which I notified you on a previous occasion—have been made so stringent that the recurrence of incidents similar to the *Arabic* case is considered out of the question.

According to the report of Commander Schneider of the submarine that sank the *Arabic*, and his affidavit as well as those of his men, Commander Schneider was convinced that the *Arabic* intended to ram the submarine. On the other hand, the Imperial Government does not doubt the good faith of the affidavits of the British officers of the *Arabic*, according to which the *Arabic* did not intend to ram the submarine. The attack of the submarine, therefore, was undertaken against the instructions issued to the commander. The Imperial Government regrets and disavows this act and has notified Commander Schneider accordingly.

Under these circumstances my Government is prepared to pay an indemnity for the American lives which, to its deep regret, have been lost on the *Arabic*. I am authorized to negotiate with you about the amount of this indemnity.

I remain [etc.]

J. V. BERNSTORFF

The Secretary of State to the German Ambassador (Bernstorff)

WASHINGTON, October 6, 1915.

MY DEAR MR. AMBASSADOR: I beg to acknowledge the receipt of your note of yesterday informing me that orders to the commanders of the German submarines have been made so stringent that the recurrence of incidents similar to the *Arabic* case is considered out of the question; that the attack on the *Arabic* was undertaken against the instructions issued to the commander of the submarine; and that the Imperial Government regrets and disavows this act and has notified Commander Schneider accordingly. Furthermore, you advise me that your Government is prepared to pay an indemnity for

the loss of American lives and that you are authorized to negotiate with me in regard to this indemnity.

In reply I hasten to inform you that I have noted with satisfaction the above assurances of your Government, and I am now prepared to negotiate with you concerning the amount of the indemnity. Steps will be taken at once to come in touch with the interested persons, after which I shall be pleased to communicate with you further in this matter.

I am [etc.]

ROBERT LANSING

File No. 763.72112/1702

Messrs. Henry Veeder, Charles J. Faulkner, jr., and Luther M. Walter, counsel for American packers, to the Secretary of State

WASHINGTON, October 6, 1915.

SIR: On September 6 [16?], 1915, in the High Court of Justice of Great Britain, judgment of confiscation as prize was pronounced on shipments of Armour and Company, Swift and Company, Morris and Company, and Sulzberger and Sons Company, composing part of the cargoes of the *Kim*, *Alfred Nobel*, *Björnstjerne Björnson*, and *Fridland*. This judgment and the principles upon which it was based, are so contrary to the established principles of international law, and so subversive of the rights of neutrals, that we, on behalf of these claimants, desire to submit for your consideration our comments thereon.

The judgment is unsupported by fact, and proceeds upon inferences and presumptions. Direct evidence on behalf of the American firms interested was given that none of said shipments had been sold, consigned, or destined to the armed forces or the government of any enemy of Great Britain. This evidence was wholly contradicted. The court, ignoring these established facts, and admitting that there was no precedent of the English courts justifying the seizure and condemnation of goods on their way to a neutral port, based its judgment of condemnation on the grounds:

- (1) That the goods were in excess of the normal consumption of Denmark, raised a presumption that they were destined for, i. e., eventually would find their way into, Germany.
- (2) That, owing to the highly organized state of Germany, in a military sense, there was practically no distinction between the civilian and military population of that country, and therefore there is a presumption that the goods, or a very large proportion of them, would necessarily be used by the military forces of the German Empire.
- (3) That the burden of proving that said goods were not destined for, i. e., would not eventually get into the hands of, the German forces, must be accepted and sustained by said American shippers.

That a larger quantity of goods than usual were being imported into Denmark is no proof that such goods, or such excess, was going to Germany. On a similar point, the same court, in the *Antares* case, March 8, 1915 (as reported in *Lloyd's List*), pointed out that

the export of American copper, for neutral countries contiguous to Germany, had increased, for a period during the war corresponding with a similar period before the war, from about seven millions to thirty-five millions, and the court said, "I am not saying for a moment that this is proof that this copper was intended for Germany."

Certainly such inference is not proof, and furnishes no grounds for any presumption that such goods were not to be sold in Denmark to buyers there, or were being shipped by the American firms to Germany for sale there. In the instant cases, the court allowed the claims of certain Danish buyers who had purchased goods from the American firms, without reference to whether the Danish buyers intended to resell such goods to Germany. Are we to understand that under this decision American shippers may not ship to their branches or agents or regular consignees in Denmark, and there sell to whomsoever desires to purchase, while Danish buyers may purchase the same goods from American firms and resell them in Denmark to any purchaser, whether German or otherwise? Is this the distinction upon which condemnation is to be pronounced by British prize courts?

The assumption of the court that, by reason of the highly organized state of Germany in a military sense, all distinction between the civilian and military population of that country has been abrogated, and that therefore goods going to Germany were necessarily for the use of the armed forces of that country, is not proof that the goods which were the subject of condemnation in the instant cases were destined by the American firms interested to the armed forces or government of the enemy of Great Britain. The judgment in this respect entirely abrogates the distinction between absolute contraband, such as munitions of war, and conditional contraband, such as foodstuffs. It holds that all foodstuffs going to Germany are subject to seizure because, owing to the highly organized state of Germany in a military sense, the distinction between civilian and military population of that country no longer exists.

This is wholly contrary and repugnant to the fundamental principles of international law and subversive of the rights of neutrals. It is repugnant to the principles announced by the Government of this country through the Department of State on August 15, 1914, as a guide for its citizens. It is repugnant to principles always upheld by Great Britain, and to the express action of Great Britain, wherein she had, through her several contraband proclamations, in effect at the time of the seizures in the instant cases, declared foodstuffs to be conditional contraband. It is contrary to the action of Great Britain in the case of the *Wilhelmina*, in which foodstuffs were consigned direct to a German port, and in respect to which Sir Edward Grey stated, in his note to this Government of February 9, 1915:

They [the British Government] have not, so far, declared foodstuffs to be absolute contraband. They have not interfered with any neutral vessels on account of their carrying foodstuffs, except on the basis of such foodstuffs being liable to capture if destined for the enemy forces or governments. In so acting they have been guided by the general principle, of late universally upheld by civilized nations and observed in practice, that the civil populations of countries at war are not to be exposed to the treatment rightly reserved for combatants.

Likewise, the judgment of the court that the burden of proof that the goods were not eventually to come into the hands of the armed forces or Government of Germany must be sustained by the American firms interested, is contrary to the well-established principle that the captor must justify his seizure by affirmative proof (*The Resolution*, 2 Dall. 19).

In a similar case, that of the *Arabia*, the cargo of which was seized and confiscated by the judgment of a Russian prize court upon similar reasons, Mr. John Hay, then Secretary of State, telegraphed to the Ambassador of the United States to Russia protesting against such decision, refusing to recognize the principles upon which it was based or the policy which it indicated, in the following language:

When war exists between powerful states, it is vital to the legitimate maritime commerce of neutral states that there be no relaxation of the rule—no deviation from the criterion for determining what constitutes contraband of war, lawfully subject to belligerent capture; namely, warlike nature, use, and destination. Articles which, like arms and ammunition, are by their nature of self-evident warlike use, are contraband of war if destined to enemy territory; but articles which, like coal, cotton, and provisions, though of ordinarily innocent [use], are capable of warlike use, are not subject to capture and confiscation unless shown by evidence to be actually destined for the military or naval forces of a belligerent.

This substantive principle of the law of nations can not be overridden by technical rule of the prize court that the owners of the captured cargo must prove that no part of it may eventually come to the hands of the enemy forces. The proof is of an impossible nature; and it can not be admitted that the absence of proof in its nature impossible to make can justify the seizure and condemnation. If it were otherwise, all neutral commerce with the people of a belligerent state would be impossible; the innocent would suffer inevitable condemnation with the guilty.

The established principle of discrimination between contraband and non-contraband goods admits of no relaxation or refinement. It must be either inflexibly adhered to or abandoned by all nations. There is and can be no middle ground. The criterion of warlike usefulness and destination has been adopted by the common consent of civilized nations, after centuries of struggle in which each belligerent made indiscriminate warfare upon all commerce of all neutral states with the people of the other belligerent, and which led to reprisals as the mildest available remedy.

If the principle, which appears to have been declared by the Vladivostok prize court and which has not so far been disavowed or explained by His Imperial Majesty's Government, is acquiesced in, it means, if carried into full execution, the complete destruction of all neutral commerce with the non-combatant population of Japan; it obviates the necessity of blockades; it renders meaningless the principle of the Declaration of Paris set forth in the imperial order of February 29 last, that a blockade, in order to be obligatory, must be effective; it obliterates all distinction between commerce in contraband and non-contraband goods; and is in effect a declaration of war against commerce of every description between the people of a neutral and those of a belligerent state.

This protest resulted in immediate relief to American commerce.

The judgment in the instant cases being based on principles so clearly at variance with those recognized both by the Government of the United States and hitherto by the Government of Great Britain—principles which do not admit of arbitration—we submit that, such judgment having been rendered, this Government should, without awaiting further appellate proceedings, take similar action to that taken by it in the case of the *Arabia* and make earnest protest against and refuse to recognize the judgment and the principles upon which it is based; and further make demand for reparation on be-

half of these claimants for their losses and damages growing out of the seizure, detention, and confiscation of the shipments.

Yours respectfully,

HENRY VEEDER
CHARLES J. FAULKNER, JR.
LUTHER M. WALTER

File No. 341.1158t2/183

The Secretary of State to the Ambassador in Great Britain (Page)

[Telegram]

WASHINGTON, *October 8, 1915.*

2241. Standard Oil Company complains to Department regarding detention steamer *Petrolite* which carried cargo illuminating oil and which has been detained at Kirkwall since September 29. Company represents that its steamers, after proceeding voluntarily to that port for examination, have repeatedly been detained without proper cause, and that on account of the shortage of ocean tonnage and for other reasons, such damages as might be paid to the company for such improper detentions cannot properly compensate it. The Department has observed from your telegram of October 2, 1915,¹ that the British Government informs you that the vessel is held pending inquiries regarding ultimate destination of certain items of her cargo. This cargo is subject to seizure only if a proper examination of the vessel has disclosed proper evidence indicating that the cargo was shipped to an enemy destination, and this Government does not admit the right of the British authorities to seize cargoes for the purpose of making inquiries with view to disclosing such evidence. Bring matter to attention Foreign Office in sense of foregoing and request prompt release of vessel unless British authorities have evidence indicating illegal destination of cargo.

LANSING

File No. 763.72112/1703a

The Secretary of State to the Consul General at London (Skinner)

[Telegram]

WASHINGTON, *October 8, 1915.*

Department informed that, in cases of seizure since blockade order in council, prize court proceedings are based both on violation of blockade and on suspected contraband character of goods. Investigate and report any cases in which both grounds of seizure are stated in same writ.

LANSING

File No. 763.72112/1696

The British Ambassador (Spring Rice) to the Secretary of State

No. 363]

WASHINGTON, *October 6, 1915.*

[Received *October 9.*]

SIR: I have the honour to inform you that I have received from my Government a copy of the communication, made to them by the

¹ Not printed.

American representative in England of the meat packers dated July 9, giving his version of the negotiations between His Majesty's Government and the packers with a view to a compromise on the question at issue between them.

On receiving Mr. Urion's communication, Sir Edward Grey caused a statement to be prepared giving an account of these negotiations based on the information in the possession of His Majesty's Government.

The packers have appealed against the decision of the prize court, and the cases of the other ships dealt with in the negotiations have not so far come before the prize court at all. The case is therefore still *sub judice*, and in ordinary circumstances it would be impossible for His Majesty's Government to issue any statement as to the unsuccessful negotiations which took place in the hope of settling it. As, however, the statement of the representative of the packers has apparently been communicated to your Department, it would seem to be advisable for His Majesty's Government to put you in possession of their own view of the negotiations. I have therefore the honour to communicate to you herewith copy of the statement in question.¹

As you will observe, Mr. Urion states that the packers maintained that they had the right to undertake the transactions in question as being "exports of foodstuffs to neutral countries": and that, having regard to the large sum involved and to the state of feeling in the United States, he regarded the decision of the prize court as of comparatively minor importance. Acting from this point of view he made certain demands which he describes in detail.

The British Government, on the other hand, had reason to believe that, as a matter of fact, the real destination of the consignments was an enemy government for the use of enemy forces, and that according to principles of law laid down by the United States courts these consignments were liable to confiscation. With a view, however, to an agreement designed to secure to the United States and other neutral countries the continuance of normal trade, while preventing the enemy forces from receiving war supplies, the British Government made certain proposals for a compromise. They contended that, even if the case were decided in favour of the packers, the evidence adduced was such that, according to the prize court rules which do not materially differ from those of the United States, the cargoes would merely be released as they stood, and that the sum obtained by the sale would amount to £1,300,000. But the basis proposed by them for the compromise was the payment of a round sum of £2,250,000 (including £682,000 to compensate the Danish buyers), against £2,073,284 (not including this item) demanded by the packers. This latter sum was calculated on the high prices ruling on the Continent in consequence of the German demand, which, as the British Government contends, could only have been obtained if the goods were forwarded to Germany.

The British statement contends that the demands of the packers could not be granted, as they were equivalent to a complete admission by the British Government that the seizure had been made without

¹ Not printed.

any reasonable ground for suspicion. The evidence in the possession of His Majesty's Government did not justify such an admission, and under these circumstances the negotiations came to an end and the case was proceeded with.

I have [etc.]

CECIL SPRING RICE

File No. 763.72/2183

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

[Telegram]

BERLIN, October 9, 1915, 2 p. m.

[Received October 10, 7.30 p. m.]

2990. Following official press [sic] appears in to-day's papers:

Foreign papers have for sometime been publishing statements as to German losses in submarine warfare, and the figures given of the losses have become larger and larger. Thus the New York service of the English wireless station at Poldhu places our losses of submarines on October 5 at sixty.

In contravention of this report, which is very greatly exaggerated for a definite purpose, we are authorized by the competent quarters to state that the actual losses of German submarines do not reach one fourth of the number given.

In publishing these figures of losses, foreign papers add that they assume that Germany was only compelled by her losses to restrict submarine warfare to a certain extent. To this we may reply that the number of submarines now available is considerably larger than at the beginning of the submarine warfare.

GERARD

File No. 763.72112/1710

The Consul General at London (Skinner) to the Secretary of State

[Telegram]

LONDON, October 11, 1915.

[Received 4.55 p. m.]

Department's 8th. Same writ called omnibus writ frequently covers seizure as suspected contraband and German destination; procurator proceeding under head best adapted as case develops. Procurator understands Ambassador has asked Foreign Office for same information, and therefore prefers not to make separate statement for this office.

SKINNER

File No. 763.72112/1711

The British Embassy to the Department of State

MEMORANDUM

It has been frequently suggested and sometimes actually asserted that the seizure of the cargoes consigned by the meat packers of Chicago to Copenhagen and other Scandinavian ports in the four ships which were the subject of the recent proceedings in the prize court and in the other ships in regard to which these negotiations have taken place, was a seizure effected under orders in council the

validity of which is disputed by the Government of the United States, the implication being that in some way these cargoes were seized under the order in council of March 11, 1915. It seems hardly necessary to point out that this was not so. The cargoes were seized for the greater part long before March 1915, and the ground for the seizure was that they were conditional contraband destined from the first by the packers who shipped them largely for the use of the armies, navies, and Government departments of Germany and Austria, and only sent to neutral ports with the object of concealing their true destination. This is a ground for seizure which has been asserted and upheld by none more strongly than American courts and the leading American authorities on international law for over fifty years. That foodstuffs on a ship bound for enemy territory may be seized and condemned if there can be shown to be (in the words of Lord Stowell) a "highly probable" destination for military or naval use has long been a universally recognized and admitted principle of international law, and it was the American courts which first insisted upon the further principle that, if that destination is shown, it does not matter that the goods were found upon a ship sailing to a neutral port. In the application of this doctrine—the doctrine of continuous voyage—the British Government had acquiesced at the time of the American Civil War; and the circumstances of modern warfare, the development of international trade, and the increase in the rapidity of and the facilities for transport, both by land and sea, have made the doctrine the more reasonable and indeed essential, if a belligerent is to be allowed to exercise at all his undoubted right of interrupting the supply of foodstuffs to his enemy's military and naval forces.

At the outbreak of the present war and up to the time when the German methods of warfare had, by their reckless disregard of all the principles of law hitherto recognized and all the dictates of ordinary humanity, made it necessary to adopt by way of retaliation measures calculated to cut off all German trade, it was open to neutrals to continue to supply the civil population of that country openly by consignments to named merchants and dealers in Germany, and if that course had been adopted the case would have assumed a very different complexion, and it would then have been, no doubt, for the British Government to establish that the consignees in fact were known to be engaged in supplying the German Government. This, however, was not the course adopted by the Chicago packers. Vast quantities of lard, meat, bacon, and oils, far in excess of any possible requirements of the Scandinavian countries, were shipped to Copenhagen in part to named consignees but for the greater part to the packers' own agents or their order, and it was from the first claimed that all these consignments were shipped on, or with a view to, *bona-fide* sales to neutrals. From the evidence, however, of cablegrams and letters in the possession of the British Government which were ultimately produced in court, it was clear that the packers' agents in these neutral countries, and also several of the consignees who purported to be genuine neutral buyers, were merely persons engaged by the packers on commission, or sent by the packers from their German branches, for the purpose of insuring the immediate transit of these consignments to Germany. The

whole scheme was disclosed in a series of letters from a Hamburg correspondent of Messrs. Cudahy, who was obviously in touch with the representatives in Hamburg and Rotterdam of practically all the packers. Agents and managers were sent from Germany to Copenhagen, where they established themselves in hotels; two of these agents formed themselves into a Danish importing company who had an enormous trade; the importance was emphasized of using the names of persons already in the provision trade; neutrals were induced, for a consideration, to lend their names as pretended consignees; careful instructions were given as to the names to be inserted in the bills of lading and other documents; and these agents kept the packers informed from time to time as to the prohibitions against export in the various neutral countries and as to the ports (including Genoa) to which it was most desirable to ship the goods. Some agents were found, on special instructions, to be moving about from place to place in Europe; and in one case the name of a German agent was in the cables changed to the innocent name of "Davis" when it was discovered that the original name was regarded as suspicious by the British censorship. The telegram showed orders given from Rotterdam for delivery to Copenhagen and Scandinavian ports, from Copenhagen for delivery to Swedish and Norwegian ports, and from Rotterdam and Copenhagen for delivery to Genoa; so that it obviously mattered little what the port of delivery was so long as it was conveniently situated for transit to Germany. Offers were, on special instructions, made in German currency, for the convenience, obviously, of German buyers. There were clear indications of consultation with the packers' German houses as to the ports to which goods should be sent. A special cable code was invented as to which, however, nothing more was disclosed than that "Arnhem" meant "ship to Copenhagen." Special and hastily devised arrangements were made for payment by the establishing of large credits in Scandinavian banks, arrangements which, from the urgency of the cables connected with them, were obviously no part of the ordinary course of the packers' business; and in some cases there were payments which clearly came directly or indirectly from Germany and from the Deutsche Bank. Indeed, it was stated to Messrs. Cudahy by their Hamburg correspondent that German bankers had evidently accumulated large balances in New York, Rotterdam, and Copenhagen; and as to the object of this there could be no doubt. There were indications sometimes of insurance of the goods in Germany, sometimes of precautions taken to insure in other than German companies; but with a few unimportant exceptions, no insurance policies were produced. The Holland-America Line was seen to be refusing the packers' shipments, for it required a guarantee against reexport to Germany which they could not give; and at an early stage the line was approached with a proposal that it should, for the convenience and greater safety of the packers, transfer some of its vessels to the American flag, a proposal to which it declined to accede. The consequence was that a special line was formed to engage in this trade. In spite of all this the pretense was stoutly kept up to the end that the whole business was *bona-fide* neutral trade, and that the packers had no interest beyond that of selling and consigning to neutral

buyers; and it was not till the actual trial that the admission was made on behalf of some of them that a large part of the goods was probably intended to go through to Germany. And there were strong indications that it was not merely a civilian German destination which was contemplated.

The German ports to which the goods were going, Hamburg, Lübeck, and Stettin, were all military or naval depots and headquarters of troops; the fat bacon, besides being of value for army rations was, as the British Government were informed, in such demand in Germany as being the raw material of glycerine, which is the most important constituent of explosives; the meat was packed suitably for army use, and indeed the case of the smoked bacon and Armour's tinned boiled beef was of the kind supplied or offered to the British Army; and on the case put forward by the packers, it was necessary to imagine that while engaged in supplying the armies of Great Britain, France, and Russia, they had by some inexplicable oversight omitted to turn their attention to the opportunities for enormous profits offered by Germany and Austria. Messrs. Cudahy's Hamburg correspondent expressly stated with regard to the cargo on the four ships whose cases were tried, that this information was that most of the goods had long ago been sold to Germany. He reported that Messrs. Morris's German agent was sceptical about the release of the *Alfred Nobel* cargo, as it was "too open-faced a case of the lard being intended for Germany," and that apparently this same German agent had suggested that the packers should make "a big noise" in the American press; and the picture drawn in these frank communications was one of German agents eagerly awaiting the release of their goods and calculating the prospects of their being promptly passed through Danish and Scandinavian ports to Germany. Yet in spite of all this the claim was put forward and firmly maintained to the end that everything that had been done was perfectly *bona-fide* trade, but documents, which could easily have been produced had this been true, were never forthcoming.

With perhaps a few minor exceptions the packers produced no contracts, no invoices, no insurance policies, and no cheques or other proof of sale or payments; their affidavits were in the most general terms and were put in at the very last moment, some of them even after the trial had begun, and no attempt was made by any written or other evidence to explain away the damning evidence of the telegrams and letters disclosed by the Crown. The inference was clear and irresistible that no such attempt could be made, and that any written evidence there was would have merely confirmed the strong suspicion, amounting to a practical certainty, that the whole of the operations of shipment to Copenhagen and other neutral ports were a mere mask to cover a determined effort to transmit vast quantities of supplies through to the German and Austrian armies. It is claimed, therefore, that the seizure of all the cargoes was amply justified by the facts known at the time, the facts subsequently discovered and disclosed, and the conduct of the packers throughout, and that the British Government required to call in aid nothing but the long-recognized and elementary principles of international law.

[Received October 12, 1915.]

File No. 462.11Se8/49

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

[Telegram]

WASHINGTON, October 12, 1915.

2291. You are instructed to present the following note to the German Minister of Foreign Affairs:

In reply to your excellency's note of September 19,¹ on the subject of the claim for damages for the sinking of the American merchantman *William P. Frye*, I am instructed by the Government of the United States to say that it notes with satisfaction the willingness of the Imperial German Government to settle the questions at issue in this case by referring to a joint commission of experts the amount of the indemnity to be paid by the Imperial German Government under its admitted liability for the losses of the owners and captain on account of the destruction of the vessel, and by referring to arbitration the question of the interpretation of treaty rights. The Government of the United States further notes that, in agreeing to this arrangement, the Imperial German Government expressly states that in making payment it does not acknowledge the violation of the treaty as contended by the Government of the United States, and that the settlement of the question of indemnity does not prejudice the arrangement of the differences of opinion between the two governments concerning the interpretation of the treaty rights. The Government of the United States understands that this arrangement will also be without prejudice to its own contention in accordance with the statement of its position in its note of August 10 last² to your excellency on this subject, and the Government of the United States agrees to this arrangement on that understanding. Your excellency states that the Imperial German Government believes that the nomination of an umpire should be dispensed with, because it has been the experience of the Imperial German Government that the experts named in such cases have always reached an agreement without difficulty, and that should they disagree on some point, it could probably be settled by diplomatic negotiation. The Government of the United States entirely concurs in the view that it is not necessary to nominate an umpire in advance. It is not to be assumed that the experts will be unable to agree, or that if they are, the point in dispute can not be settled by diplomatic negotiation, but the Government of the United States believes that in agreeing to this arrangement it should be understood in advance that in case the amount of indemnity is not settled by the joint commission of experts or by diplomatic negotiation, the question will then be referred to an umpire if that is desired by the Government of the United States.

Assuming that this understanding is acceptable to the German Government, it will only remain for the Government of the United States to nominate its expert to act with the expert already nominated by the German Government on the joint commission. It seems desirable to the Government of the United States that this joint commission of experts should meet without delay as soon as the American member is named and that its meetings should be held in the United States, because, as pointed out in my note to you of April 30 last, any evidence which the German Government may wish to have produced is more accessible and can more conveniently be examined there than elsewhere.

With reference to the agreement to submit to arbitration the question of treaty interpretation, the Government of the United States notes that in answer to its inquiry whether, pending the arbitral proceedings, the German Government will govern its naval operations in accordance with the German or American interpretation of the treaty stipulations in question, the reply of the German Government is that it "has issued orders to the German naval forces not to destroy American merchantmen which have loaded conditional contraband even when the conditions of international law are present, but to permit them to continue their voyage unhindered if it is not possible to take them into port," and that "on the other hand, it must reserve to itself the right to destroy vessels carrying absolute contraband whenever such destruction is permissible according to the provisions of the Declaration of London."

¹Ante, p. 551.²Ante, p. 504.

Without admitting that the Declaration of London is in force, and on the understanding that the requirement in Article 50 of the declaration that "before the vessel is destroyed all persons on board must be placed in safety" is not satisfied by merely giving them an opportunity to escape in lifeboats, the Government of the United States is willing, pending the arbitral award in this case, to accept the Declaration of London as the rule governing the conduct of the German Government in relation to the treatment of American vessels carrying cargoes of absolute contraband. On this understanding the Government of the United States agrees to refer to arbitration this question of treaty interpretation.

The Government of the United States concurs in the desire of the Imperial German Government that the negotiations relative to the signing of the *compromis* referring this question of treaty interpretation to arbitration under the provisions of Article 52 of the Hague arbitration convention, should be conducted between the German Foreign Office and the American Embassy in Berlin, and the Government of the United States, will be glad to receive the draft *compromis*, which you inform me the Foreign Office is prepared to submit to the American Ambassador in Berlin. Anticipating that it may be convenient for the Imperial German Government to know in advance of these negotiations the preference of the Government of the United States as to the form of arbitration to be arranged for in the *compromis*, my Government desires me to say that it would prefer, if agreeable to the Imperial Government, that the arbitration should be by summary procedure, based upon the provisions of Articles 86 to 90, inclusive, of the Hague arbitration convention, rather than the longer form of arbitration before the Permanent Court at The Hague.

Arrange for simultaneous publication of this note at earliest date which will give you time to notify the Department.

LANSING

File No. 763.72112/1740b

*The Secretary of State to the Ambassador in Great Britain (Page)*¹

[Telegram]

WASHINGTON, October 13, 1915.

2272. Reported British authorities have notified transatlantic steamship companies that future shipments foodstuffs from the United States will be seized unless before acceptance [of] such shipments, companies report to London names consignor and consignee, and description goods, and obtain permission to carry shipments. Investigate thoroughly and telegraph report.

LANSING

File No. 300.115/5561

The Consul General at Hamburg (Morgan) to the Secretary of State

No. 350]

HAMBURG, September 23, 1915.

[Received October 14.]

SIR: I have the honor to transmit, herewith enclosed, a copy and translation of the decision of the supreme prize court in the case of the steamer *Glitra*. As the Department will observe, the decision of the lower court, which was against the claimants, has been affirmed.

It is the opinion of attorneys in Hamburg with whom I have spoken that this decision could not be regarded as a precedent for

¹The same to the Minister in Denmark, No. 43, October 13.

the claims of American citizens having claims for merchandise destroyed on the steamers *Indian Prince*, *Indrani*, and others, as the principal question still to be decided is whether or not the claimants are entitled to indemnity under existing treaties between the United States and Prussia. It is my opinion, however, that the decision of the lower court will be affirmed.

I have [etc.]

HENRY H. MORGAN

[Enclosure—Translation]

DECISION OF THE GERMAN SUPREME PRIZE COURT IN THE CASE OF THE "GLITRA"

In the prize case concerning the English steamer *Glitra*, native port Leith, the Imperial supreme prize court, Berlin, in its sitting of July 30, 1915, in which the following gentlemen took part:

President:

Secret Counsel, Dr. Hoffmann

Assessory judges:

Counsel of the High Court, Brodmann

Counsel of the Supreme Court, Dr. Buresch

Secret Counsel of the Legation, Dr. Lentze

Frigate Captain, Baron Buelow

Managing Director of the North German Lloyd, Heineken

Merchant, Eichenberg

Imperial commissioner:

Admiral Borckenhagen

Recorder:

Clerk Secretary Krupka

passed the following judgment:

The appeals of the claimants named under Nos. 9 and 12 of the disputed judgment were rejected as inadmissible; the appeals of the other claimants were rejected as unfounded.

The costs of the appeal are to be borne by the claimants.

Approved of by the court.

REASONS

On October 20, 1914, the steamer *Glitra*, belonging to the firm of Salversen and Company, in Leith, and bound with a cargo of piece goods from Leith to Stavanger, was brought up by H. M. submarine *U-17* on 50° 4' north latitude, and 5° 14' east longitude, and sunk together with her cargo, after the crew had left the ship. In reply to the request of the prize court, according to section 26, P. G. O. [*Prisen-Gerichts-Ordnung*], the thirteen parties mentioned in the disputed judgment as possessing interests in the cargo, claimed compensation on account of the destruction of their property. The claimants are partners of Norwegian firms; only the claimant under No. 2 is a Danish insurance company, representing the rights of its Norwegian insurer.

The prize court decided that the ship sunk was liable to seizure, and rejected the reclamations.

The appeal laid in against this judgment is unfounded.

In the first place the prize court ascertained that without doubt the *Glitra* was an English ship, and that according to the circumstances the destruction of the ship was necessary, in order to insure capture. It left the question undecided, whether the goods for which claims for indemnification were raised, belonged to neutrals, because it came to the conclusion, that even if this were to be answered in the affirmative, a claim for compensation did not exist. As reason for this it is stated that the question under discussion is not decided either in the prize regulation or in international contracts, namely, not in the London declaration, as is clear from this itself, and the history of its origin. Opinions are divided. In the French memorial it is declared that neutral cargoes have no claim for compensation, because, if the captor considers the destruction of the prize as necessary for military reasons, it is an act of war; whilst the English memorial acknowledges the claim, if it is not for contrabands, because a non-prohibited cargo on board a hostile ship is not liable to seizure. The leading treatise for the preparatory discussion:

Is the owner of certain goods, forming part of the cargo of a vessel destroyed, entitled to claim indemnity, considering the principle that neutral goods shipped on vessels flying an enemy's flag are not subject to seizure, or is the destruction of the ship in such cases an "act of war" which does not obligate the belligerent nations to the granting of an indemnity?

was debated, without an understanding being arrived at. Quite the predominating point of the debates was the question of the admissibility of the destruction of neutral vessels, which were liable to seizure. In limitation of this case, Germany was in favor of allowing the neutrals' right to indemnity for goods not liable to seizure.

Only Japan uttered an opinion on the case of neutral goods on board a destroyed hostile vessel, namely, in conformity with the standpoint taken by England. There is nothing to support the opinion that Germany nevertheless under these circumstances should have wanted to support the principle in the prize regulation, that also in the case of the destruction of a hostile ship, the neutral cargo has a claim for compensation. An argument in favor of this might at the most be found in Z. 114, P. O. [*Prisen-Ordnung*], as it is here apparently presumed, when a vessel is destroyed, that compensation is always to be given for the codestruction of the non-seizable portion of the cargo. The argument is however not sufficiently convincing. The supposition is evident that Z. 114 only treats of the destruction of neutral ships, the preceding and following regulation of the P. O. also referring to this case.

This is to be agreed to in the issue.

The question is whether in the case of legal destruction of a hostile ship, compensation is to be given for the goods of neutrals, which are lost together with the ship. It is clear that an express instruction as to this is neither contained in the prize regulation nor in the London declaration; but even indirectly, the P. O. has not stated anything about it. The claimants seek to find such an instruction in Z. 114, P. O. The judge of the previous instance was right in rejecting this, even if his reasons are not always to be agreed with. The commander is herein instructed, before he decides upon the destruction of a ship, to consider whether the injury done to the enemy balances the compensation to be paid for the destruction of the non-seizable portion of the cargo. At the same time, reference is made in brackets, amongst other things, to Z. 18, which deals with the bringing up of hostile ships, and decides which portion of the cargo is likewise liable to seizure. This gives, indeed, the idea as if in Z. 114, the compiler of the prize regulation takes the standpoint that even in the case of the destruction of a hostile vessel, indemnity is to be paid for the non-seizable portion of the cargo. It must also be allowed that this reference confuses the way which the previous instance wishes to take, if it presumes that Z. 114, as well as the preceding and following regulations, only refer to the destruction of neutral ships. Nevertheless the importance cannot be given to this instruction which the claimants wish. Thus understood, it would to a certain extent contradict what the P. O. prescribes in the immediately adjoining number. As is clearly shown here, the P. O. does not take the standpoint that compensation is to be given in every case for the destruction of goods not liable to seizure; for, in the case of the legal destruction of a neutral ship, compensation is only prescribed for the codestruction of non-seizable goods, in so far as they are neutral goods, but not for hostile ones, which under the protection of the neutral flag were likewise not liable to seizure. In addition there are also hostile vessels, which are not liable to be brought up, and therefore also not to be seized, so that if by chance—for instance, on account of a pardonable error—such a one should nevertheless once be destroyed, the question might arise whether on account of the compensation to be paid for codestroyed values, a distinction should not be made between neutral and hostile property, for which reason it might seem advisable to instruct the commanders of men-of-war to take into account such considerations as are laid down for them in Z. 114. Above all things it is of paramount importance that Z. 114 is not *sedes materiae*, and that therefore, even supposing that the compiler of the law was of the opinion that also in the case of the legal destruction of a hostile ship, claims for compensation could be sustained for neutral goods, it would be incorrect to see in this a positive decision of this at least doubtful, at all events disputed, but still open, question.

As Wehberg, Austria (*Zeitschrift fuer oeffentliches Recht*, II, 3, p. 282), correctly points out, it is going too far when Heilfron (*Jur. Wochenschrift*, 1915, p. 486) only wishes to give to the prize regulation the importance of a command given by the Kaiser to the commanding officers of the Navy. The P. O. contains to a great extent positive law; but just with regard to the question under dispute, Heilfron's characterization is correct. This Z. 114 is indeed only a command to the commanders of men-of-war. The commander in chief of the war but not the legislator speaks. It does not desire to give material law and does not do so.

Thus obliged to revert to the most general legal principles in connection with the universal laws of war, it is absolutely evident that a claim of the neutrals does not exist, if the destruction of the prize was justified by circumstances (Z. 112 prize regulations).

The bringing up and capture of hostile ships is an admissible act of war against other States, which is sanctioned by international law. Claims for compensation, either from members of hostile or neutral states, can not arise in every case. It is true that according to Article 3 of the Declaration of Paris, neutral property (which is not contraband) cannot be seized even on hostile ships. Therefore it is not even liable to seizure if the ship is brought into port. But there is no question of the parties interested in the cargo having a claim for compensation on account of the injury caused by the bringing up of the ship, the interruption of the voyage, or the conveyance to a different destination to what was intended. There is also just as little claim for compensation if the goods themselves suffer injury in consequence of the seizure of the ship; for instance, if on account of an accident they are lost during the subsequent voyage of the prize. Since seizure is a legal act, there is no legal basis whatever for the inclusion of the injury, which the neutrals have, moreover, themselves caused by entrusting their property to an endangered ship. Therefore, since it was a legal act of war, there is no legal basis for the inclusion of the injury, even if the goods are lost through a war measure, directed against the ship, when owing to circumstances, they must necessarily also be directed against the cargo.

The legal question, which here comes into play can also arise under the conditions of land war. It can happen and will often happen, that, for instance, during the bombardment of a fortified or defended place, the property of neutrals also may be injured. But even in land war, where private property is much more protected than in sea war, there can be no question in such a case of a liability on the part of the belligerent states to indemnify even the neutrals. (Geffcken bei Heffter, *Voelkerrecht*, sec. 150, note 1 (incorrect, at least insufficient, viz., the text by Heffter); Calvo, *Droit international*, IV, 2250-52; Bonfilis, *Voelkerrecht*, 1217; Bordwell, *Law of War* p. 212.)

In regard particularly to the conditions of sea war, however, Article 3 of the Declaration of Paris gives neither protection in general nor in particular to neutral property against the actions of the belligerents, caused by the necessities of war. That against which the above-named Article 3 desires to give protection is the prize law, to which up to the Declaration of Paris also neutral property on a hostile ship was subject. What the necessities of war demand must be allowed to take place, whether neutral property is on board the ship or not. If according to Article 2 of the Declaration of Paris, the neutral flag protects hostile property, this does not mean, that *vice versa* neutral property protects the hostile ship: protects it, it is true, only against destruction, but thereby in innumerable cases against every exercise of the prize law.

So far as can be seen up to the most recent time nobody has disputed this. (Compare: Entsch. des franz. Conseil d'Etat vom 21 mai 1872 bei Dalloz, *Jurisprudence générale*, 1871, III, No. 94 in der Prisenache *Ludwig und Vorwaerts*; Dupuis, *Le droit de la guerre maritime*, 1899, p. 334; De Boeck, *De la propriété ennemie privée sous pavillon ennemie*, sec. 146; Bordwell, *Law of War*, p. 226; Wheaton, *International Law*, 4th ed., p. 507, sec. 359e; Oppenheim, *International Law*, II, 201, ff.; Calvo, *Droit international* V, 3033, 34; Hall, *International Law*, 5th ed., p. 717 f.)

The claimants' assertion, that the decision of the French prize court in the case of *Ludwig und Vorwaerts* was almost universally attacked in literature has, apart from the quotations from the newest literature (Wehberg and Schramm, the quotation Hall, p. 187—see above—is incomprehensible), remained unproved, must be regarded as incorrect. Only most recently, particularly in Germany, has there arisen a view of the theory, which universally in the case of the destruction of non-seizable goods—positively, or in as far as

it is a case of neutral goods—prescribes obligation of giving compensation as highest principle. (Compare Schramm, *Prisenrecht*, p. 338 f.; Wehberg, *See-kriegsrecht*, p. 297, Anm. 3 and 4, and Austrian *Zeitschrift fuer oeffentliches Recht* a. a. O.; Rehm, *Deutsche Juristenzeitung*, 1915, p. 454.) Thereby the general obligation of giving compensation is felt as a preconception of something self-understood. A reason is not given, and where it is subsequently attempted to bring one forward, it does not appear convincing when compared with the above arguments. Even the argument that land war must be locally confined to the territories of the belligerents, whilst the ship sails over the wide seas, cannot alter the finality of the latter. The hostile ship is subject to attack everywhere on the high seas, and eventually to defeat, in conformity with the perhaps regrettable, at all events, valid state of international law. Finally, as soon as she is on the high seas, she becomes a portion of the territory of her state, into which the neutral has brought his goods of his own free will, having loaded them on board a belligerent's vessel for the purpose of conveyance over the sea.

Finally, it is no defect in the proceedings, that, as censured in the appeal, the prize court omitted to decide whether the goods, which are the object of the reclamations, are liable to seizure or not. It is the object of section 1. P. G. O., to exactly stipulate the subject of the jurisdiction of the prize court, and if it is prescribed in section 2 on this account, what the decision must embrace, this only serves to draw the boundary within which the court must remain; not, however, to prescribe that in each single case a decision must be passed concerning the questions named, if they are of no importance for the fate of the claims raised.

The claimants under 9 and 12, in spite of being requested to do so, did not pay the advance of costs which was demanded of them. It is therefore unnecessary to enter into the question of their legal claims.

HOFFMANN
BRODMANN

Certified:

BERLIN, September 17, 1915.

SCHAAF, *Rechnungsrat*,
Recorder of the Supreme Prize Court

File No. 763 72112/1729

The Consul General at London (Skinner) to the Secretary of State

[Telegram]

LONDON, October 14, 1915.

[Received 7 p. m.]

Board Trade decides to make final settlements purchased American cotton not covered by sale contracts, at market value at port of shipment at date of shipment, plus all expenses, including freight, insurance, war risk, and interest. In making settlements actual contracts made about same date will be taken as further guide to arrive at fair price to shippers.

SKINNER

File No. 841.857Ar1/97

The German Ambassador (Bernstorff) to the Secretary of State

[Translation]

A6385]

CEDARHURST, N. Y., October 15, 1915.

MR. SECRETARY OF STATE: I have the honor to submit herewith the affidavits of the American citizens James J. Curran, Charles D. Hightower, Bud Amerson Palen, Edward Clark, R. H. Cosby, J. M. Garret and Laramore Holland from which it appears that an Eng-

lish warship used the American flag in attacking a German submarine. I would further call to your excellency's attention the way and manner in which unarmed German sailors, struggling with death in the waves, were cruelly murdered by the British seamen. I further enclose affidavits of Bud Amersen Palen and Edward Clark which throw a peculiar light on the manner of English recruiting.¹

Accept [etc.]

J. BERNSTORFF

File No. 763.72112/1742

*The Minister in Denmark (Egan) to the Secretary of State*²

[Telegram]

COPENHAVEN, *October 16, 1915, 9 p. m.*

[*Received October 17, 9 a. m.*]

177. Referring to the Department's No. 43, 13th.³ The director of the Scandinavian American Line, just returned from London, confidentially informs me that the intention of the British Government was to stop all packers' goods in Great Britain. They therefore intimated that the Scandinavian American Line ought to avoid taking packers' goods in order to get their ships through. The director, however, refused to act upon this advice, partly because Scandinavia wants packers' goods, special laws being made to facilitate importation into Denmark, and partly because he had no right to stop any kind of *bona fide* goods unless the British Government would openly declare that under no circumstances would it pass. This, however, they objected to do, and company finally decided that booking of packers' goods should be brought to the attention of the British Government in London before shipping took place, that such goods which British authorities declare would come under seizure in Great Britain should not be taken on board.

Circumstances in British ports are such that removing of part cargo for prize court involves a stay of from one to two months, so that running of regular lines with passengers and mails becomes impossible when there is a risk of the ship's being detained for discharging of the seized goods.

AMERICAN MINISTER

File No. 811.0151/101a

The Secretary of State to the Ambassador in Great Britain (Page)

[Telegram]

WASHINGTON, *October 18, 1915, 6 p. m.*

2297. It has been reported to the Department that British Government has ordered British merchant vessels to arm themselves with small caliber guns manned by trained gunners, and instructed such armed vessels to ram and otherwise make unprovoked attacks

¹ Enclosures not printed.

² Communicated to the Ambassador in Great Britain, November 1, No. 2386.

³ See footnote 1, *ante*, p. 571.

on German submarine craft, and that such attacks have been made by these vessels, and submarines sunk as a result.

The Department has been furnished with several affidavits of Americans who witnessed the destruction of the German submarine which attacked the steamship *Nicosian*. From these it appears that a vessel flying the American flag and displaying it on the sides, and having the appearance of a merchantman, suddenly appeared, approached to within a short distance of the submarine, and began firing at the submarine with guns mounted behind screens, and that the attacking vessel turned out to be a British patrol ship commanded by naval officers, manned by marines, and armed for the purpose of attacking and destroying submarines.

Please bring the foregoing to the attention of Sir Edward Grey and express to him my earnest desire to have these statements either verified or denied.

It would seem that a distinction might be made between the use of a neutral flag as a *ruse de guerre* by a warship whose military character is unmistakable from the appearance of the vessel and by a merchant vessel which has no distinguishing marks of a military character, especially when peaceful merchantmen are allowed to carry arms ostensibly for defensive purposes. I am especially anxious to obtain full and complete official information on the above inquiries with a view to determine whether, if these reports prove true, it is not incumbent upon this Government to change its lenient attitude toward the arming of merchant vessels for defensive purposes. Recently the *Walmara*, a British vessel, entered Norfolk with one mounted gun on board and, in view of the above reports this Government refused to clear the vessel until the gun had been removed or until the British Government gave a formal assurance that it would not be used for other than defensive purposes. The case was closed by the gun being removed without prejudice to the principle involved.

LANSING

File No. 341.1158t2/193

The Ambassador in Great Britain (Page) to the Secretary of State

[Telegram]

LONDON, October 20, 1915.

[Received October 21, 8.15 a. m.]

3058. Your 2241, 8th, *re Petrolite*.¹ I am in receipt of note from Foreign Office which refers me to Sir E. Grey's note of February 10 on subject of detention of American cargoes cabled to Department in my 1627, February 11, and states that if innocent neutral trade is to be distinguished from enemy, it is essential that British Government should be entitled to make, and should make careful inquiry with regard to the destination of particular shipments of goods, even at the risk of some delay to the parties interested. Nine months further experience has only rendered it more and more evident that to rely exclusively on evidence found on board of vessels carrying con-

¹Ante, p. 564.

traband to neutral ports would render the acknowledged belligerent right of search and examination entirely nugatory, and that it is absolutely necessary to check and control the evidence so found in the light of information obtained from other sources.

AMERICAN AMBASSADOR

The Note of October 21, 1915, to Great Britain Contesting the Legality of Interferences with Neutral Ships and Cargoes

File No. 763.72112/1861a

The Secretary of State to the Ambassador in Great Britain (Page)

WASHINGTON, October 21, 1915.

SIR: I desire that you present a note to Sir Edward Grey in the sense of the following:

(1) The Government of the United States has given careful consideration to your excellency's notes of January 7, February 10, June 22, July 23, July 31 (2), August 13, and to a *note verbale* of the British Embassy of August 6, relating to restrictions upon American commerce by certain measures adopted by the British Government during the present war.¹ This Government has delayed answering the earlier of these notes in the hope that the announced purpose of His Majesty's Government "to exercise their belligerent rights with every possible consideration for the interest of neutrals" and their intention of "removing all causes of avoidable delay in dealing with American cargoes" and of causing "the least possible amount of inconvenience to persons engaged in legitimate trade," as well as their "assurances to the United States Government that they would make it their first aim to minimize the inconveniences" resulting from the "measures taken by the Allied Governments," would in practice not unjustifiably infringe upon the neutral rights of American citizens engaged in trade and commerce. It is, therefore, a matter of regret that this hope has not been realized, but that, on the contrary, interferences with American ships and cargoes destined in good faith to neutral ports and lawfully entitled to proceed have become increasingly vexatious, causing American shipowners and American merchants to complain to this Government of the failure to take steps to prevent an exercise of belligerent power in contravention of their just rights. As the measures complained of proceed directly from orders issued by the British Government, are executed by British authorities, and arouse a reasonable apprehension that, if not resisted, they may be carried to an extent even more injurious to American interests, this Government directs the attention of His Majesty's Government to the following considerations:

(2) Without commenting upon the statistics presented by His Majesty's Government to show that the export trade of the United States has increased in volume since the war began, further than to point out that the comparative values fail to take into account the increased price of commodities resulting from a state of war or to make any allowance for the diminution in the volume of trade which

¹Ante, pp. 299, 324, 443, 168, 495, 496, 511, and 501.

the neutral countries in Europe previously had with the nations at war, a diminution which compelled them to buy in other markets, I will pass directly to the matters which constitute the specific complaints of this Government.

(3) *First*. The detentions of American vessels and cargoes which have taken place since the opening of hostilities have, it is presumed, been pursuant to the enforcement of the orders in council, which were issued on August 20 and October 29, 1914, and March 11, 1915, and relate to contraband traffic and to the interception of trade to and from Germany and Austria-Hungary. In practice, these detentions have not been uniformly based on proofs obtained at the time of seizure, but many vessels have been detained while search was made for evidence of the contraband character of cargoes or of an intention to evade the non-intercourse measures of Great Britain. The question, consequently, has been one of evidence to support a belief of—in many cases, a bare suspicion of—enemy destination, or occasionally of enemy origin of the goods involved. Whether this evidence should be obtained by search at sea before the vessel or cargo is taken into port, and what the character of the evidence should be, which is necessary to justify the detention, are the points to which I direct your excellency's attention.

(4) In regard to search at sea, an examination of the instructions issued to naval commanders of the United States, Great Britain, Russia, Japan, Spain, Germany, and France from 1888 to the beginning of the present war shows that search in port was not contemplated by the Government of any of these countries. On the contrary, the context of the respective instructions shows that search at sea was the procedure expected to be followed by the commanders. All of these instructions impress upon the naval officers the necessity of acting with the utmost moderation—and in some cases commanders are specifically instructed—in exercising the right of visit and search, to avoid undue deviation of the vessel from her course.

(5) An examination of the opinions of the most eminent text writers on the laws of nations shows that they give practically no consideration to the question of search in port, outside of examination in the course of regular prize-court proceedings.

(6) The assertion by His Majesty's Government that the position of the United States in relation to search at sea is inconsistent with its practice during the American Civil War is based upon a misconception. Irregularities there may have been at the beginning of that war, but a careful search of the records of this Government as to the practice of its commanders shows conclusively that there were no instances when vessels were brought into port for search prior to instituting prize court proceedings, or that captures were made upon other grounds than, in the words of the American note of November 7 [1914], "evidence found on the ship under investigation and not upon circumstances ascertained from external sources."¹ A copy of the instruction issued to American naval officers on August 18, 1862, for their guidance during the Civil War, is appended.

(7) The British contention that "modern conditions" justify bringing vessels into port for search is based upon the size and sea-

¹ See *Foreign Relations*, 1914, Supplement, p. 339.

worthiness of modern carriers of commerce and the difficulty of uncovering the real transaction in the intricate trade operations of the present day. It is believed that commercial transactions of the present time, hampered as they are by censorship of telegraph and postal communication on the part of belligerents, are essentially no more complex and disguised than in the wars of recent years, during which the practice of obtaining evidence in port to determine whether a vessel should be held for prize proceedings was not adopted. The effect of the size and seaworthiness of merchant vessels upon their search at sea has been submitted to a board of naval experts, which reports that—

At no period in history has it been considered necessary to remove every package of a ship's cargo to establish the character and nature of her trade or the service on which she is bound, nor is such removal necessary. . . .

The facilities for boarding and inspection of modern ships are in fact greater than in former times; and no difference, so far as the necessities of the case are concerned, can be seen between the search of a ship of a thousand tons and one of twenty thousand tons—except possibly a difference in time—for the purpose of establishing fully the character of her cargo and the nature of her service and destination. . . . This method would be a direct aid to the belligerents concerned in that it would release a belligerent vessel overhauling the neutral from its duty of search and set it free for further belligerent operations.

(8) Turning to the character and sufficiency of the evidence of the contraband nature of shipments to warrant the detention of a suspected vessel or cargo for prize proceedings, it will be recalled that when a vessel is brought in for adjudication, courts of prize have heretofore been bound by well-established and long-settled practice to consider at the first hearing only the ship's papers and documents, and the goods found on board, together with the written replies of the officers and seamen to standing interrogatories taken under oath, alone and separately, as soon as possible and without communication with or instruction by counsel, in order to avoid possibility of corruption and fraud.

(9) Additional evidence was not allowed to be introduced except upon an order of the court for "further proof," and then only after the cause had been fully heard upon the facts already in evidence or when this evidence furnished a ground for prosecuting the inquiry further. This was the practice of the United States courts during the War of 1812, the American Civil War, and the Spanish-American War, as is evidenced by the reported decisions of those courts, and has been the practice of the British prize courts for over a century. This practice has been changed by the British prize court rules adopted for the present war by the order in council of August 5. Under these new rules there is no longer a "first hearing" on the evidence derived from the ship, and the prize court is no longer precluded from receiving extrinsic evidence for which a suggestion has not been laid in the preparatory evidence. The result is, as pointed out above, that innocent vessels or cargoes are now seized and detained on mere suspicion while efforts are made to obtain evidence from extraneous sources to justify the detention and the commencement of prize proceedings. The effect of this new procedure is to subject traders to risk of loss, delay, and expense, so great and so burdensome as practically to destroy much of the export trade of the United States to neutral countries of Europe.

(10) In order to place the responsibility for the delays of vessels and cargoes upon American claimants, the order in council of October 29, 1914, as pointed out in the British note of February 10,¹ seeks to place the burden of proof as to the non-contraband character of the goods upon the claimant in cases where the goods are consigned "to order" or the consignee is not named or the consignee is within enemy territory. Without admitting that the *onus probandi* can rightfully be made to rest upon the claimant in these cases, it is sufficient for the purposes of this note to point out that the three classes of cases indicated in the order in council of October 29 apply to only a few of the many seizures or detentions which have actually been made by British authorities.

(11) The British contention that in the American Civil War the captor was allowed to establish enemy destination by "all the evidence at his disposal," citing the *Bermuda* case (3 Wallace, 515), is not borne out by the facts of that case. The case of the *Bermuda* was one of "further proof," a proceeding not to determine whether the vessel should be detained and placed in a prize court, but whether the vessel, having been placed in prize court, should be restored or condemned. The same ruling was made in the case of the *Sir William Peel* (5 Wallace, 517). These cases, therefore, can not be properly cited as supporting the course of a British captor in taking a vessel into port, there to obtain extrinsic evidence to justify him in detaining the vessel for prize proceedings.

(12) The further contention that the greatly increased imports of neutral countries, adjoining Great Britain's enemies, raise a presumption that certain commodities, such as cotton, rubber, and others more or less useful for military purposes, though destined for those countries, are intended for reexportation to the belligerents who can not import them directly, and that this fact justifies the detention for the purpose of examination of all vessels bound for the ports of those neutral countries, notwithstanding the fact that most of the articles of trade have been placed on the embargo lists of those countries, can not be accepted as laying down a just or legal rule of evidence. Such a presumption is too remote from the facts and offers too great opportunity for abuse by the belligerent, who could, if the rule were adopted, entirely ignore neutral rights on the high seas and prey with impunity upon neutral commerce. To such a rule of legal presumption this Government can not accede, as it is opposed to those fundamental principles of justice which are the foundation of the jurisprudence of the United States and Great Britain.

(13) Before passing from the discussion of this contention as to the presumption raised by increased importations to neutral countries, this Government directs attention to the fact that His Majesty's Government admit that the British exports to those countries have also materially increased since the present war began. Thus Great Britain concededly shares in creating a condition which is relied upon as a sufficient ground to justify the interception of American goods destined to neutral European ports. If British exports to those ports should be still further increased, it is obvious that, under the rule of evidence contended for by the British Government, the

¹Ante, p. 324.

presumption of enemy destination could be applied to a greater number of American cargoes, and American trade would suffer to the extent that British trade benefited by the increase. Great Britain can not expect the United States to submit to such manifest injustice or to permit the rights of its citizens to be so seriously impaired.

(14) When goods are clearly intended to become incorporated in the mass of merchandise for sale in a neutral country, it is an unwarranted and inquisitorial proceeding to detain shipments for examination as to whether those goods are ultimately destined for the enemy's country or use. Whatever may be the conjectural conclusions to be drawn from trade statistics, which, when stated by value, are of uncertain evidence as to quantity, the United States maintains the right to sell goods into the general stock of a neutral country, and denounces as illegal and unjustifiable any attempt of a belligerent to interfere with that right on the ground that it suspects that the previous supply of such goods in the neutral country, which the imports renew or replace, has been sold to an enemy. That is a matter with which the neutral vendor has no concern and which can in no way affect his rights of trade. Moreover, even if goods listed as conditional contraband are destined to an enemy country through a neutral country, that fact is not in itself sufficient to justify their seizure.

(15) In view of these considerations, the United States, reiterating its position in this matter, has no other course but to contest seizures of vessels at sea upon conjectural suspicion and the practice of bringing them into port for the purpose, by search or otherwise, of obtaining evidence, for the purpose of justifying prize proceedings, of the carriage of contraband or of breaches of the order in council of March 11. Relying upon the regard of the British Government for the principles of justice so frequently and uniformly manifested prior to the present war, this Government anticipates that the British Government will instruct their officers to refrain from these vexatious and illegal practices.

(16) *Secondly.* The Government of the United States further desires to direct particular attention to the so-called "blockade" measures imposed by the order in council of March 11. The British note of July 23, 1915,¹ appears to confirm the intention indicated in the note of March 15, 1915, to establish a blockade so extensive as to prohibit trade with Germany or Austria-Hungary, even through the ports of neutral countries adjacent to them. Great Britain, however, admits that it should not, and gives assurances that it will not, interfere with trade with the countries contiguous to the territories of the enemies of Great Britain. Nevertheless, after over six months' application of the "blockade" order, the experience of American citizens has convinced the Government of the United States that Great Britain has been unsuccessful in her efforts to distinguish between enemy and neutral trade. Arrangements have been made to create in these neutral countries special consignees, or consignment corporations, with power to refuse shipments and to determine when the state of the country's resources requires the importation of new commodities. American commercial interests are hampered by the

¹*Ante*, p. 168.

intricacies of these arrangements, and many American citizens justly complain that their *bona-fide* trade with neutral countries is greatly reduced as a consequence, while others assert that their neutral trade, which amounted annually to a large sum, has been entirely interrupted.

(17) It makes this practice even more harassing to neutral traders that the British authorities require a consignor to prove that his shipments are not bound to an enemy of Great Britain, even when the articles are on the embargo list of the neutral country to which they are destined, and that notwithstanding the assertion in the last British note that interference with such trade by a belligerent can only take place "provided, of course, that he (the belligerent) can establish" that the commerce is with the enemy.

(18) While the United States Government was at first inclined to view with leniency the British measures which were termed in the correspondence but not in the order in council of March 11 a "blockade," because of the assurances of the British Government that inconvenience to neutral trade would be minimized by the discretion left to the courts in the application of the order in council and by the instructions which it was said would be issued to the administrative and other authorities having to do with the execution of the so-called "blockade" measures, this Government is now forced to the realization that its expectations, which were fully set forth in its note of March 30, were based on a misconception of the intentions of the British Government. Desiring to avoid controversy and in the expectation that the administration of the order in council would conform to the established rules of international law, this Government has until now reserved the question of the actual validity of the order in council of March 11, in so far as it is considered by the Government of Great Britain to establish a blockade within the meaning of that term as understood in the law and the practice of nations; but in the circumstances now developed it feels that it can no longer permit the validity of the alleged blockade to remain unchallenged.

(19) The Declaration of Paris in 1856, which has been universally recognized as correctly stating the rule of international law as to blockade, expressly declares that "blockades, in order to be binding, must be effective; that is to say, maintained by force sufficient really to prevent access to the coast of the enemy." The effectiveness of a blockade is manifestly a question of fact. It is common knowledge that the German coasts are open to trade with the Scandinavian countries and that German naval vessels cruise both in the North Sea and the Baltic and seize and bring into German ports neutral vessels bound for Scandinavian and Danish ports. Furthermore, from the recent placing of cotton on the British list of contraband of war, it appears that the British Government have themselves been forced to the conclusion that the blockade is ineffective to prevent shipments of cotton from reaching their enemies, or else that they are doubtful as to the legality of the form of blockade which they have sought to maintain.

(20) Moreover, it is an essential principle which has been universally accepted that a blockade must apply impartially to the ships of all nations. This was set forth in the Declaration of London, is found in the prize rules of Germany, France, and Japan, and has

long been admitted as a basic principle of the law of blockade. This principle, however, is not applied in the present British "blockade," for, as above indicated, German ports are notoriously open to traffic with the ports of Denmark, Norway, and Sweden. So strictly has this principle been enforced in the past that in the Crimean War the judicial committee of the Privy Council on appeal laid down, that if belligerents themselves trade with blockaded ports they can not be regarded as effectively blockaded. (*The Franciska*, Moore, P. C. 56.) This decision has special significance at the present time, since it is a matter of common knowledge that Great Britain exports and reexports large quantities of merchandise to Norway, Sweden, Denmark, and Holland, whose ports, so far as American commerce is concerned, she regards as blockaded. In fact, the British note of August 13 itself indicates that the British exports of many articles, such as cotton, lubricating oil, tobacco, cocoa, coffee, rice, wheat flour, barley, spices, tea, copra, etc., to these countries have greatly exceeded the British exports of the same articles for the corresponding period of 1914.¹ The note also shows that there has been an important British trade with these countries in many other articles, such as machinery, beef, butter, cotton waste, etc.

(21) Finally, there is no better settled principle of the law of nations than that which forbids the blockade of neutral ports in time of war. The Declaration of London, though not regarded as binding upon the signatories because not ratified by them, has been expressly adopted by the British Government without modification as to blockade in the British order in council of October 29, 1914. Article 18 of the Declaration declares specifically that "the blockading forces must not bar access to neutral ports or coasts." This is, in the opinion of this Government, a correct statement of the universally accepted law as it exists to-day and as it existed prior to the Declaration of London. The meaning of this statement is elucidated by Mr. Renault in the report of the drafting committee upon the convention, in which he states:

This rule has been thought necessary the better to protect the commercial interests of neutral countries; it completes Article 1, according to which a blockade must not extend beyond the ports and coasts of the enemy, which implies that, as it is an operation of war, it must not be directed against a neutral port, *in spite of the importance to a belligerent of the part played by that port in supplying his adversary.*

As the conference assembled at London upon the invitation of the British Government, it is important to recall the instruction of Sir Edward Grey to the British delegates, "setting out the views of His Majesty's Government, founded on the decisions of the British courts," in which he says:

A blockade must be confined to the ports and coast of the enemy, but it may be instituted of one port or of several ports or of the whole of the seaboard of the enemy. It may be instituted to prevent the ingress only or egress only, or both.

He added:

Where the ship does not intend to proceed to the blockaded port, the fact that goods on board are to be sent on by sea, or by inland transport is no ground for condemnation.

¹Ante, p. 511.

In support of this announcement, Sir Edward Grey referred to several decisions of British prize courts, among which an early one of 1801 held that goods shipped from London to Emden, thence inland or by canal to Amsterdam, then blockaded by sea, were not subject to condemnation for breach of blockade. (*Jonge Pieter*, 4 C. R., 79.) This has been the rule for a century, so that it is scarcely necessary to recall that the Matamoras cases, well known to the British Government, support the same rule, that neutral ports may not be blockaded, though "trade with unrestricted inland commerce between such a port and the enemy's territory impairs undoubtedly, and very seriously impairs, the value of a blockade of the enemy's coast."

(22) Without mentioning the other customary elements of a regularly imposed blockade, such as notification of the particular coast line invested, the imposition of the penalty of confiscation, etc., which are lacking in the present British "blockade" policy, it need only be pointed out that, measured by the three universally conceded tests above set forth, the present British measures can not be regarded as constituting a blockade in law, in practice, or in effect.

(23) It is incumbent upon the United States Government, therefore, to give the British Government notice that the blockade, which they claim to have instituted under the order in council of March 11, can not be recognized as a legal blockade by the United States.

(24) Since the Government of Great Britain has laid much emphasis on the ruling of the Supreme Court of the United States in the *Springbok* case, that goods of contraband character seized while going to the neutral port of Nassau, though actually bound for the blockaded ports of the South, were subject to condemnation, it is not inappropriate to direct attention to the British view of this case in England prior to the present war, as expressed by Sir Edward Grey in his instructions to the British delegates to the London Conference in 1908:

It is exceedingly doubtful whether the decision of the Supreme Court was in reality meant to cover a case of blockade-running in which no question of contraband arose. Certainly if such was the intention, the decision would *pro tanto* be in conflict with the practice of the British courts. His Majesty's Government sees no reason for departing from that practice and you should endeavour to obtain general recognition of its correctness.

It may be pointed out also that the circumstances surrounding the *Springbok* case were essentially different from those of the present day to which the rule laid down in that case is sought to be applied. When the *Springbok* case arose, the ports of the Confederate States were effectively blockaded by the naval forces of the United States, though no neutral ports were closed, and a continuous voyage through a neutral port required an all-sea voyage terminating in an attempt to pass the blockading squadron.

(25) *Thirdly*. It appears to be the position of Great Britain that if, as the United States alleges, American citizens or American interests are directly and adversely affected by the British policies of contraband and non-intercourse, resulting in interference with ships and cargoes, they should seek redress in the prize courts which the British Government have established, and that, pending the exhaustion of such legal remedies with the result of a denial of justice,

the British Government "can not continue to deal through the diplomatic channels with the individual cases."

(26) It is declared that this was the course followed by the United States during the American Civil War and the Spanish War, and that both countries have supported the practice by allowing their prize-court decisions, when shown to be unjust or inadequate, to be reviewed by an international tribunal, as was done under the treaties of 1794 and 1871. The ground upon which this contention is put forth, and the results which would follow if the course of procedure suggested were accepted, give the impression that His Majesty's Government do not rely upon its soundness or strength. Nevertheless, since it has been advanced, I can not refrain from presenting certain considerations which will show that the proposed course embodies the form rather than the substance of redress. The cases which the British Government would have claimants present to their prize courts are essentially different from cases arising wholly within the jurisdiction of a foreign country. They result from acts committed by the British naval authorities upon the high seas, where the jurisdiction over neutral vessels is acquired solely by international law. Vessels of foreign nationality, flying a neutral flag and finding their protection in the country of that flag, are seized without facts warranting a reasonable suspicion that they are destined to blockaded ports of the enemy or that their cargoes are contraband, although the possession of such facts is, by international law, essential to render a seizure legal. The officers appear to find their justification in the orders in council and regulations of the British Government, in spite of the fact that in many of the present cases the orders in council and the regulations for their enforcement are themselves complained of by claimants as contrary to international law. Yet the very courts which, it is said, are to dispense justice to dissatisfied claimants are bound by the orders in council. This is unmistakably indicated to be the case in the British note of July 31, which states that—

British prize courts "according to the ancient form of commission under which they sit, are to determine cases according to the course of Admiralty and the law of nations and the statutes, rules, and regulations for the time being in force in that behalf."¹

This principle, the note adds, has recently been announced and adhered to by the British prize court in the case of the *Zamora*. It is manifest, therefore, that if prize courts are bound by the laws and regulations under which seizures and detentions are made, and which claimants allege are in contravention of the law of nations, those courts are powerless to pass upon the real ground of complaint or to give redress for wrongs of this nature. Nevertheless, it is seriously suggested that claimants are free to request the prize court to rule upon a claim of conflict between an order in council and a rule of international law. How can a tribunal fettered in its jurisdiction and procedure by municipal enactments declare itself emancipated from their restrictions and at liberty to apply the rules of international law with freedom? The very laws and regulations which bind the court are now matters of dispute between the Government of the United States and that of His Britannic Majesty. If Great

¹Ante, p. 496.

Britain followed, as she declares that she did, the course of first referring claimants to local remedies in cases arising out of American wars, it is presumed that she did so because of her knowledge or understanding that the United States had not sought to limit the jurisdiction of its courts of prize by instructions and regulations violative of the law and practice of nations, or open to such objection.

(27) The British note of February 10 states that the British Government in the American Civil War—

in spite of remonstrances from many quarters, placed full reliance on the American prize courts to grant redress to the parties interested in cases of alleged wrongful capture by American ships of war, and put forward no claims until the opportunity for redress in those courts had been exhausted.¹

The Government of the United States recalls that during the progress of that war Great Britain in several instances demanded through diplomatic channels damages for seizures and detentions of British ships alleged to have been made without legal justification. Among these may be mentioned the cases of the *Magicienne*, the *Don José*, the *Labuan*, and the *Saxon*. Two of these cases were, at the time the demands were made, before American prize courts for adjudication. It is understood also that during the Boer War, when British authorities seized the German vessels, the *Hertzog*, the *General*, and the *Bundersrath*, and released them without prize proceedings, compensation for damages suffered was arranged through diplomatic channels.

(28) There is, furthermore, a real and far-reaching injury for which prize courts offer no means of reparation. It is the disastrous effect of the methods of the Allied governments upon the general right of the United States to enjoy its international trade free from unusual and arbitrary limitations imposed by belligerent nations. Unwarranted delay and expense in bringing vessels into port for search and investigation upon mere suspicion has a deterrent effect upon trade ventures, however lawful they may be, which can not be adequately measured in damages. The menace of interference with legal commerce causes vessels to be withdrawn from their usual trade routes and insurance on vessels and cargoes to be refused, while exporters for the same reason are unable or unwilling to send their goods to foreign markets, and importers dare not buy commodities abroad because of fear of their illegal seizure or because they are unable to procure transportation. For such injuries there can be no remedy through the medium of courts established to adjust claims for goods detained or condemned. For specific injuries suffered by private interests, prize courts, if they are free to apply the law of nations, might mete out an adequate indemnity, but for the injury to the trade of a nation by the menace of unwarranted interference with its lawful and established pursuit there can manifestly be found no remedy in the prize courts of Great Britain, to which United States citizens are referred for redress.

(29) There is another ground why American citizens can not submit their wrongs arising out of undue detentions and seizures to British prize courts for reparation, which I can not pass over unnoticed. It is the manner in which British courts obtain jurisdiction of such cases. The jurisdiction over merchant vessels on the high

¹Ante, p. 330.

seas is that of the nation whose flag it rightfully flies. This is a principle of the law and practice of nations fundamental to the freedom of the high seas. Municipal enactments of a belligerent power can not confer jurisdiction over or establish rules of evidence governing the legality of seizures of vessels of neutral nationality on the high seas. International law alone controls the exercise of the belligerent right to seize and detain such vessels. Municipal laws and regulations in violation of the international rights of another nation can not be extended to the vessels of the latter on the high seas so as to justify a belligerent nation bringing them into its ports, and, having illegally brought them within its territorial jurisdiction, compelling them to submit to the domestic laws and regulations of that nation. Jurisdiction obtained in such a manner is contrary to those principles of justice and equity which all nations should respect. Such practice should invalidate any disposition by a municipal court of property thus brought before it. The Government of the United States has, therefore, viewed with surprise and concern the attempt of His Majesty's Government to confer upon the British prize courts jurisdiction by this illegal exercise of force in order that these courts may apply to vessels and cargoes of neutral nationalities, seized on the high seas, municipal laws and orders which can only rightfully be enforceable within the territorial waters of Great Britain, or against vessels of British nationality when on the high seas.

(30) In these circumstances the United States Government feels that it can not reasonably be expected to advise its citizens to seek redress before tribunals which are, in its opinion, unauthorized by the unrestricted application of international law to grant reparation, nor to refrain from presenting their claims directly to the British Government through diplomatic channels.

(31) This Government is advised that vessels and cargoes brought in for examination prior to prize proceedings are released only upon condition that costs and expenses incurred in the course of such unwarranted procedure, such as pilotage, wharfage, demurrage, harbor dues, warehousing, unloading costs, etc., be paid by the claimants or on condition that they sign a waiver of right to bring subsequent claims against the British Government for these exactions. This Government is loathe to believe that such ungenerous treatment will continue to be accorded American citizens by the Government of His Britannic Majesty, but in order that the position of the United States Government may be clearly understood, I take this opportunity to inform your excellency that this Government denies that the charges incident to such detentions are rightfully imposed upon innocent trade, or that any waiver of indemnity exacted from American citizens under such conditions of duress can preclude them from obtaining redress through diplomatic channels or by whatever other means may be open to them.

(32) Before closing this note, in which frequent reference is made to contraband traffic and contraband articles, it is necessary, in order to avoid possible misconstruction, that it should be clearly understood by His Majesty's Government that there is no intention in this discussion to commit the Government of the United States to a policy of waiving any objections which it may entertain as to the propriety and right of the British Government to include in their list of contraband of war certain articles which have been so included. The

United States Government reserves the right to make this matter the subject of a communication to His Majesty's Government at a later day.

(33) I believe it has been conclusively shown that the methods sought to be employed by Great Britain to obtain and use evidence of enemy destination of cargoes bound for neutral ports, and to impose a contraband character upon such cargoes, are without justification; that the blockade, upon which such methods are partly founded, is ineffective, illegal, and indefensible; that the judicial procedure offered as a means of reparation for an international injury is inherently defective for the purpose; and that in many cases jurisdiction is asserted in violation of the law of nations. The United States, therefore, can not submit to the curtailment of its neutral rights by these measures, which are admittedly retaliatory, and therefore illegal, in conception and in nature, and intended to punish the enemies of Great Britain for alleged illegalities on their part. The United States might not be in a position to object to them if its interests and the interests of all neutrals were unaffected by them, but, being affected, it can not with complacency suffer further subordination of its rights and interests to the plea that the exceptional geographic position of the enemies of Great Britain require or justify oppressive and illegal practices.

(34) The Government of the United States desires, therefore, to impress most earnestly upon His Majesty's Government that it must insist that the relations between it and His Majesty's Government be governed, not by a policy of expediency, but by those established rules of international conduct upon which Great Britain in the past has held the United States to account when the latter nation was a belligerent engaged in a struggle for national existence. It is of the highest importance to neutrals, not only of the present day, but of the future, that the principles of international right be maintained unimpaired.

(35) This task of championing the integrity of neutral rights, which have received the sanction of the civilized world, against the lawless conduct of belligerents arising out of the bitterness of the great conflict which is now wasting the countries of Europe, the United States unhesitatingly assumes, and to the accomplishment of that task it will devote its energies, exercising always that impartiality which from the outbreak of the war it has sought to exercise in its relations with the warring nations.

I enclose as supplements to this instruction the United States Navy order of August 18, 1862, and a statement regarding vessels detained by British authorities. These two documents should be transmitted as enclosures in your note to Sir Edward Grey.

I am [etc.]

ROBERT LANSING

[Enclosure No. 1]

Instructions of the Secretary of the Navy to flag officers commanding squadrons and officers commanding cruisers, relative to the right of search

NAVY DEPARTMENT,
August 18, 1862.

SIR: Some recent occurrences in the capture of vessels, and matters pertaining to the blockade, render it necessary that there should be a recapitulation

of the instructions heretofore from time to time given, and also of the restrictions and precautions to be observed by our squadrons and cruisers.

It is essential, in the remarkable contest now waging, that we should exercise great forbearance, with great firmness, and manifest to the world that it is the intention of our Government, while asserting and maintaining our own rights, to respect and scrupulously regard the rights of others. It is in this view that the following instructions are explicitly given:

First. That you will exercise constant vigilance to prevent supplies of arms, munitions, and contraband of war from being conveyed to the insurgents, but that under no circumstances will you seize any vessel within the waters of a friendly nation.

Secondly. That, while diligently exercising the right of visitation on all suspected vessels, you are in no case authorized to chase and fire at a foreign vessel without showing your colors and giving her the customary preliminary notice of a desire to speak and visit her.

Thirdly. That when that visit is made, the vessel is not then to be seized without a search carefully made, so far as to render it reasonable to believe that she is engaged in carrying contraband of war for or to the insurgents, and to their ports directly or indirectly by transshipment, or otherwise violating the blockade; and that if, after visitation and search, it shall appear to your satisfaction that she is in good faith and without contraband, actually bound and passing from one friendly or so-called neutral port to another, and not bound or proceeding to or from a port in the possession of the insurgents, then she can not be lawfully seized.

Fourthly. That, to avoid difficulty and error in relation to papers which strictly belong to the captured vessel, and mails that are carried, or parcels under official seals, you will, in the words of the law, "preserve all the papers and writings found on board and transmit the whole of the originals unmuttled to the judge of the district to which such prize is ordered to proceed"; but official seals, or locks, or fastenings of foreign authorities, are in no case, nor on any pretext, to be broken, or parcels covered by them read by any naval authorities, but all bags or other things covering such parcels, and duly seized and fastened by foreign authorities, will be, in the discretion of the United States officer to whom they may come, delivered to the consul, commanding naval officer, or legation of the foreign government, to be opened, upon the understanding that whatever is contraband or important as evidence concerning the character of a captured vessel will be remitted to the prize court, or to the Secretary of State at Washington, or such sealed bag or parcels may be at once forwarded to this Department, to the end that the proper authorities of the foreign government may receive the same without delay.

You are specially informed that the fact that a suspicious vessel has been indicated to you as cruising in any limit which has been prescribed by this Department does not in any way authorize you to depart from the practice of the rules of visitation, search, and capture prescribed by the law of nations.

Very respectfully,

GIDEON WELLES,
Secretary of the Navy

[Enclosure No. 2]

Statement regarding vessels detained by British authorities

September 10, 1915.

(1) Vessels whose cargoes and papers have been of such a character as to require but brief time for examination, have been held in British ports, according to this Government's information, for prolonged periods, in some instances for more than a month, and then released without the institution of prize court proceedings.

The steamer *Chester*, which sailed from Baton Rouge for Rotterdam with a cargo of illuminating oil, was taken into Falmouth September 21, 1914, and held until November 4 of that year.

The steamer *Ocean*, carrying the same kind of a cargo, from New York to Rotterdam, was taken into Plymouth September 23, 1914, and similarly released November 5.

The steamer *Charlois* and the steamer *New York*, carrying similar cargoes, were taken into British ports on September 30 and October 12, 1914, respectively, and similarly released on October 27.

The steamers *American* and *Rotterdam*, carrying cargoes of oil to Rotterdam, were also detained under conditions similar to those of the vessels just mentioned in the fall of 1914.

The steamer *Christian Knudsen*, carrying a cargo of oil in bulk, consigned to a Danish corporation in Copenhagen, was brought into the port of Kirkwall, detained for eleven days and then released.

Vessels carrying oil from the United States to long-established markets in Scandinavian countries have repeatedly been detained without being sent to the prize court for adjudication. Among them may be mentioned the *Brindilla*, the *Platuria*, the *Wico*, the *Polarine*, the *Pioneer*, the *Llama*, the *Muskogee*, and the *John D. Rockefeller*.

The steamer *Denver*, which carried a full cargo of cotton from Norfolk to Bremen and which had been loaded under the supervision of a British consular officer, was taken into Kirkwall in January last, as the Department was informed by the British Government, just to examine her papers and to verify her cargo.

The *George W. Hawley* was held for a month because she refused to comply with a requirement of the British authorities to discharge a single shipment, the illegal destination of which does not appear to have been disclosed by any evidence. The vessel carried a mixed cargo, including a shipment of oil. The British authorities insisted that the vessel should discharge the oil, which, the shipper represented, was consigned to one of its long-established agents in Sweden. Finally it was announced that the vessel would be released as an act of grace.

The steamer *Wico* was held by the British authorities last March. This Government was advised that the British Minister at Stockholm had informed the Swedish Foreign Office that the vessel had arrived in a British port with a full cargo of oil for a concern in Stockholm, and that, in view of the recent seizure by a German man-of-war of the steamship *Bryssel* and her cargo, the British Government required complete assurances from the Swedish Government before the *Wico* could be allowed to proceed to destination, that she would not share the fate of the *Bryssel*.

Subsequently this Government was informed that the vessel had been allowed to proceed, but that the British Government felt that, in the event of further cargoes going to Stockholm being seized by German ships, the whole question of permitting oil cargoes to proceed to that destination would have to be seriously reconsidered.

The steamer *Llama*, carrying a cargo of oil to a Scandinavian port, was taken into Kirkwall and subsequently released on June 5 last. After departing from Kirkwall the ship was again arrested on June 6, and although the officer of the war vessel which seized the *Llama* apparently was shown the ship's release papers, he placed a prize crew on board and ordered the vessel to Aberdeen and thence to Leith, where she was finally released on June 12, although she could not proceed until June 15, owing to a shortage of coal.

(2) Vessels have been held until they have reconsigned their cargoes to a consignee in a neutral country designated by the British Government.

The steamer *Segurança*, which carried a general cargo from New York to the Netherlands, was detained, at a great loss to the owners of the vessel and to the shippers, in a British port for the greater part of last April, in order that her cargo might be reconsigned to the Netherlands Oversea Trust. The manifest showed that the entire cargo was consigned to named consignees in the Netherlands and was accompanied by a certificate of the British consul general in New York, stating that the loading was supervised by his inspector, and that the vessel contained no cargo other than that specified in the manifest. A large part of the cargo, consisting of fresh fruit stored in the hold of the vessel, was subject to decay with great rapidity.

A similar requirement was imposed on the steamer *F. J. Lisman*, which during last June was detained at London. It appears that, after a prolonged detention of the ship of over a month, representatives of the shippers were compelled to discharge both contraband and non-contraband articles, and that the captain and the shippers, finding their efforts to comply with the requirements of the British authorities hopeless, abandoned the voyage.

The steamers *A. A. Raven* and *Vitalia*, carrying articles listed as conditional contraband, were detained in a British port in March last until the goods shipped to specified consignees in Holland could be consigned to the Netherlands Oversea Trust.

The steamer *Neches* was detained last May for about two weeks in order that a shipment of cotton destined for Rotterdam might be consigned to the Netherlands Oversea Trust.

The steamer *Zzandjik* was detained last June, as the Department was informed, while the British minister at The Hague made inquiries as to whether the Netherlands Oversea Trust had accepted the consignment of the cargo.

(3) Detentions have been made without evidence amounting to probable cause. The steamer *Annam*, which was detained at Kirkwall last April, carried a cargo of food products from the United States to Swedish ports. She was detained owing to a "suspicion", as the British Government stated, that a part of its cargo was destined for Germany.

The steamer *Dronning Olga* was detained at Kirkwall in April last and the cargo, which consisted of cotton and food products, was placed in the prize court on the ground, as the Department was informed by the British Government, that it was "believed" that it was ultimately destined for Germany.

The steamer *Hilding*, which sailed from New York for Copenhagen with a general cargo consisting largely of food products, was seized and taken into Leith last April, and this Government was informed that the cargo had been seized as contraband with the expectation of holding it under the order in council of March 11, 1915, if the charge that the goods were contraband should fail.

Numerous similar instances might be cited.

The steamers *Christian Knudsen* and *Platuria*, carrying oil from New York to Denmark, were detained by the British authorities last fall, taken into British ports, and held until the British Government, as they stated, could make an investigation as to the destination of the cargoes. Furthermore, this Government was informed that the vessels had been detained pending the receipt of guarantees from Denmark against the exportation of the cargoes, and that the orders were given for the release of the vessels on the receipt of satisfactory guarantees.

The steamer *Brindilla*, which sailed from New York October 13 last with a cargo of oil for Alexandria, was taken into port at Halifax and later released, as the Department was informed, when the British authorities received information that the ship's cargo was expected at Alexandria.

The steamer *Ambra* was taken into a British port in July last, and this Government was informed that this vessel was held pending inquiries that had been instituted concerning destination of certain items of her cargo. About a week later the vessel was allowed to proceed.

In July last this Government was informed by the British Government that the prolonged detention of the oil steamers *Polarine*, *Platuria*, and *Pioneer* was due to the fact that His Majesty's Government's attention had latterly been drawn to the very large quantities of oil which had been shipped to Scandinavian countries during the last few months; that there had been every reason to suspect that some of the oil was destined for enemy countries; and that the arrival of the steamers in quick succession necessitated the institution of inquiries as to the ultimate destination of the oil.

The owners of these vessels and their cargoes complained to the Government of the United States against their detention, stating that the vessels carried the usual cargoes consigned in good faith to long-established subsidiaries in neutral countries, and further representing that, since supplies from Russia and Roumania had been prevented from entering Scandinavian ports, a large increase of business with them had been expected, but it had been found that during the first five months of the year 1915 total shipments of all petroleum products to these countries were less than for the same period last year, although business in previous years had steadily increased.

(4) Vessels have been held, according to statements of the British Government, because of the manner in which shipments have been consigned.

The steamer *Einerjarl* was brought into Kirkwall last May and its cargo of cottonseed cake, shipped from Newport News to Denmark, which the shippers represented was to be used exclusively for consumption in Denmark, was seized. This Government was informed that the cargo was discharged because it was consigned "to order."

The steamers *Alfred Nobel*, *Björnstjerne Björnson*, and *Fridland* were seized last autumn because their cargoes were consigned "to order."

The shipments on the steamers *America* and *Artemis* have been placed in prize court under the order in council of March 11, 1915, because, the goods

being consigned by the shippers to themselves, there was no guarantee of their ultimate destination.

(5) Goods have been seized by the British Government on the ground, as this Government has been informed, that the country to which they were shipped had not prohibited their export.

In the fall of the year 1914 copper shipped from the United States to Sweden on the steamers *Francisco*, *Antares*, *Idaho*, *Tyr*, and *Toronto* was seized by the British authorities, because, as the British Government stated, the Swedish Government had not yet prohibited the reexportation of copper from Sweden.

A consignment of rubber on the Swedish ship *Zamora* had been placed in prize court last January, because, as the British Government stated, of the absence of a comprehensive prohibition on the exportation of rubber in all its forms from Denmark.

(6) The British authorities have repeatedly seized articles classified as contraband, articles classified as conditional contraband, as well as non-contraband goods, shipped to Scandinavian countries, to the Netherlands, and to Italy, then neutral, although the reexportation of such commodities from these countries had been forbidden.

In December last the steamer *Tellus* was ordered to discharge a shipment of copper shipped from New York directly to a consignee in Milan, Italy, although by an Italian decree of November 13, 1914, the exportation of goods shipped in this manner was forbidden.

The steamer *Joseph W. Fordney* was seized four miles off the coast of Norway and, in charge of a prize crew, brought into Kirkwall April 8 last. The ship's manifest showed that the cargo consisted entirely of cattle fodder consigned to a person in Malmö, Sweden. It appeared, from information presented to this Government, that an affidavit regarding the character and destination of the cargo, made by the shipper of the entire cargo, was attached to the bill of lading, and that this affidavit contained a certification by the British consul general and Swedish consul, and also a statement by the latter, to the effect that the exportation from Sweden of the goods of which the cargo consisted was prohibited. The vessel was brought into a British port and her cargo discharged. This Government was informed by the British Government that, apart from the uncertainty of the address of the consignee of the cargo of this vessel, His Majesty's Government had evidence that the cargo was not destined for *bona-fide* Swedish consumption but was intended for Germany.

Numerous other similar instances might be cited, including those of the detention of vessels carrying oil to Scandinavian ports, which have been mentioned.

(7) Detentions have been made pending assurances that embargoed goods would be allowed to pass through a neutral country to Great Britain's allies.

The steamer *Leelanaw*, which carried a cargo of cotton from Galveston to Gothenburg for transshipment to Moscow, was detained in a British port early in June last. Relative to the detention of this vessel the British Foreign Office said:

In view of the fact that cotton has now been placed on the Swedish prohibition of export list, His Majesty's Government have not considered it advisable to allow this large cargo to go on to Gothenburg until they are assured that there is a fair chance of it reaching its declared ultimate destination.

After nearly a month's detention the vessel was released on the understanding that she should proceed directly to Archangel.

The steamers *Jentland* and *Syrius* appear to have been recently detained under circumstances similar to those of the steamer *Leelanaw*.

(8) From time to time this Government has been informed of the seizure of cargoes on the ground that consignees have been known to trade with the enemy or because they were suspected of doing so.

In January last this Government was advised by the British Government that the British Government had been compelled to place in prize court a consignment of rubber on board the Swedish vessel *Zamora*, the consignee of these goods being regarded with grave suspicion, and there being reason to believe that the ultimate destination of the rubber was the enemy forces.

(9) Vessels have been seized and brought into port and have been required by the British authorities to pay pilotage, harbor, unloading, warehouse, storage or other dues, costs, and expenses in advance of a judicial determination of the validity of the seizure of vessel or cargo.

Instances of such treatment of vessels may be found in the cases of the detention of the steamer *Neches* last May, the *Ogeechee*, which was seized last April, and the *Antilla*, which was seized in February last and subjected to a prolonged detention. In the case of the last-mentioned ship, it appears, however, that the cost of discharging was borne by the British Government.

(10) Detentions of vessels proceeding from European ports:

The steamer *Ogeechee*, which left Bremen April 3 last for the United States, was detained at Sharpness and compelled to discharge its entire cargo, which consisted of approximately 200 shipments of goods urgently needed by American citizens. In most, if not all, cases it appears that ownership of these goods at the time of the seizure had passed to American consignees. In many instances American citizens had contracted for the sale of the goods consigned to them and were prevented from carrying out their contracts.

The release of shipments on the vessel has been allowed on the production of proofs of American ownership of the goods prior to March 11, 1915. American consignees in order to avoid loss have endeavored to comply with the requirements in the presentation of proofs.

The steamer *Neches*, which sailed from Rotterdam to the United States, was brought to London and compelled, in June last, to discharge cargo on the ground, apparently, that the goods originated partly in Belgium. The vessel was detained about a month and, after having been damaged to the extent of approximately £1,500 as a result of a collision with another vessel while under the control of the British Admiralty, and after having been involved in litigation growing out of such collision, was allowed to proceed.

The following is a list of the vessels detained prior to March 11 last, among which are some regarding the detention of which details have been briefly stated in this memorandum:

Platuria	Edward Pierce	Uller	Bergensfjord
Brindilla	Ellen	Verona	Björnstjerne
John D. Rockefeller	Tellus	Zuiderdijk	Björnson
Kronland	Sif	Greenbrier	Ida Cuneo
Noorham	Kim	Herm	Kentucky
Rotterdam	Canton	Arkansas	Minnetonka
Sandefjord	Ogeechee	Ascot	Caloric
Thomas J. Fordney	Fridland	Carolyn	Denver
Fram	Gallio	Breiford	

The following is an incomplete list of vessels carrying American cargoes which, sailing in practically all instances from American to Scandinavian ports, were diverted by British authorities to the port of Kirkwall, or called at that port under instructions from owners, from March 11, 1915, to June 17, 1915:

Name of vessel	Cargo	Date of arrival in British ports	Date of leaving British ports
Elsa; part cargo put in prize court; ordered Sunderland to discharge.	-----	Mar. 11, 1915	Mar. 15, 1915
Maracas; cargo put in prize court; ordered Hull to discharge.	-----	Mar. 11, 1915	Mar. 16, 1915
Gudrun; bound from Europe to the United States.	-----	Mar. 11, 1915	Mar. 11, 1915
Amphitrite	Cottonseed cake.	Mar. 12, 1915	Mar. 14, 1915
Jens Bang; bound from Europe to the United States.	-----	Mar. 12, 1915	Mar. 12, 1915
Rodfaxe	Maize	Mar. 12, 1915	Mar. 14, 1915
Ran	Maize and rye	Mar. 12, 1915	Mar. 14, 1915
Lisken	Maize and rye	Mar. 12, 1915	Mar. 12, 1915
Absalom	-----	Mar. 12, 1915	Mar. 13, 1915
Wico	Oil	Mar. 13, 1915	Mar. 31, 1915
Torvig	Cottonseed cake.	Mar. 13, 1915	Mar. 15, 1915
Greenbrier	-----	Mar. 13, 1915	Mar. 16, 1915
Einarr Jarl	Cotton	Mar. 13, 1915	Mar. 16, 1915
Ogeechee	-----	Mar. 14, 1915	Mar. 16, 1915

Name of vessel	Cargo	Date of arrival in British ports	Date of leaving British ports
Tancred	Cotton	Mar. 14, 1915	Mar. 16, 1915
John Blumer	Oil cake	Mar. 14, 1915	Mar. 16, 1915
Sutra	Cotton	Mar. 14, 1915	Mar. 15, 1915
Frogner	General	Mar. 15, 1915	Mar. 18, 1915
Hjortholm		Mar. 17, 1915	Mar. 18, 1915
California	General	Mar. 17, 1915	Mar. 23, 1915
Uffe; bound from Europe to United States via Ardrossan.		Mar. 19, 1915	Mar. 19, 1915
Carl Henckel	Cottonseed cake	Mar. 20, 1915	Mar. 25, 1915
Helge	Cottonseed cake	Mar. 20, 1915	Mar. 31, 1915
Newa	Cottonseed cake	Mar. 20, 1915	Mar. 26, 1915
Havet		Mar. 20, 1915	Mar. 23, 1915
Terno	Maize	Mar. 20, 1915	Mar. 23, 1915
United States	General	Mar. 21, 1915	Mar. 24, 1915
Texas	General	Mar. 21, 1915	Mar. 24, 1915
Haakon VII	Cotton	Mar. 21, 1915	Mar. 23, 1915
Varing	Oil cake	Mar. 21, 1915	Mar. 26, 1915
Sinsen		Mar. 21, 1915	Mar. 23, 1915
Oxelosund	Wheat	Mar. 21, 1915	Mar. 23, 1915
Sigurd		Mar. 21, 1915	Mar. 22, 1915
Myrdal	General	Mar. 22, 1915	Mar. 24, 1915
Sark	Maize and barley	Mar. 22, 1915	Mar. 28, 1915
Borgland	Cotton	Mar. 22, 1915	Mar. 24, 1915
Vard	Grain, oil cake, and starch.	Mar. 23, 1915	Mar. 25, 1915
Nike; sailed for Newcastle	Maize	Mar. 23, 1915	Apr. 1, 1915
Gulfaxe	Wheat, maize, rye, and barley.	Mar. 23, 1915	Mar. 25, 1915
New Sweden; prize crew to Newcastle.	General	Mar. 23, 1915	Mar. 29, 1915
Stikkelstad	General	Mar. 23, 1915	Apr. 4, 1915
Korsfjord; whole cargo put in prize court; ordered Grimby to discharge.	Lard	Mar. 24, 1915	Mar. 28, 1915
Cygnus; cargo put in prize court; ordered West Hartlepool to discharge.	General	Mar. 24, 1915	Mar. 31, 1915
Indiatic; bound from Europe to United States.		Mar. 24, 1915	Mar. 24, 1915
Vesta		Mar. 24, 1915	Mar. 25, 1915
Carmelina	Cotton	Mar. 25, 1915	Mar. 27, 1915
Henrik; part cargo put in prize court; ordered to Leith to discharge.	General	Mar. 25, 1915	Apr. 14, 1915
Unita	Maize	Mar. 25, 1915	Mar. 29, 1915
Thorsdal	Maize	Mar. 25, 1915	Mar. 27, 1915
Drott	Oil cake	Mar. 26, 1915	Mar. 28, 1915
Karma		Mar. 26, 1915	Mar. 28, 1915
Strinda	Cotton	Mar. 26, 1915	Mar. 28, 1915
Iris	Cottonseed cake	Mar. 26, 1915	Mar. 28, 1915
Largo	Rye	Mar. 26, 1915	Mar. 28, 1915
Vincent; bound from Europe to United States.		Mar. 26, 1915	Mar. 28, 1915
Ran	Maize	Mar. 27, 1915	Mar. 30, 1915
Terje Viken	General	Mar. 27, 1915	Apr. 29, 1915
Bretagne	Barley	Mar. 27, 1915	Mar. 31, 1915
Boden	Wheat	Mar. 27, 1915	Mar. 30, 1915
Avona	Cottonseed cake	Mar. 27, 1915	Mar. 30, 1915
Helmer Morch	Oil cake	Mar. 27, 1915	Mar. 30, 1915
Centric	Cotton	Mar. 28, 1915	Mar. 30, 1915
Stavn; part cargo put in prize court; sailed Leith to discharge.	General	Mar. 28, 1915	Apr. 1, 1915

Name of vessel	Cargo	Date of arrival in British ports	Date of leaving British ports
Glitra	Maize	Mar. 28, 1915	Apr. 2, 1915
Athens; cleared at Ardrossan.		Mar. 29, 1915	Apr. 29, 1915
Danmark; cleared at Ardrossan.		Mar. 29, 1915	Apr. 29, 1915
Bergensfjord	General, mail and passengers.	Mar. 30, 1915	Apr. 6, 1915
Sirius; bound from Europe to United States.		Mar. 30, 1915	Mar. 30, 1915
Bia; whole cargo put in prize court; sailed to Manchester to discharge.	Cotton	Mar. 30, 1915	Apr. 7, 1915
Oscar Trapp; bound from Europe to United States.		Mar. 30, 1915	Mar. 31, 1915
Fionia	Barley and general.	Mar. 31, 1915	Apr. 6, 1915
Sverre	Barley	Mar. 31, 1915	Apr. 13, 1915
Hilding; part cargo put in prize court; sailed Leith to discharge.	General	Mar. 31, 1915	Apr. 7, 1915
Liguria	Cotton	Apr. 1, 1915	Apr. 4, 1915
Nyland	Oats	Apr. 1, 1915	Apr. 3, 1915
Antwerpen		Apr. 1, 1915	Apr. 2, 1915
Capella	Oil cake	Apr. 1, 1915	Apr. 3, 1915
Ellen	Maize	Apr. 1, 1915	Apr. 3, 1915
Atland	Wheat	Apr. 1, 1915	Apr. 2, 1915
Dorte Jensen	Maize	Apr. 1, 1915	Apr. 4, 1915
Nordland	Maize	Apr. 2, 1915	Apr. 4, 1915
Alexandra	General	Apr. 2, 1915	Apr. 4, 1915
Uto; whole cargo put in prize court; steamer ordered to Hull to discharge.	Cottonseed cake.	Apr. 2, 1915	Apr. 11, 1915
Romsdalfjord; part cargo put in prize court; ordered Sunderland to discharge.	General	Apr. 3, 1915	Apr. 12, 1915
Sverige	Wheat and rye	Apr. 3, 1915	Apr. 4, 1915
Hammershus; cargo put in prize court; ordered to discharge at Glasgow.	Rum, hides	Apr. 3, 1915	Apr. 17, 1915
Ulrick Holm	Grain	Apr. 3, 1915	Apr. 6, 1915
Jessie	Cottonseed cake.	Apr. 3, 1915	Apr. 7, 1915
Romsdal		Apr. 3, 1915	Apr. 4, 1915
Avance	Cottonseed cake.	Apr. 3, 1915	Apr. 7, 1915
Hans Jensen	Maize	Apr. 4, 1915	Apr. 7, 1915
Kronstad		Apr. 4, 1915	Apr. 7, 1915
Nedenes	Maize	Apr. 4, 1915	Apr. 7, 1915
Steinstad	Maize and rye	Apr. 4, 1915	Apr. 9, 1915
Albis; whole cargo put in prize court; ordered Midlesboro to discharge.	General	Apr. 5, 1915	Apr. 11, 1915
Laly	Cotton and tobacco.	Apr. 5, 1915	Apr. 13, 1915
Maud; part cargo put in prize court; ordered Fleetwood to discharge.	Cotton and flour.	Apr. 5, 1915	Apr. 17, 1915
Waldimir Reitz	Oil cake	Apr. 5, 1915	Apr. 7, 1915
Kronsprins Olaf	Cotton and oil cake.	Apr. 5, 1915	Apr. 13, 1915
Else	Maize	Apr. 5, 1915	Apr. 20, 1915
Chumpon	Cotton	Apr. 6, 1915	Apr. 13, 1915
Llama	Oil	Apr. 6, 1915	Apr. 13, 1915

Name of vessel	Cargo	Date of arrival in British ports	Date of leaving British ports
Sorland; part cargo put in prize court; ordered West Hartlepool to discharge.	General	Apr. 7, 1915	Apr. 10, 1915
Muskogee		Apr. 7, 1915	Apr. 14, 1915
Navajo	General	Apr. 7, 1915	Apr. 11, 1915
Annam; part cargo put in prize court; ordered Hull to discharge.	General	Apr. 7, 1915	Apr. 11, 1915
Albert W. Selmer	Rye	Apr. 8, 1915	Apr. 10, 1915
Siljestad	Maize	Apr. 8, 1915	Apr. 10, 1915
Leander		Apr. 8, 1915	Apr. 10, 1915
Marie; prize crew to Greenock.	Cotton	Apr. 8, 1915	May 3, 1915
Joseph W. Fordney; prize crew to Wallow Bay.		Apr. 8, 1915	Apr. 19, 1915
Imo	Cottonseed cake	Apr. 9, 1915	Apr. 11, 1915
Arkansas	General	Apr. 9, 1915	Apr. 14, 1915
Virginia	Rye	Apr. 9, 1915	Apr. 11, 1915
Lapland; part cargo put in prize court; ordered to Barrow to discharge.	General	Apr. 9, 1915	Apr. 13, 1915
Zamora; part cargo put in prize court; ordered to Barrow to discharge.	Grain and copper.	Apr. 9, 1915	Apr. 16, 1915
Selma		Apr. 10, 1915	Apr. 13, 1915
Hellig Olav	General	Apr. 11, 1915	Apr. 15, 1915
Pacific; part cargo put in prize court; ordered Leith to discharge.	General	Apr. 11, 1915	Apr. 16, 1915
Songelv	Cottonseed cake	Apr. 11, 1915	Apr. 19, 1915
Leire; part cargo put in prize court; ordered Sharpness to discharge.	Cotton	Apr. 11, 1915	Apr. 20, 1915
Magdalene; ordered Manchester to discharge.	Cotton	Apr. 12, 1915	May 2, 1915
Drot		Apr. 12, 1915	Apr. 14, 1915
Tholma		Apr. 12, 1915	Apr. 14, 1915
America; part cargo put in prize court; ordered Sunderland to discharge.	General	Apr. 12, 1915	Apr. 16, 1915
N. F. Holding	Grain	Apr. 12, 1915	Apr. 14, 1915
Georgia; prize crew to Sharpness.	Cotton	Apr. 12, 1915	Apr. 20, 1915
Johan Siem	Cottonseed cake	Apr. 13, 1915	Apr. 15, 1915
Hans Broge; cleared at Ardrossan.	Rye	Apr. 13, 1915	Apr. 13, 1915
Tordis	Cottonseed cake	Apr. 13, 1915	Apr. 15, 1915
Baltic; ship ordered to Hull to discharge.	Cotton	Apr. 13, 1915	May 13, 1915
Braker	Maize	Apr. 13, 1915	Apr. 18, 1915
Roma	Lubricating oil	Apr. 13, 1915	Apr. 17, 1915
L. H. Carl; cleared at Ardrossan.		Apr. 13, 1915	Apr. 13, 1915
Hero	Maize	Apr. 14, 1915	Apr. 16, 1915
Mirjam	Rye	Apr. 14, 1915	Apr. 16, 1915
Kong Haakon	Maize	Apr. 14, 1915	Apr. 27, 1915
Dicido; prize crew to Fleetwood.	Cotton	Apr. 14, 1915	May 1, 1915
Lars Kruse	Maize	Apr. 14, 1915	Apr. 16, 1915
Talavera	Maize	Apr. 14, 1915	Apr. 17, 1915
Falka	Cottonseed cake	Apr. 15, 1915	Apr. 17, 1915
Carolina; ordered Grimsby to discharge.	Cotton	Apr. 15, 1915	May 2, 1915

Name of vessel	Cargo	Date of arrival in British ports	Date of leaving British ports
Louisiana; ordered to discharge part of cargo.	General	Apr. 16, 1915	Apr. 23, 1915
Mexicano; ordered with prize crew.	General	Apr. 16, 1915	Apr. 18, 1915
Anglia; prize crew to Dundee.	Cotton and resin	Apr. 16, 1915	Apr. 24, 1915
Jungshovd		Apr. 16, 1915	Apr. 18, 1915
Orn; cleared at Ardrossan.		Apr. 16, 1915	Apr. 16, 1915
Bretagne		Apr. 17, 1915	Apr. 19, 1915
Storaker	Maize	Apr. 18, 1915	Apr. 21, 1915
Torgerd	Cottonseed cake	Apr. 18, 1915	Apr. 20, 1915
Rhodesia; prize crew to Greenock.	General	Apr. 18, 1915	Apr. 22, 1915
Olaf Kyrre; ordered to discharge cotton.	Cotton	Apr. 19, 1915	May 5, 1915
Heros	Wheat and rye	Apr. 20, 1915	Apr. 22, 1915
Bertha	Maize	Apr. 21, 1915	Apr. 23, 1915
Wilh Colding; cleared at Ardrossan.		Apr. 21, 1915	Apr. 21, 1915
Kristianiafjord	General cargo, mail, and passengers.	Apr. 21, 1915	Apr. 22, 1915
Gothard	Cottonseed cake	Apr. 21, 1915	Apr. 23, 1915
Christian Michelsen	General	Apr. 21, 1915	Apr. 24, 1915
Christwa	Cottonseed cake	Apr. 21, 1915	Apr. 24, 1915
Tomsk		Apr. 22, 1915	Apr. 27, 1915
Regina	Cottonseed cake	Apr. 22, 1915	Apr. 24, 1915
Russ	Cottonseed cake	Apr. 22, 1915	Apr. 24, 1915
Hogland; bound from Europe to United States.		Apr. 23, 1915	Apr. 23, 1915
Randulf Hansen	Maize	Apr. 23, 1915	Apr. 25, 1915
St. Croix	Cottonseed cake	Apr. 23, 1915	Apr. 25, 1915
Ringhorn	Rye	Apr. 24, 1915	Apr. 25, 1915
Pioneer	Petroleum	Apr. 24, 1915	Apr. 26, 1915
Carl Henkel; via Newcastle for bunkers.		Apr. 24, 1915	Apr. 24, 1915
Hero; cleared at Ardrossan.		Apr. 24, 1915	Apr. 24, 1915
Locksley	Wheat	Apr. 24, 1915	Apr. 27, 1915
Kentucky	General	Apr. 24, 1915	Apr. 27, 1915
Soborg	Maize and barley.	Apr. 25, 1915	Apr. 27, 1915
Artemis; prize crew to Avonmouth.	General	Apr. 25, 1915	Apr. 28, 1915
Grointoft	Maize and barley	Apr. 25, 1915	Apr. 26, 1915
Hans Jensen; via Ardrossan for bunkers.		Apr. 25, 1915	Apr. 25, 1915
Kongsfos	Oil cake	Apr. 26, 1915	Apr. 28, 1915
Brynhild; cleared at Ardrossan.		Apr. 26, 1915	Apr. 26, 1915
Dronning Olga; prize crew to Leith.	Wheat, lard, etc.	Apr. 27, 1915	Apr. 30, 1915
Kronsprins Frederick	Barley	Apr. 27, 1915	Apr. 29, 1915
Salina	Rye and maize	Apr. 28, 1915	Apr. 29, 1915
Ivar; cleared at Ardrossan.	Maize	Apr. 28, 1915	Apr. 28, 1915
Norbotten	Coal and lubricating oil.	Apr. 28, 1915	Apr. 30, 1915
Fredericia; cleared at Ardrossan.		Apr. 29, 1915	Apr. 29, 1915
Wico; cleared at North Shields.	Ballast	Apr. 29, 1915	Apr. 30, 1915
Carolyn; prize crew to Leith.	Cotton and turpentine.	Apr. 29, 1915	May 3, 1915
Varing; via Newcastle for bunkers.		Apr. 30, 1915	May 1, 1915
Inland; cleared at Ardrossan.		May 1, 1915	May 1, 1915

Name of vessel	Cargo	Date of arrival in British ports	Date of leaving British ports
United States	Mails and passengers.	May 2, 1915	May 4, 1915
Jens Bang	General	May 2, 1915	May 4, 1915
Ludvig Peyron	Wheat	May 4, 1915	May 5, 1915
Minerva; prize crew to Newcastle.	General	May 4, 1915	May 7, 1915
Hatholmen	Cottonseed cake	May 4, 1915	May 6, 1915
Bur	Wheat	May 6, 1915	May 8, 1915
Petrolite	Petroleum lubricating oil.	May 7, 1915	May 9, 1915
Augusta; prize crew to Leith	General	May 7, 1915	May 10, 1915
Gerd; prize crew to Leith	General	May 7, 1915	May 10, 1915
Thekla	Linseed cake	May 7, 1915	May 10, 1915
Orion	Maize	May 8, 1915	May 10, 1915
Paris; cleared at Ardrossan	Lubricating oil	May 8, 1915	May 8, 1915
Otterstad	Cottonseed cake	May 8, 1915	May 10, 1915
Sigyn; prize crew to Ipswich	Wheat, rye, and maize.	May 8, 1915	May 14, 1915
Gudrun	Maize	May 8, 1915	May 9, 1915
Oscar II	General cargo, mails, and passengers.	May 9, 1915	May 10, 1915
London; prize crew to Barrow	Lubricating oil	May 10, 1915	May 13, 1915
Maricopa	Gas oil	May 10, 1915	May 19, 1915
Gunborg; prize crew to Dundee.	General	May 10, 1915	May 12, 1915
Liv	Rye	May 11, 1915	May 12, 1915
Loch Tay	General	May 11, 1915	May 19, 1915
Nordic; prize crew to Manchester.	General	May 12, 1915	May 15, 1915
Indianic; prize crew to Leith	General	May 12, 1915	May 17, 1915
Vinland	Maize	May 13, 1915	May 15, 1915
Sven; prize crew to King's Lynn.	Rock, phosphate.	May 13, 1915	May 24, 1915
Skinfaxe	Maize	May 14, 1915	May 16, 1915
Osman	Maize	May 14, 1915	May 16, 1915
Prosper III; cleared at Ardrossan.		May 14, 1915	May 14, 1915
Dania	General	May 14, 1915	May 19, 1915
John Blumer	Maize	May 15, 1915	May 18, 1915
Gurth	Wheat	May 15, 1915	May 17, 1915
Sommerstad	Maize	May 18, 1915	May 20, 1915
Sydlant; prize crew to West Hartlepool.	General	May 18, 1915	May 21, 1915
Uffe; cleared at Ardrossan	Oil cake	May 21, 1915	May 21, 1915
Redfaxe	Rye	May 22, 1915	May 25, 1915
Excellence Pleske	Cottonseed cake	May 23, 1915	May 27, 1915
Vulcan; cleared by customs on June 5, but detained by Admiralty.	Oil	May 23, 1915	June 9, 1915
Ester	Cottonseed cake	May 23, 1915	May 25, 1915
Sigurd; cleared at Ardrossan	Oil cake	May 23, 1915	May 24, 1915
Drammensfjord	General	May 25, 1915	May 27, 1915
Glendoon	Cottonseed cake	May 25, 1915	May 27, 1915
Pythia; prize crew to Immingham.	Cotton and cottonseed cake.	May 27, 1915	May 30, 1915
Sophie	Cottonseed cake	May 27, 1915	May 29, 1915
Aldebaran	Maize	May 28, 1915	May 30, 1915
Kiruna	Wheat	May 28, 1915	May 30, 1915
Frederik VIII	General, mails, and passengers.	May 28, 1915	May 29, 1915

Name of vessel	Cargo	Date of arrival in British ports	Date of leaving British ports
Justensen; cleared at Ayr	Maize	May 28, 1915	May 28, 1915
Romanoff	Barley	May 28, 1915	June 30, 1915
Tyr; cleared by customs on 25th.	General	May 29, 1915	June 29, 1915
Amphitrite	Rye	May 29, 1915	June 1, 1915
Olaf; cleared at Ardrossan	Cottonseed cake	May 29, 1915	May 29, 1915
Einar Jarl; prize crew to Sunderland.	Cottonseed cake	May 29, 1915	June 11, 1915
Llama	Gas oil	May 29, 1915	June 5, 1915
Edderside	Oil cake	May 30, 1915	June 1, 1915
H. V. Fisker	Maize	May 31, 1915	May 31, 1915
Marietta di Giorgio	Gas oil and lubricating oil.	June 1, 1915	June 18, 1915
Lyeglint	Oil cake	June 1, 1915	June 3, 1915
Sydic	Wheat	June 1, 1915	June 3, 1915
Vidar	Cottonseed cake	June 2, 1915	June 6, 1915
Leelanaw; cleared for Archangel.	Cotton	June 2, 1915	June 26, 1915
Bretagne; Tyne for bunkers	Maize	June 3, 1915	June 5, 1915
Polstad	Cottonseed cake	June 3, 1915	June 6, 1915
Gulfaxe	Maize	June 3, 1915	June 5, 1915
Ros	Rye	June 6, 1915	June 8, 1915
M. J. Mandal; cleared at Ayr	Maize	June 6, 1915	June 6, 1915
Whinlatter; detained	Barley and oil cake.	June 6, 1915	
Narvik	Rye	June 6, 1915	June 8, 1915
Boden	Coal	June 6, 1915	June 10, 1915
Nordkyn; prize crew to Leith	Maize	June 8, 1915	June 17, 1915
Polarine; detained	Petroleum and naphtha.	June 8, 1915	
Carl Henckel	Cottonseed cake	June 9, 1915	June 11, 1915
Jemtland; prize crew to Leith	Resin, cotton, cottonseed cake, oil.	June 9, 1915	June 12, 1915
Platuria; detained	Oil	June 10, 1915	
California	General	June 11, 1915	June 19, 1915
Djursland	Oil cake	June 11, 1915	June 17, 1915
Cushing	Petroleum	June 12, 1915	June 13, 1915
Absalom	Lubricating oil	June 13, 1915	June 13, 1915
Lisa; detained	Resin	June 13, 1915	
Wico	Oil	June 13, 1915	June 14, 1915
Balto	Coal	June 14, 1915	June 15, 1915
Nordhavet; prize crew to Grimsby.	Agricultural implements.	June 14, 1915	June 19, 1915
New Sweden	Gas coal	June 14, 1915	June 15, 1915
Oscar Trapp	Pitch-pine wood	June 14, 1915	June 14, 1915
Hans Jensen	Maize	June 14, 1915	June 18, 1915
Signe; cleared by customs; taking bunkers; expect sail July 2, 1915.	General	June 14, 1915	June 30, 1915
Dorte Jensen; cleared at Ardrossan.	Maize	June 15, 1915	June 15, 1915
Portland; prize crew to Blyth	Barley, beans, dried fruit, and oil cake.	June 15, 1915	June 18, 1915
Seaconnet; prize crew to Newcastle.	General	June 16, 1915	June 19, 1915

The following is an incomplete list of neutral vessels detained in England during the remainder of June and the months of July and August. Precise information regarding the dates of arrival in England and the dates of sailing of these ships, and regarding the seizure of cargoes thereon, is not yet available.

Absalom	Florida	Talisman
Lisa	Skogland	Corona
Balto	Groentoft	Drammensfjord
Nordhavet	Louisiana	Petrolite
New Sweden	Virginia	Brindilla
Hans Jensen	Gurre	Lesseps
Dorte	Hans Broge	Platuria
Jensen	Stanja	Sydic
Hellig Olav	United States	Jutlandic
Muskogee	Russ	Zamora
Bratland	Ulrik Holm	Helge
Polarstjerner	Glitra	Kronprinzessin Margareta
Locksley	Kentucky	Stryn
Atland	Tuborg	Narvic
Akarea	Fram	Alexander
Janna	Urd	Barendrecht
Sirius	Mexicano	Spangereid
Frederik VIII	Pangan	Marie
Nordstjerner	Varing	St. Andrew
Texas	Oscar II	Artemis
Ullsbrand	Bergensfjord	Dania
Falkland	Arkansas	London
Sir Ernest Cassel	Conrad Mohr	Salonica
Wico	Noruga	Alexander Shukoff
Portland	Alf	Angla
Llama	Hogland	Johan Siem
Pioneer	Thyras	Nordhvalen
Kristianifjord	Kong Haakon	

File No. 341.115P51/62

The Ambassador in Great Britain (Page) to the Secretary of State

No. 2299]

LONDON, October 8, 1915.

[Received October 26.]

SIR: I have the honor to enclose herewith for the information of the Department a copy of a communication¹ addressed to the Embassy by Mr. Arthur Garfield Hays, the representative of Messrs. Phelps Brothers of New York, on September 7, in reference to the proceedings involved in the case of the S. S. *Joseph W. Fordney*, together with a copy of a note dated October 6 which has been received from the Foreign Office in regard thereto.

I have [etc.]

WALTER HINES PAGE

[Enclosure]

The British Secretary of State for Foreign Affairs (Grey) to the American Ambassador (Page)

No. 139116/15]

LONDON, October 6, 1915.

YOUR EXCELLENCY: I did not fail to refer to His Majesty's Procurator General the note and enclosure which you were good enough to address to me on the 17th ultimo in regard to the proceedings involved in the case of the S. S. *Joseph W. Fordney*, and I now have the honour to inform your excellency that the Procurator General, having carefully investigated the circumstances in

¹ Not printed.

which the cargo of this vessel was shipped, and having given full weight to the evidence available, came to the conclusion that the proper course was to apply for an order for the condemnation of the cargo.

With regard to the misunderstanding which appears to have arisen between Mr. Hays and the Procurator General in connection with this case, I have the honour to say that it was originally proposed to deal with the cargo under the order in council of March 11, because the evidence only showed that the goods were intended for Germany, but as His Majesty's Government now have reason to believe that they were for the enemy Government or its armed forces, proceedings for condemnation are being taken on that ground.

Your excellency will remember that, as long ago as December last, when it was originally arranged that your excellency should be informed of cases of the detention of ships carrying cargoes shipped from the United States with an indication of the grounds of detention, it was expressly emphasized at the time that this undertaking would not be understood as debarring His Majesty's Government from raising additional grounds for proceeding against a cargo or ship in the prize court if they subsequently came to light, and your excellency was good enough to accept this view.

I have [etc.]

[File copy not signed]

File No. 783.72112/1802

The Ambassador in Great Britain (Page) to the Secretary of State

No. 2300]

LONDON, *October 8, 1915.*

[*Received October 28.*]

SIR: I have the honor to enclose herewith for the information of the Department a copy of a note under date of October 7, which has been addressed to the Embassy by the Foreign Office in reply to a communication made to the British Procurator General by the Consul General in London on September 27 in reference to the cargo of the S. S. *Vitalia*.¹

I have [etc.]

WALTER HINES PAGE

[Enclosure]

The British Secretary of State for Foreign Affairs (Grey) to the American Ambassador (Page)

No. 139821/15]

LONDON, *October 7, 1915.*

YOUR EXCELLENCY: I have the honour to inform you that, in a letter dated the 27th ultimo and addressed to His Majesty's Procurator General in regard to the items of the cargo of the S. S. *Vitalia* which have been placed in the prize court, the United States Consul General in London makes the following statement.

The great difficulty in this case is that under existing arrangements you are requiring goods to be forwarded by the Holland-America Line and have created a carrying monopoly.

I am not aware of any grounds upon which this statement can have been based; and I have the honour to request that your excellency will be so good as to explain to Mr. Skinner that His Majesty's Government make no conditions as to the steamship lines by which goods exported from America to Holland shall be carried, and there is no provision of this nature in the existing arrangement between His Majesty's Government and the Netherlands Oversea Trust.

If any conditions are made as to the carrying trade between America and Holland, I understand that they would be made by the Netherlands Oversea Trust with the principal Dutch shipping lines engaged in carrying goods, consignment of which has been accepted by the trust; and any such arrangements would be made without consultation with His Majesty's Government.

I have [etc.]

[File copy not signed]

¹ See telegram from the Consul General at London, September 20, *ante*, p. 550.

File No. 763.72112/1959a

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

[Telegram]

WASHINGTON, *October 28, 1915, 5 p. m.*

2350. In Department's consideration of destination of conditional contraband, it is necessary to ascertain to what extent the military authorities have superseded civil authorities in the Government of Germany so far as control over imports are concerned, and to what extent the Government controls the use of articles on conditional contraband list of Great Britain and her allies. Are private consignees free to import such articles without interference by authorities? Have explained matter fully to Kirk who is returning.

LANSING

File No. 763.72112/1812

The Ambassador in Great Britain (Page) to the Secretary of State

[Telegram]

LONDON, *October 30, 1915.*

[Received 1 p. m.]

3121. Have thoroughly investigated matter and am unable to find any basis for report contained in your 2272, 13th.¹ Understand, however, that British Government has informal arrangement with certain Danish steamship lines plying between American and Danish ports to the effect that they will not accept shipments consigned to certain firms in Denmark, under suspicion of British Government.

AMERICAN AMBASSADOR

File No. 841.857Ar1/101

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

[Telegram]

BERLIN, *October 30, 1915, 2 p. m.*

[Received November 1, 8.15 a. m.]

3059. The following note has just been received 10 a. m. from Foreign Office:

Ambassador Count Bernstorff has now reported about the negotiations conducted in Washington, D. C., with reference to the *Arabic* incident, and also communicated to me the text of the letter he addressed to the Secretary of State, Mr. Lansing.

From the Ambassador's report I see with satisfaction that a full understanding has been reached between our two Governments.

As Count Bernstorff, acting under instructions of the Imperial Government, has already pointed out, the commander of the submarine that sank the *Arabic* was convinced that the *Arabic* intended to ram his boat. I have since transmitted by mail to Count Bernstorff the evidence on file here—that is, a legalized copy of the report made by the commander of the submarine on September 2, as well as legalized copies of the hearing of the witnesses, conducted on September 21, in the matter of the sinking of the English steamer *Arabic* by a German submarine, together with the diagram and English trans-

¹ *Ante*, p. 571.

lation—and have requested him to bring this evidence to the knowledge of the American Government.

I beg to transmit herewith also to your excellency copies of the above-mentioned documents,¹ for I trust that your excellency's Government will gain from them the conviction that the circumstances as explained in the statements of the witnesses gave the commander of the submarine justified reasons for his above-mentioned supposition.

The German Government, on the other hand, as Count Bernstorff has already informed Mr. Lansing, does not want to refuse to credit the affidavit of the English officers [of] the *Arabic*, according to which no submarine was seen from the *Arabic*. The German Government therefore admits that, whereas the commander personally was convinced that he acted in self-defense, there was in fact no attempt made to ram the submarine. I may therefore repeat Count Bernstorff's statement that the attack of the submarine, to our regret, was not in accordance with their instructions issued, and that the commander has been notified accordingly.

As it has been the intention of the Imperial Government to settle the incident in a friendly manner, Count Bernstorff has also been instructed, as you know, to declare to the American Government our readiness to pay—out of friendly consideration and leaving aside the question of the liability resulting from international law—an indemnity for the loss of the American lives which the German Government deeply [regrets].

In giving again expression to my satisfaction that Count Bernstorff's negotiations with the Secretary of State, Mr. Lansing, have led to a settlement of the incident, I avail myself [etc.]

VON JAGOW

GERARD

File No. 763.72112/1960a

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

[Telegram]

WASHINGTON, November 1, 1915.

1170. A note of this Government in regard to interference with neutral commerce by British authorities has been sent to London, and I have asked Mr. Page to mail you a copy upon its delivery to the British Government. Upon receipt of the copy, please transmit it to the French Foreign Office for the information of the French Government.

LANSING

File No. 763.72/2609

The Ambassador in Great Britain (Page) to the Secretary of State

No. 2392]

LONDON, October 22, 1915.

[Received November 1.]

SIR: With reference to your telegram No. 2297, October 18, 6 p. m.,² I have the honor to report as follows, and respectfully to ask for further instructions:

The telegram takes up three subjects: (1) the use by a British naval patrol boat of the American flag and affidavits of American witnesses to such use; (2) the carrying by British merchantmen of one defense gun each astern, not larger than a specified size; and

¹ Not printed.

² Ante, p. 576.

(3) the alleged arming by the British Admiralty of merchantmen to attack German submarines.

1

The wording of your telegram implies (I append a copy of it for your convenience in referring to it) that you have received these affidavits from some source other than this Embassy. I fear, therefore, that the affidavits which I sent you August 26, 29 (first in brief by telegraph and then in full by mail), covering this same matter, have not been called to your personal attention. I append a copy of these telegrams and affidavits made by (1) Herbert Young, (2) Henry Christy, and (3) William Roberts.¹

These affidavits are of course authentic; in all essential points they agree; they were made by American citizens before our Consul at Liverpool, Mr. Washington; and I assume that they are such conclusive evidence of what happened that any representations that you may wish to make regarding the use of our flag may be made without asking Sir Edward Grey to verify or to deny the fact of its use. That fact is established.

With regard to naval patrol ships taking the disguise of merchantmen, that is freely admitted. I recall that, in an informal conversation one day about the submarine warfare, Sir Edward Grey spoke of such a disguise as a legitimate and even usual *ruse de guerre*.

2

Concerning the carrying by merchant ships each of one gun astern, not larger than a specified size for defensive purposes, Sir Edward Grey had an informal conversation with me just after the gun had been removed from the *Waimana* at Norfolk. The Department had given me no information about this and I knew only what Sir Edward chose to tell me. I shall not undertake to quote him verbally, but the impression he left on my mind was this: that since the Admiralty wanted guns of that particular size, he was quite willing to have the *Waimana's* gun dismounted and conveyed home as freight, provided it was removed without prejudice to the principle involved. Then he went on, in an informal way, to say that the principle was an important one, well-recognized and well-established in naval usage and respected by all nations, and that the United States had early in this war recognized it. Since the United States had vigorously taken Germany to task in order to prevent a change in well-recognized and well-established naval laws and customs, it would indeed be a strange inconsistency if the United States should insist on a change by England to her disadvantage of a well-recognized and well-established custom, in the middle of this war, which the United States itself had agreed to after the war had begun. He spoke with a good deal of earnestness and expressed himself pleased that the *Waimana* case had been adjusted as it was; and he hoped that the principle would not be questioned. He did not say in so many words that he suspected that this incident arose because of German suggestion, but he made the impression on my mind that this is what

¹ Telegrams printed *ante*, pp. 527 and 528.

he thought. This conversation affords the cue, I think, to his answer in case the question of principle should be raised. It does not seem to me that he would be likely to yield it, and a controversy on this point, especially since the submarine war seems ended, might bring only embarrassment and no practical result.

3

Returning to the first paragraph of your telegram (No. 2297), the Department asked me by telegram (No. 1182, February 24) substantially the same question and I replied (No. 1762, March 10), both telegrams hereto attached.¹

This first paragraph of your telegram has appeared several times, almost in these words, in English newspapers, translated from German newspapers, and this has been one of the stock German complaints. This morning's newspapers contain the following variation of this complaint—that the German Government has protested to the Italian Government against the use of nets to catch submarines and also against the use of large ships to attack them.

One coastwise merchant ship or a fishing ship (I have forgotten which) rammed and sunk a submarine several months ago, and a money prize (not given by the Government, but by private subscription) was awarded to her captain. This case was widely reported in the British press. The merchant ship or fishing boat simply took her chance of sinking the submarine or of being sunk. Perhaps the general German newspaper protest was suggested by this incident.

There is no evidence procurable that the Government has armed merchant ships, but British naval patrol ships have disguised themselves as merchant ships, as the *Emden* was reported to have put up a false funnel on several occasions to appear as a merchant ship at a distance. The ships armed by the Government to attack submarines thereby become warships, whatever their disguises. Real merchantmen which go to neutral ports have been armed only as international law and custom permit—this is the information that my inquiries elicited in March, and I have heard nothing to the contrary. I could then find no evidence that a defensive gun on any merchantmen had been offensively used.

To ask the British Government whether it had violated the regulation that a merchant ship should carry only a defensive gun, without any evidence in any particular case to support the suspicion, would be to invite a rebuff. It would be assuming on our part that the often-published general German accusation had received our endorsement without our knowledge of any fact to support it. I do not see how we can without discourtesy make any such direct inquiry unless we have some specific case to base it on, and not merely the general accusation which the German newspapers are continually making, without (so far as I know) giving any particular ship, time, or place. For instance, we should hardly protest against the use of our flag unless we could cite some particular ship that had on some particular occasion used it—as the *Lusitania* and as the disguised patrol ship that came up to the *Nicosian*.

Awaiting further instructions,
I have [etc.]

WALTER HINES PAGE

¹ *Ante*, pp. 122 and 137.

File No. 841.857/57

The Secretary of State to the Ambassador in Great Britain (Page)

No. 1843]

WASHINGTON, November 1, 1915.

SIR: Referring to your despatch No. 2184, of September 21, 1915,¹ in which you transmit a copy of Lieutenant Tower's report on the *Hesperian* and *Arabic* cases and state that you are forwarding to the Department the piece of metal and copies of the Admiralty charts referred to in that report, the Department returns herewith the fragment of metal in question, in accordance with the request of the Admiralty.

For your information the Department gives the following excerpt from the report of the Secretary of the Navy:

This fragment of metal has been compared with the drawings of torpedoes and corresponds to the construction of various types of torpedoes, and in the opinion of the Department is a part of a joint ring and shell of a torpedo.

The Department has no knowledge of any type of mine whose construction is similar to the fragment of metal referred to.

I am [etc.]

For the Secretary of State:

JOHN E. OSBORNE

File No. 462.11 H21/10

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

No. 1672]

BERLIN, October 19, 1915.

[Received November 1.]

SIR: With reference to the Department's telegram No. 2022, dated July 31, 1915, 3 p. m.,¹ and to my telegram of even date, No. 3023,² I have the honor to transmit herewith a translation of a note received to-day from the Imperial Foreign Office, dated October 16, 1915, relating the facts of the sinking of the American steamer *Leelanaw* by a German submarine on July 25, 1915.

I have [etc.]

J. W. GERARD

[Enclosure—Translation]

No. IIIa. 17397/153453]

NOTE VERBALE

The Foreign Office has the honor to make the following reply to the *note verbale* of the Embassy of the United States of America, dated August 2, 1915, F. O. No. 4536, relative to the sinking of the American steamer *Leelanaw*.

The steamer mentioned was stopped by a German submarine on board the submarine on the afternoon of July 25, 1915, in 59° 55' latitude north, and 4° 22' longitude west. According to the ship's papers, she was on a voyage from Archangel to Belfast; the cargo consisted of flax. The commander of the submarine considered the cargo contraband and decided accordingly to sink the vessel and cargo. He saw to it that the crew of the vessel was safely taken ashore and took the ship's papers of the steamer *Leelanaw* on board the submarine.

Under Article 21, number 22, of the German prize ordinance as amended by the ordinance of April 18, 1915 (*Reichs-Gesetzblatt*, p. 227), flax is to be considered absolute contraband. The ordinance of April 18, 1915, was communi-

¹ *Ante*, p. 492.² Not printed.

cated to the Embassy of the United States of America by *note verbale* of April 22, 1915 (IIIa. 8434), with the request that the contents be brought to the knowledge of the American Government. It was possible therefore for the shippers and captain of the steamer *Leelanaw* to have knowledge of the German contraband regulations. The goods were destined for an English port; thus the contraband was liable to seizure without further formality (*vide* Article 30 of the German prize ordinance; Article 31 of the Declaration of London). According to value and bulk, the contraband formed more than half the whole cargo; consequently the vessel herself was liable to confiscation (*vide* Article 41, paragraph 2 of the German prize ordinance; Article 40 of the Declaration of London). Since the German commander was unable to take the steamer into a German port without exposing the submarine to danger or impairing the success of the operations in which it was engaged, he was justified in destroying the vessel (Article 113 of the German prize ordinance; Article 49 of the Declaration of London). He fulfilled his obligation of placing all persons on board and the ship's papers in safety (Article 116 of the German prize ordinance; Article 50 of the Declaration of London).

The commander therefore acted in conformity with the principles of international law. The legality of the measures taken by him is examinable by German prize jurisdiction according to Article 1, number 2, of the German prize ordinance (Article 51 of the Declaration of London). The ship's papers have already been sent to the prize court at Hamburg. This court will have to decide the questions whether the destruction of the vessel and cargo was legal, whether the property sunk was liable to confiscation, and to whom and in what amount indemnity is to be awarded, provided any claim therefor is before it. It is true that in the present case, as in the case of the *William P. Frye*, the special provisions of Article 13 of the Prussian-American treaty of July 11, 1799, are to be considered, pursuant to which the property belonging to citizens of the United States of America may only be confiscated when its value is restored.

It appears from information received from the prize court that the American shipping interests have already entrusted a Hamburg attorney with the representation of their rights before the prize court. The Foreign Office begs to reserve a note concerning the outcome of the prize proceedings.

BERLIN, October 16, 1915.

Cases Arising under the British Order in Council of October 20, 1915,¹ Annulling Article 57 of the Declaration of London: Seizure of the "Hocking" and the "Genesee"—The Sinking of the "Ancona"

File No. 341.115Am319

The Secretary of State to the Ambassador in Great Britain (Page)

[Telegram]

WASHINGTON, November 2, 1915, 4 p. m.

2390. Department informed steamer *Hocking* registered under American flag was seized by British cruiser while *en route* in ballast to Norfolk to load coal under charter to Argentine Republic, and taken to Halifax. You will request of British Government explanation at once of seizure of this vessel.

LANSING

File No. 341.115P51/62

The Secretary of State to the Ambassador in Great Britain (Page)

[Telegram]

WASHINGTON, November 3, 1915, 4 p. m.

2394. Your despatch 2299. The note addressed to you by Foreign Office under date October 6, 1915, confirms Department's original

¹ *Ante*, p. 179.

supposition seizure cargo steamer *Joseph W. Fordney* was an illegal act on part British authorities since goods were seized on suspicion and without probable cause. These goods were subject to seizure only if consigned to German Government or its armed forces. Department observes Foreign Office states that, as His Majesty's Government "now" have reason to believe that the goods "were for the enemy Government or its armed forces, proceedings for condemnation are being taken on that ground." In other words, it appears that approximately one half year after seizure goods British authorities believe they have such evidence as alone would have justified seizure this cargo. Department does not perceive the pertinency to matter under discussion of statement to you by Foreign Office pointing out that when it was arranged that you should be informed regarding detention of ships, with an indication of the grounds of detention, it was emphasized that this undertaking would not be understood as debarring British Government from raising additional grounds for proceeding against a cargo or ship in prize court. If adequate evidence warranting seizure goods was not disclosed by due examination of vessel at time of its seizure, there of course could be no lawful seizure of the cargo and, therefore, no subsequent lawful prize court proceedings.

Communicate with Foreign Office in sense foregoing, and since it would appear from British Government's own statement cargo was illegally seized, you may renew your request for its release.

LANSING

File No. 763.72112/1840

The Ambassador in Great Britain (Page) to the Secretary of State

[Telegram]

LONDON, November 4, 1915, noon.

[Received 2 p. m.]

3154. Paragraph numbered 13, beginning on page 10 of note,¹ is not quite clear to me. If it means that the British Government has, as a deliberate Government policy, increased or will increase British trade at the expense of American trade, such an imputation of bad faith has been repeatedly denied by the British Government.

It occurs to me respectfully to ask whether this be your meaning, and if so, whether the paragraph shall be sent in as it was.

In view of repeated British denials of foregoing as a Government policy, I wish to be absolutely certain of your meaning, and therefore risk the small delay that this question entails.

AMERICAN AMBASSADOR

The Secretary of State to the Ambassador in Great Britain (Page)

[Telegram]

WASHINGTON, November 4, 1915, 5 p. m.

2405. Your 3154, November 4, 12 noon. Paragraph number 13 should stand as it is. The argument in it is advanced to show the

¹ The note of October 21, *ante*, p. 578.

effect of increased British trade under the rule of evidence advanced by the British Government, and has nothing to do with the British policy in regard to increasing British trade.

LANSING

File No. 763.72112/1860

The Minister in China (Reinsch) to the Secretary of State

[Telegram]

PEKING, November 9, 1915, 11 p. m.

[Received 6.20 p. m.]

British by-law trading regulations, as enforced in China, require in most cases submission by the principals of neutral firms to the British consular officers of all documents, including full detailed information about each transaction covering cargo offered for shipment on British vessels, and American merchants are thereby obliged to disclose to the British authorities information which it is gravely suspected is given to British firms for use to the detriment of American trade. American concerns employing German subjects have been obliged to discharge them before British vessels or banks would be permitted to extend facilities for their China-American trade.

British consular officers have required shipments of antimony and dyes by neutral firms from China to America to be consigned to British Consul General, New York, before allowing space on British vessels, presumably to avoid possible consignment to German tainted concerns in the United States. Guaranty Trust Company, New York, listed by the British Ambassador as notoriously German. Consular officers maintain British white and black lists; American merchants suspected of direct or indirect dealings with British enemy concerns in China or in the United States for import or export trade are blacklisted; and these companies whose business involves the use of British banking or shipping facilities which inadequate American facilities make necessary, are subject to exasperating and humiliating treatment by the British consular authorities before this permission is granted.

Where enemy taint is suspected for falsifying delivery in the United States or import deliveries in China, in some cases even extending to preparation of cargo for shipment or other intermediary transactions in connection therewith, permission to ship or deliver is refused. The British authorities consider British vessels operating in China trade as common carriers for British subjects only.

Since the withdrawal of American steamers from the Pacific, British authorities have been more exacting in their requirements of neutral shippers. It appears that the action of the British authorities is partially inspired by a desire to monopolize Sino-American trade for British firms, to the exclusion of German and American concerns.

Some American merchants who have exerted every effort to comply with the British regulations, but who nevertheless are not admitted to white list, have appealed to the Legation for assistance;

but I hesitate to exercise good offices which might be held to admit the validity of measures taken by British authorities without first having your instructions. In this connection I beg to suggest that it might be possible for the American Embassy at London to negotiate to have British consuls instructed to allow acceptance and delivery of *bona fide* American cargoes, irrespective of prior ownership, upon affidavits of ownership sworn to before American consuls, and to accept their certificates of American character of firms.

REINSCH

File No. 865.857An2/5a

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

[Telegram]

WASHINGTON, November 10, 1915.

375. Reported Italian steamer *Ancona* sunk by submarine and surviving passengers landed Bizerta. Telegraph facts available and whether any Americans among passengers.

LANSING.

File No. 865.857An2/2

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

[Telegram]

ROME, November 10, 1915.

[Received 7 p. m.]

427. Later report Americans believed lost on *Ancona*: Alexander Pattativo¹ of New York, his wife and four children; Mrs. Francis Mascolo Lamura; also about twenty other third-class passengers believed Americans. Mrs. Cecil L. Greil first called Gray, now reported safe.

NELSON PAGE

File No. 341.115Am319/12

The Ambassador in Great Britain (Page) to the Secretary of State

[Telegram]

LONDON, November 10, 1915, 7 p. m.

[Received 7.30 p. m.]

3192. Your 2390, 3d [2d].² Foreign Office informs me that British Government have strongest belief that *Hocking* is entirely or to large extent enemy-owned, and therefore liable to condemnation to that extent in accordance with the rules and principles formerly observed by British prize court in such cases, and adds that the case will be brought before a court and evidence produced as soon as possible.

AMERICAN EMBASSY

¹ Potalivo is correct spelling. See No. 498 of December 18, 1915, *post*, p. 646.

² *Ante*, p. 608.

File No. 341.115Am319/24

The Secretary of State to the President of the American Transatlantic Company (R. G. Wagner)

WASHINGTON, November 11, 1915.

SIR: The Department is in receipt of your letters of November 3 and 8, 1915, respectively, regarding the seizure by the British authorities of the steamer *Hocking* which has been taken into port at Halifax.¹

The position of the Department respecting certain vessels, including the steamer *Hocking*, which were recently registered under the American flag on the application of your company, has been fully explained to you in previous communications.¹ However, the Department may briefly further point out certain matters which should make clear to you the position which this Government is under the necessity of taking at the present time regarding the steamer *Hocking*.

The Department of Commerce, which was evidently satisfied that under the law of this country it was permissible to issue such registers, has furnished this Department with a copy of a letter addressed to your company by the Acting Secretary of Commerce, under date of August 23 last, in which you were informed that steps had been taken to have issued a provisional American registry to the steamer *Laura*. In this connection the Acting Secretary of Commerce advised you as follows:

I take this occasion to advise you, as you have been several times advised orally by the Commissioner of Navigation, that the Government of the United States cannot, of course, give any assurance that the American claim of ownership of the *Laura* or of the other ships you have recently acquired, and for which, under the direction of the Secretary of Commerce, provisional registers have been issued, will not be challenged by belligerents, or that the ship will not be arrested on the high seas and sent to a prize court for adjudication of that question. With the facts before it, this Department is of the same opinion as the State Department, that the case will be one appropriate for the decision of the question of ownership by a prize court.

I think, further, that American exporters or importers of goods by these ships, or charterers, ought to be advised of this situation.

Your attention in this relation is called to the right of belligerents to visit and eventually search merchantmen for the purpose of ascertaining whether these vessels *really belong to the merchant marine of neutrals*, and if so, whether they are attempting to break a blockade, or carry contraband, or render unneutral service to the enemy. In view of this established belligerent right, and in view of the principle that a person who seeks redress for an injury which he considers that he has sustained at the hands of a foreign government, must, as a general rule, in the first instance resort to the appropriate tribunals of such government before he is entitled to diplomatic intervention, it would seem that you might deem it advisable to take prompt steps to establish your rights before the British prize court.

¹ Not printed.

The Department, with a view to any possible future action in your behalf, will give careful consideration to any information you may desire to present to it bearing on the question of the actual ownership of the steamer *Hocking*.

I am [etc.]

For the Secretary of State:

FRANK L. POLK
Counselor

File No. 865.857An2/22

The Italian Minister of Foreign Affairs (Sonnino) to the Italian Embassy at Washington

[Telegram—Translation]

[Left at the Department of State
by the Italian Ambassador,
November 15, 1915.]

I beg your excellency kindly to read to the Minister of Foreign Affairs the following communication of which you may give him a copy:

The Government of the United States is doubtless aware of the particulars reported by the press in connection with the outrage perpetrated by the enemy upon Italian shipping on November 7.

More than once the destruction of Italian merchantmen had taken place under circumstances which permitted no other explanation than that there was behind the procedure a ruthless purpose to use brutish force against private property of innocent persons. Non-combatant passengers and crews already have been the victims of these methods, but never has there been an instance of such unparalleled atrocity as in the case of the sinking of the *Ancona*. The unarmed liner, *en route* to New York, was steaming westward between the coasts of Sardinia and Tunis, carrying passengers and cargo destined for America. It was out of the question that the vessel could have been suspected of carrying arms or contraband, or persons in the service of any of the belligerents. In fact, none of the circumstances alleged in other cases, in an attempt to justify actions described by their authors as a necessity of war or as a reprisal, were present in the case of the *Ancona*. There are principles that no state ought to disregard and no private individual could violate with impunity. Respect for the lives of persons in no way participants in a war is among these fundamental rules of humanity and international law. This rule imposes upon belligerents the strict obligation to do all in their power in every circumstance to protect the lives of such passengers.

Without any warning whatsoever, without even a blank shot, without observing any of the formalities accompanying the right of search, the submarine encountered by the *Ancona* in the aforesaid circumstances, opened fire upon the unarmed passenger liner, relentlessly shelling not only the wireless apparatus, sides, and decks of the ship while she was at a stop, but even the lifeboats in which the terrorized passengers were seeking refuge. Many of the passengers were killed outright or wounded. Some who approached the submarine in the hope of rescue were driven off with jeers. As a result of this inhuman procedure more than two hundred men, women, and children lost their lives.

The Royal Government regards it as a duty to denounce solemnly to all nations the circumstances described above. Their sentiments of justice and humanity will cause them without doubt to judge, as it deserves, the conduct of an enemy which is obviously contrary to the dictates of civilization and the recognized principles of international law.

SONNINO

File No. 865.857An2/47

The Austro-Hungarian Chargé (Zwiedinek) to the Assistant Secretary of State (Phillips)

WASHINGTON, November 15, 1915.

[Received November 16.]

MY DEAR MR. PHILLIPS: . . .

As to the *Ancona* case, my conviction that the explanation would be satisfactory has proven correct. This Embassy has not yet received a direct official telegram from the Foreign Minister, and I do not know as we shall get one at all, but the official announcement of the Austro-Hungarian Admiralty transmitted to us by wireless via Sayville appears to cover the whole situation. I enclose a copy of the telegram as we received it yesterday. . . .

I am [etc.]

E. ZWIEDINEK

[Enclosure]

Official announcement of the Austro-Hungarian Admiralty

Official Austro-Hungarian Admiralty reports foreign press spreads false reports about sinking *Ancona*, which took place as follows: Submarine fired one shot before steamer's prow, upon which steamer fled full speed, according order Italian authorities, which runs, "flee or sink submarine." Submarine pursued steamer and continued firing. Steamer stopped only when hit several times. Submarine allowed 45 minutes abandon steamer, where panic reigned, but only small number boats were lowered and occupied principally by crew. Great number boats, probably sufficient for save all passengers, remained unoccupied after 50 minutes. Submarine in presence other approaching steamer submerged and torpedoed *Ancona*, which sank after further 45 minutes. If passengers lost life, this by crew's fault, because steamer tried escape when received order for stopping, and then crew only saved themselves, not passengers. Foreign press reports submarine fired on lifeboats mendacious inventions. When steamer stopped submarine ceased firing.

File No. 865.857An2/29b

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

[Telegram]

WASHINGTON, November 16, 1915, 5 p. m.

987. The Embassy has transmitted a copy of the Austro-Hungarian Admiralty's official report regarding the sinking of the *Ancona*. Please ascertain the size and character of the attacking vessel, its armament, the name of the commander, and the flag flown during the attack. If possible, also obtain a copy of the commander's report.

Please examine the list of Austro-Hungarian submarines and report whether the vessel attacking the *Ancona* appears on the list.

Report promptly by telegraph.

LANSING

File No. 763.72112/1902

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

[Telegram]

CHRISTIANIA, November 17, 1915, 11 a. m.

[Received 2.40 p. m.]

37. It has come to my knowledge that the British Government and the Norwegian American Line have made another agreement (see my despatch No. 91¹), from which it would appear that the British Government waives the right of search on condition that it be put in possession of the ship's manifests and that the line agree, upon being requested by the British Minister at Christiania, to return to England such goods destined for other countries as the British Government may desire.

SCHMEDEMAN

File No. 865.857An2/24

The Consul at Algiers (Mason) to the Secretary of State

[Telegram]

TUNIS, undated.

[Received November 18, 1915, 8.15 a. m.]

Cecille Grelle [*Greil*] intelligent impartial witness. Deposition not conclusive as to whether any effort was made to escape by *Ancona*.² First intimation danger when she was in dining saloon, disturbance on deck, stoppage or slowing of engine, followed shortly by shot, which struck vessel. Testimony precise that bombardment lasted 45 minutes and was continued after vessel had stopped, killing and wounding many persons. She saw destruction vessel by torpedo; saw red and white flag and six cannon on submarine; knows nothing as to other Americans. Information secured admiralties Algiers and Bizerta considered to demonstrate conclusively that 13 vessels were sunk from 3d to 7th November by submarines going from Gibraltar towards Ancona.

MASON

File No. 300.115H36/

The Ambassador in Great Britain (Page) to the Secretary of State

[Telegram]

LONDON, November 19, 1915.

[Received 8.30 p. m.]

3236. Foreign Office informs me that American schooner *Helen W. Martin* struck a mine on the 18th instant at 4 p. m. 3 miles WNW. of Orfordness. Ship anchored, tug standing by.

AMERICAN AMBASSADOR

¹ Not printed.

² This deposition, together with ten other affidavits and statements on the case, as forwarded by the Consul at Naples December 6, is printed in *Diplomatic Correspondence with Belligerent Governments relating to Neutral Rights and Duties* (Department of State, European War No. 4, May 18, 1918), pp. 148-74; reprinted in the *American Journal of International Law*, vol. 11, Special Supplement, pp. 156-85.

File No. 763.72112/2057

The Swedish Minister (Ekengren) to the Secretary of State

WASHINGTON, November 18, 1915.

[Left by the Minister, November 20.]

SIR: I have been instructed by my Government to communicate the following to your excellency:

The Royal Swedish Government has with great satisfaction taken part of the contents of the note of the 5th instant addressed by the Government of the United States to the Government of Great Britain, and has thought itself justified to regard the same as demonstrating the firm decision of the United States to champion the rights accorded by generally accepted international principles to neutral states with regard to navigation and commerce. The Royal Government therefore confidently hopes that the present conditions, the illegal and disastrous character of which the note so well points out, will undergo a material change for the better, the Royal Government not being able to imagine that the note referred to above should have only academic interest and be devoid of value as an expression of the policy decided upon by the United States.

Especially to the following proposition the note undoubtedly gives undivided support. His Majesty's Government has with some surprise received the information from New York that the transportation from the United States to Sweden of almost all kinds of provisions and many other articles is refused by the steamship agents unless a special permission has been granted by the British Government. That the exportation of a country's own products should be dependent upon the permission of a foreign government seems extraordinary from a Swedish point of view. But apart from that, the Swedish Government can not omit to draw the attention of the United States Government to how far such an arrangement is from being in accord with what has been said in the note of November 5. Among other things the said note protests against violations of neutral cargoes committed by the British authorities on the open sea. But by the arrangement just mentioned the British authorities are given the opportunity to exercise control already before the shipment has left port.

In view of the above it is asked whether the Government of the United States would be willing to take measures with the point in view of removing these wrongs whereby perfectly legal exportation of a number of articles from this country to Sweden is materially hampered.

With renewed assurances [etc.]

W. A. F. EKENGREN

File No. 763.72112/1912

The Minister in China (Reinsch) to the Secretary of State

[Telegram]

PEKING, November 20, 1915, 8 p. m.

[Received 2.30 p. m.]

My telegram of November 9, 10 [11] p. m.¹ Consul Fisher reports that upon his inquiry as to the grounds upon which the British Consul General had instructed a British ship not to accept cargo from an American firm, the latter refused in blunt terms to give any information. While the British Minister assured me to-day that he would instruct consuls to answer such questions, I apprehend continued serious embarrassments to our trade unless attitude of British consuls is changed. They are now causing even Japanese vessels to refuse to take American cargo suspected by them. Fisher concludes

¹Ante, p. 610.

that American merchants are forced to stand aside and see their export and import business taken over by other nationalities. Many are intimidated through fear of trade loss from even protesting.

In order to provide remedy I beg to suggest that the Legation be authorized to instruct American consuls either to refuse to certify invoices for shipments on any steamer whose owners refuse to accept cargo from Americans upon affidavits of ownership sworn to before American consuls and consular certification of American character of firm, or to refuse to certify invoices for shipments to America by British firms until the American consul has satisfied himself by full inquiry that the cargo is not one which a British ship had refused to accept at the hands of Americans.

REINSCH

File No. 865.857An2/29

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

[Telegram]

PARIS, November 21, 1915, noon.

[Received 6.50 p. m.]

1110. Referring my 1103, 14th.¹ Additional information furnished me by Ministry of Marine in following telegram from prefect of Bizerta :

November 15. Submarine flying no flag opened fire at distance of five miles without giving warning. Steamer took flight at full speed, hoisting her flag, pursued by submarine, which hoisted brand-new Austrian flag. *Ancona* being overhauled and satisfied she had encountered a German submarine stopped and laid herself broadside on to show her flag.

Three shells and a torpedo were fired while the captain and (forty?) passengers were still on board. It was not proven that the ship's boats were fired at, but according to eye witnesses, the crew made fun of the passengers struggling in the water. Nothing was done to save them except in case of one young woman to whom a rope was thrown and who was told to come aboard, but was prevented from following this advice by the passengers of a neighboring boat. Displacement 1,000 tons, length 80 meters; two guns of about 75 millimeters, one forward, one aft. Brand-new Austrian flag was hoisted after steamer showed Italian flag. Sailors wore old clothes; no possibility of recognizing the uniform. The captain of steamer believed he had to do with German submarine and maneuvered in consequence. The submarine was alone.

Following extract from declaration of captain of steamer *France* sunk on November 7 by a German submarine at about 70 miles from the southeast coast of Sardinia, also furnished me by Ministry of Marine.

It was 11.15 in the morning when the steamer sank, latitude 38°, longitude 10° 18' east of Greenwich. At that moment the submarine approached the ship's boats and the captain ordered me to accost him. I then noticed a cinema operator on the bridge taking photographs. The submarine thereupon made off. At noon when we were making sail with the boats we heard a violent cannonade. We counted twenty-three shots and perceived a steamer at about five or six miles away, apparently the object of the cannonade.

SHARP

¹ Not printed.

File No. 811.0151/108

The Ambassador in Great Britain (Page) to the Secretary of State

No. 2477]

LONDON, November 3, 1915.

[Received November 23.]

SIR: With reference to my telegram No. 3143 of to-day's date,¹ giving a summary of a note I have to-day received from the Foreign Office on the subject of the alleged use of the American flag by British vessels in order to escape capture and destruction by the enemy, with particular reference to the case of the steamship *Buena Ventura* which was raised by the German Foreign Office in its note to the Ambassador at Berlin of July 28 last, I have the honor to transmit herewith enclosed a copy of the note from the British Foreign Office on which my telegram was based, together with a copy of my note of September 29 last to Sir Edward Grey,¹ which has occasioned this reply.

For convenience of reference, I venture to add that my request for information was made under the Department's instruction No. 1585 of September 13 last.¹ The memorandum of February 19 to which reference is made was communicated to the Department in my telegram No. 1674 of the same date.²

I have [etc.]

WALTER HINES PAGE

[Enclosure]

The British Secretary of State for Foreign Affairs (Grey) to the American Ambassador (Page)

No. 160683/15]

LONDON, November 2, 1915.

YOUR EXCELLENCY: In a number of communications with which your excellency has honoured me in the past four months you have brought to my notice reports which have reached the United States Government, from enemy and other sources, relating to the alleged use of the United States flag by British vessels in order to escape capture and destruction by the enemy. Your excellency has requested, under instructions from your Government, that enquiry might be made in each instance as to the foundation for the report and that the result of such enquiry might be communicated to you.

His Majesty's Government, who desire, in this as in other matters, to comply so far as is in their power with any desire expressed to them by the United States Government, have endeavoured to furnish your excellency with the particulars required, though they have felt that no useful purpose could be served by collecting at some trouble the information necessary to substantiate, or, in many cases, to disprove, the allegation that British vessels had resorted to a well-known means of deceiving the enemy, and one which is neither contrary to the provisions of international law nor to those of the municipal law of this country, or, I believe, of the United States.

In replying to the enquiry contained in your excellency's communication of September 29 last, I would therefore take the liberty of suggesting that your Government may, on further consideration of the matter, be willing to desist from bringing these reports to the notice of His Majesty's Government or, at least, from putting forward the request for information by which they have hitherto been accompanied.

In making this suggestion I would remind your excellency that, in my memorandum of February 19 last, I stated that His Majesty's Government had no intention of advising merchant shipping to use foreign flags as a general practice, or to resort to them otherwise than for escaping capture or destruction. At the same time I recalled to your excellency's notice that cases were

¹ Not printed.² *Ante*, p. 117.

on record in which a corresponding use had been made of the British flag by United States vessels, and I expressed the view, which I am happy to say has not been falsified, that it would be contrary to fair expectation that the United States Government should now, when the positions are reversed, grudge to British ships liberty to take similar action.

The case dealt with in your excellency's above-mentioned communication of September 29 is that of the steamship *Buena Ventura* which, according to what is represented by the German Government, sailed for this country from American ports in May last under the United States flag. The enquiries which have been made show that the information of the German Government may in this case well be correct since the vessel in question is a United States ship, her British register having been closed on September 9, 1914, on her sale to the United States Steel Products Company.

I have [etc.]

For Sir Edward Grey:
W. LANGLEY

File No. 865.857An2/36

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

[Telegram]

VIENNA, November 23, 1915, 8 p. m.

[Received November 24, 7 p. m.]

991. On the 19th sent note Minister for Foreign Affairs on subject *Ancona* in sense requested by you, with strong personal letter to Burian. Receiving no reply have to-day had long conference with him. Burian assures me has ordered full report from marine section and when received will place it in my hands immediately. Expect report in day or two. Rest assured am doing all possible to hasten matter. Consensus of opinion here is that submarine was German-built but technically now Austrian. Cattaro believed to be operating base. Burian said he was positive *Ancona* did not halt when commanded to do so, and that most people were lost through condition of panic incident to Latin blood. Official Austro-Hungarian list 1914-15 gives twelve (*U-1 to 12*); first six in commission at outbreak of war, maximum length 43 meters, no guns. *U-7 to 12* then building Kiel, length 70 meters, mounting quick-firers, caliber not given. *U-12* officially reported sunk by Italians August 13 last.

PENFIELD

File No. 341.115P51/64

The Ambassador in Great Britain (Page) to the Secretary of State

[Telegram]

LONDON, November 27, 1915.

[Received 3.12 p. m.]

3297. Your 2394, 3d.¹ Foreign Office reply that British Government regret that they are unable to depart from their intention to continue proceedings for condemnation of cargo of *Joseph W. Fordney* in the prize court. Sir Edward Grey adds that he will advise me on a later date regarding the general principles raised in connection this cargo, as he is of opinion that they can be more adequately

¹Ante, p. 608.

dealt with in conjunction with the matters brought to his notice in my note of November 6, embodying your instruction October 21¹

AMERICAN AMBASSADOR

File No. 865.857An2/41

The Consul at Algiers (Mason) to the Secretary of State

[Telegram]

ALGIERS, November 28, 1915.

[Received 4 p. m.]

Transmitted certified translations deposition filed Greek Consulate of three survivors *Ancona*.² Greek sailors heard bell to stop engine after first shot. Depositions Greek witnesses less complete than Greil deposition. Do not controvert statements cabled Department except as to number cannons on submarine. Substantiate and supplement in some respects Greil deposition.

CONSUL

File No. 462.11H21/6

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

[Telegram]

WASHINGTON, November 30, 1915, 11 a. m.

2447. Your 3023, October 19, 7 p. m.³ You may say to Foreign Office owners steamship *Leelanaw* are not represented before prize court and that, as you have already informed the German Government, for same reason assigned by Government of United States for refusing to submit to prize court question of amount indemnity to be paid in case of steamer *William P. Frye*, this Government desires in case of steamer *Leelanaw* that question of amount indemnity to be paid shall be settled by diplomatic negotiations.

LANSING

File No. 341.115Am319/46

The Secretary of State to the Ambassador in Great Britain (Page)

[Telegram]

WASHINGTON, November 30, 1915, 7 p. m.

2516. Department informed by owners of *Hocking* and *Genesee* that British Government intends to requisition these vessels.⁴ If information correct, enter at once vigorous protest against any such action and insist on prize court proceedings being pushed to determine question of ownership.

LANSING

¹ *Ante*, p. 578.

² Not printed.

³ See despatch No. 1672 from the Ambassador in Germany, *ante*, p. 607.

⁴ See the order in council of March 23, providing for the requisitioning of "a ship in respect of which no final decree of condemnation has been made," *ante*, p. 366.

File No. 341.115Am319/58

The Secretary of State to the Ambassador in Great Britain (Page)

[Telegram]

WASHINGTON, November 30, 1915, 8 p. m.

2517. Department is advised that British authorities have now seized for prize proceedings, on the ground of German interests, two of the ten vessels recently purchased by the Transatlantic Trading Company, an American corporation whose stock, the Department is informed, is owned entirely by American citizens to the exclusion of foreign interests, direct or indirect. As the seizure of these two vessels (the *Hocking* and the *Genesee*) is, in the view of the Department, sufficient to test the presence of enemy interests in the whole ten, which are believed to be on an identical basis, and in view of the shortage of transportation facilities for carrying the sea-borne commerce of the United States, the Department hopes that the other vessels will not be molested by British authorities unless the prize proceedings indicate sufficient ground therefor. Please bring the foregoing to the attention of the British Government informally and unofficially, and with full reservation of all American rights concerning the vessels thus far seized.

Please impress upon the Foreign Office that the Department and the commercial interests of this country would be greatly concerned if the British Government seized the remainder of these vessels, and thereby seemed unnecessarily to hamper the exportation of the cargoes which are now congesting American ports.

LANSING

File No. 763.72112/1702

The Secretary of State to Messrs. Henry Veeder, Charles J. Faulkner, jr., and Luther M. Walter, counsel for American packers

WASHINGTON, December 3, 1915.

GENTLEMEN: The Department acknowledges the receipt of your letter of October 6 last, in which you comment on the decision of the High Court of Justice of Great Britain confiscating as prize certain shipments made by Armour and Company, Swift and Company, Morris and Company, and Sulzberger and Sons Company, composing part of the cargoes of the *Kim*, *Alfred Nobel*, *Björnsterne Björnson*, and *Fridland*.¹

Your letter has received the Department's careful consideration.

As you are doubtless aware, the questions referred to in your communication are dealt with at some length in the instruction of October 21, 1915, transmitted by the Department to the American Ambassador at London directing him to address a communication to the British Government regarding the interference by the British authorities with American commerce.²

With reference to the views expressed in your communication to the effect that this Government should, without awaiting the

¹Ante, p. 561.²Ante, p. 578.

result of appellate proceedings, protest against the recent decision of the British prize court confiscating certain goods shipped on the steamers *Kim*, *Alfred Nobel*, *Björnstjerne Björnson*, and *Fridland*, the Department deems it proper to call your attention to the principle of international law that a claimant against a foreign government must, as a general rule, prosecute his case to a final decision in a court of last resort before invoking diplomatic assistance on the ground that he has suffered a denial of justice in the tribunals of a foreign government, and presumes that your clients will attend to an appeal. The case will continue to receive the attention of the Department.

I am [etc.]

For the Secretary of State:

ALVEY A. ADEE

File No. 763.72112/1963

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

[Telegram]

BERLIN, December 2, 1915, noon.

[Received December 3, 1.45 p. m.]

3172. Your 2350, October 28.¹ Following information communicated verbally by Foreign Office; written answer promised:

- (1) Owing to proclamation issued at outbreak of war, military authorities theoretically have power to supersede civil authorities, but, practically, power has been exercised in only few instances and not at all in connection with customs authorities.
- (2) In so far as control of use of imported goods is concerned, Government regards enemy's list of conditional contraband as of no importance.
- (3) Receipt and distribution of certain imported food and fodder products may take place only through central organization which distributes to civil parties only, but military authorities have power to requisition against payment anything needed by army or navy.

Chancellor has power to grant exemption from control and distribution and military authorities have power to guarantee in advance freedom from requisition of designated imported consignments in whole or part.

GERARD

File No. 811.0151/109

The Secretary of State to Representative Charles P. Caldwell

WASHINGTON, December 6, 1915.

SIR: I have the honor to acknowledge the receipt of your letter of the 22d ultimo, enclosing resolutions adopted at a meeting held at

¹Ante, p. 603.

Long Island City on November 9 and handed to you by a committee of citizens of the second congressional district of New York.¹

In these resolutions, which are signed by Hermann Koch as chairman and Frederick Dietz as secretary, it is alleged that atrocities were committed on August 19, 1915, in the Irish Sea, against unarmed German submarine sailors by the British Admiralty ship *Baralong*, while displaying the American flag; that proof of these atrocities was duly filed at Washington by the German Government; and that the Government of the United States has refused to take action thereon, for which reason the resolutions "demand" that the Government of the United States take action "upon this most unparalleled and extraordinary abuse of the American flag."

The Department takes note of your statement that your friends who presented the resolution assure you that it is not their wish to embarrass the administration, and of your request that you may be informed of the actual facts in the case and of the action, if any, that has been or may be taken by the Government in order that they and the community they represent may be properly and accurately advised.

Complying with this request, I have the honor to inform you that the Department has received conflicting evidence as to what occurred in the alleged attack of the *Baralong* upon a German submarine, and that among this evidence there are affidavits tending to prove that before the *Baralong* fired a shot the American flag was lowered and the proper flag hoisted in its place; and furthermore, that it has been held that the use of a neutral flag as a *ruse de guerre* is justifiable practice; but that the Department has given the matter serious consideration with a view to determining whether the principle involved has been violated in the present war by the use of the American flag.

Thanking you for the assurance with which your letter closes, of your whole-hearted support of the administration in the difficult matters growing out of the present war which have beset and are confronting it,

I have [etc.]

ROBERT LANSING

The Note of December 6, 1915, to Austria-Hungary Demanding Disavowal and Reparation in the "Ancona" Case—British Memorandum of December 13, 1915, Denying Discrimination Against American Trade

File No. 865.857An2/76a

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

[Telegram]

WASHINGTON, December 6, 1915, 6 p. m.

1011. Please deliver a note to the Minister of Foreign Affairs, textually as follows:

Reliable information obtained from American and other survivors who were passengers on the steamship *Ancona* shows that on Novem-

¹ Not printed.

ber 7 a submarine flying the Austro-Hungarian flag fired a solid shot toward the steamship; that thereupon the *Ancona* attempted to escape, but being overhauled by the submarine she stopped; that after a brief period and before the crew and passengers were all able to take to the boats the submarine fired a number of shells at the vessel and finally torpedoed and sank her while there were yet many persons on board; and that by gunfire and foundering of the vessel a large number of persons lost their lives or were seriously injured, among whom were citizens of the United States.

The public statement of the Austro-Hungarian Admiralty has been brought to the attention of the Government of the United States and received careful consideration. This statement substantially confirms the principal declaration of the survivors, as it admits that the *Ancona* after being shelled was torpedoed and sunk while persons were still on board.

The Austro-Hungarian Government has been advised, through the correspondence which has passed between the United States and Germany, of the attitude of the Government of the United States as to the use of submarines in attacking vessels of commerce, and the acquiescence of Germany in that attitude, yet with full knowledge on the part of the Austro-Hungarian Government of the views of the Government of the United States as expressed in no uncertain terms to the ally of Austria-Hungary, the commander of the submarine which attacked the *Ancona* failed to put in a place of safety the crew and passengers of the vessel which they purposed to destroy because, it is presumed, of the impossibility of taking it into port as a prize of war.

The Government of the United States considers that the commander violated the principles of international law and of humanity by shelling and torpedoing the *Ancona* before the persons on board had been put in a place of safety or even given sufficient time to leave the vessel. The conduct of the commander can only be characterized as wanton slaughter of defenseless non-combatants since at the time when the vessel was shelled and torpedoed she was not, it appears, resisting or attempting to escape, and no other reason is sufficient to excuse such an attack, not even the possibility of rescue.

The Government of the United States is forced, therefore, to conclude either that the commander of the submarine acted in violation of his instructions or that the Imperial and Royal Government failed to issue instructions to the commanders of its submarines in accordance with the law of nations and the principles of humanity. The Government of the United States is unwilling to believe the latter alternative and to credit the Austro-Hungarian Government with an intention to permit its submarines to destroy the lives of helpless men, women, and children. It prefers to believe that the commander of the submarine committed this outrage without authority and contrary to the general or special instructions which he had received.

As the good relations of the two countries must rest upon a common regard for law and humanity, the Government of the United States can not be expected to do otherwise than to demand that the Imperial and Royal Government denounce the sinking of the *Ancona* as an illegal and indefensible act; that the officer who perpetrated the deed be punished; and that reparation by the payment of an

indemnity be made for the citizens of the United States who were killed or injured by the attack on the vessel.

The Government of the United States expects that the Austro-Hungarian Government, appreciating the gravity of the case, will accede to its demand promptly; and its rests this expectation on the belief that the Austro-Hungarian Government will not sanction or defend an act which is condemned by the world as inhumane and barbarous, which is abhorrent to all civilized nations, and which has caused the death of innocent American citizens.

LANSING

File No. 763.72112/2052

The British Ambassador to the Secretary of State

[Received December 9, 1915.]

MEMORANDUM

With a view to meeting American complaints Sir Edward Grey is ready to set up a small unofficial committee of persons of experience who shall examine any specific case in which an allegation is made of unnecessary delay in dealing with ships and cargoes from the United States. This committee would also suggest any improvements in the machinery for the purpose of preventing such delays in other cases.

File No. 300.115P44/2

The Consul at Algiers (Mason) to the Secretary of State

[Telegram]

ALGIERS, undated.

[Received December 10, 1915, 3.20 p. m.]

American steamer *Petrolite* arrived Algiers 7 a. m., December 10. Captain reports vessel attacked nineteen hours from Alexandria by submarine flying Austrian flag. One seaman wounded by shell. After examination papers and forcibly taking provisions vessel allowed to proceed.

MASON

File No. 341.115Am319/75

The Ambassador in Great Britain (Page) to the Secretary of State

[Telegram]

LONDON, December 10, 1915.

[Received 10.15 p. m.]

3376. My 3368, December 8.¹ I have just received the following note from Sir Edward Grey:

I have the honour to state that I have had under consideration your excellency's note of the 2d instant and memorandum of the same date respecting the steamships *Hocking* and *Genesee*.

According to the memorandum I observe that the State Department has been advised that these and the other eight ships in the same category are

¹ Not printed.
2433—28—40

the property of the Transatlantic Trading Company, an American corporation, the stock of which is stated to be owned entirely by American citizens to the exclusion of direct or indirect foreign interests.

Up to the date of my memorandum of the 7th ultimo (163854) it was generally held that these ships were the property of the American Transatlantic Company, in regard to which Mr. T. E. Chamberlain, United States Commissioner of Navigation, stated in writing on June 16 last: "Not one dollar of American money is invested in this ship (then called the *Leonidas Cambanis*, Greek registry) or seven others recently purchased under similar conditions" and "These ships are not entitled to the American flag."¹

For this and other reasons His Majesty's Government consider that the exact status of the ships can only be determined to the satisfaction of all parties on the evidence to be submitted by both sides in the prize court and I take this opportunity to observe that in bringing such ships before the court His Majesty's Government and the French Government are merely applying a principle which is sanctioned by the practice not only of the British but of the United States courts in the past.

His Majesty's Government much regret the inconvenience caused to the United States Government by the shortage of tonnage because the same difficulty to which the promiscuous destruction of merchant shipping by German submarines has largely contributed is also experienced by His Majesty's Government.

In view of this consideration, His Majesty's Government are willing not to capture the remaining ships of the company unless they are found to be carrying contraband until the prize court has given a decision in the cases which are now pending, provided of course that the proceedings in court are not unduly prolonged by the defendants.

As regards requisitioning, these ships are being formally requisitioned for transfer to this country in order that both cases being of the same nature may be heard in the same court, and, in view of the shortage of tonnage to which your excellency refers, the opportunity will be taken to convey cargoes awaiting shipment. The action of His Majesty's Government in this respect is supported by American precedents during the Civil War. For instance, the British steamer *Memphis* was requisitioned by the United States authorities immediately after capture without notice being given to any claimant, this procedure being upheld by the United States prize court, while the British schooner *Stephen Hart* was actually requisitioned and sold one year before judgment was pronounced.

I need hardly remind your excellency that if the prize court does not condemn these ships the requisitioning will in no way prevent their being returned to their owners and as the latter could not in any case make use of them while proceedings are pending they lose nothing by what is being done.

AMERICAN EMBASSY

File No. 865.857An2/60

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

[Telegram]

WASHINGTON, December 13, 1915.

1024. Please deliver the following cipher despatch to Baron Burian from the Chargé at Washington:

WASHINGTON, December 11, 1915.

262. Have been received to-day by Secretary of State who gave me copy of Ancona note. Lansing assured me of his great respect and appreciation for bravery and chivalrous spirit in our army and navy and reminded me that Austria-Hungary has many friends here even among those who are strongly pro-Allies and these friends we should not alienate. Lansing said that note although very firm and determined does not intend to offend but has to be taken as strong appeal to our sense of chivalry and self-respect not to endorse

¹ Post, p. 693.

an action by which duty of due consideration for safety of travelers evidently neglected. Life of travelers demands ample consideration even if it would sometimes become necessary to let steamer go. Lansing and administration would be painfully surprised if Austria-Hungary would defend an action which contrary to our proud tradition and against laws of humanity which America absolutely determined to defend whereas cooperation and severe punishment of commander would produce here on the contrary all over the country excellent effect of which we could be proud.

I believe that situation demands very serious and prompt attention.

ZWIEDINEK

LANSING

File No. 865.857An2/142

Memorandum by the Secretary of State of a conversation with the Austro-Hungarian Chargé (Zwiedinek)

December 13, 1915.

The Chargé called upon me, having made an appointment by telephone, to discuss the *Ancona* note. He asked me in the first place whether I had read the despatch which he had sent to his Government on Saturday night. I told him that I had and I thought it fairly represented the substance of our conversation. I said to him that while I realized the spirit of Austria in the conduct of the war that I did not wish his Government to think for a moment that our position was less firm than it was; that there could be only one thing for Austria to do and that was to comply with our demands.

He said to me: "But suppose the facts are not as you stated them on the information which you had." I said: "That, of course, may make some difference in the matter, although I do not conceive they could vary enough to change our position. Nevertheless, if Austria should suggest that there was a possible inaccuracy in our statement we might receive that as affecting our position."

He said to me if the Austrian Government then should say that they would investigate the matter and that if they found the facts substantially as stated they would comply with our three demands would that be acceptable to this Government? I replied to him that that seemed a reasonable proposition, if it was a full and frank acceptance of the demands.

He then said it was very difficult for him to communicate with his Government. I said I appreciated that and in order that he might advise his Government fully in the matter that I would be willing to forward through our Ambassador at Vienna a cipher message for him.

ROBERT LANSING

File No. 763.72/2304

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

No. 475]

STOCKHOLM, November 18, 1915.

[Received December 13.]

SIR: I have the honor to transmit herewith copies and translations of a royal decree concerning the convoying of Swedish merchant vessels during time of war.

I have [etc.]

IRA N. MORRIS

[Enclosure—Translation]

*Proclamation concerning the convoying of Swedish merchant ships during war between foreign powers*¹

We Gustaf, by the grace of God, King of Sweden, and of the Goths and Wends, make proclamation: that We, revoking the ordinance, dated 10 June 1812, regarding merchant ships under convoy of men-of-war, have found it good, after deliberating with the competent authorities, to decree as follows:

SECTION 1

The purpose of convoying during war between foreign powers is, with due observance of what is decreed in this proclamation, to afford Swedish merchant ships protection against search and detention by warships of foreign powers.

SECTION 2

A convoy is arranged when the King or that naval authority to whom the decision of the matter has been entrusted, considers that the circumstances necessitate such convoy.

A requisition for the arrangement of a convoy is to be made in writing, or by telegraph, to the King in the Naval Defense Department, or to that naval authority to which the decision in the matter has been confided, and shall contain particulars as to the owners, or as regards the shipping company, the names of the principal owners, and also that of the captain, the name of the ship, its place of registration and number in the register of ships, the description and destination of the cargo, the shipper and consignee, the port of departure and destination of the ship, also the expected time of sailing.

SECTION 3

Application for the inclusion of a ship in the convoy shall, even if the ship has been mentioned in the requisition which has occasioned the arranging of the convoy, be made to the commander of the convoy and be accompanied by particulars as provided in the second part of Section 2; and the commander of the convoy shall decide, with due reference to what is enacted in Section 4, as to whether the application may be granted.

The application must be accompanied by a written undertaking to contribute such sum towards the expenses of the convoy as the King may decide. Such undertaking shall be immediately sent in to the naval defense department.

SECTION 4

Merchant ships which carry contraband of war, or which may reasonably be suspected of intending to render assistance contrary to the laws of neutrality to a neutral power, may not under any circumstances be included in the convoy.

SECTION 5

In order to prevent merchant ships referred to in Section 4 being included in the convoy, such measures of control as are considered suitable may be taken with regard to ships for which convoying has been applied for.

It shall be obligatory for the captain of a ship for which convoying has been granted, both, before sailing of the convoy to hand over the original ship's papers to the commander of the convoy, and also, on requirement by the commander of the convoy, to give him a written assurance that the documents handed over are complete and in accordance with the actual conditions.

The ship's papers shall be returned to the captain at such time as the commander of the convoy considers desirable.

SECTION 6

In order to prevent contraband being put on board it shall be the duty of the customs authorities on request of the commander of the convoy and to the extent he may consider necessary to set a watch over the ship for which a convoy has been requested, both while loading and after up to the sailing of

¹ Swedish Statutes, 1915, No. 411.

the convoy, and also to assist in any examination of the cargo which may be undertaken by the commander of the convoy.

A report shall be drawn up by the authorized custom authorities with regard to the measures which they have taken, of which a certified copy shall be handed to the commander of the convoy before it sails. Where it can conveniently be done, the report may be replaced by a certificate issued by the customs authorities regarding the watch kept over the ship.

The shipowner shall defray the expense incurred by the customs authorities according to the certified scale of charges.

SECTION 7

The commander of the convoy shall issue a certificate to the captains of those merchant ships which have obtained permission to be included in the convoy, and this certificate with the necessary instructions and a copy of this proclamation shall be handed to the captain of the merchant ship before the sailing of the convoy.

SECTION 8

The captain of a merchant ship which is included in the convoy shall, together with his crew, be under obligation to obey the orders and directions which are given by the commander of the convoy, or by his authorized representative on his behalf under pain of the ship's otherwise being excluded from the convoy.

This proclamation shall come into force immediately upon being issued.

These ordinances are to be observed by all concerned. And hereunto have we set our hand and seal.

STOCKHOLM PALACE, *October 29, 1915.*

GUSTAF

Naval Defense Department
DAN BROSTRÖM

File No. 341.115St2/187

The Secretary of State to the Ambassador in Great Britain (Page)

No. 2034]

WASHINGTON, *December 14, 1915.*

SIR: The Department encloses a copy of a letter from the Standard Oil Company of New Jersey, relative to the detention by the British authorities at Kirkwall of the company's vessels. There is also enclosed a copy of the communication transmitted with the letter.¹

You will forward copies of these communications to the Foreign Office and request that they receive the British Government's serious consideration. In this relation you will further communicate with the British Government in the sense of the following:

The Government of the United States deplors the action of the British authorities in harassing the company's legitimate trade in a manner which, in the opinion of this Government, has been characterized by repeated acts of illegality.

Without at this time entering into a detailed discussion of the illegal acts of the British authorities in interfering with the company's vessels, a number of instances of which this Government has already brought to the attention of the Government of Great Britain, attention may be called in this relation to a few recent cases of flagrant disregard of the rights of the company.

On September 6 last the steamer *Cornning*, which had cleared from Baton Rouge, Louisiana, for Malmö and Stockholm, was seized

¹ Neither printed.

and required to proceed to Kirkwall with a prize crew on board, although the boarding officer was shown the instructions of the owners to the captain to proceed to that port for examination. The ship remained at Kirkwall until September 25 and was then released and proceeded to its destination. Repeated endeavors on the part of American consular officers to ascertain some reason for the detention of the ship were unavailing. It appears that during the detention of the vessel both master and crew were treated as prisoners of war. No steps, so far as the Department has been advised, have been taken by the British Government to compensate the owners for this lawless treatment of vessel and crew.

According to an affidavit of the master of this vessel it appears that in May last the same vessel, while sailing from New York to Savona, Italy, was stopped by a British torpedo boat on the high seas and without any visit and search and without even an examination of the ship's papers was ordered into the port of Gibraltar.

About a month ago the company's steamer *Llama* was seized, presumably with the same disregard of law that has repeatedly characterized the treatment of the company's vessels, none of which, so far as the Department is informed, has throughout the course of the war been found to carry any illegal shipments, and while in charge of the prize crew the vessel was wrecked and sunk.

The steamer *Petrolite*, which carried a cargo of illuminating oil in the company's usual course of business with Scandinavian countries, was detained during last September for a period of about two weeks in the port of Kirkwall, where, as this Government understands, it had voluntarily entered, and was then allowed to proceed. The request of this Government for the release of the vessel, unless the British Government had evidence indicating the illegal destination of the cargo, was met by a reply which in effect was that the acknowledged belligerent right of search and examination would be rendered entirely nugatory if exercised in accordance with the established practice of nations governing the exercise of this right.

The conclusion seems irresistible that some of the British naval authorities have practically come to the conclusion that they are at liberty to deal with neutral commerce in complete disregard of the legal rights of neutral shippers. This Government hopes that steps may promptly be taken to impress on the appropriate authorities the seriousness of a continuation of such a course.

I am [etc.]

ROBERT LANSING

File No. 763.72112/2110

The British Ambassador (Spring Rice) to the Secretary of State

WASHINGTON, December 13, 1915.

[Received December 14.]

DEAR MR. SECRETARY: Statements have been widely circulated in this country to the effect that the trade of the United States has greatly suffered owing to the restrictive measures taken by the Allies against German commerce and more especially that British mer-

chants and shippers are profiting greatly by the war measures of the British Government to the detriment of American trade.

As these statements seem to be largely based upon a report emanating from an officer of your Department who had not had access to the official statistics of the United States Government, I think it may be useful, in the interest of a fair and just appreciation of the facts (which I am sure is your object), if I enclose a memorandum on the subject of these assertions which is supplementary to that already communicated to you by my Government.

It is not to be expected that the United States should be wholly untouched by such a world calamity as the present war, and in the case of the American Civil War it will be in your recollection that the immediate effect on France and England was an unparalleled industrial crisis which resulted in untold suffering to the working classes of those countries, hundreds of thousands being rendered absolutely destitute. It is satisfactory to note from the recently published report of the Secretary of the Treasury, that wholly apart from war orders, the industrial situation in this country is on a firm, steady, and healthy basis.

With regard to the specific accusation against my Government that while American trade with neutral countries has been diminished, British merchants have profited by the war measures to increase their export trade, I beg to recommend to your notice the figures given in the accompanying report, based on the official returns of American trade published by your Government. You will see that while British trade, which has suffered greatly in its general volume, has increased to a slight extent in certain branches, American trade has increased to a vastly greater extent.

It may be apposite to point out that British trade does not compete with American trade in the neutral countries of Europe, as the products of America, sent to those countries, are of a wholly different nature from those exported from Great Britain.

In some cases, which are explained in detail in the memorandum, there has been an increase of the exports from England but the amount involved has been infinitesimal as compared with the volume of American trade in the same articles, and the increase in the exports from England is explained by accidental causes which involved no loss to the American exporter. I need only mention the case of cotton. The export from England of American cotton increased during the first seven months of the year by 114,000 bales, largely owing to cotton which was purchased by the British Government in consequence of misapprehension as to the ownership and released to the Swedish consignees. In the same months the total exports from America increased by 2,300,000 bales.

I trust that it will not be found amiss that I ask your consideration of the enclosed memorandum which is not communicated in a controversial spirit, but merely in order to correct an impression which appears to have arisen from an imperfect appreciation of the facts.

I need only add in conclusion that if there comes to the knowledge of your Department any specific instance in which the British Government has made use of their restrictive trade measures for the purpose of unfairly discriminating between British and American

trade, you will bring the facts to the knowledge of my Government in order that they may cause an enquiry and remedy such injustice.

I am [etc.]

CECIL SPRING RICE

[Enclosure]

The British Embassy to the Department of State

MEMORANDUM

1. The attention of His Britannic Majesty's Embassy has been drawn to a report by the United States Consul General in London on the subject of British trade in July, which was published in *Commerce Report* No. 203 of August 30 and the substance of which was widely reproduced in the press.¹

2. In the course of this report Mr. Skinner states as follows:

It continues to be the case that many classes of goods, the exportation of which from the United States to neutral countries is attended with great difficulties and hazards, are going forward freely from Great Britain to the same countries, and in some cases in largely increased quantities.

The idea that British trade is taking advantage of the conditions arising out of the military situation in order to establish itself in neutral markets at the expense of American trade is one that has already been submitted by the United States Consul General in London in a previous report, and Sir Edward Grey, in a note to Mr. Page dated August 13 last,² endeavoured to show that the idea was founded upon a misapprehension of the facts. The sentence quoted above, however, and the publicity given to it in the American press and to the figures adduced to support it, render a further explanation desirable.

3. While British export trade has undergone a uniform decrease in practically all articles, the published figures of the United States Department of Commerce show that the export trade of the United States, in spite of lack of shipping, the complete dislocation of normal conditions of commerce and the measures taken by the Allied powers to restrict the trade of their enemies, and quite apart from the export of actual munitions of war, has increased to a phenomenal extent, and this, not only in supplying the requirements of certain of the belligerent nations but in general trade with the very countries from whose markets it has been claimed that Great Britain was endeavouring to exclude American products. On the other hand British trade has probably suffered more from the embargoes on exports imposed owing to the necessities of war by the British Government than has United States trade from the measures in restriction of neutral trade with the enemies of Great Britain.

4. Apart from this unprecedented volume of exports, American industry, which before the outbreak of the war had been suffering for over a year from general and widespread depression, has during the period of hostilities realized another benefit; the reduction in exports from the belligerent countries has supplied the opportunity for American industry to replace European products in the markets of South and Central America, the Far East and even in neutral European countries, so that the practical cessation of direct trade with Germany, Austria-Hungary, Belgium and Turkey is more than compensated by the opening up of new markets. The Secretary of the Treasury in his report for the year ending June 30, 1915, which has just been published says: "What extraordinary results have been achieved in the brief period since December 1914! During the year there has been a steady, healthy, forward movement in every line of activity, until now prosperity has been firmly established throughout the country." From all points of view therefore it appears that the European war has proved rather beneficial than otherwise to American trade and industry, while any suggestion that Great Britain is attempting to use the military situation for the purpose of hampering American trade is utterly refuted by the actual facts and figures.

5. After stating that many classes of goods, the exportation of which from the United States is attended with difficulties and hazards, are going forward freely from the United Kingdom, Mr. Skinner's report continues:

Exports of raw cocoa for example are reported in the following quantities:

¹Ante, p. 554.

²Ante, p. 511.

Countries	March		April	
	1914	1915	1914	1915
	<i>Pounds</i>	<i>Pounds</i>	<i>Pounds</i>	<i>Pounds</i>
Denmark.....		1, 642, 909	1, 555	685, 336
Norway.....	21, 687	276, 388	12, 586	194, 705
Sweden.....	10, 562	492, 647	16, 500	1, 150, 746
Holland.....	496, 012	1, 532, 970	290, 884	1, 867, 126
Total.....	528, 261	3, 944, 914	321, 525	3, 897, 913

It is to be presumed that these figures are quoted in support of the theory that British trade in certain articles is increasing at the expense of American trade, and that cocoa is selected as an especially favourable illustration. But figures procured from the United States Department of Commerce show that while the total British exports of raw cocoa to Norway, Sweden, Denmark, and the Netherlands increased from 528,261 pounds in March 1914 to 3,944,914 pounds in March 1915, and from 321,525 pounds in April 1914 to 3,897,913 pounds in April 1915, the United States exported no raw cocoa to any of these countries in March or April 1914; while in March 1915 2,558,787 pounds were exported to Sweden, Denmark, and the Netherlands and in April 1915 2,283,860 pounds were exported to Sweden and Denmark.

The following figures show these exports in detail:

Countries	March		April	
	1914	1915	1914	1915
	<i>Pounds</i>	<i>Pounds</i>	<i>Pounds</i>	<i>Pounds</i>
Denmark.....		1, 664, 085		1, 162, 391
Sweden.....		884, 858		1, 121, 469
Holland.....		9, 844		
Norway.....				
Total.....		2, 558, 787		2, 283, 860

The total amount of raw cocoa exported from the United States to all countries during these two months of 1914 and 1915 was as follows:

	1914	1915
March.....	362, 257 pounds	2, 661, 866 pounds
April.....	483, 353 " "	4, 045, 869 " "

and during the nine months ending March 31 for the two years:

1914.....	3, 553, 025 pounds
1915.....	22, 770, 223 pounds

After quoting the British exports of cocoa to Scandinavia and the Netherlands in March and April 1914 and 1915, the report continues: "For July 1915 the total exports (from Great Britain) were 7,039,067 pounds against 1,283,585 pounds in July 1914."

Figures published by the United States Department of Commerce show that for July 1915 the total exports from the United States were 1,765,463 pounds against 251,542 pounds in July 1914.

That is, during the month of July 1915 British exports were about six times as great as last year while United States exports were about seven times as great as last year.

Finally for the fiscal years ending June 30, the total United States exports of raw cocoa have increased from 4,577,622 pounds in 1914 to 28,979,053 pounds in 1915.

So that in spite of the "great difficulties and hazards" quoted in the report the United States trade in raw cocoa has increased sevenfold in the last year.

6. Leaving the figures of British exports of raw cocoa, Mr. Skinner, still presumably developing the theory that British trade has benefited at the expense of American trade, continues as follows:

Exports of cotton, as reported under the cotton statistics act of 1866, were as follows up to August 5:

	American	Total
	<i>Bales</i>	<i>Bales</i>
To August 5, 1915.....	220, 847	445, 843
To July 30, 1914.....	106, 382	271, 989
To July 31, 1913.....	153, 832	315, 757

Now when it is considered that the United States exports of cotton in July last alone were 244,474 bales, or more than the total number of bales of American cotton exported from Great Britain during the seven months ending August 5, 1915, and that during these seven months the United States exported some 6,000,000 bales of cotton as against 3,700,000 during the same period last year, the increase of 114,000 bales in British reexports of American cotton during the first seven months of 1915 as compared with the same period a year ago, and of 67,000 bales as compared with the same period two years ago, appears relatively insignificant. A large proportion of this increase consisted of cotton originally consigned from the United States to Swedish firms, purchased by the British Government from the American shippers under misrepresentations as to the real ownership and subsequently released and forwarded to Swedish firms who established their titles to it.

Moreover it is to be noticed that United States exports of cotton to "other Europe," i. e., Europe except Austria-Hungary, Belgium, France, Germany, Italy, Russia, Spain, and the United Kingdom, for the twelve months ending June 30 have increased in value from \$5,000,000 in 1914 to \$60,000,000 in 1915. As the amount of cotton exported to Portugal, Switzerland, Turkey, and the Balkan States is negligible, this increase of \$55,000,000 must have been derived from exports to Norway, Sweden, Denmark, and the Netherlands. In the light of these figures it is difficult to see what foundation there is for the suggestion that British trade is attempting to establish itself in the cotton markets of neutral European countries at the expense of the United States.

7. The report gives a table showing the exports of British products and manufactures and reexports of colonial and foreign merchandise from the United Kingdom during the months of July 1914 and July 1915, indicating in some cases the quantities exported to different countries.

Among the British products all articles show a decrease in the total quantity exported with the few unimportant exceptions of malt, rice, lard, cocoanut oil and palm oil. The exports to Allied and neutral countries show however an increase in certain cases. Press summaries of the report laid stress upon the increased exports of cotton goods to France, Russia, Norway, Sweden, Denmark, and the Netherlands, although except in the case of France these increases are inconsiderable. But it cannot be maintained that any of this increased trade is gained at the expense of American trade, seeing that the United States trade in cotton goods compares in size and importance with the British trade in about the ratio that British reexports of raw cotton compare with the United States exports of raw cotton. The manufacture of cotton goods in the Lancashire district is one of the greatest of British industries, just as the production of the staple in the United States is the greatest industry of the South, and there can therefore be no possibility of competition between the two countries. Moreover of American cotton goods not more than about 1 per cent goes to Europe.

8. Other papers remark on the increased British exports of wool and woolen goods to the allies of Great Britain and to neutral countries "though the United States has had great difficulty in getting wool and wool products to neutrals."

The figures of British trade in July quoted in Mr. Skinner's report show that British reexports of raw wool fell from sixteen to nine million pounds with a slight increase in the quantity exported to the United States and the Netherlands, and a considerable decrease in the exports to France. Total exports of wool tops have fallen from four to one and a half million pounds (no separate

countries given); total exports of worsted yarn have fallen from four to one million pounds, exports to Russia, Sweden, Norway, Denmark, Holland, and the United States having all decreased while those to France have risen from 85,000 to 355,000 pounds; total exports of woollen tissues have decreased from eleven to seven million yards, exports to Sweden showing an increase of 24,000 yards, to Norway of 9,000 yards, to Denmark of 87,000 yards, and to France of nearly 3,000,000 yards, while exports to the Netherlands and the United States have decreased; total exports of worsted tissues have fallen from seven to five million yards, exports to Norway having increased by 16,000 yards, to Denmark by 9,000 yards and to France 300,000 yards, while exports to Sweden, the Netherlands, and the United States have decreased.

The increased exports to neutral countries are comparatively insignificant, as in the case of cotton goods, and the increased exports to France probably consist largely of war orders. The figures of the Department of Commerce show that during the month of July the United States exported to France woollen wearing apparel to the value of \$725,531 as against none for the same period of last year. The total amount of raw wool reexported from the United States during the twelve months ending June 30, 1914-15, has increased from one to seven million pounds.

The total exports of wool and woollen goods from the United States have therefore increased to a considerable extent while total British exports have declined. American exports to Norway, Sweden, Denmark, and the Netherlands are not separately given by the Department of Commerce and cannot therefore be compared with British exports to these countries.

Any increase in British exports of cotton and woollen goods to these countries and to the allies of Great Britain is largely due to the fact that the French and Belgian textile industry districts are in German occupation while the output of the German industry itself is considerably curtailed by the lack of labour for other than war industries; these countries have therefore increased their imports from the nearest available source which is the United Kingdom.

9. Among the reexports from the United Kingdom of foreign and colonial merchandise the following show an increase:

Rice, cocoanut oil, cottonseed oil, cinnamon, ginger, cocoa, coffee, cotton, nuts and kernels, lamp oil, motor spirit, lubricating oil, gas oil, fuel oil, tobacco, rosin, and rubber.

Of these, cotton and cocoa have been discussed above. The following figures from the *Summary of Foreign Commerce of the United States*, Department of Commerce, for July show the exports of these articles from the United States:

JULY

	1914	1915
Rice (reexports).....	3, 702, 320 pounds	9, 933, 563 pounds
Rice (domestic).....	1, 541, 437 "	4, 682, 254 "
Cocoanut oil (reexports).....	99, 287 "	228, 969 "
Cottonseed oil (domestic).....	5, 903, 709 "	21, 066, 077 "
Cinnamon ¹	-----	-----
Ginger (reexports).....	17, 046 "	10, 130 "
Coffee (domestic).....	1, 101, 439 "	1, 626, 338 "
Coffee (reexports).....	732, 365 "	5, 514, 342 "
Nuts (domestic).....	\$1, 470, 934	\$1, 358, 008
Crude oil (domestic).....	16, 720, 303 gallons	11, 755, 109 gallons
Gasoline (domestic).....	18, 881, 858 "	7, 235, 850 "
Gas and fuel oil (domestic).....	59, 026, 109 "	71, 579, 643 "
Illuminating oil (domestic).....	110, 774, 262 "	79, 223, 876 "
Lubricating oil (domestic).....	17, 428, 046 "	24, 980, 304 "
Naphthas (domestic).....	8, 594, 262 "	17, 712, 125 "
Total mineral oil (domestic).....	231, 745, 910 "	218, 090, 714 "
Tobacco, raw (domestic).....	43, 589, 445 pounds	39, 577, 367 pounds
Tobacco, mfs. (domestic).....	\$467, 342	\$626, 116
Rosin (domestic).....	228, 714 barrels	93, 951 barrels
Rubber, mfs. (domestic).....	\$1, 089, 602	\$2, 024, 780
Rubber, raw (reexports).....	\$157, 547	\$175, 697

¹ No figures available.

It is seen therefore that United States exports of all these articles, with the exception of ginger, nuts, crude oil, gasoline, illuminating oil, raw tobacco, and rosin, show an increase over last year during the month of July. Of these, nuts and ginger are of little importance, and while exports of both in the month of July show a decrease, for the seven months ending July they show an increase of over one third.

10. With regard to oil products, the disparity between the quantities exported from the United States and the United Kingdom is so great as to preclude any possibility of competition in neutral markets between British reexports and United States exports.

11. British reexports of rosin increased from 10,835 hundredweight in July 1914 to 60,218 hundredweight in July 1915 (the amounts exported to different countries are not given in Consul General Skinner's report); while United States exports of rosin in the same month fell from 228,714 barrels in 1914 to 93,951 barrels in 1915 (from 571,785 to 234,878 hundredweight). Now of the total United States exports in July 1914, 127,840 barrels (319,600 hundredweight), or more than half, went to Belgium and Germany, to which countries there were no direct exports in July of this year, rosin being absolute contraband. On the other hand United States exports to "other Europe," i. e., Europe exclusive of Austria-Hungary, Belgium, Germany, Italy, Holland, Russia, and the United Kingdom, rose from 135 barrels in July 1914 to 10,415 barrels in July 1915 (from 338 to 26,038 hundredweight), so that if the United States trade with Germany, Austria-Hungary, and Belgium has been lost this year, on the other hand the trade with France, Spain, and the smaller neutral countries of Europe has increased. It can therefore hardly be suggested that British exports of rosin are supplanting those of the United States in the neutral European markets. United States exports of rosin to "other Europe" alone in July were nearly half the total British reexports of rosin to all destinations in the same month. Moreover it must be remembered that rosin is an element of primary importance in the manufacture of munitions of war and consequently large quantities which were previously available for export are now required in the United States.

12. British reexports of raw tobacco increased in July from 351,809 pounds in 1914 to 6,064,809 pounds¹ in 1915; United States exports of raw tobacco in July decreased from 43,589,445 pounds in 1914 to 39,577,367 pounds in 1915. The increase in British reexports is largely due to the diversion from continental to British ports of tobacco grown in the British Dominions. United States exports for the seven months ending July were 212,000,000 pounds this year as opposed to 215,000,000 last year—a loss of only 3,000,000 pounds in quantity and in value \$392,000—showing that gains in other directions have made up for the loss of trade with Germany, which in the month of July 1914 alone took over 10,000,000 pounds of American tobacco.

13. Finally the articles in the press which quote the report in nearly all cases contain the following sentence which however does not appear in the report as reproduced in *Commerce Report* No. 203:

The customs returns of Sweden, Norway, Denmark, and the Netherlands all show a smaller volume of imports from America since the war than before, notwithstanding the British plea that they have swollen their imports to aid the Teutons.

On the other hand the figures of the United States Department of Commerce, showing the exports from the United States to these countries during the twelve months ending June 30, do support the "British plea" in a remarkable manner. They are as follows:²

¹According to a letter from the Ambassador of March 27, 1916, this figure should be 1,064,809.

²See *Monthly Summary of Foreign Commerce of the United States*, June 1915, p. 1050.

EXPORTS FROM THE UNITED STATES FOR THE TWELVE MONTHS
ENDED JUNE 30

Countries	1913	1914	1915
Denmark-----	\$18, 687, 794	\$15, 670, 135	\$79, 824, 478
Norway-----	8, 391, 458	9, 066, 610	39, 074, 701
Sweden-----	12, 104, 366	14, 644, 226	78, 273, 818
Holland-----	125, 909, 862	112, 215, 673	143, 267, 019
Total-----	\$165, 093, 480	\$151, 596, 644	\$340, 440, 016

The following figures give the exports from the port of New York alone during the first thirteen months of war as compared with the same period last year:

EXPORTS FROM NEW YORK TO NORWAY, SWEDEN, AND DENMARK

Countries	August 1, 1913, to September 4, 1914	August 1, 1914, to September 4, 1915
Denmark-----	\$6, 730, 814	\$45, 122, 214
Norway-----	6, 940, 802	22, 173, 888
Sweden-----	6, 394, 240	36, 996, 720
Total-----	\$20, 065, 856	\$104, 292, 822

Total, August 1, 1914, to September 4, 1915-----	\$104, 292, 822
Total, August 1, 1913, to September 4, 1914-----	20, 065, 856
Difference-----	\$84, 226, 966

EXPORTS FROM NEW YORK TO GERMANY

August 1, 1913, to September 4, 1914-----	\$90, 720, 149
August 1, 1914, to September 4, 1915-----	5, 802, 068
Difference-----	\$84, 918, 081

Now if the customs returns of Norway, Sweden, and Denmark show that imports from the United States have decreased since the war, while the official returns of the United States Department of Commerce show on the other hand that they have enormously increased, it seems legitimate, in the absence of any other explanation, to assume that the United States figures represent the amount of goods shipped from the United States to the Scandinavian countries and that the customs figures of the Scandinavian countries represent that proportion of the goods exported from the United States which paid duty and were entered for consumption in those countries, while the considerable difference represents the amount of goods exported from the United States which, on arrival in the Scandinavian countries, were reshipped largely to Germany. The fact that the increase in shipments from New York to Norway, Sweden, and Denmark during the first thirteen months of the war exactly balances the decrease in shipments to Germany during the same period is extremely significant.

14. The figures quoted above from the official reports of the Department of Commerce conclusively prove that the export trade of the United States has not suffered from the inevitable restrictions on neutral commerce deriving from the state of war, and that there is no vestige of foundation for the insinuation that Great Britain has taken advantage of war conditions and of the measures

necessitated by military considerations, in order to increase British exports to neutral countries at the expense of American trade.

WASHINGTON, December 13, 1915.

File No. 763.72112/2001

The Netherland Minister (Van Rappard) to the Secretary of State

[Translation]

No. 3723]

WASHINGTON, December 13, 1915.

[Received December 14.]

MR. SECRETARY OF STATE: The Government of Her Majesty the Queen has protested to the French and English Governments against the new decrees annulling the application of Article 57 of the Declaration of London.

The Dutch Government has specially protested to the British Government against the seizure of the vessel *Hamborn*, recently taken to Halifax at the same time as the American vessel *Hocking*. The Netherland Government has taken the position that, not only under the Declaration of London, but also under the established law of nations, the flag granted by a sovereign state determines the nationality of the ship in time of war as in time of peace and places it under the protection of that state, save in the case of transfer of the flag.

In asking me to bring the foregoing to your excellency's knowledge, my Government directs me to report by telegraph the reception which your excellency is pleased to accord to this communication.

I shall, therefore, be very grateful to your excellency, if you will kindly enable me to comply with the wish expressed by Jonkheer Loudon by acquainting me with the attitude of the United States Government with respect to the case of the *Hocking* which was seized under the same conditions as the above-mentioned Dutch ship *Hamborn*.

I avail myself [etc.]

W. L. F. C. VAN RAPPARD

The Austro-Hungarian Note of December 15, 1915, Regarding the "Ancona"—German Note of November 29, 1915, Proposing Arbitration Compromis in the "Frye" Case

File No. 865.857An2/71

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

[Telegram]

VIENNA, December 15, 1915, 5 p. m.

[Received December 16, 10.28 p. m.]

1027. Department's 1011, December 6, 6 p. m.¹

Following note received from Minister for Foreign Affairs noon to-day:

¹Ante, p. 623.

In reply to the much-esteemed note No. 4167, which his excellency Mr. Frederic Courtland Penfield, Ambassador Extraordinary and Plenipotentiary of the United States of America, directed to him in the name of the American Government under date of the 9th instant in the matter of the sinking of the Italian steamer *Ancona*, the undersigned, preliminary to a thorough, meritorious treatment of the demand, has the honor to observe that the sharpness with which the Government of the United States considers it necessary to blame the commanding officer of the submarine concerned in the affair and the firmness in which the demands addressed to the Imperial and Royal Government appear to be expressed might well have warranted the expectation that the Government of the United States should precisely specify the actual circumstances of the affair upon which it bases its case. As is not difficult to perceive, the presentation of the facts in the case in the aforesaid note leaves room for many doubts; and even if this presentation were correct in all points and the most rigorous legal conception were applied to the judgment of the case, it does not in any way sufficiently warrant attaching blame to the commanding officer of the war vessel or to the Imperial and Royal Government.

The Government of the United States has also failed to designate the persons upon whose testimony it relies and to whom it apparently believes it may attribute a higher degree of credibility than to the commander of the Imperial and Royal Fleet. The note also fails to give any information whatsoever as to the number, names, and more precise fate of the American citizens who were on board of the said steamer at the critical moment.

However, in view of the fact that the Washington Cabinet has now made a positive statement to the effect that citizens of the United States of America came to grief in the incident in question, the Imperial and Royal Government is in principle ready to enter into an exchange of views in the affair with the Government of the United States. It must, however, in the first place, raise the question why that Government failed to give juridical reasons for the demands set forth in its note with reference to the special circumstances of the incriminating events upon which it itself lays stress, and why, in lieu thereof, it referred to an exchange of correspondence which it has conducted with another government in other cases. The Imperial and Royal Government is the less able to follow the Washington Cabinet on this unusual path, since it by no means possesses authentic knowledge of all of the pertinent correspondence of the Government of the United States, nor is it of the opinion that such knowledge might be sufficient for it in the present case, which, in so far as it is informed, is in essential points of another nature than the case or cases to which the Government of the United States seems to allude. The Imperial and Royal Government may therefore leave it to the Washington Cabinet to formulate the particular points of law against which the commanding officer of the submarine is alleged to have offended on the occasion of the sinking of the *Ancona*.

The Government of the United States has also seen fit to refer to the attitude which the Berlin Cabinet assumed in the above-mentioned correspondence. The Imperial and Royal Government finds in the much-esteemed note no indication whatever of the intent with which this reference was made. Should, however, the Government of the United States thereby have intended to express an opinion to the effect that a precedent of whatever nature existed for the Imperial and Royal Government with respect to the juridical consideration of the affair in question this Government must, in order to preclude possible misunderstandings, declare that as a matter of course it reserves to itself full freedom of maintaining its own legal views in the discussion of the case of the *Ancona*.

In having the honor to have recourse to the kindness of his excellency the Ambassador of the United States of America, with the most respectful request to be good enough to communicate the foregoing to the American Government, and on this occasion to state that the Imperial and Royal Government, in no less degree than the American Government and under all circumstances, most sincerely deploras the fate of the innocent victims of the incident in question, the undersigned at the same time avails himself [etc.]

BURIAN

PENFIELD

File No. 763.72112/2057

The Secretary of State to the Swedish Minister (Ekengren)

WASHINGTON, December 16, 1915.

SIR: I have the honor to acknowledge the receipt of your note of the 18th ultimo,¹ in which you advise me that you have been instructed by the Royal Government of Sweden to communicate to me certain observations made by the Royal Swedish Government regarding a note addressed by the Government of the United States to the Government of Great Britain on November 5 last, concerning the matter of the interference by belligerents with neutral commerce and navigation.

Due note has been taken by the Government of the United States of the observations made by the Royal Swedish Government.

Accept [etc.]

ROBERT LANSING

File No. 865.857An2/125

The German Embassy to the Department of State

J. Nr. A 8257]

WASHINGTON, December 17, 1915.

The Imperial German Embassy presents its compliments to the United States Department of State and has the honor to enclose herewith a wireless cipher message, in duplicate, to the Foreign Office, Berlin, for kind transmission to the Tuckerton radio station.²

Duplicate copies of the text of the message are likewise enclosed.

[Enclosure—Translation]

The Austro-Hungarian Chargé at Washington (Zwiedinek) to the Austro-Hungarian Minister of Foreign Affairs (Burian)

WASHINGTON, December 17, 1915.

268. Yesterday's wireless concerning preliminary answer *Ancona* received. Saw informally Secretary of State who greatly disappointed over a cablegram of American Ambassador in Vienna and newspaper reports indicating lines of probable answer. Without giving me details of this report he objected to argument that Austria-Hungary was not bound by negotiations with Germany in submarine question saying that Austrian Government has official cognizance of American viewpoint as Austrian Embassy here had received copies of notes and as Bryan had discussed matter with Dumba.

During the conversation I observed that I believed that my Government would not object to declaring that the commander was not allowed to shell any more after steamer had stopped; that the American note, however, demanded that *all* passengers should be in the boats before torpedoing and that I doubted if this last extreme principle had been accepted by us. Secretary answered that this ought not to be taken absolutely verbally without however entering further into the question mentioning only the particular difficulty of the transfer of wounded. He mentioned also that according to the Admiralty report not the safety of the passengers seems to have been the first consideration but the fear that the prey might escape. From this report one could conclude that this last consideration not only justified the torpedoing but made it obligatory for the commander to sink the ship without further delay.

Mr. Lansing insisted again that only our immediate declaration would be acceptable that we were ready to disavow the action of the submarine com-

¹Ante, p. 616.²Approved for transmission.

mander and fulfil the American demands in case an investigation would prove that the facts were such as represented in the American note. The American Government would not enter into discussion of the case before the principles of humanity had been recognized by us. Discussion of facts could only follow after this principle was recognized. Mr. Lansing is unwilling to believe that we would not accept this view.

ZWIEDINEK

File No. 865.857An2/83a

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

[Telegram]

WASHINGTON, December 17, 1915.

420. Obtain names of Americans on board *Ancona*; obtain names of Americans lost or injured on *Ancona*. Cable answer to the first question immediately, and answer to the second as soon as possible.

LANSING

File No. 763.72112/1991

The Secretary of State to the Ambassador in Great Britain (Page)

[Telegram]

WASHINGTON, December 18, 1915.

2599. Confidentially informed by Minister in China that British trading regulations as in force in China require submission by neutral firms to British consular officers of all documents including detailed information about transaction covering cargo offered for shipment. American merchants thereby obliged to disclose to British authorities information which could be used to detriment of American trade. American concerns obliged to discharge German employees before British vessels or banks will be permitted to extend facilities for China-American trade. British consular officers have required shipments of antimony and dyes by neutral firms to be consigned British Consul General, New York, before allowing space on British vessels. Consular officers maintain white and black lists. American merchants under suspicion of direct or indirect dealings with enemy concerns in China or in United States for import or export trade are blacklisted and these companies, using British bank or shipping facilities, are subjected to exasperating and humiliating treatment by consular authorities before permission is granted. British authorities consider British vessels operating in China as common carriers for British subjects only. Since withdrawal of American steamers, British authorities have been more exacting in their requirements. Action of British authorities apt to create a monopoly for British firms in China-American trade. Some American merchants who have endeavored to comply with British regulations but not admitted to white list have appealed to Legation for assistance. British Consul General in one instance in blunt terms refused to give any information as to his instructions to British ships not to accept cargo. It is reported British authorities are causing Japanese vessels to refuse American cargoes. American merchants are forced to stand aside and see their business taken over by other nationalities. Many are intimidated, through fear of trade losses, to even protest. Continuation of this treatment would seem to

this Department to be tending towards unfriendliness. It is suggested by our Minister in China that British consuls be instructed to allow acceptance and delivery of *bona-fide* American cargoes, irrespective of prior ownership, upon affidavits of ownership sworn to before American consuls, and that certificates of American character of firms should be accepted. Take matter up with Foreign Office and press for immediate relief.

LANSING

File No. 865.857An2/127

The German Embassy to the Department of State

J. Nr. A 8293]

WASHINGTON, December 18, 1915.

The Imperial German Embassy presents its compliments to the United States Department of State and has the honor to enclose herewith one wireless cipher message, in duplicate, to the Foreign Office in Berlin for kind transmission to the Tuckerton station.

Duplicate copies of the message in plain English are likewise enclosed.

[Enclosure—Translation]

The Austro-Hungarian Chargé at Washington (Zwiedinek) to the Austro-Hungarian Minister of Foreign Affairs (Burian)

271. After consulting German Ambassador I saw Mr. Lansing this morning and asked him whether it would be a possible solution in the question if my Government for the future gave the same pledge as Germany has given leaving the *Ancona* case open to further diplomatic negotiations. After some discussion Mr. Lansing promised to consider the suggestion.

ZWIEDINEK

File No. 763.72112/2026

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

No. 1947]

BERLIN, November 30, 1915.

[Received December 18.]

SIR: With reference to the Department's instructions of September 9, 1915 (Serial No. 1241),¹ relative to reciprocity of treatment of claimants in prize court proceedings in Germany and in the United States, I have the honor to enclose herewith a copy of this Embassy's *note verbale* No. 5684 to the German Foreign Office, dated October 14, 1915,² as well as a copy and translation of the reply received from the Imperial Foreign Office in this connection, under date of November 26, 1915, No. IIIa 21552.

I have [etc.]

JAMES W. GERARD

[Enclosure—Translation]

The German Foreign Office to the American Embassy

No. IIIa 21552/180931

NOTE VERBALE

The Imperial Foreign Office has the honor to reply as follows to the *note verbale* of the American Embassy, of October 14 last, F. O. No. 5684, concerning the status of reciprocity between Germany and the United States in regard to the costs of prize court proceedings:

¹Ante, p. 540.

²Not printed.

Section 37, paragraph 3, of the German prize court ordinance of April 5, 1911 (*Imperial Law Gazette 1914*, sheet 301) reads as follows:

If a claim has been allowed, the costs will be to the debit of the Empire. Wherever the Imperial Chancellor declares the guarantee of reciprocity to exist, the necessary outlays of the claimants will also have to be borne by the Empire unless sufficient reasons existed for the prize measure to which the claim refers.

All the nations in regard to which, in accordance with this regulation, the guarantee of reciprocity has thus far been declared to exist, viz.: Holland, Sweden, Norway and Denmark, have furnished to the German Government the basis for the declaration by means of the assurance of each government concerned that the prize courts of the respective country would in similar cases, if any, grant German claimants the refund of costs and expenses to the same extent as has been provided for the opposite case by the above-mentioned regulation of the German prize court ordinance.

An assurance of this tenor is not contained in the esteemed *note verbale*. The statement in the last sentence of the note confines itself to the assurance that the same treatment will be granted by the prize courts of the United States to German subjects as is given to the nationals of any other country. In this assurance alone, no guarantee can be found to the effect that, under certain premises and to a certain extent, the refund of the necessary expenses for the prize court proceedings will be granted by the prize courts of the United States in favor of nationals of any other country in any future war to be led by the United States.

On the other hand, the investigations of the Department of Justice, contained in the *note verbale*, concerning the method so far employed in the administration of justice by the prize courts of the United States, make it apparent that these courts, even though a claim may be allowed, none the less refuse, as a matter of principle, the refund of costs and expenses to claimants, if in the case concerned a "probable cause" for the seizure has been produced. From this it may be inferred that in all cases of successful claims in which such a "probable cause" is not found, the prize courts of the United States make it a rule to allow claimants the refund of the necessary expenses incurred to them in the proceedings.

If, furthermore, the Department of Justice, in view of the above-mentioned practice of the American prize courts, declares it to be impracticable to assure reciprocity with regard to the refund of the necessary expenses of claimants for all cases of a successful claim, there would, presumably, be no objection against the assurance of such reciprocity being restricted to those cases of successful claims, in which a "probable cause" for the seizure cannot be found. An assurance restricted in this manner would, from the point of view of the German prize court ordinance, be considered a sufficient basis for the declaration that the reciprocity would be guaranteed in relation with the United States. For, in Germany, the legal rule does not have the effect—as the Department of Justice seems to assume—that the prize courts are under obligation, on the assumption of reciprocity, in all cases of successful claims without exception, to place the necessary expenses of claimants to the debit of the Empire. On the contrary, as is shown from the text of Section 37, paragraph 3, sentence 2, of the German prize court ordinance, those cases are also excepted in Germany, in which sufficient reasons existed under the prize law for the measure to which the claim refers. It would appear from this that the legal status as shown to exist for the United States by the practice thus far employed by its prize courts, does not, in effect, differ from the adjustment existing for Germany on the basis of the above-mentioned regulation of the prize court ordinance.

Under these circumstances, the Imperial Foreign Office requests the Embassy to draw the attention of the American Government to the fact that the presumption regarding the status of law in Germany, from which, according to the contents of the esteemed *note verbale*, the Department of Justice has evidently proceeded, is not correct, and to suggest whether, after renewed examination of the matter, an assurance could not be given on the part of America, similar to that of the other nations mentioned at the beginning of this note.

BERLIN, November 26, 1915.

File No. 462.118e8/54

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

No. 1964]

BERLIN, December 2, 1915.

[Received December 18.]

SIR: With reference to my telegram of even date¹ and to previous correspondence on the subject of the claim for damages for the sinking of the American merchantman *William P. Frye*, I have the honor to transmit to you herewith a copy and translation of a note received from the Imperial Foreign Office, dated November 29, 1915, which replies to a note which I addressed to the Imperial Foreign Office on October 14, 1915, pursuant to the instructions contained in your telegram No. 2291, of October 12, 1915.²

A copy and translation of the draft of a *compromis* submitted by the Imperial German Government is likewise transmitted herewith.

I have [etc.]

GERARD

[Enclosure 1—Translation]

The German Minister of Foreign Affairs (Von Jagow) to the American Ambassador. (Gerard)

No. IIIa 19507/184802

BERLIN, November 29, 1915.

The undersigned has the honor to inform his excellency, Mr. James W. Gerard, Ambassador of the United States of America, in reply to the note of October 14 [12], F. O. No. 5671, relative to indemnity for the sinking of the American merchant vessel *William P. Frye*, as well as to the settlement by arbitration of the difference of opinion which has arisen on this occasion, as follows:

With regard first to the ascertainment of indemnity for the vessel sunk, the German Government is in agreement with the American Government in principle that the amount of damages be fixed by two experts, one each to be nominated by the German and the American Governments. The German Government regrets that it can not comply with the wish of the American Government to have the experts meet in Washington, since the expert nominated by it, Dr. Greve, of Bremen, director of the North German Lloyd, is unable to get away from here, and furthermore would be exposed to the danger of capture during a voyage to America, in consequence of the conduct of maritime war by England contrary to international law. Should the American expert likewise be unable to get away, the two experts might perhaps get in touch with each other by correspondence.

The German Government likewise regrets that it can not assent at this time to the nomination of an umpire, as desired by the American Government, for apart from the fact that in all probability the experts will reach an agreement in the case of the *William P. Frye* with the same facility as was the case with similar negotiations with other neutral governments, the assent of the German Government to the consultation of an umpire would depend materially upon whether the differences of opinion between the two experts pertained to questions of principle or merely to the appraisal of certain articles. The consultation of an umpire could only be considered at all in the case of appraisements of this nature.

Should the American Government insist on its demands for the meeting of the experts at Washington or the early choice of an umpire, the only alternative would be to arrange the fixing of damages by diplomatic negotiations. In such an event the German Government begs to await the transmission of a statement of particulars of the various claims for damages accompanied by the necessary proofs.

With regard to the arbitral treatment of the difference of opinion relative to the interpretation of certain stipulations of the Prussian-American commercial treaties, the German Government has drawn up the enclosed draft of a

¹ Not printed.² *Ante*, p. 570.

compromis which would have to be worded in the German and English languages and drawn up with due consideration of the two alternating texts. It is true that the draft does not accommodate the suggestions of the American Government so far as it is not in accordance with the rules of summary procedure provided by Chapter 4 of the Hague arbitration convention, but with the rules of regular procedure. The summary procedure is naturally intended only for differences of opinion of inferior importance, whereas the German Government attaches very particular importance to the interpretation of the Prussian-American treaties which have existed for over one hundred years. Pursuant to the agreement made, any proposed amendments would have to be discussed between the Foreign Office and the American Embassy, and oral discussions would appear to be advisable.

Until the decision of the permanent court of arbitration, the German naval forces will sink only such American vessels as are loaded with absolute contraband, when the preconditions provided by the Declaration of London are present. In this the German Government quite shares the view of the American Government that all possible care must be taken for the security of the crew and passengers of a vessel to be sunk. Consequently, the persons found on board of a vessel may not be ordered into her lifeboats except when the general conditions, that is to say, the weather, the condition of the sea, and the neighborhood of the coasts afford absolute certainty that the boats will reach the nearest port. For the rest the German Government begs to point out that in cases where German naval forces have sunk neutral vessels for carrying contraband, no loss of life has yet occurred.

The undersigned begs to give expression to the hope that it will be possible for the two Governments to reach a complete understanding regarding the case of the *William P. Frye* on the above basis, and avails himself of this opportunity to renew to his excellency, the Ambassador, the assurance of his highest consideration.

VON JAGOW

[Enclosure 2—Translation]

ARBITRATION COMPROMIS

The Imperial German Government and the Government of the United States of America having reached an agreement to submit to a court of arbitration the difference of opinion which has arisen, occasioned by the sinking of the American merchant vessel *William P. Frye* by a German warship, in respect of the interpretation of certain stipulations of the Prussian-American treaties of amity and commerce, the undersigned, duly authorized for this purpose, have agreed to the following *compromis*:

ARTICLE 1

A court of arbitration composed in accordance with the following stipulations is charged with the decision of the legal question:

Whether according to the treaties existing between the parties, in particular Article 13 of the Prussian-American treaty of amity and commerce of July 11, 1799, the belligerent contracting party is prevented from sinking merchant vessels of the neutral contracting party for carrying contraband when such sinking is permissible according to general principles of international law.

ARTICLE 2

The court of arbitration shall be composed of five arbitrators to be chosen from among the members of the permanent tribunal of arbitration at The Hague.

Each government will choose two arbitrators, of whom only one may be a national of such country, as soon as possible, at the latest within two weeks from the day this *compromis* is signed. The four arbitrators thus nominated shall choose an umpire within four weeks after they have been notified of their nomination; in case of an equal vote the president of the Swiss Federal Council shall be requested to select the umpire.

ARTICLE 3

On March 1, 1916, each party shall transmit to the bureau of the permanent tribunal of arbitration eighteen copies of its argument with authenticated copies

of all documents and correspondence on which it intends to rely in the case. The bureau will arrange without delay for the transmission to the arbitrators and to the parties, each arbitrator to receive two copies, each party three copies. Two copies shall remain in the archives of the bureau.

On May 1, 1916, the parties shall deposit their counter cases with the supporting evidence and their statements in conclusion.

ARTICLE 4

Each party shall deposit with the international bureau at the latest on March 1, 1916, the sum of three thousand gulden of the Netherlands toward the costs of the arbitral procedure.

ARTICLE 5

The court of arbitration shall meet at The Hague on June 15, 1916, and proceed immediately to examine the dispute.

ARTICLE 6

The parties may make use of the German or the English language. The members of the court may use the German or the English language as they may choose. The decisions of the court shall be written in both languages.

ARTICLE 7

Each party shall be represented by a special agent whose duty shall be to act as an intermediary between the party and the court. These agents shall furnish the court any explanations which the court may demand of them; they may submit any legal arguments which they may consider advisable for the defense of their case.

ARTICLE 8

The stipulations of the convention of October 18, 1907, for the pacific settlement of international disputes, shall be applied to this arbitral procedure, in so far as nothing to the contrary is provided by the above *compromis*.

Done in duplicate at Berlin on the _____ day of _____.

File No. 865.857An2/76

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

[Telegram]

ROME, December 18, 1915.

[Received December 19, 10 a. m.]

498. Department's 420, 17th.¹ Twelve Americans known to have been aboard *Ancona*. They were Mrs. Cecile L. Greil, first cabin, Joseph Torrisi and daughter Carmela, second cabin, bearing American passports 2880 and 2887, and third cabin, Alexander Potalivo, wife Maria Nicola Potalivo, two sons, Mario aged nineteen, Irlando aged seventeen, and two daughters Maria Irmida, fourteen, and Maria, eleven years. Previous spelling Pattativo was erroneous. Pasquale Laurino formerly mentioned as Saurino naturalized. Mrs. Francis Mascola Lamura reported as wife naturalized American citizen and child name not given.

Of foregoing, only three are known to survive, namely: Mrs. Greil, who left Rome to sail to-day from Bordeaux by steamer *Rochambeau*; Joseph Torrisi, in hospital at Ferryville, Tunisia; and Irlando Potalivo. Another passenger, Ilazione Azzolini, whose deposition forwarded you December 1, had taken out first citizenship papers.

NELSON PAGE

¹Ante, p. 641.

File No. 763.72/2311

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

[Telegram]

BERLIN, December 18, 1915, 2 p. m.

[Received December 19, 3.45 p. m.]

3238. Chancellor sent for me this morning and said he was anxious to keep friendly relations between America and Germany and arrange the *Ancona* and *Lusitania* cases, but that he could not communicate readily in cipher with German Ambassador, Washington, which greatly added to difficulty of situation. He hopes that in future that some arrangement may be made allowing him to communicate with Bernstorff in cipher and without delays. I told him I would take responsibility of forwarding any cipher cablegram he sent me now and until further notice from you.

GERARD

File No. 865.857An2/126

The German Embassy to the Department of State

J. Nr. A 8324]

WASHINGTON, December 19, 1915.

The Imperial German Embassy presents its compliments to the United States Department of State and has the honor to enclose herewith a wireless cipher message, in duplicate, to the Foreign Office in Berlin for kind transmission to the Tuckerton station.

Duplicate copies of the message in plain English are likewise enclosed.

[Enclosure—Translation]

The Austro-Hungarian Chargé at Washington (Zwiedinek) to the Austro-Hungarian Minister of Foreign Affairs (Burian)

WASHINGTON, December 19, 1915.

272. I have just been informed by Secretary of State that my personal suggestion "that a possible solution of the *Ancona* case might be found if Austro-Hungarian Government would agree that such attacks should not be repeated and if consideration of the law and fact relating to the sinking of the *Ancona* were then continued," [is] entirely unacceptable.

ZWIEDINEK

The Note of December 19, 1915, to Austria-Hungary Regarding the "Ancona"—Renewal of Efforts to Settle the "Lusitania" Case—British Admiralty Instructions to Merchant Ships with Reference to Submarines—The Control of Foodstuffs by the German Government

File No. 865.857An2/71

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

[Telegram]

-- WASHINGTON, December 19, 1915, 1 p. m.

1039. You are instructed to address a note to the Austro-Hungarian Minister of Foreign Affairs, textually as follows:

The Government of the United States has received the note of your excellency relative to the sinking of the *Ancona*, which was delivered at Vienna on

December 15, 1915, and transmitted to Washington, and has given the note immediate and careful consideration.

On November 15, 1915, Baron Zwiedinek, the Chargé d'Affaires of the Imperial and Royal Government at Washington, transmitted to the Department of State a report of the Austro-Hungarian Admiralty with regard to the sinking of the steamship *Ancona*, in which it was admitted that the vessel was torpedoed after her engines had been stopped and when passengers were still on board. This admission alone is, in the view of the Government of the United States, sufficient to fix upon the commander of the submarine which fired the torpedo the responsibility for having wilfully violated the recognized law of nations and entirely disregarded those humane principles which every belligerent should observe in the conduct of war at sea. In view of these admitted circumstances the Government of the United States feels justified in holding that the details of the sinking of the *Ancona*, the weight and character of the additional testimony corroborating the Admiralty's report, and the number of Americans killed or injured are in no way essential matters of discussion. The culpability of the commander is in any case established, and the undisputed fact is that citizens of the United States were killed, injured, or put in jeopardy by his lawless act.

The rules of international law and the principles of humanity which were thus wilfully violated by the commander of the submarine have been so long and so universally recognized and are so manifest from the standpoint of right and justice that the Government of the United States does not feel called upon to debate them and does not understand that the Imperial and Royal Government questions or disputes them.

The Government of the United States therefore finds no other course open to it but to hold the Imperial and Royal Government responsible for the act of its naval commander and to renew the definite but respectful demands made in its communication of the 6th of December, 1915. It sincerely hopes that the foregoing statement of its position will enable the Imperial and Royal Government to perceive the justice of those demands and to comply with them in the same spirit of frankness and with the same concern for the good relations now existing between the United States and Austria-Hungary which prompted the Government of the United States to make them.

LANSING

File No. 763.72/2311

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

[Telegram]

WASHINGTON, December 20, 1915.

2518. Your 3238, December 18, 2 p. m. German Ambassador here has been granted the privilege of communicating with his Foreign Office through the Department in cipher concerning *Lusitania*. Question of further privileges will be handled with German and Austrian Embassies here.

LANSING

File No. 763.72/2324

The German Embassy to the Department of State

A 8351]

WASHINGTON, December 21, 1915.

The Imperial German Embassy presents its compliments to the United States Department of State and has the honor to enclose herewith a wireless cipher message to the Foreign Office in Berlin for kind transmission to the Tuckerton radio station.

Duplicate copies of the text of the message are likewise enclosed.

[Enclosure—Translation]

The German Ambassador at Washington (Bernstorff) to the German Minister of Foreign Affairs (Von Jagow)

274. Reply to wireless No. 179.
Secretary of State writes me:

I have received your letter of to-day telling me that your Government had mailed to you explicit instructions in the *Lusitania* case.

It is to be regretted that these instructions were not telegraphed as the time occupied in transit by the mails may seriously affect the negotiation. The protracted delay in the settlement of this controversy, though due to unavoidable causes, is unfortunate and makes it increasingly difficult to adjust our differences.

I am convinced that you realize, as I do, that the tension in this matter is growing every day, that American public opinion is becoming more bitter and that this state of affairs cannot continue much longer without the gravest consequences. I fear that a delay of two weeks will be serious and a satisfactory adjustment will be well-nigh impossible then.

In order to avoid a situation which would make the task of negotiating extremely difficult, might I suggest that your Government repeat the instructions mailed, by telegraph, in order that we may take up the case immediately? In order to make this course possible I am willing that the instructions be sent in cipher through our Embassy at Berlin and this Department, and you may so advise your Government if you agree with me as to the advisability of proceeding with a consideration of the case without further delay.

I agree with and recommend the suggestion of Mr. Lansing.

COUNT BERNSTORFF

The Department of State to the German Embassy

MEMORANDUM

The Department of State has received the Imperial German Embassy's memorandum of December 21, 1915, No. A 8351, enclosing a wireless cipher message to the Foreign Office in Berlin, with duplicate copies of the text thereof, for transmission to the Tuckerton radio station.

In reply the Embassy is advised that the message in question has been sent as requested.

The Department has to-day instructed the American Ambassador at Berlin by cable to transmit by telegraph through the Department any message concerning the *Lusitania* matter which the Imperial Foreign Office may desire to send to Ambassador Bernstorff.

WASHINGTON, December 21, 1915.

File No. 865.857An2/128

The German Embassy to the Department of State

A 8470]

WASHINGTON, December 24, 1915.

The Imperial German Embassy presents its compliments to the United States Department of State and has the honor to enclose herewith a wireless cipher message, in duplicate, to the Foreign Office in Berlin for kind transmission to the Tuckerton station.

Duplicate copies of the message in plain English are likewise enclosed.

[Enclosure—Translation]

The Austro-Hungarian Chargé at Washington (Zwiedinek) to the Austro-Hungarian Minister of Foreign Affairs (Burian)

286. In continuance of my telegram of to-day, through Secretary of State's goodness, Mr. Lansing informs me that after considering the radiotelegram I received from your excellency yesterday he feels that he should make the following comment:

While Mr. Lansing realizes that some delay in replying to the last note of the American Government results naturally from the Christmas holiday, his excellency would consider it unfortunate if several days should elapse before an answer is received. There is a very general impression which is not unwarranted, that the issue is too distinct to require long consideration.

His excellency fears therefore that if the answer is not delivered early next week wrong motives for the delay will be imputed to my Government which might make the situation more serious than it is now.

Mr. Lansing hopes that I shall be able to impress upon your excellency that promptness in reply will avoid increasing the tension which already exists.

ZWIEDINEK

File No. 865.857An2/86

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

[Telegram]

BERLIN, December 24, 1915, 6 p. m.

[Received December 25, 9.18 p. m.]

3269. For the Secretary of State. From impression gained here think Germany will do much to prevent break relations between Austria-Hungary and America. I think present moment propitious for forcing settlement of *Lusitania* controversy. Have heard rumor that Austria will propose submission *Ancona* case to a commission. Understand Greece is presenting twenty-six demands to Germany.

GERARD

File No. 811.0151/119

The Ambassador in Great Britain (Page) to the Secretary of State

No. 2675]

LONDON, December 11, 1915.

[Received December 29.]

SIR: With reference to the Department's instruction No. 1864 of November 9, 1915,¹ respecting the reported improper use of the American flag by the British war vessel *Baralong*, I have the honor to enclose herewith a copy of the note from the Foreign Office upon which my telegram No. 3384 of to-day¹ was based.

I have [etc.]

WALTER HINES PAGE

[Enclosure]

The British Secretary of State for Foreign Affairs (Grey) to the American Ambassador (Page)

No. 185175/15]

LONDON, December 10, 1915.

YOUR EXCELLENCY: In the communication which I had the honour to receive from you under date of the 24th ultimo, your excellency requested that, in view of contradictory statements circulated on the subject, you might be furnished with an authoritative statement as to whether His Majesty's ship

¹ Not printed.

Baralong when attacking an enemy submarine on August 19 last, hauled down the United States flag which she had previously been flying before opening fire.

I have the honour to state in reply that the Lords Commissioners of the Admiralty, to whom I referred your excellency's request, inform me that the report of the commanding officer, His Majesty's ship *Baralong*, dated the 20th August, states that when he sighted an enemy submarine shelling the steamship *Nicosian* on the 19th August the *Baralong* was flying neutral colours. The statement of persons on board the *Nicosian* that the colours were those of the United States may be accepted as correct though it is not so stated in the official report. The *Baralong* proceeded to close the *Nicosian* and then passed out of sight of the submarine behind the *Nicosian*.

The commanding officer's report proceeds: "The moment *Baralong* was out of sight behind *Nicosian* I struck the neutral colours and hoisted the white ensign and trained two guns just in front of that vessel's bow ready for the next appearance of the submarine, which I knew would be at close range."

No shot was fired under neutral colours, the whole of the engagement taking place while the white ensign was flying.

I have [etc.]

For Sir Edward Grey:

W. LANGLEY

File No. 763.72112/2048

The Consul General at London (Skinner) to the Secretary of State

LONDON, December 11, 1915.

[Received December 29.]

SIR: Referring to my cabled statement of to-day¹ to the effect that there would be no further prize-court hearings until some time next year on account of an accident to Sir Samuel Evans, president of the court, resulting in a fracture of his leg, I have the honor to report that it is stated in the press in connection with news of this event, that there is still a vast amount of prize work to be disposed of and that no appreciable impression seems to have been made upon the list of cases since the beginning of the term. It has been computed that even if hostilities were to cease to-morrow it would take nearly two years to inquire into, prepare for hearing, and dispose of all the cases that have arisen.

I have [etc.]

ROBERT P. SKINNER

File No. 763.72112/2060

The British Ambassador (Spring Rice) to the Secretary of State

WASHINGTON, December 27, 1915.

[Received December 29.]

MY DEAR MR. SECRETARY: In my personal note of December 13² I communicated to you a memorandum based upon the official trade returns of the Department of Commerce, which, I think, clearly demonstrates the absence of any justification for the suggestion of an officer of your department that the measures adopted by His Majesty's Government in the exercise of their belligerent right to withhold supplies from their enemies have been operated with the intention or the result of promoting British trade with neutral countries at the expense of the foreign trade of the United States.

¹ Not printed.

² *Ante*, p. 630.

You will have noticed from the memorandum that the only instances in which a reduction of exports from the United States has been accompanied by an appreciable increase in British exports are rosin, tobacco, and oil products. In this connection the following supplementary information which I have received from my Government may be of value in dispelling any misunderstanding that may still exist owing to an incomplete explanation of the circumstances in regard to exports of these articles from the United Kingdom.

French rosin which in normal times has been shipped all over the world from Antwerp and Hamburg is now forwarded to the United Kingdom for distribution.

Increased British reexports of tobacco are explained by the diversion to ports of the United Kingdom of tobacco from India, South Africa, Brazil, China, and Greece, formerly shipped to continental ports for distribution, as well as by the large quantities forwarded by organizations and individuals in the United Kingdom to British troops in the various war areas.

In regard to oil products, American oil companies have imported unusually large quantities of mineral oils into the United Kingdom since the beginning of the war for transshipment to the Continent when occasion arose; joint purchases of petroleum by the Allied governments have moreover been shipped to the United Kingdom for storage and distribution.

Believe me [etc.]

CECIL SPRING RICE

File No. 763.72112/2145a

The Secretary of State to the Ambassador in Great Britain (Page)

[Telegram]

WASHINGTON, December 30, 1915, 7 p. m.

2652. Chandler Anderson, representing some of the beef packers, sailed steamer *Rotterdam* December 28 to treat for settlement direct with British Government. Kindly give him such unofficial assistance as you properly can.

British Ambassador here thought that any note on beef packers' cases should be withheld pending negotiations of settlement as it might make settlement impossible.

Lloyd Griscom sailed same ship, representing Sulzberger, to try to open negotiations for settlement. British Government has copies of agreements between Sulzberger and Deutsche Bank which insured Sulzberger against loss in case of seizure. Griscom knows Government has this information.

LANSING

File No. 841.85/15

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

No. 2013]

BERLIN, December 10, 1915.

[Received December 30.]

SIR: I have the honor to inform the Department that the Embassy is now in receipt of a *note verbale* from the Imperial Foreign Office, dated December 9, 1915, stating that among the ship's papers of

some English ships that were sunk by German naval forces were found English secret orders concerning the use of false flags and distinguishing marks. I enclose herewith two copies of such orders which have been received by the Imperial Foreign Office.

I have [etc.]

JAMES W. GERARD

[Enclosure—Extracts]

Photographic copies of confidential Admiralty instructions to British merchant vessels

February 10, 1915.

INSTRUCTIONS FOR OWNERS AND MASTERS OF BRITISH MERCHANT SHIPS ISSUED WITH REFERENCE TO THE OPERATIONS OF GERMAN SUBMARINES AGAINST BRITISH SHIPPING

SECTION 2.—Procedure if an enemy submarine is sighted

A. No British merchant vessel should ever tamely surrender to a submarine, but should do her utmost to escape. A vessel which surrenders is certain to be sunk, and the crew cast adrift in their boats. A vessel which makes a determined attempt to escape has an excellent chance of doing so. Even should she fail, and be unlucky enough to be struck by one of the enemy's torpedoes, the crew will, in most cases, have ample time to man their boats.

B. If a submarine is seen at a distance and on the surface, or if a periscope is sighted, alter course to bring the boat astern and proceed at full speed. If the boat follows you on the surface, make for the nearest land or shallow water, always keeping your stern towards her. If the boat opens fire with a gun continue on your course at all costs—if you stop you will certainly be torpedoed. Gunfire from most submarines is not dangerous. When under fire the crew should go below, and be ready to plug any shot holes near the water line. If the submarine does not fire you may assume she has no gun, and in this case she cannot injure you if you keep your stern towards her and keep a sharp lookout for any torpedo. With the submarine in this position a touch of the helm will enable you to avoid the torpedo, the trail of which can be seen by a line of bubbles on the water.

C. If a submarine comes up suddenly close ahead of you with obvious hostile intention, steer straight for her at your utmost speed, altering course as necessary to keep her ahead. She will probably then dive, in which case you will have ensured your safety, as she will be compelled to come up astern of you.

SECTION 4.—Lighting, colours, etc.

A. At night it is important that British ships should as closely resemble neutrals as possible. Navigation lights should not exceed the brilliancy prescribed by statute. No bright lights should show about the ship, but in most cases it will not be advisable to darken ships completely. Should neutral ships adopt any particular system of lighting this should be copied by British vessels.

B. The use of false colours and disguises by merchant vessels attempting to escape capture is a well-established custom in the history of naval war. It is not in any way dishonourable. Owners and masters will therefore be within their rights if they use every device to mislead the enemy and induce him to confuse British vessels with neutrals. Exceptional methods of painting and conspicuous funnel marks, not resembling those of neutrals, should be avoided.

ADDENDUM No. 1 TO INSTRUCTIONS RESPECTING HOSTILE SUBMARINES (TO BE ATTACHED TO INSTRUCTIONS DATED FEBRUARY 10, 1915)

5. Liners and other fast ships can considerably reduce the chance of a successful torpedo attack by zigzagging, that is to say, altering course at short and irregular intervals. This procedure is most disconcerting to a submerged submarine, and prevents her getting into position to deliver a surprise attack.

7. The guns fitted in the latest submarines, though short, are of comparatively large bore, and fire a shell which, at short range, is effective against merchant ships. The practice of the submarines when they are able to overtake a ship appears to be to close right up under her quarter and fire at a range at which it is impossible to miss.

These tactics necessitate a change in the advice hitherto given. It is considered that every ship on sighting a submarine should first endeavour to escape. The submarine may be a slow one, or the state of the sea may make it difficult for her to steam fast. Should it become apparent to the master of the ship pursued that the submarine is rapidly gaining on him, then, unless help is at hand, it will generally be best to turn bow to the enemy before he gets too close, and make straight at him. This will compel him to risk being rammed or dive. If he dives he at once loses speed and drops astern so that the manœuvre can be repeated. If he does not dive then there is a fair chance of ramming him, and in any case he is in the worst possible position to use gun or torpedo.

File No. 763.72112/2061

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

No. 2034]

BERLIN, *December 14, 1915.*

[*Received December 30.*]

SIR: With reference to the Department's telegraphic instructions of October 28, 1915, serial telegram No. 2350, and to my telegram No. 3172 of December 2, 1915,¹ regarding certain inquiries in connection with the possible importation of conditional contraband into Germany, especially as to what extent the German civil authorities have been superseded by the German military authorities, I have the honor to transmit herewith enclosed a copy and a translation of *note verbale* No. IIIa 22501 from the German Foreign Office, which has been to-day received in reply to my representations on the subject.

I have [etc.]

JAMES W. GERARD

[Enclosure—Translation]

The German Foreign Office to the American Embassy

No. IIIa 22501/194694

NOTE VERBALE

The Foreign Office has the honor to reply as follows to the *note verbale* of the American Embassy of November 11 last, F. O. Nr. 6187, relative to the use in Germany of imported articles of contraband.

While the military authorities in Germany, with the declaration of the state of war, are empowered to take over the executive power from the civil authorities, as a matter of fact they have not as yet availed themselves of this authority during the present war. Only with regard to certain matters, and not to the exclusion of the civil authorities, have they interested themselves directly in affairs which are otherwise dealt with exclusively by the civil authorities; this refers to matters of police, protection against espionage, police regulations for aliens, and supervision of the frontier, as well as army supplies. As far as the rest is concerned, all civil officers are working to the full extent of their former authority. In any case, they alone are competent as far as questions of importation are concerned.

The question whether or not goods have been placed on the contraband list by the enemies of Germany, is of no significance to the internal German legislation and administration. No regulations have therefore been issued according to which the goods enumerated on the contraband list of the enemies, are placed under special government control in Germany. But all goods, be they

¹ *Ante. pp. 603 and 622.*

enumerated on the contraband list of the enemies or not, can be imported to and sold in Germany free from official interference, unless an order forbidding the importation has been placed on certain articles to harm the hostile trade (see the publication of February 15, 1915, *Imperial Law Gazette*, sheet 93). Through the order of the Bundesrat of June 24, 1915, relative to the safeguarding of war supplies (*Imperial Law Gazette*, sheet 357) only the possibility is left that during the present war, articles which can be used in the manufacture and plant of war supplies, will be taken over by the military authorities against payment of the price in cash.

Furthermore, for the purpose of equal distribution to the populace, central organizations of distribution have been created for certain goods which, in view of the difficulties caused through the war in the normal trade connections, are available in smaller quantities than in times of peace. In this regard, the following articles are more particularly concerned:

(a) Corn, legumes, flour, and fodder, which are imported, in accordance with the publication of September 11 last (*Imperial Law Gazette*, sheet 569), are to be delivered to the Zentral Einkaufsgesellschaft m.b.H., Berlin.

(b) Imported butter is to be delivered to the same concern in accordance with the regulations of November 15, relative to the importation of butter from foreign countries (*Imperial Advertiser*, No. 271, November 16, last).

(c) Fruits containing oil, in accordance with the publication of October 19 last (*Imperial Law Gazette*, 675) in conjunction with former regulations, are to be delivered to the Kriegsausschuss für tierische und pflanzliche Oele und Fette, G.m.b.H.

(d) Imported products of dried potatoes and of the manufacture of potato starch are to be delivered to the Trockenkartoffel Verwertungsgesellschaft m.b.H., Berlin.

The aforementioned concerns are not, however, organs of the Empire, but merely enterprises for the common benefit of the public, which have been founded by private persons, banks, and industrial companies, and the capital of which, legally and actually, is fully separated from that of the Empire and the allied states.

In all ordinances, the right is reserved to the Imperial Chancellor to grant exceptions from the obligation of delivery. The German Government would accordingly be in the position [and also disposed¹], if necessary, to guarantee the sale to the civil population in the open market of products imported by private parties from the United States of America.

BERLIN, December 14, 1915.

The Austro-Hungarian Note of December 29, 1915, Admitting Liability in the "Ancona" Case

File No. 865.857An2/97

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

[Telegram]

VIENNA, December 29, 1915, 7 p. m.

[Received December 30, 3.50 p. m.]

1064. The following reply to my note of the 21st instant, communicating textually the contents of the Department's telegram No. 1039 of December 19, 1 p. m.,² was received this afternoon:

In reply to the very esteemed note No. 4307, of the 21st instant, the undersigned has the honor most respectfully to communicate to his excellency the

¹The request of the Foreign Office for the insertion of these three words was transmitted by the Ambassador in his despatch No. 2109, December 27 (File No. 763.72112/2101).

²Ante, p. 647.

Ambassador of the United States of America, Mr. Frederic Courtland Penfield, the following:

The Imperial and Royal Government thoroughly agrees with the Washington Cabinet that even in war the sacred demands of humanity must be complied with. Just as it has hitherto never given anyone occasion to doubt its respect for these demands, it has also given numerous proofs of its most humane sentiments, both toward enemies and neutrals, throughout the entire course of this war, which is presenting such convulsive pictures of moral confusion, and it was not its fault that not long ago it did not agree with the Washington Cabinet on a question which it, in unison with the entire public opinion in Austria-Hungary, regarded principally as a question of humanity.

Also as concerns the principle expressed in the very esteemed note that hostile private ships, in so far as they do not flee or offer resistance, may not be destroyed without the persons on board having been placed in safety, the Imperial and Royal Government is able substantially to assent to this view of the Washington Cabinet.

The Imperial and Royal Government is very responsive to the assurance that the Government of the United States attaches value to the maintenance of the good relations which happily exist between Austria-Hungary and the United States of America; it reciprocates this assurance most warmly and is now as ever, as far as lies within its power, zealous to render these relations still more cordial.

Guided by the same spirit of candor as is the American Government, the Imperial and Royal Government, although it does not find in the aforesaid note a reply to all of its justified questions, is ready to communicate to the Government of the United States the result of the investigation which was instituted, in accordance with the existing internal regulations, immediately after the receipt of the naval report on the sinking of the *Ancona* and which has been very recently concluded. The results of this investigation may be summarized as follows:

On November 7, 1915, at 11.40 a. m., in thick weather, the commander of the submarine saw the outlines of a large Italian steamer suddenly emerge from the fog one point to the starboard at a distance of about 3,000 meters, in latitude 38° 40' N., and longitude 10° 8' E. He first took it for a transport steamer and put about and then fired a wide warning shot from the after gun; at the same time he displayed the signal "leave the ship." The steamer did not stop, but on the contrary turned away and attempted to escape. The commander at first remained stationary several minutes in order to increase the distance, as he feared that the steamer might have a stern gun and use it against the submarine. When the distance had increased to 4,500 meters, he took up the pursuit at full power and fired from the bow gun sixteen shells at decreasing range and observed three hits. During the pursuit the steamer steered a zigzag course and did not stop until after the third hit. Thereupon the commander ceased firing. Even during the flight the steamer while at full speed dropped several boats with people, which immediately capsized; after stopping it began to rig out the boats. At a distance of about 2,000 meters the commander saw that six boats were completely filled and rapidly pulled away from the steamer. Another boat had capsized and was floating keel upward; the people were hanging on to the lines and to the capsized boat. During the further approach of the submarine the commander saw that great panic was prevailing on board and that he was dealing with a passenger steamer, viz., the *Ancona*, of Genoa. He therefore accorded the people on board of the steamer more than the necessary time for leaving the ship in the lifeboats. There were still on board at least ten lifeboats, which would have more than sufficed for the rescue of the people still on board. One of these boats was completely filled and hung on the half-rigged-out boat davits. As no further measures were being taken to rig out the boats, the commander decided after the lapse of forty-five minutes to torpedo the ship in such a way that it would still remain above water for a considerable length of time so that, on the one hand, the rigging-out of the boats would be accelerated and, on the other hand, sufficient opportunity would remain for rescuing the people still on board.

Shortly thereafter a steamer was sighted heading for the *Ancona*, developing a great amount of smoke and which apparently had been summoned to the *Ancona* by radio telegraphy. As the commander of the submarine had to count upon an attack from the steamer, which he took to be an enemy cruiser, he submerged after having had a torpedo launched at 12.35 p. m. from a distance

of 800 meters at the forehold of the *Ancona*. After that torpedo shot, the latter listed about ten degrees to starboard. At this time an attempt was made to completely lower the half-rigged-out lifeboat; it carried away, however, and fell into the water. The boat remained afloat, keel downward, and the people clung to the gunwale. None of the remaining boats were lowered to the water, although people were still seen on board. The steamer gradually righted itself to an even keel and sank so slowly that the commander of the submarine at first doubted whether the steamer would go down. As late as 1.20 it sank, bow first, after slowly submerging parallel to the water line. During this further period of forty-five minutes it would have been easily possible to rescue by means of the available boats persons still on board. From the circumstances that, contrary to expectations, this did not happen, commander concluded that, contrary to all seamanlike custom, the crew had effected their own rescue in the first boats and left the passengers intrusted to their protection to themselves.

At the time of the incident the weather was good and the sea was smooth, so that the lifeboats could have reached the nearest coast without danger, as in fact lifeboats were damaged only through inexpert lowering, but not after reaching the water. The loss of human lives is in no way to be attributed in the first instance to the sinking of the ship, but—and according to all probability in a much higher degree—to the dropping of the first boats while under way at full speed, as well as to the fact that the crew, thinking only of themselves, did not rescue the passengers of the capsized boats, and also possibly to the projectiles which struck the fleeing ship. But also the death of the persons who went down with the steamer is above all to be attributed to the conduct of the crew, which was contrary to the requirements of their duty.

As is apparent from the above-cited facts of the case, the very esteemed note of the 9th instant proceeds in several points from incorrect assumptions. The information reaching the American Government that a solid shot was immediately fired towards the steamer is incorrect. It is incorrect that the submarine overhauled the steamer during the pursuit. It is incorrect that only a brief period was accorded for the disembarkation of the people; to the contrary an unusually long time was given the *Ancona* for the disembarkation of the passengers. Finally, it is incorrect that a number of shells were still fired at the steamer after it had stopped.

The facts in the case further permit it to be recognized that the commander of the submarine granted the steamer full forty-five minutes; that is more than sufficient time to afford the persons on board opportunity for disembarkation. Then when the people had still not been rescued he effected the torpedoing in such a way that the ship would remain above water as long a time as possible; this with the intention of enabling the disembarkation in the boats still available. As the steamer remained above water forty-five minutes more he would indeed have accomplished this purpose if the crew had not in violation of their duty left the passengers in the lurch.

Notwithstanding all appreciation of this procedure of their commander aiming at the rescue of the crew and passengers, the Imperial and Royal naval authorities came to the conclusion that he had failed to take into sufficient consideration the panic which occurred amongst the passengers rendering the embarkation more difficult and the spirit of the regulation that Imperial and Royal naval officers should not refuse help to anyone in distress, not even to the enemy. Hence the officer has been punished in accordance with the rules in force in this matter for exceeding his instructions.

In this state of affairs the Imperial and Royal Government does not hesitate to draw the appropriate conclusions with reference to the indemnification of the American citizens affected by the sinking of the prize.

In this respect it must, however, make the following observations: As a matter of course the investigation into the sinking of the *Ancona* could not establish to what degree American citizens are entitled to a claim for indemnity. Even according to the view of the Washington Cabinet, the Imperial and Royal Government can not be held answerable for the injuries which were caused by the undoubtedly justified firing upon the fleeing ship. Just as little might it have to answer for the injuries which occurred before the torpedoing due to the faulty rigging out of the boats or to the capsizing of the boats which had been lowered.

The Imperial and Royal Government must assume that the Washington Cabinet is able and willing to furnish it with the information which is required in this respect and which is certainly not immaterial. However, should the

more precise circumstances under which the American citizens were injured be unknown to the Government of the United States due to a lack of the proper material evidence, the Imperial and Royal Government in consideration of the humanely deeply deplorable incident and guided by the desire of again manifesting to the Government of the United States its friendly sentiments, would be readily willing to overlook this gap in the evidence and to extend the indemnity also to those injuries the direct cause of which could not be ascertained.

While the Imperial and Royal Government may well regard the *Ancona* case as cleared up by the foregoing representations it, at the same time, reserves to itself for a future time the discussion of the difficult questions of international law in connection with submarine warfare.

The undersigned has the honor to have recourse to the kindness of his excellency the Ambassador of the United States of America with the most respectful request that he be good enough to communicate the foregoing to the Government of the United States and at the same time avails himself [etc.]

BURIAN

PENFIELD

File No. 763.72/2331

The Ambassador in Great Britain (Page) to the Secretary of State

[Telegram]

LONDON, December 31, 1915, 5 p. m.

[Received 8 p. m.]

3487. Consul at Liverpool has received private information to the effect that German submarines have very recently sunk eight ships in St. George's Channel and that there are submarines off the Mersey bar as well. The steamship *Philadelphia* has postponed her departure daily since last Wednesday, and has now fixed upon Monday next probably, for the United States. Other transatlantic liners are deferring sailing.

AMERICAN EMBASSY

File No. 763.72112/2074

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

No. 2084]

BERLIN, December 21, 1915.

[Received January 3, 1916.]

SIR: With reference to the Department's cipher telegram No. 2083 of August 17, 1915, 4 p. m.,¹ I have the honor to transmit to the Department herewith the translation of a note received from the Imperial Foreign Office, dated December 18, 1915, explaining the conditions under which American vessels are brought to German ports for examination.

I have [etc.]

JAMES W. GERARD

[Enclosure—Translation]

The German Minister of Foreign Affairs (Zimmermann) to the American Ambassador (Gerard)

No. IIIa 23210/197061

BERLIN, December 18, 1915.

The undersigned has the honor to reply as follows to the note of his excellency, the Hon. James W. Gerard, American Ambassador, of August 19, 1915,

¹Ante, p. 515.

F. O. No. 4774, concerning the treatment accorded to American merchant vessels at the Sound.

In accordance with the instructions issued to the German naval forces, American vessels, the papers of which show that their cargo neither represents articles of conditional, nor of unconditional contraband, can pass the Sound without hindrance. However, ships from the papers of which it is evident that they carry contraband are searched in the first place on the high seas. The examination takes place in a German port if the suspicion of hostile destination arises from the papers and the circumstances, at the same time, are such as to render the examination of the vessel on the high seas impossible.

While on their way to hostile ports, American vessels are brought to a German port for examination if their papers do not show beyond doubt that the cargo represents non-contraband goods and the circumstances, at the same time, are such as to render the examination of the vessel on the high seas impossible.

Suggesting that the Ambassador kindly bring the foregoing to the attention of his Government, the undersigned avails himself [etc.]

ZIMMERMANN

File No. 763.72112/2001

The Secretary of State to the Netherland Minister (Van Rappard)

No. 142]

WASHINGTON, January 13, 1916.

SIR: I have the honor to acknowledge the receipt of your note of December 13, 1915, wherein you state that your Government has lodged with the French and British Governments a protest against the new decrees doing away with the enforcement of Article 57 of the Declaration of London; that your Government has especially protested to the British Government against the seizure of the vessel *Hamborn*, recently taken into Halifax at the same time as the American vessel *Hocking*; that the Government of the Netherlands has taken the position that, not only under the Declaration of London, but also under the accepted rules of international law, the flag granted by a sovereign state determines the nationality of the vessel in time of war and of peace and places it under the protection of that state save the case of transfer of the flag; and that your Government desires to learn the attitude of the Government of the United States in the case of the *Hocking*, seized under the same circumstances as the Dutch vessel *Hamborn*.¹

The Department has the matter under consideration, but is not prepared at this time to announce its views touching the phases presented by the seizure of the *Hocking*.

Accept [etc.]

ROBERT LANSING

File No. 300.115/6619

The Ambassador in Great Britain (Page) to the Secretary of State

No. 2745]

LONDON, December 28, 1915.

[Received January 13, 1916.]

SIR: With reference to previous correspondence² in regard to the steamship *Esrom* and to various items of her cargo which the British authorities have ordered to be placed in the prize court, I now have the honor to enclose herewith for the information of the Department

¹Ante, p. 638.

²Not printed.

a copy of a note addressed to the Foreign Office by the Embassy on December 13 in this regard together with a copy of the reply received from the Foreign Office under date of the 25th instant, in which the attitude of the British Government in reference to the cargo of this vessel is set forth.

I have [etc.]

WALTER HINES PAGE

[Enclosure 1]

The American Ambassador (Page) to the British Secretary of State for Foreign Affairs (Grey)

LONDON, December 13, 1915.

SIR: I have the honor to enclose herewith, for your consideration, a copy of a letter which I have received from the representatives of an American firm, John H. Graham and Company, New York and San Francisco, with branches in London, England, and Sydney, New South Wales, with reference to two consignments of non-contraband hardware shipped by them on board the steamship *Esrom* to two of their customers in Copenhagen.¹ It is stated in this letter that upon the seizure of the *Esrom* by His Majesty's authorities the goods shipped by Graham and Company were released, and that the Company was informed that the goods were free to proceed to their destination, but that His Majesty's authorities refused to accept any liability for the cost of forwarding these goods.

In this connection I desire to call your attention to the fact that the Consul at Hull has reported to me that a quantity of cargo of American ownership which was shipped on board the above-mentioned vessel has not been seized by His Majesty's authorities, but has been discharged from the vessel by their order and warehoused for the account of whom it may concern pending the receipt of further instructions.

Inasmuch as I feel confident that His Majesty's Government desires in no way to inflict unnecessary hardship upon the American owners of non-contraband cargo which, through no fault of the owners, was shipped on board a vessel which has been seized in Great Britain, I should be grateful if you would be so good as to cause to issue such instructions as are necessary in order that the above-mentioned American goods may be sent forward to their appropriate destinations without cost of the shipment falling upon the innocent shippers.

I have [etc.]

WALTER HINES PAGE

[Enclosure 2]

The British Secretary of State for Foreign Affairs (Grey) to the American Ambassador (Page)

No. 109065/T]

LONDON, December 25, 1915.

YOUR EXCELLENCY: I duly received your note of the 13th instant respecting certain consignments of goods shipped on the S. S. *Esrom* which has been seized as prize by the British naval authorities and will be brought before the prize court for adjudication.

In reply I have the honour to inform your excellency that save only in the case of certain contraband articles found on board, His Majesty's Government have no intention of interfering with the cargo of the *Esrom* which however it became necessary to discharge in consequence of the seizure of the vessel. With a view of affording all possible facilities to the owners to recover their goods as conveniently and speedily as possible arrangements have been made whereby such goods will be delivered to the claimants on production of the bills of lading, or a satisfactory indemnity against all claims for each consignment. As regards the reshipment of the goods it will be for the parties concerned to make their own arrangements.

With respect to the expenses incurred owing to the detention and the reshipment and carriage of goods to their original destination in such cases, I beg to

¹ Not printed.

state that His Majesty's Government are prepared as a special concession and without admitting any liability to do so, to defray the expenses in connection with the discharge of such cargo incurred up to the time when the owners take delivery of the goods in this country, but not beyond, and this only to the extent to which such expenses exceed any amount which the owners may have been saved in freight, i. e., the difference between the original freight and that from this country to the original destination, if the former has not been paid in advance.

I have [etc.]

For Sir Edward Grey:
W. LANGLEY

BRITISH EMBARGOES ON EXPORTS

File No. 611.479/104

The Consul General at Sydney (Bray) to the Secretary of State

[Telegram]

SYDNEY, *January 6, 1915.*

[Received 8 a. m.]

Australian Government advises exportation merino wool, hides, skins, to America permitted in British ships under shippers' guarantee against reexport of raw or manufactured product.

BRAY

File No. 611.419/132

The British Ambassador (Spring Rice) to the Secretary of State

No. 12]

WASHINGTON, *January 8, 1915.*

[Received January 9.]

SIR: With reference to conversations which have taken place between us relative to the removal of the British embargo on British rubber, I have the honour to enclose herewith paraphrase of a telegram which I have received from Sir Edward Grey, His Majesty's Principal Secretary of State for Foreign Affairs, in which he informs me that arrangements have been practically completed whereby dealers and manufacturers in the United States can obtain supplies of rubber from the British Empire. The telegram gives details as to what these arrangements are. I have lost no time in telegraphing to the representatives of the rubber interests now in New York and I have also distributed copies to the press.

I have [etc.]

CECIL SPRING RICE

[Enclosure—Telegram]

The British Secretary of State for Foreign Affairs (Grey) to the British Ambassador (Spring Rice)

LONDON, *January 8, 1915.*

Arrangements have been practically completed whereby dealers and manufacturers in United States can obtain supplies of rubber from British Empire.

Manufacturers wishing to obtain large shipments will be required to give a bond through their agent in London.

In other cases shipments will be allowed to approved manufacturers and dealers who signify their willingness to sign appropriate guarantee. Shipments will be addressed to a bank in New York which will not deliver rubber until purchaser has signed and deposited guarantee with His Majesty's Consul General at New York and he sanctions delivery.

Manufacturers' guarantee will be an undertaking not to export any raw waste or reclaimed rubber except to United Kingdom or British possessions; not to sell rubber now delivered but to use it in own factory; to execute orders for manufactured goods from neutral European countries from stocks in United Kingdom; not to sell manufactured goods to any person in United States without ascertaining whether he has no intention to export same to Europe except through United Kingdom; to give notice to His Majesty's Consul General of shipment to non-European countries and to put a distinctive mark on all manufactured goods exported or sold for export.

Dealers' form will be shorter. Shipment to manufacturers who have given a bond will be allowed direct.

File No. 611.479/131

The Consul General at Sydney (Bray) to the Secretary of State

[Telegram]

SYDNEY, *January 14, 1915.*

[Received 8 a. m.]

Comptroller customs advises when collector satisfied *bona fides* ship; shipment merino wool, hides, skins to United States allowed in American ships same condition as British ships.

BRAY

File No. 611.419/148

The British Ambassador (Spring Rice) to the Secretary of State

No. 22]

WASHINGTON, *January 15, 1915.*

[Received January 16.]

SIR: With reference to previous communications with your Department on the subject of the embargo on export of wool from the United Kingdom, I have the honour to transmit to you herewith copy of a telegram which I have received from my Government.

I have [etc.]

CECIL SPRING RICE

[Enclosure—Telegram]

The British Secretary of State for Foreign Affairs (Grey) to the British Ambassador (Spring Rice)

Licences to export merino wool from United Kingdom to United States will in future be issued fairly frequently provided sufficient steps taken by shippers to assure themselves that consignees will not export it to any destination outside United States. Intending shippers will be required to make statutory declaration that consignee is known to them and that they have obtained adequate assurance that none of merino for which licence is sought will be exported from the United States to any destination. Subject to such declaration and if no reason to doubt *bona fides* of declarant, we do not for the present propose to restrict amount to be shipped. Governments of Australia and South Africa informed accordingly.

File No. 611.419/132

*The Secretary of State to the British Ambassador (Spring Rice)*WASHINGTON, *January 20, 1915.*

EXCELLENCY: Having reference to your note of January 8, for the receipt of which I have to thank you, relative to the removal of the British embargo on British rubber:

Your excellency states that manufacturers desiring to obtain supplies of rubber from the British Empire will be required to enter into an undertaking not to export any raw waste or reclaimed rubber except to the United Kingdom or British possessions; not to sell rubber now delivered but to use it in their own factories; to execute orders for manufactured goods from neutral European countries from stocks in the United Kingdom; not to sell manufactured goods to any person in the United States without first ascertaining that he has no intention to export same to Europe except through the United Kingdom and to give notice to His Majesty's Consul General of shipment to non-European countries and to put a distinctive mark on all manufactured goods exported or sold for export. The question has arisen whether this proposed undertaking would comprehend the use and disposition of rubber obtained in countries other than British territories. While I am inclined to the view that the proposed guarantee is intended only to apply to rubber obtained from the United Kingdom or British possessions and to products manufactured therefrom, I will be pleased to have you inform me particularly on this point.

I have [etc.]

W. J. BRYAN

File No. 611.419/187

The British Ambassador (Spring Rice) to the Secretary of State

No. 48]

WASHINGTON, *February 3, 1915.*[*Received February 5.*]

SIR: I have the honour to acknowledge the receipt of your note No. 626 of the 20th ultimo in which you enquire as to the scope of the undertaking which is required to be executed by manufacturers desiring to obtain supplies of rubber from the British Empire.

I have the honour to state in reply to this enquiry that, so far as regards the exportation of raw, waste, and reclaimed rubber, and the exportation of manufactured or partly manufactured rubber goods, the undertaking comprehends the use and disposition of rubber obtained from countries other than the United Kingdom or British possessions and to the sale in the United States of goods manufactured therefrom.

I have [etc.]

CECIL SPRING RICE

File No. 611.419/539

Form of agreement to be signed by importers of rubber from British Dominions and by manufacturers to whom such rubber is sold¹

RUBBER GUARANTEE

RUBBER Ex s.s.----- Packages----- Weight ----- Quality----- Marks -----	His Britannic Majesty's Consul-General, <div style="text-align: right;">New York.</div> <p>I beg to inform you that I have sold the rubber specified in the margin to</p> <p>whose guarantee you will find on the back hereof. I will produce to you at any time on demand the original contracts or other documents evidencing the sale.</p> <p>In consideration of your consenting to the delivery to them of the said rubber, I undertake that I will not, directly or indirectly, at any time so long as the present war continues, export any raw rubber, reclaimed rubber, or waste rubber from the United States, except to the British Dominions, and that I will not sell any raw rubber, reclaimed rubber, or waste rubber for exportation without satisfying myself that it is not intended for exportation from the United States, except to the British Dominions.</p> <p style="text-align: right;">----- ----- Date-----</p>
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[Reverse side of sheet]

His Britannic Majesty's Consul-General,
 New York.

In consideration of your consenting to the delivery to us of the rubber specified on page 1 which we have purchased from

we

hereby give you the following undertaking, which shall remain in force so long as Great Britain is at war with any European power:

We will not export from the United States any raw rubber, reclaimed rubber, or waste rubber, whether the same has been imported from the British Dominions or not, otherwise than to the United Kingdom or to a British Possession.

We will not sell the rubber now delivered by you to any dealer or other person or persons in the United States, but will use it for our own manufacturing purposes.

¹ Guaranties in the same terms were required for obtaining licenses to import tin and plumbago (File No. 611.419/506).

All orders received by us for manufactured or partly manufactured rubber goods to be sent to neutral European countries shall be executed from stocks maintained by us in the United Kingdom, or be executed by shipments to the United Kingdom and reshipment from there, under licence to be obtained for export therefrom.

We will not execute any orders for manufactured or partly manufactured rubber goods to be sent, either directly or indirectly, to any country or state at war with Great Britain.

We will not sell any manufactured or partly manufactured rubber goods to any person in the United States without satisfying ourselves that there is no intention on his part to export, or resell the same for exportation, to any countries in Europe other than Great Britain, France, Russia, or Italy, otherwise than by shipping to the United Kingdom and reshipping from there, under licence to be obtained for export therefrom.

If we export any manufactured or partly manufactured rubber goods to a destination outside Europe not being in a British Possession, we will, prior to or simultaneously with the shipment, give you particulars of the goods so shipped and their destination.

All rubber tyres exported by us or sold by us for export shall bear a distinctive name or mark, which we will communicate to you, so as to identify them as being our manufacture.

Date -----

File No. 611.479/144

The Consul General at Sydney (Bray) to the Secretary of State

[Telegram]

SYDNEY, *February 9, 1915.*

[Received 8 a. m.]

Department's 6th.¹ Embargo [on wool] reimposed. Permits issued prior 5th hold good.

BRAY

File No. 611.419/194

The Ambassador in Great Britain (Page) to the Secretary of State

No. 817]

LONDON, *January 29, 1915.*

[Received February 10.]

SIR: Referring to my cablegram No. 1545 of yesterday's date,¹ I have the honor to inform the Department that Mr. Charles Henry Burr of Philadelphia who brought me a letter of introduction from the Department and from Senator Simmons of North Carolina, and who has been in England for some time past on behalf of the Textile Alliance of the United States, endeavoring to make an arrangement with the British Government by which the embargo on wools could be raised, so that merino and black-faced wool could be exported

¹ Not printed.

from Great Britain to the United States, has spoken several times with me upon this subject, and has kept me informed as to his negotiations. He states that he has been in close communication with the British Board of Trade and other Government bodies, and also with high officials at the Foreign Office and the Admiralty.

Mr. Burr yesterday informed me that he had concluded with the Board of Trade a working arrangement through which he was satisfied the exportation of the necessary quantities of wool could be made to the United States. He left with me a copy of a form of agreement, which is enclosed herewith, and stated that he was sailing for America on the 30th instant, and would, upon arrival in Washington, inform the Department of the further details in connection with this arrangement.

Mr. Burr further informed me that he understands the Foreign Office will advise me as soon as the arrangements are definitely concluded, upon receipt of which information I will immediately cable the Department.

I have [etc.]

WALTER HINES PAGE

[Enclosure 1]

The Directors of the Textile Alliance, Inc., to the Board of Trade

GENTLEMEN: On behalf of the Textile Alliance, Inc., we, the undersigned directors, in recognition of the trust reposed in us by yourselves and the Government of Great Britain do pledge ourselves to the best of our power and ability to carry out the following undertaking in respect of wool exported from Great Britain into the United States and consigned to A. M. Patterson, Esq., chairman of the Alliance or other the chairman of the Alliance for the time being.

1. That neither the Textile Alliance nor any of its associated bodies nor their members nor the owners of mills for whom the wool is destined shall resell any wool so imported to any dealer or other person or persons, but that such wool shall be used in the mill or mills for their own manufacturing purposes only.

2. That no part of the wool nor any wool tops or yarn made therefrom shall be reexported to any destination from the United States of America.

3. That realizing that such imports might encourage the export of American-grown wool we will so far as lies in our power endeavor to discourage the export of such wool.

4. That with the advice and consent of His Britannic Majesty's Ambassador at Washington we will take such measures with the several purchasers and importers as shall best effectuate our undertaking.

With appreciation of the confidence bestowed upon us, we are [etc.]

[Enclosure 2]

The Secretary of the Board of Trade to the Directors of the Textile Alliance, Inc.

GENTLEMEN: I am directed by the Board of Trade to acknowledge the receipt of your letter of in which you set out the arrangements you are prepared to make in respect of wool exported from the United Kingdom to the United States of America and consigned to the chairman of your Alliance.

In reply I am to state that the board highly appreciate the action which your Alliance are proposing to take and that they accept on behalf of His Majesty's Government the undertaking you have given.

Having regard to this undertaking the board will be prepared to entertain applications for licences for the export of merino and black-faced wool to the United States of America which are consigned in the manner indicated in your letter.

It is of course understood that this arrangement must be regarded as experimental and subject to revision at any time in the light of experience of its working.

It is also to be understood that the grant of licences must always be subject to the necessities of consumers in the United Kingdom.

I am [etc.]

File No. 611.419/216

The Consul General at London (Skinner) to the Secretary of State

[Telegram]

LONDON, *February 23, 1915.*

[Received 3.20 p. m.]

My report January 29.¹ All arrangements covering licenses to export prohibited goods transferred to War Trade Department, 4 Central Building, Westminster, to which inquiries should be addressed. Rubber committee and wool committee merged into this Department. Plan now in operation whereby merino and black-face wools go forward under license to United States Textile Alliance.

SKINNER

File No. 611.479/153

The Consul General at Sydney (Bray) to the Secretary of State

[Telegram]

SYDNEY, *undated.*

[Received February 26, 1915, 8 a. m.]

Commonwealth government advises shipment merino wool United States may now be made as previously provided.

BRAY

File No. 611.419/262

The Ambassador in Great Britain (Page) to the Secretary of State

No. 1056]

LONDON, *March 15, 1915.*

[Received March 29.]

SIR: I have the honor to acknowledge the receipt of the Department's instructions No. 544 of January 27 last,¹ by which I was directed to bring to the attention of the British Government authorities a copy of a letter dated January 19, 1915, with its enclosures, from the United States Steel Products Company, stating that they had made no sale of manganese to Germany, and in reply beg to transmit herewith a copy of a note, with its enclosures,² which I have received from Sir Edward Grey in reply to my representations in the premises.

I have [etc.]

WALTER HINES PAGE

[Enclosure]

The British Secretary of State for Foreign Affairs (Grey) to the American Ambassador (Page)

No. 21743/15]

Sir E. Grey presents his compliments to the United States Ambassador, and in reply to his excellency's note of the 22d ultimo relative to the issue of

¹ Not printed.

² Only one enclosure transmitted.

licences for the supply of manganese to the United States Steel Products Company, has the honour to inform his excellency that his note of December 12 last stating that further licences would not be issued was based on information, received from reliable sources, that the three companies mentioned in that note had exported manganese either directly or indirectly to Germany during the latter part of last year. In view of the paramount necessity, for military reasons, of preventing as far as possible the importation of manganese into Germany, it was therefore considered necessary to restrict the issue of licences.

In view, however, of Mr. Page's note under reply, Sir E. Grey is happy to state that no difficulty will ensue in future with regard to the supply of ferro-manganese to the United States Steel Products Company or the Carnegie Steel Corporation, subject of course to the requirements of this country, if these companies respectively will sign the guarantee forms which have now been prepared for shipments of ferro-manganese to the United States in each case in which permission is required.

A copy of the guarantee form in question is enclosed for his excellency's information.

LONDON, *March 10, 1915.*

[Subenclosure]

GUARANTEE

To (a)-----

In consideration of your consenting to the delivery to us of (b)-----
tons of (c)----- from (d)-----
we (e)-----

herby give you the following undertaking, which shall remain in force so long as the present war continues:

1. We will not export from the United States any of the said (c)-----
----- or any other (c)-----
which is now or at any other time in our possession, whether the same has been obtained from the British Possessions or elsewhere.
2. The said (c)----- will be consumed in our own factories in the United States.
3. We will not export from the United States any steel in the manufacture of which the said (c)----- has been employed to any place in Europe other than the United Kingdom, France, or Russia.
4. We will not sell to any person in the United States any steel in the manufacture of which the said (c)----- has been employed without obtaining from him a written undertaking that the same is not to be exported from the United States, and satisfying ourselves that he will carry out such undertaking.
5. We will give notice to His Britannic Majesty's Consul-General at New York of any shipment of (f)----- or steel in the manufacture of which the said (c)----- has been employed to any foreign destination elsewhere than in Europe.

File No. 611.419/365

The Secretary of State ad interim to the Ambassador in Great Britain (Page)

No. 1137]

WASHINGTON, *June 19, 1915.*

SIR: It is reported to this Department that there exists among the woolen manufacturers of New England serious dissatisfaction with the action of the British Government in issuing to certain Bradford firms licenses to export yarns made from crossbred wools when the export of the crossbred wool itself is forbidden on the ground of military necessity. It is claimed, the manufacturers state with jus-

tice, that this embargo on crossbred wool makes it impossible to compete with Bradford manufacturers in the making of crossbred yarns because the market for raw material is closed to them.

You are requested to investigate these statements and ascertain what the effect is upon international commerce. You will call upon the American Consul General at London and the American Consul at Bradford for any assistance you desire.

I am [etc.]

ROBERT LANSING

File No. 611.419/414

The Ambassador in Great Britain (Page) to the Secretary of State

No. 1772]

LONDON, July 8, 1915.

[Received July 20.]

SIR: I have the honor to acknowledge the receipt of the Department's instructions No. 1137 of June 19 last, in regard to a report received by the Department that there exists among wool manufacturers of New England serious dissatisfaction with the action of the British Government in issuing to certain Bradford firms licenses to export yarns made from crossbred wools when the export of the crossbred wool itself is prohibited.

Pursuant to the Department's instructions I have consulted with the Consul General in reference to this matter, and beg to report that it now appears that authorization has been granted by the Board of Trade to ship British wool to the United States on condition that the equivalent quantity of manufactured tops and yarns are exported from the United States to Great Britain. The Consul General has furnished me with copies of his cablegram dated July 1 to the Department in regard to this subject, and also of a statement which he sent to the Department by mail on the same date.

I have [etc.]

WALTER HINES PAGE

**REGULATIONS ISSUED BY BELLIGERENT GOVERNMENTS FOR THE
NAVIGATION OF MINED WATERS**

File No. 300.115Ev2/40

The German Ambassador (Bernstorff) to the Secretary of State

[Translation]

J. Nr. B 4884]

WASHINGTON, March 26, 1915.

MR. SECRETARY OF STATE: Referring to your excellency's kind note of the 5th instant¹ about the sinking of the American steamer *Evelyn*, I have the honor to make to your excellency the following communication: *

The investigation of the *Evelyn* and *Carib* casualties² brought to light the fact that the vessels had on board Dutch, not German,

¹ Not printed.

² *Ante*, p. 339.

pilots. Those pilots appear to have been furnished by the Rotterdam branch of the English Furness Steamship Company. Those pilots according to the inquiries made are not competent to navigate German waters. It was found, for instance, that H. Benne, the pilot taken by the steamer *Osmulgu* [*Ocmulgee*], who was formerly a Dutch district pilot but is already on the pension list, declared he knew nothing of a certain sailing direction for the German coast which is enough to show that he is not fit to steer a vessel to Germany. As a matter of fact he did not ever observe the sailing directions issued by the German Admiralty for the German coast and it was just luck that saved the *Osmulgu* from the fate of the *Evelyn*.

The master of the *Evelyn* declared that he sailed through the Channel and had a mine pilot along the English coast. It seems that the English officer who came on board with the pilot told him that he should steer not the northern course but the southerly course below the East Friesian Islands, which was the course taken by the other steamers. Whereupon he steamed for Rotterdam and there took a pilot. On being asked why he had not steered for Lister Tief, he replied that he had left everything to the pilot.

According to his chart the casualty occurred 53° 52' north 6° 7' east. The pilot, who had the looks of an old Dutch fisherman and made a rather unfavorable impression, declared that he had steered that course because he had heard that other ships had taken it. In reply to a question he said that he had never come with a ship into the German bay since the war began.

In order to avert further casualties as much as possible I have the honor to leave it to your excellency kindly to consider whether it may not be advisable to warn in such manner as may seem appropriate the American steamship companies concerned against applying to the above-mentioned firms for pilots. I make this recommendation all the stronger as there is reason to suspect that the enemy will spare no efforts to expose ships bound for Germany to danger and that influence is possibly brought to bear on the pilot service. I would in this connection again repeat that the course recommended in the *Nachrichten für Seefahrer*, No. 3161/14, north around Scotland to the guiding buoys of Lister Tief, offers the least danger.

Accept [etc.]

J. BERNSTORFF

File No. 841.801/40

The Secretary of State to the Ambassador in Great Britain (Page)

[Telegram]

WASHINGTON, May 20, 1915.

1592. Admiralty announcement canceling notice on navigation North Sea of November 30, 1914, cabled by Skinner May 17¹ states that British and Allied vessels wishing to use northabout route should apply to customs, and neutral vessels must apply for permission, through their foreign representatives, and failing such permission proceed southabout.

¹ Telegram not printed. It summarizes the notice enclosed in the Consul General's despatch of May 19.

Department does not fully understand the intention and effect underlying such regulations, and shall be glad to have an immediate report on the subject from you.

BRYAN

File No. 841.801/45

The Consul General at London (Skinner) to the Secretary of State

LONDON, May 19, 1915.

[Received June 4.]

SIR: Referring to my telegram of May 17,¹ setting forth briefly the terms of a notice on navigation in the North Sea and English Channel received from the trade division of the Admiralty on that date, I have the honor to enclose herewith, in duplicate, a full copy of the circular, together with the *Admiralty Notices to Mariners*¹ referred to in said circular.

I have [etc.]

ROBERT P. SKINNER

[Enclosure]

NAVIGATION IN THE NORTH SEA AND BRITISH HOME WATERS

The previous notice on navigation in the North Sea and English Channel (dated 30th November 1914) is cancelled.

A. GENERAL INSTRUCTIONS

1. Local naval or military authorities may, at any time when they consider it necessary, close a port during certain hours without previous warning.

2. Before leaving ports in the United Kingdom masters of vessels should be careful to obtain the latest *Admiralty Notices to Mariners*. Attention is called to the notice on the inside cover of all *Admiralty Sailing Directions* and their supplements, and to the following *Admiralty Notices to Mariners* and any subsequent ones that may be issued:

No. 1738 of 13th November 1914. River Medway.

No. 1812 of 10th December 1914. Bristol Channel.

No. 45 of 15th January 1915. Yarmouth Roads.

No. 137 of 22d February 1915. Irish Channel. North Channel.

No. 165 of 8th March 1915. River Humber pilotage.

No. 228 of 26th March 1915. Dover Strait. Light vessels established.

No. 239 of 27th March 1915. North Sea, River Thames, and English Channel.

No. 258 of 3d April 1915. Portland Harbour.

No. 274 of 7th April 1915. Caution when approaching British ports.

No. 391 of 5th May 1915. Firth of Forth, Moray Firth, Scapa Flow.

No. 408 of 8th May 1915. River Tyne boom defence. Entrance signals and traffic regulations.

3. Care must be taken at all times to ensure masters being in possession of the latest *Notices to Mariners*.

4. Any lights may be extinguished and other aids to navigation removed or altered at any time without previous warning. (*Admiralty Notice to Mariners*, No. 1627 of 9th October 1914.)

B. MINES

5. So far as is known at present there are, in addition to the mine fields mentioned in *Admiralty Notice to Mariners*, No. 391 of 5th May 1915, the following principal mined areas:

(a) Off the Tyne.

(b) Off Flamborough Head.

(c) Off Southwold (Southern limit 50° 54' N.).

(d) British mine field between latitude 51° 15' N. and latitude 51° 40' N., and between longitude 1° 35' E. and longitude 3° E.

¹ Not printed.

C. PASSAGES—GENERAL

6. All vessels entering the North Sea from the English Channel must pass between the two light vessels off Folkestone (see *Admiralty Notice to Mariners*, No. 228 of 1915), and proceed to the Downs, keeping inshore of an imaginary line joining the southernmost of the two light vessels to the South Goodwin light vessel. Further instructions as to routes can be obtained in the Downs.

7. Vessels proceeding up or down the east coast should keep within three miles of the coast when consistent with safe navigation.

D. PARTICULAR PASSAGES

(NOTE.—In each case the return voyage should be made on the same route.)

8. *East coast ports to Channel and French ports.*—Proceed to the Downs following the directions in paragraph 7 and *Admiralty Notice to Mariners*, No. 239 of 1915. At the Downs further instructions will be obtained.

9. *East coast ports to Dutch ports.*—Proceed as directed in paragraph 7 and *Admiralty Notice to Mariners*, No. 239 of 1915. Leave the English coast between the parallels 51° 40' N. and 51° 54' N.; proceed between these parallels as far as longitude 3° E.; shape course thence to destination. Vessels using this route (which passes between the British and German mine fields) must clearly understand that they do so entirely at their own risk.

10. *East coast ports to Scandinavian ports.*—Proceed as directed in paragraph 7 and *Admiralty Notice to Mariners*, No. 239 of 1915, as far as Farn Island; then steer for Lindesnæs and thence to destination, keeping in territorial waters. The route from St. Abbs Head to Stavanger may be used as an alternative to the above route.

11. British and Allied vessels wishing to use the northabout route should apply to the customs for directions.

Neutral vessels wishing to use the northabout route should be informed that application for permission to do so must be obtained through their diplomatic representatives, and that, failing such permission, they must proceed southabout.

In no circumstances are vessels allowed to pass through the Minches or through the Pentland Firth.

12. *Sailing vessels from Atlantic to Scandinavian ports.*—Pass to westward of Ireland and St. Kilda. Then make the Faroe Islands, and proceed thence to destination, passing to the northward of the Shetland Islands, and keeping 50 miles from them.

ADMIRALTY WAR STAFF,
TRADE DIVISION,
15th May 1915.

rfile No. 841.801/46

The Ambassador in Great Britain (Page) to the Secretary of State

[Telegram]

LONDON, June 5, 1915.

[Received 3.40 p. m.]

2236. Your 1592, May 20, and 1625,¹ May 28. Following reply received to-day from Foreign Office:

I did not fail to refer to the proper department of His Majesty's Government the notes which your excellency was good enough to address to me on the 22d and 29th ultimo enquiring as to the Admiralty announcement cancelling the notice on navigation in the North Sea of November 30, 1914.

I have the honour to state in reply that the notice on navigation in the North Sea dated 15th May introduced no new regulations with regard to the northabout route. The notice was merely intended to summarize existing practice which has been evolved with the object of ensuring that trade passing northabout shall be limited in amount and reputable in character.

Many applications for vessels to use the northabout route have been received through the legations of the Scandinavian powers in London and permission has been granted.

¹ Not printed.

I have the honour to add that any similar applications which may be made on behalf of United States vessels would of course receive equal treatment.

AMERICAN AMBASSADOR

The Secretary of State ad interim to the Ambassador in Great Britain (Page)

[Telegram]

WASHINGTON, June 16, 1915.

1721. Your 2236, June 5. Foreign Office note of June 5 does not fully answer the Department's inquiry in No. 1592, May 20. Department at loss to understand object of British Government in regulating courses of foreign vessels on high seas as, for example, appears to be the case in paragraphs 10, 11 and 12 of the general instructions of May 15, enclosed in the Consul General's despatch of May 19. Please press for further explanation from Foreign Office.

LANSING

File No. 841.801/49

The Ambassador in Great Britain (Page) to the Secretary of State

[Telegram]

LONDON, July 23, 1915.

[Received 2.40 p. m.]

2517. Your 1721, June 16. Following note received from Foreign Office, dated July 22:

I did not fail to refer to the proper department of His Majesty's Government the note which your excellency was so good as to address to me on the 18th ultimo regarding the Admiralty announcement cancelling the notice on navigation in the North Sea on the 30th November 1914.

I have now the honour to inform your excellency that the action of His Majesty's Government in indicating routes to be followed by neutral merchant vessels in the vicinity of the British Isles and in the North Sea is based upon the fact that merchant vessels passing through the North Sea run very grave risk unless they act in strict accordance with the directions of the Admiralty. Before issuing such special directions to a neutral vessel the Admiralty desires to be assured that the vessel's voyage is undertaken with the knowledge and consent of the government of the country whose flag she flies, and for this reason it is necessary that the application by a neutral vessel for advice as to special routes should be supported by the diplomatic representative of the government in question.

If such support to the application is not given, neutral vessels will not receive the special instructions as to the northabout route and will be advised to go southabout where they can be supplied with the latest warnings and obtain the services of pilots where necessary.

AMERICAN AMBASSADOR

The Secretary of State to the Ambassador in Great Britain (Page)

[Telegram]

WASHINGTON, July 26, 1915.

1908. Your 2517, July 23. Department understands requirement in Admiralty notice May 15 that neutral vessels bound to North Sea by northabout route must obtain from Admiralty special direc-

tions through their diplomatic representatives applies only to vessels sailing from British ports and not to vessels sailing direct from American or other neutral ports. Ascertain and report whether this understanding is correct. Have any American owned or chartered vessels applied for such directions through Embassy or been interfered with for failure to apply. Also notify Consul General.

LANSING

File No. 841.801/51

The Ambassador in Great Britain (Page) to the Secretary of State

[Telegram]

LONDON, August 17, 1915.

[Received 5 p. m.]

2638. Your 1908, 27th ultimo. I am in receipt of a note from Sir Edward Grey in reply to my representations based on the Department's instructions which reads as follows:

I have the honour to inform your excellency in reply that in principle His Majesty's Government would desire that neutral vessels passing northabout from one neutral port to another should sail with the knowledge and consent of the government of the country whose flag they fly and should follow a track similar as far as possible to that used by vessels sailing from British ports. The difficulty of ensuring this is however so considerable and the responsibility of His Majesty's Government in the matter is so slight that no endeavour is being made in practice to secure any such limitation of sailings.

AMERICAN AMBASSADOR

THE TRANSFER OF FOREIGN MERCHANT SHIPS TO THE AMERICAN FLAG

File No. 195.1/249

The British Embassy to the Department of State

MEMORANDUM

The British Embassy has received information as to the reported purchase of the German ship *Dacia*, of the Hamburg-American Line, now lying at Port Arthur, Texas, as a result of the outbreak of war, by certain American citizens who have applied for the transfer of the ship to the American flag.

Further information is to the effect that the purchase price is one third the nominal value, the principal purchaser is not by occupation an owner of ships, that he is interested in the metal trade and that the avowed object of the purchase is to dispatch the ship to a German port under the American flag.

The circumstances are no doubt under the consideration of the competent department of the United States Government.

In connection with this matter it becomes the duty of the British Embassy to point out that while it has been the British and American rule, under certain conditions, to accept as valid the transfer of vessels from a belligerent to a neutral flag after the declaration of war, it has also been the rule that such transactions justify the strictest enquiry on the part of the belligerent. This enquiry has been in

the past based upon the nature of the purchase, the character and occupation of the purchaser, the composition of the crew, and above all the business on which the ship is engaged before and after the transfer.

These considerations will no doubt be familiar to the State Department but in order to prevent any possible misunderstanding the British Embassy takes this opportunity to point out that His Majesty's Government must reserve its rights as to the recognition of the validity of the transfer of the flag under these and similar circumstances.

CECIL SPRING RICE

WASHINGTON, January 2, 1915.
[Received January 5.]

File No. 195.1/248

Mr. John T. Walsh to the Secretary of State

[Telegram]

MOBILE, ALA., January 5, 1915.
[Received 4.40 p. m.]

Will United States Government guarantee protection German steamer bought by American citizens and transferred to American register, *bona-fide* sale, loaded with cotton bound for Germany? Answer my expense.

JOHN T. WALSH

The Secretary of State to Mr. John T. Walsh

[Telegram]

WASHINGTON, January 9, 1915.

Your January 5. While Department holds that transfer of a belligerent-owned merchant vessel to American purchaser made in good faith is valid, you should be advised that British and French Governments have announced that they may contest such transfer, particularly if the vessel shall engage in commerce with their enemies or with the neutral countries contiguous thereto. Government of United States does not guarantee protection in advance of the event. Question of validity of transfer is one dependent upon facts of case known to parties and in regard to which they can take advice of counsel.

W. J. BRYAN

File No. 195.1/249

The Department of State to the British Embassy

WASHINGTON, January 9, 1915.

MEMORANDUM

The Department of State has the honor to acknowledge the receipt of His Britannic Majesty's Embassy's memorandum of January 2, 1915, in which, with reference to the reported purchase of the German

ship *Dacia*, of the Hamburg-American Line, now lying at Port Arthur, Texas, by certain American citizens who have applied for the transfer of the ship to the American flag, the Embassy advises the Department that it is in receipt of information to the effect that the purchase price in this case is one third the nominal value; that the principal purchaser is not by occupation an owner of ships; and that the object of the purchase is to dispatch the ship, under the American flag, to a German port.

The Embassy adds that His Majesty's Government reserves its rights as to the recognition of the validity of the transfer of the flag under these and similar conditions.

In reply the Department of State has the honor to advise His Britannic Majesty's Embassy that copies of its memorandum have been sent to the appropriate departments of this Government for their information and consideration.

File No. 195.1/303

The British Ambassador (Spring Rice) to the Secretary of State

WASHINGTON, January 12, 1915.¹

DEAR MR. SECRETARY: You ask me what is the attitude of my Government with regard to the transfer of the flag after the outbreak of hostilities. I beg to state in reply that I have not received any detailed instructions from my Government on this question although in general they propose to follow the principles laid down in the Declaration of London.

As however they have not ratified the declaration it may be argued that in considering the question they must be guided by the principle which (in common with your Government) they have professed in times past. These principles are, as you are aware, that the absolute prohibition of sales of ships during hostilities would be too severe a measure for a commercial nation, although such sales must always be regarded with suspicion. It has, I believe, been generally held that the validity of the sale is judged by its commercial character; the purchaser must prove a *bona-fide* sale and in general the ship must not be used to serve enemy purposes under a neutral flag.

So far, I understand, 111 vessels, formerly foreign, have received American registry since the war began and of these 86 were British and 17 German.

My Government has hitherto let such transfers pass without protest in cases where the vessel was *bona fide* owned by an American company before the war, so that the transfer does not involve a sale, and where the vessel does not carry an enemy crew and is not employed in carrying supplies to an enemy or to a neutral port which is used for supplying an enemy. Cases where the vessel was originally owned by a non-American owner are regarded with suspicion because of the possibility that the transfer of the flag is resorted to for unneutral purposes. In the case of the *Sacramento* in San Francisco, a transferred ship was collusively seized by a German cruiser and emptied of her stores of coal for belligerent use. The *Dacia* has

¹ Date of receipt not indicated.

been sold by a German company to a German-American for one third her value and is reported to be destined to a German port. The *Stoya Romana* was a Roumanian ship which received American registry in the port of Bremen; has cleared from that port, nominally for America, but has not so far as I know yet arrived here. If loss or damage results to Great Britain as a consequence of the transfer of these ships it is to be presumed that a claim will be made against the United States Government.

But cases must arise in which the transfer of the flag is of a purely commercial character and the purchase effected without any but commercial objects. It has not I believe been the rule to contest the validity of the transfer if the *bona fides* of the sale is proved and if the ship when she changes her owner is employed with a neutral crew in neutral trade and between neutral ports.

The German Government has declared that it would withdraw its objections to the transfer of a ship from an enemy to the American flag in cases where the ship traded exclusively between America and Germany. I think it not improbable, though I do not write under instructions, that my Government would raise no further question if a transferred ship were to trade between any ports not serving as ports of supply to the enemy.

There is however the further question of the liberation of interned ships as a consequence of transfer. That is the question as to whether a neutral performs an unneutral act if in the course of the war he releases a belligerent from the consequences of military operations. This question is of course both difficult and complicated and no doubt, should the occasion arise, would become the subject for discussion.

I am [etc.]

CECIL SPRING RICE

File No. 195.1/304

The British Ambassador (Spring Rice) to the Secretary of State

WASHINGTON, January 12, 1915.¹

DEAR MR. SECRETARY: You informed me yesterday that an American gentleman was anxious to buy a German ship and employ her in his business—especially in shipping mahogany to South and Central American ports. You said that this gentleman was in doubt as to what would be the attitude of my Government towards the transfer of the flag and whether they would regard it as valid.

I beg to reply that it would not be in accordance with precedent to give any definite pledge beforehand as to what would be the action of a prize court should the question come before it for adjudication. I can however inform you that speaking generally, my Government like your own does not regard the transfer of the flag after the outbreak of hostilities as illegal, although it considers that it is always to be regarded with suspicion. In the present case, however, it would seem to me that the purchaser would have nothing to fear if he is able to prove that he bought the ship outright and unconditionally for commercial purposes, is manning it with a neu-

¹ Date of receipt not indicated.

tral crew, and employs it on neutral business, trading between neutral ports.

It would obviously be unsafe to send the ship on a voyage to an enemy port or to a port which is used for supplying the enemy but if employed on this side of the ocean, as long as she does not fall under the suspicion of supplying enemy cruisers, I do not imagine she would be in danger of seizure.

It would however be as well to inform the British Consul of the circumstances of the sale in order that he might report on the matter to London.

I am [etc.]

CECIL SPRING RICE

File No. 195.1/272a

The Secretary of State to the British Ambassador (Spring Rice)

WASHINGTON, January 13, 1915.

EXCELLENCY: The steamship *Dacia*, recently transferred to the American register and flag, is due to sail from Galveston with full cargo of cotton Friday or as soon thereafter as possible. The owners of the cargo have conferred with Department in regard to the contemplated voyage to Bremen. Upon suggestion of the Department, the shipowner has consented to send the ship to Rotterdam direct with full cargo of cotton, which is sold for delivery by day certain. The shippers say they will suffer loss that means bankruptcy unless they are able to get the cotton to the other side on this ship, as no others are now available. Shipowner and shippers agree that ship may be detained for examination of cargo at British port and will not touch at any port of opposing belligerents. In view of your recent conversation with the Solicitor of the Department in respect of this matter, I now ask if it is not possible, in view of the particular circumstances of this case, for the British Government to consent not to raise the question of the transfer of the vessel for this particular voyage, it being understood that neither Government yields any principle involved and that such action is not to serve as a precedent hereafter. The Department is convinced that shipment of cotton in this case is in good faith and that shippers took space on the *Dacia* in the belief that the vessel having been transferred to the American flag, they could safely ship in the *Dacia*.

Awaiting as early a reply as your excellency may conveniently be able to make,

I have [etc.]

W. J. BRYAN

File No. 195.1/265a

The Secretary of State to the Ambassador in Great Britain (Page)

[Telegram]

WASHINGTON, January 14, 1915, 2 p. m.

956. German steamship *Dacia* recently transferred to American register due to sail from Galveston with full cargo cotton Friday or soon thereafter as possible. Owners have contemplated voyage to Bremen. Upon Department's suggestion owners of ship and cargo

consent to send ship to Rotterdam direct with entire cargo of cotton which is sold for delivery in Germany by day certain. Shippers took space on *Dacia* after American registry in good faith, believing they could safely ship. Officers and crew entirely native American citizens. Vessel will go direct to Rotterdam, not touching at any enemy port, and return this country, agreeing to detention for examination of cargo. No other bottoms available for cotton and shippers threatened with disastrous loss if unable to use *Dacia*. Ship bought for half price due to natural causes from German ships lying idle. Please call on Grey at once and lay this situation before him in person and seek to have British Government consent not to raise question of transfer for this particular voyage on conditions above stated, neither Government waiving any principle involved and case not to serve as precedent hereafter. If arrangement consummated, Department will issue statement that arrangement is agreed to by Great Britain to facilitate this shipment of cotton and case not to serve as precedent and all prospective transferees of enemy vessels will be so advised. Freight rates on cotton are now practically prohibitive. Under recent restrictions of British Government, English ships practically denied transfer of register. Parties who purchased *Dacia* state they endeavored purchase British and French ships without success. Report earliest possible moment.

BRYAN

File No. 195.1/273a

The Secretary of State to the Ambassador in Great Britain (Page)

[Telegram]

WASHINGTON, January 15, 1915.

966. American interests contemplate purchasing German merchant vessel lying in American harbor for trade exclusively between this country and British ports. While not believed British objection applies where vessel is to be so employed, Department desires you ascertain position of British Government with reference thereto. German Government has announced no question would be made of transfer from British to American registry where and so long as vessel was put in direct trade with German port carrying imports to Germany and bringing back exports for American destination and consumption. Report early as you can.

BRYAN

File No. 195.1/271

The Ambassador in Great Britain (Page) to the Secretary of State

[Telegram]

LONDON, January 15, 1915, 6 p. m.

[Received 11 p. m.]

1473. Your 956, January 14. I read your instruction to Lord Haldane who is in charge of Foreign Office during temporary absence of Sir Edward Grey and discussed every phase of the subject.

He informed me that the Cabinet had already discussed it and reached a definite conclusion as follows: The Government has no wish to obstruct the cotton trade and is aware of its importance to the producers and to United States. If, therefore, the *Dacia* comes loaded with cotton, whether bound for Rotterdam or for Bremen, British Government would see to it that the owners of the cotton should lose nothing. The Government will buy it paying the price which had been arranged by contract with the German buyers.

But under international law and usage, His Majesty's Government felt bound to refer to the public refusals by the purchase and the dispatch of this ship on such an errand. The ship, therefore, will be put into the prize court if she comes.

Lord Haldane said further that if the *Dacia* were used, under *bona-fide* American register, in coastwise trade or in trade with South America, his Government would not object. I asked him if this remark would apply to other German ships now interned in the United States and he replied yes.

AMERICAN AMBASSADOR

File No. 195.1/270

The British Ambassador (Spring Rice) to the Secretary of State

WASHINGTON, January 15, 1915.

[Received January 16.]

DEAR MR. SECRETARY: Referring to my letter of January 12 on the subject of the transfer of the flag after the outbreak of hostilities I beg to state that I have just received a communication from Sir Edward Grey. He is very much concerned by the serious question raised by the transfer of the *Dacia* to the American flag. This ship has been now for five months in port to evade capture. She has been transferred to the American flag in order that she may come out without risk. This appears to Sir Edward Grey to be clearly a case of transfer in order to avoid capture and thus to be open to objection as being contrary to accepted principles of international law. The British Government is most reluctant to interfere in the matter but they feel that if they recognize the transfer of the *Dacia* it will clearly be followed by the wholesale transfer of German ships to neutral flags to the enormous relief of Germany and the greatest prejudice to British interests. It will in effect be a change involving tremendous advantage to non-belligerents and a corresponding disadvantage to others if Great Britain waives her right to treat the *Dacia* as a German vessel.

Sir Edward Grey tells me that if the cargo of the *Dacia* consists as reported of cotton or other non-contraband cargo His Majesty's Government is prepared to purchase the cargo at the sum which the owners would have realized had the cargo reached its German destination. But the British Government must bring the vessel before a prize court if she is captured.

Sir Edward instructs me to explain to you unofficially what precedes, and to add that the object of His Majesty's Government is not to raise a discussion or to ask the United States Government to take any action themselves but in the interests of friendly relations Sir

Edward thinks it desirable that the United States Government should be informed in advance of the position in which Great Britain will be placed with regard to the *Dacia*. Sir Edward wishes that the above communication should be made unofficially. Should any question be raised as to the right of the British Government to act as proposed I am to call your attention to the following extract from the German naval prize regulations:

ARTICLE 12. Those ships are to be considered enemy ships which have been transferred from enemy to a neutral flag since the outbreak of hostilities: (a) If the officer commanding is not convinced that transfer would have taken place even had the war not broken out, for example, by inheritance or in accordance with a building contract.

. . . in connection with Article 13. If the transfer to neutral flag took place within thirty days before outbreak of war, ship is to be treated as hostile.

. . . (b) If there is an actual prospect of proving before the prize court that transfer was effected so as to evade the consequences of the character of the ship as an enemy ship (compare Article 12, a), for instance, if after the transfer the ship is employed on the same route as before.

Believe me [etc.]

CECIL SPRING RICE

File No. 195.2/295

The French Ambassador (Jusserand) to the Secretary of State

[Translation]

WASHINGTON, *January 16, 1915.*

[*Received January 18.*]

MR. SECRETARY OF STATE: I had the honor, under instructions from my Government, to call your excellency's attention by a letter of the 3d of September last¹ to the question of flag transfers during the course of a war, and particularly to the contingency of the eventual placing under the American flag of German vessels which the Allies' present mastery of the sea has tied up in neutral ports. Your excellency was pleased to give me on the subject the oral assurance that, should the bill then pending in Congress be passed, it would be applied in a manner that could not warrant any complaint.

In doubt as to the outcome of a matter that seems to be of special consequence by reason, not only of existing conditions, but of the precedent which would be created, the troublesome consequences of which might come to be felt by all maritime countries, my Government has asked me to remind the United States Government of the standpoint taken by us, which was made known to the Department of State in time of peace, when there was no prospect of war. This standpoint is, besides, the one adopted by the American delegates to the conference of London as in accordance with their country's principles and interests.

My Government wishes your excellency's kind attention, which is known to be devoted to international justice, to be called anew to this problem. It trusts that you will readily admit that the contingency of flag transfers about which we cannot but be concerned and in which we could not acquiesce without breaking our own laws publicly announced even in time of peace, would, if it came to pass,

¹*Foreign Relations, 1914, Supplement, p. 490.*

be tantamount to supplying our enemies with financial means for carrying on the war and for escaping the consequences of the command of the sea gained by the Allied fleets, not without battles and losses. It appears no exaggeration to say that, in case a contingency so harmful to my Government's interests should, contrary to its firm hopes, become a reality, the purchase of German merchant ships in their present tied-up condition would amount to an act of assistance to our enemies. We take the proclamations of the President of the United States, as stated in my previous communication, to be a safe guaranty that he could not wish any such harm done to our country by his.

Be pleased [etc.]

JUSSERAND

File No. 195.1/278

The Ambassador in Great Britain (Page) to the Secretary of State

[Telegram]

LONDON, *January 18, 1915, 8 p. m.*

[*Received January 19, 8 a. m.*]

1486. For Secretary and the President. Your 966, January 15. I have had more than an hour's talk with Sir Edward Grey. He confirms what Haldane told me about the *Dacia* but he does not confirm what Haldane said about other German ships in the last sentence of my 1473, January 15. About this they are not agreed and the Cabinet will have further discussion. It will be prudent to disregard the last sentence above referred to. Apparently Haldane went beyond what had been agreed on by the Cabinet. My inquiry whether British Government would object to purchase and transfer of German interned ships to ply between American and British ports brought from Sir Edward Grey the most ominous conversation I have ever had with him.

He explained that the chief weapon that England has against any enemy is her navy and that the navy may damage an enemy in two ways: By fighting and by economic pressure. Under the conditions of this war economic pressure is at least as important as naval fighting. One of the chief methods of using economic pressure is to force the German merchant ships off the seas. If, therefore, these be bought and transferred to a neutral flag this pressure is removed.

He reminded me that he was not making official representations to the United States Government and for that reason he was the more emphatic. If the United States without intent to do Great Britain an injury, but moved only to relieve the scarcity of tonnage, should buy these ships it would still annul one of the victories that England has won by her navy. He reminded me of the fast-rising tide of criticism of the United States about the transfer of the *Dacia* and he declared that this has intensified and spread the feeling against us in England on account of our note of protest. He spoke earnestly, sadly, ominously, but in the friendliest spirit.

The foregoing only confirms the following paragraphs which I wrote yesterday and held till I could see Grey to-day. There is a steadily deepening and spreading feeling throughout every section

of English opinion that the German influence in the United States has by this temptation to buy these interned ships won us to the German side. The old criticism of the President for not protesting against the violation of the Hague treaty by Germany when she invaded Belgium is revived with tenfold its first earnestness. This is coupled with our protest against shipping as showing an unfriendly spirit. But both these criticisms were relatively mild till the *Dacia* was transferred to the American flag. That transfer added volume and vehemence to all preceding criticisms and is cited in the press and in conversation everywhere as proof of our unfriendliness. They regard the *Dacia* as a German ship put out of commission by their navy. She comes on the seas again by our permission which so far nullifies their victory. If she comes here she will, of course, be seized and put into the prize court. Her seizure will strike the English imagination in effect as the second conquest of her—first from the Germans and now from the Americans. Popular feeling will, I fear, run as high as it ran over the *Trent* affair; and a very large part of English opinion will regard us as enemies.

If another German ship should follow the *Dacia* here I do not think that any government could withstand the popular demand for her confiscation; and if we permit the transfer of a number of these ships there will be such a wave of displeasure as will make a return of the recent good feeling between the two peoples impossible for a generation. There is no possible escape from such an act being regarded by the public opinion of this Kingdom as a distinctly unfriendly and practically hostile act.

I not only read and hear this at every turn—I feel it in the attitude of people towards me and towards our Government. For the first time I have felt a distinctly unfriendly atmosphere. It has the quality of the atmosphere just before an earthquake.

The Government is studiously polite and still genuinely friendly. But there are warnings that it may not be able to maintain its old-time friendly attitude if a whirlwind of anti-American feeling sweep over the Kingdom and over its Allies. Nine men out of every ten you meet in London to-day are convinced that the *Dacia* is proof that the Germans have won us to their support. I can not exaggerate the ominousness of the situation. The case is not technical but has large human and patriotic and historic elements in it.

AMERICAN AMBASSADOR

File No. 195.1/310

The British Ambassador (Spring Rice) to the Secretary of State

WASHINGTON, January 19, 1915.

DEAR MR. SECRETARY: In order to guard against any possible misapprehension I think it as well to state that my unofficial letters to you of January 12 last¹ on the question of the transfer of flag after declaration of war were written, as I pointed out, with reference to the general question of the operation from a commercial point of view but left untouched the further and separate question of the liberation of interned ships during the course of hostilities, and the

¹ *Ante*, pp. 676-78.

ensuing evasion of the consequences to which an enemy ship as such is exposed.

As I pointed out in my letter of the 15th instant by the instructions of Sir Edward Grey this latter question is a grave one and is occupying the attention of His Majesty's Government. It is a question which is in intimate relation with the question of neutrality for it is evident that if a neutral power intervenes in the course of the war with the result of relieving one of the belligerents from the consequences of the military action of the other, such intervention, at any rate in effect, is not of a neutral character.

I am [etc.]

CECIL SPRING RICE

File No. 195.1/292

The Ambassador in Great Britain (Page) to the Secretary of State

[Telegram]

LONDON, January 21, 1915, 5 p. m.

[Received 5 p. m.]

1501. Sir Edward Grey has given me a copy of his telegram of January 20 to Spring Rice about *Dacia* which is practically identical with my 1473, January 15.

But Grey informed me definitely that the Cabinet had not discussed, and therefore had reached no decision, regarding:

- (1) What action British Government might take if a purchased German ship under American flag should undertake trade between American and British ports.
- (2) What action British Government might take if a purchased German ship under American flag should be used in trade between North and South America.

He remarked: "We have not taken up those questions."

Lord Haldane therefore, as *locum tenens* in the Foreign Office, went, in his conversation with me, further than he had warrant to go. Grey now nullifies the last two sentences in my 1473, January 15.

The whole matter stands thus, therefore: British Government will either buy the cotton on the *Dacia*, if she comes, at the price it would fetch in Germany, or they will unload it from the *Dacia* and forward it to Rotterdam on another ship, and they will put the *Dacia* herself in the prize court.

I shall hereafter be a little more wary of any *locum tenens*.

AMERICAN AMBASSADOR

File No. 763.72112/796a

The Secretary of State to the Ambassador in Great Britain (Page)

[Telegram]

WASHINGTON, January 23, 1915.

1019. The President directs me to send the following:

Answering your two telegrams in regard to the irritation and apparent change in public opinion regarding the United States,¹ you will please discuss the matter again with Sir Edward Grey in effect as follows:

¹The Ambassador's No. 1486, January 18, *ante*, p. 682, and No. 1489, January 19, *ante*, p. 6.

We regret exceedingly to learn that the British public entertains any doubt as to the strict neutrality of this Government or as to the support given by the general public to the Government's position. This is probably due to the fact that a portion of the British public is quite naturally uninformed as to the character of our population.

While the English element predominated in the original stock, the immigration in latter years has been largely from other countries. Germany and Ireland, for instance, have contributed very materially during the last half century, and among those who are the children of foreign-born parents the German element now predominates. This element is not only numerous, but it has a strong representation in financial, merchantile life, and agriculture. Congressman Bartholdt is a naturalized American with a long service in Congress. A considerable portion of the voters of his district are naturalized Germans or of German descent. There need be no fear that his proposals will be adopted; but they are a sample of our difficulties. There is, of course, not the slightest alteration in the cordial feeling which has always existed between the United States and Great Britain. Mere debate and newspaper agitation will not alter that feeling; but acts which seem to them arbitrary, unnecessary, and contrary to the recognized rules of neutral commerce may alter it very seriously, because the great majority of our people are trying in good faith to live within those rules, and they are sensitive about nothing more than about their legitimate trade.

It is worth while to enumerate some of the chief causes of irritation on this side the water, because they are causes which can be removed and which this Government would be glad to cooperate to remove.

First, the interruption in exports has very seriously affected cotton, which is the staple product of the Southern States. Cotton for a while was very low, the price being probably not more than half of the ordinary price. As a fall of one cent in cotton means a loss of eighty millions of dollars to the cotton-growing States, they estimated their loss at three or four hundred millions of dollars. The price has risen as ships have been slowly secured, but the number of bottoms is still wholly inadequate and the scarcity of ships has resulted in a rise of freight rates of four, five, six, and even seven hundred per cent. This double tax upon the leading industry of a whole section has aroused a complaint which is being voiced by members of Congress and senators from that section. Moreover, it has seriously affected the whole financial situation of the country inasmuch as cotton is the crop with which the foreign balances against this country have usually been paid at this season of the year.

Next, the copper situation has been embarrassing. A large number of people were thrown out of employment in the mining districts just as winter was coming on and the senators and members from the mountain States have been kept busy meeting and making explanations to those most affected.

Third, the export of arms, ammunition, and horses to the Allies is, of course, known and the protests made by German-Americans and by a portion of the Irish-Americans, while entirely without justification, is not unnatural. It is difficult for people to think logically when their sympathies are aroused. The Government has done all in its power to make the situation plain and has to-day issued a lengthy letter answering numerous criticisms that have been made.

The *Dacia* case has received a great deal of newspaper notoriety because of predictions as to what would be done with her. Breitung, seeing that there was a chance to profit by the high freight rates, decided to buy a ship. He first tried to buy an English ship and then a French ship but, as his correspondence shows, he failed to secure a ship from either country. He then bought the *Dacia*, paying for it about three fourths of what it cost fourteen years ago when it was built. He secured a cargo of cotton and intended to sail for Bremen. When he was informed that it would be wiser to go to Rotterdam he changed the route and planned to sail to Rotterdam. The inquiries which have come to the State Department have come from the owners of the cotton, rather than from the owner of the ship. The Government has had nothing to do with the transaction further than to make inquiries for interested parties. Whether the ship is taken into the prize court or not is a question between the British Government and the owner of the ship, but, if it is taken into the prize court the court will of course decide upon the evidence produced and so far as we know the evidence will support the *bona fides* of the

transactions. If the evidence shows that the sale was made in good faith, the transfer cannot be objected to according to the rules recognized by both Great Britain and the United States. A change in these rules at this time could not be made by the United States and it would seem to be an inopportune time for Great Britain to change them. Great Britain fears that the *Dacia* might be made a precedent and that other German interned ships would be bought in case the *Dacia* sale was not contested. That is true and yet the precedent would only stand in case the sales were *bona fide* in which case they would come within the rules. The chief point presented in your dispatch is that Great Britain is trying to bring pressure to bear upon Germany by preventing the sale of interned German ships. This is perfectly legitimate so long as the pressure is exerted according to the international law, but the pressure becomes illegitimate if well-settled rules are violated, and a well-settled rule would be violated if an attempt was made to prevent a *bona fide* sale.

The point which should be made very clear to the British authorities as our view and purpose in the whole matter, if such purchases are made, is that as a matter of actual fact such purchases do not constitute a restoration of German commerce to the seas. Such ships would not and could not be used on the former routes or with the former and usual cargoes and would serve as German commerce in no particular. They would serve only the trade of the United States with neutral countries and within the limits necessarily set by war and all its conditions. The withdrawal of so many ships from the seas is so far a curtailment of the commerce of the United States. The United States can not in the circumstances sell articles to Germany which the rules of war or the circumstances now existing forbid. The owners of the ships bought from German owners can not use them on the routes or to the ports which would serve their former owners as the carriers of German commerce. They would be used on new routes and for the release of American merchandise to new ports. They would represent an extension of American commerce, not a renewal of German. This can not be justly or even plausibly regarded as an effort to relieve the present economic pressure on Germany or to recreate anything that Great Britain had a right to destroy. America must have ships and must have them for these uses. She will build them if she cannot find them for sale. The legitimate restoration of American commerce may be delayed but it cannot be prevented. It cannot be part of the purpose of the British Government to put an intolerable economic pressure on the United States, as might very easily be the result if its attitude as reflected in your note is maintained. It is not unlikely that this great hardship will suggest legislation looking to the encouragement of American shipping. Already provision has been made for the transfer and register of foreign bottoms and Congress is considering a measure authorizing the Government to take part in a corporation for the operation of ships. These measures have been the outgrowth of six months of war. Is it not worth while to consider the possibilities of the future? If this Government must undertake the building of enough ships to carry its commerce while idle ships lie in its harbors will there not be an excess of ships when the war is over?

You may assure Sir Edward that this Government will adhere conscientiously to its course of neutrality. It will not intentionally deviate a hair's breadth from the line but it is powerless to prevent the increasing criticism which has been aroused by acts which have, from the American standpoint, seemed unnecessarily severe for the enforcement of belligerent rights. Say to Sir Edward that we shall take up and consider each question upon its merits and appreciate the candid and friendly spirit which the Foreign Office has manifested. We hope that both Governments may be successful in lessening the criticism and moderating the language of individual citizens.

We are struck by the very encouraging fact that in the principles which they both recognize in such matters the two Governments are practically in agreement. What is lacking is merely the adoption of some practical method by which individual cases of dispute or question may be reduced to a negligible minimum. It ought to be possible for two governments so genuinely friendly and so nearly of one mind with regard to the principles involved to agree upon means by which good faith and entire compliance with the proper restrictions of a time of war and of national defense can be determined with the smallest possible number of seizures and trials in prize courts. We earnestly invite attention to the feasibility of devising and settling upon such methods and would not only welcome but earnestly desire practical suggestions

looking to that end. The English Government can thus be assured of compliance with all its just regulations and of freedom from even the risk of friction and hostile sentiment as between the two nations.

BRYAN

File No. 195.1/311

The British Ambassador (Spring Rice) to the Secretary of State

WASHINGTON, January 21, 1915.

[Received January 23.]

DEAR MR. SECRETARY: I did not fail to inform Sir Edward Grey of what you said to me on the subject of the cargo of cotton on board the *Dacia*. You said that this cargo was shipped in good faith and in the belief that it could safely be shipped and you pointed out that it was hard that the innocent shipper should suffer by the fact that the ship which he had engaged in good faith was according to our view liable to seizure or confiscation. Sir Edward Grey informs me that the British Government is prepared to meet completely your plea on behalf of the shippers and will undertake that they shall suffer no loss if the cargo as stated is cotton. They are prepared either to purchase this cargo at the price which would have been realized by the shippers if it had proceeded to its foreign destination, or if this course is preferred, to unload and then reload on another vessel and forward to Rotterdam at the cost of the British Government.

But while they are prepared to make these concessions on behalf of the cargo the question of the ship itself must be regarded in a different light. There can be no doubt, whatever may be said, that this voyage of the *Dacia* is being looked to as a test case. It is quite evident that if the *Dacia* is allowed to proceed on her voyage and return without interference, and without the question being raised as to the validity of the transfer of flag, there will at once be a wholesale purchase, real or colourable, of the ships now interned as a consequence of our belligerent operations, and a transfer of them to neutral flags in order to escape capture and to carry on German trade. As a collateral result the money paid for the ships now lying unemployed will be a direct and immediate gain to the shipowning companies which are in close connection with belligerent governments. It is quite impossible for the British Government to concede without question a point which entails such important consequences and if the *Dacia* is captured they must submit the vessel (as apart from her cargo) to the prize court, for its decision.

As I have already pointed out to you the British Government has already waived all objection to the transfer to the United States flag of the ships which were virtually although not technically owned by Americans before the war and which were under the German flag. They have thus shown their readiness to waive their technical rights where they could do so without serious advantage to the enemy and prejudice to themselves. In the case of the *Leda* which was captured when under the German flag and therefore decided by the prize court to be lawful prize they are ready to give favourable consideration to the plea that her real owners were American with a view to restoring her to those owners.

Sir Edward Grey hopes that you will realize that the British Government has shown considerable goodwill as regards the question of the transfer of the flag. He trusts however you will see that the *Dacia* has become a test case involving such far-reaching consequences that it is impossible to compromise as regards the ship, although in deference to your representations my Government is willing to show special consideration (as above promised) for the cargo.

I am [etc.]

CÆCIL SPRING RICE

File No. 763.72119/118

The Ambassador in Great Britain (Page) to the Secretary of State

[Telegram]

LONDON, January 27, 1915, 7 p. m.

[Received 11.50 p. m.]

1539. My private cipher despatches last week only incidentally quoted Sir Edward Grey's purely private conversation with me. Moreover, he spoke not of the Government but only of public opinion here. While, of course, he knows that all information that I get from any quarter in any way is at the service of my Government, this conversation was so purely private that I prefer, with your permission, not to inform him that you have sent me instructions in answer to my report of it to you. If you approve, I will use your 1019, January 23, when a favorable opportunity occurs. It will have a better effect after he has sent the longer answer to your note of December 28 that he is now preparing. To wait till then and till the *Dacia* case comes off will prevent crossing controversies as one might cross wires. There may be a gain by having only one leading controversy at a time.

For my instruction please inform me precisely what rules you refer to in the following passage from your 1019, January 23: "If the evidence shows the sale was made in good faith the transfer cannot be objected to according to the rules recognized by both Great Britain and the United States."

Sir Edward Grey informed me at luncheon to-day that he thought your letter to Senator Stone admirable in every respect.¹ It is having a very excellent effect here.

AMERICAN AMBASSADOR

File No. 195.1/322a

The Secretary of State to the Ambassador in Great Britain (Page)

[Telegram]

WASHINGTON, January 29, 1915, 11 p. m.

Use your own judgment as to time of presenting views expressed in our 1019, January 23. Answering your inquiry as to rules referred to, sentence quoted states rule as it has been followed by both the United States and Great Britain as to transfers during war.

¹The Secretary's letter to Senator Stone is printed in the Preface to *Foreign Relations*, 1914, Supplement, p. vii.

Presumption is against the *bona fides* of a sale of ship by belligerent during war but that presumption can be overcome by evidence establishing *bona fides* of transaction. For further information examine instructions given by British Government to its delegates to London Naval Conference, 1908, which drafted Declaration of London. Gratified at reception given my letter to Senator Stone. It seems to be quite generally approved here regardless of party.

BRYAN

File No. 195.2/295

The Secretary of State to the French Ambassador (Jusserand)

WASHINGTON, February 1, 1915.

MY DEAR MR. AMBASSADOR: In acknowledging receipt of your note of January 16¹ I beg to repeat what I have already said to you orally, namely, that while we are pleased to have the opinion of your Government on the subject of ship transfers we do not think it proper to enter into a discussion of a question which may not arise.

The shipping bill confers certain authority upon the President in conjunction with those who will be associated with him in the matter of securing Government ships, but there is nothing in the bill which necessarily raises a diplomatic question, and there is no reason why we should assume in advance of the passage of the bill that the President's course will raise a diplomatic question.

For this reason I have felt it my duty to decline to discuss this Government's position in regard to the transfer of ships at this time.

You will remember that I suggested when this matter was first referred to, that our country had done nothing to give ground for a suspicion that it would disregard its obligations to other nations. And I added what I now repeat, that if, after the passage of the shipping bill, any action is contemplated to which any nation can or does make an objection, time will be given for the full consideration of such objection before the Government acts.

Accept [etc.]

W. J. BRYAN

File No. 195.1/337

The Secretary of State to the British Ambassador (Spring Rice)

WASHINGTON, February 4, 1915.

MY DEAR MR. AMBASSADOR: Acting upon your suggestion, having reference to the expressed willingness of your Government in case the steamer *Dacia* shall be seized to take the cargo of cotton and settle for the same at the price which would have been realized by the shippers if the cargo had reached its German consignees or, if desired by the shippers, to unload the cotton and reload it upon another ship and forward to Rotterdam at your Government's expense, I have inquired of the owners of the cargo what are their wishes in the premises and am now informed by them that, while it

¹Ante, p. 681.

is particularly hoped that your Government will not seize the *Dacia* or detain the cargo in view of the interruption of the voyage consequent upon unloading and reloading, the owners prefer that your Government purchase the cotton and compensate them as has been suggested would be done. In this relation I think I should inform you that the representative of the owners of the cargo, while of the opinion that your Government will be in the wrong if it seizes the ship, has expressed himself to the officers of the Department as being pleased at the fairness manifested by your Government in its proposed treatment of the cargo in case the ship shall be taken.

I am [etc.]

W. J. BRYAN

File No. 195.1/400a

Memorandum by the Secretary of State, February 13, 1915

The Russian Ambassador called about February 1 and, referring to the possibility of purchasing belligerent ships if the ship purchase bill passed, stated that his Government adhered to the French position on the subject. I refused to discuss the question with him on the ground that, as the bill did not compel the purchase of belligerent ships, we might not have to consider the question.

File No. 195.1/354

The French Ambassador (Jusserand) to the Secretary of State
[Translation]

WASHINGTON, February 16, 1915.

[Received February 18.]

MR. SECRETARY OF STATE: Referring to the communications which I have previously had occasion to make to your excellency on the subject of vessels sailing under a foreign flag but owned by Americans, which may be transferred to the American flag by virtue of the act of August 18 last, I have the honor to inform you that my Government wishes to make it clear that our recognition of such a transfer is to be understood in the sense hereinbelow stated, which, as your excellency will acknowledge, is in conformity with logic and practiced rules:

1. The recognition of a transfer effected under the above-stated conditions presupposes, of course, that the transaction is *bona fide* and that the vessel is not to be under the direction or in the service of enemy interests either before or after the transfer.
2. Reliable reports which have reached the Government of the Republic show that the German Government has refused to recognize such transfers except when the vessels concerned were to serve German interests. The principle of equality which governs the relations between neutrals and belligerents prevents the Allied Governments from respecting, in such case, any trade that might be carried on with Germany under

the American flag as long as that power does not, for its part, respect trade carried on with the Allied countries under absolutely similar conditions.

3. Recognition of the transfer to the American flag of an enemy vessel under the special circumstances accepted by the Allied Governments may not and must not, by reason of the foregoing, be taken for granted and effective except when the vessel availing itself of it does not actually serve enemy interests by sailing or trading for the account of an enemy country.
4. It is important to note that subjects of an enemy country who may be kept in the crew of the vessels transferred to the American flag would be liable to arrest as being subject to military service, in accordance with the decision jointly reached by the French and English Governments which was made public through insertion in the *Journal officiel de la République française* of the 3d of November last.

Be pleased [etc.]

JUSSERAND

File No. 195.1/386

The British Ambassador (Spring Rice) to the Secretary of State

WASHINGTON, March 19, 1915.

[Received March 23.]

SIR: With reference to the informal exchange of views which has taken place between us on the general question of the transfer of ships from an enemy to a neutral flag subsequently to the outbreak of hostilities I am now in a position to indicate the conditions on which His Majesty's Government would be prepared to recognize as valid the transfer of a ship, the beneficial interests in which were American prior to the outbreak of war.

It has been suggested that the United States authorities might be willing to furnish such vessels with a certificate, to be carried on board, to the effect that the beneficial interests in them were American before hostilities commenced, that the transfer took place in accordance with United States law and I have the honour to invite your attention to this suggestion. I desire to explain that, while the certificate would be accepted by His Majesty's ships as conclusive proof of the facts stated in it, His Majesty's Government are not prepared to give any general assurance that they will refrain from submitting the validity of the transfer to the tests prescribed by the Declaration of London in any case where there is ground for suspicion that the vessel transferred is being employed in trading with any of the enemy countries either directly or through neutral ports.

I should add for the information of the United States Government and in order to avoid any misapprehension as to the view of my Government that any enemy nationals serving on such transferred ships would be exposed to the risk of being arrested as reservists.

I have [etc.]

CECIL SPRING RICE

File No. 195.2/327

The Ambassador in Great Britain (Page) to the Secretary of State

No. 1302]

LONDON, April 29, 1915.

[Received May 11.]

SIR: I have the honor to enclose herewith for the consideration of the Department, a copy of a letter¹ which I have received from Mr. William C. Kaelin of 40, Balcombe Street, Dorset Square, London, who states that he is the representative of Mr. D. E. Skinner, President, Port Blakely Mill Company, of Port Blakely, Washington, and requests that I approach the British Government with a view to ascertaining its attitude in regard to the purchase by American citizens of one [or] more German vessel now lying idle in American ports.

I respectfully request that I may be furnished with the Department's instructions in regard to this matter.

I have [etc.]

WALTER HINES PAGE

File No. 195.1/426

The Consul General at Copenhagen (Winslow) to the Secretary of State

[Telegram]

COPENHAGEN, undated.

[Received May 17, 1915, 11.35 p. m.]

American Transatlantic Company, incorporated laws Delaware, purchasing Danish steamers different ports through authorized agent here. Unless otherwise instructed shall issue Form 35.

WINSLOW

File No. 195.2/327

The Secretary of State to the Ambassador in Great Britain (Page)

WASHINGTON, May 25, 1915.

SIR: The Department has received your No. 1302 of April 29, 1915, enclosing for the consideration of the Department a copy of a letter to you from Mr. William C. Kaelin representing himself to be representing the Port Blakely Mill Company of Port Blakely, Washington, and requesting that you approach the British Government with a view to ascertaining its attitude with regard to the purchase by American citizens of one or more German vessels now lying idle in American ports.

It is the view of this Government that citizens of a neutral power have the right to purchase merchant vessels of a belligerent in time of war, and that a German merchant vessel purchased by an American citizen or corporation and duly admitted to American registry, would be entitled to the privileges and immunities of an American.

¹ Not printed.

vessel, provided of course that the transfer was not made under such circumstances as to raise a question regarding the *bona fides* of the transaction.

The Department deems it inadvisable for you to comply with the request contained in Mr. Kaelin's letter or to take any other action which might be construed as an acknowledgment of the right of the British Government to determine the status of such vessels.

It should be stated in this relation, however, that the Department can give no assurance as to the treatment which the governments that are at war with Germany would accord to a vessel transferred from German to American ownership during the continuance of hostilities.

I am [etc.]

For the Secretary of State:
ROBERT LANSING

File No. 195.1/443

The Secretary of State ad interim to the Consul General at Copenhagen (Winslow)

[Telegram]

WASHINGTON, June 12, 1915.

Your telegram June 4, 6 p. m.¹ Department of Commerce requests you be informed you should issue no more certificates to ships involved in transactions of Jensen and American Transatlantic Company.

LANSING

The Secretary of State ad interim to the Consuls at Liverpool and Christiania

[Telegram]

WASHINGTON, June 12, 1915.

Department of Commerce requests you be informed transfer steamer *Lapland*² to American flag cannot be recognized since vessel was not purchased by money furnished by American citizens.

LANSING

File No. 441.11Am37

The Commissioner of Navigation, Department of Commerce (Chamberlain), to the New York "Maritime Register"

WASHINGTON, June 16, 1915.

GENTLEMEN: The Danish S.S. *Gotland*, until recently the Greek S.S. *Leonidas Cambanis*, reported to have been sold to Americans (*Maritime Register*, June 9, 1915, p. 29) is not entitled to American registry. Not one dollar of American money is invested in this ship or seven others recently purchased under similar conditions, and the

¹ Not printed.

² Bought by the American Transatlantic Company.

Bureau of War Risk Insurance and American consuls have been notified that these ships are not entitled to the American flag.

Considerable capital early in the year was placed by Hugo Stinnes, the owner of a dozen German merchant steamers of Hamburg and Mülheim, at the disposal of Albert Jensen, a coal merchant of Copenhagen. Jensen made several purchases of ships in February and March, but since his imprisonment this spring by the Danish Government for violation of Danish neutrality, the deal has been handled by one Theodore Lahr of Rotterdam. Over \$1,000,000 is involved.

Respectfully,

E. T. CHAMBERLAIN
Commissioner

File No. 195.1/489

The Secretary of State to the Acting Secretary of Commerce (Sweet)

WASHINGTON, July 29, 1915.

SIR: In reply to your letter of the 28th instant,¹ regarding the alleged purchase of eleven steamships by the American Transatlantic Company of Delaware from certain neutral countries, and the desire of the company to place these ships under American registry for the South American trade, I have the honor to say that I see no reason, from the point of view of our diplomatic relations with foreign powers, why registry should be denied to these ships. Of course, the Department cannot say that the transfer of flag in these cases will not be challenged by belligerents or that the ships will not be arrested on the high seas and taken before a prize court for judicial examination.

I have [etc.]

ROBERT LANSING

File No. 195.1/498

The Acting Secretary of State to the Consul at Liverpool (Washington)

[Telegram—Extract]

WASHINGTON, August 10, 1915.

Department is informed American Transatlantic Company, a corporation organized under the laws of Delaware, has recorded with collector customs, Milwaukee, bill of sale of Norwegian steamship *Laplund* to American Transatlantic Company and has made affidavit to good-faith transfer according Department of Commerce regulations. Bureau Navigation has awarded ship signal letters LFNC. Ship now at Barrow, England.

At request and by direction Secretary of Commerce, you will issue to steamship *Laplund* papers to be known as provisional register in following form: . . .²

OSBORNE

¹ Not printed.

² Such registers were also issued to the company's other ships.

File No. 195.1/487

The Secretary of State to the Secretary of Commerce (Redfield)

WASHINGTON, August 19, 1915.

SIR: I have the honor to acknowledge the receipt of your Department's letter of July 28, 1915,¹ regarding the matter of the sale of the Dutch ship *Laura* to Mr. R. G. Wagner, an American citizen residing in Milwaukee, and to say in reply that it has received the careful consideration of the Department, in connection with other facts pertinent to the transfer to American registry of the Wagner ships.

The aspect of the matter in which this Department appears to be interested is that, in case American registry is granted the *Laura*, the applicant should be advised that the Government of the United States cannot, of course, give any assurance that the American claim of ownership of the vessel will not be challenged by belligerents, or that the ship will not be arrested on the high seas and sent to a prize court for adjudication of that question; and that, with the facts before it, the Department of State is of the opinion that the case will be one appropriate for a decision of the question of ownership by a prize court.

I have [etc.]

ROBERT LANSING

[For notification of the abrogation by the British and French Governments of Article 57 of the Declaration of London, see telegram No. 3104 from the Ambassador in Great Britain, October 28, 1915, and despatch No. 1545 from the Ambassador in France, October 29, 1915, above, page 179.]

File No. 195.1/601

Mr. James Harold Warner to the Secretary of State

NEW YORK, December 1, 1915.

DEAR SIR: Clients of mine have been discussing the purchase of some interned ships of one of the countries at war.

The purchase, if made, would constitute a *bona-fide* sale to native Americans and the ships would not be used to carry cargo to North Sea or Baltic ports.

The important question, therefore, is, does Article 56 of the Declaration of London, which requires, where the transfer of a ship from the enemy to a neutral flag is made after war has broken out, that the purchaser prove that the transfer was not made in order to evade the consequences of being an enemy ship, affect the validity of the transfer and, therefore, the ship's safe-conduct?

In other words, just how far will our Government permit the Government of Great Britain to go in determining that a ship, under the above-mentioned conditions, was transferred "to evade the consequence of being an enemy ship"?

¹ Not printed.

Must the motive of the evasion be of consequence—must the evasion be substantial or need it be only technical to come within the principle laid down by Article 56?

In short, my clients would be glad to be advised as to the position our Government would take in case a transfer of registry were made, under such circumstances as I have mentioned, and what protection would be given the ship or its cargo, the cargo being non-contraband and neither its immediate nor ultimate destination to be the countries at war with the government which might attempt to exercise the privilege claimed under the aforesaid Article 56.

I am assuming, of course, that your Department has already had this question so squarely before it as to have determined on a fixed line of conduct, and I shall be grateful to be advised in the premises at your convenience, for which I now thank you in advance.

I beg to remain [etc.]

JAMES HAROLD WARNER

The Secretary of State to Mr. James Harold Warner

WASHINGTON, December 11, 1915.

SIR: The Department is in receipt of your letter of December 1, 1915, wherein inquiry is made as to the degree of protection this Government would afford to clients of yours in the event of their purchase of ships belonging to belligerent countries and now in ports of the United States.

This Government recognizes the validity of a transfer of an enemy vessel to a neutral flag after the outbreak of hostilities, where the transfer is unconditional and is *bona fide*. But the nations of the world are not all in agreement respecting this question; and the Department is not able to state precisely the position of the several governments now at war.

In this relation, the Department may call your attention to the right of belligerents under international law to visit and search merchantmen for the purpose of ascertaining whether they belong to the merchant marine of neutrals and if so whether they are attempting to break a blockade or carry contraband or render unneutral service to the enemy. It seems possible that in connection with the exercise of this right an examination might be made in a given case into the validity of the transfer of a vessel belonging to a belligerent nation made during the existence of war.

You will doubtless appreciate the possibility of complications arising out of the purchase of the vessels referred to in your letter which might result in serious financial loss to the purchasers.

The Department is unable to determine what, if any, assistance could be rendered in the matter referred to in your letter until there is presented for consideration a concrete case in connection with which assistance is desired.

In this connection the Department may observe that, by order in council, dated October 20, 1915, the British Government ordered that Article 57 of the Declaration of London, which provided that the neutral or enemy character of a vessel was to be determined by the flag which the vessel was entitled to fly, should no longer be put in

force, and that the British Prize Court would apply in lieu of that article the rules and principles formerly observed by those courts. The French Government has taken similar action.

I am [etc.]

For the Secretary of State:
ALVEY A. ADEE

CENSORSHIP OF THE CABLES BY BELLIGERENT GOVERNMENTS

File No. 841.731/202

The Secretary of State to the Ambassador in Great Britain (Page)

[Telegram]

WASHINGTON, December 31, 1914.

864. Senator Hardwick, Georgia, sends us following telegram:

Government cable lines in Europe refuse to report delivery our cables to Sweden and Italy. Seriously handicaps our business besides paying hundreds of dollars weekly for which we get no service. Can you not enter protest to State Department? This makes it impossible sell cotton to Continent.

Please urgently present needs of American shippers in respect to censorship.

BRYAN

File No. 811.731/44

The Ambassador in Great Britain (Page) to the Secretary of State

[Telegram]

LONDON, January 4, 1915.

[Received 9 p. m.]

1400. Sir Edward Grey sends me a copy of a telegram addressed by Lever Brothers of Port Sunlight, England, to Solomon Brothers, Nassau, Bahamas, which appears to have been stopped by the United States censor at Miami, Florida. The senders declare the telegram purely commercial. Sir Edward Grey asks if it were stopped by United States censor that it may be released and forwarded to its destination. The telegram is as follows:

TO SOLOMON BROTHERS, Nassau, Bahamas:

Advance tiger lion blue mottled fifteen pence; harpoon archer eighteen pence; pales sixpence; browns carbolics one shilling, cwt. (Cable company's number 246.)

LEVER BROTHERS

AMERICAN AMBASSADOR

The Secretary of State to the Ambassador in Great Britain (Page)

[Telegram]

WASHINGTON, January 5, 1915.

889. Your 1400, January 4. As message appears to be partially in code, the Department would be pleased to forward it after being put

in plain, commercial language. Bring this to early attention of Sir Edward Grey to have little delay as possible.

BRYAN

File No. 841.731/201

The Ambassador in Great Britain (Page) to the Secretary of State

[Telegram]

LONDON, January 5, 1915.

[Received January 6, 8.30 a. m.]

1416. The number of stopped commercial cable messages continues to be very large. I have informed the Government that cotton had almost as well be on the contraband list as on the censor's list. One suggestion that may help is that the censor engage a man who knows the vocabulary of the cotton trade, for the words habitually used by exporters are unintelligible to the ordinary man. I think this suggestion will be adopted. It would be well too, if you request the cotton trade [to use] only plain English words which everybody can understand. An American cotton merchant here tells me that his firm has had no trouble because they write out their messages in full in plain English. The copies of stopped messages sent by you are very helpful, send all you can.

AMERICAN AMBASSADOR

File No. 841.731/215

The Ambassador in Great Britain (Page) to the Secretary of State

[Telegram]

LONDON, January 7, 1915.

[Received 10 p. m.]

1430. Your 888 [889?], January 5, presented to Sir Edward Grey. The words in this message (see my 1400, January 4) which [appear in] cipher are the names of brands of soap which the sender of the telegram manufactures. By asking that these be explained in plain language in the telegram I had to abandon a strong argument I was using with the British Government about stopped cables. They say that technical words habitually used in the cotton trade are suspicious. I have maintained that they are legitimate, innocent trade words and that it is the censor's business to employ men who understand them. Since your contention seems to be the same as that of the British censors, I can no longer continue to urge this point. It seems to me that each Government, therefore, must now insist that its own people must cease to use technical trade words and every telegram [must be] in language that everybody can understand. Till this is done I fear I can effect little change, for nearly all the telegrams stopped by the British censor contain trade words which are unintelligible to those who do not know the trade vocabulary, just as this soap telegram is unintelligible to our censor.

AMERICAN AMBASSADOR

File No. 841.731/218

The Ambassador in Great Britain (Page) to the Secretary of State

[Telegram]

LONDON, *January 8, 1915, 5 p. m.*[*Received 7.15 p. m.*]

1437. The stopping of commercial cables, I am sorry to say, continues in perhaps a slightly diminished number, but from forty to sixty a day are stopped out of perhaps ten thousand. The chief cause given is suspicion of technical commercial terms. I continue to insist on employment of men who know these terms, especially in the cotton trade. But I am afraid that it will be necessary to inform our commercial bodies and telegraphic companies that the exclusion of every technical word from telegrams will help more than anything else.

AMERICAN AMBASSADOR

The Secretary of State to the Ambassador in Great Britain (Page)

[Telegram]

WASHINGTON, *January 9, 1915, 6 p. m.*

922. Your 1437, January 8. Department is advising commercial bodies and telegraph companies to use, as far as possible, plain English words in cable messages.

Can you arrange to have the senders of stopped messages immediately informed so that there may be as little financial loss as possible?

BRYAN

File No. 841.731/215

The Secretary of State to the Ambassador in Great Britain (Page)

[Telegram]

WASHINGTON, *January 9, 1915, 7 p. m.*

923. Your 1430, January 7, 7 p. m. Department does not believe there is reason to abandon your argument with the British Government as to use of legitimate innocent trade words, as case referred to in your 1400, January 4, is not similar. British Government well know this Government censors only radiotelegraphic messages. Much more care and caution necessary in censoring radio telegrams than submarine cable messages, as message transmitted between radio stations may be picked up and utilized by other than party for whom intended. Department does not feel that this strictness of censorship should apply to submarine cables. Our radio stations are under the control of Navy Department which details naval officer censor with full instructions which he executes impartially. Department does not believe radio messages should be sent otherwise than plain language unless codes furnished according to regulations.

BRYAN

File No. 841.731/224

The Ambassador in Great Britain (Page) to the Secretary of State

[Telegram]

LONDON, *January 11, 1915, 5 p. m.*

[Received 5.30 p. m.]

1454. Your 922, January 9. Press despatch censors hold to their contention previously reported to you that to inform senders of the stopping of messages would defeat the purpose of the censorship. A sender who was using a concealed code would know that he had been caught and would try another.

Your 923 will be complied with.

AMERICAN AMBASSADOR

The Secretary of State to the Ambassador in Great Britain (Page)

[Telegram]

WASHINGTON, *January 12, 1915, 9 p. m.*

938. Your 1454, January 11. Please state to Foreign Office, Department regrets to seem insistent upon point that legitimate commercial firms should be notified immediately of stopped messages and should be given opportunity to change a word or words in message to make it clearer to censors. The argument that by notifying the senders of stopped messages an opportunity would be given to change the use of concealed codes seems to be foreign to the subject. The British Government have already designated exactly what codes should be used and have stated that, as far as practicable with trade phraseology, plain English words should be used.

The Department is informing all protestants and the larger cotton exchanges and commercial organizations throughout the country that plain English words must be used in cable messages.

BRYAN

File No. 851.731/10

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

[Telegram]

PARIS, *January 16, 1915.*

[Received 8.30 p. m.]

464. Referring to Department's instructions 349, November 20, and its telegram 369, December 11.¹ Foreign Office just advises me that Bentley, Broomhall, and Meyer codes have been admitted for telegraph messages sent over French lines under same conditions presented for codes previously admitted, which was reported in Embassy's 299 of November 21 [22].²

SHARP

¹ Not printed.

² *Foreign Relations*, 1914, Supplement, p. 517.

File No. 841.731/268

The Ambassador in Great Britain (Page) to the Secretary of State

[Telegram]

LONDON, January 20, 1915.

[Received 9.10 p. m.]

1495. Your 771 and 773, December 16.¹ Sir Edward Grey informs me that of these five cable messages which were supposed to have been stopped by the British censors, four were not stopped by them but were passed. The message that was stopped was of November 24 from the Kehlor Flour Mills Company of St. Louis to Bauman Company, Berne, Switzerland. This was stopped because the text of it showed it to be a repetition of a telegram of the day before sent by French cable. The British censor considered that if the French censor had stopped the original it would not be wise to pass the duplicate whereas if the French censor had not stopped the original the sender would receive his reply.

Stoppage of cables has been somewhat, though not greatly, mitigated and I have little hope of further improvement for following reason: Practically all that are now stopped are stopped to prevent trading with the enemy. They are stopped not because of suspected ciphers but because they are about commercial transactions with Germans. The British own or control all cables from Great Britain to the Continent and they claim the right to cut them if they so choose or to deny their use in any way that would help the enemy. They forbid these cables to further enemy's trade on the same principle that they forbid the use of their ships. It is a war measure. Telegraphing to Germany or to neutral countries which promotes trade with Germany must therefore be done by some other than British cables if there be any other.

AMERICAN AMBASSADOR

File No. 841.731/268

The Secretary of State to the Ambassador in Great Britain (Page)

[Telegram]

WASHINGTON, January 21, 1915.

1007. From American Legation, Copenhagen:

Owing to great quantity merchandise necessary to be imported from the United States on account of other sources supply being cut off, it is necessary to do business by telegraph. British censor holding up commercial telegrams between Denmark and United States. This is killing business.

Department also has telegram from Consul General, Copenhagen, same subject, stating has cabled you. Please bring matter immediate attention Foreign Office.

BRYAN

¹ Not printed.

File No. 851.731/11k

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

[Telegram]

WASHINGTON, January 22, 1915, 7 p. m.

496. According to understanding with Ambassador, London, chief British censor has now begun confidentially to submit to Ambassador daily report of stopped telegrams. Censor asks not make this known to any other government, but has no objection to confidential mention of it to French censor.

If in your opinion such arrangement between you and chief French censor would tend to relieve hardships inflicted on American business through stopped telegrams, you may confidentially bring matter to attention Foreign Office inquiring whether French Government would institute similar arrangement.

BRYAN

File No. 841.731/279

The Ambassador in Great Britain (Page) to the Secretary of State

[Telegram]

LONDON, January 22, 1915.

[Received January 23, 8.30 a. m.]

1514. Your 1007, January 21, answered by my 1495, January 20. The censor endeavors to discriminate between telegrams concerning *bona-fide* neutral trade and telegrams that are suspected of promoting trade with enemy. The first class they pass. The latter class are stopped as a war measure. Since British own or control cables to Denmark they inform me that they would be within their rights if they stopped all telegrams or cut the cables as we did in our war with Spain. They disclaim, I think truly, any wish to hinder *bona-fide* neutral commerce but they are using every legitimate method within their power in prosecuting economic war as they are in prosecuting the naval and military campaign. There is no hope for material change in this matter for it is regarded by them as an integral and important part of their life and death struggle. Their cable lines they regard as one weapon and they [are] so using them.

AMERICAN AMBASSADOR

File No. 851.731/11

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

[Telegram]

PARIS, January 23, 1915.

[Received 2 p. m.]

487. Your 286, November 20, and subsequent instructions relative to protests from business firms of the censorship of commercial telegrams to neutral countries.¹

Foreign Office now assures me that French Government desirous of facilitating commercial telegraphic communications between neu-

¹ *Foreign Relations*, 1914, Supplement, p. 517.

trials in every way compatible with existing conditions and that orders have been given by Ministry of War with a view to allowing commercial messages to pass with as little delay as possible and minimum inconvenience to interested parties. Whenever delivery of a message is denied the sender will be notified. Will at once discuss with Foreign Office matter contained in your 496 of January 22, 7 p. m.

SHARP

File No. 841.731/290a

The Secretary of State to the Ambassador in Great Britain (Page)

[Telegram]

WASHINGTON, *January 25, 1915.*

1030. From Paris:

Foreign Office now assures me that French Government desirous of facilitating commercial telegraphic communications between neutrals in every way compatible with existing conditions and that orders have been given by Ministry of War with a view to allowing commercial messages to pass with as little delay as possible and minimum inconvenience to interested parties. Whenever delivery of a message is denied the sender will be notified.

Please bring to attention Foreign Office, if you think desirable, in hope that British Government may be disposed to adopt similar measures.

BRYAN

File No. 841.731/295

The Ambassador in Great Britain (Page) to the Secretary of State

[Telegram]

LONDON, *January 28, 1915.*

[Received 2 p. m.]

1541. Your 739, December 11.¹ British Government now informs me that Meyer's Atlantic cotton code, 39th edition, may be employed in telegrams between the United Kingdom and any country on the extra-European telegraph system. This does not include British colonies.

AMERICAN AMBASSADOR

File No. 841.731/308

The Ambassador in Great Britain (Page) to the Secretary of State

[Telegram]

LONDON, *February 1, 1915.*

[Received 9.05 p. m.]

1570. I have not relaxed my efforts to mitigate the censorship of commercial cables. But for reasons explained in my 1514, January 22, I have no hope of any further favorable results. The representatives of other neutral governments here feel as I do. The censor's

¹ *Foreign Relations, 1914, Supplement, p. 524.*

office inform me that they are looking up the stopped cables of which you have sent me copies and that this task involves looking through about a million telegrams. When they have found them they simply inform me that such as were stopped were stopped, "under the rules of the censor's office."

Their action is a war measure. Unless our past action under similar conditions permits us to go further than merely to ask a change of the rule as a favor or unless they are acting beyond their clear rights in the premises, I do not see what more we can do than to remind them of the hardships we suffer.

AMERICAN AMBASSADOR

File No. 841.731/311

The Consul at Göteborg (Sauer) to the Secretary of State

No. 79]

GÖTEBORG, *January 11, 1915.*

[*Received February 2.*]

SIR: I have the honor to transmit herewith enclosed copy of a telegram of even date to the Department, quoting telegrams from the Aktiebolaget Göteborgs Handelsbank to the National City Bank of New York, which, it appears, were not delivered.¹

These cables concern the cotton business of John Lyon and Company of Göteborg with certain American exporters, which was the subject of despatches from this office, Nos. 74 and 75, respectively, of December 31 and January 5.¹ A similar case is that reported in despatch No. 78 of January 9, regarding the telegrams of Lindelöf and Company.¹ It is claimed that the English authorities are trying to stop the business of those Göteborg firms which are reexporting cotton to Germany and Austria, by intercepting their cables to or from the United States.

I have [etc.]

EMIL SAUER

File No. 841.731/308

The Secretary of State to the Ambassador in Great Britain (Page)

[Telegram]

WASHINGTON, *February 2, 1915.*

1061. Your 1570, February 1. Unless otherwise advised by you, Department will continue sending copies stopped telegrams which you may in your discretion submit to British authorities. Department still in receipt of many complaints, but feels you have done all possible for the present.

BRYAN

File No. 841.731/303

The Secretary of State to the Ambassador in Great Britain (Page)

No. 584]

WASHINGTON, *February 3, 1915.*

SIR: With further reference to the matter of the censorship of cablegrams by the British authorities, your attention is directed to

¹ Not printed.

the enclosed copy of a letter,¹ dated January 19, from the manager of the Washington, D. C., office of the Western Union Telegraph Company.

You will note the contention of the company that the British Government should rely upon the French censorship to stop objectionable messages passing through France via England *en route* to neutral countries and beyond, just as, under the present revised regulations, they are relying upon the French censors to stop code messages for France.

The Department concurs in the statement of the company that it seems "illogical and a serious detriment to American trade and business enterprise," that cable messages sent to neutral countries, which must pass through French territory but which are sent via England, should be held up by the British censor, while other messages sent via France, and not by way of England, are permitted to pass by the French censors.

Please take up this matter with the Foreign Office and endeavor to bring about an arrangement whereby any cablegrams destined for points in Europe and which must pass through French territory, shall be censored by the French censors and shall not be interfered with by the British authorities.

This seems to the Department to be a most reasonable arrangement and it is earnestly hoped that your efforts in the premises may be successful.

I am [etc.]

For the Secretary of State:

ROBERT LANSING

File No. 841.731/318

The Ambassador in Great Britain (Page) to the Secretary of State

[Telegram]

LONDON, February 3, 1915.

[Received 6 p. m.]

1582. At my request, the censor counted the whole number of telegrams going both ways for three days and reports that the number stopped between the United States and Holland was 14 per cent of the total number and between Scandinavian countries and the United States, 3 per cent.

AMERICAN AMBASSADOR

File No. 841.731/323

The Secretary of State to the Ambassador in Great Britain (Page)

[Telegram]

WASHINGTON, February 10, 1915, 6 p. m.

1107. Your 1291, December 18.² Department receiving many protests from commercial organizations trading with South American countries against position of British Government in refusing to per-

¹ Not printed.

² *Foreign Relations*, 1914, Supplement, p. 528.

mit telegrams in code passing between the United States and certain South American countries. Please bring this situation to attention of Foreign Office, pointing out that telegrams to and from United States and Argentine Republic and other South American countries are messages between neutral countries entirely outside war zone. The matter of coding messages to South America is one of greatest importance to American commercial houses and one in which this Government is deeply interested. Urge early reply.

BRYAN

File No. 841.731/344

The Consul at Göteborg (Sauer) to the Secretary of State

No. 83]

GÖTEBORG, *January 21, 1915.*

[*Received February 11.*]

SIR: I have the honor to acknowledge the receipt to-day of Department's cablegram of yesterday and to confirm my reply thereto, copies herewith, regarding the repetition by this office of commercial cablegrams to the Department.¹

Before cabling to the Department asking for instructions in regard to this (despatch from this office, No. 80 of January 15¹), I asked the Consul General in Stockholm for his opinion. The Consul General appeared to be of the opinion that I should assist in the more pressing cases, and cable to the Department for instructions. I thought that under the extraordinary circumstances, there would be no objection thus to repeat lost commercial cables, provided it was done judiciously.

The trouble with the cable correspondence with the United States is explained in the despatches from this office No. 74 of December 31,¹ No. 75 of January 5,¹ No. 78 of January 9,¹ No. 79 of January 11,² and No. 80 of January 15.¹ Since the last despatch, things have gone from bad to worse. In my despatch No. 75 of January 5, I stated that it appeared that only those Göteborg importers who re-export cotton to Germany have trouble with their cables to and from the United States. It now appears that all Göteborg importers, even the spinners, have the same trouble. Yesterday I learned that certain Göteborg exporters of wood pulp, the leading article of export from this port to the United States, were beginning to have the same trouble with their cables.

Referring to despatch No. 80 of January 15, I have the honor to state that the British commercial attaché here promised Lyon and Company to write to the Foreign Office, recommending that the cables of this firm be allowed to pass. To Mr. Lindelöf, despatch No. 78 of January 9, he would not promise anything. Mr. Lindelöf saw the attaché in company with a representative from a large spinning mill in Moscow, who is here to arrange for the purchase of 10,000 bales of American cotton. This representative, Mr. Knoop, told me that the attaché gave him to understand that he did not care whether he got any cotton or not. (See cablegram of yesterday *re Skandia to Hannay, Frericks.*¹)

¹ Not printed.

² *Anté*, p. 704.

The importance of Göteborg as a transshipping point for cotton is seen by the large number of cotton steamers that arrived here since November 12 direct from the United States. (See despatch No. 76 of January 2.¹)

I have [etc.]

EMIL SAUER

File No. 199.1/134

The Ambassador in Great Britain (Page) to the Secretary of State

No. 836]

LONDON, *February 3, 1915.*

[*Received February 15.*]

SIR: With reference to your telegram No. 1061 of the 2d instant¹ and to previous correspondence on the subject of the British telegraphic censorship, I have the honor to transmit herewith for your information the enclosed copy of a confidential memorandum defining the rights which the British Government possess under treaty over all telegrams dispatched by cables which they control. I received this memorandum informally from Sir Edward Grey yesterday.

I have [etc.]

WALTER HINES PAGE

[Enclosure—Extract]

MEMORANDUM

1. Neutral governments were reminded in a circular at the beginning of the war of the right which His Majesty's Government possess, under treaty, to stop all telegrams over cables which they control; and that it is only as an act of goodwill that their transmission is permitted.

2. Notice was given through the International Bureau at Berne, in the form prescribed, as follows:

His Britannic Majesty's Government find themselves under the necessity of availing themselves of the power reserved under Article 8 of the international telegraph convention and Article 17 of the international radiotelegraph convention to suspend the transmission of telegrams and radiotelegrams to and from, or in transit through the United Kingdom, and to and from, or in transit through all British possessions and all British protectorates whatsoever, save and except such telegrams and radiotelegrams as are on the service of His Majesty's Government or of the government of any British possession or protectorate.

With a view, however, to minimize inconvenience to the public, His Britannic Majesty's Government will, until further notice, and as an act of grace, permit the transmission of such telegrams and radiotelegrams in plain language as foreign governments or the public choose to send, provided that such telegrams and radiotelegrams are written in English or French, and on the understanding that they are accepted at the sender's risk and subject to censorship by the British authorities; that is, that they may be stopped, delayed or otherwise dealt with in all respects at the discretion of those authorities and without notice to the senders; and that no claims in respect of them, whether for the reimbursement of the sums paid for transmission or otherwise, will be considered by His Majesty's Government in any circumstances whatever.

Article 8 of the international telegraphic convention (of 1875) is as follows:

Each Government also reserves to itself the power to interrupt the system of the international telegraphs for an indefinite period, if it judges

¹ Not printed.

it necessary, either generally, or only upon certain lines and for certain kinds of messages, upon condition that it immediately advises each of the other contracting governments.

Articles 17 of the international radiotelegraphic convention makes the above article applicable to radiotelegraphy. . . .

February 1, 1915.

File No. 841.731/376a

*The Counselor for the Department of State to the British Ambassador
(Spring Rice)*

WASHINGTON, February 16, 1915.

MY DEAR MR. AMBASSADOR: May I again call your attention to the seriousness of the interruption by the British censors of strictly commercial cablegrams pertaining to non-contraband goods exchanged between this country and other neutral countries, especially Scandinavian countries.

It would be most gratifying if I could have your assistance in an effort to bring about some arrangement with your Government whereby the relief which is needed so much, not only by the United States but by the other neutral countries, may be obtained.

I should be very glad to discuss this matter with you whenever you can conveniently call on me, and remain [etc.]

ROBERT LANSING

File No. 841.731/392

The British Ambassador (Spring Rice) to the Secretary of State

MEMORANDUM

With reference to the alleged interruption by the British censors of strictly commercial cablegrams pertaining to non-contraband goods exchanged between the United States and other neutral countries, His Majesty's Government announce that an enquiry just completed into a batch of 60 or 70 telegrams forming part of some 350 submitted by the United States Ambassador in January has established the fact that only 3 were stopped by the British censor.

The present rule is that senders of stopped telegrams are only notified if their telegrams have been stopped for technical breaches of the censorship regulations, such as omission of the sender's name, insufficient address, etc. If telegrams are stopped because they are of a prejudicial nature, it is obviously undesirable to warn senders immediately.

The question of notifying after the lapse of a certain interval of time the senders of stopped telegrams who make enquiries and of refunding the full or partial cost is under consideration by His Majesty's Government.

In January investigation was also made into two out of several lists supplied by the Swiss Minister in London. Of the 97 messages it was ascertained after careful search that only 31 reached the British censors; 20 of these were passed and 11 were quite justifiably held up for various violations of the censorship regulations, e. g., inclusion of code words, omission of sender's name, etc.

Lastly, out of a large number of complaints made by the Italian Government in regard to special cables it was found that only 14 had passed through the hands of the British censors and none of them had been held up.

CECIL SPRING RICE

WASHINGTON, *February 19, 1915.*

File No. 841.731/385

The Ambassador in Great Britain (Page) to the Secretary of State

[Telegram]

LONDON, *February 24, 1915.*

[Received 5.40 p. m.]

1694. Your 1107, February 10. Foreign Office informs me that instructions were issued to British censors last September that telegrams exchanged between North and South America were to be passed without censorship. British Government thinks that either United States Government has been misinformed regarding the authorities by whom the telegrams in question have been stopped, or that some of the British censors have misunderstood their instructions. If information received by United States Government proves to be correct, British Government asks for details regarding stopping of telegrams in order to correct misunderstanding which must have occurred.

AMERICAN AMBASSADOR

File No. 841.731/344

*The Secretary of State to the Consul at Göteborg (Sauer)*¹

[Telegram]

WASHINGTON, *February 26, 1915.*

Your despatch 83. You may transmit private commercial cables when no other means available for forwarding, assuming no responsibility for delivery. Such cables must be strictly neutral; not relate to contraband or transfer of funds to belligerents; should be in plain language not cipher and sufficiently clear on face to be readily understood. Cost should be collected in advance from sender.

BRYAN

File No. 841.731/396

The Ambassador in Great Britain (Page) to the Secretary of State

No. 904]

LONDON, *February 15, 1915.*

[Received February 27.]

SIR: I have the honor to report that Sir Edward Grey has informed me that the search which the censors are making to ascertain the reasons for stopping commercial telegrams brings this result,

¹The same to the Minister in the Netherlands, No. 112, February 26 (File No. 199.1/104).

viz., that of 60 or 70 telegrams emanating from the United States and dated in November or December, they find that only 3 were stopped by the British censors.

I have [etc.]

WALTER HINES PAGE

File No. 841.731/409

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

[Telegram]

STOCKHOLM, March 4, 1915.

[Received March 5, 8 a. m.]

25. Swedish Government sends protests regarding delays and interruptions cable service America. Commercial interests seriously affected. Large concerns, particularly cotton interests, report no cables two weeks. In view of opportunity make extensive cotton sales, Sundstrom, cotton dealer, asks following messages be delivered:

To MacFadden Brothers, Philadelphia. Offer fully good, good, and middling March shipment naming steamer. To Alexander Sprunt, Wilmington, North Carolina. Offer fully good, good, and middling shipment steamer *Baltic*.

MORRIS

File No. 199.1/114

The Ambassador in Great Britain (Page) to the Secretary of State

[Telegram]

LONDON, March 9, 1915, 5 p. m.

[Received March 10, 8.45 a. m.]

1752. My 1739, March 5.¹ I have received the following communication from Sir Edward Grey:

March 5 [1915].

The American Ambassador will doubtless remember that on the 17th November last Sir Edward Grey drew his attention to the manner in which certain telegrams from private individuals and commercial firms, detrimental to British interests, were being sent through the Department of State, and the censorship authorities have brought to Sir Edward Grey's notice the fact that this practice is still continued.

Sir Edward Grey would point out that government messages such as those sent by the Department of State obtain priority over ordinary commercial messages and that this is an advantage which messages of the sort referred to should not enjoy over those of other traders.

He considers that His Majesty's Government can not be asked to agree to British cables being used for the purpose of facilitating commercial transactions with enemy countries.

Seven instances of the type of message referred to, out of a very large number which have passed through the censor's hands, are annexed. In spite of the prejudicial nature of their contents, all these messages have been forwarded to their destinations.

Another telegram which has just come into the hands of the censors is also annexed (No. 8). This message contains a request for the repetition, as government message, of telegrams connected with trade with the enemy which the censor has stopped. In the circumstances, Sir Edward Grey does not feel that this telegram can properly be forwarded.

The enclosures are copies of eight telegrams, six from the Secretary of State to our consuls at Christiania, February 19; Hamburg, February 19; Copenhagen, February 19; Genoa, February 26; the

¹ Not printed.

Embassy at Rome, February 27; and the Legation at The Hague, March 5; one from the Ambassador at Rome to the Secretary of State, February 27; and one from the Consul at Basel to Bashinsky Company, Troy, Alabama, February 28, asking for answer through Secretary of State.¹

In view of the British Government's formal memorandum about cable messages dated February 1 and transmitted by me to the Department with my despatch No. 836 of February 3, there is, I discover, a good deal of suppressed indignation at the use of our official privilege for private purposes. Since in their prohibition or stopping of cables they are within their rights, I have received an intimation that a continuance of private telegrams through official channels may cause an abridgment of our official privileges in the use of cables. In view of the official British Government communication above referred to, I know that they regard this practice as an act of bad faith.

AMERICAN AMBASSADOR

The Secretary of State to the Ambassador in Great Britain (Page)

[Telegram]

WASHINGTON, March 16, 1915, 5 p. m.

1280. Your 1752, 9th. Department has to-day instructed all diplomatic and consular officers to discontinue forwarding private commercial messages until further instructions. In future the following form will be used by Department in reply to requests for official transmission of private cables relating to commercial transactions in belligerent countries:

The British Government are unwilling to extend to private commercial messages the same immunity from censorship accorded by them to the official communications of this Government over cable routes passing through British jurisdiction. As the message which you have requested the Department to forward is affected by this regulation, the Department regrets that it is at present unable to comply with your request to forward it officially, and suggests that you transmit it in the ordinary way.

At the same time you are advised that the general subject of facilitating the cable communication over British controlled lines is now under discussion with Great Britain, and it is hoped that some satisfactory adjustment can be reached.

You may say to the Foreign Office that this Government understands that the objection of British Government to transmission of the commercial cables you mention and others of similar character is not based upon suspicion that they are in private code carrying concealed meaning, but that they are supposed to come within the rule established for the guidance of the British censor which is set forth in paragraph 6 of the Foreign Office memorandum of February 1 as follows:

All cables are liable to be stopped which show clear evidence, either by the text of the telegram or by the known facts as to the sender or addressee, that they refer to a transaction, whether in contraband or non-contraband, to which a resident in an enemy country is one of the parties.

¹ Not printed.

The difficulty is that in the application of this rule the censor has stopped many privately sent commercial cables which on the actual facts do not properly come under this rule. This Department has carefully and in good faith applied this rule to the private commercial cables which it has sent. The question in each case is one of fact, and a solution might be found by arranging for an investigation of the facts in doubtful cases. This could be done if the British Government would furnish you promptly with a copy of every cable stopped, and the reasons for stopping it. The objection that the object of censorship would be defeated if the sender was notified applies only to cables having a hidden meaning, and cannot be urged in case of actual commercial transactions even when supposed to be with the enemy.

As part of the arrangement the senders might be required to sign a declaration under oath, if desired, stating *bona-fide* character of transaction. It is understood that Great Britain recognizes the importance as a matter of policy and good relationship at least of not exercising the right of censorship in a way which would interfere with legitimate American commercial transactions with neutral countries.

Please ascertain from Foreign Office if they consent to publication of their confidential memorandum of February 1¹ on this subject.

BRYAN

File No. 199.1/135

The Ambassador in Great Britain (Page) to the Secretary of State

[Telegram]

LONDON, *March 26, 1915, 2 p. m.*

[*Received 10.05 p. m.*]

1843. Your 1280, March 16, 5 p. m., last paragraph. Foreign Office would prefer that their confidential memorandum of February 1¹ should not be published, but they have no objection to the publication of a similar memorandum dated March 25 which I have now received. This memorandum is identical with that of February 1 from the latter's beginning down to and including Section 2 which concludes "applicable to radiotelegraphy." Thereafter the memorandum of March 25 reads as follows:

3. The necessity for control of cables in its relation to matters which may be described generally as being of a purely naval or military nature is obvious and needs no demonstration. In addition to this it is clear that in view of the great importance of restricting the enemies' supplies and withholding facilities from them for carrying on their trade His Majesty's Government can not be expected to afford the use of British cables to enable neutral and enemy countries to make arrangements with each other for the conduct of that trade and the principle upon which the censorship of commercial telegrams is conducted is to withhold so far as British cables are concerned all facilities for carrying on trade directly or indirectly with an enemy country.

4. Accordingly all cables are liable to be stopped which show clear evidence either by the text of the telegram or by the known facts as to the sender or addressee that they refer to a transaction whether in contraband or non-contraband to which a resident in an enemy country is one of the parties.

¹ *Ante*, p. 707.

5. This principle it will be observed is applied impartially to British, Allied or neutral subjects who endeavour to trade with the enemy through the medium of British cables.¹

AMERICAN AMBASSADOR

File No. 841.731/499

The Ambassador in Great Britain (Page) to the Secretary of State

No. 1105]

LONDON, *March 24, 1915.*

[*Received April 9.*]

SIR: I have the honor to acknowledge the receipt of the Department's instructions No. 584 of February 3² in regard to the censorship of cablegrams by the British authorities, and calling my attention to the copy of a letter enclosed therein, dated January 19, from the manager of the Washington office of the Western Union Telegraph Company, and directing me to take up this matter with the Foreign Office and endeavor to bring about such an arrangement as is outlined in the above-mentioned letter.

I beg to advise the Department that I am now in receipt of a note from Sir Edward Grey, a copy of which is enclosed herewith, under date of March 18, in reply to my representations in the premises, and in which it is set forth that the censorship authorities can not see, so far as they are aware, that anything has occurred to modify the necessity of retaining the power of complete control over trade telegrams to or from neutral countries adjacent to Germany.

I have [etc.]

WALTER HINES PAGE

[Enclosure]

The British Secretary of State for Foreign Affairs (Grey) to the American Ambassador (Page)

No. 29147/15]

The Secretary of State for Foreign Affairs presents his compliments to the United States Ambassador, and has the honour to inform him that he forwarded to the Department of His Majesty's Government concerned, his excellency's note of the 3d instant transmitting copy of a letter from the Western Union Telegraph Company.

The censorship authorities point out, in reply, that so far-reaching a question as the admission or prohibition of code to neutral countries in Europe is one that must be decided without reference to the views that may be held by a private cable company, and so far as they are aware, nothing has occurred to modify the necessity of retaining the power of complete control over trade telegrams to or from neutral countries adjacent to Germany.

March 18, 1915.

File No. 851.731/19

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

No. 345]

PARIS, *March 24, 1915.*

[*Received April 13.*]

SIR: Referring to the Department's cipher telegraphic instruction No. 369 of December 11, 8 p. m.,³ relative to the complaints of the

¹ This memorandum was given to the press April 2.

² *Ante*, p. 704.

³ Not printed.

non-delivery of telegrams from the United States regarding the purchase and sale of cotton, and recommending that permission be granted for the use of Meyer's or Shepperson's cotton codes, I have the honor to report, in further reference to my telegram No. 464 of January 16¹ advising the Department of State that permission had been given for the use of Meyer's code, that the Foreign Office has just advised me that it is considered by the French competent authorities that the addition of Shepperson's code to those already used would only tend to complicate the telegraphic correspondence, and that it is therefore considered that the Meyer's code—which is more complete than Shepperson's—should be sufficient for the necessities of cotton merchants.

I have [etc.]

WM. G. SHARP

File No. 841.731/530

The Ambassador in Great Britain (Page) to the Secretary of State

No. 1223]

LONDON, April 14, 1915.

[Received April 27.]

SIR: I have had the honor to receive during the last few weeks several communications from you enclosing copies of stopped telegrams; and in these communications you have asked me to bring these messages to the attention of the Foreign Office, in connection with my representations regarding the censorship of commercial cables.

A very large number of the stopped cables which you sent me earlier I submitted to the Foreign Office and through the Foreign Office to the censor, and at this time I had several very thorough-going conferences with the censors. The result, you will recall, was their very firm stand on their right to stop any or all cables that came over their wires. They were very courteous, they answered all the questions, I think, that I put to them, and you will recall that they explained that most of the cables that they stopped were stopped because they were supposed to promote trading with the enemy. You will recall also the copy of the rules that were issued whereby the censors work and which I transmitted to you.

These representations, which extended over quite a long period, I have reason to hope made them more careful than they had been in stopping cables, and they assured me that they would not stop any except such as they felt obliged to stop under the rules they had adopted. I saw no way to go further with any effect. I so reported to you, and you were kind enough to telegraph me that you saw nothing further at that time for me to do in the matter. Since then I have presented a number of the cables that you have sent me, which seem to give some particular reason why the subject should be brought up again, but I confess that in no case have I had a definite result.

The cable messages that I have received, therefore, from you more lately, and there are quite a number of them in all, I have not pre-

¹Ante, p. 700.

sented, for I do not know what to say or how to try to go further than I have gone. Of course, by the time that the cables reach me there is no chance of having those particular messages forwarded, so much time has elapsed that they are already dead, and concerning any possible change of their policy, I regret to say that I think that is impossible to accomplish. Unless instructed by you to the contrary, therefore, I shall make no use of these last stopped cable messages which you have sent me.

I have [etc.]

WALTER HINES PAGE

The Secretary of State to the Ambassador in Great Britain (Page)

No. 956]

WASHINGTON, May 5, 1915.

SIR: The Department has received your despatch No. 1223, of April 14, concerning the presentation of stopped cablegrams to the Foreign Office in connection with the discussion relative to the cable censorship situation.

In reply you are informed that the Department believes that for the present, at least, you should present to the Foreign Office all stopped messages sent to you, requesting that it be so kind as to furnish you with reasons in each case as to why the message was not forwarded.

The Department is sending to you only such messages as appear to be strictly of a nature that should not have been stopped by the censors, according to the understanding had with you by the British Government, and is most careful to discourage the sending of cablegrams that in its judgment would not be passed by the British censors.

I am [etc.]

For the Secretary of State:

ROBERT LANSING

File No. 841.731/561

The Secretary of State to the Ambassador in Great Britain (Page)

[Telegram]

WASHINGTON, May 13, 1915.

1556. Referring to your [?] 1107, February 10.¹ Department informed of non-delivery nine code telegrams concerning coffee shipments to United States addressed "Ornstein, Rio de Janeiro," sent by L. C. Fallon and Company, New Orleans, routed over Postal Telegraph Company to New York, thence to Azores by Commercial Cable Company, then to Rio de Janeiro by Western Pacific Cable Company. Telegrams dated March 12, 15, two telegrams March 19, 24, 26, and 29, April 1 and 20. Also one other telegram sent same address March 8 by C. A. Fairchild and Company, New York.

Bring to attention Foreign Office, pointing out suppression purely commercial cablegrams of neutral character exchanged between United States and South America can only serve as detriment to

¹ See Department's No. 1107 of February 10, *ante*, p. 705.

legitimate business entirely outside war zone. Request early investigation and reason in each case why message stopped, directing attention to British Government's assurance that censors were instructed last September to pass telegrams exchanged between North and South America. Please reply by cable.

BRYAN

File No. 841.731/579

*The Secretary of State to the Western Union Telegraph Company*¹

WASHINGTON, May 27, 1915.

GENTLEMEN: The Department has been informed that your office in Minneapolis, Minnesota, has refused to accept messages for Rotterdam routed via the Tuckerton radio station. Although the Tuckerton station has, on one or two occasions, experienced some trouble in transmitting wireless messages on account of poor static conditions, thus causing more or less delay, the Department now understands that such messages are being handled with reasonable dispatch.

The Department will be gratified, therefore, in view of the present difficulties in communicating with points in Europe by cable, if you will kindly instruct all of your offices as soon as possible to accept messages routed via the Tuckerton radio station.

I am [etc.]

For the Secretary of State:

ROBERT LANSING

File No. 841.731/586

The Ambassador in Great Britain (Page) to the Secretary of State

[Telegram]

LONDON, May 27, 1915.

[Received 6.45 p. m.]

2179. Your 1556 of 13th *re* telegrams concerning coffee shipments from South America to United States.

Foreign Office informs me that, after communication with censorship authorities, it has been found that a telegram addressed to Ornstein, Rio de Janeiro, from the United States, dated March 24, was detained in London on the ground that it was in private code and without signature. The fact that the message was in transit between North and South America was unfortunately overlooked, but no trace can be found of the other telegrams mentioned; but in view of probability that an occasional oversight of this nature is more likely to occur in the United Kingdom than at stations on the direct route between North and South America, the censorship authorities hesitate to assert positively that they were not detained in England. Foreign Office concludes by saying that the attention of the censors concerned abroad, as well as in the United Kingdom, has been called to the necessity of observing the instructions already issued on this subject, and it trusts that no further inconvenience will be experienced by American firms in this respect.

AMERICAN AMBASSADOR

¹The same to the Postal Telegraph and Cable Company.

File No. 841.731/602

*The Western Union Telegraph Company to the Counselor for the
Department of State*

NEW YORK, June 2, 1915.

[Received June 3.]

DEAR SIR: Replying to your esteemed favor of the 27th ultimo, I beg to say that when the Tuckerton route was opened we were advised of its availability for messages to Germany and Austria-Hungary, and our offices and our connecting lines in the West Indies and for Central and South America were likewise informed. Since that time we have accepted all messages offered for the countries mentioned for transmission by that route, except during several periods when communication has been interrupted. Some time ago we were informally advised by the Tuckerton station that messages would be accepted for any country in Europe and also for Turkey in Asia, and we are prepared to accept such messages for Europe as are offered for that route. Considering, however, the high rate of 62 cents per word which is charged by that route, as against a rate of 25 cents per word to Holland, for instance, by cable with the privilege of using the deferred cable service at still lower rates, and having in mind also the heavy delays by the wireless route as against prompt service by cable, it seems extremely unlikely that many messages will be routed via Tuckerton wireless for points which the cables will serve. You will understand, of course, that the Tuckerton route is really insufficient for German and Austro-Hungarian messages alone, so that delays of days in transmission frequently occur. It is my understanding that at the present time the Tuckerton station is about three days behind in the transmission of the messages which we are turning over to it.

The office at Minneapolis to which you refer is a branch office which should have made some inquiry about the matter before refusing the message. It has been properly instructed and the Midland Linseed Company, which we understand is the company concerned, has been informed of the situation.

Yours very truly,

J. C. WILLEVER

Commercial General Manager

File No. 841.731/604

The Ambassador in Great Britain (Page) to the Secretary of State

[Telegram]

LONDON, June 3, 1915, 7 p. m.

[Received June 4, 10.35 a. m.]

2223. Your 1626, May 29, and my 2209, June 1.¹ Foreign Office now informs me that after another careful investigation, censor cannot trace telegrams in question. States that British Government will

¹ Not printed.

pass all messages between North and South America sent via United Kingdom, but that such messages are liable in a certain degree to be held up by accident. I suggest that persons in the United States desiring to send commercial messages to South America be advised to use if possible a cable route which does not touch Great Britain or her possessions.

AMERICAN AMBASSADOR

File No. 841.731/600

*The Secretary of State to the Minister in the Netherlands
(Van Dyke)*¹

[Telegram]

WASHINGTON, June 8, 1915.

164. Would Netherlands Oversea Trust receive and forward to addressees telegrams relating to orders for materials, shipping and other necessary directions, acknowledgments and transfer of payments, regarding consignments received through trust? Would plan relieve difficulties now caused by censorship? Is plan inadvisable for any reasons? American Embassy, London, requested to cooperate with your Legation on this question.

BRYAN

File No. 841.731/612

*The Minister in the Netherlands (Van Dyke) to the Secretary of
State*

[Telegram]

THE HAGUE, June 8, 1915, 5 p. m.

[Received June 9, 8.35 p. m.]

289. Your 164. Oversea Trust has been working for a week on plan to form a special committee of the trust for transmission both ways of such telegrams as you describe, but thus far consent of British Government has not arrived. I recommend that the Department make a formal and urgent request through the British Ambassador at Washington that the British Government shall clearly state and justify the principles and rules of the censorship of commercial cablegrams in London which is now conducted in such a manner that American shippers and merchants suffer serious and unnecessary loss. The plan of transmission through Oversea Trust would, in my opinion, ease the situation which is now very bad. Messages which seem to us entirely innocent and free from secret meaning are stopped. The trust committee might shut out possibility of secret codes by paraphrasing messages or translating into another language.

VAN DYKE

¹ Repeated to the Ambassador in Great Britain, No. 1685, June 8.

The Secretary of State ad interim to the Ambassador in Great Britain (Page)

[Telegram]

WASHINGTON, June 15, 1915.

1715. Department's 1685, 8th.¹ Department informed by American Minister, The Hague, that for a week past Oversea Trust has been endeavoring to organize a special committee of this organization for transmission in both directions of cables described in Department's 1685, but they have been unable to obtain consent of the British Government as yet. Minister, The Hague, believes plan would greatly relieve situation. Oversea Trust might prevent possible use of secret codes by translating messages into another language or by paraphrasing. Cooperate in obtaining adoption of this or other similar plan to relieve situation. Department also communicating with British Ambassador, Washington, in regard to the matter requesting him to bring to attention of his Government urgent need of modification of present situation.

LANSING

File No. 841.731/628

The Ambassador in Great Britain (Page) to the Secretary of State

[Telegram]

LONDON, June 17, 1915, 5 p. m.

[Received 7 p. m.]

2310. Your 1715, June 15, 9 p. m. Am informed at Foreign Office that British Government has refused definitely to give consent to Netherlands Oversea Trust plan for transmission of cables.

AMERICAN AMBASSADOR

File No. 841.731/698a

The Secretary of State to the Ambassador in Great Britain (Page)

No. 1168]

WASHINGTON, June 25, 1915.

SIR: Your attention is directed to the fact that, although the Department has, from time to time, sent you copies of numerous undelivered cablegrams for presentation to the Foreign Office with the request that it kindly furnish you with the reason in each case why the message was not permitted to pass, but few replies have been received.

In order, therefore, that the Department may advise the several complainants regarding the action taken by the British Government with reference to the suppressed messages, it is desired that you communicate with the Foreign Office and request that it kindly advise you, as far as possible, regarding the disposition of the cablegrams in question, and, also, that it continue to do so in the future.

¹ See footnote 1, *ante*, p. 718.

It may be stated, in this connection, that all of the complaints that have been submitted to the French Foreign Office have received prompt attention.

I am [etc.]

ROBERT LANSING

File No. 841.731/651

The Ambassador in Great Britain (Page) to the Secretary of State

[Telegram]

LONDON, *June 28, 1915.*

[Received 4.45 p. m.]

2368. Department's 1685, 8th.¹ Foreign Office now informs me that after communication with censorship authorities, British Government have no objection to telegrams from America being addressed to the Netherlands Oversea Trust for delivery through their agency, provided that each telegram is sent separately, that the name and address of the true sender and addressee appear in the text of each telegram, and that it is understood that such messages must necessarily be subject to censorship in the same manner as other telegrams.

AMERICAN AMBASSADOR

File No. 841.731/690

The Secretary of State to the Ambassador in Great Britain (Page)

[Telegram]

WASHINGTON, *July 13, 1915.*

1847. For your information. The Minister for Foreign Affairs of Norway has requested the good offices of the American Legation there in a matter of importance to Norway, concerning the censorship of telegrams to and from the United States, stating that if it continues Norway must run short of food supplies and other products during the winter, having no resources of her own and being at present entirely dependent upon the United States.

In the hope of ameliorating the situation the Norwegian Government has appointed a Victualing Commission to examine whether goods are destined for consumption in Norway and to assist trade with the United States. Although the commission has approached the British Government requesting that all telegrams signed by it should be allowed to pass, the British Government has so far not responded to the request. The Norwegian Minister for Foreign Affairs desires the Department to bring this to the attention of the British Government in order, if possible, to bring about an arrangement whereby commercial telegrams between the United States and Norway may pass, and especially telegrams signed by the Victualing Commission.

You may informally discuss this situation with the Ministry of Foreign Affairs and cable report of their attitude.

LANSING

¹ See footnote 1, *ante*, p. 718.

File No. 841.731/699

The Ambassador in Great Britain (Page) to the Secretary of State

[Telegram]

LONDON, July 13, 1915, 4 p. m.

[Received 7.05 p. m.]

2447. Your despatch No. 1168, June 25. In view of my despatch to Secretary of State, dated April 14,¹ and my personal letter to you dated May 27, enclosing memorandum from Foreign Office dated February 1,² do you still desire me to communicate further with Foreign Office regarding suppressed telegrams? The Government has already practically refused to give such an explanation as you ask for in your 1168, June 25, partly because of physical difficulties and partly because they maintain the right to refuse any and all messages without explanation. And, since we have no rights in the matter and can ask for an explanation only as a favor, a repetition of the request would be likely to bring another refusal and cause irritation and leave us just where we are now. I am informed that the number of telegrams that the French Government has to deal with are inconsiderable in comparison with the number the English Government must pass on. I await your further instructions.

AMERICAN AMBASSADOR

File No. 841.731/707

The Ambassador in Great Britain (Page) to the Secretary of State

No. 1711]

LONDON, June 30, 1915.

[Received July 13.]

SIR: I have the honor to enclose herewith a copy of a note I have just received from the Foreign Office to the effect that the British Government have decided upon the principles of an arrangement whereby notification will be made to the senders of telegrams detained by the British censors, and the whole or part of the charges paid for transmission will be refunded under certain conditions which are set forth therein.

I have [etc.]

WALTER HINES PAGE

[Enclosure]

The British Secretary of State for Foreign Affairs (Grey) to the American Ambassador (Page)

LONDON, June 26, 1915.

SIR: I have the honour to inform you that His Majesty's Government have decided upon the principles of an arrangement whereby notification will be made to the senders of telegrams detained by the British censors, and the whole or a part of the charges paid for transmission will be refunded under the following conditions:

1. No reimbursement will be made if the unexpended balance is less than five francs per telegram.

2. Reimbursement will be made only on application by the senders through the administration of the country of origin, and every application must be accompanied by a written statement from the addressee that the relative telegram has not been delivered.

¹Ante, p. 714.²Not printed.

3. No information will be given as to the method in which the amount reimbursed is arrived at, and no enquiry on this point will be entertained.

4. Reimbursement will be admitted only in the case of countries which apply the same method of treatment to telegrams originating in the United Kingdom.

5. Reimbursement will not be admitted in the case of telegrams which do not conform to the conditions laid down in the British notification of August 3, 1914.

6. The foregoing arrangements will be applied only in the case of telegrams forwarded on or after June 15, 1915, and in no circumstances will it be applied to telegrams sent prior to that date.

In making the concessions in question His Majesty's Government are actuated solely by a desire to mitigate as far as possible the inconvenience to commercial and private interests inseparable from the exercise of the censorship over British-controlled cables, and they therefore consider it desirable to make it clear that these concessions in no respect diminish the rights of censorship secured to them under international agreements, which they claimed at the beginning of the present war, and that no admission of liability is involved thereby.

I have the honour to suggest that correspondence respecting any further details of the arrangement above mentioned should, for the sake of greater despatch, be made the subject of direct communication between the United States and British postal administrations.

I have [etc.]

For the Secretary of State:

MAURICE DE BUNSEN

File No. 841.731/722

The Ambassador in Great Britain (Page) to the Secretary of State

[Telegram]

LONDON, July 18, 1915.

[Received July 19, 4.20 p. m.]

2486. Your 1847, July 13, 7 p. m. Am informed by Foreign Office after informal discussion that this matter has been subject communication between Norwegian and British Governments and the chief censor has been instructed to avoid delaying or interfering as far as possible with telegrams between Norwegian Food Commission and suppliers of foodstuffs in the United States, and adds it is trusted that the supply of foodstuffs from United States for *bona fide* consumption in Norway may thereby be facilitated.

AMERICAN AMBASSADOR

File No. 841.731/699

The Secretary of State to the Ambassador in Great Britain (Page)

[Telegram]

WASHINGTON, August 6, 1915.

1954. Your 2447, July 13, 4 p. m. Please continue to follow as closely as possible Department's mailed instruction 1168, June 25.

LANSING

File No. 841.731/874

The Secretary of State to the Ambassador in Great Britain (Page)

No. 1512]

WASHINGTON, August 28, 1915.

SIR: The Department transmits, herewith, copy of a letter dated August 24, 1915, with accompanying enclosures, from the Acting

Secretary of the Navy, concerning the refusal of the British authorities at Shanghai and Hongkong to pass the official telegrams of this Government when sent in code.¹

Please bring this matter most urgently to the attention of the Foreign Office and ask that steps be taken, with as little delay as possible, to obviate the difficulty complained of by the Commander in Chief of the Asiatic Fleet, in order that the official telegrams of this Government, in code or otherwise, may be permitted to pass without being censored.

In your communication to the Foreign Office it is suggested that you refer to the complaint of the colonel commanding China Expedition, U. S. A., that his official telegrams to the commanding general, Philippine Department, were held up by the censors at Hongkong. This matter was brought to your attention in the Department's telegram No. 269, of October 6, 1914, and your reply No. 892, of October 23, 1914, stated that the British Government had expressed its regret that the messages in question had been delayed and would do everything possible to facilitate the transmission of such telegrams.²

I am [etc.]

ROBERT LANSING

File No. 841.731/920

The Ambassador in Great Britain (Page) to the Secretary of State

LONDON, August 24, 1915.

[Received September 3.]

DEAR MR. LANSING: Following your instructions conveyed in your telegram No. 1954, of August 6, I have submitted to the Foreign Office all the telegrams that have come from you that bear a date later than July 1. Some of them are so old (there is one that goes back to August 1914) that I was afraid to put them in lest no attention should be paid to any that I sent in. I have been told informally that to send in these old telegrams would require the work of two men a whole year, consequently of four men for six months, or eight men for three months, or twenty-four men for a month, and they simply haven't the men. I write you this in a personal note hoping that you will agree with me that this is a better policy than to dump all those older telegrams on the Foreign Office, and thereby run a grave risk of failing to have attention paid to any of them. Besides, the number of these old ones is not very great.

I confess I am somewhat doubtful whether we shall ever hear from those that I sent in.

Very sincerely yours,

WALTER HINES PAGE

The Secretary of State to the Ambassador in Great Britain (Page)

WASHINGTON, September 10, 1915.

MY DEAR MR. PAGE: I have received your letter of August 24, 1915, concerning stopped telegrams, copies of which the Department has,

¹ Not printed.

² *Foreign Relations*, 1914, Supplement, pp. 511 and 512.

from time to time, sent to you for submission to the British Foreign Office, and note that you are bringing to the attention of the British Government only those telegrams bearing dates later than July 1.

While I appreciate fully the difficulties which you have encountered in this matter of cable censorship, in view of the fact that we have informed the senders of all of the stopped telegrams sent you that they will be brought to the attention of the British Government, I think it advisable that you should send them all in regardless of the dates they bear.

In this connection and for your own information, there is transmitted, herewith, translation of a note dated July 30,¹ which the French Foreign Office have addressed to the Embassy at Paris concerning stopped telegrams and which is only one of several replies which they have made to our representations in the premises.

While it is thoroughly understood by the Department that the British censorship authorities must be taxed to their capacity with work, it does seem that they should be willing to at least do as much as the French authorities are doing in the way of furnishing us with reasons why commercial cablegrams to and from this country are not permitted to pass, when we request such information, in order that the Department may make replies to the numerous inquiries made by complaining concerns in the United States.

Will you then please bring the matter again informally to the attention of the appropriate authorities and urge that efforts be made to furnish you with the reasons in each case why the messages in question have not been allowed to go through.

Very sincerely yours,

ROBERT LANSING

File No. 841.731/943

The Ambassador in Great Britain (Page) to the Secretary of State

No. 2087]

LONDON, *September 1, 1915.*

[*Received September 13.*]

SIR: With reference to my despatch No. 1711 of June 30, 1915, enclosing a copy of a circular note from the Foreign Office dated June 26, 1915, in regard to the notification to senders of telegrams detained by the British censorship authorities, I have the honor to enclose herewith a copy of a further circular note I have received from the Foreign Office, pointing out that it is not the intention of the British Government that the senders of telegrams should be notified in every case when their messages are stopped.

I have [etc.]

WALTER HINES PAGE

[Enclosure—Circular]

The British Secretary of State for Foreign Affairs (Grey) to the American Ambassador (Page)

No. 117496/15]

LONDON, *August 28, 1915.*

YOUR EXCELLENCY: My attention has been drawn to the fact that some misconception has arisen as to the precise meaning of the first paragraph of my

¹ Not printed.

circular note of June 26 last (No. 80052/15) in regard to the notification to senders of telegrams detained by the British censorship authorities.

I have the honour to explain that it is not the intention of His Majesty's Government that the senders of telegrams should be notified in every case when their messages are stopped.

When telegrams are stopped on technical grounds (e. g., owing to the omission of the sender's name, insufficiency of address of sender, or addressee, etc.) but are otherwise unobjectionable from the point of view of the censorship, the senders will be notified of the detention of their telegrams, in order to give them an opportunity of setting the matter right. In the case of other telegrams, when the sender learns from the addressee that a telegram has not reached its destination, and applies for reimbursement under the conditions laid down in my above-mentioned circular, the fact that reimbursement is made will be equivalent to a notification that the telegram in question has been stopped by the censors.

I have [etc.]

For Sir Edward Grey:
MAURICE DE BUNSEN

File No. 851.731/27

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

[Telegram]

WASHINGTON, September 15, 1915.

1098. American concerns complain that telegraph companies refuse to inform them whether cablegrams to Italy are stopped or delivered. Please bring urgently attention Foreign Office with request that arrangements be made whereby cable companies will be permitted to notify senders of cablegrams exchanged between United States and Italy regarding delivery or non-delivery of their messages when such information is asked for. Refer to assurances of French Foreign Office conveyed your 487, January 23.¹

LANSING

File No. 841.731/997

The Consul General at Stockholm (Harris) to the Secretary of State

[Telegram]

STOCKHOLM, September 8, 1915.

[Received September 30.]

874. Owing to the representations made by the Swedish inspector of telegraphs to the German authorities it has been finally agreed that wireless messages can now be sent to America from this city by the way of Nauen near Berlin to Sayville in the State of New York. It has also been agreed that urgent commercial messages may be sent by this route. The object in view is to become emancipated as far as possible from the English telegraph systems whose censors worry and harass Swedish business men to such an extent that it is almost impossible to do business at all. There is also another route which is occasionally used by the way of Siberia and the Pacific Ocean, but it is so expensive that few can afford to use it.

The radiotelegrams must be in accordance with the American service system, and must be written in plain English. This also applies not only to the message itself but also to the address and

¹Ante, p. 702.

signature. Days and months must not be written in figures and the address must contain at least four words and the signature two. The whole telegram must contain not more than twenty-five words and must be sent at the sender's risk.

[File copy not signed]

File No. 851.731/30

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

[Telegram]

PARIS, October 4, 1915, 3 p. m.

[Received 4.20 p. m.]

1025. Your 1098, 15th. Foreign Office writes that necessary instructions will be given in order that, when it has been decided to stop a telegram, the sender may as often as possible be informed. Nevertheless, it is thought necessary that a delay of at least forty-eight hours should elapse between the stopping of a telegram and the notice thereof to the sender.

SHARP

File No. 841.731/1011

The Ambassador in Great Britain (Page) to the Secretary of State

LONDON, September 28, 1915.

[Received October 9.]

DEAR MR. LANSING: Referring to your personal letter of September 10 about presenting more stopped cables and asking the cause of their detention, I am sorry to tell you that the Foreign Office informed me soon after I presented the last package of them in accordance with your instructions, that they had never undertaken or agreed to give the reasons why these telegrams were stopped.

This, of course, is a refusal of our request and I have heard nothing more about the telegrams that I presented to them.

Yours sincerely,

WALTER H. PAGE

The Secretary of State to the Ambassador in Great Britain (Page)

WASHINGTON, October 21, 1915.

MY DEAR MR. PAGE: I have received your letter of September 28, 1915, advising me of the unwillingness of the Foreign Office to investigate the stopped cablegrams and to furnish you with the reasons for such action.

While the Department fully understands the difficulties with which you have to contend in this matter, it seems advisable that further efforts to obtain the desired information should be made. To this end, therefore, I hand you, herewith, copies of two notes from the French Foreign Office,¹ giving the reasons of the French Government why certain cablegrams were suppressed, and suggest

¹ Not printed.

that a member of the Embassy staff bring them to the attention of the head censor of commercial cablegrams in order that he may see exactly what the French authorities are doing.

I sincerely hope that the British censors will come to a realization of the unfortunate effect which their rigid attitude is having in this country, unless they will at least furnish the Department with as much information in the premises as the French censors are doing.

In the meantime the Department will continue to forward to you copies of all stopped cablegrams brought to its attention, which it is believed have been suppressed by the British censors.

I remain [etc.]

ROBERT LANSING

File No. 841.731/1060

The Ambassador in Great Britain (Page) to the Secretary of State

No. 2294]

LONDON, October 8, 1915.

[Received October 26.]

SIR: I have the honor to acknowledge the receipt of the Department's instructions No. 1512 of August 28,¹ in regard to the refusal of the British authorities at Shanghai and Hongkong to pass official telegrams when sent in code, and to enclose herewith to the Department a copy of a note, dated October 4,² which I have received from the Foreign Office in reply to my representations in the premises, and in which it is stated that instructions have been issued to all the British cable censors between Hongkong and the United Kingdom, as well as in the United Kingdom, to pass the messages in question, and further drawing attention to the necessity of the insertion in clear language in each message of the official designation of the sender and addressee, in order that the censors throughout the route may be able to recognize the telegrams.

I have [etc.]

WALTER HINES PAGE

File No. 841.731/1232

The Ambassador in Great Britain (Page) to the Secretary of State

LONDON, November 18, 1915.

[Received November 30.]

MY DEAR MR. LANSING: Your personal letter of October 21 regarding the stopping of telegrams by the British authorities duly reached me, and has had my earnest consideration.

In pursuance of your suggestion, I sent Mr. Laughlin to the Foreign Office several days ago to urge the matter informally and to explain the situation fully. He saw the official in charge of the bureau which deals with such questions, Mr. Montgomery, and followed your instructions exactly.

¹ *Ante*, p. 722.

² Not printed.

Mr. Montgomery promised to consult Sir Edward Grey personally, and gave Mr. Laughlin to understand that they would act on all my previous notes and give information on the line indicated by the French Foreign Office in the cases this Embassy has already presented, but called attention again to the immense labor involved and said he hoped that, if the coming investigation proved that most of the cases complained of did not involve the British authorities or that the messages were rightly stopped, I would not continue to press in future the general contention for examination in all cases.

As soon as I have any result from this step I shall write to you further.

Yours sincerely,

WALTER H. PAGE

File No. 841.731/1244

The Ambassador in Great Britain (Page) to the Secretary of State

LONDON, November 29, 1915.

[Received December 17.]

DEAR MR. LANSING: I enclose herewith a memorandum received from Sir Edward Grey, which comes to me from one of his private secretaries to Mr. Laughlin, since on Sir Edward's part Mr. Montgomery has taken the subject up with Mr. Laughlin, acting for me; if you will be kind enough to read it you will observe that Sir Edward reminds me that I have communicated with him eighteen times on this subject. Of course in addition to these communications I have had a number of conversations with him as well as with the censor.

You will observe that he quotes again the confidential notification made early in the war which states the British case in this matter. You will observe also that he forbids us to make known to the persons who sent these telegrams the reasons why they were held up—so many of them at least as were held up by His Majesty's Government.

In view of all these facts I confess that I do not see what we can hope to accomplish by further communications on the subject.

Believe me [etc.]

WALTER HINES PAGE

[Enclosure]

Mr. Hubert Montgomery to Mr. Irwin Laughlin

LONDON, November 24, 1915.

DEAR LAUGHLIN: I informed Sir Edward Grey of our conversation on the 10th instant, in which you told me that the State Department had renewed their request to have enquiries made with regard to the telegrams referred to in the notes which the Ambassador addressed to the Foreign Office in August and September.

Sir Edward has caused the necessary enquiries to be made and he wishes me to send the enclosed memorandum giving their results.

Yours sincerely,

HUBERT MONTGOMERY

[Subenclosure—Extract]

MEMORANDUM

In August and September last the American Ambassador addressed to the Secretary of State for Foreign Affairs a series of notes enclosing copies of

telegrams despatched by or addressed to firms in the United States and requested, by instructions from the State Department, that, in case it should be found that the messages in question had been suppressed by the British censors, Sir Edward Grey would inform his excellency of the reasons why the telegrams were not permitted to pass.

Sir Edward Grey had on several previous occasions, at the request of the United States Government and of other neutral governments, caused an enquiry to be made with regard to a large number of telegrams, in spite of the fact that His Majesty's Government had, in the notification issued through the International Bureau at Berne at the beginning of the war, expressly safeguarded themselves, as was their right by treaty, against giving information with regard to telegrams sent over British-controlled cables. The notification was in the following terms :

His Britannic Majesty's Government find themselves under the necessity of availing themselves of the power reserved under Article 8 of the international telegraph convention and Article 17 of the international radio-telegraph convention to suspend the transmission of telegrams and radiotelegrams to and from, or in transit through the United Kingdom, and to and from, or in transit through all British possessions and all British protectorates whatsoever, save and except such telegrams and radiotelegrams as are in the service of His Majesty's Government or of the Government of any British possession or protectorate.

With a view, however, to minimize inconvenience to the public, His Britannic Majesty's Government will, until further notice, and as an act of grace, permit the transmission of such telegrams and radiotelegrams in plain language as foreign governments or the public choose to send, provided that such telegrams and radiotelegrams are written in English or French, and on the understanding that they are accepted at the sender's risk and subject to censorship by the British authorities: that is, that they may be stopped, delayed or otherwise dealt with in all respects at the discretion of those authorities and without notice to the sender; and that no claims in respect of them, whether for the reimbursement of the sums paid for transmission or otherwise, will be considered by His Majesty's Government in any circumstances whatever

In the case of all enquiries previously made it was found either that the telegrams in question had not come into the hands of the British censors at all or that they had been passed by them or that, if they had been stopped, the action of the censors was justified by the information in their possession with regard to the senders or addressees.

In these circumstances Sir Edward Grey felt considerable reluctance in imposing on the censors the heavy task of instituting an enquiry in regard to the telegrams referred to in Mr. Page's eighteen notes of August and September last, and he so informed Mr. Page in an unofficial letter on October 2. He understands, however, that the State Department are nevertheless anxious that an enquiry should be made with regard to the present cases and, being desirous of demonstrating, in this as in other connections, the anxiety of His Majesty's Government to study the interests of *bona-fide* neutral traders, so far as is consistent with the exercise of the belligerent rights of Great Britain and of her allies, Sir Edward Grey has requested the censorship authorities to carry out a search with regard to the messages in question.

The enquiries made have so far as they have been completed had the result stated below.

Sir Edward Grey would, however, explain that he only communicates these facts for the confidential information of the State Department, in order to satisfy them that the action of the censors with regard to telegrams passing over British-controlled cables is justified by the information at their disposal; but he is bound to attach importance to upholding the principle that His Majesty's Government are not called upon to give explanations to private individuals, whether of British or foreign nationality, of the grounds for interference with telegrams passing over British-controlled cables. He therefore begs that the State Department will not communicate the details now furnished to the firms and individuals concerned. . . .

LONDON, November 24, 1915.

File No. 841.731/1185

The Secretary of State to the Ambassador in Great Britain (Page)

[Telegram]

WASHINGTON, December 22, 1915.

2614. Following from Consul General, Hongkong:

Government here under instruction London refuses permit transmission message in our naval cipher from commanding officer *Callao* to admiral at Manila. Owing to extremely delicate political situation China, highly important American naval officers here or in China via Hongkong be able use cipher now. Suggest immediate urgent representations London.

Please bring this most urgently to the attention of the Foreign Office, referring to its note to you of October 4, 1915, which stated that instructions had been issued to British cable censors between Hongkong and United Kingdom, as well as in the United Kingdom, to pass United States Navy cipher messages, and ask that immediate steps be taken to the end that the instructions referred to shall be complied with.

Cable result of your representations.

LANSING

File No. 841.731/1231

The Ambassador in Great Britain (Page) to the Secretary of State

[Telegram]

LONDON, January 13, 1916.

[Received 5.30 p. m.]

3563. Your 2614, December 22, 4 p. m., relative to telegraphic correspondence in United States naval code between American naval authorities in Far Eastern waters and the Government of the United States. Foreign Office state that British Government are prepared to accord the concession asked for and I am informed that instructions have consequently been issued to the censorship authorities to pass code telegrams between senior United States naval officers in Far Eastern waters and the Navy Department in Washington and between each other.

AMERICAN AMBASSADOR

File No. 841.731/1232

The Secretary of State to the Ambassador in Great Britain (Page)

WASHINGTON, January 19, 1916.

MY DEAR MR. PAGE: I have received your letters of November 18 and 29, the latter transmitting a memorandum from Sir Edward Grey with reference to the investigation of messages that have been stopped by the censors and have noted your remarks in connection therewith.

In view of the statement of the British Foreign Office contained in your telegram No. 701, September 19, 1914, that—

Instructions have been given to interfere as little as possible with genuine business telegrams between neutral countries—

and Sir Edward Grey's assurances conveyed in your undated telegram No. 826, and No. 1183, December 2, 1914, that—

Instructions were given to discontinue the suppression of commercial telegrams between the United States and neutral countries.

The chief censor is willing to make most searching inquiry . . . The chief censor would indeed welcome specific instances, as they would possibly be accompanied by evidence of the innocence of messages that have appearance of being suspicious and this might give a clue to the nature of a whole class of messages—

all of which information has been given to the different commercial houses in this country, I believe that a bad impression would be created here if the Department were obliged to state, in reply to complaints, that no requests for an inquiry could be made as to the reasons why specific telegrams were not permitted to pass by the British censors.

It is, therefore, my desire that you again take up the matter informally with Sir Edward Grey, expressing the hope of the Department that the British censors will investigate certain specific cases which appear to be worthy of such investigation.

In this connection it may be pointed out that it is not the Department's wish that all stopped telegrams should be investigated, but only those messages which appear to justify an inquiry.

Emphasize to Sir Edward Grey the danger of placing the British Government in a false light if the Department were now obliged to state to commercial houses in this country that that Government refuse absolutely to give consideration to such requests.

Very sincerely yours,

ROBERT LANSING

INTERFERENCE WITH THE MAILS BY BELLIGERENT GOVERNMENTS: SUPERVISION OF THE MAILS BY AMERICAN AUTHORITIES

Ordinary Mail and Parcel Post

File No. 763.72112/1019

Memorandum of the Post Office Department

[Extract]

WASHINGTON, March 18, 1915.

[*Handed to the Secretary of State March 19.*]

In the absence of direct steamship service from the United States to Germany, Austria and Hungary, our parcel-post mails for those countries are dispatched via the Netherlands. The Netherlands is under no obligation to permit the dispatch via that country of parcel-post mails from the United States to countries beyond the Netherlands and consented to the arrangement for the dispatch of the parcel mails above mentioned on condition that this Department would guarantee the exclusion from said parcel-post mails of contraband of war.

Under date of January 15, the Department of State in response to this Department's request for information to enable it to meet

the conditions named by the Netherlands, furnished a copy of the British contraband list of the 29th of October, 1914, consisting of a schedule of articles designated as contraband and a schedule of articles designated as conditional contraband.¹ The articles designated in said list as contraband are absolutely excluded from the parcel-post mails in question, but the articles designated as conditional contraband are admitted to said mails except when destined for the government of any of the three belligerent countries named or its armed forces. . . .

JOSEPH STEWART

Second Assistant Postmaster General

File No. 763.72112/1834

The Secretary of State to the Postmaster General (Burluson)

WASHINGTON, *March 22, 1915.*

MY DEAR MR. BURLUSON: The President has sent me a note, approving the plan which I submitted to him on Saturday last, with reference to forwarding to the countries now at war by parcel post any articles of merchandise. The plan is simply to announce: *First*, that so far as the action of belligerent countries is concerned, the rules which apply to merchandise sent by freight or express shall apply also to merchandise sent by mail, and *secondly*, that merchandise deposited at the various post offices to be sent into belligerent territory, will be accepted and sent at the sender's risk.

This plan would leave merchandise sent by mail to be dealt with by belligerents in the same manner as shipments by other means; in other words, the question of forfeiture involved would in either case be left for the decision of the prize courts. In the sending of merchandise by parcel post, care could be taken to have it put up in packages separate from the ordinary mail, so that any action taken in regard to merchandise need not delay or otherwise embarrass the regular mail traffic. This plan, I believe, would relieve us of the difficult and delicate task of enforcing at our post offices the orders in council of the British Government recently issued, to the validity of which we have not committed ourselves.

I am [etc.]

W. J. BRYAN

File No. 763.72112/1432

The Postmaster General (Burluson) to the Secretary of State

WASHINGTON, *July 30, 1915.*

[*Received July 31.*]

SIR: I have the honor to acknowledge the receipt of your letter of the 26th instant, enclosing a copy of a letter from Frank A. Page, Industrial Trust Building, Providence, Rhode Island, relative to the importation by parcel post from Germany of articles of German origin.²

¹ *Foreign Relations*, 1914, Supplement, p. 261.

² Not printed.

In reply, I have to inform you that the parcel-post service is in operation between the United States and Germany, the parcel-post mails for and from Germany being dispatched via Rotterdam.

The Department has no reason to believe that parcel-post mails from Germany for this country or from this country for Germany have been interfered with by any intervening country.

By direction of the Postmaster General.

Very respectfully,

A. A. FISHER

Acting Second Assistant Postmaster General

File No. 763.72112/1697

The British Ambassador (Spring Rice) to the Secretary of State

WASHINGTON, *October 5, 1915.*

[*Received October 9.*]

MY DEAR MR. SECRETARY: In your letter to me of August 25¹ you were good enough to inform me that contraband articles were excluded from the parcel-post mails from this country for Germany and Austria-Hungary.

I am informed on good authority that a shipment of some six tons of tungsten ore is being sent from New York to Germany by parcels post in canvas bags weighing not more than 10½ pounds gross each. The names of the addressees in Germany have not been ascertained but the dispatch of the goods is being attended to by the Snow United States Express Company of 17 Battery Place. It seems that the instructions in connection with the shipment have been issued to Messrs. Snow by the S. K. T. Ball Bearing Company of New York City.

Tungsten ore is covered in the British contraband list by the designations wolfram and scheelite.

The above information is accordingly brought to your knowledge for consideration and for such investigation as your Government may think proper to make.

Believe me [etc.]

CECIL SPRING RICE

File No. 763.72112/1733

The British Ambassador (Spring Rice) to the Secretary of State

WASHINGTON, *October 12, 1915.*

[*Received October 15.*]

MY DEAR MR. SECRETARY: With reference to your note of August 25 last,¹ in which you were good enough to forward to me a letter from the Post Office Department to the effect that contraband articles were excluded from the parcel-post mails from this country to Germany and Austria-Hungary, I have the honour to bring to your notice the following information which has reached His Majesty's Embassy:

¹Not printed.

The Rex Chemical Company of Broadway, New York, are said to be shipping large quantities of "mineral slag" by parcel post.

The Traun Rubber Company, of Broadway, are said to be shipping large quantities of rubber by parcel post formerly under the designation of "Printing Material Compound" and lately of "Rubber Stamp Material."

Large consignments of strong heavily made shoes suitable for military use have also been sent by parcel post and the size and number of these shipments would appear to indicate an organized attempt to evade, by the use of United States mails, the legitimate efforts of the Allied Governments to prevent contraband articles reaching Germany and Austria.

I have no means of controlling this information and I therefore submit it to you unofficially for such enquiry as may be deemed proper.

I am [etc.]

CECIL SPRING RICE

File No. 841.711/107a

The Secretary of State to the Ambassador in Great Britain (Page)

[Telegram]

WASHINGTON, November 4, 1915.

2404. For your information. On November 1 I had an interview with the British Ambassador in which I discussed complaint of the Postmaster General that sealed letter mail passing between the United States and neutral European countries over British territory was being opened, censored, and in some instances retained by the British authorities contrary to the terms of the postal convention of 1906.¹ The Ambassador was informed that the Postmaster General had referred particularly to Articles 1, 4, 11, and 16 of the convention and Article 1 of the regulations for putting the convention into effect, and that under Article 1 of the regulations it seemed that the British postal administration should have notified the United States postal administration either that Great Britain would not act as an intermediary for the transit of such mails, or that if she continued to act as intermediary, she would exercise a censorship over such mails.

The British Ambassador has promised to take the matter up immediately with his Government.

LANSING

File No. 763.72112/1819

The Secretary of State to the British Ambassador (Spring Rice)

WASHINGTON, November 8, 1915.

MY DEAR MR. AMBASSADOR: In further reply to your personal note of October 5, 1915, wherein you advised the Department that you had been informed on good authority that a shipment of six tons of tungsten ore was being sent from New York to Germany by parcels

¹ 35 Stat. L. 1639 *et seq.*

post, I beg to advise you of the reply made by the Postmaster General to this Department's letter on the subject. The Postmaster General states that in response to his inquiry in the matter the Postmaster of New York City reported as follows under date of the 29th ultimo:

All parcel-post packages destined for Germany are examined here and it can be positively stated that the tungsten ore referred to herein has not been dispatched by mail to Germany.

I am [etc.]

ROBERT LANSING

File No. 841.711/111

The British Ambassador (Spring Rice) to the Secretary of State

MEMORANDUM

The British Ambassador presents his compliments to the Secretary of State, and has the honour to inform him that he duly communicated to the authorities in London the view held by the Department of State as to the necessity of a notification being made by His Majesty's Government, in the event of the British postal authorities finding themselves obliged to suspend temporarily the despatch of mails received from the United States postal authorities.

From a telegram now received from the Foreign Office it is understood that the British Postmaster General on the 28th July, 1915, and on the 18th October, 1915, replied to communications on this subject received from the United States postal administration. As regards the question of notifying, under Article 1 of the detailed regulations for the execution of the postal convention, the intention of the British authorities to exercise a censorship in the case of mails passing through their hands, the British authorities are of opinion that the regulation in question cannot be held to be applicable to the case of the introduction of a censorship of this nature by a belligerent state.

CECIL SPRING RICE

WASHINGTON, November 26, 1915.

[Received November 29.]

File No. 841.711/112

The Secretary of State to the Ambassador in Great Britain (Page)

[Telegram]

WASHINGTON, December 1, 1915.

2526. The Netherlands Minister here informed me that he had received a telegram from his Minister of Foreign Affairs stating that the British Minister at The Hague had advised him that the British Government intend to no longer respect the inviolability of mails on the open seas. Netherlands Minister of Foreign Affairs proposes to protest against this measure.

As Department has received no information concerning this matter please investigate and report.

LANSING

File No. 841.711/114

The Ambassador in Great Britain (Page) to the Secretary of State

[Telegram]

LONDON, *December 3, 1915, 12 p. m.*

[Received 11.45 p. m.]

3334. Your 2526, December 1, 7 p. m. I learn from Sir Edward Grey that German action in the North Sea and adjacent waters and the desirability closing all existing channels of information to Germany has led the British Government to consider the possibility of modifying their present practice as regards mail matter on neutral vessels emanating from or addressed to enemies, but no decision has yet been reached.

British representatives in neutral countries have accordingly been asked for reports on the subject.

British Minister at The Hague made no such statement of intention as that contained in your telegram under acknowledgment. In a conversation with Netherlands Minister for Foreign Affairs he merely foreshadowed the possibility of British Government being driven to make that change. A request for a similar report was mailed to Spring Rice about a week ago.

AMERICAN EMBASSY

File No. 763.72112/1979

*The Postmaster General (Burluson) to the Secretary of State*WASHINGTON, *December 4, 1915.*

SIR: Referring to letter of your Department of the 30th ultimo,¹ I have the honor to inform you that suspension of the parcel-post service to Germany, Austria and Hungary became necessary because the requisite transportation facilities were no longer available.

International parcel post is provided for under separate agreements between nations. Under such agreements parcel-post mails were exchanged direct between the United States and the countries above named prior to the outbreak of the European war. After the war began, when direct steamship service ceased between the United States and those countries, arrangement was made with the postal administration of the Netherlands for continuation of the parcel-post service to Germany, Austria and Hungary by the Holland-America Line through Rotterdam. This route is not now available and there is no other route by which parcel mails for Germany, Austria and Hungary can be sent at present.

The Department is making every effort, however, to provide for the resumption of the service, and if resumption of service can be arranged, appropriate announcement respecting the matter will be made at the earliest date possible.

By direction of the Postmaster General.

Very respectfully,

OTTO PRAEGER

Second Assistant Postmaster General

¹ Not printed.

File No. 763.72112/1834

The Secretary of State to the British Ambassador (Spring Rice)

WASHINGTON, December 8, 1915.

MY DEAR MR. AMBASSADOR: Referring to your personal note of October 12, 1915, relative to the alleged shipment by parcels post from New York to Germany and Austria of mineral slag, rubber, and shoes, I beg to advise you that the Department is now in receipt of a letter from the Postmaster General, communicating a report from the postmaster at New York, in which it is stated that no parcels containing printing material compound or rubber stamp material have been shipped through that office to Germany; but that mineral slag, not being included in the contraband list of your Government, parcels said to contain that product have been sent by parcels post to Germany.

The postmaster stated also, that shoes being on the conditional contraband list have not been considered as prohibited and that parcels containing shoes have been shipped to private parties in Germany and Austria.

I am [etc.]

ROBERT LANSING

File No. 841.711/119

The Netherland Minister (Van Rappard) to the Secretary of State

No. 3704]

WASHINGTON, December 13, 1915.

MY DEAR MR. SECRETARY OF STATE: Referring to our previous correspondence on the subject of the violating of the mail on neutral ships by the British authorities, I just got a new cable from my Government in which Mr. Loudon firstly states that the word "intention" used in his cable of November 28, which I handed to you November 29, was not correct. The British Minister at The Hague had told him that the British Government considered the "possibility" of no more respecting mail on neutral ships.

In the meantime the two following facts prove that the British Government have found the violation of the mail on neutral ships "possible." The mail of the Dutch steamer *Frisia*, when entering the Channel homebound to Amsterdam, has been partly taken from on board by the British Navy, as also happened to the German mail destined to the United States, which was taken from the Dutch steamer *Noordam*, when leaving the North Sea bound for New York.

The Netherland Minister of Foreign Affairs instructs me to cable at once what steps the United States Government contemplate taking as a result of last-named measure touching American interests.

I feel sure that the seriousness of this case will kindly induce you to enable me as quickly as possible to give my Government the information they desire to obtain, and offering you [etc.]

W. L. F. C. v. RAPPARD

File No. 841.711/124

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

[Telegram]

STOCKHOLM, December 14, 1915, 4 p. m.

[Received December 15, 8.30 a. m.]

79. Reported Stockholm and confirmed to me by postal administration that British authorities took from Danish steamer *Hellig Olav* and detained in Kirkwall three hundred bags mail destined for Sweden from America. Steamer arrived Copenhagen December 11.

MORRIS

File No. 841.711/119

The Secretary of State to the Netherland Minister (Van Rappard)

WASHINGTON, December 16, 1915.

MY DEAR MR. MINISTER: I have received your letter No. 3704, of December 13, 1915, concerning the interference with mail on neutral vessels by the British authorities, in which you cite two instances of the removal of mail from the Dutch steamers *Frisia* and *Noordam*.

In reply I beg to refer you to my letter of December 9 regarding the matter,¹ and to state that no further advices in the premises have been received from either the American Ambassador at London or the British Ambassador here.

I am [etc.]

ROBERT LANSING

File No. 841.711/131

The Swedish Minister (Ekengren) to the Secretary of State

WASHINGTON, December 18, 1915.

SIR: Referring to my note of the 17th instant, relative to 300 sacks of parcel post from this country to Sweden, recently seized by the British authorities at Kirkwall,¹ I have the honor to state that his excellency the Minister for Foreign Affairs has instructed me, in a cablegram dated the 17th instant, to bring to your excellency's knowledge that the British authorities at Kirkwall on the 16th instant seized 58 sacks of parcel post from the S. S. *Stockholm*, destined to the United States from Sweden.

Further I have the honor to state that the Royal Government on account of this has lodged a protest with the British Government, and has also issued an order to the Royal Postmaster General to detain, for the present, articles that, per parcel post, pass through Sweden in transit, either to or from England.

As the mail sacks taken from the S. S. *Hellig Olav* were sealed by the United States postal seal, Mr. Wallenberg finally directs me to suggest to your excellency that representations in the matter be made at London by the United States Government, in order to prevent a repetition of this act.

With renewed assurances [etc.]

W. A. F. EKENGREN

¹ Not printed.

File No. 841.711/129

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

[Telegram]

STOCKHOLM, December 19, 1915, 10 a. m.

[Received 3.30 p. m.]

81. My telegram 80, December 17.¹ Now announced that English authorities here also removed all Scandinavian parcel post from *Oscar II en route* to Scandinavia and that parcel-post traffic to America temporarily interrupted and that all English transit parcel post held.

MORRIS

File No. 841.711/144

The Consul General at London (Skinner) to the Secretary of State

[Telegram]

LONDON, December 24, 1915.

[Received 3.55 p. m.]

Customs at Kirkwall seized, 18th, 597 bags parcel mail from *Frederik VIII* manifested for Norway, Sweden, and Denmark.

SKINNER

File No. 841.711/145

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

[Telegram]

BERLIN, December 24, 1915.

[Received December 25, 4.50 p. m.]

3263. American Association of Commerce and Trade here request me to inform you that 5,000 packages of merchandise, American property, have been seized by British Government from Danish steamer *United States* on her last trip to United States.

GERARD

File No. 841.711/152

The Minister in the Netherlands (Van Dyke) to the Secretary of State

[Telegram]

THE HAGUE, December 28, 1915.

[Received December 29, 8.30 a. m.]

463. Entire mail from the United States to the Netherlands was taken from Dutch vessel *Nieuw Amsterdam* by the British Admiralty at Falmouth, December 23, and is still held in England. Diplomatic and consular communications from Washington must have been included in this unlawful seizure. Dutch vessel *Noorderdijk* arriving Rotterdam December 20, not touching at Falmouth, was deprived of American mail at the Downs. It is still detained in Eng-

¹ Not printed.

land. I am convinced that a prompt peremptory protest to the British Government is necessary to prevent recurrence of this act of violence and to protect the dignity of the United States. If the protest is disregarded, I believe reprisals should be made. Referring to my despatch of December 28, 1914, No. 182.¹

VAN DYKE

Diplomatic and Consular Mail

File No. 124.0665/7

The Ambassador in Turkey (Morgenthau) to the Secretary of State

[Telegram]

CONSTANTINOPLE, *January 17, 1915, 3 p. m.*

[*Received January 18, 8.30 a. m.*]

306. Your 71, November 25,² and your 262 of the 13th instant.¹ Note received from Foreign Office stating that, owing to the extreme gravity of the present situation, decisions now in force (enclosure No. 2, despatch 137, November 28¹) regarding restrictions of sealed official correspondence cannot be changed. By these decisions military commanders of districts where military movement is taking place are empowered to stop all sealed official correspondence between consulates and embassy, etc. Will file protest.

AMERICAN AMBASSADOR

File No. 124.0665/8

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

[Telegram]

PARIS, *January 26, 1915.*

[*Received January 27, 7.40 a. m.*]

495. Your 310, November 25, relative to transmission diplomatic correspondence.² Foreign Office in note states that no correspondence to or from American diplomatic or consular officers has as yet been opened by the French postal administration. Note continues:

Reserving all questions of principle, the Government of the Republic is disposed to maintain the inviolability of official correspondence of diplomatic agents and, actuated by friendly spirit, that of consular agents of United States as requested by American Embassy and under following conditions: Consuls not having in their official quality any right to claim the immunity asked, it is only to consuls *de carrière* that this immunity is accorded.

The Government of the United States should give in a written note formal guarantee that no letter or communication of a private nature will be transmitted in the official correspondence above mentioned.

SHARP

¹ Not printed.

² *Foreign Relations*. 1914, Supplement, p. 542.

File No. 124.0665/12

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

[Telegram]

BERLIN, February 10, 1915.

[Received February 11, 7.30 p. m.]

1559. Your 709, November 25,¹ and circular, December 18,² German Government agrees to regulations for transmission of correspondence of American diplomatic and consular officers in Germany with following modifications: (1) All correspondence from Embassy to consuls and from consuls to Embassy inviolable if under seal of office, but not correspondence between consuls; (2) and (3) accepted without modification; (4) official correspondence under seal of office from Department to Embassy and consuls and from Embassy to Department is not to be opened or molested, correspondence under seal of office from neutral consuls to other respective governments is not permitted, sealed letters from American consuls to Department can only be sent through Embassy; (5) and (6) accepted without modification.

GERARD

File No. 124.0665/18

The Ambassador in Great Britain (Page) to the Secretary of State

No. 861]

LONDON, February 8, 1915.

[Received February 24.]

SIR: With reference to the Department's telegram, No. 620 of November 25 last,¹ on the subject of the desired establishment of uniform regulations for the transmission of correspondence of diplomatic and consular officers in belligerent territory, I have the honor to transmit herewith enclosed a copy of a note I have just received from the Foreign Office in reply to the communication I hastened to make under your instructions.

I have [etc.]

WALTER HINES PAGE

[Enclosure]

The British Secretary of State for Foreign Affairs (Grey) to the American Ambassador (Page)

No. 11873/15]

LONDON, February 6, 1915.

YOUR EXCELLENCY: With reference to the note which you were good enough to address to me on the 26th of November last, I have the honour to inform your excellency that His Majesty's Government are ready to accept the proposed regulations put forward by the United States Government for the exemption from censorship of the correspondence of the United States diplomatic and consular representatives in belligerent territory, subject to the following conditions which they feel bound to request the United States Government to accept:

- (1) That the United States Government should formally recognize that consular officers have no claim as such to the exemption in question and that the present concession is made purely as an act of friendship between the two countries.

¹ *Foreign Relations*, 1914, Supplement, p. 542.² Circular not printed.

- (2) That the extension of the privilege of exemption to consuls shall be strictly confined to consuls *de carrière*.
- (3) His Majesty's Government are compelled by the necessities of the military situation to request the United States Government to be so good as to give a written guarantee that there shall be strict observance of the rule that no private correspondence of individuals or of firms shall be forwarded to or from diplomatic or consular officers under official cover or seal.

I have [etc.]

E. GREY

File No. 124.0665/21

The Ambassador in Japan (Guthrie) to the Secretary of State

No. 219]

TOKYO, February 23, 1915.

[Received March 18.]

SIR: With reference to the Department's telegram of November 25 last,¹ concerning the establishment of uniform regulations for the transference of correspondence of American diplomatic and consular officers in belligerent territories, I have the honor to transmit herewith a copy of a *note verbale* received from the Foreign Office in response to this Embassy's representations.

I have [etc.]

GEO. W. GUTHRIE

[Enclosure]

The Japanese Foreign Office to the American Embassy

NOTE VERBALE

In reply to the *note verbale* of the American Embassy in Tokyo under date November 27, 1914, relative to the transmission of the official correspondence of American diplomatic and consular officers, the Imperial Department of Foreign Affairs has the honor to make the following statement:

The Imperial Government, although they are at present in state of war, are treating the mail matter referred to in the above-mentioned *note verbale* of the American Embassy in Japanese territory in absolutely the same manner as in time of peace, and do not, therefore, deem it necessary at this juncture to conclude a special agreement on the subject; but if the United States Government still desire to conclude such an agreement, they will have no objection to the acceptance of the American proposals, subject to the following conditions:

1. That any mail matter which is deemed to contain prohibited matter or other matter which has been sent contrary to regulations will, whether the proposed agreement is concluded or not and whoever may be the sender or recipient of such mail matter, be dealt with according to the provisions of Article 16 of the Imperial postal law and Article 16 of the international postal convention concluded at Rome;
2. That it is understood that the localities which are occupied, blockaded, or invested by Imperial forces and those localities in Japanese territory where law on the state of siege (*Kaigen Rei*) is in force shall not come within the scope of the proposed agreement;
3. That the United States Government formally recognize the fact that consular officers, as such, having no claim to the above-mentioned exemption, the concession is merely a friendly act, that the same Government engage by a written guarantee for the strict observance of the rule that no private correspondence shall be sent under official seal or cover by United States diplomatic or consular officers, and that consuls *de carrière* alone should have the privilege.

TOKYO, February 17, 1915.

¹ *Foreign Relations*, 1914, Supplement, p. 542.

File No. 124.0665/23a

*The Secretary of State to the Ambassador in France (Sharp)*¹

[Telegram]

WASHINGTON, April 23, 1915.

Department's 310, November 25, 1914,² and circular December 18, 1914.³ In view of understanding between United States and belligerent countries regarding inviolability of Department's diplomatic and consular correspondence, the following rules established by the Department are hereby called to your attention:

1. Communications from private individuals or institutions abroad to private individuals or institutions in United States should not be sent in Department pouches.

2. Personal letters from United States diplomatic or consular officers or employees of American missions or consulates abroad addressed to private individuals in United States may be sent in pouches, but should be censored by heads of missions with a view to prevent transmission of statements which would otherwise be censored by Governments, and should be left unsealed with postage fully prepaid.

3. Official correspondence of diplomatic and consular officers to individuals outside of Department should be marked "Official business," and should be left unsealed.

4. Communications from nations at war to agents in the United States should not be transmitted through pouches.

5. The Department reserves right to censor all mail received in the pouches.

BRYAN

File No. 124.0665/29b

The Secretary of State ad interim to Diplomatic Officers in Belligerent Countries

[Circular telegram]

WASHINGTON, June 12, 1915.

Department's circular April 23, paragraph 2. Department will no longer exercise right of censorship in case of letters from diplomatic and consular officers to members of their families transmitted in pouch, and considers that chiefs of missions need not open and scrutinize such correspondence provided they are given satisfactory assurances that the letters do not contain any information regarding the war or other unneutral statements.

LANSING

¹ The same, *mutatis mutandis*, to diplomatic officers in other belligerent countries.

² *Foreign Relations*, 1914, Supplement, p. 542.

³ Circular not printed.

THE REMOVAL BY BELLIGERENT NAVAL AUTHORITIES OF FOREIGN SEAMEN FROM AMERICAN SHIPS ON THE HIGH SEAS

File No. 344d62/16

*The Secretary of State to the Ambassador in France (Sharp)*¹

[Telegram]

WASHINGTON, December 7, 1914.

357. August Piepenbrink, waiter or steward on American registered steamer *Windber* bound to New York, was taken from that vessel by officers of French cruiser *Condé*, about November 13, while on the high seas some two days out of Colon and 250 miles south of Kingston. Piepenbrink is of German birth, but had regularly filed declaration of intention to become American citizen at Sacramento, California, in 1910. He is now detained prisoner at Kingston, Jamaica, in charge of British officials. Action of French cruiser in seizing Piepenbrink is deemed to have been without right, as also his arrest and detention by British authorities. You will ask French Government for orders for his release.

BRYAN

File No. 344d62/26

The Ambassador in Great Britain (Page) to the Secretary of State

[Telegram]

LONDON, January 4, 1915.

[Received 3.40 p. m.]

1395. Your 705, December 7.² British Government answers that although August Piepenbrink has declared intention of becoming American citizen he appears from a legal standpoint to be still a German subject if he has not actually taken out letters of naturalization and that in these circumstances it is not possible for him to be released.

AMERICAN AMBASSADOR

File No. 351.622a/10

The Secretary of State to the French Ambassador (Jusserand)

WASHINGTON, January 21, 1915.

EXCELLENCY: Referring to the Department's informal communications³ to your excellency in regard to the American registered steamship *Metapan*, Captain Spencer, owned by the Metapan Steamship Company and flying the American flag, which was, according to the report of the American Consul at Barranquilla, Colombia, on the 4th of October last detained on the high seas off the coast of that country by the French cruiser *Condé*, I have the honor to call this matter formally to your attention. It appears from the Consul's report that the *Metapan* was obliged to submit to a rigid examination and search, that her passenger lists were examined for the purpose

¹ The same, *mutatis mutandis*, to the Ambassador in Great Britain, No. 705, December 7.

² See preceding footnote.

³ Not printed.

of ascertaining whether passengers of German nationality were on board, and that, finding three such who had taken passage from Colon to Barranquilla, returning from New York, they were required to sign paroles not to take up arms in the present European war, or until exchanged, under threat of being forcibly taken from the ship as prisoners of war of the French Republic. The names of these persons are reported to be F. W. Scheller, Erwin Bobisch, and Otto Morsblech, and the document which they were obliged to sign was written in the French language, and reads as follows:

[Translation]

PLEDGE NOT TO SERVE THE ENEMY

October 4, 1914.

I, the undersigned Johannes Heinsolm, of German nationality, born at Hamburg, July 10, 1894, at present residing at Bogotá, Colombia, passenger on the ship *Metapan* (United Fruit Company), declare that I formally engage not to serve on a German or Austrian ship during the war. I declare that I formally engage, for the duration of the war, not to take any service connected in any way with the operations of war. I recognize that it is in consideration of the present formal pledge that Captain Grant, commanding the French cruiser *Condé*, has set me at liberty.

Done in triplicate: Two copies to the Commander of the *Condé*, who has signed with me, and a third delivered to me.

For the Commanding Officer of the *Condé*:

BALLEY
JOH. HEINSOLM

The American Consul further states that these German passengers were in no sense combatants, were not an organized military body, and were not under arms.

I have the honor, in behalf of my Government, to request that these facts be laid before your Government, with the statement that, if they prove to be correct, the Government of the United States will be under the necessity of protesting against this exercise of French jurisdiction over an American vessel flying the American flag on the high seas, to the extent of compelling passengers of whatever nationality to sign paroles not to take part in the European war, under threat of being taken into custody and removed from the vessel.

Your excellency will appreciate that the length of time which has elapsed since this incident occurred without the matter having been formally called to your Government's attention has been due to the friendly disposition of my Government to allow ample time for the French Government to investigate the case and express its views in respect to an act of their naval authorities which the Government of the United States regards with grave concern.

Accept [etc.]

W. J. BRYAN

File No. 344d.62/31

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

[Telegram]

PARIS, January 22, 1915.

[Received 11.50 p. m.]

484. Your 357, December 7. Foreign Office advises that August Piepenbrink having at time of his arrest made no protest or shown

any certificate indicating his intention to become a naturalized American, was handed over to the Governor of Kingston in whose province it now rests to decide question of his liberation.

SHARP

File No. 351.622a/7

The French Ambassador (Jusserand) to the Secretary of State

[Translation]

WASHINGTON, January 23, 1915.

[Received January 25.]

MR. SECRETARY OF STATE: By your letter of the 21st instant your excellency was pleased to remind me of the conditions under which the steamship *Metapan* had been detained by the cruiser of the French Navy *Condé* on October 4 last and asked me to let you know as soon as possible my Government's views on the incident.

I had not failed to transmit to my Government a copy of your excellency's earlier communication on the subject. On receipt of that document, the Minister of Foreign Affairs of the Republic had instructed me by a despatch that reached the Embassy at about this time to acquaint the Federal Government with his position on the alleged facts. Your excellency had specially stated that if the facts as reported proved to be correct you would deem it a matter of necessity to protest "against the exercise of French jurisdiction over vessels flying the American flag on the high seas to the extent of compelling passengers of whatever nationality to submit to the orders of French naval officers who demand that they sign paroles not to take part in the pending conflict in Europe under threat of being taken away as prisoners of war."

My Government which apparently had not received any report on the incident from the *Condé* at the time the instructions were written and therefore takes in the reply it sent me its standpoint on principles and not on facts, wishes me to say to your excellency that it does not see that it can share the views you had been pleased to express on the subject.

Indeed, in visiting a neutral vessel on the high seas and bringing, as it did in this case, the passengers of enemy nationality found on board such a vessel under its examination, a belligerent cruiser exercises a right of supervision which international law and usage have always recognized and which, as a matter of fact, self-defense demands.

In the second place, in confining itself to insure the harmless character of the enemy passengers, without seizing the vessel or taking her out of her course, by a declaration pledging them not to take part in the hostilities, the French cruiser *Condé* acted in accordance with the instructions of 1912 of the French Navy (paragraphs 59 and 144) published even when peace prevailed and against which, to the best of the knowledge of the Government of the Republic, the Government of the United States did not protest.

Lastly, as is known to the Government of the United States,¹ jurisprudence recognizes² the belligerent's right to oppose the con-

¹ Moore's *Digest of International Law*, vol. 7, pp. 753, 759.

² *Orozembo case*, 6 *Robinson's Reports* 430.

veyance of enemy subjects traveling for the purpose of taking part in the war.

My Government hopes that your excellency will admit that the commander of the *Condé* did not, by his reported action, exceed his rights and that when he came across passengers of the enemy nationality whose military character was open to doubt, he treated them with as little rigor as the care of our defense allowed, since, if they really did not belong to the German Army and had no intention to join it, he simply made them sign a promise that coincided with their situation and intentions.

Be pleased [etc.]

JUSSERAND

File No. 344d112P59/a

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

[Telegram]

WASHINGTON, *March 2, 1915, 2 p. m.*

600. Your 484, January 22. Inform Foreign Office that this Government regards the seizure of Piepenbrink by the French Government and his detention by the British Government as unjustifiable, and has to-day addressed a communication on this subject to the British Government requesting his immediate release and setting forth the grounds of objection to his detention, which apply equally to his seizure, the responsibility for which rests with the French Government. A copy of this communication is appended for the information of the Foreign Office, and its attention should also be called to the rule stated by the French Minister of Foreign Affairs in a note dated December 3, 1861, to the French Minister at Washington, in regard to the *Trent* case, as follows:

[Translation]

The destination of the *Trent* was not a point belonging to one of the belligerents. She was carrying her cargo and her passengers to a neutral country, and, moreover, she had taken them on in a neutral port. If it were admissible that under such conditions the neutral flag did not completely cover the persons and merchandise which it was transporting, its immunity would not longer be anything but an empty word; at any time the commerce and navigation of third powers would have to suffer from their harmless or even indirect relations with one or the other of the belligerents; the latter would no longer be entitled merely to require entire impartiality of a neutral and to forbid him from interfering in any way in the hostilities; but they would place upon his freedom of commerce and navigation restrictions the lawfulness of which modern international law has refused to admit.¹

The seizure of Piepenbrink by the French Government was clearly contrary to the rule thus announced by that Government.

The communication to be presented to the British Government is as follows:²

It is understood that the only reason assigned by British Government for Piepenbrink's detention is that although he has declared his intention to become an American citizen, he has not actually taken out letters of naturalization, and appears from a legal standpoint to be a German subject. In reply to this and supplementing the grounds upon which this Government objects to his

¹ Calvo (5th ed.), vol. 5, pp. 94-5.

² Telegram No. 1209, March 2 (File No. 344d.112P59/b).

detention as set forth in Department's No. 705, December 7 (which corresponds to Department's 357, December 7 to you), inform British Government that since he declared his intention of becoming American citizen in 1910, Piepenbrink has been employed in the American merchant marine, and call attention to Section 2174, United States Revised Statutes, which provides that every foreign seaman employed on board American merchant vessels having declared intention of becoming a citizen, "shall, for all purposes of protection as an American citizen, be deemed such, after the filing of his declaration of intention to become such citizen." Also point out that independently of any question of Piepenbrink's American citizenship, this Government insists that his removal from an American vessel on the high seas was without legal justification. The facts show that Piepenbrink was not embodied "in the armed forces of the enemy" in the sense of the rule on that subject in the Declaration of London, and apart from the Declaration of London, which this Government does not recognize as in force, there is no justification in international law for the removal of an enemy subject from a neutral vessel on the high seas bound to a neutral port, even if he could properly be regarded as a military person. The rule was stated for Great Britain by Earl Russell in the *Trent* case (*Moore's Digest*, vol. 7, p. 772) as follows:

If the real terminus of the voyage be *bona fide* in a neutral territory, no English, nor, indeed, as Her Majesty's Government believe, any American, authority can be found which has ever given countenance to the doctrine that either men or despatches can be subject, during such a voyage, and on board such a neutral vessel, to belligerent capture as contraband of war.

For these reasons, which you will urge upon the attention of the British Government, you are instructed to again request that orders be issued for Piepenbrink's immediate release.

BRYAN

File No. 344d112P59/4

The Ambassador in Great Britain (Page) to the Secretary of State

No. 1166]

LONDON, April 6, 1915.

[Received April 16.]

SIR: With reference to your telegram No. 1209 of March 2 last,¹ relative to the detention of August Piepenbrink, I have the honor to enclose herewith a copy of a note I have just received from the Foreign Office, stating that the British and French Governments have decided to liberate this man as a friendly act, while reserving the question of principle involved, upon which my telegram No. 1879 of to-day was based.

I have [etc.]

WALTER HINES PAGE

[Enclosure]

The British Secretary of State for Foreign Affairs (Grey) to the American Ambassador (Page)

No. 30615/15

[File copy undated.]

YOUR EXCELLENCY: With reference to your excellency's note of the 4th instant, relative to the detention of August Piepenbrink, a German subject, who was taken prisoner by the French cruiser *Coudé* out of the United States steamship *Windber* and is at present detained at Kingston, Jamaica, I have the honour to inform your excellency that His Majesty's Government, in common with the French Government, have decided to liberate this man as a friendly act, while reserving the question of principle involved.

I have [etc.]

For the Secretary of State:

A. LAW

¹ See footnote 2, *ante*, p. 747.

File No. 344d112P59/3

The Secretary of State to the Ambassador in Great Britain (Page)

No. 898]

WASHINGTON, April 21, 1915.

SIR: The Department is in receipt of your telegram of April 6, 1915, No. 1879, 1 p. m.,¹ in which, with reference to the case of one August Piepenbrink, who was taken from the American steamer *Windber* and delivered to the British authorities at Kingston, Jamaica, as a prisoner of war, you report that you are in receipt of information from the Foreign Office to the effect that the British Government, in common with the French Government, has decided to liberate Piepenbrink as a friendly act without referring to the question of the principle involved.

The Department is glad to learn that Piepenbrink is to be released.

I am [etc.]

For the Secretary of State:

ROBERT LANSING

File No. 344d112P59/11

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

No. 533]

PARIS, April 21, 1915.

[Received May 3.]

SIR: Confirming this Embassy's telegram No. 699 of April 17, relative to the case of one Piepenbrink taken from the American ship *Windber* and held under arrest as a prisoner of war at Kingston, I have the honor to enclose herewith a copy and translation of the note from the Minister of Foreign Affairs, the substance of which was embodied in my telegram No. 699.

I have [etc.]

WM. G. SHARP

[Enclosure—Translation]

The French Minister of Foreign Affairs (Delcassé) to the American Ambassador (Sharp)

April 15, 1915.

MR. AMBASSADOR: By your letter of December 11, 1914, your excellency was pleased to bring to my attention the case of a certain Piepenbrink, August, waiter on board the American vessel *Windber*, who was arrested by the French cruiser *Condé* and landed at Kingston, where the English authorities of that port held him as prisoner of war.

I have the honor to inform you that the case of the said Piepenbrink was duly submitted to the kind consideration of the British Government, and that the latter is in accord with the French Government to agree to release this prisoner of war, as a special favor, while reserving the question of principle. The British Foreign Office has addressed a note in this sense to the American Embassy at London and informs me that the necessary instructions have been given to the authorities at Kingston to liberate Piepenbrink.

Kindly accept [etc.]

DELCASSÉ

¹ Not printed.

File No. 763.72111/2256

The Secretary of State to the German Ambassador (Bernstorff)

WASHINGTON, May 28, 1915.

MY DEAR MR. AMBASSADOR: I desire to call to your attention a matter which has given this Government great concern. The Government is informed that a German torpedo boat held up and searched on the high seas on the last of April, 1915, off the Swedish coast at Malmö the American steamship *Muskogee*, flying the American flag en route between Copenhagen and Stockholm, and that the German boat took away, notwithstanding the remonstrances of the American captain, two seamen, boatswain Hans Petersen, a Norwegian, and Jan Reijkers, a Dutchman, who had regularly shipped as members of the *Muskogee's* crew.

It is not necessary to point out to you the objectionable features of this incident, which it appears partly disabled the American vessel by reason of the loss of two men who, according to the captain's statement, were most essential to his ship, as they performed certain duties which other members of his crew did not understand.

I desire to request that you bring this matter to the attention of your Government, with the suggestion that a thorough investigation be made of the incident, for if the facts here set forth prove to be true, this Government will be under the necessity of presenting formal representations to your Government in the matter, on the general ground that the jurisdiction of the United States over its merchant vessels on the high seas has been unduly disregarded by the German authorities.

I am [etc.]

For the Secretary of State:

ROBERT LANSING

File No. 341.622a/12

Goulder, White and Garry to the Secretary of State

[Telegram]

CLEVELAND, Ohio, July 3, 1915.

[Received 11.30 a. m.]

On June 30 we sent to Solicitor of State Department account of interference with seamen on American ship *Niagara* in Canadian Canal at Port Colborne,¹ at the same time we wrote Canadian Minister of War. There has been no reply. Another case has occurred with the steamship *Lackawanna*. May we not have consideration and reply?

GOULDER, WHITE, AND GARRY

The Secretary of State to Goulder, White and Garry

[Telegram]

WASHINGTON, July 12, 1915.

Your letter June 30 and telegram July 3, concerning removal by Canadian authorities, German and Austrian seamen from American

¹ Not printed.

merchant vessel in territorial waters, Canada. Ross case referred to by you appears to make no reference to conditions during times war. See Wildenhus case, 120 U. S. 1, where the court said:

It is part of the law of civilized nations that when a merchant vessel of one country enters the ports of another for the purposes of trade, it subjects itself to the law of the place to which it goes, unless by treaty or otherwise the two countries have come to some different understanding or agreement; for, as was said by Chief Justice Marshall in *The Exchange*, 11 U. S. (7 Cranch) 144 (3:296) "it would be obviously inconvenient and dangerous to society, and would subject the laws to continual infraction, and the government to degradation, if such . . . merchants did not owe temporary and local allegiance, and were not amenable to the jurisdiction of the country. . . ."

See also *United States vs. Diekelman*, 92 U. S. 520.

There appear to be no treaty provisions between the United States and Great Britain exempting American merchant vessels from local jurisdiction while in British territorial waters. This Department has reached decision that in absence such treaty provisions it would not be justified in making diplomatic objection such removal where alien seamen removed are citizens or subjects of powers hostile to the country in whose port the vessel lies.

ROBERT LANSING

File No. 763.72111/2722

The German Ambassador (Bernstorff) to the Secretary of State

J. Nr. A 4905]

CEDARHURST, N. Y., August 8, 1915.

[Received August 11.]

MY DEAR MR. SECRETARY: With reference to my letter of May 30¹ I beg to inform you that the Imperial Government have just advised me about the facts concerning the American steamer *Muskogee*.

It appears that when the *Muskogee* was stopped by a German torpedo boat on April 24, two men of the crew declared to be German reservists and requested to be taken to a German port in order to be enabled to fulfil their military duty. These men had previously given themselves out as citizens of neutral countries, in order to protect themselves against the unlawful practice of enemy belligerents, who seize German reservists on board of neutral ships. It further appears from the report of the commander of the torpedo boat that the captain of the *Muskogee* protested only against the departure of one of the reservists and refused to pay his wages.

I am [etc.]

J. BERNSTORFF

The Secretary of State to the German Ambassador (Bernstorff)

WASHINGTON, August 28, 1915.

MY DEAR MR. AMBASSADOR: I have received your note of the 8th instant, in explanation of the action of the officers of a German torpedo boat in holding up the American steamship *Muskogee* and

¹ Not printed.

the removal from the vessel of two of its seamen, and beg to thank you for your attention to the matter.

You will appreciate that this Government cannot acquiesce in a practice which might be regarded as lending assistance to deserting seamen from American vessels on the high seas.

I am [etc.]

ROBERT LANSING

File No. 351.622a/48a

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

[Telegram]

WASHINGTON, December 13, 1915, 4 p. m.

1248. Reference Department's telegram March 2 last, Piepenbrink case. Department advised that French cruiser *Descartes* has stopped three American vessels of the New York-Porto Rico Steamship Line and taken off on the high seas certain persons as follows: German chief steward, Schade, taken off steamer *Carolina* six miles off Port of San Juan; J. Lusor Rutter, Antonio F. Doliorch, Austrians, of the engine-room force, and H. Krüger, a German of the steward's department, taken off steamer *Coamo* about twenty miles off shore;¹ William Guntherodt and Fritsch Lothar, two German second-cabin passengers, taken off steamer *San Juan* six miles north-east of Arcibo, Porto Rico. In the circumstances as known and understood by the Department the action of French cruiser in removing these persons from American vessels on the high seas is deemed to have been without right. Please lay matter before French Government and request their immediate release. Report by cable.

LANSING

File No. 351.622a/4

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

[Telegram]

PARIS, December 22, 1915.

[Received 6 p. m.]

1171. Department's 1248, December 13, 4 p. m. Minister for Foreign Affairs has just informed me that Minister of Marine up to to-day has not received sufficiently detailed information regarding incidents in question to enable Foreign Office to reply but that the captain of the *Descartes* was immediately asked for the necessary information. Minister for Foreign Affairs adds that he will not fail to acquaint me with the result of this investigation.

SHARP

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

[Telegram]

WASHINGTON, December 24, 1915, 2 p. m.

1276. Your 1171, December 22. Department advised that American steamer *Borinquen* bound from San Juan to New York was

¹ Should read J. Lusoi, Antonio Rutter, F. Doliorch, and F. Krüger (File No. 351.622a/22a).

boarded five miles off San Juan by French cruiser *Descartes* and her purser William Barbe removed because he was of German birth. As a result all papers, manifests, etc., could not be made up by anyone on board and when steamer arrived in New York owners were put to considerable loss and inconvenience because discharging could not begin until papers had been straightened out. Owners state that their vessels plying between Porto Rico and New York carry pursers who have been with the line for several years and who are so familiar with the method of handling shipments that new pursers cannot be familiarized with the work on short notice so that the voyages can be prosecuted with promptness and efficiency. Please lay this matter before Minister for Foreign Affairs in connection with Department's 1248, December 13.

Please impress upon him the very bad impression which the action of the *Descartes* has made in this country and the necessity for prompt release of the detained men in order to counteract this impression. Add that as the men removed from these vessels are so far as known not incorporated in the armed forces of an enemy of France the action of the *Descartes* is not only an unwarranted invasion of the sovereignty of American vessels on the high seas, but an act of no military value to the Entente powers, and that therefore the practice is regarded by this Government as not justified from any point of view and as an inexcusable exercise of belligerent power on high seas far removed from the zone of the present war. The Department views this practice as an intolerable and indefensible interference with American merchant vessels plying between American ports and intends to insist on the release of the men and a discontinuance of the practice. Continue to press vigorously but courteously for immediate action.

LANSING

File No. 351.622a/50a

The Secretary of State to the French Ambassador (Jusserand)

WASHINGTON, December 24, 1915.

MY DEAR MR. AMBASSADOR: On December 13 I cabled the American Ambassador at Paris to take up with your Government the question of the seizure of certain Germans and Austrians from the American steamers *Coamo*, *Carolina*, and *San Juan* by the French steamer *Descartes* on the high seas. I am now advised that the same cruiser has likewise removed on the high seas from the American steamer *Borinquen* the purser who has charge of preparing the manifests and other papers for presentation at the port of destination.

The American owners of these vessels represent that their pursers have been employed for a number of years, are especially trained in their work, and cannot be replaced on short notice, and that the repeated removal of valued employees works a great hardship and loss in their business. This incident has to-day been telegraphed to the American Ambassador at Paris for presentation to the Minister for Foreign Affairs in connection with the earlier cases.

As you will recall this Government's attitude in the Piepenbrink case, it is unnecessary for me to review the arguments presented to obtain his release. I may point out, however, that as it is under-

stood that none of the men taken from the vessels mentioned were incorporated in the armed forces of the enemies of France, the action of the *Descartes* must be regarded by my Government not only as an unwarranted invasion of the sovereignty of American vessels on the high seas, but an act of no military value to the Entente powers, and that therefore this practice is not justified from any point of view and is an inexcusable exercise of belligerent power on the high seas far removed from the zone of hostile operations. As may be expected, therefore, the action of the *Descartes* has created a very bad impression in this country which only the prompt release of the detained men will counteract.

I am laying this matter before you in order to enlist your assistance in hastening action by your Government in these cases and in removing a source of friction which is sure to increase if the *Descartes* is allowed to persist in what the American people regard as indefensible interference with American merchant vessels plying between American ports.

I am [etc.]

ROBERT LANSING

File No. 351.622a/6

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

[Telegram]

PARIS, December 27, 1915, 5 p. m.

[Received 6.30 p. m.]

1179. Department's 1276, December 24, 2 p. m., received morning 26. Note conveying substance presented by me personally to Minister for Foreign Affairs this morning and its contents discussed. Minister informs me that Department's representations will receive most prompt consideration by French Government. He was under impression that men had been removed from steamers in question due to suspicion French authorities of German plots and intrigues in West Indies and that the men detained were implicated in such intrigues. In conclusion Minister for Foreign Affairs assured me of earnest desire to maintain friendly and cordial relations existing between both countries avoiding all possible cause for complaint.

SHARP

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

[Telegram]

WASHINGTON, December 28, 1915, 3 p. m.

1283. Your 1179, December 27. If opportunity presents itself please convey to Foreign Minister that even if, as he supposed, men were removed from steamers on account of suspicion German plots and intrigues in the West Indies, this is not regarded by the Department as justification for the seizure of the men and that even if the men were found to be implicated in such plots and intrigues, they could not, in the view of the Department, be rightfully detained on that account.

LANSING

File No. 351.622a/37

The French Ambassador (Jusserand) to the Secretary of State

WASHINGTON, *January 3, 1916.*

MY DEAR MR. SECRETARY: Answering my recent telegrams, my Government cables me that entirely trusting in the information kindly supplied by the United States Government as to the inoffensive and pacific character of the German subjects¹ recently arrested by the *Descartes*, it has given orders for their immediate release.

They will be placed under the care of the American Consul at Fort de France.

Believe me [etc.]

JUSSERAND

¹ By another letter of the same day, the word "individuals" was substituted for "German subjects," thereby including also the Austrians (File No. 351.622a/27).

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PART III
NEUTRAL DUTIES



PART III

NEUTRAL DUTIES

ENLISTMENT IN BELLIGERENT FORCES: THE PREVENTION OF RECRUITING WITHIN THE UNITED STATES

File No. 763.72111R24/3

*Mr. William Bayard Hale to the Counselor for the Department of
State*

NEW YORK, *March 8, 1915.*

DEAR MR. COUNSELOR: Section 5282 of the Revised Statutes of the United States reads as follows:

Every person who, within the territory or jurisdiction of the United States, enlists or enters himself or hires or retains another person to enlist or enter himself or to go beyond the limits or jurisdiction of the United States with intent to be enlisted or entered in the service of any foreign prince, state, colony, district or people, as a soldier or as a marine or seaman, on board of any vessel of war, letter of marque or privateer, shall be deemed guilty of high misdemeanor and shall be fined not more than \$1,000 and imprisoned not more than three years.

The intention of this statute seems to be clear. There is no qualification in it to the effect that it applies only to citizens of the United States: "Every person" who enlists or enters himself or who retains another person to enlist or to enter himself or to go out of the United States with the intent to be enlisted or entered in foreign service is guilty.

There is at the present time being conducted in the United States a campaign for the enlistment of recruits for the British Army. The mails are being used for the transmission of circulars and letters to this end, and advertisements are being inserted in newspapers, some of which in turn go through the mails.

I have in hand an advertisement which I cut from the *Minneapolis Journal* of January 14, which reads: "British subjects wishing to enlist for active service overseas can obtain full information by writing recruiting officer, Fort Francis, Ontario."

I enclose herewith a clipping from the *New York Times* of March 5 to which I should like to call your careful attention.¹ The military secretary of the Governor General of Canada writes to B. W. King of this city asking his aid in the enlistment of aviators for the British Army, promising a bounty of \$250 for each enlistment and liberal pay. The Governor General's secretary asks Mr. King to advertise his offer in the United States. Mr. King has followed instructions and has printed the advertisement. It is true that the

¹ Not printed.

invitation to enlist is verbally given to British subjects, but it can hardly be supposed that the nationality of a recruit would be inquired into, nor is his nationality a matter of which the statute takes cognizance. It forbids enlisting or the retaining of another person to enlist.

I need not call the attention of your Department to the fact that through its past history the Government of the United States has shown itself extremely sensitive over the efforts of foreign powers to enlist recruits in our territory. The activity of the French Minister in 1793 in this respect led to strained relations between this country and the French Republic. Similar activities on the part of the British Minister at Washington, Mr. Crampton, resulted in his being handed his passports by President Pierce. I call your attention to the opinion of Attorney General Cushing, uttered in 1885 [1855]:

The undertaking of a belligerent to enlist troops of land or sea in a neutral state without the previous consent of the latter is a hostile attack on its national sovereignty.

If agents of the British Government, being instructed to enlist military recruits, succeed in evading the municipal law and so escape punishment as malefactors, such successful evasion serves to increase the intensity of the international wrong done the United States.

Mr. Jefferson, when Secretary of State, declared that:

The right of raising troops being one of the rights of sovereignty and consequently appertaining exclusively to the nation itself, no foreign power or person can levy men within its territory without its consent, and he who does may be rightfully and severely punished.

It seems to me, as a citizen of the United States deeply solicitous for the preservation of our neutrality amid the grave events that are being enacted around us, that the activities of British recruiting officers in this country ought to be stopped, and that the Federal Government has abundant authority and ability to put a stop to them.

I am [etc.]

WILLIAM BAYARD HALE

File No. 763.72111R24/35

The Assistant Attorney General (Warren) to the Counselor for the Department of State

WASHINGTON, March 27, 1915.

MY DEAR MR. LANSING: I have received your letter of March 24,¹ enclosing letter and clipping from William Bayard Hale, regarding a campaign for the enlistment of recruits for the British Army.

In reply, I desire to say that Mr. Hale, under date of March 8, had already written to this Department a duplicate of the letter sent to you, and I enclose herewith a copy of the reply sent by me to Mr. Hale.

The matter is now under investigation by this Department.

Yours cordially,

CHARLES WARREN

¹ Not printed.

[Enclosure]

The Attorney General (Gregory) to Mr. William Bayard Hale

WASHINGTON, March 10, 1915.

DEAR SIR: I am directed by the Attorney General to acknowledge receipt of your letter of March 8, 1915, enclosing clipping from the *New York Times*,¹ relative to alleged activities of the British Government in the United States in obtaining services of aviators.

In reply, I desire to say that the matter will be investigated, and any violations of the penal or neutrality laws of the United States will be prosecuted if sufficient evidence can be obtained that any such violation exists.

I desire further to say that this Department has been actively investigating numerous reports of violations of Section 5282 of the Revised Statutes (now Section 10 of the Federal Penal Code of 1910²). This statute, however, as you doubtless are aware, is very imperfect in its provisions, and in order to prosecute thereunder it is necessary to prove absolutely that some specified person has been actually hired or retained to enlist, or to go outside the United States with intent to enlist, or has actually, himself, enlisted, or entered himself to enlist in the United States.

You will therefore see that mere advertising for recruits or enlistments does not constitute any penal offense, nor does mere invitation to enlist do so. It is necessary to prove that the person so advertising, or so inviting, did actually hire or retain some other person in violation of the statute.

The statement in your letter, "that the activities of British recruiting officers in this country ought to be stopped, and that the Federal Government has abundant authority to put a stop to them," is, of course, subject to the conditions stated above.

Respectfully,

For the Attorney General:

CHARLES WARREN
Assistant Attorney General

File No. 763.72111/2170

The Secretary of State to the Austro-Hungarian Ambassador (Dumba)

WASHINGTON, May 19, 1915.

MY DEAR MR. AMBASSADOR: Referring to previous correspondence concerning your complaint that the activities of Prof. M. I. Pupin, of New York City, in issuing appeals to Montenegrin reservists in the United States to proceed to Europe for military service, are in violation of the neutrality laws of the United States,³ I beg to advise you of the receipt of a letter on the subject, dated the 13th instant, from the Attorney General, stating that up to that time no evidence had been obtained which, in the opinion of the Department of Justice, would warrant prosecution for violation of any of the sections of the Federal Penal Code relating to neutrality.

It is added, however, that the Department of Justice will continue its investigations, and that it will prosecute any violations of such laws wherever it may be able to obtain evidence of such violation.

I am [etc.]

W. J. BRYAN

¹ Not printed.² Approved March 4, 1909, to take effect January 1, 1910.³ Cf. *Foreign Relations*, 1914, Supplement, p. 562.

File No. 763.72111R24/36

The German Ambassador (Bernstorff) to the Secretary of State

[Translation]

WASHINGTON, June 19, 1915.

MR. SECRETARY OF STATE: The Imperial Consul General at San Francisco has reported to me and also informed the United States attorney there that a printing office of the place has been carrying on British recruiting for several months. On Wednesday morning, thirty-two men, almost all Americans, were enlisted and entrained in through Tourist Car 1606 for the journey to Chicago, where they arrived early to-day. Other recruits are to join from Ogden and Omaha. Thence they are to proceed to New York, where, it is alleged, they will be embarked by the White Star Line.

I have the honor very respectfully to bring to your excellency's knowledge the above incident, which appears to me to involve a British violation of American neutrality.

Accept [etc.]

J. BERNSTORFF

The Secretary of State ad interim to the German Ambassador (Bernstorff)

No. 1472]

WASHINGTON, June 23, 1915.

EXCELLENCY: I have the honor to acknowledge the receipt of your note of the 19th instant, stating that you are in receipt of a report from the Imperial Consul at San Francisco to the effect that a printing office in that city has for some months been used as a British recruiting office.

In reply I have the honor to say that a translation of your note has been sent to the Attorney General, with a request for a thorough examination of the matter.

Accept [etc.]

ROBERT LANSING

File No. 763.72111/2415

The Montenegrin Delegate (Matanovitch) to the Secretary of State

[Telegram—Translation]

PORTLAND, ORE., July 7, 1915.

The Royal Government of Montenegro needing workmen and reservists appointed three delegates on a mission to send back home its subjects residing in the United States. In the performance of that duty we had to make a tour and visit all Montenegrin colonies in America. At Chicago we held meeting, called on reservists to return home and do their duty. On that occasion I warned them that Montenegrins who had assumed American citizenship could not lawfully leave. In spite of warning, 24 Montenegrins of American nationality wishing to fight for native country falsely declared they were Montenegrin subjects. I, under physical impossibility to verify, as nearly all Montenegrins have lost national passport, shipped them to Canada with other reservists. American authorities discovered mistake, imprisoned 24 Montenegrins of American nationality and, in addition, unlawful order was issued from Chicago to imprison

the delegates of a sovereign power on special mission who in a case of *vis major* caused by physical impossibility were unable, willing though they were, to prevent this slight infringement of neutrality principles *summum jus, summa injuria*. Nothing is absolute in life and cases of *vis major* extenuate, condone offense that free will could not prevent. I do not claim full diplomatic immunity, but had a right to expect, as the official representative of a sovereign state on special mission, more international comity. I am firmly convinced that from the standpoint of international law the Chicago authorities have erred in committing me to the jail of common criminals. I appeal to law, to your conscience, to the respect due to the official character of a sovereign state which I bear, in order to be immediately enabled to carry on my labors in the service of my country within the legal bounds of international law. I promise hereafter to submit all lists of reservists to the local authorities for verification as to their including American subjects which I am unable to do. I will appear before the court in charge of the case within a month, reposing full confidence in the right, in the law-abiding character of this great civilized country. I beg you, very honorable Sir, for an immediate answer. Please accept my most respectful homage.

J. MATANOVITCH

File No. 763.72111R24/78

The Attorney General (Gregory) to the Secretary of State

WASHINGTON, July 7, 1915.

SIR: I am to-day in receipt of a telegram from the United States attorney at San Francisco, dated July 6, as follows:

Indictments against twelve voted in Sacramento case and against five in Blair recruiting case. Consuls and attachés all excluded but proof of guilt in both cases was conclusive. Traced recruiting funds to account of British Consul.

On June 23, 1915, you transmitted to this department a request from the German Ambassador that the alleged recruiting in San Francisco be investigated, and you desired this department to make a "thorough investigation of the matter and such a report thereon as can be used as the basis of a reply to the German Ambassador."

I do not suppose that the German Ambassador will desire any further report at the present time than a statement of the above action of the grand jury.

Respectfully,

For the Attorney General:

CHARLES WARREN
Assistant Attorney General

File No. 763.72111/2453

The Russian Ambassador (Bakhméteff) to the Secretary of State

NEWPORT, R. I., July 8, 1915.

MY DEAR MR. SECRETARY: A Mr. Seferovitch, who is shortly to be appointed Montenegrin Consul General in the United States, has tele-

graphed to me that he and some other compatriots of his had been arrested in Chicago for assisting Montenegrin reservists to return to their country. As I have no other information upon this incident than this short telegram, I would be very much obliged to you if you would let me know through Loris Melikoff how the matter stands. You know that we are in charge of Montenegrin interests here, but I would not like to apply to you officially before I had learnt the pros and cons of the Chicago case. It seems to me, as far as I can judge by the papers, that Seferovitch has only transgressed your laws or rules by too excessive zeal in his desire to help his compatriots to get back to their country and has not understood that "assistance" to them was perfectly permissible whereas anything that looked like "recruiting" would not do in any neutral country—and if this is the right explanation of the reasons for which he got himself into this trouble, I am sure you will understand them and have the misunderstanding with the local authorities cleared up—and I have no doubt he will be more careful in the future.

Sorry to give you this trouble and with many thanks in advance, I am [etc.]

G. BAKHMÉTEFF

File No. 763.72111/2444

The British Ambassador (Spring Rice) to the Secretary of State

No. 260]

WASHINGTON, July 7, 1915.

[Received July 9.]

SIR: With reference to reports in the press as to the prosecution by Federal authorities in San Francisco against British subjects for alleged violation of the President's neutrality proclamation I have the honour to enclose herewith copy of a circular sent to British consuls in this country from this Embassy on December 23, 1914. Under these instructions a considerable number of persons have received from various organisations their journey money, and in some cases subsistence money, in order to enable them to proceed to their own country, in cases where they have not otherwise the means to do so. As far as I am aware such persons have neither been hired nor retained and are perfectly free when they arrive in England to enlist or not to enlist, in the British Army. Indeed there is evidence that a third of the number have not applied for enlistment in England.

So far I understand only men with previous military training and who are fit for military service, i. e., men who correspond to the reservists of nations with compulsory military service, have received such pecuniary assistance.

From comments in the press I gather that there is some doubt as to the legality of this procedure although I would point out that a large number of reservists here have been sent back at the expense of foreign governments and that any distinction between reservists and British trained military men would appear to be an unfair and unjust discrimination in favour of militarist nations.

If, however, in the opinion of the United States Government, the action which has been taken in this matter by British subjects since the commencement of the war and has not formed the subject of any

communication from United States authorities is of an illegal nature, I should of course at once let it be known, through British consuls and other means of publicity, that money must not be advanced in this country to British subjects who are desirous to return to serve their country but have not the means to do so.

I should be greatly obliged to you if you could inform me with the least possible delay whether the law of the United States does in fact draw a distinction between assisting reservists to return for duty and advancing money for British subjects of military age and training, who are not under legal constraint to serve in the army, in order to enable them to return to their country. I am of course aware that the case is one for a judicial decision and that the Department may not desire, *pendente lite*, to give an authoritative opinion. But it would be obviously incumbent on me to withdraw the instructions enclosed herewith if the interpretation of the law therein contained (although not yet legally decided) is contrary to that maintained by the United States Government.

The principle involved is of course of great importance to countries like Great Britain who do not have compulsory military service and I venture therefore to request that I may be favoured with an official statement of the views of your Department in order that I may inform my Government.

I have [etc.]

CECIL SPRING RICE

[Enclosure]

The British Ambassador (Spring Rice) to British Consuls in the United States

WASHINGTON, December 23, 1914.

SIR: My attention has been called to various complaints and rumours as to so-called enlistments of men to serve in the British Army which have been alleged to have been arranged in this country by British consular officers.

The provisions of the President's proclamation of neutrality are known to you and no doubt have been scrupulously observed. These provisions, as you are aware, forbid the hiring or retaining of persons to go abroad with the intent to be enlisted in the service of a belligerent. British subjects, however, are of course free to proceed to British territory with the intention, if their services are accepted there, to enlist in the British Army, nor does the law forbid the transport of such persons out of the country on their own motion and with their own consent who have an intention of so enlisting as long as such persons are neither hired nor retained to go abroad for that purpose.¹

You will of course in all cases require proof of the British nationality of applicants.

I am [etc.]

CECIL SPRING RICE

File No. 763.72111/2452

The Secretary of State to the Russian Ambassador (Bakhméteff)

WASHINGTON, July 19, 1915.

MY DEAR MR. AMBASSADOR: In compliance with your request regarding the arrest of certain Montenegrins for alleged violation of the Federal criminal law I beg to submit to you the following information on the subject:

¹ See *United States vs. Louis Kazinski*, quoted in Moore's *Digest*, vol. 7, p. 884.

About the 1st of July, the Department of Justice received information that a band of Montenegrins, upwards of 200, had assembled in Chicago, marched through the streets of Chicago in a body, with flags flying and bugles, and under charge of officers, and were boarding a train to go to Canada, and thence to be transported by the British Government for service in the Montenegrin Army. From further evidence produced to the Department of Justice, it became satisfied that the operations of Jovo Matanovitch, Anto V. Seferovitch, Savo Gjourashkovich, P. M. Luburich, and B. Martinovich, in hiring and retaining men in this country to go abroad for the purpose of service in the Montenegrin Army, were in violation of the provisions of Section 10 of the Federal Penal Code.

Accordingly, the Department of Justice instructed the United States attorney to present the evidence to the grand jury, and to ask for the return of indictments, if in his opinion the evidence warranted.

The Attorney General is in receipt of a report from the United States attorney that an indictment, charging conspiracy under Section 37 of the Penal Code to violate the provisions of Section 10 of the Penal Code, has been returned in Chicago against the five men above named, and that they have been apprehended—Matanovitch and Luburich in Portland, Oregon, Gjourashkovich and Martinovich in Bisbee, Arizona, and Seferovitch in New York; that Matanovitch and Luburich have furnished bail at Portland, Oregon, in the sum of \$10,000, conditioned upon their appearance in Chicago on July 26; and that up to date of July 12 he had not received advice as to what further steps had been taken to the end of securing the presence of the other three persons to answer the indictment in his district.

So far as the Department of Justice is aware, the evidence before the United States attorney warrants the finding of the indictment, and the telegram from J. Matanovitch, practically admits the recruiting of American citizens by him, although he states that it was unintentional.

The above information was received from the Attorney General who has also informed this Department that the Department of Justice has never been furnished with any copy of any law of Montenegro relative to requirements for service in the army of that nation, if any such statute exists.

I am [etc.]

ROBERT LANSING

File No. 763.72111/2490

*The Acting Secretary of State to the British Ambassador
(Spring Rice)*

No. 880]

WASHINGTON, July 23, 1915.

EXCELENCY: Referring to your note of July 7, 1915, transmitting a copy of a circular which you sent to the British consuls in the United States on December 23, 1914, with reference to the furnishing of assistance to British subjects who desire to return to England for military service, and to the Department's note in reply of July 8, 1915,¹ I am now in a position to advise you of the views of this

¹ Not printed.

Government upon your request for an opinion as to the legality of rendering such assistance.

As the Department is advised that it is possible that a judicial construction of the actions which your excellency has in mind is involved in indictments now pending and about to be submitted to grand juries in various district courts of the United States, I am sure you will appreciate the hesitancy of the Attorney General in rendering an opinion on the construction of a statute which may shortly come up for judicial review, especially as the statute has, I am informed, never been the subject of judicial construction in this particular respect.

The Attorney General, however, desires me to say to your excellency that, should you believe the facts do not support the charges made in the indictments recently found in San Francisco in the cases of alleged recruiting, he would be glad to have your views on the matter and any facts you may care to present.

I have [etc.]

ALVEY A. ADEE

File No. 763.72111/2707

The British Ambassador (Spring Rice) to the Secretary of State

No. 291]

WASHINGTON, July 28, 1915.

SIR: I beg to acknowledge with thanks your note of the 23d instant with reference to the furnishing of assistance to British subjects who desire to return to England for military service.

You inform me in reply to my enquiry as to the view taken by your Department of the action taken by this Embassy in the matter that a judicial construction of the same is involved in indictments now pending.

I fully appreciate the hesitancy expressed by the Attorney General in rendering an opinion on the construction of a statute which may shortly come up for judicial review especially as the statute has never been the subject of judicial construction in this particular respect.

The Attorney General is good enough to inform me through you, Sir, that should I believe the facts do not support the charges made in the indictments recently found in San Francisco he would be glad to have my views on the matter and any facts I may care to present. In reply I beg to state that I have not received a copy of the indictment and that I am consequently unable to express any views in regard to the allegations which may be contained in it. The case being pending, I must of course refrain from commenting on it officially, and in conformity with the usual diplomatic practice, I have no doubt that my Government will not advance a formal claim in the matter until the judicial remedy is exhausted.

I do not write under instructions from my Government but I conceive it to be my duty to place before you such facts as are in my possession, as may throw a useful light on the motives which have prompted the British Embassy and British subjects resident in this country in taking steps for assisting British subjects, who are

trained British soldiers, in returning to England at the present crisis. It is clearly right and proper that I should do so, for the matter, as you point out, involves a possible breach of the neutrality laws of this country, and a willing or conscious action of this nature would constitute on my part a serious violation of diplomatic propriety.

With all reserve, therefore, as to the legal aspects of the matter and confining myself solely to the diplomatic aspect, I beg leave to communicate to you the following considerations: That foreign reservists resident in this country but not citizens may be recalled to the colours, by the governments of countries where there is compulsory military service is an accepted usage and has been practised during the present and past wars without any objection (as far as is known) from this or any other Government. To alter this accepted practice, sometime after the outbreak of war, would not I presume be in conformity with the laws of neutrality. It appears to me that no distinction can rightly be drawn between the trained men, British subjects resident in the United States, and the reservists of nations which have compulsory military service. Such a distinction would in my opinion create an unfair discrimination against Great Britain and I have every confidence that at any rate in the United States which like Great Britain is not organised for war, such a distinction will not be drawn.

Under these circumstances when the question of assisting trained British soldiers to return to England came before me I took legal advice and informed the British subjects concerned that according to a decision of the United States courts (*United States vs. Hertz, etc.*): "It is no offense against the neutrality laws of the United States for persons to go abroad singly or collectively to enlist in a foreign army, or to transport persons so going, provided they do not constitute a military expedition and provided that they go voluntarily and without being induced by other persons or without hiring."

I added that assistance should be given to none but British subjects. Under the British Army regulations an oath as to British allegiance must be taken at the time of enlistment. If a false oath is made a foreign subject or citizen would at once, on demand, obtain his discharge. It would be both improper and useless to pay the passages of other than British subjects. I have ascertained on enquiry that no British officer on the active list is employed in the matter and that no engagement of any kind is asked or given, and that no inducement is offered except the bare passage and subsistence money. As far as I am aware the men who receive this passage are free to enlist or not as they please when they arrive in England. Many of them have not enlisted, at least at the port of disembarkation. They are under no obligation whatever.

After issuing the circular to consuls, copy of which I communicated to your Department in my note of 7th July,¹ I was informed that efforts were being made to entrap British subjects into committing illegal acts, as for instance exacting contracts, offering bounties, or assisting American citizens and that pressure was being used in the press and elsewhere in order to throw prejudice on the action of British subjects. I did not however feel myself justified in pre-

¹*Ante*, p. 764.

venting British subjects from exercising what appeared to me to be their undoubted rights. I believe my action in the matter does not differ from what would be taken under similar circumstances by the representative of the United States. From my knowledge of this country, derived from an experience of thirty years, I do not believe that in the event of a desperate crisis threatening the existence of the United States, American citizens would be easily deterred from returning from foreign countries, or Americans with means, from assisting their fellow citizens so to return. Nor do I think that the United States Government would refrain from offering its support and encouragement on the ground that compulsory military service does not exist in this country in the sense in which it is enforced elsewhere. In this connection I may be permitted to allude to the measures taken by the United States Government during the Civil War, in the course of which many thousands of recruits were enlisted from Canada without, as far as I know, any opposition on the part of the British Government.

When however I was informed that prosecutions had been instituted against British subjects in San Francisco, I at once communicated with your Department with a view to obtaining if possible an expression as to its view as to the legality of the steps which have been taken. You inform me (and I venture to add that I entirely concur in your view) that the matter being before the courts you can not express an opinion.

Under these circumstances I thought it my duty to cause British subjects to be informed that all steps taken with a view to assisting British trained men to return to England must cease as soon as possible pending an authoritative decision. I have even refused my authorisation to the British Consul in Honolulu, who is in charge of Italian interests, from publishing the usual notification to Italian reservists to join the colours.

But in taking such action I beg to inform you that I do so reserving all rights as to a further communication on the general question and in order to avoid any appearance or suspicion of encouraging British subjects to evade the law.

I venture to add a word of a more personal character. I trust that it will not be suspected in your Department that the British Ambassador or British officials would intentionally violate the laws of the country in which they reside. Had I received any intimation that there was reason to suppose that doubts had arisen as to the legality of the measures taken I would of course at once have taken steps to have them stopped pending an authoritative decision.

I have [etc.]

CECIL SPRING RICE

File No. 763.72111/2822

The Russian Ambassador (Bakhméteff) to the Secretary of State

NEWPORT, R. I., *September 3, 1915.*

[*Received September 7.*]

MY DEAR MR. SECRETARY: Mr. J. Matanovitch, delegate of the Montenegrin Government, whose case was *inter alia* dealt with in my note to your excellency of the 28th August,¹ has informed me

¹ Not printed.

that at the time of his apprehension in Portland, Oregon, on the charge of violation of the neutrality laws of the United States, he had addressed to the Department of State a telegram in which, while disclaiming responsibility for the alleged violation of law he practically admitted the fact that others then subjects of Montenegro did enlist under the false pretence of being Montenegrin reservists. Mr. Matanovitch is desirous that this admission should not be considered as an averment of the actual happening of the said fact. He intimates that his telegram to the Department of State was worded on the faith of the indictment served upon him and of reports of the press which were his only sources of intelligence at the time of his arrest, but which stand at variance with information gathered subsequently, such, for instance, as a statement made under oath by six Chicago residents, presenting the alleged acts in a notably different light.

According to the desire of Mr. Matanovitch I am enclosing herewith the said statement for the possible use of your Department.¹

I am [etc.]

E. BAKHMÉTEFF

File No. 763.72111/2852

*The Acting Secretary of State to the Russian Ambassador
(Bakhméteff)*

WASHINGTON, September 24, 1915.

MY DEAR MR. AMBASSADOR: Referring to your previous correspondence relating to action taken by the authorities of the Department of Justice against certain Montenegrin delegates and Mr. Seferovitch on charges of infraction of the neutrality laws of the United States, I beg to say that the Department has received a letter from the Department of Justice advising it that after the receipt by that Department of your notes and after conference with the attorneys for the defendant parties, that Department had directed the United States attorney in Arizona to dismiss the indictments or complaints against them in that district and that the United States attorney at Chicago had also been instructed to dismiss the indictment against Mr. Seferovitch and to take no further action regarding the remaining indictments until he received further instructions.

Mr. Warren, the Assistant Attorney General in charge of neutrality matters, adds that no further instructions would be given at present so long as the persons under indictment should comply with the laws of the United States in accordance with their stipulations.

I am [etc.]

FRANK L. POLK

File No. 763.72111/2909

The Austro-Hungarian Chargé (Zwiedinek) to the Secretary of State

[Translation]

No. 3303]

LENOX, MASS., September 27, 1915.

[Received September 30.]

EXCELLENCY: In continuation of the Embassy's note No. 2549 of July 24 of this year¹ and with reference to your valued note No. 178

¹ Not printed.

of July 21, 1915,¹ about the recruiting of our subjects residing in this country to war against the Austro-Hungarian Monarchy, the Imperial and Royal Embassy has the honor to enclose two more affidavits on the subject.¹ One was sworn to before Frank A. Lenz, a notary public at Butte, Montana, the other before the notary public, Morris Eimer, of Bronx County, New York.

In addition the Imperial and Royal Embassy has the honor to submit a list of seventy South Slavs, mostly subjects of Bosnia and Herzegovina from Gačko-Polje who, according to the investigation conducted by the Imperial and Royal Consulate at St. Louis, have fallen victims to the recruiting operations carried on in the early part of June by the man Matanovitch named in the Embassy's earlier note.¹

It seems from the reports that have reached the Imperial and Royal Consular Offices that the recruiting agents are using greater caution of late and that the men are no longer sent over the Canadian border in groups, but singly. Touching the British Consul's active cooperation in this unlawful recruiting business, the enclosed article of the St. Louis *Daily Globe Democrat* of the 12th instant furnishes unintentional information.¹

The Imperial and Royal Embassy has the honor to ask that use be made of that material also.

Accept [etc.]

E. ZWIEDINEK

File No. 763.72111/3051

The British Ambassador (Spring Rice) to the Secretary of State

No. 400]

WASHINGTON, October 31, 1915.

[Received November 1.]

SIR: With reference to my note No. 291 of July 28,² I understand that the United States District Court at San Francisco has rendered a decision in the case of Messrs. Blair and Addis who have been condemned for a breach of the neutrality laws of the United States.

I have not yet received the text of this decision but in the meantime I venture to request that you will inform me as soon as possible, should you be able to do so, what action can be properly taken by British consular officers in this country in the following cases:

1. Trained British soldiers who are British subjects wishing to return in order to reenter the British Army who request employment as mule or horse tenders on board vessels bound for British ports.
2. British subjects who wish to enlist for the first time in the British Army.

I enclose two forms in answer to applicants which appear to me to be in conformity with the requirements of the law.

I venture to request that I may be informed whether there is any objection to these forms being used under the circumstances above described.

I have [etc.]

CECIL SPRING RICE

¹ Not printed.

² *Ante*, p. 767.

[Enclosure 1]

BRITISH CONSULATE GENERAL,
NEW YORK, -----

DEAR SIR: With reference to your letter of ----- with regard to enlistment in His Majesty's forces, I have to inform you that this office is not authorised to furnish free passages from the United States to England to British subjects who wish to return for the purpose of enlisting.

British subjects however who are willing to work their way to England can as a rule obtain employment without remuneration as horse attendants on homeward-bound vessels. A gratuity of one pound is usually given to such attendants on arrival in England in return for their services. If you wish to take advantage of this method of returning home, you should notify this office accordingly.

Thanking you for your patriotic offer, I am [etc.]

[Enclosure 2]

BRITISH CONSULATE GENERAL,
NEW YORK, -----

DEAR SIR: With reference to your letter ----- in regard to rejoining His Majesty's forces, I have to inform you that pending the settlement of certain questions now under discussion the sending home of men who have received military training is suspended.

If, however, you are able to find your own way to England, or are willing to work your passage over as a horse attendant, I have no doubt that your services would be accepted if you come up to the physical and other requirements. No promise or guarantee can, however, be given on this side.

In the event of your being willing to work your way over, you should communicate again with this office.

Thanking you for your patriotic offer, I am [etc.]

*Circular issued by the Department of State, November 1, 1915,
concerning the enlistment of Americans in foreign armies*

The Department has received a number of inquiries from people in the United States asking whether enlistment in a foreign army by a citizen of the United States is evidence that he has expatriated himself and whether it is a breach of his duty as a citizen of the United States to enlist in a foreign army.

The law relative to expatriation (Sec. 2, act of March 2, 1907) says:

That any American citizen shall be deemed to have expatriated himself when he has been naturalized in any foreign state in conformity with its laws, or when he has taken an oath of allegiance to any foreign state.

Therefore, when service in a foreign army involves taking an oath of allegiance to a foreign state, an American citizen who enters such service must be deemed to have expatriated himself.

Service in some foreign armies and in some branches of some foreign armies does not require an oath of allegiance to a foreign state. On the other hand, an oath of allegiance is required as a condition of service in other foreign armies. The Department can not give authentic information on the subject of the foreign requirements in this respect, because of their variation and because they are subject to changes.

The Department does not undertake to prescribe the duty of an individual with reference to his citizenship. It is of opinion, nevertheless, that the observance of neutrality in the conflicts now engaging

certain European powers requires American citizens to avoid participation in those conflicts.

WASHINGTON, *November 1, 1915.*

File No. 763.72111/3018

The Secretary of State to the Austro-Hungarian Chargé (Zwiedinek)

No. 202]

WASHINGTON, *November 2, 1915.*

SIR: Referring to your note of September 27, 1915, in regard to the alleged recruiting of subjects of Austria-Hungary in Montana by certain Montenegrins, I have now the honor to advise you of the reply made by the Attorney General to the Department's letter of October 18 on the subject.

The Attorney General invites attention to the fact that the alleged actions occurred on June 24, 1915; that after that date Matanovitch and others were indicted in Chicago; that they then discontinued all their proceedings to which this Government objected; and that no further instances of the kind have occurred.

The Attorney General points out that, inasmuch as it appears from the papers transmitted with your Embassy's note that the parties claimed to have been enlisted have left this country, and are not now available as witnesses, it would not appear that prosecutions in the matter would be likely to be successful. Attention is also invited to the fact that a mere attempt to hire or retain men to enlist is not a violation of any Federal criminal law.

Accept [etc.]

ROBERT LANSING

File No. 763.72111/3060

The Secretary of State to the British Ambassador (Spring Rice)

WASHINGTON, *November 10, 1915.*

MY DEAR MR. AMBASSADOR: Referring to previous correspondence in regard to the return of British subjects to England for military service,¹ I beg to advise you of the receipt of a letter from the Attorney General, dated the 4th instant, wherein he states that his Department is in receipt of a full copy of the charge by the United States judge in the case of the *United States vs. Blair et al.*, in San Francisco, and that if you have not already received a copy, the Department of Justice will be glad to have one sent to you.

The Attorney General adds that he is at the present time devoting his entire attention to the preparation of his annual report, but that he will shortly communicate with this Department again in the matter, when he will be glad to arrange for a conference with you, as suggested by this Department.²

I am [etc.]

ROBERT LANSING

¹*Ante*, pp. 764, 766, 767, and 771.

²No further correspondence filed.

**THE ENTRANCE AND TRANSIT OF UNIFORMED MEMBERS OF
BELLIGERENT FORCES**

File No. 763.72111Un3/3

The Secretary of State to the British Ambassador (Spring Rice)

No. 733]

WASHINGTON, April 5, 1915.

EXCELLENCY: I have the honor to inform you that complaint has been made to the Department concerning the frequent appearance on the streets of Detroit of uniformed Canadian soldiers wearing filled cartridge belts.

It is hoped that this matter may be called to the attention of the Canadian Government and that such instructions may be issued as are necessary to prevent the continuance of this practice.

I have [etc.]

W. J. BRYAN

File No. 763.72111Un3/8

The British Ambassador (Spring Rice) to the Secretary of State

No. 142]

WASHINGTON, April 8, 1915.

[Received April 9.]

SIR: I have the honour to acknowledge your note No. 733 of April 5, received to-day, informing me that complaint has been made to your Department concerning the frequent appearance on the streets of Detroit of uniformed Canadian soldiers wearing filled cartridge belts. You ask that the attention of the Canadian Government may be called to the matter and express the hope that instructions may be issued to prevent a continuance of the practice.

I have the honour to inform you in reply that I am at once bringing the matter to the notice of the Canadian Government.

I have [etc.]

CECIL SPRING RICE

The Secretary of State to the British Ambassador (Spring Rice)

No. 739]

WASHINGTON, April 12, 1915.

EXCELLENCY: I have the honor to acknowledge the receipt of your note of the 8th instant, in which you inform me that you have brought to the information of the Canadian Government this Department's note No. 733, of April 5, concerning the appearance on the streets of Detroit of uniformed Canadian soldiers wearing filled cartridge belts.

Thanking your excellency for the action thus taken, I beg to point out that, in view of reports which the Department has received of recurrences of this practice, this Government may be under the necessity, by reason of its obligations as a neutral, to consider whether such soldiers should, upon entering American territory, be interned as troops belonging to a belligerent army.

I have [etc.]

W. J. BRYAN

File No. 763.72111Un3/11

The British Ambassador (Spring Rice) to the Secretary of State
No. 202]

WASHINGTON, May 26, 1915.
[Received May 27.]

SIR: I have the honour to refer to your notes No. 739 of the 12th of April and No. 770 of the 17th of May¹ in which you bring to my notice reports of further complaints received by the Department of State of the appearance of Canadian soldiers wearing filled cartridge belts in United States territory and enquire whether I am in a position to transmit to you the views of the Canadian Government on this important matter.

As you are aware, I had already, on the receipt of your note No. 733 of April 5, communicated with the Canadian Government, mentioning that the streets of Detroit were specified as the scene of these occurrences. Upon the receipt of each of your notes under reference, I again telegraphed to Ottawa and intimated the desire of the United States Government that instructions might be issued to prevent a continuance of the practice.

I have received a reply to the effect that stringent steps have already been taken by the Government of the Dominion to prevent Canadian soldiers from crossing into United States territory and that in view of these orders it would be much appreciated if the exact locality could be named in which these occurrences are taking place.

Assuring you of my desire to do all in my power to meet your wishes in this matter,

I have [etc.]

CÆCIL SPRING RICE

File No. 763.72111Un3/19

The British Ambassador (Spring Rice) to the Secretary of State

WASHINGTON, December 20, 1915.
[Received December 21.]

MY DEAR MR. SECRETARY: I am informed by the attorney in this city for the Canadian Pacific Railway that a question has arisen as to whether certain classes of Canadian soldiers could be permitted to pass through the State of Maine from Vanceboro to Lowelltown on their way from St. John, New Brunswick, to points in Canada, the route through United States territory being, as you are no doubt aware, that usually taken by passengers arriving from England.

It appears that the Canadian authorities have arranged that soldiers returning from Europe who are, whether owing to wounds or otherwise, unfit for further service, shall be examined and discharged at Liverpool before embarking for Canada. They are then sent forward in parties to their homes in Canada, and, though they are during the voyage still wearing their service uniforms, they of course no longer form part of any military unit and cannot be called upon for service without further enlistment. The men thus returning to Canada would not carry arms, and I should be grateful if you could inform me whether there would be any objection to their passing through United States territory as above described.

¹ Not printed.

Another class of men whom it is desired to send, if possible, over the short route are men, wearing uniform, who are returning to their homes on furlough, or after being invalided for convalescence. Men of this description would travel as individuals, not as parties. It would be a great convenience for these men if they were permitted to travel through the State of Maine instead of taking the longer alternative route, and I should be grateful if you could also favour me with your views on this point.

I am [etc.]

For the Ambassador:
COLVILLE BARCLAY

The Secretary of State to the British Ambassador (Spring Rice)

WASHINGTON, *December 23, 1915.*

MY DEAR MR. AMBASSADOR: In reply to your note of the 20th instant in regard to the passage over American territory, by way of the Canadian Pacific Railway, of certain classes of Canadian soldiers returning from Europe, I regret to say that in the view of my Government the transportation of either the class of discharged soldiers wearing their service uniforms, though no longer forming a part of any military unit, or the class of invalided soldiers returning on furlough, though traveling as individuals, should not be allowed over American territory on account of the embarrassment which almost surely would follow if such passage were permitted.

In conveying these views to you I am not insensible of the convenience to the Canadian Government which would result from a free passage of such soldiers over the Canadian Pacific Railway through the State of Maine, but, on the other hand, it is evident that all Canadian troops, sick, wounded, and discharged, can easily be repatriated without entering any other than Canadian jurisdiction.

I am [etc.]

ROBERT LANSING

**THE SALE OF CONTRABRAND GOODS: HYDRO-AEROPLANES,
SUBMARINE PARTS, MOTOR-BOATS**

File No. 763.72111/1469

The German Ambassador (Bernstorff) to the Secretary of State

[Translation]

J. Nr. A 395]

WASHINGTON, *January 19, 1915.*

[*Received January 20.*]

MR. SECRETARY OF STATE: It has come to my knowledge that a number of hydro-aeroplanes have been ordered in the United States for belligerent states from the Curtiss plant at Hammondsport, N. Y., and that a part of them has already been delivered.

An airship named *America* was delivered in October of last year to England and five more hydro-aeroplanes of the same type have been delivered since.

England has also ordered 24 hydro-aeroplanes of the I. N. model (70 horsepower) from Curtiss.

Curtiss is also building for England 12 hydro-aeroplanes of the K model of 160 horsepower.

Russia has also recently ordered a number of hydro-aeroplanes of the K model from Curtiss. How many is not yet known.

The motors for the aeroplanes are built partly by Curtiss himself at Hammondsport, partly by the Herschell-Spillman Motor Factory at North Tonawanda, N. Y.

The wings are made at the Curtiss plant, the minor parts by the Autocrat Manufacturing Company.

The Tonawanda Boat Company furnishes the boat part.

There is no doubt that hydro-aeroplanes must be regarded as war vessels whose delivery to belligerent states by neutrals should be stopped under Article 8 of the thirteenth convention of the Second Hague Conference of October 18, 1907. Hydro-aeroplanes are not mentioned by name in the convention simply because there was none in 1907 at the time of the conference.

On the supposition that hydro-aeroplanes are delivered to belligerents against the wishes of the Government of the United States, I have the honor to bring the foregoing to your excellency's kind knowledge.

Accept [etc.]

J. BERNSTORFF

File No. 763.72111/1577

The British Ambassador (Spring Rice) to the Secretary of State

WASHINGTON, *January 21, 1915.*

DEAR MR. SECRETARY: I spoke to you to-day about the state of public opinion in England and the tendency which is beginning to make itself felt to ascribe to the American Government and Congress an attitude of partiality in the present war and of hostility to Great Britain. I do not say that the feeling is justified or that it has so far found open expression to a large extent. But from what I hear I fear there is little doubt that the impression is beginning to prevail that Great Britain is in fact the only belligerent to whom the United States Government has been so far unfavourable. What appears to be felt in England now is that, while Germany deliberately planned a war of pure aggression, has occupied and devastated large districts in Russia, Belgium and France, inflicting great misery and wrong on innocent populations, the only act on record on the part of the United States is a protest singling out Great Britain as the only power whose conduct is worthy of reproach.

The following facts are taken to be indicative of the general attitude of Government and Congress:

1. Soon after the war broke out the United States Government issued an order prohibiting the publication of manifests, with the apparent object, or at any rate with the effect, of making it more difficult to trace and seize contraband.
2. An American banking house was prevented from issuing a loan to one of the Allies.

3. Although Japan during the war with Russia had been allowed to import finished parts of submarines made in the United States and though the best advice was to the effect that such an export was legal, yet the United States Government prohibited the export to Great Britain of parts of submarines less finished than in the case of Japan. Whatever the cause the impression remains that there was discrimination.
4. The United States Government is using every possible means to secure the passage of a bill through Congress which would authorise the purchase of the ships now interned as a consequence of war. We are being pressed to recognise the purchase and transfer of German merchant vessels to the United States flag under conditions which are far more liberal than those allowed by the German regulations. If these purchases are made it is evident that the German shipping lines, which are practically Government institutions, will be enabled to sell for advantageous prices to the United States Government their ships now useless to them and a cause of barren expenditure, and thus to acquire credits for use during the war, by drawing on American funds. It is even urged openly and apparently with the consent of members of the Government, that these ships when purchased should be used in furtherance of the commercial interests of Germany under the protection of the American flag. It is not to be wondered at that, although some time ago German commercial circles, especially shipping circles, were urging peace on the German Government, they have now ceased to do so.
5. United States Congress has now before its committee a bill which is supported by the united pressure of the German societies, organised throughout the United States, and by the German members of Congress under the open direction of the German Ambassador, to do what has never been done in any previous war and is absolutely contrary to American precedent, namely to put an embargo on the export of munitions of war. There can be no question, indeed there is none, that such a measure would work to the advantage of the power which had prepared for war and to the disadvantage of those who, like us, had not prepared for it. But the United States Government has taken no public steps to discourage it.

I do not of course say that these alleged facts are correctly stated or that the accusations are borne out by the facts but, from what I hear, my Government is much impressed by the effect caused in England by the circulation in the press of the statements which I have just repeated. And I may add that the conclusion which seems to be drawn by a powerful and growing section of public opinion is as follows:

At the beginning of the war there was no doubt, they think, a distinct and purely American sentiment which was stirred by the wrong done to Belgium and which thought that England, which was also stirred by that wrong, did right and not wrong in going into

the war to prevent that wrong. This feeling was no doubt both genuine and widespread and was founded rather on ideals of conduct than on race history or language. But now a different feeling is coming into prominence and that is a feeling founded on race sympathies and the organisation as a separate and independent force in the heart of the American people of a body of men linked together by joint sympathies of blood and lineage and bound by those ties to one of the belligerents. This force is working here in America, as everywhere else, in order to compass by any and every means the success in Europe of the German cause. It aims at making in one way or another its influence felt in the press, in business, and in every branch of the Government. Upon its action and upon the success which has attended it so far Germany founds hopes that the attitude of the United States Government will be increasingly disadvantageous to the Allies, and, as it is now evident, more especially to Great Britain. Prospects are held out that the United States, on whom as on all other neutrals the indirect consequences of the war in some ways bear hardly, will cut off the supplies of munitions of war, of which the Allies are in need, and at the same time insist that the door be kept open for supplies of contraband to Germany with the object of bringing the war to an end by the complete victory of the latter.

There seems to be an impression in Europe that there is a distinct danger that the United States Government, acting under the pressure of a body of voters organised exclusively in a foreign and non-American interest, may insensibly drift into such a policy. If this apprehension is realised then there can be no hope of a speedy conclusion of the war. For there could then be no hope that Germany would relax her hold on Belgium, and Great Britain cannot abandon the hope of the restoration of Belgian independence unless and until she has exhausted all her resources and has herself shared Belgium's fate. And even with the active cooperation of the United States enlisted on behalf of Germany it would be some time before such a conclusion is reached.

This is what people in England are beginning to feel, and although this feeling has not yet found widespread public expression, I understand that it is there and that it is growing. In the struggle for existence in which my country is at stake much store is set on the impartial good will of the United States, and on their absolute neutrality, and people cannot believe that the United States desire to paralyse the advantage which Great Britain derives from her sea power, while leaving intact to Germany those military and scientific advantages which are special to her.

Should people in England come to believe that the dominant influence in United States politics is not neutral but hostile there will, I fear, be a great and bitter disappointment, the effects of which will last beyond our generation.

This description may of course be exaggerated and the sentiment described may be without adequate justification. But after all a sentiment is a sort of a fact and it is one of the facts which it is the duty of all of us to take into consideration.

Yours very sincerely,

CECIL SPRING RICE

File No. 763.72111/1469

The Secretary of State to the German Ambassador (Bernstorff)

No. 1209]

WASHINGTON, January 29, 1915.

EXCELLENCY: I have the honor to acknowledge the receipt of your excellency's note of the 19th instant, and in reply have to inform you that the statements contained in your excellency's note have received my careful consideration in view of the earnest purpose of this Government to perform every duty which is imposed upon it as a neutral by treaty stipulation and international law.

The essential statement in your note, which implies an obligation on the part of this Government to interfere in the sale and delivery of hydro-aeroplanes to belligerent powers, is:

There is no doubt that hydro-aeroplanes must be regarded as war vessels whose delivery to belligerent states by neutrals should be stopped under Article 8 of the thirteenth convention of the Second Hague Conference of October 18, 1907.

As to this assertion of the character of hydro-aeroplanes I submit the following comments: The fact that a hydro-aeroplane is fitted with apparatus to rise from and alight upon the sea does not in my opinion give it the character of a vessel any more than the wheels attached to an aeroplane fitting it to rise from and alight upon land give the latter the character of a land vehicle. Both the hydro-aeroplane and the aeroplane are essentially aircraft; as an aid in military operations they can only be used in the air. The fact that one starts its flight from the surface of the sea and the other from the land is a mere incident which in no way affects their aerial character.

In view of these facts I must dissent from your excellency's assertion that "there is no doubt that hydro-aeroplanes must be regarded as war vessels," and consequently I do not regard the obligations imposed by treaty or by the accepted rules of international law applicable to aircraft of any sort.

In this connection I further call to your excellency's attention that according to the latest advices received by this Department the German Imperial Government include "balloons and flying machines and their component parts" in the list of conditional contraband, and that in the Imperial prize ordinance, drafted September 30, 1909, and issued in the *Reichs-Gesetzblatt* on August 3, 1914, appear as conditional contraband "airships and flying machines" (Article 23, section 8). It thus appears that the Imperial Government have placed and still retain aircraft of all descriptions in the class of conditional contraband, for which no special treatment involving neutral duty is, so far as I am advised, provided by any treaty to which the United States is a signatory or adhering power.

As in the views of this Department the provisions of Convention XIII of the Second Hague Conference do not apply to hydro-aeroplanes I do not consider it necessary to discuss the question as to whether those provisions are in force during the present war.

Accept [etc.]

W. J. BRYAN

File No. 763.72111/1548

The German Ambassador (Bernstorff) to the Secretary of State

[Translation]

J. Nr. A 615]

WASHINGTON, January 27, 1915.

[Received January 29.]

MR. SECRETARY OF STATE: It has come to my knowledge that the Bethlehem Steel Works are secretly sending to Canada parts of submarines. Those parts are then put together on British soil so that the shipment of the parts is tantamount to a delivery of complete submarines.

Neutrals are forbidden, under the provisions of the Second Peace Conference at The Hague, of October 18, 1907, to deliver war vessels of any kind to belligerents. The action of the Bethlehem works is therefore in violation of the neutrality of the United States and your excellency will doubtless share my opinion that it is an unlawful evasion of the neutrality declaration proclaimed by the President of the United States at the outbreak of the war.

I have the honor to ask your excellency kindly to set on foot an early investigation of the matter and venture further to make the respectful request that I be most promptly informed of the measures taken.

Accept [etc.]

J. BERNSTORFF

File No. 763.72111/1622

The British Ambassador (Spring Rice) to the Secretary of State

WASHINGTON, February 9, 1915.

[Received February 10.]

DEAR MR. SECRETARY: As the question of war supplies appears to be occupying public opinion and Congress, I venture to think it may be of interest to communicate certain precedents on the subject.

As you are no doubt aware Great Britain when engaged in war with the South African Republics drew war supplies from Germany as also did both Ulstermen and Nationalists in Ireland in the troubled time last summer when both parties were arming themselves with a view to civil strife. The Counsellor of the German Embassy was (as there was good reason to believe) not altogether a stranger to some of these preparations.

In the struggle between Japan and Russia, the latter country received very large war supplies from Germany. Particulars as to these supplies are enclosed herewith.¹ As you will see the value exceeds \$25,000,000 and the list includes 500 Maxim machine guns and 1,000,000,000 cartridges, military balloons, and a complete cruiser.

I am [etc.]

CECIL SPRING RICE

¹ Not printed.

File No. 763.72111/1635

The Secretary of State to the German Ambassador (Bernstorff)

No. 1241]

WASHINGTON, *February 17, 1915.*

EXCELLENCY: In fulfilment of the assurance given in my note of the 3d instant,¹ the representations made in your note of January 27 that the Bethlehem Steel Works is sending secretly to Canada the component parts of submarines, had prompt attention.

From the inquiry which I instituted in the matter I have ascertained that no component parts of submarines are being built by the Bethlehem Steel Works and being sent to Canada, either to be assembled there or for assembling in Great Britain. Mr. Charles M. Schwab, the president of the Bethlehem Steel Corporation, has renewed to me the assurance that that corporation will not build submarines in the United States for any belligerent country for delivery during the war and that, while ten submarines are being built by the Fore River Shipbuilding Company, they are being built not for delivery to any belligerent nation, but because before the steel corporation had received the President's request to abandon their contract they had invested a very large amount of money in materials which could only be used for component parts of submarines and rather than sacrifice this investment it was arranged that ten submarines should be completed, with the understanding that they were not for delivery to a belligerent nation during the war.

Accept [etc.]

W. J. BRYAN

File No. 763.72111/1678

The German Ambassador (Bernstorff) to the Secretary of State

[Translation]

J. Nr. B 2887]

WASHINGTON, *February 19, 1915.*

[Received February 20.]

MR. SECRETARY OF STATE: Referring to your excellency's kind note No. 1220 of the 3d instant,¹ I have the honor to inform your excellency that it has been reported to me that 8 submarines are being built for Great Britain by the Union Iron Works at San Francisco, and also 12 at Boston and Seattle, and that they are to be forwarded piecemeal to England.

Referring to my note of the 27th ultimo on the subject of the delivery of submarines to Canada by the Bethlehem Steel Works, I have the honor to ask of your excellency a prompt investigation of the matter as it seems that the boats, or at least a part of them, will be completed next week. I should be particularly obliged to your excellency if you would most kindly apprise me of the action that may have been taken in the case.

Accept [etc.]

J. BERNSTORFF

¹ Not printed.

File No. 763.72111/1679

The Lake Torpedo Boat Company to the Secretary of State

[Telegram]

BRIDGEPORT, CONN., undated.
[Received February 20, 1915, 11.15 p. m.]

Evening paper alleges two belligerents complained against shipment submarine parts. We claim shipment to belligerent ports uncompleted and unarmed submarines or parts thereof as cargo merchant vessel is lawful under Section 5283, Revised Statutes, and precedents established by numerous such shipments by Lake Company and others during Russian-Japanese and other wars. We call attention to Moore's *Digest* . . . Volume 7, pages 886, origin inhibition; 863, German naval reserve vessels sold Russia during war; 951, Russia sold Spain war vessels during war; 960, Secretary Evarts decision cargo shipment torpedo boats lawful under Section 5283; and page 894, Justice Story, sale American war vessels in foreign ports lawful. We want reasonable time file facts with local customs officer for certification and to submit views on law applicable pending which we respectfully request Department withhold decision.

THE LAKE TORPEDO BOAT COMPANY

File No. 763.72111/1681

The Secretary of State to the Lake Torpedo Boat Company

[Telegram]

WASHINGTON, February 26, 1915.

Your telegram February 20 and letters February 21.¹ Press report appears to refer to complaint of German and Austrian Ambassadors regarding submarines supposed to be in course of construction by the Bethlehem Steel Corporation. Department is advised, however, by Mr. Schwab that such is not the case, and that the submarines now being built by the Fore River Shipbuilding Company are not being built for delivery during the war, and that the corporation would adhere to Mr. Schwab's assurances that no submarines would be built in the corporation's works in the United States for delivery during the war. We appreciate the sentiment expressed in your letter and trust that you will continue to be guided by the feeling of the President that it is really the duty of Americans in the spirit of the rules of neutrality laid down by the *Alabama* claims decision to prevent submarines being shipped from this country, even in parts. This is the suggestion which was made to Mr. Schwab in November last when the case first arose and which he has stated he would follow.

W. J. BRYAN

¹ Letters not printed.

File No. 763.72111/1859

The German Ambassador (Bernstorff) to the Secretary of State
[Translation]

J. Nr. A 2083]

WASHINGTON, *March 23, 1915.*

[Received March 24.]

MR. SECRETARY OF STATE: I beg leave to bring the following to your excellency's knowledge:

On Sunday the 21st instant not less than six steamers left the port of New York with ordnance, munitions, and other war material, the aggregate value of which is estimated at two million dollars at least.

One of the steamers, the *Orduna* of the Cunard Line, carried to Newcastle, England, two 15-inch cannons, delivered by the Bethlehem Steel Works. This is the third time that there has been delivered from this country heavy ordnance intended for newly built English naval vessels, that is to say for the armament of a warship of a belligerent power. Yet nothing has been heard of any investigation of the lawfulness of the shipping or of any clearance being refused by the New York customs and harbor officials.

The attitude of the said officials toward such shipments is all the more surprising as the recent inspection of the vessels of the North German Lloyd and Hamburg-American Line and the action brought against the Hamburg-American Line for supposedly false clearing of vessels prove that the harbor authorities give their best attention to all German measures that may have any possible connection with the conduct of the war and, as in the case of the Hoboken ship inspection, take most drastic action on the strength of mere rumors.

Accept [etc.]

J. BERNSTORFF

File No. 763.72111/1849

The Chamber of German-American Commerce to the Department of State

NEW YORK, *April 3, 1915.*

GENTLEMEN: The following paragraph appeared in the autobiography of the Hon. Andrew D. White, Ambassador to Germany, entitled *Chapters from My Diplomatic Life*:

The American Consul at Hamburg having notified me by telephone that a Spanish vessel, supposed to be loaded with arms for use against us in Cuba, was about to leave that port, I hastened to the Foreign Office and urged that vigorous steps be taken; with the result that the vessel, which, in the meantime, had left Hamburg, was overhauled and searched at the mouth of the Elbe. The German Government might easily have pleaded, in answer to my request, that the American Government had generally shown itself opposed to any such interference with the shipments of small arms to belligerents and had contended that it was not obliged to search vessels to find such contraband of war, but that this duty was incumbent upon the belligerent nations concerned. This evidence of the fairness of Germany I took pains to make known.

Will you kindly let us know why the United States did not assume a reciprocal attitude which would show the same attitude of fairness?

We remain [etc.]

HEINRICH CHARLES
Secretary

The Secretary of State to the Secretary of the Chamber of German-American Commerce (Heinrich Charles)

WASHINGTON, April 8, 1915.

SIR: The Department acknowledges the receipt of your letter of the 3d instant making inquiry in regard to the action of the American Ambassador at Berlin during the Spanish war in addressing the German Government as to an embargo on all arms and munitions intended for Spain.

In reply you are informed that the facts of this matter, as stated in the diplomatic correspondence on file in this Department, appear to be as follows:

It seems that, on May 18, 1898, Ambassador Andrew D. White received a telephone message from the American Consul at Hamburg that the Spanish ship *Pinzon* would sail within an hour for Cardiff to take on a cargo of coal for a Spanish port; that a part of the message was indistinct, and that it could not be clearly understood whether the ship was or was not liable to seizure on other grounds. The Ambassador therefore not desiring to incur delay by asking explanations went immediately to the Foreign Office and asked for the arrest and search of the vessel, and it was promised that everything possible would be done.

On the next morning the Ambassador received a telegram from the American Consul that the *Pinzon* when passing Cuxhaven the previous night was searched for war contraband by order of the German Chancellor, but that none was found.

Upon receipt of this information on June 6, 1898, the Department instructed the Ambassador that:

In view of the reported action of the Imperial German Government in directing the search of the *Pinzon* for contraband of war, the Department desires to be informed as to whether there are any laws or regulations in force which forbid the shipment of contraband of war from Hamburg or any other German port. It is assumed that you can obtain such information without applying to the German Government for it. It is important that if any such laws or regulations exist this Government and its agents may be informed of them so as to avoid the embarrassments which might arise, if it should appear to protest on the general principles of international law against neutral governments allowing articles regarded merely as contraband of war to be shipped from their ports.

In reply to this instruction the Ambassador on July 22, 1898, informed the Department without application to the German Government for positive information on the subject that he had been unable to ascertain that there had ever been any legislation upon the subject of contraband in the Empire. The Ambassador added that Germany had never issued a proclamation of neutrality, and that the Reichstag had not discussed the question of contraband since 1894, and that the Embassy had no knowledge of the issuance of any regulations on the subject since the existence of war with Spain.

No further correspondence appears to have taken place on the subject.

I am [etc.]

For the Secretary of State:

ROBERT LANSING

File No. 763.72111/2008

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

[Telegram]

BERLIN, April 16, 1915, 3 p. m.

[Received April 17, 6 p. m.]

2060. To-day's official report from headquarters on fighting around St. Mihiel states that captured French officer asserted that French artillery had unlimited quantities of American ammunition at its disposal.

GERARD

[For a discussion of the trade in war material in connection with the question of the Allies' interference with trade between the United States and Germany, see the memorandum transmitted to the Secretary of State by the German Ambassador on April 4, 1915, and the Secretary's reply of April 21, above, pages 157 and 160.]

File No. 763.72111/2122

The German Ambassador (Bernstorff) to the Secretary of State

[Translation]

J. Nr. A 3090]

WASHINGTON, May 3, 1915.

[Received May 4.]

MR. SECRETARY OF STATE: It is reported in the press that English officers are supervising the manufacture of arms and ammunition ordered in this country by Great Britain in the factories here, the works of the Bethlehem Steel Company among others.

I should be thankful to your excellency if you would kindly ascertain and inform me whether this press report is true.

Accept [etc.]

J. BERNSTORFF

File No. 763.72111/2164

The British Ambassador (Spring Rice) to the Secretary of State

WASHINGTON, May 7, 1915.

[Received May 10.]

MY DEAR MR. LANSING: In connection with the arguments which are now being advanced in various quarters with regard to the propriety of the exportation of arms from the United States for the use of the Allies, I have obtained some details, which may be of interest, as to the exports of munitions of war from Germany to Great Britain during the Boer war.

It appears that, after the Boer republics had been cut off from communication with Europe by sea, 108 15-pounder quick-firing guns and 500 rounds of ammunition for each were bought from the firm of Erhardt for the use of the British Army. Besides this order

large numbers of guns, rifles, and swords, and also large quantities of shell, gunpowder, and small arms ammunition were imported into England from Germany during the war.

Believe me [etc.]

CECIL SPRING RICE

File No. 763.72111/2122

The Secretary of State to the German Ambassador (Bernstorff)

WASHINGTON, May 15, 1915.

EXCELLENCY: I have the honor to acknowledge the receipt of your excellency's note of the 3d instant, in which you call to my attention a report in the press that English officers are supervising the manufacture of arms and ammunition ordered in this country by the Government of Great Britain.

Your excellency's note has been given careful consideration and in reply I have the honor to state that, as under the established rules of international law belligerent governments may come to a neutral country to purchase arms and ammunition and other supplies of war material, the supervision by belligerent agents of the fulfilment of a contract for such supplies is but an incident to the transaction and is, in the opinion of this Government, to be regarded as proper and commensurate with the maintenance of neutrality. Whether the supervising agents are officers, contractors, or other employees of the belligerent government appears to be immaterial to the solution of the question involved. It is understood, of course, that the transactions mentioned by your excellency do not go to the point of fitting out or arming vessels within American jurisdiction for the purpose of engaging in hostilities, nor of using American ports as bases of naval operations.

Accept [etc.]

W. J. BRYAN

File No. 763.72111/2382

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

[Telegram]

BERLIN, June 29, 1915, 6 p. m.

[Received June 30, 2.45 p. m.]

2511. An advertisement of high-explosive shells containing acids, said to have been inserted in *American Machinist* for May 6 last by Cleveland Automatic Machine Company of Cleveland, Ohio, has been widely reprinted in Germany and is causing unfortunate impression here particularly words "fragments become coated with these acids in exploding and wounds caused by them mean death in terrible agony within four hours if not attended to immediately."

I should be glad to learn status of *American Machinist* and whether advertisement is authentic. It seems possible that this is the work of German propagandists in the United States and if so, prompt exposure would be helpful here.

GERARD

File No. 763.72111/2385

The Postmaster General (Burluson) to the Secretary of State

WASHINGTON, June 30, 1915.

MY DEAR MR SECRETARY: Referring to the advertisement of the Cleveland Automatic Machine Company, Cleveland, Ohio, which appeared in the May 6, 1915, issue of the *American Machinist*, submitted with your letter of the 25th,¹ regarding high-explosive shells, which it is stated in the advertisement can be produced on a machine of that company, I have to say that there appears to be nothing in this advertisement which renders it inadmissible under the postal statutes as a part of the publication, which is entered as second-class matter at New York, New York.

If, however, the advertisement, by reason of the following or any other statement therein—

Fragments become coated with these acids in exploding and wounds caused by them mean death in terrible agony within four hours if not attended to immediately.

From what we are able to learn of conditions in the trenches, it is not possible to get medical assistance to any one in time to prevent fatal results. It is necessary to immediately cauterize the wound if in the body or head, or to amputate if in the limbs, as there seems to be no antidote that will counteract the poison.

It can be seen from this that this shell is more effective than the regular shrapnel, since the wounds caused by shrapnel balls and fragments in the muscles are not as dangerous as they have no poisonous element making prompt attention necessary—

is regarded as objectionable and not in harmony with the President's attitude in the interests of neutrality, this department will be very glad, if you so desire, to suggest to the publishers of the periodical that such advertisements be not accepted in the future for the reason stated.

Very sincerely,

A. S. BURLESON

File No. 763.72111Em1/14

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

[Telegram]

VIENNA, July 5, 1915, 3 p. m.

[Received July 6, 9.35 p. m.]

759. Referring to my cable of July 1, 10 a. m., 751,² submitting Austro-Hungarian note which was received immediately subsequent to visit of German Minister for Foreign Affairs to Vienna, I venture in view of urgency of occasion to submit following memorandum:

Taking advantage of Hague conventions, both Austria and Germany sold arms and ammunition to belligerents during both Balkan wars and Italo-Turkish war. Position of Austria and Germany

¹ Not printed.² Not printed. The note transmitted therein is printed as an enclosure to the Ambassador's despatch No. 608, July 2, *post*, p. 790.

during Boer war presents striking analogy to that of United States *vis-à-vis* present belligerents; Boers being cut off by British, Austrians and Germans were unable to supply them with munitions of war. In spite of this and of the fact that keen sympathy was felt for Boer cause in Austria and Germany, manufacturers of both countries sold munitions to British Government. According to recent statement of British War Office to London Embassy, Erhardt, Düsseldorf, at that time supplied Great Britain with 108 quick-firing guns and ammunition, and Skoda Works, Austria, delivered four 9¾-inch howitzers with 4,000 rounds of ammunition. I venture to recall to Department attitude of Austrian Government relative to shipment of arms to Mexico. When it is pointed out that American Government was endeavoring to conserve large Austro-German investments in Mexico and suggested, pursuant to instructions, that we, as their agents, hoped that means might be found to act in concert with us in preventing shipment of arms to Mexico, especially in view of the fact that continuance of shipments would probably seriously interfere with accomplishment desired end, they replied that their manufacturers were very jealous of their rights. The degree to which this armament was contemplated is emphasized particularly by large quantities Mexican guns and ammunition now in hands of Austro-Hungarian forces. Reliable Americans have informed me they have seen many of these guns lying on battlefield near Tarnow; also ammunition cases addressed to Mexican Government, Vera Cruz. I am likewise reliably informed that numbers of these arms are in hands of Austrian troops on Italian front. Embassy has informally pointed out to Ministry of Foreign Affairs that in event of enactment law prohibiting export of arms from the United States, American manufacturers would immediately transfer plants to Canada. Rapidity with which transfers can be made evidenced by successful removal of machinery from Herstal, Belgium, to Germany and recent removal several plants from Adriatic coast to interior of this Monarchy.

PENFIELD

File No. 763.72111/2382

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

[Telegram]

WASHINGTON, July 7, 1915, 5 p. m.

1917. Your 2511. Investigations show that the advertisement in question was of a machine for the manufacture of explosive shells and not of the shells themselves; that the sentence quoted was inserted to attract attention and the Department is informed that this advertisement will not appear again in this objectionable form.

You may make use, in your discretion, of the following information:

Owing to numerous press reports describing the use by the French of American shells and the killing of German soldiers by such American ammunition, and that the mortalities have been considerably increased because the French were using poisonous American shells

made by a certain company in Cleveland, Ohio, the French Embassy on July 1 issued the following statement:

In view of such frequently reported assertions, it can not be amiss to state once for all that France has bought no shell of any sort in the United States since the beginning of the war.

LANSING

File No. 763.72111/2385

The Secretary of State to the Postmaster General (Burlison)

WASHINGTON, July 8, 1915.

SIR: I have the honor to acknowledge the receipt of your letter of June 30, 1915, in further relation to the advertisement in the *American Machinist* of May 6, 1915, of the Cleveland Automatic Machine Company of Cleveland, Ohio, relative to the high-explosive shells which, it is stated in the advertisement, can be produced by a machine of that company.

In reply I have the honor to say that the Department feels that it is unfortunate that such advertisements are appearing at the present time, and that, therefore, while there may be no legal means of preventing their appearance, it is hoped that it may be possible and proper to suggest to the publishers that such advertisements be refused in the future.

I have [etc.]

ROBERT LANSING

File No. 763.72111Em1/13

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

No. 608]

VIENNA, July 2, 1915.

[Received July 20.]

SIR: I have the honor to transmit herewith enclosed a copy and translation of a note dated June 29 from Baron Burian, the Austro-Hungarian Minister for Foreign Affairs, relative to the shipment of arms and ammunition by citizens of the United States to Great Britain and her allies, and taking issue with the American Government as to its neutrality in permitting the continuance of this traffic in view of the proportions to which it has grown and in view of the fact that Austria-Hungary and Germany are cut off from the American market. The full text of the note was to-day cabled you in cipher.

In view of the importance of the subject in hand and of the delay which would attend a transmission by pouch, I am venturing to bring to your attention by telegraph certain actions on the part of the Austro-Hungarian and German Governments which have come to my notice, which form precedents, and which, although no doubt already known to the Department, I feel it my duty to recall to your notice on this occasion. The Embassy has ventured, unofficially, to recall these facts to the Ministry of Foreign Affairs and did not omit to mention the large number of so-called Mexican guns now in the hands of the Austro-Hungarian troops, the shipment of which

to Mexico was prevented only by the outbreak of the present European War, and likewise that American manufacturers of war materials could transfer their plants to Canada with a facility equal to that evidenced by the removal of the Belgian arms plant from Herstal to Germany, and the still more recent removal of similar plants from the shores of the Adriatic provinces—from Monfalcone, Pola, and Fiume—to safer places within the Monarchy where they are now in operation.

It was further suggested that the proportion of arms and ammunition supplied to the Allies by American manufacturers was probably much exaggerated in the Austro-German mind; that no account seemed to be taken of the fact that France and England, with her colonies, were utilizing every available resource to this end; that American manufacturers realized that the production of articles of this kind was altogether of a temporary nature, and that one might be sure that their attention had not been distracted thereby from the rich fields for export in South America and Asia, which had formerly been supplied by Europe, but which must now look to the United States for supplies. It was reasonable to suppose that American business men had not lost sight of the future advantages of gaining control of those markets in the present circumstances, and that therefore the Nation can not be supposed to have given itself up to the production of war material to the degree to which Austro-German publicists seem to imagine; that, to the contrary, should the United States mobilize her manufactories on the lines at present followed in Great Britain, it is highly probable that enough ammunition could, within a short time, be produced to supply the wants of any of the belligerents.

I have [etc.]

FREDERIC C. PENFIELD

[Enclosure—Translation]

The Austro-Hungarian Minister of Foreign Affairs (Burian) to the American Ambassador (Penfield)

No. 59,465/7]

VIENNA, June 29, 1915.

The far-reaching effects which result from the fact that for a long time the traffic in munitions of war to the greatest extent has been carried on between the United States of America on the one hand and Great Britain and its allies on the other, while Austria-Hungary as well as Germany have been absolutely excluded from the American market, have from the very beginning attracted the most serious attention of the Imperial and Royal Government.

If now the undersigned permits himself to address himself to this question, with which the Washington Cabinet has been concerned until now only with the Imperial German Government, he follows the injunction of imperative duty to protect the interests intrusted to him from further serious damage which results from this situation as well to Austria-Hungary as to the German Empire.

Although the Imperial and Royal Government is absolutely convinced that the attitude of the Federal Government in this connection emanates from no other intention than to maintain the strictest neutrality and to conform to the letter of the provisions of international treaties, nevertheless the question arises whether the conditions as they have developed during the course of the war, certainly independently of the will of the Federal Government, are not such as in effect thwart the intentions of the Washington Cabinet or even actually oppose them. In the affirmative case—and affirmation, in the opinion of the Imperial and Royal Government, can not be doubted—then immediately follows the further question whether it would not seem possible, even imperative, that appropriate measures be adopted toward bringing into full effect the desire of the Federal Government to maintain an attitude of strict parity with respect

to both belligerent parties. The Imperial and Royal Government does not hesitate to answer also this question unqualifiedly in the affirmative.

It can not certainly have escaped the attention of the American Government, which has so eminently cooperated in the work of The Hague, that the meaning and essence of neutrality are in no way exhaustively dealt with in the fragmentary provisions of the pertinent treaties. If one takes into consideration particularly the genesis of Article 7 of the fifth and thirteenth conventions, respectively, upon which the Federal Government clearly relies in the present case, and the wording of which, as is in no way to be denied, affords it a formal pretext for the toleration of traffic in munitions of war now being carried on by the United States, it is only necessary, in order to measure the true spirit and import of this provision—which, moreover, appears to have been departed from in the prevention of the delivery of vessels of war and in the prevention of certain deliveries to vessels of war of belligerent nations—to point out the fact that the detailed privileges conceded to neutral states in the sense of the preamble to the above-mentioned convention are limited by the requirements of neutrality which conform to the universally recognized principles of international law.

According to all authorities on international law who concern themselves more particularly with the question now under consideration, a neutral government may not permit traffic in contraband of war to be carried on without hindrance when this traffic assumes such a form or such dimensions that the neutrality of the nation becomes involved thereby.

If any one of the various criteria which have been laid down in science in this respect be used as a basis in determining the permissibility of commerce in contraband, one reaches the conclusion from each of these criteria that the exportation of war requisites from the United States, as is being carried on in the present war, is not to be brought into accord with the demands of neutrality.

The question now before us is surely not whether American industries which are engaged in the manufacture of war material should be protected from loss in the export trade that was theirs in times of peace. Rather has that industry soared to unimagined heights. In order to turn out the huge quantities of arms, ammunition, and other war material of every description ordered in the past months by Great Britain and her allies from the United States, not only the full capacity of the existing plants, but also their transformation and enlargement and the creation of new large plants, as well as a flocking of workmen of all trades into that branch of industry, in brief, far-reaching changes of economic life encompassing the whole country, became necessary. From no quarter, then, can there come any question of the right of the American Government to prohibit, through the issuance of an embargo, that enormous exportation of war implements that is openly carried on and, besides, is commonly known to be availed of by only one of the parties to the war. If the Federal Government would exercise that power it possesses, it could not lay itself open to blame if, in order to keep within the requirements of the law of the land, it adopted the course of enacting a law. For while the principle obtains that a neutral state may not alter the rules in force within its province concerning its attitude toward belligerents while war is being waged, yet this principle, as clearly appears from the preamble to the thirteenth Hague convention, suffers an exception in the case "*où l'expérience acquise en démontrerait la nécessité pour la sauvegarde de ses droits*" [where experience has shown the necessity thereof for the protection of its rights].

Moreover, this case is already established for the American Government through the fact that Austria-Hungary, as well as Germany, is cut off from all commercial intercourse with the United States of America without the existence of a legal prerequisite therefor—a legally constituted blockade.

In reply to the possible objection that, notwithstanding the willingness of American industry to furnish merchandise to Austria-Hungary and Germany as well as to Great Britain and her allies, it is not possible for the United States of America to trade with Austria-Hungary and Germany as the result of the war situation, it may be pointed out that the Federal Government is undoubtedly in a position to improve the situation described. It would be amply sufficient to confront the opponents of Austria-Hungary and Germany with the possibility of the prohibition of the exportation of foodstuffs and raw materials in case legitimate commerce in these articles between the Union

and the two Central Powers should not be allowed. If the Washington Cabinet should find itself prepared for an action in this sense, it would not only be following the tradition always held in such high regard in the United States of contending for the freedom of legitimate maritime commerce, but would also earn the high merit of nullifying the wanton efforts of the enemies of Austria-Hungary and Germany to use hunger as an ally.

The Imperial and Royal Government may therefore, in the spirit of the excellent relations which have never ceased to exist between the Austro-Hungarian Monarchy and the United States of America, appeal to the Federal Government in sincere friendship, in view of the expositions here set forth, to subject its previously adopted standpoint in this so important question to a mature reconsideration. A revision of the attitude observed by the Government of the Union in the sense of the views advocated by the Imperial and Royal Government would, according to the convictions of the latter, be not only within the bounds of the rights and obligations of a neutral government, but also in close keeping with those principles dictated by true humanity and love of peace which the United States has ever written on its banner.

The undersigned has the honor to ask the good offices of his excellency, the ambassador extraordinary and plenipotentiary of the United States of America, Mr. Frederic Courtland Penfield, to convey the foregoing by telegram to the attention of the Washington Cabinet; he avails himself [etc.]

BURIAN

File No. 763.72111E1 1/10

The German Ambassador (Bernstorff) to the Secretary of State

[Translation]

J. Nr. A 4511]

CEDARHURST, N. Y., July 17, 1915.

[Received July 20.]

MR. SECRETARY OF STATE: I have the honor to forward herewith to your excellency a clipping from the *New York Times* of the 8th instant about the building of war motor-boats for Great Britain in the United States.¹

According to the article of the *Times* those boats will be provided with machine guns and ramming spurs for the destruction of submarines.

If the foregoing reports are well founded, this would make it a case of warcraft ordered in a neutral country by a belligerent power and the execution of the order would constitute a contravention of Article 8 of the thirteenth convention of the Second Hague Conference.

Several hundred, others say a thousand, such boats are said to have been ordered from the Elco Company and the New London Ship and Engine Company of New London, Conn.

Twelve twin-screw motor-boats are said to have been ordered for the account of the English from the Greenport Basin and Construction Company of Greenport, L. I. The boats are said to be 60 feet long and are to be provided with gas motors which will develop a speed of 24 knots. I am told that 4 boats are already in course of construction. All 12 boats are to be delivered within four months.

I have the honor to ask your excellency kindly to direct an investigation of the matter and should be thankful if you would acquaint me with the result thereof.

Accept [etc.]

J. BERNSTORFF

¹Not printed.

File No. 763.72111Em1/13

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

[Telegram]

WASHINGTON, August 12, 1915.

846. Your 751, July 1 and 759, July 5.¹ Please present a note to the Royal Foreign Office in reply to its note of June 29, in the following sense:

The Government of the United States has given careful consideration to the statement of the Imperial and Royal Government in regard to the exportation of arms and ammunition from the United States to the countries at war with Austria-Hungary and Germany. The Government of the United States notes with satisfaction the recognition by the Imperial and Royal Government of the undoubted fact that its attitude with regard to the exportation of arms and ammunition from the United States is prompted by its intention to "maintain the strictest neutrality and to conform to the letter of the provisions of international treaties," but is surprised to find the Imperial and Royal Government implying that the observance of the strict principles of the law under the conditions which have developed in the present war is insufficient, and asserting that this Government should go beyond the long-recognized rules governing such traffic by neutrals and adopt measures to "maintain an attitude of strict parity with respect to both belligerent parties."

To this assertion of an obligation to change or modify the rules of international usage on account of special conditions the Government of the United States can not accede. The recognition of an obligation of this sort, unknown to the international practice of the past, would impose upon every neutral nation a duty to sit in judgment on the progress of a war and to restrict its commercial intercourse with a belligerent whose naval successes prevented the neutral from trade with the enemy. The contention of the Imperial and Royal Government appears to be that the advantages gained to a belligerent by its superiority on the sea should be equalized by the neutral powers by the establishment of a system of non-intercourse with the victor. The Imperial and Royal Government confines its comments to arms and ammunition, but if the principle for which it contends is sound, it should apply with equal force to all articles of contraband. A belligerent controlling the high seas might possess an ample supply of arms and ammunition, but be in want of food and clothing. On the novel principle that equalization is a neutral duty, neutral nations would be obligated to place an embargo on such articles because one of the belligerents could not obtain them through commercial intercourse.

But if this principle, so strongly urged by the Imperial and Royal Government, should be admitted to obtain by reason of the superiority of a belligerent at sea, ought it not to operate equally as to a belligerent superior on land? Applying this theory of equalization, a belligerent who lacks the necessary munitions to contend successfully on land ought to be permitted to purchase them from neutrals, while

¹Ante, p. 788. See also footnote 2, p. 788.

a belligerent with an abundance of war stores or with the power to produce them should be debarred from such traffic.

Manifestly the idea of strict neutrality now advanced by the Imperial and Royal Government would involve a neutral nation in a mass of perplexities which would obscure the whole field of international obligation, produce economic confusion, and deprive all commerce and industry of legitimate fields of enterprise, already heavily burdened by the unavoidable restrictions of war.

In this connection it is pertinent to direct the attention of the Imperial and Royal Government to the fact that Austria-Hungary and Germany, particularly the latter, have during the years preceding the present European war produced a great surplus of arms and ammunition, which they sold throughout the world and especially to belligerents. Never during that period did either of them suggest or apply the principle now advocated by the Imperial and Royal Government.

During the Boer war between Great Britain and the South African Republics the patrol of the coasts of neighboring neutral colonies by British naval vessels prevented arms and ammunitions reaching the Transvaal or the Orange Free State. The allied republics were in a situation almost identical in that respect with that in which Austria-Hungary and Germany find themselves at the present time. Yet, in spite of the commercial isolation of one belligerent, Germany sold to Great Britain, the other belligerent, hundreds of thousands of kilos of explosives, gunpowder, cartridges, shot, and weapons; and it is known that Austria-Hungary also sold similar munitions to the same purchaser, though in smaller quantities. While, as compared with the present war, the quantities sold were small (a table of the sales is appended), the principle of neutrality involved was the same. If at that time Austria-Hungary and her present ally had refused to sell arms and ammunition to Great Britain on the ground that to do so would violate the spirit of strict neutrality, the Imperial and Royal Government might with greater consistency and greater force urge its present contention.

It might be further pointed out that during the Crimean war large quantities of arms and military stores were furnished to Russia by Prussian manufacturers; that during the recent war between Turkey and Italy, as this Government is advised, arms and ammunition were furnished to the Ottoman Government by Germany; and that during the Balkan wars the belligerents were supplied with munitions by both Austria-Hungary and Germany. While these latter cases are not analogous, as is the case of the South African war, to the situation of Austria-Hungary and Germany in the present war, they nevertheless clearly indicate the long-established practice of the two Empires in the matter of trade in war supplies.

In view of the foregoing statements, this Government is reluctant to believe that the Imperial and Royal Government will ascribe to the United States a lack of impartial neutrality in continuing its legitimate trade in all kinds of supplies used to render the armed forces of a belligerent efficient, even though the circumstances of the present war prevent Austria-Hungary from obtaining such supplies from the markets of the United States, which have been and remain,

so far as the action and policy of this Government are concerned, open to all belligerents alike.

But, in addition to the question of principle, there is a practical and substantial reason why the Government of the United States has from the foundation of the Republic to the present time advocated and practiced unrestricted trade in arms and military supplies. It has never been the policy of this country to maintain in time of peace a large military establishment or stores of arms and ammunition sufficient to repel invasion by a well-equipped and powerful enemy. It has desired to remain at peace with all nations and to avoid any appearance of menacing such peace by the threat of its armies and navies. In consequence of this standing policy the United States would, in the event of attack by a foreign power, be at the outset of the war seriously, if not fatally, embarrassed by the lack of arms and ammunition and by the means to produce them in sufficient quantities to supply the requirements of national defense. The United States has always depended upon the right and power to purchase arms and ammunition from neutral nations in case of foreign attack. This right, which it claims for itself, it can not deny to others.

A nation whose principle and policy it is to rely upon international obligations and international justice to preserve its political and territorial integrity, might become the prey of an aggressive nation whose policy and practice it is to increase its military strength during times of peace with the design of conquest, unless the nation attacked can, after war had been declared, go into the markets of the world and purchase the means to defend itself against the aggressor.

The general adoption by the nations of the world of the theory that neutral powers ought to prohibit the sale of arms and ammunition to belligerents would compel every nation to have in readiness at all times sufficient munitions of war to meet any emergency which might arise and to erect and maintain establishments for the manufacture of arms and ammunition sufficient to supply the needs of its military and naval forces throughout the progress of a war. Manifestly the application of this theory would result in every nation becoming an armed camp, ready to resist aggression and tempted to employ force in asserting its rights rather than appeal to reason and justice for the settlement of international disputes.

Perceiving, as it does, that the adoption of the principle that it is the duty of a neutral to prohibit the sale of arms and ammunition to a belligerent during the progress of a war would inevitably give the advantage to the belligerent which had encouraged the manufacture of munitions in time of peace and which had laid in vast stores of arms and ammunition in anticipation of war, the Government of the United States is convinced that the adoption of the theory would force militarism on the world and work against that universal peace which is the desire and purpose of all nations which exalt justice and righteousness in their relations with one another.

The Government of the United States in the foregoing discussion of the practical reason why it has advocated and practiced trade in munitions of war, wishes to be understood as speaking with no thought of expressing or implying any judgment with regard to the circumstances of the present war, but as merely putting very frankly the argument in this matter which has been conclusive in determining the policy of the United States.

While the practice of nations, so well illustrated by the practice of Austria-Hungary and Germany during the South African war, and the manifest evil which would result from a change of that practice render compliance with the suggestions of the Imperial and Royal Government out of the question, certain assertions appearing in the Austro-Hungarian statement as grounds for its contentions can not be passed over without comment. These assertions are substantially as follows:

- (1) That the exportation of arms and ammunition from the United States to belligerents contravenes the preamble of the Hague Convention No. XIII of 1907;
- (2) That it is inconsistent with the refusal of this Government to allow delivery of supplies to vessels of war on the high seas;
- (3) That, "according to all authorities on international law who concern themselves more properly with the question," exportation should be prevented "when this traffic assumes such a form or such dimensions that the neutrality of a nation becomes involved thereby."

As to the assertion that the exportation of arms and ammunition contravenes the preamble of the Hague Convention No. XIII of 1907, this Government presumes that reference is made to the last paragraph of the preamble, which is as follows: "Seeing that, in this category of ideas, these rules should not, in principle, be altered, in the course of the war, by a neutral power, except in a case where experience has shown the necessity for such change for the protection of the rights of that power."

Manifestly the only ground to change the rules laid down by the convention, one of which, it should be noted, explicitly declares that a neutral is not bound to prohibit the exportation of contraband of war, is the necessity of a neutral power to do so in order to protect its own rights. The right and duty to determine when this necessity exists rests with the neutral, not with a belligerent. It is discretionary, not mandatory. If a neutral power does not avail itself of the right, a belligerent is not privileged to complain, for in doing so it would be in the position of declaring to the neutral power what is necessary to protect that power's own rights. The Imperial and Royal Government can not but perceive that a complaint of this nature would invite just rebuke.

With reference to the asserted inconsistency of the course adopted by this Government in relation to the exportation of arms and ammunition and that followed in not allowing supplies to be taken from its ports to ships of war on the high seas, it is only necessary to point out that the prohibition of supplies to ships of war rests upon the principle that a neutral power must not permit its territory to become a naval base for either belligerent. A warship may, under certain restrictions, obtain fuel and supplies in a neutral port once in three months. To permit merchant vessels acting as tenders to carry supplies more often than three months and in unlimited amount would defeat the purpose of the rule and might constitute the neutral territory a naval base. Furthermore, this Government is unaware that any Austro-Hungarian ship of war has sought to obtain supplies from a port in the United States, either directly or indirectly. This subject has, however, already been discussed with the Imperial

German Government, to which the position of this Government was fully set forth December 24, 1914.¹

In view of the positive assertion in the statement of the Imperial and Royal Government as to the unanimity of the opinions of text-writers as to the exportation of contraband being unneutral, this Government has caused a careful examination of the principal authorities on international law to be made. As a result of this examination it has come to the conclusion that the Imperial and Royal Government has been misled and has inadvertently made an erroneous assertion. Less than one fifth of the authorities consulted advocate unreservedly the prohibition of the export of contraband. Several of those who constitute this minority admit that the practice of nations has been otherwise. It may not be inopportune to direct particular attention to the declaration of the German authority, Paul Einicke, who states that at the beginning of a war, belligerents have never remonstrated against the enactment of prohibitions on trade in contraband, but adds "that such prohibitions may be considered as violations of neutrality, or at least as unfriendly acts, if they are enacted during a war with the purpose to close unexpectedly the sources of supply to a party which heretofore had relied on them."

The Government of the United States deems it unnecessary to extend further at the present time a consideration of the statement of the Austro-Hungarian Government. The principles of international law, the practice of nations, the national safety of the United States and other nations without great military and naval establishments, the prevention of increased armies and navies, the adoption of peaceful methods for the adjustment of international differences, and, finally, neutrality itself are opposed to the prohibition by a neutral nation of the exportation of arms, ammunition, or other munitions of war to belligerent powers during the progress of the war.

LANSING

APPENDIX

GERMAN EXPORTS OF ARMS AND AMMUNITION TO GREAT BRITAIN

Articles	Quantity, 100 kilos			
	1899	1900	1901	1902
Explosives-----	4, 342	6, 014	5, 147	3, 645
Gunpowder-----	28	658	243	69
Gun barrels-----	12	366	21	133
Shot, of malleable iron, not polished, etc.	30	43	38	-----
Shot (further manufactured), polished, etc., not lead-coated-----		4		-----
Shot, nicked or lead-coated with copper rings, etc-----		3, 018	176	-----
Weapons for war purposes-----			18	2
Cartridges with copper shells and percussion caps-----	904	1, 595	866	982

¹ *Foreign Relations, 1914, Supplement, p. 647.*

AUSTRO-HUNGARIAN EXPORTS OF ARMS AND AMMUNITION TO GREAT BRITAIN

Articles	Quantity, 100 kilos			
	1899	1900	1901	1902
Arms (exclusive of small arms) -----	190	374	12	-----
Separate parts of arms -----	1	1	-----	-----
Small arms -----	2	3	80	5
Ammunition and explosives under tariff No. 346 -----	1	7	16	51
Other ammunition and explosives -----	-----	-----	4	-----

File No. 763.72111E1 1/15

The German Ambassador (Bernstorff) to the Secretary of State

[Translation]

J. Nr. A 5149]

CEDARHURST, N. Y., *August 18, 1915.*

[*Received August 21.*]

MR. SECRETARY OF STATE: In continuation of my note of the 17th ultimo¹ have the honor to draw your excellency's kind attention to the enclosed clipping from the New York *Herald* of the 14th instant.²

According to this article speed boats are being built in large numbers by the Greenport Basin and Construction Company of Greenport, New York, apparently for a belligerent power; it is said they are to be used in destroying submarines.

Four boats are said to be already completed and waiting to be taken and carried away.

Accept [etc.]

J. BERNSTORFF

The Secretary of State to the German Ambassador (Bernstorff)

No. 1564]

WASHINGTON, *August 27, 1915.*

EXCELLENCY: I have the honor to acknowledge the receipt of your note of the 18th instant in which you enclose a clipping from the New York *Herald* of August 14 in regard to the construction of certain speed boats by the Greenport Basin and Construction Company of Greenport, New York, which you think are apparently being constructed for belligerent powers.

I have the honor to say in reply that the matter has been investigated and it is reported that the use to which these boats are to be put is not known. In the absence of proof of intent of hostile purpose for which the craft are to be employed, their manufacture is not regarded as in contravention of the neutrality laws of the United States.

Accept [etc.]

ROBERT LANSING

¹Ante. p. 793.

²Not printed.

File No. 763.72111/2865

The Secretary to the President (Tumulty) to the Secretary of State

WASHINGTON, August 27, 1915.

DEAR MR. LANSING: I am sending you a self-explanatory letter from the managing editor of the *Milwaukee Journal*. I should be very glad to help him in the matter, if his request is a proper one, for the *Journal* has been very friendly to the administration. Won't you be kind enough to advise me as to what, if anything, can be done?

Sincerely yours,

J. P. TUMULTY

[Enclosure]

The Managing Editor of the Milwaukee "Journal" (Henry C. Campbell) to the Secretary to the President (Tumulty)

MILWAUKEE, August 7, 1915.

DEAR MR. TUMULTY: The argument is constantly made by those who favor an embargo on arms and ammunition that all the other neutral nations in the world have prohibited export trade in this kind of material. For instance, in an article sent out from Germany, John L. Stoddard, the noted traveler and lecturer, makes the statement that "at this time every neutral country except the United States has placed an embargo on munitions of war." We have just received a communication from a pro-German sympathizer, the latest one of a number of similar letters, which makes the same statement. It is very important that the truth in regard to what other neutral nations have done in this respect be made known. We need this information here and we need it quite urgently, and, as a result of a talk with Mr. Nieman, I am going to take the liberty of asking you to help us get the facts. We should like to have somebody who understands the situation thoroughly and who will be accurate, compile this information for us and we would like to have you select somebody for this purpose. We shall, of course, be glad to pay him for his services. Some bright, reliable young man connected with the Department of State might be just the man to do the work. The points that we should particularly like to cover are as follows:

1. What neutral nations, if any, have declared embargoes on arms and ammunition?
2. Which of these nations, if any, manufacture arms and ammunition on such a scale as to constitute more than a negligible factor in supplying the belligerents?
3. Which of these nations, if any, were led to declare embargoes through fear that developments might make it necessary for them to retain this war material for their own use?
4. Which of these nations, if any, were led to declare embargoes through fear of incurring the enmity of more powerful neighbors?
5. Have any of these nations taken the ground that supplying arms and ammunition to belligerents would be unneutral?

This and other essential information on the subject is undoubtedly in the possession of the Department of State and I can think of no other place where it can be obtained. It is of extreme importance in our opinion for us to get this information. We need it exceedingly. This is our excuse of going directly to you for help in getting it.

Let me assure you in the most positive terms that whatever you may do to aid us will be kept strictly to ourselves and that in case there is any objection to our stating that the data is compiled from the records of the Department of State, we agree and promise not to mention that Department in connection with the matter.

May I express the hope that you will kindly give this request your prompt attention and earnest consideration? I trust that you will realize that we know whereof we speak when we say that it is a matter of very great and urgent importance.

Yours very truly,

HARRY C. CAMPBELL

File No. 763.72111/2798

The Secretary of State to the Russian Ambassador (Bakhméteff)

[Telegram]

WASHINGTON, August 30, 1915.

Department advised that ten motor-boats are ready to be exported on steamship *Falkanger*, sailing for Archangel to-day and that these vessels have been constructed under the supervision of Russian official inspector. Before allowing exportation of vessels, the Department desires to be informed, in the interest of preserving American neutrality, whether these vessels have been constructed for the use of the Russian Government and if so for what purpose they are to be used and particularly whether they are to be used in warlike operations. I hope you may be able kindly to inform me on these points.

ROBERT LANSING

File No. 763.72111/2797a

The Secretary of State to Diplomatic Officers in European Neutral Countries

[Circular telegram]

WASHINGTON, August 30, 1915, 5 p. m.

Please discreetly ascertain and telegraph whether the country to which you are accredited has embargoed arms and ammunition during the present war in order to conserve them for home use, or not to incur enmity of belligerents, or to maintain neutrality, and whether the sale of arms and ammunition would have been more than a negligible factor in supplying the belligerents.

LANSING

File No. 763.72111E1 1/21

The Russian Ambassador (Bakhméteff) to the Secretary of State

[Telegram]

NEWPORT, R. I., August 31, 1915.

The naval attaché informs me, in answer to your telegram, that the motor-boats you mention have not been constructed under the supervision of a Russian official inspector. Although these vessels have been ordered by a private Russian concern for the use of the Russian Government, they have no armament whatever, and are built of thin wood and therefore can not be used in warlike operations. The naval attaché presumes that they have been ordered as means of conveyance or for patrolling of fisheries on lakes and closed seas as the Caspian or the Aral. If you consider it necessary, the naval attaché will come at once and give you all the supplementary information you may require. Please wire an answer.

GEORGE BAKHMÉTEFF

The Secretary of State to the Russian Ambassador (Bakhméteff)

[Telegram]

WASHINGTON, September 1, 1915.

Your telegram to-day regarding motor-boats. The collector of customs has been instructed to allow exportation.

ROBERT LANSING

File No. 763.72111/2797a

The Minister in Denmark (Egan) to the Secretary of State

[Telegram]

COPENHAGEN, September 1, 1915, 5 p. m.

[Received 8 p. m.]

170. Your circular August 30, 5 p. m. Arms and ammunition embargoed ostensibly for conservation but really to avoid belligerents' enmity. Their exportation would have been a negligible factor.

AMERICAN MINISTER

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

[Telegram]

ROME, September 1, 1915, 3 p. m.

[Received 9.25 p. m.]

385. Your August 30, 5 p. m., received from Berne. Italian Government last autumn placed embargo on arms and ammunition with other commodities simply because they were needed for Italy herself. They recognize right under Hague convention to sell arms to belligerents.

NELSON PAGE

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

[Telegram]

LISBON, September 2, 1915, 11 a. m.

[Received 1 p. m.]

26. Your telegram unnumbered, August 30, 5 p. m. Portuguese Government has not embargoed arms and ammunition. Would be negligible factor.

BIRCH

The Chargé in Sweden (Caffery) to the Secretary of State

[Telegram]

STOCKHOLM, September 2, 1915, 2 p. m.

[Received 9.55 p. m.]

56. Department's circular telegram of August 30. Sweden embargoed export arms and ammunition chiefly in order to conserve them for home use but also on account of attitude of British Gov-

ernment in retaliating on Swedish commerce in cases export from Sweden to Germany. Sale would have been purely negligible quantity.

CAFFERY

The Minister in the Netherlands (Van Dyke) to the Secretary of State

[Telegram]

THE HAGUE, September 4, 1915, 5 p. m.

[Received 8 p. m.]

363. Your circular confidential August 30, 5 p. m. Netherlands embargoed all munitions of war August 7, 1914, principally to retain them for home use, but also for the other two reasons you mention. The sale of munitions of war would have been a negligible factor in supplying the belligerents, because Netherlands needs more than she has at present to supply her army, especially since it has been increased by over 200,000 men (see my despatch No. 310).¹ War Department has just invited bids for 310 tons round steel, 58 diameter, and 600 tons steel both square and round, 78 diameter, for making shells and shrapnel. It is reported that the Bethlehem Steel Company has been asked to bid. Netherlands' factories have been producing approximately 40,000 rounds of small arms ammunition per diem and have now a reserve of 280,000,000 rounds. I can find no sign of export of arms and ammunition from this country to belligerents. Possibly some has been smuggled. Military attaché Poillon reported on arms and ammunition in Netherlands' despatch to War Department No. 34, August 12.

VAN DYKE

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

[Telegram]

SAN SEBASTIAN, September 4, 1915, 5 p. m.

[Received September 5, 9.15 a. m.]

127. Department's circular telegraphic instructions August 30, 5 p. m., via Berne. So far as Embassy is able to discover, Spanish Government has placed no official embargo on sale and exportation of arms and ammunition during European war. Policy of Ministry, however, is strictly to prevent such sale and exportation in order to maintain absolute neutrality and conserve supplies for national needs. Some arms and ammunition, however, find their way out.

WILLARD

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

[Telegram]

CHRISTIANIA, September 7, 1915; 2 p. m.

[Received 5.06 p. m.]

29. Your circular telegram August 30, 5 p. m. From reliable confidential information received, Norwegian Government has placed

¹ Not printed.

embargo on arms and ammunition in order to conserve them for home use. Sale of arms and ammunition to belligerents a negligible factor. Norway, if involved in war, would at present depend on other nations for munitions of war.

SCHMEDEMAN

File No. 763.72111/2866

The Secretary of State to the Secretary to the President (Tumulty)

WASHINGTON, September 16, 1916.

MY DEAR MR. TUMULTY: Referring to your letter of September 13,¹ in regard to the embargoes imposed by neutral countries upon the exportation of arms and ammunition, the Department has information on this subject in regard to the following countries:

Brazil	China
Argentina	Denmark
Chile	Sweden
Colombia	Norway
Paraguay	Netherlands
Peru	Spain
Uruguay	Portugal
Venezuela	Italy

It appears that none of the South American countries mentioned have placed an embargo on arms and ammunition during the present war, with the exception of Brazil which, by a decree of August 4, 1914, prohibited the exportation of "war materials from Brazilian ports to those of the powers at war."

Of the European countries mentioned, all have placed an embargo on the exportation of war materials except Portugal which appears to have taken no official action of this sort. Spain, Italy, Denmark, Sweden, Norway, and Holland prohibited the exportation of arms and ammunition in order, it is reported, to conserve their supplies for their own use. It is reported also that the exportation of such materials from any of these countries, except possibly Italy, would, if allowed, have been of a negligible quantity. It is not possible to ascertain whether the real ground for the embargoes was, in some cases, that of conservation or really to avoid the enmity of the belligerents, to retaliate against some vexatious measure of the belligerents or to maintain a strict neutrality. It may be that in some cases all of these grounds governed the action of the neutral country.

In the Orient, China appears to have interdicted private commerce in articles of a contraband nature.

As of possible value, I also enclose some copies of a print entitled "Articles whose export is prohibited by the neutral European countries."¹ This compilation has been prepared in the Department from the latest information available up to June 26, 1915.

I can see no objection to printing the information given in this letter, with the statement that it is compiled by the Department of State from information available at the time.

Very sincerely yours,

ROBERT LANSING

¹ Not printed.

File No. 763.72111 El 1/25

The German Ambassador (Bernstorff) to the Secretary of State
[Translation]

J. Nr. A 5629]

CEDARHURST, N. Y., *September 16, 1915.*

[Received September 18.]

MR. SECRETARY OF STATE: It appears from the contents of your excellency's note No. 1564 of August 27¹ that the investigation set on foot by your excellency had not brought forth proof that the boats built and under construction at Greenport were intended for hostile purposes.

I will therefore try to furnish a few important data hereinbelow to your excellency for consideration as to whether the making and shipping of such boats lie within the bounds of the neutrality laws.

It is a fact that the Greenport Basin and Construction Company of Greenport, N. Y., and it is further asserted that the Elco Boat Company of Bayonne, Bergen Point, N. J., have orders for a number of boats of that kind a small part of which is already completed.

The enclosures give a closer description and a photograph of the boats.² I beg leave to draw your excellency's particular attention to the construction of the iron wheelhouse. There is every indication that the boats will be armed with two small-caliber guns at their place of destination, two particularly strong props are built in fore and aft for that purpose.

Considering that an American building firm has taken large orders for speed boats which under the contract are to run 27 miles an hour, that it is said a premium will be paid for every mile exceeding the contract speed, that a French-speaking official (French or Russian) is supervising the construction at Greenport and is taking off the completed boats, that the building of the boats is carried on very strenuously and, on the other hand, as secretly as possible, that in contrast with the former practice of the Greenport works no outsider is allowed in the yard—all these circumstances, together with the suspicious build, wholly unsuited for peaceable craft, seem to exclude any thought that the boats are intended for peaceful uses. Press reports of the last few days to the effect that the English are already using such boats in the Channel as scout ships against approaching submarines force the conclusion that the Greenport boats are also destined for that use.

According to a report that has come to me unasked, the Russian Military Attaché Mishtowt a short time ago had a sum of \$144,000 for boats remitted to the Greenport Company. That a part at least of the Greenport boats is intended for the war purposes of the Russians or Allies seems to me the necessary inference from the foregoing.

I know from various earlier correspondence with your excellency about the German conduct of war at sea, how zealous are your excellency's efforts to prevent the territory of the United States from being turned in any way into a base of operations for naval warfare. I therefore cherish the firm conviction that your excellency will use

¹Ante, p. 799.

²Only one enclosure printed.

every effort toward ascertaining beyond dispute the ultimate destination of those boats and, the case arising, prevent their delivery.

Finally I consider it to be my duty to remark that the German Government might find itself constrained to hold the American Government responsible for the damage that could be caused by the eventual delivery to belligerents and future use of the aforesaid boats.

Accept [etc.]

J. BERNSTORFF

[Enclosure—Translation]

NEW YORK, *September 9, 1915.*

MEMORANDUM

The Greenport Basin and Construction Company of Greenport, L. I., has already completed quite a number of the said boats. They are numbered 216, 217, 235, and 236. Two of these are now ready to be shipped to Archangel.

The boats, which are 60 feet long and 10 feet wide, are run by three combustion motors and have three propellers. The motors are of about 150 horsepower each and are made in New London, Connecticut. One of the motors can also be used to run a dynamo which feeds an accumulator battery that is carried aboard. The fuel bunkers are built along both sides of the boat and hold about 1,400 gallons. Contract speed, 27 miles an hour.

The following was ascertained on a boat under construction at Greenport which is half finished.

The boat is divided into five compartments by four iron bulkheads. Compartment 1 is used as a chain locker; compartments 2 and 4 for quarters for the crew; compartment 3 for the engine room, and compartment 5 for a water tank. The planking of the boat is in $\frac{1}{4}$ -inch strong cedar. The frames, with the exception of those at the hatches which are of iron, are also of cedar timber. The boat's bottom is sheathed with copper sheets. Forward there is a strong anchor-raising contrivance. The body of that contrivance runs from the deck to the keel and is hollow. On the quarter-deck of the boat are a large manhole and two screwlids. As the upper deck near the fore and aft companionways consists of iron plates which are further reinforced by iron props below, correspondingly large guns may be mounted fore and aft by means of that arrangement. The wheelhouse is also made of iron plates.

The boats are provided with two rudders and at the trials made at Greenport on September 2 developed a speed of from 25 to 27 nautical miles.

The contracts for the delivery were drawn up at Greenport through one Mr. Bingham. Heretofore the deliveries were destined for Russia. It was only after the trial trip of September 2 that a large order was given by an English officer; work has already been started on six boats of that order. The ordered boats differ somewhat from one another in build, size, and style of construction.

File No. 763.72111/2940

The Acting Secretary of State to the Attorney General (Gregory)

WASHINGTON, *September 27, 1915.*

SIR: I have the honor to transmit, herewith, for such action as may be deemed proper in the premises, photographic copies¹ and translations of a letter addressed to the "A Hét" Publishing Company, of South Bethlehem, Pennsylvania, enclosing a notice to Austro-Hungarian subjects, for publication in the above-mentioned newspaper.

I have [etc.]

FRANK L. POLK

¹ Not printed.

[Enclosure]

*The Austro-Hungarian Consul at Philadelphia (Péterffy) to the Editor of
"A Hét" Publishing Company*

No. 77 Res.]

PHILADELPHIA, September 13, 1915.

DEAR EDITOR: I beg to request you to publish the herewith enclosed advertisement, sent by the Austro-Hungarian Ambassador, in your paper as frequently as possible.

As it is very desirable that as many of our countrymen are informed of this advertisement as it is possible, I would also ask you to have this advertisement placed in as noticeable manner in your paper as you can.

Further, I beg to advise you that I wish to subscribe to your paper for one year, beginning from September 1. Therefore, please advise me regarding your subscription fee.

I wish to thank you for your cooperation in this matter, and am,

Respectfully,

For the Imperial Royal Consul General:

PÉTERFFY

[Subenclosure]

Announcement by the Austro-Hungarian Ambassador (Dumba)

The Imperial and Royal Austro-Hungarian Ambassador is advising all Austrian and Hungarian, as well as Bosnia and Herzegovina citizens, that all those who are working in manufacturing plants which are producing munitions intended to be used against their country, are subject to a penalty in accordance to the Austro-Hungarian military law, Section 327, in which a penalty of from 10 to 20 years' imprisonment, and under serious offense or conditions, death will be imposed, to such individuals who take action against the military or home defense of their country. Such individuals will, when returning to their country, be punished to the full extent of the law.

File No. 763.72111/2918

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

No. 1487]

BERLIN, September 9, 1915.

[Received October 2.]

SIR: With reference to the Department's telegram No. 1917, of July 5[7], 1915, 5 p. m.,¹ I have the honor to transmit to the Department herewith a translation of a *note verbale* received from the Imperial Foreign Office, dated August 31, 1915, relative to the production and exportation of shells with poisonous effects.

With reference to the statement of the French Ambassador at Washington, contained in the Department's above-mentioned telegram, which I considered it advisable to communicate to the Imperial Foreign Office, it will be seen that the Foreign Office submits a list of certain cases, which the German military authorities regard as proving that the German military forces have been fired on with American ammunition by the French artillery.

The Foreign Office asks that this information be brought to the attention of the Government of the United States.

I have [etc.]

JAMES W. GERARD

¹Ante, p. 789.

[Enclosure—Translation]

The German Foreign Office to the American Embassy

III a 15951/125964]

NOTE VERBALE

The Foreign Office understands from the *note verbale* of the Embassy of the United States of America, dated August 13, 1915, F. O. No. 4258, that the commendation of machines for the production of shells with poisonous effects of the Cleveland Automatic Machine Company, will not appear any more in the objectionable form, as published in the American journal, the *American Machinist*.

The German Government expresses the hope that the United States Government will do everything possible to prevent the export of such war material, which is against the provisions of international law.

With reference to the statement of the French Ambassador at Washington, mentioned at the foot of the *note verbale*, to the effect that since the beginning of the present war France had not bought any shells in the United States of America, the Foreign Office begs to submit herewith a list of a few cases which the competent German military authorities have prepared and which prove that the German military forces have been fired on with American ammunition by the French artillery.

The Foreign Office would appreciate the courtesy of the Embassy of the United States of America if the above were brought to the attention of its Government as soon as possible.

BERLIN, August 31, 1915.

[Subenclosure]

LIST OF A FEW CASES IN WHICH GERMAN MILITARY FORCES HAVE BEEN FIRED ON WITH AMERICAN AMMUNITION BY THE FRENCH ARTILLERY

1. December 1914	Fusilier Regiment No. 38
2. April 1915	Grenadier Regiment No. 10
3. Spring 1915	Troops of the 5th Reserve Corps
4. July 25, 1915	Troops of the 11th Infantry Division
5. Middle December 1914 to end of May 1915	Troops of the 6th Army Corps
6. December 1914 and March 1915	Troops of the 18th Infantry Division
7. April 1915	Troops of the 9th Reserve Corps
8. Since November 1914	Troops of the 8th Reserve Corps
9. Since December 1914	Troops of the 16th Army Corps

File No. 763.72111/2910

The German Ambassador (Bernstorff) to the Secretary of State

[Telegram]

NEW YORK, October 2, 1915.

[Received 9.50 a. m.]

According to reliable information six submarine destroyers for British loaded aboard steamer *Bohemian*, sailing from Boston early to-day. On account of violation Article 8, thirteenth Hague convention, would be obliged for kind immediate investigation.

J. BERNSTORFF

File No. 763.72111/2941

The Attorney General (Gregory) to the Secretary of State

WASHINGTON, October 7, 1915.

SIR: The Department is in receipt of your letter of September 27, 1915, enclosing photographic copies and translations of letter relative to Austro-Hungarian subjects.

In reply, I desire to say that the facts contained do not seem to constitute any violation of the Federal criminal laws.

Respectfully,

For the Attorney General:

CHARLES WARREN
Assistant Attorney General

File No. 763.72111Em1/29

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

[Telegram]

VIENNA, October 15, 1915, 4 p. m.

[Received October 16, 6.50 p. m.]

942. Newspapers publish alleged quotation from New York papers that a number of submarines constructed by Bethlehem Steel Company and Electric Boat Company and delivered to Vickers-Maxim, Montreal, have recently made the voyage to Great Britain. Since statement is certain to cause acrimonious discussion, in view of President's proclamation neutrality forbidding construction or equipment vessels of war for belligerents, I should much appreciate statement as to authenticity of report and if correct, the line the Department desires me to take in meeting the criticisms of the Austro-Hungarian Government and public.

PENFIELD

*The Secretary of State to the Electric Boat Company*¹

WASHINGTON, October 19, 1915.

GENTLEMEN: The Department has been informed that a number of submarines constructed by the Bethlehem Steel Company and the Electric Boat Company, and delivered to Vickers-Maxim, Montreal, have recently made the voyage to Great Britain.

The Department will be glad if you will be good enough to give it the facts regarding the reported construction and delivery of such submarines.

I am [etc.]

ROBERT LANSING

File No. 763.72111Em1/33

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

No. 806]

VIENNA, September 30, 1915.

[Received October 25.]

SIR: As reported in my telegram of the 26th September,² the Austro-Hungarian Minister for Foreign Affairs sent me a note dated

¹ The same to the Bethlehem Steel Corporation.

² Not printed.

the 24th instant, a copy and translation of which are enclosed herewith, which was received late the same evening, in reply to our note of August 16 last¹ in response to the protest of the Austro-Hungarian Government against the traffic in arms and ammunition between the United States and Great Britain and her allies. The following day it was immediately put under translation and prepared for encoding. Greatly to the surprise of the Embassy it appeared in full in all the newspapers of Sunday morning the 26th September.

As will be seen from a perusal, it is an attempt at rebuttal of the arguments set forth and the policy outlined in the Department's masterly communication above referred to, and whose publication on July [September] 26 by the Austro-Hungarian Government had an excellent effect, for the moment at least, toward calming the public outcry against the United States in this regard. The Austro-Hungarian rejoinder is generally regarded as a feeble effort to justify the original protest which was so completely demolished by the Department's reply. A careful reading of the document gives me the idea that an answer is not expected.

I have [etc.]

FREDERIC C. PENFIELD

[Enclosure—Translation]

The Austro-Hungarian Minister of Foreign Affairs (Burian) to the American Ambassador (Penfield)

No. 88855]

VIENNA, September 24, 1915.

The undersigned had the honor of receiving the much-esteemed note of August 16 of this year, No. 2758, in which his excellency the Ambassador Extraordinary and Plenipotentiary of the United States of America, Mr. Frederic Courtland Penfield, was good enough to define the position taken by the Government of the United States with respect to the standpoint represented by the Imperial and Royal Government in the question of the delivery of war requisites to Great Britain and her allies.

The representations which the Washington Cabinet have devoted to this question disclose the various points of view which are controlling for the Government of the United States in this matter, and which, according to their opinion, prevent them from accommodating themselves to the views of the Imperial and Royal Government. Much as the Imperial and Royal Government have endeavored to thoroughly examine the points which were presented as pertinent by the Washington Cabinet, the most careful weighing and evaluation thereof can not induce them to deviate from the standpoint set forth in their note of June 29 of this year, No. 59465.²

The arguments of the Government of the Union are for a great part based upon the incorrect assumption that the Imperial and Royal Government had in any way contested the right which Article 7 of the fifth and thirteenth Hague conventions accords to the subjects of neutral powers to supply belligerents with contraband, whereas the above-mentioned note of the Imperial and Royal Government expressly stated that the text—but only the text—of the provision referred to affords the Government of the Union with a formal pretext for tolerating the traffic in munitions of war in which its citizens are at present engaged. It is a matter of course that the Imperial and Royal Government did not remotely expect a deviation from an effective treaty on the part of the Washington Cabinet; they merely pointed out that, according to their opinion, that provision should not be interpreted in a manner which would be at variance with the fundamental conception and the highest principles of the law of neutrality. It is true that from the progressive codification

¹ See the Secretary's telegram 846 of August 12, *ante*, p. 794.

² *Ante*, p. 791.

of international law there arises the danger that the principles of law laid down in written agreements be regarded as the essence of international law and in this way its most general fundamental conceptions, in so far as they have not been expressly fixed in state treaties, be overlooked.

However, this possibility should be prevented with particular reference to matters of the law of neutrality, and in this sense it appears to be emphasized in the preamble to the thirteenth Hague convention (paragraphs 2 and 3) that the stipulations of this convention represent only fragments, which can not cover all circumstances which may arise in practice and which find their corrective and supplement in the general principles of international law.

The Imperial and Royal Government then focused their statement in this matter upon the special problem of whether the cited treaty provision does not find its limitation in these principles; and in appealing to the opinion of science in their affirmation of the question they had in mind and could only have had in mind those authorities which inquire especially whether the otherwise permissible exportation of war requisites does not under certain circumstances involve a compromise of neutrality. In no place in the note of June 29 of this year is an assertion to be found to the effect that writers are unanimously of the view that the exportation of contraband is contrary to neutrality.

Further, the Imperial and Royal Government have in no way advocated a principle of equalization. As a matter of fact they did not base their suggestion in the question of the exportation of war requisites upon the fact that they are not themselves in a position to draw munitions of war from the United States of America; they are indeed of the opinion that the excessive exportation of war requisites would not be permissible even if it were taking place to the countries of both belligerent parties. It has never occurred to the Imperial and Royal Government that it is obligatory upon a neutral power to equalize the disadvantage at which Austria-Hungary finds itself in not being able to draw munitions of war from the neutral territory by forbidding its subjects traffic in such objects with the enemies of the Monarchy. They only objected that the economic life of the United States had been made serviceable to the greatest extent by the creation of new and the enlargement of existing concerns for the manufacture and exportation of war requisites and thus, so to say, been militarized, if it be permitted to use here this much-misused word.

But in the concentration of so many forces to the one end, the delivery of war requisites, which, although not so intended, actually results in an effective support of one of the belligerent parties, which appears all the more surprising when such articles as are not even contraband are not being supplied from the United States to the other belligerent party, lies a *fait nouveau* which weakens reference to supposed precedents in other wars. The parallel with former wars fails, particularly as these were always wars between two individual powers or wars between groups constituted of fewer powers. Under this condition it was possible that, if war supplies were delivered from a neutral country to only one belligerent party, the opponent could turn to other neutrals. But in the present war the United States is the only power which can be reasonably considered in connection with such deliveries. For this reason the exportation of war requisites from the Union as it is now being carried on, acquires quite another significance than that which the exportation of contraband could ever before have had. As all of these decisive points appeared in their full import only during the course of the war, the Austro-Hungarian Government consider themselves justified in the view that, in the sense of the last paragraph of the preamble to the thirteenth Hague convention, these points contain sufficient grounds for changing the practice hitherto adhered to by the United States. Complete and strict impartiality, such as is being aimed at by the Washington Cabinet and thus abstention from every direct or indirect support or assistance of a belligerent party, doubtlessly appertains to the rights of a neutral state. If experience shows that an embargo of any character whatsoever becomes necessary for this purpose during the course of a war, this power is justified in changing its previous neutrality practice.

On the other hand the present case, which differs so completely from all former cases, represents a *fait nouveau* which, as already intimated, does not fall under the cited Article 7 and therefore can not be regarded otherwise than an unforeseen case which, in the sense of the preamble to the thirteenth convention (paragraph 3), must be dealt with according to the general principles of international law, as has been set forth above.

Nor did the suggestion made by the Imperial and Royal Government with respect to the importation of foodstuffs and raw materials proceed from the idea that a neutral Government is bound to compensate for the advantages attained by one belligerent party over another by a system of non-intercourse with the former. As may be seen from the note of June 29 of this year, the aforesaid suggestion had merely the purpose of representing to the Washington Cabinet, which had presented the argument, that in consequence of the war situation it was impossible for the United States to carry on commerce with the Central powers, that it lay within the power of the Government of the Union to open up the possibility of doing so. In fact it is not the maritime successes of Great Britain and her allies which caused the cessation of trade between America and Austria-Hungary, at least as far as non-contraband goods are concerned, but the illegal measures adopted by the Entente powers, which, as is not unknown to the Imperial and Royal Government, are also regarded as illegal by the Government of the Union.

The Imperial and Royal Government do not indeed deny that, if the Washington Cabinet should accommodate themselves to the Austro-Hungarian view, the position of the United States of America toward the two belligerent parties in the domain of commerce would be less unequal than is at present the case. But it appears to the Imperial and Royal Government that an argument against a suggestion which is perhaps otherwise recognized by a neutral power as justifiable from a standpoint of neutrality is all the less to be deduced from the foregoing, since even according to the view of the Washington Cabinet, it is certainly not the task of a neutral state to shape its position as unequally as possible to the two belligerent parties or, in case such an inequality exists, not to disturb it under any circumstances.

As opposed to the assumption of the Government of the Union that, in the opinion of the Imperial and Royal Government, the exportation of arms and ammunition conflicted with the last paragraph of the preamble to the thirteenth convention, it may be emphasized that the Imperial and Royal Government based their position against the exportation of war requisites, as represented above, on paragraphs 2 and 3 of the preamble. The appeal to the latter paragraph was intended to be in connection with the question of the illegitimate exclusion of Austria-Hungary from the American market and was for the purpose of showing that for this very reason the Government of the Union would be justified in issuing an embargo by legislative means.

If the Government of the United States, as it would appear, mean to express the view that the Government of a belligerent power are not warranted in speaking in matters of the preservation or exercise of a right of a neutral state, this is perhaps to be explained by the fact that the Washington Cabinet gave a too restrictive interpretation to the last-mentioned paragraph, to the effect that this paragraph refers only to strictly personal rights, the protection of which even in the opinion of the Imperial and Royal Government must naturally be left to the discretion of the neutral state.

The aforesaid paragraph, however, as is clear from the report which the French delegate, M. Renault, made to the committee of the whole at the Hague conference upon the thirteenth convention¹ has in view the case of the observance of neutrality, and therefore the privilege of approaching a neutral government with appeal to the said passage can not be denied to a belligerent, in case the question of the protection of the rights of a neutral state touches upon the sphere of rights of the belligerent.

The Imperial and Royal Government have followed with keen interest the representations of the Government of the Union, wherein the points of view which make it imperative for the Washington Cabinet to place no restrictions upon the exportation of war material during the present war are set forth; however, they do not abandon the hope of meeting the approval of the Government of the Union in remarking that these points of view of a purely practical nature do not influence the legal aspect of the case, and it must remain uninvestigated by us whether the fact that the manufacture of requisites of war in the United States could assume such large dimensions would not rather justify the conclusion that the United States, where all requisites for this production, viz., manual labor, natural resources, and capital, exist in abundance, would not be dependent upon drawing war ma-

¹ *Deuxième conférence internationale de la paix. Actes et documents, vol. I, p. 326.*

terial from abroad, in case it should have to conduct a war of its own, in which their own cause would increase the energy of its citizens.

The Imperial and Royal Government particularly beg to add the following:

In citing the precedents appealed to by the Washington Cabinet, which, as already mentioned, can not however be recognized as such, the Government of the Union emphasize the example of the Boer war, during which a commercial isolation of one of the belligerent parties analogous to that in the present war occurred. In truth such an analogy can scarcely be recognized, because at that time Great Britain had not proclaimed a prohibition of trade, such as that presented by the present illegal measures of the London Cabinet, and because a commercial isolation certainly can not be seen in the prevention of the importation of arms and ammunitions, as mentioned by the Government of the Union, to say nothing of the fact that the exportation of war material from Austria-Hungary in the Boer war, just as in other wars in which such exportation took place at all, never overstepped the bounds of reasonableness.

As to the reference of the Washington Cabinet to the German authority, the ground has been cut from under it and the conclusions derived therefrom by the fact that, as in the meantime must have become known to the Government of the Union, Mr. Einicke has publicly protested against the use of a passage of his treaties on neutrality in maritime warfare in support of the attitude of the Washington Cabinet. Moreover, the Imperial and Royal Government regard it as a matter of course that a neutral state must not proclaim an embargo with the intention of injuring one of the belligerent parties. It is equally a matter of course that it can never be asserted of an embargo which a state has proclaimed for the maintenance of its neutrality that this was done with a view of injuring one of the belligerent parties.

Finally, the observations of the Government of the Union dealing with the provisioning of vessels of war are apparently based upon a misunderstanding. In mentioning the prohibition of the delivery of vessels of war and the prohibition of certain deliveries to vessels of war the Imperial and Royal Government had no concrete case in view, but rather the prohibition expressed in Articles 8, 19, and 20 of the thirteenth Hague convention.

The undersigned has the honor to appeal to the kindness of his excellency the American Ambassador with the most respectful request that he be good enough to communicate to the Washington Cabinet by telegraph the foregoing friendly arguments, which are merely intended as a final supplement to the statement of the legal aspect of the matter as defined in the note of June 29 of this year with regard to the points set forth by the Government of the Union, and at the same time the undersigned avails himself [etc.]

BURIAN

File No. 763.72111E1 1/36

*The President of the Electric Boat Company (Henry R. Carse) to
the Secretary of State*

NEW YORK, October 27, 1915.

DEAR SIR: We beg to acknowledge receipt of your letter of October 19, and in reply would state that this company has not constructed submarine boats for, or delivered them to, Vickers-Maxim of Montreal.

We might say that ten submarine boats were constructed by the Canadian Vickers people at Montreal from our designs, that company purchasing non-fabricated material in the open market, and fabricating, erecting, and assembling the same at its plants. We understand that all of such boats have left Canadian waters, making the voyage to Great Britain under their own power.

Believe me [etc.]

HENRY R. CARSE

File No. 763.72111/2970

The Secretary of State to the German Ambassador (Bernstorff)

No. 1641]

WASHINGTON, November 1, 1915.

EXCELLENCY: In reply to your excellency's note of the 10th ultimo (No. A 6235),¹ inquiring as to what further information may have been gathered as the result of this Government's investigation of the six gasoline motor-boats shipped from the port of Boston on board the steamship *Bohemian*, I have the honor to state that the Government's investigation failed to show that these boats were prepared for armament or armed at the time of shipment, or intended to be armed within American jurisdiction for the purpose of carrying on hostile operations in behalf of one of the belligerents in the present war, or, further, that with a view to carrying out such a purpose they were to be armed on the high seas from other vessels sailing from American jurisdiction. This Government therefore felt that it was under no obligation in the maintenance of the neutrality of the United States to prevent the clearance of the *Bohemian* with these six motor-boats on board.

Accept [etc.]

ROBERT LANSING

File No. 763.72111EI 1/29

*The Secretary of State to the Ambassador in Austria-Hungary (Penfield)*²

[Telegram]

WASHINGTON, November 3, 1915.

967. Your 942, October 15.³ After investigation Department finds no evidence that any submarines have been built in the United States for delivery during the present war, or that any submarines have left American jurisdiction under their own power.

LANSING

File No. 763.72111EI 1/43

The German Ambassador (Bernstorff) to the Secretary of State

J. Nr. A 7690]

WASHINGTON, November 28, 1915.

[Received November 29.]

MY DEAR MR. SECRETARY: From your note of November 1, 1915, I have learned the following concerning the six gasoline motor-boats, which have been shipped from the harbor of Boston on steamship *Bohemian*—

that the Government's investigation failed to show that these boats were prepared for armament or armed at the time of shipment, or intended to be armed within American jurisdiction for the purpose of carrying on hostile operations in behalf of one of the belligerents in the present war, or, further, that with a

¹ Not printed. See the Ambassador's telegram of October 2, *ante*, p. 808.

² The same to the Ambassador in Germany, No. 2360, November 1, 1915 (File No. 763.72111EI 1/54).

³ *Ante*, p. 809.

view to carrying out such a purpose they were to be armed on the high seas from other vessels sailing from American jurisdiction.

In your note of August 27, No. 1564,¹ concerning the construction of rapid boats by the Greenport Basin and Construction Company, you say in answer to the expression of my suspicion that these boats are evidently manufactured for belligerent:

I have the honor to say in reply that the matter has been investigated and it is reported that the use to which these boats are to be put is not known. In the absence of proof of *intent* of hostile purpose for which the craft are to be employed, their manufacture is not regarded as in contravention of the neutrality laws of the United States.

Whilst, therefore, your excellency in the latter note conceded that there would be a breach of neutrality by the United States involved in permitting the furnishing of such rapid boats in case a hostile purpose is intended, your excellency in the note of November 1 seems to take the position that the delivery of a vessel intended for the maritime war, from a neutral government would constitute a breach of neutrality only in case the said vessel should also be armed, or have been armed, within reach of American jurisdiction, or on the high seas should be armed by a vessel, which had started from under American jurisdiction.

If I have not misunderstood your excellency in this interpretation, I am compelled, in the interest of the German conduct of maritime war, and in view of the regulations of neutrality in the Second Hague [Conference] Convention XIII, Article 8, respectfully, but most emphatically, to take issue with you upon this proposition.

The substance of that article is embodied in Section 5283 of the Revised Statutes, which reads as follows:

Every person who, within the limits of the United States, fits out and arms, or attempts to fit out and arm, or procures to be fitted out or [and] armed, or knowingly is concerned in the furnishing, fitting out or arming, of any vessel, with intent that such vessel shall be employed in the service of any foreign prince or state, or of any colony, district or people, to cruise or commit hostilities against the subjects, citizens, or property of any foreign prince or state, or of any colony, district, or people with whom the United States are at peace, or who issues or delivers a commission within the territory or jurisdiction of the United States, for any vessel, to the intent that she may be so employed, shall be deemed guilty of a high misdemeanor, and shall be fined not more than [ten] thousand dollars, and imprisoned not more than three years. And every such vessel, her tackle, apparel, and furniture, together with all materials, arms, ammunition, and stores, which may have been procured for the building and equipment thereof, shall be forfeited; one half to the use for [of] the informer, and the other half to the United States.

The indirect interpretation pronounced by your excellency under date of August 27, and shared by me, that the said Article 8 and the said Section 5283 of the Revised Statutes forbid the building of men-of-war in a neutral country for the belligerent, is even shared by England herself. In the note of the British Embassy to your excellency dated August 4 the second paragraph reads:²

As you are aware it is recognized that a neutral government is bound to use due diligence to prohibit its subjects or citizens from the building and fitting

¹ *Ante*, p. 799.

² *Foreign Relations*, 1914, Supplement, p. 593.

out to order of belligerents, vessels intended for warlike purposes and also to prevent the departure of any vessel from its jurisdiction, etc.

From the note of the State Department of February 17 to me it is clear that your excellency sees an offense against the rules of international law and the Revised Statutes of the United States above referred to, even if only component parts of men-of-war are in question. It is said there:

MY DEAR MR. AMBASSADOR: In fulfilment of the assurance given in my note of the 3d instant, the representations made in your note of January 27 that the Bethlehem Steel Works is sending secretly to Canada the component parts of submarines, had prompt attention.

From the inquiry which I instituted in the matter I have ascertained that no component parts of submarines are being built by the Bethlehem Steel Works and being sent to Canada, either to be assembled there or for assembling in Great Britain. Mr. Charles M. Schwab, the president of the Bethlehem Steel Corporation, has renewed to me the assurance that that corporation will not build submarines in the United States for any belligerent country for delivery during the war and that, while ten submarines are being built by the Fore River Shipbuilding Company, they are being built not for delivery to any belligerent nation, but because before the steel corporation had received the President's request to abandon their contract they had invested a very large amount of money in materials which could only be used for component parts of submarines and rather than sacrifice this investment it was arranged that ten submarines should be completed, with the understanding that they were not for delivery to a belligerent nation during the war.

Accept [etc.]

W. BRYAN

II. There can not well be a doubt, now or ever, as far as I can see, that the rapid boats built during the last months in the United States for the enemies of Germany, are meant for action in the existing European war. To prove this I have the honor in connection with my explanation, as given on July 17, August 18, and September 16,¹ with accompanying pictures to invite your attention to the following:

(1) The Electric Boat Company in a financial statement issued by it to its shareholders has reported that it had received an order of 500 launches from the British Government, to be built by the Electric Launch Company, a branch of the Electric Boat Company. Each of these launches costs approximately \$40,000.

These 500 launches are said to be now ready for delivery. A number of them have been shipped to Canada in parts and there have been assembled; 10 boats were built and completed on the Elco Company's wharf in Bayonne, N. J., went under their own power to Montreal, Canada, and from there were taken to England. The boats had reinforcements fore and aft expressly designed [and] strengthened to mount guns and to be used in the present European war.

(2) The Greenport Basin and Construction Company has delivered at least 18 motor-boats for the Russian Government, 6 of which were freighted on Russian bottoms, and 12 on bottoms of the Caribbean and Southern Line.

(3) The firm of Lawley and Son Corporation, Neponset, Mass., has built a number of rapid motor-boats, about 40 feet long, for the British Government. Their motors have been built by the Sterling

¹Ante, pp. 793, 799, and 805. Pictures not printed.

Engine Company in Buffalo, N. Y. These boats are so constructed as to carry a gun forward with base placed in a well and not on deck.

III. Mr. Henry A. Carse, President of the Electric Boat Company, on November 15, according to enclosed issue of New York *Herald* of November 16,¹ has said in an interview that his firm has built launches for the British Government delivered by way of Canada.

IV. A certain Mr. F. Curtis Morgan (cf. clipping from New York *Herald*, November 15) has declared that Greenport Basin and Construction Company has orders for seagoing launches for the Russian Government, and that Elco Company of Bayonne, also George Lawley and Son, are building such launches for the British Government. F. Curtis Morgan says further:

It is true, as is verified by affidavits and as an official inspection will disclose, that the boats made by the above-mentioned companies all carry emplacements for guns, and are used for no other purpose except for the purpose of war.

I have been informed that those affidavits establish:

- (a) That the boats delivered by Gaston, Williams and Wigmore to Russia through the Greenport Basin Company were built to carry guns.
- (b) That the rapid boats delivered to England, complete or in parts, were so built and provided that they could carry guns fore and aft.
- (c) That the boats delivered by George Lawley and Son for the British Government were so built that they could carry guns.

V. The Russian naval attaché, Commander I. V. Mishtowt, has caused payment of \$144,000 in August 1915 or thereabout to the Greenport Basin Company for boats.

VI. As is to be seen from the annexed clipping¹ the American semimonthly publication *Motor Boat* contains an advertisement by the Paragon Gear Works in which occurs the sentence:

The Mosquito Fleet of submarine chasers. The two slim, white, high-powered motor-boats illustrated above are a part of the Mosquito Fleet which is being put into commission by one of the contending factions of the European war. They are intended to overtake submarines and put them out of commission, being equipped with rapid-firing guns.

The boats are 50 feet long by 10 feet beam and are equipped with three 8-cylinder Van Blerck motors, developing 175 horsepower at 1,450 revolutions per minute each. The boats can make over 30 miles an hour and are equipped with twin rudders, which enable them to turn in little more than their own length. Going at terrific speed and running zigzag they offer the most difficult target to a submarine.

The pilot house has a covered iron ceiling, and is large enough for one man to move in comfortably. A sliding hatch forward of the sleeping quarters accommodates six men, another at the stern accommodates two. In appearance they very much resemble speed boats except that they are completely decked over, so no water can penetrate the hull.

Your excellency will readily appreciate that in the light of this evidence of the actual construction of vessels intended for use in this war by our enemies I see a breach of neutrality by the United States to the detriment of Germany and I am accordingly herewith formally protesting against all contracts already completed, now in course of

¹ Not printed.

execution, and of future contracts that involve the furnishing, fitting out, or arming of any vessel by persons within the limits of the United States, with intent that such vessels shall be employed in cruising for the purpose of committing hostilities against Germany or her allies.

I respectfully ask your excellency to have this entire subject investigated with a view of punishing these violations of your neutrality laws, and in order to prevent further breaches of neutrality. This request also includes the 10 submarines, which, as your excellency may know, have been transported by the roundabout way of Canada and been delivered to England. With the furnishing of these boats the Bethlehem Steel Works and the Electric Boat Company and other American firms were connected. An inspection of the various contracts will doubtless demonstrate that they were made with the agents of countries at war with Germany and I believe it will be made apparent from the various terms of these contracts, and especially the bonuses for early delivery, that they were purchased for use in the present war.

I beg to offer you in this connection every assistance available to me in making this investigation and in preparing the proofs necessary for the enforcement of your laws against these breaches of neutrality.

I am [etc.]

J. BERNSTORFF

File No. 763.72111E1 1/57

The Secretary of State to the German Ambassador (Bernstorff)

WASHINGTON, January 7, 1916.

MY DEAR MR. AMBASSADOR: The Department has received your notes of November 28 and December 29 last¹ regarding the alleged shipment from United States ports of motor-boats, or speed boats, which you state are consigned for the use of the enemies of Germany in the prosecution of their hostile operations.

In the first place you quote from my notes of November 1 and August 27 last, with a view to showing that they are inconsistent with Article 8 of Hague Convention XIII and with the Revised Statutes of the United States, Section 5283. After rereading my notes and the treaty and the statutes I fail to find any inconsistency apparent in them, even if the Hague convention could be regarded as in force during the present war, and even if the statutes of the United States could be regarded as the measure of duty of a neutral under the principles of international law. If the municipal statutes of the country should be in advance of the requirements of international law, I understand that it is not for a foreign government to protest against their infraction so long as the infraction does not extend to the law of nations and so long as the municipal laws are impartially administered. This statement also applies to the conclusion sought to be drawn from Secretary Bryan's letter to you of February 17, 1915, in regard to the supposed shipment of component parts of submarines from this country to Canada.

¹ Note of December 29 not printed.

To show that your view that Article 8 of Convention XIII and Section 5283 of the Revised Statutes of the United States "forbid the building of men-of-war in a neutral country for a belligerent" is shared by Great Britain, you quote an extract from a note of the British Embassy to the Department dated August 4, 1915 [1914].¹ I would refer you to the Department's reply of August 19, 1914, in which the measure of responsibility sought to be laid down by the British Embassy was wholly repudiated by the Department as a correct statement of the rule.²

Turning now to your statements regarding the shipments of great numbers of motor-boats from the United States, I have taken the trouble again to inquire of each company to which you refer as to the verity of the reports which you mention. The Electric Boat Company of New York replied that it has not issued any financial statement to its shareholders for some time, and that therefore the statement credited to it in relation to an order for 500 launches could not be true; that it has no contract with the British Government for such boats; that the Elco Company, a branch of the Electric Boat Company, has during the past year constructed 11 wooden motor-boats at its works in this country, which did not have any reinforcements fore and aft designed to strengthen the deck for the mounting of guns, and which did not have iron-covered pilot houses; that these boats are suitable for life-saving, dispatch, or other service for which boats of that character are usually employed; and that these boats have gone under their own power to Canada where they were delivered to the purchasers and passed out of the control of the company. The Department understands that at least 10 of these motor-boats were constructed for use on inland waters of Canada and not for use in belligerent operations.

The Greenport Basin and Construction Company of Greenport, New York, states that they have sold to belligerent governments 18 motor-boats, which were delivered to Russia during the past summer; that the newspaper reports of orders for 100 for Great Britain are absolutely false, and that at the present time they have no orders whatever for such boats. The company adds that it has absolutely no information as to the use to which launches are to be put and that they have no emplacements for guns unless two or three small pipe stanchions supporting the 10-foot wooden deck beams can be considered as such. As to 10 of these boats about to be exported at the end of last August, the Government refused clearance until it was assured by the Russian Ambassador that "they have no armament whatever and are built of thin wood, and therefore can not be used in warlike operations. The naval attaché presumes that they have been ordered as means of conveyance or for patrolling of fisheries on lakes or closed seas."

The firm of Lawley and Son Corporation of Boston states that they built six 40-foot power boats during the past summer for American citizens, who sold them to personal friends in England; and that these boats were not equipped with any guns or any structure for the erection of guns. The company adds that it is their be-

¹ *Foreign Relations*, 1914, Supplement, p. 593.

² *Ibid.*, p. 599.

lief that no forty-footer is large enough to carry a gun of suitable size to have any effect on a submarine, and that it is not large enough to withstand any kind of sea service.

It will be observed from these statements, which the Department has reason to believe are reliable, that the reports set forth in your note of November 28 were greatly exaggerated.

To the statement in your note of December 29 that you are bound to look upon the shipment of these boats as a violation of the neutrality of the United States, I must reply that, in view of the above statements, no case of violation has in my opinion been made out. Even under Article 8 of Hague Convention XIII of 1907 and Section 5283 of the Revised Statutes of the United States, upon which you appear to rely, it is necessary to show, among other things, that these motor-boats are "vessels" or *navires* within the meaning of these terms as used in the act and treaty respectively; that they were fitted out or armed within United States jurisdiction with the intention to cruise or engage in hostile operations against Germany; and that the United States failed to employ the "means at their disposal" to prevent the fitting out or arming of such boats or their departure from American jurisdiction. As these elements appear to me to be entirely unsubstantiated in the present case, it does not seem to me necessary further to discuss them. I am bound, consequently, to repel the charge made in your note of December 29 that the shipment of these boats constituted a violation of the neutrality of the United States. Holding this view I am under the necessity of adverting to the circumstance that as these wooden motor-boats obviously could not keep the seas unaided, and as they—at least some of them as you state—were shipped from this country as cargo, they are subject to the rules of contraband trade, including seizure and condemnation.

I am [etc.]

ROBERT LANSING

LOANS TO BELLIGERENT GOVERNMENTS

File No. 851.51/30

Notice issued to the press

WASHINGTON, *March 31, 1915.*

The State Department has from time to time received information directly or indirectly to the effect that belligerent nations had arranged with banks in the United States for credits in various sums. While loans to belligerents have been disapproved, this Government has not felt that it was justified in interposing objection to the credit arrangements which have been brought to its attention. It has neither approved these nor disapproved—it has simply taken no action in the premises and expressed no opinion.

TREATMENT OF BELLIGERENT WARSHIPS, THEIR CREWS AND TENDERS, IN AMERICAN PORTS—INTERMENT OF THE "FARN" ("KD-3"), THE "PRINZ EITEL FRIEDRICH," AND THE "KRON-PRINZ WILHELM"

File No. 763.72111F23/54

The British Ambassador (Spring Rice) to the Secretary of State

No. 18]

WASHINGTON, *January 13, 1915.*

[*Received January 15.*]

SIR: I have the honour to inform you that I learn that a ship named the *KD-3* flying the German flag entered the port of San Juan, Porto Rico, on the 12th instant. The British Consul states that there is evidence to show that this vessel is the former British *Farn* of London, which has been captured by the enemy. Being private property it is not recognized by international law as lawful prize until it has been taken into a prize court of the captor and adjudicated upon.

I have the honour to request that the United States Government will be so good as to cause this matter to be investigated by the proper authorities and, if satisfied that the facts are as stated above, to give orders for the detention of this vessel in the interests of a proper observance of neutrality.

I have [etc.]

CECIL SPRING RICE

File No. 763.72111F23/5

The British Ambassador (Spring Rice) to the Secretary of State

No. 26]

WASHINGTON, *January 17, 1915.*

[*Received January 18.*]

SIR: Referring to my notes Nos. 18 and 25 of the 13th and 14th¹ instant, relative to the British ship *Farn* which has been taken into the port of San Juan, Porto Rico, I have the honour to say that His Majesty's Government presume that the United States Government will refuse the request of the German officer and that instructions will be given to the authorities at San Juan to act in conformity with Article 21 of the convention signed at The Hague on October 18, 1907, known as No. XIII of the instruments signed at the Second Peace Conference.

I have [etc.]

CECIL SPRING RICE

File No. 763.72111F23/13

Memorandum of the Counselor for the Department of State

WASHINGTON, *January 25, 1915.*

Explained orally to the German Ambassador the decision of this Government as to the character of the *Farn*, and the treatment she would receive as a naval tender of Germany.

ROBERT LANSING

¹Latter not printed.

File No. 763.72111F23/17

The Secretary of State to the British Ambassador (Spring Rice)

WASHINGTON, January 29, 1915.

EXCELLENCY: I have the honor to acknowledge the receipt of your notes of the 13th, 14th, and 17th instant in regard to the steamer *KD-3*, which entered the port of San Juan, Porto Rico, in the possession of a German prize crew, and to inform you in reply that, as stated to you informally at the Department, this Government, after a careful investigation of the case, determined to treat the steamer as a tender to a belligerent fleet, and on the 22d instant instructions were given that the vessel be ordered to leave port within twenty-four hours after notice to that effect, and upon failure to leave, that the vessel, together with the prize officers and crew, be interned, the British officers and crew and the Chinese seamen being released.

The Department is now advised that the vessel, together with the prize officers and crew, was interned on the 25th instant at San Juan.

I have [etc.]

W. J. BRYAN

File No. 763.72111F23/22

The British Ambassador (Spring Rice) to the Secretary of State

No. 82]

WASHINGTON, February 26, 1915.

SIR: In your note of the 29th ultimo you were good enough to inform me of the decision of the United States Government to treat the steamship *Farn*, or *KD-3*, which entered the port of San Juan, Porto Rico, in the possession of a German prize crew, as a tender to a belligerent fleet, and that as a result of the instructions given in pursuance of this decision the vessel had been interned.

I understand from the conversations on this question which I have had the honour to have at the Department of State, that the United States Government have been under the impression that the *Farn*, at the time of her original capture by a German cruiser, was employed as an Admiralty collier. I am now informed by my Government that the vessel has not in fact been employed as a collier or otherwise on Admiralty service since the outbreak of war, and that at the time of her capture she was carrying a commercial cargo to the Plate.

I am further instructed to state that His Majesty's Government consider that, in any case, whatever the previous status of the vessel may have been, it would be necessary, before the vessel could be treated by a neutral power, in whose port she might find herself, as a German fleet auxiliary, instead of as a prize under Article 21 of the Hague convention, that there should have been a finding of condemnation of her on some other ground by a competent prize court.

His Majesty's Government for these reasons consider that no circumstances have been disclosed in the present case which would justify the treatment of the *Farn* in a manner other than that prescribed in Article 21 of the Hague Convention No. XIII of 1907,

and they trust that on further consideration the United States Government will agree in this view and issue the necessary instructions to the authorities concerned for the release of the vessel.

I have [etc.]

CECIL SPRING RICE

The Secretary of State to the British Ambassador (Spring Rice)

WASHINGTON, March 13, 1915.

EXCELLENCY: I have the honor to acknowledge the receipt of your excellency's note of the 26th ultimo in relation to the steamship *Farn*, or *KD-3*, which has been interned in the port of San Juan, Porto Rico, as a tender to a belligerent fleet. The Department is advised that the *Farn* left Cardiff about September 5, 1914, for Montevideo, with a clause in her charter to deliver coal to warships if they so desired. Though, as you state, the vessel was not employed as a collier, or otherwise, in the Admiralty service, this fact would not in the opinion of the Department affect her status at the time of internment if she indeed acted as a collier or auxiliary to a belligerent fleet. It is understood that the *Farn* was a British merchant vessel; that she had on board a cargo of Cardiff coal amounting to some 3,000 tons; that she was captured by the German cruiser *Karlsruhe* on October 5; that the cruiser placed a prize crew and officers on board; and that notwithstanding the known practice of the *Karlsruhe* to sink her enemy prizes, the vessel had been at sea continuously since the date of capture until she put into the port of San Juan on January 12 last for provisions and water. The Department believes that the only reasonable conclusion in the circumstances, is that between October 5 and January 12 the *Farn* was used as a tender to German warships. It appears obvious that a belligerent may use a prize in its service and that the prize thereby becomes stamped with a character dependent upon the nature of the service. It is upon this view of the case that the United States Government concluded to treat the vessel as a tender, which character accords with her presumed service to the German fleet.

Your excellency states that it would be necessary before the vessel could be treated as a German fleet auxiliary that she should have been condemned by a competent prize court. With this conclusion the Government of the United States is under the necessity of disagreeing. In the opinion of this Government an enemy vessel which has been captured by a belligerent cruiser becomes as between the two governments the property of the captor without the intervention of a prize court. If no prize court is available this Government does not understand that it is the duty of the captor to release his prize, or to refuse to impress her into its service. On the contrary, the captor would be remiss in his duty to his Government and to the efficiency of its belligerent operations if he released an enemy vessel because he could not take her in for adjudication.

As to Article 21 of Hague Convention No. XIII of 1907 cited by your excellency as prescribing the treatment to be accorded to the *Farn*, it is only necessary to state that as it appears that His Majesty's Government has not ratified this convention it should not be re-

garded as of binding effect between Great Britain and the United States.

In this relation I venture to call to your attention that the British Consul at San Juan protested on January 12 against the clearance of the *Farn*, and that your excellency in your note of January 13 requested that she be detained in the interest of neutrality. It was not until January 17 that your excellency informed the Department that His Majesty's Government presumed that the United States would act under Article 21 of Hague Convention No. XIII of 1907 in regard to the release of the vessel. Sufficient time had thus elapsed to allow for communication with British warships and their appearance off the port of San Juan. The result of releasing a German prize loaded with coal at this juncture needs no comment.

In the circumstances the Government of the United States is under the necessity of adhering to its decision to intern until the end of the war the steamship *Farn* as a fleet auxiliary.

I have [etc.]

For the Secretary of State:

ROBERT LANSING

File No. 763.72111E19/17½

Memorandum of the Counselor for the Department of State

March 13, 1915.

In a conversation this morning with the German Ambassador, relative to the sinking of the *William P. Frye* by the *Prinz Eitel Friedrich*, and the presence of the latter vessel at Newport News, I said to him that I thought this Government had shown the German Government very considerable consideration in regard to the vessel at Newport News. He asked me in what way it had been shown, to which I replied "in not seizing the vessel and arresting the captain for piracy." He said he did not understand what I meant. I said to him that we had no proof that the *Prinz Eitel Friedrich* was a German cruiser; that she, so far as the evidence disclosed, was a merchantman; that we had not been notified of her conversion into a cruiser and that she did not appear in the list of war vessels of Germany. The Ambassador said that she was in command of officers of the German Navy, to which I replied that so were other merchant vessels of German nationality, and that that was no evidence of her public character. He then said that she was flying the naval flag of Germany. I answered him that I did not think the flag she was flying was any indication of her character; that he might recall the fact that the cruiser *Emden* entered a port in the Malay Peninsula with the Japanese naval flag flying, but that that fact did not make the *Emden* a Japanese war vessel. He asked me what I thought should be done and I said that I thought this Government should be immediately notified of the conversion of the *Prinz Eitel Friedrich* into a cruiser and that she had entered our port as a public ship of Germany and that he further should state whether it was the intention to make repairs, not to make repairs, or to intern; that in case we were not advised that the vessel intended to make repairs there was no other recourse but to order her to leave

port within twenty-four hours. The Ambassador said he would give the matter his immediate attention.

ROBERT LANSING

File No. 763.72111Ei9/7

The German Ambassador (Bernstorff) to the Secretary of State

[Translation]

J. Nr. A 1810]

WASHINGTON, *March 13, 1915.*

MR. SECRETARY OF STATE: H.M.S. *Prinz Eitel Friedrich*, Commander Thierichens, entered Newport News from the Atlantic Ocean on the 10th instant. The ship is in urgent need of repairs to be restored to seaworthiness and has to replenish her coal and provision supplies. The commander has asked me to procure for him permission to undergo the aforesaid needed repairs at the yard of the Newport News Shipbuilding Company and has reported that the extent of repairs and time they will take can not be told until the survey now under way is completed.

In compliance with the request of the commander of H.M.S. *Prinz Eitel Friedrich* I have the honor to beg your excellency to take the necessary measures and particularly to allow her to stay in Newport News beyond the 24 hours prescribed by law in accordance with Article 14 of the thirteenth convention of the Second Conference of The Hague of October 18, 1907.

The ship was formerly a steamer of the North German Lloyd, was drafted into the Imperial Navy at the outbreak of the war and was put into commission at Tsingtao as an auxiliary cruiser of the Imperial German Navy being manned with a crew from H.M.S. *Tiger* and *Luchs* in accordance with the seventh convention of The Hague of October 18, 1907.

Accept [etc.]

J. BERNSTORFF

File No. 462.11Se8/41

The Assistant Secretary of the Treasury (Peters) to the Counselor for the Department of State

[Extract]

WASHINGTON, *March 15, 1915.*

DEAR MR. LANSING: In connection with the case of the German cruiser *Prinz Eitel Friedrich*, now in port at Newport News, Virginia, I enclose herewith the original report of Collector Hamilton of that district, dated March 12, with the following exhibits:

Exhibit A.—Copy of letter dated March 11 addressed to the Commander of the German cruiser by Collector of Customs Hamilton.

Exhibit B.—Letter of the Commander of the German cruiser, dated March 11, 1915, addressed to Collector Hamilton.¹

Exhibit C.—Statement by the Commander of the German cruiser regarding the circumstances of the destruction of the *Frye*.²

Sincerely yours,

A. J. PETERS

¹Not printed.

²*Ante*, p. 344.

[Enclosure—Extract]

The Collector of Customs at Newport News (Hamilton) to the Secretary of the Treasury (McAdoo)

NEWPORT NEWS, VA., March 12, 1915.

SIR: Supplementing my telegrams of March 10, and my various reports to you by telephone on March 10, 11, and this date, concerning the arrival in the waters of my district of the German cruiser *Prinz Eitel Friedrich* having on board officers, crews, and passengers of eight merchant vessels declared by the commander of the *Prinz Eitel Friedrich* to have been sunk at sea as an act of war, I have the honor to further report as follows:

The *Prinz Eitel Friedrich* arrived in Newport News Harbor and dropped anchor at 10.30 a. m. on March 10. As soon as possible thereafter, the cruiser was visited by the customs and I personally visited the commander to whom I paid my respects, making inquiry of his intentions as to the duration of his stay in port. The commander was advised that his vessel being a warship of a belligerent power he would be expected, under the President's proclamation of neutrality, to depart from the waters of the United States within twenty-four hours, unless a further period of time was proved to be necessary to take on board fuel, stores, or to make repairs. The commander informed me that by reason of the condition of his ship an extension of the 24-hour limit was necessary; this in order to make his ship seaworthy.

The commander of the *Prinz Eitel Friedrich* then informed me he had on board the master and crew of the American sailing ship *William P. Frye* which he sunk in the South Atlantic Ocean on the early morning of January 28 for the reason he declared that the *Frye* had on board a cargo of wheat alleged by him to be such contraband of war bound for British destination as justified his act in destroying her. The commander of the German cruiser then sent for the master of the *William P. Frye*, Capt. H. H. Klehne, of Baltimore, Maryland, who subsequently gave me details of the destruction of his ship by the Germans.

The commander of the German cruiser requested permission to land all of the officers, crews, and passengers of the eight ships which he had destroyed at sea, furnishing me at the same time with a list of all persons, Americans and aliens, who were involuntarily on board his vessel.

The commander of the German cruiser then gave opportunity to all of the masters of the eight vessels, which he had destroyed, to confer with me. Pending instructions from Washington upon request of the commander of the German cruiser to land the people he had on board, I brought ashore the eight masters of the destroyed ships in order that they might make preliminary arrangements, through their consular representatives, for the subsequent landing and forwarding to proper destination of those for whom they had been responsible.

Upon receipt of Department letter of March 10, replying to my telegrams and telephone communications, I transmitted to the commander of the *Prinz Eitel Friedrich*, in writing, the Department's instructions governing his stay in the waters of the United States. A copy of my letter is herewith enclosed marked "Exhibit A."

Acting under these instructions he has landed such captured passengers, officers, and seamen as have been passed by the immigration authorities as being eligible aliens for landing in the United States. He has landed all the Americans from the captured vessels; and he has also landed and forwarded his mail, the Post Office authorities having receipted for same.

In reply to my communication I am in receipt of the enclosed letter from the commander of the German cruiser, marked "Exhibit B," in which he states that it will be necessary for him to take on board fuel and stores and to make repairs; stating that he is unable to determine the time necessary for these repairs until advised by the Newport News Shipbuilding and Dry Dock Company, but that he himself estimates it will take at least three weeks. In this letter he also states that he is sorry to have to inform me that he is not in a position to furnish me either the original or duplicate copies of the papers of the *William P. Frye*, but that I can inspect them on board the ship. With his letter he enclosed a signed statement regarding the circumstances of the destruction of the sailing ship *William P. Frye* (see Exhibit C).

Respectfully,

NORMAN R. HAMILTON

[Subenclosure—Exhibit A]

The Collector of Customs at Newport News (Hamilton) to the Commander of the German Cruiser "Prinz Eitel Friedrich" (Thierichens)

NEWPORT NEWS, VA., *March 11, 1915.*

SIR: I have the honor to advise that under instructions received from the Secretary of the Treasury, formulated with the advice of the State Department, your stay in United States waters will be governed as follows:

You will be expected to leave United States jurisdiction within twenty-four hours, in accordance with Article 12, Convention XIII, The Hague, 1907, unless a further period of time is proved to be necessary to take on board fuel or stores, or to make repairs.

Article 12, of Convention XIII, reads: "In the absence of special provision to the contrary in the legislation of a neutral power, belligerent warships are not permitted to remain in the ports or roadsteads, or territorial waters of the said power for more than twenty-four hours, except in the cases covered by the present convention." This is in accordance with the proclamation of neutrality issued upon the outbreak of the war.

If you so desire, you may have fuel and lubricants sufficient, with those already on board, to take your ship to the nearest German port.

2. You may have provisions in quantity not more than necessary to bring your supplies to the usual peace standard for the complement of the ship.

3. If necessary you may have repairs made, but only to the extent that is necessary to make the vessel seaworthy, the amount of repairs and the time necessary for their execution to be determined by designated authorities of the United States.

4. You may land the captured passengers, officers, and seamen after same have been passed by the United States immigration authorities as being eligible aliens for landing in the United States.

5. You may land and forward your mail after arrangements have been completed with the United States Post Office authorities for the proper forwarding of same.

6. You will land any Americans among the officers, seamen, or passengers from captured vessels.

7. You are requested not to use your radio equipment in port for purposes of transmission.

In conclusion, I have the honor to request that you furnish me to-day a signed statement of the circumstances of the destruction of the ship *William P. Frye*, or any other American ship that has been destroyed by the vessel in your command.

Respectfully,

NORMAN R. HAMILTON

File No. 763.72111E19/96

The Secretary of State to the German Ambassador (Bernstorff)

WASHINGTON, *March 18, 1915.*

EXCELLENCY: The Department of State has received from the Navy Department the report of the board of naval officers who made an examination of H.M.S. *Prinz Eitel Friedrich*, now in the harbor of Newport News, Virginia, with a view to ascertaining the repairs necessary to put the vessel in a thoroughly seaworthy condition, and from this report it appears that the time required for these repairs will be a period of 14 working days. The Government has concluded, therefore, that H.M.S. *Prinz Eitel Friedrich* will be allowed until midnight of the close of the 6th day of April next to complete her repairs, and that she will be allowed 24 hours in addition, or until midnight of the 7th day of April, to leave the territorial waters of the United States, or failing this that she will be under the necessity of accepting internment within American jurisdiction during the continuance of the wars in which your country is now engaged.

This information has been confidentially conveyed to the Treasury Department with the request that it be transmitted immediately to the commander of H. M. S. *Prinz Eitel Friedrich*.

Accept [etc.]

W. J. BRYAN

File No. 763.72111E19/13

The British Embassy to the Department of State

Information which, though it appears authentic, the British Embassy is not in a position to verify, has reached it, to the effect that the German ship *Prinz Eitel* now known as the *Luchs* has been cleaned and provided with an antifouling covering for her bottom with the result that she has probably added several knots to her speed.

It is also stated (with what truth this Embassy can not give official assurance) that the state of the *Prinz Eitel's* machinery was at the time of her arrival such as to enable her to maintain the sea, and that she had no important engine-room defects beyond ordinary wear and tear. She has nevertheless stayed twelve days in port, and in the event of her going to sea, she will do so with her fighting efficiency materially increased.

The State Department has no doubt had under consideration the principles embodied in Article 17 of the Hague convention of 1907 concerning the rights and duties of neutrals in naval war as well as the full and authentic statement as to whether or no the *Prinz Eitel* is only carrying out such repairs as are absolutely necessary to render her seaworthy, and has not added in any manner whatsoever to her fighting force. The British Embassy has no doubt that the United States authorities have decided what repairs are necessary with the above object and will order that they be carried out with the least possible delay.

With a view to the future guidance of His Majesty's Government the British Embassy has the honour to request that full details as to the steps taken in this matter will in due course be communicated for the Embassy's information.

WASHINGTON, *March 22, 1915.*

File No. 763.72111F23/27

The British Ambassador (Spring Rice) to the Secretary of State

No. 124]

WASHINGTON, *March 26, 1915.*

[*Received March 27.*]

SIR: I have the honour to acknowledge the receipt of your note of March 13¹ in which you are good enough to explain the grounds on which the United States Government is under the necessity of adhering to its decision to intern until the end of the war the steamship *Farn* as a fleet auxiliary.

The tenor of your note was duly telegraphed to His Majesty's Government, who desire me to inform you that it will have their most

¹*Ante*, p. 823.

attentive consideration. They prefer, however, to await the receipt of the full text before replying in detail.

They do not at present understand to whom the United States Government feel themselves bound to hand over the *Farn* at the end of the war, and they would much appreciate it if they could be informed of the decision arrived at in this respect. While they would be very glad if this point could be cleared up, they do not abandon their contention that the *Farn* ought to be released to the British owners without delay.

I have [etc.]

CECIL SPRING RICE

File No. 763.72111E19/14

The Department of State to the British Embassy

MEMORANDUM

The Department of State has received the memorandum, dated March 24, 1915,¹ from His Britannic Majesty's Embassy, inviting attention to the principle embodied in Article 16 of the Hague Convention of 1907, No. XIII, paragraph 3, namely: That a belligerent warship may not leave a neutral port or roadstead until 24 hours after the departure of an enemy merchant ship.

It is pointed out that this convention was signed by Great Britain, but not ratified; that it was adhered to by the United States; that the principle referred to is generally accepted (Oppenheim, secs. 333 and 347); and that the regulations issued by the British Government on January 31, 1862, embodied this principle in Sections 2 and 3.

His Britannic Majesty's Embassy states that it has no doubt that this principle will be taken into consideration by the United States authorities in regard to the departure of the German war vessel now undergoing repairs in the port of Newport News, Va.

In reply the Department of State informs His Britannic Majesty's Embassy that the Government of the United States has given instructions that this rule of international law be observed by the *Prinz Eitel Friedrich* upon her departure from an American port.

WASHINGTON, March 29, 1915.

File No. 763.72111E19/22

The Assistant Secretary of the Treasury (Peters) to the Counselor for the Department of State

WASHINGTON, March 29, 1915.

DEAR MR. LANSING: Mr. Hamilton, the collector of customs at Norfolk, has telephoned me that he is in receipt of the following letter from the commander of the *Prinz Eitel Friedrich*, and requests to be instructed:

March 29, 1915.

MR. HAMILTON: I have up to now received from you no information concerning the departure of any non-neutral vessels. I hold myself therefore con-

¹ Not printed.

cerning this point justified to sail at any time. I must necessarily in consequence of your demand according to Hague Convention XIII, Article 16, demand timely information concerning outgoing non-neutral vessels.

With the highest respect,

Yours sincerely,

THIERICHENS
Captain Commandant

A. J. PETERS

File No. 768.72111E19/13

The Department of State to the British Embassy

MEMORANDUM

The Department of State acknowledges the receipt of the British Embassy's memorandum of the 22d instant relative to the repairs which the *Prinz Eitel Friedrich* is undergoing at Newport News.

The Department has given due consideration to the principles embodied in Article 17 of Hague Convention No. XIII of 1907, which is referred to by the British Embassy, but which the Department understands has not been ratified by the British Government. In conformity with those principles and the law of nations, the Government has allowed the cruiser to carry out such repairs as, in the Government's opinion, are proper in the circumstances. For example, the *Prinz Eitel Friedrich* has been allowed to dock and have her bottom scraped and painted, her tail shaft drawn, and certain repairs made to her boilers and engines. The necessary repairs were determined by a board of naval officers, who made a thorough examination of the ship and prepared a report, which has been used by this Government as a basis for determining the repairs to be made upon the vessel. The Department has not as yet been advised of the exact details of the repairs which are under way on the cruiser, but the general nature of the repairs has been indicated above.

As to the point made by the British Embassy that the cleaning and painting of the bottom of the *Prinz Eitel Friedrich* and the making of engine-room repairs will materially increase her fighting efficiency, it is only necessary to state that this conclusion may be drawn from any work in the nature of repairs which may be done upon a cruiser while in port, such as repairs to her steam pipes or to any part of the ship whatever. It is presumed the ship would not have come into port except to receive repairs or to obtain supplies, and therefore it is not to be supposed that she would leave the port in the same condition as that in which she arrived, that is, without having her fighting efficiency increased beyond what it was when she entered.

The Government has had in mind the principle laid down by Mr. Clay, Secretary of State, in the case of the privateer *Juncal* which put in at Baltimore for repairs after an action at sea with a Brazilian cruiser. Mr. Clay stated:

Whilst you will not fail to allow her the usual hospitality, and to procure the necessary refreshments, the President directs that you will be careful in preventing any augmentation of her force and her making any repairs not warranted by law. With respect to the latter article, the reparation of dam-

ages which she may have experienced from the sea is allowable, but the reparation of those which may have been inflicted in the action is inadmissible.

In the opinion of the Government, a foul bottom is clearly a damage which the *Prinz Eitel Friedrich* "experienced from the sea."

In conclusion the Department would direct attention to the provision in Article 17 referred to above, that "the neutral authorities shall decide what repairs are necessary." In the exercise of its discretion, the Government has decided that the cleaning and painting of the bottom of the cruiser, as well as the other repairs now being carried out, fall within the principles laid down by Hague Convention No. XIII and the rules of international law applicable to the case.

WASHINGTON, *March 30, 1915.*

File No. 763.72111F23/27

The Secretary of State to the British Ambassador (Spring Rice)

WASHINGTON, *April 1, 1915.*

EXCELLENCY: Replying to your note of the 26th ultimo stating that His Britannic Majesty's Government at present do not understand to whom the United States Government feel bound to hand over at the end of the war the steamship *Farn*, now interned at San Juan, Porto Rico, and that they would much appreciate it if they could be informed of the decision arrived at in this respect, I have the honor to convey to you this Government's opinion that the right to the vessel as between Great Britain and Germany is a question for those belligerents, and not for the United States, to decide. This Government has interned the vessel because of the character which her service, as a tender to a belligerent fleet, has impressed upon her, and not because she belongs in law to the subjects of Great Britain or Germany.

I have [etc.]

For the Secretary of State:

ROBERT LANSING

File No. 763.72111E19/26

The Secretary of State to the Assistant Secretary of the Treasury (Peters)

[Telegram]

WASHINGTON, *April 2, 1915.*

Your letter April 2¹ enclosing Commander Thierichens's letter of March 29. Department recommends that collector of customs inform Commander Thierichens of departure of belligerent merchant vessels of Germany's adversaries, as requested by him.

W. J. BRYAN

¹ Not printed. See letter of March 29, *ante*, p. 829.

File No. 763.72111/1933

*The Collector of Customs at Los Angeles (Elliott) to the Secretary of Treasury (McAdoo)*¹

[Telegram]

LOS ANGELES, April 5, 1915.

British collier *Lena*, admittedly a naval tender, arrived to-day San Diego. Master wishes to take on board \$1,000 provisions for own crew and \$4,000 provisions and large supply of fresh water for vessels salvaging the wrecked Japanese *Asama* on coast of Mexico. Also wishes to stay additional 24 hours to make repairs to boiler. This office's opinion excess supplies may not be taken. Wire instructions.

ELLIOTT

The Secretary of State to the Secretary of the Treasury (McAdoo)

[Telegram]

WASHINGTON, April 6, 1915.

Your telephonic message regarding British collier *Lena*. Department recommends that the collector of customs after conference with naval officers allow vessel to take on board sufficient provisions for her own use, to allow her, with provisions already on board, to reach nearest British port; that she be allowed to make such repairs to her boilers as are absolutely necessary to render her seaworthy and that she be notified to depart within twenty-four hours from the time of her arrival unless the necessary repairs to her boilers require further delay, in which case the repairs must be carried out with the least possible delay and she must depart as soon as the cause of the delay is at an end. Department advises that the \$4,000 worth of provisions and large supply of fresh water for salvaging vessels be not allowed.

W. J. BRYAN

File No. 763.72111E19/37

The Secretary of the Navy (Daniels) to the Secretary of State

WASHINGTON, April 9, 1915.

SIR: I have the honor to forward herewith, for the information of the Department of State, copies of telegrams sent and received by this Department relative to the enforcement of neutrality.²

Sincerely yours,

JOSEPHUS DANIELS

[Enclosure—Telegram]

Flag Officer, U. S. S. "Wyoming" (Fletcher) to the Secretary of the Navy (Daniels)

April 8, 1915.

I am informed by the collector of customs that the *Eitel Friedrich* has accepted internment. Necessary steps taken to prevent departure.

FLETCHER

¹ Repeated, by telephone, to the Department of State April 6.

² Only one printed.

File No. 763.72111E19/35

The German Ambassador (Bernstorff) to the Secretary of State

[Translation]

J. Nr. A 2578]

WASHINGTON, April 8, 1915.

[Received April 10.]

MR. SECRETARY OF STATE: I have the honor to express to your excellency my most sincere thanks for the accommodating treatment accorded to H.M.S. *Prinz Eitel Friedrich* during her stay at Newport News. I have been especially gratified to hear that the Government of the United States had taken far-reaching safety measures for the protection of the ship from the various menaces of an attack.

I venture therefore respectfully to beg your excellency kindly to convey this expression of my thanks to the departments and officials concerned. Neither shall I fail to apprise my Government of the attentions shown H.M.S. *Prinz Eitel Friedrich*.

Accept [etc.]

J. BERNSTORFF

File No. 763.72111K92/—

The German Ambassador (Bernstorff) to the Secretary of State

[Translation]

J. Nr. A 2681]

WASHINGTON, April 12, 1915.

[Received April 13.]

MR. SECRETARY OF STATE: In continuation of my note of the 11th instant¹ I have the honor to inform your excellency that H.M.S. *Kronprinz Wilhelm* would like to land at Newport News 61 persons belonging to the crews of enemy vessels sunk by her.

The ship further stands in urgent need of repairs to restore her seaworthiness and has to replenish her supply of coal and provisions. The commander has asked me to procure for him permission to undergo the aforesaid necessary repairs at the Newport News shipyard and announced that the extent and time of the repairs could only be made known upon the completion of the survey now on foot.

In compliance with the request of the commander of H.M.S. *Kronprinz Wilhelm*, I beg your excellency to take the necessary measures and in particular to allow the ship to stay at Newport News beyond the 24 hours prescribed by law in accordance with Article 14 of the thirteenth convention of the Second Conference of The Hague of October 18, 1907.

Accept [etc.]

For the Imperial Ambassador:

HANIEL

The Secretary of State to the German Ambassador (Bernstorff)

WASHINGTON, April 21, 1915.

EXCELLENCY: In reply to your note of the 12th instant requesting the hospitality of the port of Norfolk for H.M.S. *Kronprinz Wilhelm*, I have the honor to inform you that the Department has received

¹ Not printed.

the report of the board of naval officers who have made an examination of the cruiser with a view to ascertaining the repairs which the vessel may undergo in American waters. From this report it appears that the time required for repairs will consume a period of six working days, but that the proposed repairs will not cover the damage to the port side of the cruiser incident to the service in which the vessel has been engaged.

The Government has concluded, therefore, that H.M.S. *Kronprinz Wilhelm* will be allowed until midnight of the close of the 29th day of April next to complete the proposed repairs in the port of Norfolk, and that she will be allowed 24 hours in addition, or until midnight of 30th day of April, to leave the territorial waters of the United States, or, failing this, that she will be under the necessity of accepting internment within American jurisdiction during the continuance of the wars in which your country is now engaged.

It is expected that in accordance with the President's proclamations of neutrality H.M.S. *Kronprinz Wilhelm* will not depart from the port of Norfolk within 24 hours after a vessel of an opposing belligerent shall have departed therefrom.

This information has been confidentially conveyed to the collector of customs at Norfolk for transmittal to the commander of the *Kronprinz Wilhelm*.

Accept [etc.]

For the Secretary of State:

ROBERT LANSING

File No. 763.72111K92/12

The British Embassy to the Department of State

MEMORANDUM

Information has reached the British Embassy to the effect that the *Kronprinz Wilhelm* has plates bent in two places at the bow with a hole below the water line, apparently due to ramming a prize, the *Wilfred M.*, on January 14 last. If the above statement is correct it would appear that the injury is not due to the sea and that according to the principle laid down by the United States Government it should not be repaired.

The above observation is respectfully submitted without prejudice to the principle embodied in the Hague Convention XIII, Article 17, "that the local authorities of the neutral power shall decide what repairs are necessary."

CECIL SPRING RICE

WASHINGTON, April 20, 1915.

[Received April 21.]

File No. 763.72111K92/18

The Assistant Secretary of the Treasury (Peters) to the Counselor for the Department of State

WASHINGTON, April 26, 1915.

DEAR MR. LANSING: I enclose herewith copy of a letter received by Collector Hamilton of Norfolk from Commander Thierfelder of

the German cruiser *Kronprinz Wilhelm*. This was telephoned by Collector Hamilton to this office.

Sincerely yours,

A. J. PETERS

[Enclosure]

The Commander of the "Kronprinz Wilhelm" (Thierfelder) to the Collector of Customs at Norfolk (Hamilton)

April 26, 1915.

SIR: Herewith I have to officially inform you that I intern. Awaiting your further orders, I am

Yours respectfully,

THIERFELDER

File No. 763.72111K92/25

The German Ambassador (Bernstorff) to the Secretary of State

[Translation]

J. Nr. A-3188]

WASHINGTON, May 8, 1915.

[Received May 11.]

MR. SECRETARY OF STATE: I have the honor to express to your excellency my sincere thanks for the accommodating treatment accorded to H. M. S. *Kronprinz Wilhelm* during her stay in Newport News.

I venture most respectfully to beg your excellency to convey this expression of thanks to the départements and officials concerned and, in particular, to Mr. Norman Hamilton, collector of customs for Newport News. Neither shall I fail to apprise my Government of the attention shown H. M. S. *Kronprinz Wilhelm*.

Accept [etc.]

J. BERNSTORFF

File No. 763.72111F23/30

The British Ambassador (Spring Rice) to the Secretary of State

No. 194]

WASHINGTON, May 17, 1915.

[Received May 18.]

SIR: I have the honour to inform you that I communicated to my Government the contents of your note of April 1 in which you were good enough to state the opinion of the United States Government that the right to the steamship *Farn* was a question for Great Britain and Germany to decide and not one for the United States.

In thanking you for this communication I am directed by Sir Edward Grey to state that, while His Majesty's Government do not purpose pursuing the question of the release of the *Farn* at the present moment, they reserve in the fullest manner their rights in regard to the matter.

I have [etc.]

For the Ambassador:
COLVILLE BARCLAY

File No. 763.72111E19/50½

The British Ambassador (Spring Rice) to the Secretary of State

No. 281]

WASHINGTON, July 21, 1915.

[Received July 23.]

SIR: In my note No. 280 of to-day's date,¹ I had the honour to inform you of the arrest of Wilhelm Halbrock, an officer of the *Prinz Eitel Friedrich*, who would appear to have escaped from this country.

I am further informed by my Government that Herr Max Kjer, late second officer of the *Kronprinz Wilhelm*, was recently arrested and removed from the S. S. *Tomaso di Savoia* at Gibraltar. Herr Kjer, who admitted his identity, was in possession of a Danish passport issued at Buenos Aires, and it is presumed hoped to reach Germany via Italy, which country had not, at the time of his embarkation, entered the war.

I am desired by His Majesty's Principal Secretary of State for Foreign Affairs, in bringing the arrest of Herr Kjer to your notice, to point out that this case, taken in connection with that of Herr Halbrock, seems to indicate the advisability of further precautions to prevent the escape of the officers and men of the *Prinz Eitel Friedrich* and the *Kronprinz Wilhelm*, and I venture therefore to express the hope that, if the facts as stated are confirmed by any enquiries which may be made by the United States authorities, adequate measures will be taken in future to obviate the possibility of further escapes from these interned vessels.

I have [etc.]

CECIL SPRING RICE

File No. 763.72111K92/34

The Secretary of State to the British Ambassador (Spring Rice)

No. 921]

WASHINGTON, August 19, 1915.

EXCELLENCY: Referring to your note of the 21st ultimo bringing to this Department's attention the case of Wilhelm Halbrock, who is stated to have served as third engineer on the *Prinz Eitel Friedrich* and to have been taken by the British authorities from the Dutch steamship *Rotterdam* with a false declaration of intention, which you enclosed, to become an American citizen, and to your further note of the 21st ultimo, in which in the same relation you communicated information concerning Herr Max Kjer, late second officer of the *Kronprinz Wilhelm*, who was arrested and removed from the steamship *Tomaso di Savoia* at Gibraltar, I have the honor to inform you that the cases of these two men have been investigated by the commandant of the Navy Yard, Norfolk, Virginia, where the two German vessels mentioned are interned. The commandant reports that he has been at all times cognizant of the whereabouts of the officers and members of the crews of these vessels and that there has been no man by the name of Wilhelm Halbrock, or Wilhelm Halbrock, or answer-

¹ Not printed.

ing to the description of such man on board the *Prinz Eitel Friedrich* at any time during the internment of this vessel. It is further stated that Herr Max Kjier was discharged from the *Kronprinz Wilhelm* on the 12th of February last, in a port in South America, due to sickness.

I am advised by the Secretary of the Navy that the commanding officers of the *Prinz Eitel Friedrich* and the *Kronprinz Wilhelm* and the officers and crews under them have taken the internment conditions and parole most seriously and that his department has no reason to believe that there will be any violation of these conditions; nor will any change on the part of his department be made as regards the status of these vessels and their personnel.

I have [etc.]

ROBERT LANSING

File No. 763.72111K92/39

The Secretary of the Navy (Daniels) to the Secretary of State

WASHINGTON, October 6, 1915.

[Received October 8.]

SIR: I have the honor to acknowledge the receipt of your Department's letter 763.72111/2853, of September 22, 1915, enclosing copy of a letter from the collector of customs at Norfolk, Va., in the matter of the application made by several of the German officers on board the interned German cruiser *Kronprinz Wilhelm* to be allowed to own and operate a small yacht in Norfolk waters as a pleasure vessel only.¹ It is noted that the Department of State will be pleased to receive the views of this Department regarding the application which has been made.

While under their present status of internment, the German officers of the *Kronprinz Wilhelm* are accorded liberty to visit at will Norfolk, Portsmouth, Va., Newport News, Old Point Comfort, and other shore resorts, on general parole, and no restriction is placed upon the means they may employ in the exercise of this privilege. The Department is, however, of the opinion that official sanction of the purchase and use by these officers of a small yacht capable of such extended service might, and probably would, be construed by them to include an extension of present privileges to the limit of the boat's capacity. Such extended privileges to these interned officers are not desirable, and this application should be denied.

It may be noted in connection with this subject that requests of our naval attaché at Berlin for permission to visit the naval front have been denied by the German naval authorities, such denial showing a disposition to curtail the usual courtesies extended to our naval representative in Germany.

Sincerely yours,

JOSEPHUS DANIELS

¹ Not printed.

File No. 763.72111K92/46

*The British Ambassador (Spring Rice) to the Secretary of State*WASHINGTON, *October 26, 1915.*

[Received October 28.]

MY DEAR MR. SECRETARY: In connection with the recent escape of a number of German officers from the interned vessel *Kronprinz Wilhelm* on board the sloop *Eclipse* I venture to inquire whether it would be possible for this Embassy to be furnished with a personal description of the officers in question.

Should any vessel containing one or more of these men be searched by a British ship the identification of the men, in the absence of any description, might be a difficult matter, and, if there is no objection on the part of the competent departments of the United States Government, I should be much obliged if the information desired could be furnished.

I am [etc.]

CECIL SPRING RICE

*The Secretary of State to the British Ambassador (Spring Rice)*WASHINGTON, *November 1, 1915.*

MY DEAR MR. AMBASSADOR: I beg to acknowledge the receipt of your personal note of October 26, 1915, in which inquiry is made whether it would be possible for your Embassy to be furnished with personal descriptions of the German officers from the interned vessel *Kronprinz Wilhelm* who recently escaped on the sloop *Eclipse*.

In reply I beg to say that, as this Government is making every effort to apprehend the escaped officers in order that they may be reinterned, it is regretted that it would not comport with this Government's efforts to furnish descriptions of these men and thus possibly aid in having them taken as prisoners of war by their enemy.

I am [etc.]

ROBERT LANSING

File No. 763.72111K92/54

The German Ambassador (Bernstorff) to the Secretary of State

[Translation]

J. Nr. A 7222]

WASHINGTON, *November 11, 1915.*

[Received November 16.]

MR. SECRETARY OF STATE: The German authorities in concurrence with the North German Lloyd have instructed the commanders of H. M. S. *Kronprinz Wilhelm* and *Prinz Eitel Friedrich* to take steps to have the ships put in full repair and in the case of the *Kronprinz Wilhelm* to begin work for the restoration of passenger accommodations.

To an application to that effect from the commanders of both ships the Navy Department replied with the decision of which a copy is enclosed.¹ As your excellency will see, repairs are authorized in so far only as necessary to place the vessels in a seaworthy condition.

¹ Not printed.

I have the honor to beg your excellency kindly to let me know what are the grounds for that restriction.

It would be a matter of importance to both the Imperial Government and the North German Lloyd to have the requisite work taken up to its fullest extent even now so as to enable both ships immediately to resume operations as merchant vessels upon the termination of their internment.

Internment conditions should not stand in the way of starting the work, since Article 24 of the second [thirteenth?] Hague convention only makes it the duty of a neutral power to take such measures as it considers necessary to render the interned ship incapable of taking the sea during the war. The ship can thus be prevented from putting to sea by removing such parts as are important to her propulsion, screws, cylinder heads, and so forth, and, if, in addition, the neutral state places the ship's officers and men under sufficient restraint to prevent them from again joining their home-fighting forces, it discharges all its neutral obligations.

Internal improvements do not impair the ship's internment and, in the present case, it is all the more so as the proposed work will divest the steamers of the characteristics of a warship.

The repairs do not constitute any warlike operation but a purely business proposition, the sole object of which is to save expenses later.

I therefore have the honor to beg your excellency kindly to obtain permission for the necessary repairs to be made on H.M.S. *Kronprinz Wilhelm* and *Prinz Eitel Friedrich*.

I should be under special obligations if the matter would be expedited as the work should begin on the ships soon.

Accept [etc.]

J. BERNSTORFF

File No. 763.72111K92/44

The Secretary of State to the German Ambassador (Bernstorff)

No. 1661]

WASHINGTON, November 16, 1915.

EXCELLENCY: With reference to the German vessels and crews now interned in American ports, I have the honor to call your attention to the following facts relating to the escape from time to time of certain paroled officers and men from these vessels.

On October 10, 1915, six officers, Vizesteuermänner Heinrich Hoffmann, Heinrich Ruedebusch, Wilhelm Forstreuter, Erich Biermann, and Ing. Aspirants Julius Lustfeld and Walter Fischer, of the German cruiser *Kronprinz Wilhelm*, interned at Norfolk, Virginia, received permission to go ashore and to return by 8 a. m., October 11. These officers have not been seen since, and are supposed to have departed on board the yacht *Eclipse*, which was purchased by Vizesteuermann Hoffmann shortly before their departure.

On September 29, 1915, Marine Stabsarzt, Dr. Krüger-Kroneck, and Lieutenant zur See Koch, of the German cruiser *Prinz Eitel Friedrich*, were given permission to go on a visit to New York City and Niagara Falls and to return to their ship on October 16. These officers, however, have not returned to their ship and were seen in the Pennsylvania Railroad Station, New York City, on October 17.

The German cruiser *Prinz Eitel Friedrich* arrived in American jurisdiction on March 10, 1915, and was interned on April 9, 1915. On March 10, the commanding officer was directed to allow none of his officers or crew on shore for the present. The commander acknowledged the receipt of this notice and stated that he would act accordingly. On March 12 the commanding officer asked permission for his officers and men to go ashore, if they did not leave Newport News. On March 17, 1915, two days prior to the granting of the commander's request, the executive officer, i. e., the second officer in command, Otto Brauer, left the ship. The Department now has reliable information that Brauer has returned to Germany and is on duty on board the cruiser *Lutzow* at Danzig.

Doctor Nolte was granted leave of absence from the *Prinz Eitel Friedrich* to go to Newport News and Old Point Comfort, Virginia, and return on May 13 last. Doctor Nolte has not, as yet, returned to his ship.

On or about June 14, 1915, Herman Deike, engineer officer of the *Locksun*, interned at Honolulu, left his ship and is yet absent in violation of his parole.

In view of the apparent disregard of these members of the complements of the interned vessels at Norfolk for their word of honor while on parole, the Navy Department, on October 14, 1915, was under the necessity of ordering that no officers or men be allowed to leave the ships until the absent officers and seamen had returned.

Notwithstanding this order, on October 15, 1915, two members of the crew of the *Kronprinz Wilhelm* attempted to board the Dutch steamship *Maar Tensdyk* at Newport News in an endeavor to escape. Seaman Sturm was apprehended and his companion, seaman Kasper, returned to the *Kronprinz Wilhelm* of his own volition. Also, on November 12, 1915, fireman Thiery was found absent from the *Prinz Eitel Friedrich* at muster, having escaped from his ship.

The incidents related have occurred notwithstanding the fact that at the time of the internment of these vessels each commanding officer gave a pledge for "himself, officers, and crews not to commit any unneutral acts and not to leave limits prescribed in paroles." I therefore regret to have to inform your excellency that the United States Government regards the actions of these men as contrary to its express instructions and as breaches of the honorable conduct to be expected of officers and men of visiting and interned ships of war of a belligerent nation, and that consequently the Government has been forced to discontinue the custom of paroling the interned officers and men on their honor and otherwise to circumscribe the very liberal privileges which they have heretofore been allowed to enjoy.

It will be recalled that during the Russo-Japanese war, when the Russian ship *Lena* was interned by United States authorities on the Pacific coast, three officers of that ship escaped and returned to Russia; and that upon the Government of the United States calling the matter to the attention of the Russian Government, it immediately caused the escaped officers to return to American jurisdiction where they were interned for the remainder of the war.

This precedent this Government regards as in accord with the best practice of nations and applicable to the cases which I have had the honor to present in this note.

I have no doubt, therefore, that upon your excellency's calling these incidents to the attention of the Imperial German Government, that Government will promptly direct that Otto Brauer and any others of the men mentioned who may now be within German jurisdiction, or who may hereafter come within such jurisdiction, be promptly returned to this country for internment with their respective ships.

Accept [etc.]

ROBERT LANSING

File No. 763.72111E19/61

The German Ambassador (Bernstorff) to the Secretary of State

J. Nr. A 7545]

WASHINGTON, November 22, 1915.

[Received November 23.]

MY DEAR MR. SECRETARY: The commanding officer of H.M.S. *Prinz Eitel Friedrich* informs me that the officers and crews of the interned German cruisers at Portsmouth, Virginia, are to be photographed by an order of the commandant of the navy yard at said place apparently as a means of preventing further escapes. Captain Thierichens for obvious reasons before complying has asked for further instructions. I realize that the deplorable escapes of the past, although inspired by patriotic motives, justify strict methods of surveillance, but believing that effective measures already have been taken to insure [prevent?] further escapes I would appreciate it greatly if these officers and crews could be spared the humiliation of having their photographs taken.

I am [etc.]

J. BERNSTORFF

The Secretary of State to the German Ambassador (Bernstorff)

WASHINGTON, November 23, 1915.

MY DEAR MR. AMBASSADOR: I am in receipt of your letter of the 22d in regard to the photographing of the crews of the interned German cruisers at Portsmouth, Virginia.

I have had a conversation with the Secretary of the Navy on the subject and we have reached the conclusion that in view of the objections raised by the commanding officers of the cruisers the photographing of the crews will not take place at the present time.

I can assure you that it was with no purpose of humiliating the Germans who are interned that this plan was proposed, but you must realize that the violation of paroles by certain of the officers and members of the crews of these vessels has caused much embarrassment to this Government. I am convinced that you, as well as the commanding officers, are desirous that the honor of the German Navy should be preserved, and that the authorities here should apprehend any who violate their word. As the most expedient and practical plan of accomplishing this was to have the portraits of those who might escape published, it was thought well to photograph all the members of the crew as well as the officers. I can not see, in view

of what has occurred, why there should be any objection to this being done, but since it is so we will take other means to prevent a repetition of the escapes, although I consider that the redoubling of the vigilance of our naval authorities is even more humiliation to the interned than to be photographed.

I am [etc.]

ROBERT LANSING

File No. 763.72111K92/86

The German Ambassador (Bernstorff) to the Secretary of State

[Translation]

J. Nr. A 7586]

WASHINGTON, November 24, 1915.

[Received November 26.]

MR. SECRETARY OF STATE: Pursuant to your kind note No. 1661 of the 16th instant, I first called on the commanding officers of H.M.S. *Kronprinz Wilhelm* and *Prinz Eitel Friedrich* for an explanation of the disappearance of some members of their crews. It appears from their report that the following petty officers left their ships in a dingey at about 4 o'clock on Sunday, the 10th of October: Quartermasters Ruedebusch, Hoffmann, Biermann, Forstreuter and engineer aspirants Lustfeld and Fischer. The commanding officer of H.M.S. *Kronprinz Wilhelm* reported the occurrence to the commandant of the Newport News Navy Yard on the 15th ultimo. How the fugitives made good their escape could not be ascertained. Marine Staff Surgeon Dr. Krüger-Kroneck and Lieutenant Koch have not returned from the leave that was granted them. The clandestine disappearance of Dr. Krüger-Kroneck is all the more unaccountable as he, being a physician, might have obtained release from internment in the same way as it was accommodatingly granted to a number of surgeons of the interned ships. Press reports indicate that Lieutenant Koch is now a prisoner in England. The present whereabouts of all the other absconders is not known to me or their superior officers.

Captain-Lieutenant Bauer was still on board H.M.S. *Prinz Eitel Friedrich* on March 16, but was no longer there on the 17th. Until then the commanding officer had no other directions than that of letting no one go on shore and had accordingly notified his officers and men that there was no shore leave to be had for the time being. Not until the 19th of March did he receive permission for his crew to get leave to go to certain defined places on land: "Officers on parole and men under guard of American soldiers." Captain-Lieutenant Koch therefore could not have broken his parole, but merely disobeyed orders. There can be no question, therefore, of his being sent back to the United States on the above-stated ground.

As for the seamen Sturm and Kasper, they left the *Kronprinz Wilhelm* as early as October 14; their attempt to escape took place before the time when the Navy Department's order that no one should leave the ship became known to the ship on October 15, it being dated October 14.

I believe the foregoing particulars will prove of some help in clearing up the matter, which I have reported to my Government.

Accept [etc.]

J. BERNSTORFF

File No. 763.72111K92/56

The Secretary of State to the German Ambassador (Bernstorff)

No. 1706]

WASHINGTON, December 22, 1915.

EXCELLENCY: I have the honor to acknowledge the receipt, in due course, of your note of November 11, 1915, relative to the applications made by the commanders of the interned German vessels *Kronprinz Wilhelm* and *Prinz Eitel Friedrich* for permission for those ships to be put in full repair, and, in the case of the *Kronprinz Wilhelm*, for permission to begin the restoration of passenger accommodations.

In reply I have the honor to say that, after full reconsideration of the question of the repairs proposed to be made on these two vessels, I regret to inform you that this Government can not consent to the extensive repairs desired to be made so long as they involve the reconversion of the vessels into merchant ships and the consequent loss of their naval character. The position of this Government is briefly that internment applies to vessels stamped with a naval character, and some question may arise as to the exercise of the right of interning the vessels in question and their officers and crews, if they were allowed to assume a merchant character.

Accept [etc.]

ROBERT LANSING

File No. 763.72111E19/63

The Ambassador in Great Britain (Page) to the Secretary of State

No. 2708]

LONDON, December 16, 1915.

[Received December 29.]

SIR: I have the honor to acquaint you that on December 3 I received from His Majesty's Foreign Office a note, a copy of which I attach herewith,¹ requesting that inquiries be made of the German Government concerning the identity of one Lieutenant zur See Henry Koch, who recently escaped from internment at Norfolk. This inquiry was accordingly transmitted to the Embassy at Berlin on December 7, with the request that the desired particulars might be obtained.

On December 6 Lieutenant Koch, who is now detained at Edinburgh, addressed a communication to the Consul there who immediately transmitted it to this Embassy. Copies of Koch's letter and the Consul's letter of transmittal were presented to His Majesty's Foreign Office on December 13, and I have the honor to transmit herewith copies of these two communications.

No reply has been made by this Embassy to the suggestion made in Lieutenant Koch's letter to the Consul at Edinburgh.

I have [etc.]

WALTER HINES PAGE

[Enclosure]

The Consul at Edinburgh (Fleming) to the Ambassador in Great Britain (Page)

EDINBURGH, December 8, 1915.

SIR: I have the honor to report that Lieut. Henry Koch, German naval officer, is a prisoner of war in Edinburgh Castle. He was taken off the Danish S. S.

¹ Not printed.

Tyskland, bound from New York to Copenhagen, at Lerwick, Shetland Islands, on the 14th November, 1915. Lieutenant Koch was an officer on the interned German auxiliary cruiser *Prinz Eitel Friedrich*, lying at Portsmouth, Virginia, and fled in the early part of October, with the intention of reaching Germany via Denmark. Lieutenant Koch shipped on the S. S. *Tyskland* as a member of the crew.

A letter addressed to this consulate by Lieutenant Koch is herewith enclosed. I have [etc.]

RUFUS FLEMING

[Subenclosure]

Naval Lieutenant Koch to the Consul at Edinburgh (Fleming)

EDINBURGH, December 6, 1915.

DEAR SIR: I was officer on board of the interned German auxiliary cruiser *Prinz Eitel Friedrich* lying in Portsmouth, Va., have flought out of the American internment and have been taken from a neutral ship in England. If it is possible that the United States Government grants to me indemnity because of my flight, I beg the United States Embassy, at the same time representing my own Government in this country, to ask the British Government for its agreement that I dare return on my own costs to United States of America and into the American internment.

I think to be condemned to inactivity in the same degree in America as in England, especially after an attempt of flight. Further I would not cause any expenses either to the British or to the American Government.

Yours truly,

KOCH

The Secretary of State to the Ambassador in Great Britain (Page)

No. 3046]

WASHINGTON, January 7, 1916.

SIR: The Department has received your despatch No. 2708, of December 16, 1915, in which you enclose copy of a Foreign Office note requesting that inquiries be made of the German Government concerning the identity of one Lieutenant zur See Henry Koch, who recently escaped from internment at Norfolk.

In reply, you are informed that the Department has upon request given the description of Lieutenant Koch, escaped intern, to the British Ambassador here for purposes of identification. The Consul at Edinburgh should reply to the Lieutenant's letter by stating that, in view of the breach of parole involved in his escape from internment, no representations will be made to the British Government looking to his return to the United States.

I am [etc.]

ROBERT LANSING

TREATMENT OF ARMED MERCHANT SHIPS

File No. 763.72111/1726

The Cunard Steamship Company to the Secretary of State

NEW YORK, February 27, 1915.

DEAR SIR: Referring to our conversation by telephone with Mr. Lansing's secretary about 1 o'clock this afternoon, we have the following message by cable from our home office, Liverpool:

Are considering proposals fit *Transylvania* [and] *Orduna* with two 4.7-inch guns aft for defence purpose only. Telegraph promptly do you anticipate any difficulty with authorities [in] New York. See Congress information bureau circular on subject, September 21. Is there any regulation covering quantity ammunition to be carried?

The congressional information bureau to which reference is made in the cablegram is our correspondent in your city. The circular September 21 repeated information given out by your Department, September 20, which is identical with the document issued by the Department of State, September 19, 1914, regarding "The status of armed merchant vessels."¹

It is therefore apparent that our company propose to be guided entirely in accordance with the prescribed status. The steamship *Orduna* is expected to leave Liverpool March 6 for New York and the steamship *Transylvania* is expected to sail from Liverpool for New York March 27. The average speed of these vessels across the ocean is from 13 to 14 knots per hour.

We assume that the proposition to mount the guns is for the defence of the vessels against attacks by submarines. We wish to know, if, upon the arrival of these vessels, prompt action will be taken under paragraph D, your circular, so that clearance may be granted without delay if investigation by the port authorities shows the conditions to be in accordance with paragraph C. We also wish to cable to our home office what the Department would consider a small quantity of ammunition (paragraph C-4).

We will greatly appreciate a reply by telegraph, Monday, if it is practicable for you to so favor us. The time for mounting the guns on the *Orduna* is short.

Yours truly,

The Cunard Steamship Company, Ltd.:

R. L. WALKER

The Secretary of State to the Cunard Steamship Company

[Telegram]

WASHINGTON, *March 3, 1915.*

Your letter February 27. Under facts as presented Department will raise no objection to steamships *Orduna* and *Transylvania* entering American jurisdiction with two 4.7-inch guns mounted aft and with forty rounds of ammunition for each gun on condition that the guns and ammunition and appurtenances be placed on the ships before their departure for the United States, and on the further condition that such armament be used for defensive purposes only. The last condition will be regarded as accepted by your company by the entry into American jurisdiction of these vessels so armed.

W. J. BRYAN

¹ *Foreign Relations*, 1914, Supplement, p. 611.

File No. 763.72111/2216

The Counselor for the Department of State to the British Ambassador (Spring Rice)

WASHINGTON, May 22, 1915.

MY DEAR MR. AMBASSADOR: The Department has just received a letter from the Treasury Department, a copy of which is enclosed,¹ regarding the presence in the port of New Orleans, Louisiana, of the British steamship *Asian*, which appears to have on board four unmounted guns. In view of the correspondence which passed between the Embassy and the Department last fall on the subject of armed merchant ships, to the effect, as I recall, that in the future British merchantmen would not carry arms mounted or unmounted, in order to avoid raising the question of their treatment in neutral ports, I desire to inquire whether it would be possible to have the steamship *Asian* remove her guns as was done in the case of a British steamship at Philadelphia early in the war.²

I am [etc.]

ROBERT LANSING

File No. 763.72111/2719

The Netherland Minister (Van Rappard) to the Third Assistant Secretary of State (Phillips)

NEW YORK, July 28, 1915.

[Received July 29.]

MY DEAR MR. PHILLIPS: My Government asks me repeatedly for information about the status of armed merchant vessels and the attitude of the United States toward them.

I got some time ago from the Secretary of State, the regulation of September 1914 regulating this matter,³ but I should like so much to know if indeed the British and American Governments have made arrangement to the effect that British merchantmen should not be armed by [when] entering or leaving American harbors, and in the affirmative the reason why that arrangement has been made as in principle the United States according to above-named regulation of September have no objections under special conditions to defensive armaments on merchant ships.

In to-day's *Times* I find enclosed article on this subject. If you could tell me that the content of that article is exact, where it describes the real facts of the situation governing the status of armed merchant vessels and the attitude of the United States toward them, I should have all the information I need, but I hesitate to accept this newspaper version, how exact it may seem, without your kindly and quite unofficially endorsing it. Can you do that?

Thanks so much for all the trouble I give you. Believe me [etc.]

W. L. F. C. V. RAPPARD

¹ Not printed.² *Foreign Relations*, 1914, Supplement, pp. 593-615.³ *Ibid.*, p. 611.

[Enclosure]

Extract from the "New York Times," July 28, 1915

WASHINGTON, July 27. Captain Perseus, the naval expert of the *Berliner Tageblatt*, sets up a straw man when he asserts, as quoted in a daily news dispatch from Rotterdam, that all British merchant ships are armed, and that it is with the "connivance of the United States." The Washington Government is not worried over the comments of Captain Perseus or his allegation that "thus Washington pronounces its blessing on Churchill's armed merchant vessels."

The real facts of the situation governing the status of armed merchant vessels and the attitude of the United States toward them are not in accord with the statements made by the German naval expert. It is true that the American Government did issue a memorandum, not a regulation, last September, covering the status of armed merchant vessels in which it was stated that a merchant vessel of belligerent nationality might carry armament and ammunition, but only for purposes of defense, and indicating that no gun of greater caliber than six inches could be carried by such a vessel. Captain Perseus, however, fails to give the correct date of the circular, does not correctly state its provisions, and overlooks entirely the fact that in only two instances have belligerent merchant ships entered American ports carrying guns, and that, while the United States Government takes the stand that belligerent merchant vessels may carry guns solely for purposes of defense, the whole influence of this Government has been exerted against the arming of merchant ships entering or leaving American ports.

The fact of the matter is that the United States Government as long ago as last September expressed the hope informally that belligerent merchant ships should not enter or leave American ports with any mounted guns, and the State Department was assured in the same month by the British Ambassador in Washington that his Government had decided upon the disarmament of British merchant craft plying between British ports and the United States.

The problem of determining whether belligerent merchant steamers should be permitted to be armed when entering or leaving American ports was raised when the White Star Liner *Adriatic* arrived at New York on August 29 last, carrying four guns. The collector of customs at New York at that time telegraphed to the Treasury Department that the captain of the *Adriatic* reported that the guns were carried only for defense. The British Government took the position that the *Adriatic* carried guns only for protection, and that so long as the vessel was engaged in commercial pursuits direct between two ports, and was not cruising the ocean for offensive purposes, it had a right to carry arms for protective purposes.

On September 1 Dr. Arthur Mudra, German Consul at Philadelphia, called the attention of the collector at Philadelphia to the fact that the steamer *Merion*, flying a British flag, arrived at that port with four 6-inch guns mounted on her decks. Doctor Mudra made no protest. The collector referred the question to Washington. The captain said the guns were used only for protection. The result of the reference to the *Merion's* case to Washington was the sailing of the *Merion* without her armament mounted. The guns were dismounted and stored in the *Merion's* hold. The British Consul General at Philadelphia explained that the dismounting of the *Merion's* guns was done without prejudice to the general principle of neutrality.

It was stated by a high official to-night that these were the only two incidents of merchant vessels entering or leaving American ports with guns mounted.¹

The Third Assistant Secretary of State (Phillips) to the Netherland Minister (Van Rappard)

WASHINGTON, July 30, 1915.

MY DEAR MR. VAN RAPPARD: I have your letter of July 28 regarding the status of armed merchant vessels of belligerent countries within the ports of the United States.

¹ *Foreign Relations*, 1914, Supplement, p. 606.

In reply to your inquiry I hasten to inform you that the Department has not published any regulations on this matter later than those of September 19, 1914. Furthermore, the Government of the United States has not made any arrangement with the British Government in regard to the status of armed merchant vessels, which would be at variance with the rules already established. However, I should say to you that, in discussing these matters with the British Ambassador he was informed of the embarrassing position in which this Government would be placed by being obliged to ascertain in each case whether a vessel was armed for defensive or offensive purposes, and that the result was that no British merchant vessels have entered American ports with guns for defensive purposes, with two exceptions, namely, the *Adriatic* which arrived in New York and the *Merion* which arrived in Philadelphia.¹

It will give me great pleasure to keep you advised of any further developments in connection with this matter.

With kindest regards, I am [etc.]

WILLIAM PHILLIPS

File No. 763.72111/2777

The Secretary of State to the British Ambassador (Spring Rice)

WASHINGTON, August 25, 1915.

MY DEAR MR. AMBASSADOR: The Department is advised that the British steamship *Waimana*, 5,000 tons, will shortly arrive at Newport News for 3,000 tons of coal for ship's use only, and that the vessel has mounted aft one four and seven-tenths (4.7) inch gun for defensive purposes.

In this relation I desire to recall the cases of the *Merion* and *Adriatic* of last autumn in which, in order to avoid embarrassing issues, your Government had the guns on the former vessel landed at Philadelphia, and to state that since that time the Government is not advised of the arrival of any armed merchant vessels in American ports.¹ In the critical circumstances of the present day, therefore, I hope you will again find it possible to instruct the captain to remove the gun of the *Waimana* before the departure of the vessel from the port of Norfolk.

I am [etc.]

ROBERT LANSING

File No. 763.72111/2954

The British Ambassador (Spring Rice) to the Secretary of State

WASHINGTON, September 10, 1915.

DEAR MR. SECRETARY: I have been in telegraphic communication with my Government on the subject of your unofficial letter of August 25, in which you express the hope that in the critical circumstances of the present day it may be found possible to instruct the captain of the British steamship *Waimana* to land the 4.7-inch gun,

¹ *Foreign Relations, 1914, Supplement, p. 606.*

which she carries mounted for defensive purposes, before leaving the port of Norfolk.

I have now received an expression of the views of Sir Edward Grey which I beg to communicate to you in a personal letter.

My Government has every desire to meet the convenience of the United States Government at the present moment and would be glad to make an exception of the views they hold in the case of the steamship *Waimana* were it not for the fact that it would certainly be known elsewhere and quoted as a precedent for abolishing purely defensive armament on vessels engaged solely in the British mercantile service. This right was recognized even before Germany had adopted or threatened the illegal methods of attack pursued by her submarine vessels and Sir E. Grey expresses the hope that you will understand the reluctance to compromise that right or to create a precedent which might be used to hamper His Majesty's Government in other cases in taking admittedly legal steps to protect the lives and property of British subjects in non-combatant vessels.

It is believed that the armament of the *Waimana* and other circumstances comply with the regulations issued by the Department on September 19, 1914, relative to the status of armed merchant vessels, but if this is not so the captain of the vessel will be instructed to take such measures as may be required to ensure compliance with the regulations, and, if necessary, to land the gun and ammunition for the purpose.

I should appreciate it if you would kindly inform me so soon as it may be convenient whether the vessel contravenes in any respect the United States regulations governing such cases.

Believe me [etc.]

For the Ambassador:
COLVILLE BARCLAY

The Secretary of State to the British Ambassador (Spring Rice)

WASHINGTON, September 11, 1915.

MY DEAR MR. AMBASSADOR: I have received your note of September 10, in regard to the British steamship *Waimana*, now at the port of Norfolk. In reply to my note of August 25, expressing the hope that in the critical circumstances of the present day it may be found possible to instruct the captain of the *Waimana* to remove the 4.7-inch gun which she carries mounted on deck, you state that it is believed that the armament of the *Waimana* complies with the regulations issued by this Department on September 19 relative to the status of armed merchant vessels, but that if this is not so the captain of the vessel will be instructed to take such measures as may be required to insure compliance with those regulations, and, if necessary, to land the gun and ammunition for that purpose.

It has come to the knowledge of the Department that British merchant vessels which carry arms have used them for offensive purposes in attacks upon submarines. In this relation it will be recalled that the *Waimana*, on her outward voyage, carried no guns, but that she obtained a gun in England before her return voyage. In these circumstances it seems clear that British merchantmen have

not always used their armament for defensive purposes only, and that they may, upon occasion, use any guns which they have mounted in unprovoked attack. It is, therefore, incumbent upon the Department to ascertain the purposes for which a gun has been mounted on the steamship *Waimana* and should it appear that her armament is likely to be used for offensive purposes, the Government, in strict conformity with the regulations of September 19, will be under the necessity of requiring the removal of the gun from the *Waimana* or the internment of the vessel as a ship of war.

I regret to add, consequently, that the Government can not clear the *Waimana* until your Government has given formal assurance that her armament will be used only for defensive purposes, or unless the armament is landed.

I am [etc.]

ROBERT LANSING

File No. 763.72111/2901

*The Collector of Customs at Norfolk (Hamilton) to the Secretary of the Treasury (McAdoo)*¹

NORFOLK, VA., September 22, 1915.

SIR: Supplementing my report over the telephone to-day with reference to the British steamship *Waimana*, I have now to further report in this case as follows:

The *Waimana* was granted clearance at Newport News, in this district, September 21, 1915, and [at] 2.45 p. m., after having landed the 4.7-inch gun which had been mounted on her after deck. The gun was entered for warehouse, and is now being held in customs custody on Pier 4 of the Chesapeake and Ohio Railway Company, Newport News, it being impracticable to place it in a public warehouse. Entry for the gun was made by W. H. Salley and Company, Inc., and a bond taken from the Fidelity Guaranty Company, of Baltimore, Maryland, for \$1,200, which was double the amount of the estimated duty on the gun.

The *Waimana* passed out the Virginia capes at 9.30 a. m., September 22, 1915.

The *Waimana* having landed valuable dutiable goods in this district—this goods consisting of the gun now in warehouse awaiting action of W. H. Salley and Company, Inc., who made entry for the same—it was held by this office that the *Waimana* was subject to the payment of tonnage tax, and the same was collected in the amount of \$300.54, the vessel having arrived here from a port with tonnage tax collectable at the rate of six cents per net ton.

Capt. W. B. Holmes, master of the *Waimana*, filed a protest against the payment of tonnage tax, stating: "My vessel being detained by the United States Government authorities, I can not agree that same is assessable, amount assessed amounting to \$300.54." The written protest filed by Captain Holmes is enclosed.² This protest under ordinary circumstances would have been sent to the commissioner of

¹ Forwarded to the Department of State, September 28, 1915.

² Not printed.

navigation, but under these circumstances is herewith submitted with request for instructions in the premises.

The commissioner of navigation has held, and instructed this office, that tonnage tax shall be collected from all vessels engaging in trade within the territorial waters of the United States, but that vessels calling for bunker coal only, and not arriving for the purpose of receiving orders, are exempt, such vessels not being considered as being in trade.

The *Waimana* came in originally from Marseilles, France, to take 3,500 tons of bunker coal, for Buenos Aires, Argentine Republic. She took aboard and cleared for Buenos Aires with 3,896 tons of coal, declared to be bunker coal for ship's use only. Before departing, however, she landed dutiable goods, and it was held in this office that she had engaged in trade.

Awaiting instructions [etc.]

NORMAN R. HAMILTON

TREATMENT OF MERCHANT SHIPS SUPPLYING BELLIGERENT WARSHIPS—THE DETENTION OF THE "ODENWALD"—THE "PISA" CASE

Joint Resolution to empower the President to better enforce and maintain the neutrality of the United States

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, from and after the passage of this resolution, and during the existence of a war to which the United States is not a party, and in order to prevent the neutrality of the United States from being violated by the use of its territory, its ports, or its territorial waters as the base of operations for the armed forces of a belligerent, contrary to the obligations imposed by the law of nations, the treaties to which the United States is a party, or contrary to the statutes of the United States, the President be, and he is hereby, authorized and empowered to direct the collectors of customs under the jurisdiction of the United States to withhold clearance from any vessel, American or foreign, which he has reasonable cause to believe to be about to carry fuel, arms, ammunition, men, or supplies to any warship, or tender, or supply ship of a belligerent nation, in violation of the obligations of the United States as a neutral nation.

In case any such vessel shall depart or attempt to depart from the jurisdiction of the United States without clearance for any of the purposes above set forth, the owner or master or person or persons having charge or command of such vessel shall severally be liable to a fine of not less than \$2,000 nor more than \$10,000, or to imprisonment not to exceed two years, or both, and, in addition, such vessel shall be forfeited to the United States.

That the President of the United States be, and he is hereby, authorized and empowered to employ such part of the land or naval forces of the United States as shall be necessary to carry out the purposes of this resolution.

That the provisions of this resolution shall be deemed to extend to all land and water, continental or insular, within the jurisdiction of the United States.

Approved, March 4, 1915.

File No. 763.72111/1869

The British Ambassador (Spring Rice) to the Secretary of State

No. 98]

WASHINGTON, March 9, 1915.

[Received March 10.]

SIR: With reference to previous correspondence and especially to the State Department's memorandum of the 16th November,¹ and the resolution passed by Congress on the 4th instant empowering the President to refuse clearances to ships in United States ports under certain circumstances, I have the honour to submit to you the following considerations:

According to information reaching me from various sources the fast German ships at present in United States ports, or at least some of them, have guns in the hold ready for use; have wireless installations capable of communicating with (or at any rate receiving from) the German stations on the Continent, which wireless apparatus has been recently in use; have obtained clearances enabling them to leave the port; have ordered and discharged pilots from time to time; and having large stores of coal on board are ready to start at any moment. According to information received from European sources it is intended that the ships in question should put to sea on a signal sent from Berlin with the intention of preying on commerce, or otherwise conducting or aiding in belligerent operations.

It is also stated that the examination conducted on several occasions by United States officers of these ships has not been extended to all their parts and that the German officers have denied the right of the United States Government to conduct a thorough search. It is also a matter of common report that the German officers have stated that in the view of the United States Government the fact that a merchant vessel carries guns and ammunition is no reason to detain her, unless there is clear and evident proof that she intends to conduct, or aid in, military operations; and that consequently all that is necessary for these ships to do is to make a true manifest and obtain clearance papers through the customhouse.

I venture however in this connection to refer to the clearly expressed provisions of the circular of the Department of State of September 19 relative to the status of armed merchant vessels in which it is laid down in positive terms what are the conditions under which a merchant vessel may carry an armament and ammunition without acquiring the character of a ship of war.

It will be in your recollection that subsequent to the declaration of war by Germany on France the *Kronprinz Wilhelm* left the port of New York without passengers, with 7,000 tons of coal and according to the general belief, with armament on board, and this ship is still engaged in preying on commerce.

I enclose for convenience of reference the note which this Embassy addressed to you on this subject on the 4th August last.²

Other German ships of a similar character have been employed in a similar manner, as for instance the *Kap Trafalgar*.

¹ *Foreign Relations*, 1914, Supplement, p. 615.

² *Ibid.*, p. 593.

According to evidence which is in your possession the Hamburg-American Line is acting here as the agent of the German Government and has directly provided for the supply of the belligerent cruisers from the territory of the United States.

It is also a matter of common notoriety and will be within the knowledge of the Navy Department that the fast German mail ships have been constructed with a view to their employment as commerce destroyers, or tenders, or for their speedy conversion at sea into armed cruisers. Such being the known facts it would appear *prima facie* that there is a case for action in compliance with the order of the Department of State similar to that which as a matter of fact was conducted on board the steamship *Winchester* in New York Harbour by order of the Treasury and also in the case of the British merchant ships which left United States ports with arms on board, on their usual trade routes.

It is not my intention, in addressing to you this communication, to imply even in the remotest degree that the United States Government is not acting in exact conformity with the principles laid down in the Geneva Award of 1872. Nor am I in a position to make an official and formal request that any definite step, or any particular measure of precaution should be taken in the matter.

But it is clearly my duty, in view of the rumours current, of existing circumstances, of the information which has reached me, and of the state of public opinion, to renew the warning already given, namely that if these ships by permission of the United States Government, or by reason of the absence of measures of precaution, leave United States waters and thereafter without repairing to their home port should prey upon British shipping and trade, or engage in non-commercial, and belligerent action against the British forces, the British Government would be bound to hold the United States Government responsible for the consequences.

I have [etc.]

CECIL SPRING RICE

File No. 763.72111/1801

The German Ambassador (Bernstorff) to the Secretary of State

[Translation]

WASHINGTON, *March 11, 1915.*

[*Received March 12.*]

MR. SECRETARY OF STATE: I beg your excellency kindly to favor me with information on the following points in regard to "Public Resolution No. 72, 63d Congress: To empower the President to better enforce and maintain the neutrality of the United States."¹

1. The resolution merely speaks of vessels which need a clearance to leave port. There are, therefore, excluded from its operation all vessels engaged in the coasting trade, all tugs and tenders, as well as yachts and craft of that description.

It seems to me that this point needs perfecting and explaining all the more as there is strong suspicion, which I already have had the honor to make known ere this to your excellency, and which

¹ 38 Stat. L. 1226.

has grown stronger of late, that the English warships on patrol duty off the port of New York are supplied from that port with victuals and intelligence, and, even as appearances indicate in a recent case, with fuel. If I correctly understand the resolution, it affords the President no opening for punitive or preventive proceedings against individuals or vessels indulging in these unneutral practices.

2. To my mind it can not be seen from the wording of the resolution whether the Government of the United States intends systematically to prevent from now on any shipment of coal and provisions to German war vessels from ports of the United States.

Should your excellency entertain such an idea, I would most respectfully point to Article 20 of the thirteenth convention of the Hague Conference of October 18, 1907, under which warships of belligerents may replenish their supply of fuel after the lapse of three months without breach of neutrality.

This interpretation is also adhered to in principle by your excellency in the order of September 19, 1914, merchant vessels suspected of carrying supplies to belligerent vessels, Article 1.

I may not omit on this occasion again to lay general stress on the position taken by my Government and expressed by me in writing under date of December 15 of last year, that according to international conventions the carrying of coal to warships from neutral ports is not an unneutral act so long as the said ports are not regularly used so as to turn them into actual bases.

I would also take this opportunity to remove a doubt that may be extant. Your excellency's favor of the 24th of December last deals with "munitions of war," in paragraph 4, and says that they can not be carried to belligerent warships by naval tenders or merchant vessels even indirectly. I assume that your excellency coincides in my view that coal and provisions can not be in any way regarded as "munitions of war," properly so called, since they are not specific implements of war, but their supply is just as much a matter of necessity in time of peace. If then the designation "munitions of war" should also include coal and provisions, logic would also forbid to supply with coal and provisions a warship of a belligerent nation which would run into a neutral port and observe the other restrictions.

3. Your excellency knows as well as I do that for some weeks past the manufacture of war material for the Allies in the United States has grown to include the delivery of naval ordnance and shells for such ordnance. I believe I may indulge the hope that your excellency shares my view that the supplying of arms and ammunition to warships of the Allies, now built, or being built, or to be built, comes under Article 8 of the above-cited convention of The Hague and that under the new resolution, clearance from American ports must be denied to all vessels that are booked to carry such material, directly or indirectly, to the warships of warring nations.

4. I venture with reference to Section 2 of the note, in conclusion, respectfully to inquire whether for instance a collier destined to carry coal and provisions to the German auxiliary cruiser *Kronprinz Wilhelm* would be denied clearance from a port of the United

States. The *Kronprinz Wilhelm* has not called at any port of the United States since the beginning of August 1914 and, as is known, has not taken fuel, provisions, or the like from any vessel out of a port of the United States.

Accept [etc.]

J. BERNSTORFF

File No. 763.72111/1869

The Secretary of State to the British Ambassador (Spring Rice).

WASHINGTON, March 13, 1915.

EXCELLENCY: I have the honor to acknowledge the receipt of your excellency's note of the 9th instant calling attention to information which has reached you that German steamships at present in United States ports are, owing to the equipment installed and the preparations which have been made, prepared to leave at any moment, on a signal to be sent from Berlin, for the purpose of preying on commerce and otherwise aiding in belligerent operations. You add that it is also stated that the examinations of these vessels, conducted on several occasions by United States officers, have not extended to all their parts, and that German officers have denied the right of this Government to conduct thorough searches of the vessels.

I have had a copy of your note delivered to the Department of the Treasury for its information, with a request that these vessels be thoroughly reexamined in order that the correctness of the reports which you have received may be determined. Upon the receipt of the report of this investigation, I shall be glad to communicate with you further upon this subject.

You mention also that subsequent to the declaration of war by Germany on France, the *Kronprinz Wilhelm* left the port of New York without passengers, but with a supply of coal, and, according to the general belief, as you state, with armament on board; and that this vessel is still engaged in preying on commerce. You enclose a copy of the note which your Embassy addressed to the Department on this subject on August 4 last. In reply I need only to refer to the Department's answer to this note dated August 20 last.¹

The Department takes note of your statement that you are not in a position to make an official or formal request that any definite step or any particular measure of precaution should be taken in the matter of these German ships. In relation to your remark, however, that it is your duty to "renew the warning already given" relative to the responsibility of the United States should these vessels escape by its permission or the absence of precautions on its part, I have the honor to refer you to my note of August 19 last, in which this Government sets forth its views as to its rights and duties as a neutral in relation to vessels of belligerent nationality in its ports.²

I have [etc.]

For the Secretary of State:
ROBERT LANSING

¹ *Foreign Relations*, 1914, Supplement, p. 602.

² *Ibid.*, p. 599.

File No. 763.72111 Od 2/10

The Secretary of the Treasury (McAdoo) to the Secretary of State

WASHINGTON, *March 18, 1915.*

[*Received March 20.*]

SIR: I have the honor to quote the following cablegram from the collector of customs at San Juan, P. R., relative to the German steamer *Odenwald*:

SAN JUAN, P. R., *March 18, 1915.*

Hamburg-American cargo steamer *Odenwald* which has been in this port since August 6 has applied for clearance to Hamburg in ballast and to take 1,500 tons bunker coal. Vessel wishes to leave this afternoon. Rush answer.

In accordance with the advice of your Department communicated by telephone, I have this day sent to the collector a cablegram as follows:

Wire whether quantity coal stated your cablegram to-day is excessive for purpose taking *Odenwald* to Hamburg; also whether any suspicious circumstances.

You will be promptly advised of the collector's reply.

By direction of the Secretary:

A. J. PETERS

Assistant Secretary

File No. 763.72111Od2/2

The Assistant Secretary of the Treasury (Peters) to the Counselor for the Department of State

WASHINGTON, *March 19, 1915.*

DEAR MR. LANSING: In accordance with the advice of your Department, communicated by telephone, I have this day sent to the collector of customs at San Juan, P. R., a cablegram as follows:

Supplementing Department's wire 19th, have all parts *Odenwald* thoroughly searched for arms, even under coal. Report by wire to department for instructions and withhold clearance until advised. War Department directed to cooperate.

You will be promptly advised of the collector's reply.

Sincerely yours,

A. J. PETERS

Assistant Secretary

File No. 763.72111Od2/4

The Secretary of the Treasury (McAdoo) to the Secretary of State

WASHINGTON, *March 20, 1915.*

SIR: Referring to the requests of your Department for further information regarding the German steamer *Odenwald*, I have the honor to quote the following cablegrams from the collector of customs at San Juan, relative thereto:

SAN JUAN, P. R., *March 19, 1915, 12.02 p. m.*

Do not believe coal excessive; steamer burns 55 tons per day. Will not be able to obtain full amount. Nothing suspicious has thus far developed.

SAN JUAN, P. R., *March 19, 1915, 7.06 p. m.*

All parts *Odenwald* thoroughly searched under my personal direction, including coal thus far loaded in bunkers. Search reveals no arms or ammunition on board ship. Steamer has taken up to this afternoon about 800 tons bunker coal. No cargo on steamer; all ship's stores inspected. Loading coal under close supervision customs officers. No coast guard vessel in San Juan at present.

By direction of the Secretary.
Respectfully,

A. J. PETERS
Assistant Secretary

File No. 763.721110d2/3

The British Ambassador (Spring Rice) to the Secretary of State

No. 115]

WASHINGTON, *March 20, 1915.*

SIR: According to information which has reached me from Porto Rico, the German ship *Odenwald* is preparing to leave port.

Rumours have also reached this Embassy that it is intended to employ the vessel for belligerent purposes.

Information of a similar nature has no doubt reached your Department, and in making the communication I beg to refer to previous correspondence on the subject of neutrality and to express every confidence that the United States Government will take such steps as may be right and proper in the circumstances.

I have [etc.]

CECIL SPRING RICE

File No. 763.721110d2/8

*The Commanding Officer in Porto Rico (Burnham) to the Adjutant General at New York*¹

[Telegram]

SAN JUAN, P. R., *March 21, 1915.*

Hamburg-American commercial steamer *Odenwald* attempted to leave this port about 3 o'clock this afternoon without clearance papers. At request of collector of customs to prevent departure and in compliance with instructions in your telegram March 19, warning shots were fired with machine gun and one shot across her bows with 5-inch rifle from El Morro. Ship then came to anchor under El Morro. None were injured. Ship returned to her anchorage in the harbor. In presence of collector of customs March 19, I personally informed and warned German consul and commander of *Odenwald* that force would be used if necessary to prevent vessel leaving without clearance.

BURNHAM

¹ Communicated to the Department of State March 22.

File No. 763.72111/1869

The Secretary of State to the British Ambassador (Spring Rice)

WASHINGTON, March 27, 1915.

EXCELLENCY: In further reply to your excellency's note of the 9th instant, and supplementary to the Department's answer of the 13th instant,¹ I have the honor to inform you that the fast German steamships now in the continental ports of the United States have been thoroughly reexamined and searched by American authorities, with a view to verifying the information reported in your excellency's note of March 9, and that the Department is now in receipt of the results of this investigation. It is deemed unnecessary to review this report in detail, inasmuch as the Government is satisfied from the information at hand that it has fully carried out its duties and obligations as a neutral in respect to vessels of belligerent nationality in its ports.

I have [etc.]

For the Secretary of State:
ROBERT LANSING

File No. 763.72111/2065

The German Embassy to the Department of State

J. Nr. A 2140]

WASHINGTON, March 26, 1915.

[Received March 27.]

The German Embassy presents its compliments to the United States Department of State and has the honor to inform the Department of State that the steamer *Pisa*, of the Hamburg-American Line, lying in New York Harbor since the outbreak of the present war, intends to apply for clearance papers. The *Pisa* is bound for Hamburg with a cargo of coal and provisions; if possible, the ship shall on that voyage try to communicate with a German cruiser in the Atlantic; afterwards ship to continue her journey to Hamburg. No supplies having been taken to any German man-of-war in that region within the last three months, the Embassy is entitled to assume that no legitimate objections are to be expected to that purpose. To make clear some points already discussed verbally, the Embassy begs to point out:

(1) The clearance of a ship carrying coal to Hamburg can not in any way be considered as illegal, there being no law of regulation, as far as the Embassy knows, to prevent shipment of coal from the United States to Hamburg. Whether such a procedure is "usual" or not is immaterial, as long as no legal prohibition is transgressed, everybody being entitled to do what is not formally forbidden by law or regulation.

(2) The basis for the question whether the supply carried to a man-of-war is allowed by the neutrality laws of the United States or not, is the Department's note to this Embassy, dated December 24, 1914,² which apparently is based upon Article 20, Agreement

¹Ante, pp. 852 and 855.²Foreign Relations, 1914; Supplement, p. 647.

[*Convention*] XIII, of the Second Hague Convention [*Conference*], October 18, 1907.

In this note, referring to the convention just mentioned, it is said:

Article 5, of the same convention, forbids belligerents to use neutral ports and waters as a base of naval operations against their adversaries. As stated in the Department's statement on "merchant vessels suspected of carrying supplies to belligerent vessels" dated September 19 last (a copy of which is enclosed), the essential idea of neutral territory becoming the base for naval operations by a belligerent is in the opinion of this Government *repeated* departure from such territory of merchant vessels laden with fuel or other supplies for belligerent warships at sea.

From the reference to Agreement [*Convention*] XIII of the Convention [*Conference*] it is to be deduced that the word "*repeated*" means "more than once in three months." As already mentioned, no supplies for the German men-of-war involved here left the United States of America within the last three months. The words "for belligerent warships at sea" make it clear, that it is immaterial whether the warship to be supplied is *in* port, *off* a port, or on the high sea. As a matter of fact in all three cases the only difference would be in the distance covered by the supply-carrying conveyance. Therefore no international law or agreement establishes such a difference. Nor is there any distinction made between furnishing supplies for a home journey or any other purpose. In fact, according to international law, there seems to be only one restriction put to supplying belligerent warships: that one ship can not be supplied from the same neutral port more than once within three months.

It is obvious that it is for the party making the charge that such supplies have been furnished more than once within three months, to prove the charge by substantiated evidence.

The Embassy must assume that the rules laid down in Mr. Bryan's note of December 24, 1914 are still in force. The resolution passed by Congress and promulgated on March 4, does not seem to alter any existing laws, but appears to empower the Executive to enforce laws already in existence.¹

File No. 763.72111/1919

The British Ambassador (Spring Rice) to the Secretary of State

No. 135]

WASHINGTON, *March 31, 1915.*

[*Received April 2.*]

SIR: I have the honour to acknowledge the receipt of your notes of March 13 and March 27 in which you are good enough to reply to my note of March 9 relative to the German steamships now lying in the continental ports of the United States and in which you inform me that the investigation has resulted in satisfying the United States Government that it has fully carried out its duties and obligations as a neutral in respect of vessels of belligerent nationality in its ports.²

In thanking you for your communication and expressing my appreciation of the prompt action taken by the United States author-

¹Ante, p. 851.

²Ante, pp. 855, 858, and 852.

ities I would observe that it was in no sense my intention to suggest that those obligations had not been fully carried out. Information had reached me which has since been confirmed by facts that it was the intention of some of these ships to leave the neutral ports in which they had taken refuge, either for the purpose of supplying warships, or of themselves conducting belligerent operations. Following the precedents established by the United States Government I considered it my duty to direct my observations to the possibility of such an occurrence, which if it had happened would have given rise to a serious question of dispute between our two Governments.

It is from this point of view that I have the honour to refer to the case of the *Odenwald* which would appear to prove that an urgent summons had been received by the captain to proceed to sea in order to supply a belligerent cruiser. The ship herself was not fast nor capable like the *President* (who has taken refuge in the same port as the *Odenwald*) of acting as a cruiser. It would thus appear that the German ships now in United States ports could leave on what would appear to be a commercial voyage, and yet act as tenders. The United States Government is of course the sole judge as to what steps are to be taken to preserve their neutrality but it is plainly incumbent on this Embassy, and an act of simple fairness, to submit in advance to your Department any information which may have reached it, of a nature to arouse a suspicion, which if justified would lead to complaint or remonstrance.

I have [etc.]

CECIL SPRING RICE

File No. 763.721110d2/14

The German Ambassador (Bernstorff) to the Secretary of State

[Translation]

J. Nr. A 2400]

WASHINGTON, April 1, 1915.

[Received April 2.]

MR. SECRETARY OF STATE: On the 18th of last month the German steamer *Odenwald* lying in the port of San Juan, P. R., applied for clearance for Hamburg. The collector of customs then declared that he had to inquire of Washington whether the steamer could be cleared. On the 19th the steamer was subjected to a thorough search, alleged to have been ordered from Washington. The search, according to the statement of the collector of customs, proved satisfactory in every respect. The ship's cargo consisted of 1,500 tons of coal and provisions. On the 20th of March the same official again conducted another strict inspection. Clearance papers were nevertheless again refused as they had been the day before on the plea that no answer had yet come from Washington. The collector of customs, urged by the agent of the Hamburg-American Line, promised, however, to send an urgent telegram that night to Washington.

Again on the next day (March 21) the ship's captain waited in vain for a final decision. Thus he decided to put to sea without clearance papers. The captain, so he asserts, found himself in a critical situation as further delay made the danger of enemy cruisers gathering worse every day. With that situation he tried to deal fairly in taking the course he did.

Just before passing buoys 4-B and C-3 the ship met with a brisk machine-gun fire from Morro Castle. A few minutes later a solid cannon shot struck the water a short distance in front of the ship's bow, raising a column of water from ten to twelve feet high. The engine was immediately stopped and backed at full speed. The forward motion of the ship ceased at once, in spite of which she was fired upon about three minutes longer. Marks of the bullets can be plainly seen in various places of the ship and hull. It was only through luck that no human life was lost in that onslaught.

A few affidavits fully describing the occurrence are respectfully enclosed with a request that they be returned.¹

I have the honor to beg your excellency kindly to let me know why her papers were not delivered to the *Odenwald* though in the opinion of the harbor officials after two thorough searches of the ship they had no ground upon which to refuse the said papers. Finally, I am unable to conceal from your excellency that the reckless action of the harbor authorities in opening fire on the steamer without warning does not seem to me to have been justified by the circumstances of the case. It could hardly be the intention of the American Government to endanger, without imperative cause, the lives of a ship's crew for the mere sake of insuring orderly traffic in the harbor.

Accept [etc.]

J. BERNSTORFF

File No. 763.72111/2082

*The German Ambassador (Bernstorff) to the Counselor for the
Department of State*

No. A 2433]

WASHINGTON, April 2, 1915.

[Received April 3.]

MY DEAR MR. LANSING: On account of the great importance of the principles involved, I should be very much obliged to you for an official note giving the reasons why the Government of the United States withheld permission for the *Pisa* to clear from the harbor of New York, so that I can inform my Government without making any mistake. Personally I fail to see how this decision can be brought in accordance with the Hague convention.

I am [etc.]

J. BERNSTORFF

*The Acting Secretary of State to the German Ambassador
(Bernstorff)*

WASHINGTON, April 10, 1915.

MY DEAR MR. AMBASSADOR: Replying to your note of the 2d instant in which you request an official statement of the reasons why the Government of the United States has withheld permission for the German steamship *Pisa* to clear from the harbor of New York, I wish to recall to your attention the substance of your Embassy's con-

¹ Not printed.

fidential memorandum of the 26th ultimo in which it is assumed that no objections would be made to the clearance of the vessel. In that memorandum the following statement appears:

The *Pisa* is bound for Hamburg with a cargo of coal and provisions; if possible, the ship shall on that voyage try to communicate with a German cruiser in the Atlantic; afterwards ship to continue her journey to Hamburg. No supplies having been taken to any German man-of-war in that region within the last three months, the Embassy is entitled to assume that no legitimate objections are to be expected to that purpose.

The Department's information is that the *Pisa* preparatory to leaving New York was loaded with 5,500 tons of coal, a normal supply of provisions, and 50 barrels of oil.

The memorandum quotes from the Department's note of December 24 last to the effect that the essential idea of neutral territory becoming the base for naval operations is repeated departure from such territory of merchant vessels laden with fuel or other supplies for belligerent warships at sea, and the memorandum draws the conclusion from Hague Convention No. XIII of 1907, that the word "repeated" means "more than once in three months." The argument appears to be that, inasmuch as no supplies for German men-of-war have left the United States within three months, no objection ought to be raised to the clearance of the *Pisa* though it is admitted that she intends to transfer her cargo, if possible, to a German cruiser on the high seas.

It is true that the Department's note of December 24 discussed the meaning of "base of operations," but it was also pointed out that the obvious result of the practice of sending supplies to warships at sea, would be that such warships could remain on their stations engaged in belligerent operations without the inconvenience of repairing to port for supplies. Both of these assertions must be considered as they present different phases of the same question. It is the opinion of this Government that the result of supplying warships in order that they may avoid the danger or inconvenience of visiting a neutral port would be in contravention of the rules of international law and the provisions of Hague Convention No. XIII. Both Articles 19 and 20 of that convention indicate unquestionably that the coaling of warships from stores gathered at a neutral port or roadstead is to take place *in* that port or roadstead, and these provisions are regarded as consonant with the existing rules of international law on the subject. It is obvious that to carry fuel and supplies to a warship on its station at sea is not furnishing her with fuel within a neutral port. I am, therefore, under the necessity of disagreeing with your statement that "it is immaterial whether the warship to be supplied is *in* port, *off* port, or on the high seas."

The reasons for this rule are evident, when its application is considered. In the first place, as only sufficient coal and supplies may be furnished a warship to enable it to reach its nearest home port, neutrals must, in order to determine the amount, be specifically advised of the size of the vessel, the number of the crew, the amount of fuel and supplies already on board, and the place of transshipment. Without knowledge of these facts it would be impossible to limit the cargo of a vessel so that the warship could not take on board more coal or supplies than the rule of international law per-

mits. In the second place after the departure of a supply boat from the jurisdiction of the United States, this Government would have no control over the vessel to prevent delivery to a different warship from the one supposed to be entitled to replenishment, even though the supplies furnished far exceeded the amount permitted by international law. In the third place, as a belligerent warship may not, in any event, supply itself in the ports of a neutral power more than once in three months, a neutral government, before allowing coal and supplies to be taken to a belligerent warship from its ports, should be satisfied that none had been obtained by the same vessel within the preceding three months. This information can be had only from the warship itself, unless it has during the period entered a neutral port, or been in direct communication therewith. In any event the amount of the stores to be supplied, and the time when they may properly be furnished are questions of fact, and not matters of presumption.

Furthermore, the allowance of coal and supplies by a neutral to a belligerent warship is based on the presumption that the latter intends to return to its home port. There can, however, be no such presumption in the present case. In fact the presumption is that no German warship would attempt to return home when there is a virtual investment of German ports by hostile naval forces. On the contrary it may be assumed with reasonable certainty that a German warship which remains on the high seas, purposes to take supplies in order to continue hostile operations against vessels of belligerent nationality and to intercept and search neutral vessels. If, therefore, such a warship is supplied with an amount of coal and supplies in excess of the amount permitted by law, the neutral territory from which such stores are derived, would clearly constitute a depot for the projection of the naval operations of a belligerent in contravention of the rules of international law and Article 5 of Hague Convention No. XIII of 1907.

In support of the views above expressed I desire to direct your excellency's attention to the following incidents. During the Franco-Prussian war of 1870 the British Government prohibited, in conformity with the desire of the Imperial German Government, the export of coal to the French fleet cruising in the North Sea. It is understood that the ground for this prohibition was that the furnishing of coal to a belligerent fleet at sea would amount to a participation in its operations, since the supply of coal would render possible a continuance of such operations without a return to port. A step in advance of this position was taken by the British Government when the Russian Baltic Fleet was about to undertake a voyage to the Sea of Japan in the summer of 1904. In anticipation of the coaling of the fleet in British ports the British Government caused instructions to be issued to the effect that belligerent fleets, or single belligerent ships of war, proceeding for the purpose of engaging in hostile operations, should not be permitted to make use of British ports or waters for the purpose of coaling either from the shore or from colliers. Here again the object of the instructions seems to have been to prevent neutral territory from becoming a base of hostile operations for a belligerent fleet or a belligerent man-of-war.

Finally the application papers on which clearance is sought for the *Pisa* would manifestly contain misstatements. An application to clear

for a voyage to the port of Hamburg, which is practically sealed by the warships of Germany's adversaries, with the intention of transferring the cargo at sea to a warship engaged in preying on belligerent commerce and interfering with neutral trade, impresses the application with a fictitious character and shows an intention of obtaining a false clearance. The statutes of the United States impose penalties upon making applications of this sort, and make the act a crime under Federal laws. If this Government, therefore, knowing the real purpose of the voyage, should issue such clearance, it would be subject to justifiable criticism as a party to a violation of its own laws.

Your Embassy's memorandum in the antepenultimate paragraph suggests that the burden of proving the charge that supplies have been furnished to a certain warship more than once in three months lies upon the neutral. With this suggestion this Government is unable to agree. A neutral, in matters pertaining to neutral obligations, may, in the opinion of this Government, require substantial evidence from a belligerent seeking special privileges that he is entitled to enjoy them.

Owing to the exceptional circumstances of certain cases arising during the present war, which involve rights and duties of neutral powers, I am constrained to limit the application of this note to the particular case under discussion, so that the principles laid down may be read with the facts of the present case in mind and limited in application to those facts, since other conditions might create a different presumption as to the intended use of supplies furnished to a belligerent warship and to that extent at least modify the views expressed.

I am [etc.]

ROBERT LANSING

File No. 763.721110d2/14

The Secretary of State to the German Ambassador (Bernstorff)

WASHINGTON May 3, 1915.

EXCELLENCY: I have the honor to acknowledge the receipt of your excellency's note of April 1 last in relation to the refusal of the United States collector of customs at San Juan, P. R., to clear the German steamer *Odenwald* for Hamburg with a cargo of 1,500 tons of coal and provisions. Your excellency reviews certain circumstances connected with this incident and states that after two thorough searches of the vessel, application for clearance was denied by the collector on the plea that he had as yet received no instructions from Washington authorizing clearance and that the captain finally decided to put to sea without clearance papers, as further delay would cause increased danger from enemy cruisers which were gathering off the port.

Your excellency further states that as the ship was leaving the harbor on the afternoon of Sunday, March 21, she "met with a brisk machine-gun fire from Morro Castle. A few minutes later a solid cannon shot struck the water a short distance in front of the ship's bow, raising a column of water from ten to twelve feet high. The

engine was immediately stopped and backed at full speed. The forward motion of the ship ceased at once, in spite of which she was fired upon about three minutes longer. Marks of the bullets can be plainly seen in various places of the ship and hull. It was only through luck that no human life was lost in that onslaught."

The foregoing statements are based on affidavits by the German Consul in Porto Rico, the captain of the *Odenwald*, the first officer, the third officer, and the chief engineer, which you enclosed.

Your excellency requests to be advised as to why the *Odenwald's* clearance papers were refused, though in the opinion of the harbor officials, after two thorough inspections of the vessel, there was no ground upon which to decline to issue the papers; and your excellency declares that "the reckless action of the harbor authorities in opening fire on the steamer without warning" does not seem to you to have been "justified by the circumstances of the case, as it could hardly be the intention of the American Government to endanger, without imperative cause, the lives of a ship's crew for the mere sake of insuring orderly traffic in the harbor."

In reply I have the honor to state that upon the report to this Government by the authorities at San Juan of certain circumstances surrounding the preparation of the *Odenwald* for sea, an investigation was immediately instituted. Until the investigation was concluded and acted upon at Washington, the authorities at San Juan were instructed to decline to issue clearance papers to the *Odenwald*. While this investigation was pending, and while the collector of customs at San Juan was acting under these instructions, the captain of the *Odenwald* reached the determination that he would depart without authorized clearance and in open violation of the customs laws of the United States. Circumstances, which it does not seem necessary to relate here, have shown that the suspicions as to the *bona fides* of the application for clearance, which had been aroused by the preparations for sailing by the officers of the *Odenwald*, acting in conjunction with the officers of the German steamer *President* lying in the same harbor, were well founded, and that this Government and its officers at San Juan were justified in the course which they took in deferring the clearance of the *Odenwald*. Irrespective of the substantial grounds for the suspicions of the port officials at San Juan, the fact remains that the *Odenwald*, in her endeavor to leave port on March 21 last without papers, committed a wilful breach of the navigation laws of the United States, because of which judicial proceedings have been brought by the United States against the vessel and the persons concerned in her illegal conduct which made it necessary for the United States authorities to employ force to prevent her unauthorized departure on a mission which this Government felt at the time might constitute a breach of the neutrality of the United States, and result in a possible claim for lack of due diligence on the part of this Government in performing its neutral duties.

As to the assertion that the reckless action of the port authorities in their exercise of force endangered human lives on board the *Odenwald*, I have the honor to inform your excellency that this Government has had instituted a thorough and searching investigation into the circumstances of the attempted sailing and arrest

of the *Odenwald* on March 21. The result of this investigation, which is supported by the statements and affidavits of the officers of the customs, as well as of the military officers in charge of the defenses of the port, establishes the following facts:

On March 19, at a conference between the collector of customs, Colonel Burnham, United States Army, the German consul, the captain of the *Odenwald*, and others, the captain of the vessel was informed by Colonel Burnham that the latter would use whatever force was necessary in order to prevent the *Odenwald* from leaving port without the necessary customhouse clearance, and that he would go to the length of using the guns of his command in the forts for this purpose.

On March 20, at another conference between the same persons, a similar statement was made to the captain of the *Odenwald*, and it was arranged to place an armed party on board the vessel, unless the captain, the vessel's agents, and the German consul would give assurances that no attempt would be made to leave without proper papers. Promises were given not to leave during the night of March 20-21. Nevertheless, it was discovered in the early morning hours of the 21st that officers from the German steamer *President* had boarded the *Odenwald* and that the machinery of the *Odenwald* was being put in motion. The port authorities thereupon again notified the chief officer of the *Odenwald* not to depart without clearance papers, warning him that the vessel would be closely watched and would be stopped by force if necessary.

On March 21, at about 3 p. m., the *Odenwald* raised anchor and started her engines. The customs officer on board the vessel at the time was told by the captain that, if he desired to go ashore, he could take the sailboat of the steamer *President*, which was at the gangway. The *Odenwald* had moved ahead about five lengths when the customs officer notified the captain that the vessel could not leave port without clearance papers. Notwithstanding this notice the vessel continued in motion, and the officer was under the necessity of leaving the ship while she was under weigh.

As she passed San Augustin Bastion, 500 feet from Morro Castle, Captain Wood, United States Army, who was there stationed with a machine gun, hailed the vessel several times and ordered her to stop, in circumstances which made it impossible for the officers of the vessel not to have heard the order. The *Odenwald* nevertheless continued on her course, whereupon about seventy-five shots were fired from the machine gun mounted on the bastion. These shots were aimed and fell a considerable distance in front and short of the *Odenwald*. In order not to endanger craft, which appeared ahead of the *Odenwald* as she proceeded, fifteen shots were fired from the machine gun which fell off the stern of the vessel. Although these were small solid shots, they were used as a warning because it is not possible to use blank cartridges in a machine gun. The machine gun was not aimed at the *Odenwald*, nor did any of the shots strike the vessel. Any marks on the *Odenwald's* hull, which is old and scarred through many months of sea service, were made by other causes than by machine-gun bullets striking the vessel, according to the proofs laid before this Government.

The *Odenwald* did not heed this warning nor slacken her speed. Thereupon a 4.7-inch gun on the Morro Castle was aimed and fired

under the personal direction of Colonel Burnham. The shot struck at least 300 yards in front of the *Odenwald* and short of her projected course. The vessel then stopped and was taken back to her anchorage under the direction of a pilot. No machine-gun shots could have been fired from Morro Castle, as no machine guns are mounted at that fort.

It will be observed that six distinct warnings were given to the captain of the *Odenwald* that force would be used in case he attempted to leave the harbor without the clearance papers required by law; namely, at the conferences on March 19 and 20, twice by the customs officers on board the vessel on March 21, by the orders of Captain Wood from the bastion, and by the shots from his machine gun. None of these warnings was heeded by the captain, who persisted in his determination to leave port in violation of the laws of the United States, until the warning shot from Morro Castle induced him to obey the regulations of the port.

Your excellency will perceive from the foregoing statement of facts that the United States authorities at San Juan in the performance of their duties avoided any act endangering the safety of the vessel and the lives of the persons on board and exercised no greater force than was necessary to prevent the illegal departure of the *Odenwald* from the port of San Juan.

I have the honor, in accordance with your excellency's request, to return herewith the affidavits transmitted with your note under acknowledgment.

Accept [etc.]

W. J. BRYAN

File No. 763.72111/3067

The German Ambassador (Bernstorff) to the Secretary of State

J. Nr. A 7066]

WASHINGTON, November 8, 1915.

MY DEAR MR. SECRETARY: I have just been informed by the attorneys for the Hamburg-American Line that, in an interview which they had a few days ago with Mr. H. Snowden Marshall, the United States Attorney in New York, and in which they presented to him their view that the situation existing last spring, when they urged that by reason of the condition of public sentiment it would be impossible to secure a fair jury trial in a case involving the issues presented by the indictments against the Hamburg-American Line and some of its officers and employees, remained unchanged, Mr. Marshall replied that he could not consider this, as he would be compelled to try the cases about November 15, because of instructions to proceed with all neutrality cases which he had received from the Attorney General, in which instructions he said that you had concurred.

I am impelled, therefore, to lay the matter before you and to urge the considerations which make it appear to me undesirable that the case should be tried pending the discussion between our Governments of the definition of the principles of international law governing the respective obligations and rights of neutrals and belligerents with respect to the shipment from neutral territory of coal and provisions for belligerent war vessels.

I am informed by the attorneys for the Hamburg-American Line that, while the indictments against that company and some of its officers and agents do not specifically charge a violation of any neutrality law of the United States or a violation of the obligations of the United States under international law, the trial of the case will inevitably result in an expression of judicial opinion on the latter subject; and that it is hardly a matter of dispute that but for the fact that this question was involved the alleged infraction of your laws would have been thought too trivial to have warranted the institution of the prosecution. Such a decision might anticipate the determination of a question which must ultimately be settled either through our interchange of views or by submission to an international tribunal and therefore might seriously embarrass us in reaching the just conclusion which is so earnestly desired by both our Governments. I feel, therefore, that I should ask whether you would not deem it proper to withdraw your objection to a postponement of the trial and to urge upon the Department of Justice that a trial of these cases be postponed.

In order that you may be informed of the reasons why the attorneys for the Hamburg-American Line sought the adjournment last spring, I enclose a copy of a letter which they inform me that they addressed to Mr. H. Snowden Marshall at that time.¹ Of the existence of the conditions described in that letter and upon which they based their request, conditions which in their opinion remain unchanged, I express no view. I present it to your excellency simply as a sincere expression of the views of American counsel, from which apparently the United States Attorney did not dissent in the interview which they had with him a few days ago.

I am [etc.]

J. BERNSTORFF

The Secretary of State to the German Ambassador (Bernstorff)

WASHINGTON, November 8, 1915.

MY DEAR MR. AMBASSADOR: In reply to your note of to-day's date (No. A 7066) requesting that I urge upon the Department of Justice that the trial of the cases involving the Hamburg-American Line and some of its officers and employees be postponed, I regret to state that after a careful review of the case, and in view of the consideration which has already been shown by the prolonged delay in bringing these cases to trial, I find myself unable to further interfere with the regular procedure which the Department of Justice believes in the interest of impartial justice should be carried out immediately in regard to these cases.

I do not understand that the question involved in these cases is now the subject of diplomatic discussion between your Government and mine, and I am inclined to feel that if it were it would not have an embarrassing effect upon the diplomatic discussion.

I am [etc.]

ROBERT LANSING

¹ Not printed.

File No. 763.72111/3139

The German Ambassador (Bernstorff) to the Secretary of State

J. Nr. A 7295]

WASHINGTON, November 13, 1915.

MY DEAR MR. SECRETARY: In answer to your favor of November 8 I note with regret that it seems inadvisable to have the Hamburg-American Line case postponed.

Referring to the statement in your note:

I do not understand that the question involved in these cases is now the subject of diplomatic discussion between your Government and mine, and I am inclined to feel that if it were it would not have an embarrassing effect upon the diplomatic discussion.

I beg to state that I do not consider the controversy between our two Governments about the basis-question as closed. The fact that neither the memorandum of the German Foreign Office, sent by me to you on December 15,¹ nor the *Pisa* question² has been followed up, is due solely to the fact, that other more urgent matters have arisen in the meantime.

I gather from your note that in your opinion no military political question involving my Government will be referred to in the trial.

To this end I venture to hope that in this case, as in the *Sacramento* case,³ you will use good offices of the Department of Justice to secure instruction to those in charge to avoid questions involving inquiry into the military secrets of the German Government. You will agree, I think, that the details of the military system of a belligerent in the conduct of its naval warfare should not be made the subject of investigation by a civil court of a neutral country.

I am [etc.]

J. BERNSTORFF

The Secretary of State to the German Ambassador (Bernstorff)

WASHINGTON, November 16, 1915.

MY DEAR MR. AMBASSADOR: In acknowledging the receipt of your confidential letter of the 13th instant I note that you state that you do not consider the controversy between our two Governments about the basis-question as closed, giving as a reason for failure to follow up your memorandum of December 15, 1914,¹ and the *Pisa* question,² that other and more urgent matters had arisen in the meantime.

As the essential principle of the position taken by this Government was that the territory of a neutral nation could not be employed as a base for naval operations on the high seas without violating the neutrality of such nation, I am at a loss to understand why nearly a year has been allowed to pass without denying that principle. If your Government considered the position taken by this Government to be unwarranted by international practice, it would appear to have been in the interest of our cordial relations to have stated the objections of your Government to that position,

¹ *Foreign Relations*, 1914, Supplement, p. 646.

² *Ante*, pp. 858 and 861.

³ *Foreign Relations*, 1914, Supplement, pp. 622, 627, and 643.

especially in view of the judicial proceedings instituted last spring against officials of the Hamburg-American Steamship Line when the principle was directly involved.

At the time of the institution of those proceedings, however, delay was urged on the ground of expediency and abandonment of them as a matter of right was not suggested, nor was any reservation made at that time of the question of principle. In these circumstances this Government had a right to presume that the correctness of its position was acquiesced in by your Government.

I also note that your excellency draws the conclusion from my letter of the 8th instant that in my opinion no military or political question involving your Government will be referred to in the trial of the Hamburg-American officials, and state that you think I will agree "that the details of the military system of a belligerent in the conduct of its naval warfare should not be made the subject of investigation by a civil court of a neutral country."

Your excellency, through some failure of mine in my letter to make clear my meaning, is laboring under a misapprehension as to the scope of the inquiry by the officers of the Department of Justice. Unavoidably any violation of the laws of this country which pertains directly or indirectly to naval activities of a belligerent may involve the military or political secrets of the government of that belligerent. If such secrets relate to the conduct of war by the employment of neutral territory as a base of naval operations or of direction of naval operations, it does not impress me that they are entitled to immunity in a judicial investigation aimed to enforce the laws of the United States, since, for the purpose of exempting them from prosecution, the plea of official secrecy could be interposed in many cases in which private persons have been apprehended and brought to trial.

In the present case, therefore, I do not feel that the course of justice should be interrupted or that violations of the laws of the United States by private persons should go uninvestigated because the secrets of a belligerent government may possibly be connected with such violations.

Very sincerely yours,

ROBERT LANSING

File No. 763.72111/3158

The German Ambassador (Bernstorff) to the Secretary of State

J. Nr. A 7572]

WASHINGTON, November 22, 1915.

MY DEAR MR. SECRETARY: I have the honor of acknowledging your excellency's esteemed favor of the 16th instant in relation to the question under discussion between our Governments respecting the right to send vessels from ports of the United States laden with coal and provisions destined for cruisers of the German Empire on the high seas, and in response to a suggestion contained in my confidential note of 13th instant that you might be moved to use your good offices with the Department of Justice to limit the scope of the question to be asked upon the trial of the Hamburg-American Line indictments in the manner, which you had used them on the prior case therein referred to.

In replying to that portion of the note which deals with the question under discussion between our Governments I may perhaps be permitted to observe that your excellency's formulation of that question makes it evident that in the communications which I have had the honor of addressing to you on the subject I have failed to make clear the views which I was endeavoring to convey. Your excellency supposed that it was the contention of my Government that the ports of the United States might properly be availed of as a base of naval operation by a belligerent, whilst the question to which the discussion was addressed was the validity of the contention that the practice under discussion did not constitute the use of your ports as a base of naval operations and that the view to which I was endeavoring to secure the assent of your Government was that under no accepted principle of international law and under no logical definition of the term "base of naval operations" could it be held that the dispatch of supply ships from neutral ports to warships at distant points on the high seas, whether as an isolated occurrence or as a matter of frequent repetition, involved any breach of neutral obligation on the part of the country permitting it or any use of the ports of that country as a base of naval operations by the belligerent in whose interest the ships were sent out.

I regret that my expressions of this view in my prior notes have not sufficed to make this clear to you and that for the reason set forth in my last note the discussion of that question has not been pressed, but I am at a loss to understand how any clearer expression of the views or any greater urgency in the discussion of this question could have availed to affect the determination of your Department of Justice to institute no prosecutions against the Hamburg-American Line. I could of course understand that a lack of explicitness or of urgency in the expression of my views might have had some effect upon the action of that department of your Government, if that department had had in contemplation prosecution based upon the claim that the acts of the Hamburg-American Line constituted either a violation of the neutrality laws of the United States or an infraction of principles of international law cognizable by your courts, and your excellency will remember that when the prosecution was first contemplated and when I supposed that it would be based upon the theory that the acts of the Hamburg-American Line constituted a violation of neutrality, I did address you on the subject.

When the prosecutions were begun, however, I was informed that they were not founded upon the theory that the acts of the Hamburg-American Line involved any breach of neutrality and that your Department of Justice had apparently come to the conclusion that the acts did not constitute a violation of the neutrality laws since it had not founded the prosecutions upon a violation of the provisions of those laws but upon the charge that the officials of the Hamburg-American Line had been guilty of some lack of explicitness in the formal documents filed as a preliminary to the dispatch of some vessels.

Believing until that time that the indictments were of this character, and that they indicated that the views above expressed obtained in your Department of Justice, I saw in these prosecutions nothing which related to the question under discussion between our Govern-

ments but merely that in connection with the clearance of the vessels your Department of Justice had found a violation of some of the provisions of your shipping laws. It is only within the last fortnight that I learned from the counsel for the Hamburg-American Line, greatly to my surprise, that the representatives of your Department of Justice regarded the cases as involving a question of international law which I conceive to be under discussion between our Governments. As soon as I learned of that contention, which I am advised is untenable, I addressed to your excellency my confidential note of 13th instant.

I trust that this statement of the facts will make it clear to your excellency why, when the counsel for the Hamburg-American Line sought an adjournment of the prosecution last spring on grounds of expediency, I was not moved to fortify their request by any reference to the possible decision of questions which I did not suppose could be involved in the case.

I regret that your excellency should have construed anything contained in my last note as a request to be conveyed to the Department of Justice to induce it to refrain from asking any question or from making any investigation which it deemed necessary for the purpose of supporting the theory upon which the prosecutions were based. In what I said I intended to suggest only that its officers be requested to refrain from delving unnecessarily into intimate details of naval arrangements under circumstances in which the disclosure of those details could have no effect upon the prosecution and could serve only to further the ends of our enemies.

Believe me [etc.]

J. BERNSTORFF

**ACTIONS OF BELLIGERENT WARSHIPS OUTSIDE AND WITHIN
TERRITORIAL WATERS—HOVERING**

File No. 763.72111/1942

The British Ambassador (Spring Rice) to the Secretary of State

WASHINGTON, *March 24, 1915.*

DEAR MR. SECRETARY: Referring to unofficial correspondence which has taken place concerning the British cruisers in the North Atlantic, I beg to state that renewed orders have been issued impressing on His Majesty's officers the duty of strictly observing the terms of the United States neutrality regulations.

I am [etc.]

CECIL SPRING RICE

The Secretary of State to the British Ambassador (Spring Rice)

WASHINGTON, *March 27, 1915.*

MY DEAR MR. AMBASSADOR: I have received your informal note of the 24th instant concerning the observance of the American neutrality regulations by the British cruisers in the North Atlantic. In this relation I desire to call to your attention certain information which has come to my notice with reference to the operations of

belligerent cruisers in the North Pacific. I have been reliably informed that several times during the past winter belligerent ships of war have taken on coal, and perhaps other supplies, within the territorial waters of the United States in the vicinity of the islands off the Santa Barbara channel, southern California, and have had communication with the mainland in this locality. One circumstance in particular occurred, according to my information, on the 27th of February last, when the British steamship *Bellerophon*, of Liverpool, coaled the British cruiser *Rainbow* within a mile of the western shore of Anacapa Island. It appears that at the same time a launch left the vicinity of Hueneme, California, and communicated with the vessels above mentioned. I should appreciate the kindness if you will bring this matter informally to the attention of your Government, and, if the facts, upon examination, prove to be as represented, request your Government to issue such instructions to their fleet as will make a recurrence of such violations of the neutrality of the territorial waters of the United States impossible.

I am [etc.]

For the Secretary of State:

ROBERT LANSING

File No. 763.72111/1892

The British Ambassador (Spring Rice) to the Secretary of State

WASHINGTON, *March 29, 1915.*

MY DEAR MR. SECRETARY: I beg to acknowledge your informal letter of the 27th instant, in which you bring to my attention certain information in your possession relative to the operations of British warships in the Pacific and in particular the report that the British steamship *Bellerophon* coaled His Majesty's ship *Rainbow* on the 27th of February within a mile of Anacapa Island.

I am bringing this matter at once to the attention of my Government and shall take pleasure in communicating further with you upon the subject as soon as I am in a position to do so.

I am [etc.]

CECIL SPRING RICE

File No. 763.72111/1966

The British Ambassador (Spring Rice) to the Counselor for the Department of State

WASHINGTON, *April 5, 1915.*

DEAR MR. COUNSELOR: In view of rumours circulated in the German press as to British cruisers systematically provisioning themselves from United States territory—notably New York—I beg to quote for your information the following extract from a letter of the Admiral in command of the North American station dated March 26:

Except on the one occasion in September last, which formed the basis of the complaint referred to in your telegram, I am satisfied that no attempt has been made to order anything from United States territory, and I would point

out that apart from the fact that the provisioning of His Majesty's ships off New York is rendered quite unnecessary by their being regularly relieved, the obtaining of supplies in such a manner is open to two strong objections from a naval point of view, viz.:

(1) The amount of provisions required to be of any use would be so large that they could hardly be embarked undetected, and it would take a considerable time to transfer them at sea.

(2) In wintry weather such a transfer would often be a matter of difficulty and not worth the risk to men and boats. I can not but think the United States Navy Department are alive to these considerations.

I am [etc.]

CECIL SPRING RICE

File No. 763.72111/1978

The Secretary of State to the British Ambassador (Spring Rice)

WASHINGTON, April 16, 1915.

MY DEAR MR. AMBASSADOR: In further reference to your notes of March 24 and April 5 relative to instructions which have been issued to His Majesty's officers, impressing them with the duty of strictly observing the neutrality of the United States, I desire to call to your attention that, from information at hand, it appears that the British cruiser *Suffolk* has, while lying near the gas buoy which marks the entrance to the channel east of Cape Henry, been communicating with a tug or tugs by means of small boats and communicating by radio in code with other vessels. The tugs and other vessels appear to be in communication with the shore or otherwise in a position to carry or transmit information. If the situation, upon examination, proves to be as represented, I have to request that your Government issue suitable instructions to their fleet, so that such reported violations of the neutrality of the United States will be prevented in the future.

I am [etc.]

W. J. BRYAN

File No. 763,72111/2014

The British Ambassador (Spring Rice) to the Secretary of State

WASHINGTON, April 17, 1915.

[Received April 19.]

DEAR MR. SECRETARY: I have at once notified my Government and the Admiral in command of the contents of your letter of April 16 as to the information which had reached you that the *Suffolk* had communicated with the shore off Cape Henry.

In connection with this question and for purposes of record I should be very glad if you could provide me with certain information as to the attitude of the United States Government on somewhat similar occasions.

I venture to ask that I may be informed, should there be no objection, as to what action was taken, if any, in the case of the *Leipzig's* and *Nürnberg's* communication with the shore, off San Francisco which was brought to your attention by this Embassy in my note of September 5 last.¹

¹ Not printed, but see *Foreign Relations*, 1914, Supplement, p. 655.

It would also be of interest to my Government to be informed as to what view was taken by the United States Government as to the action of the captain of the United States ship *Iroquois* in 1861 when he reported to the Secretary of the Navy in his letters of November 17, November 23, and November 25, 1861, that he had made arrangements to be informed of the movements of the *Sumter* in the port of Martinique.

I am [etc.]

CECIL SPRING RICE

File No. 763.72111/2042

The British Ambassador (Spring Rice) to the Secretary of State

WASHINGTON, April 19, 1915.

[Received April 21.]

MY DEAR MR. SECRETARY: With further reference to your letter of April 16 I beg to advise you of the result of the enquiries I have made in regard to the reported action of the British cruiser *Suffolk* in communicating with the shore through tugs and by radiotelegraphy with other vessels. The Admiral informs me that strict regard is being paid to the neutrality of the United States. The only incident which may have given rise to the report is that in which, on one occasion, an outward-bound merchant vessel handed a gift of newspapers to H.M.S. *Suffolk's* boat. The British Vice Consul at Norfolk has made extensive enquiries by my instructions and has failed to trace any other instance where there has been communication with the *Suffolk*.

The Admiral states categorically that no communication of any kind by wireless telegraphy has passed between the *Suffolk* and any other merchant vessel, or the shore.

I trust this report will satisfy the United States authorities that scrupulous care is being taken to observe the obligations of international law.

I am [etc.]

CECIL SPRING RICE

File No. 763.72111/2080

The British Ambassador (Spring Rice) to the Secretary of State

WASHINGTON, April 23, 1915.

[Received April 29.]

MY DEAR MR. SECRETARY: With further reference to your letter of the 27th of March relative to the operations of British cruisers in the North Pacific, I have now received through Sir Edward Grey a report from the commanding officer of His Majesty's ship *Rainbow* in substance as follows:

The *Rainbow* began coaling from the steamship *Protesilaus* off Anacapa Island at 8.20 a. m. on February 27. The cruiser lay south 46 degrees west true 3.9 miles from the northwest point of the island. Finding that the ships were drifting into the Anacapa passage, a position was taken up south 28 degrees west true 3 miles

from the northwest point of the island. At 4 p. m. coaling operations were suspended and it was then found that the ships had drifted into a position 1.5 miles south 30 degrees west true from the boat for Anacapa Island. On account of the swell further out coaling was effected in this position and even so the *Rainbow* received damage. Allowing a margin for safety, only sufficient coal was taken to enable the cruiser to reach the nearest Canadian port.

With reference to the report that the cruiser communicated with the shore, the facts are that a small local launch came alongside the *Rainbow* without being hailed and offered a sheep and some potatoes for sale which were purchased by the steward. The cruiser sent no communication to the shore. In bringing these facts to your notice, I am instructed to add that the attention of the officers commanding His Majesty's ships in the Pacific has been drawn to this incident and the necessity has been impressed upon them of taking care to avoid any appearance of violating the neutrality of the United States.

Believe me [etc.]

CECIL SPRING RICE

File No. 763.72111/2151

The Acting Secretary of the Navy (Roosevelt) to the Secretary of State

WASHINGTON, May 10, 1915.

SIR: I have the honor to acknowledge the receipt of your letter of May 7, 1915,¹ enclosing a copy of a personal note addressed to the Secretary of State by the British Ambassador at this Capital, in the last paragraph of which he refers to the action of the captain of the United States ship *Iroquois* in 1861, when he reported to the Secretary of the Navy in his letters of November 17, November 23, and November 25, 1861, that he had made arrangements to be informed of the movements of the *Sumter* in the port of Martinique.

It is noted that the Department of State will be gratified if it may be furnished at the earliest moment with copies of the correspondence above mentioned.

I have the honor to enclose herewith, from the original documents, copies of the letters, as requested.¹

Copies of these letters are to be found in the *Official Records of the Union and Confederate Navies in the War of the Rebellion*, Series I, Volume I, Operations of the cruisers, January 19, 1861, to December 31, 1862, on pages 208, 209, 212, 213, 214.

Very sincerely yours,

FRANKLIN D. ROOSEVELT

The Secretary of State to the Secretary of the Navy (Daniels)

WASHINGTON, May 15, 1915.

SIR: I have the honor to acknowledge, with thanks, the receipt of your letter of the 10th instant, with which you enclosed copies of the letters addressed to the Navy Department by the commanding officer

¹ Not printed.

of the U. S. S. *Iroquois* in November 1861, regarding the movements of the *Sumter* in the port of Martinique.

I have the honor to inquire whether the action of Commander Palmer of the *Iroquois* in communicating with the shore and arranging for signals as to the movements of the *Sumter*, as indicated in his reports, received the approval or disapproval of the Navy Department at the time.

I have [etc.]

For the Secretary of State:

ROBERT LANSING
Counselor

File No. 763.72111/2234

The Secretary of the Navy (Daniels) to the Secretary of State

WASHINGTON, May 24, 1915.

SIR: I have to acknowledge the receipt of your letter of May 15, in which you inquire whether the action of Commander Palmer of the *Iroquois* in communicating with the shore at the port of Martinique and arranging for signals as to the movements of the *Sumter*, as indicated in his reports, received the approval or disapproval of the Navy Department at the time.

A careful search of the records in the department fails to show that the department expressed either approval or disapproval of his action.

There are enclosed herewith copies of orders to Commander Palmer,¹ which show that shortly after the incident in question he was ordered home in order that a full inquiry might be conducted in reference to the incidents connected with the escape of the *Sumter*. The records of the proceedings of this inquiry are, unfortunately, not on file.

Very sincerely yours,

JOSEPHUS DANIELS

File No. 763.72111V76/—

The Acting Secretary of State to the British Ambassador (Spring Rice)

WASHINGTON, November 26, 1915.

MY DEAR MR. AMBASSADOR: Referring to previous informal correspondence with you, I desire to call your attention to the case of the Danish steamship *Vinland* which arrived in Norfolk on the 12th instant.

It appears from an affidavit of the master that after leaving New York on November 10 at 5 a. m., in ballast, for Norfolk to coal for a voyage to South America, he sighted, at 8.45 a. m., a British warship which bore down upon him, and when he was two miles off land signaled for the *Vinland* to stop. Upon the *Vinland's* refusal to comply, the warship followed him within the three-mile limit

¹ Not printed.

until he reached the McCrie's Gas Buoy at 6.35 p. m. He then took the Cape May Channel and anchored inside the breakwater for the night, leaving at 4 a. m. on the next day for Norfolk. As it was hazy, nothing further was seen of the British warship that day.

In view of your informal note of April 19 last, stating that scrupulous care is being taken to observe the rules of international law by His Majesty's ships, I venture to call to your attention this incident of the *Vinland* with a request that you be good enough to examine into the matter and, if the facts prove to be as represented, that your Government issue suitable instructions to their fleet, so that such vexatious violations of American waters be prevented in the future.

At the same time the Government may, as you know, be obliged to take such formal steps in the case of the *Vinland* as may seem appropriate in the circumstances.

I am [etc.]

FRANK L. POLK
Acting Secretary

File No. 763.72111V76/9

The British Ambassador (Spring Rice) to the Acting Secretary of State

WASHINGTON, November 27, 1915.

MY DEAR MR. ACTING SECRETARY: I hasten to acknowledge the receipt of your letter of yesterday's date informing me that according to an affidavit of the master of the Danish ship *Vinland* he was followed within the three-mile limit by a British warship.

I have at once communicated the sense of your letter by telegraph to the British naval authorities in order that an enquiry may be instituted, and I will not fail to communicate to you the results of such enquiry with as little delay as possible.

I am [etc.]

CECIL SPRING RICE

File No. 763.72111V76/4

The British Ambassador (Spring Rice) to the Secretary of State

WASHINGTON, December 1, 1915.

[Received December 2.]

DEAR MR. SECRETARY: With further reference to Mr. Polk's informal letter of the 26th ultimo, respecting the statements made by the master of the steamship *Vinland* to the effect that he was followed by a British cruiser within American territorial waters, I have the honour to inform you that I have now received a short report from the British naval authorities with regard to this incident. A more detailed report is, I understand, being forwarded to me.

I am informed that the facts of the case are not as stated by the master of the *Vinland*. The Admiral adds that the British ships of war employed in the Atlantic have strict orders against the violation of American territorial waters and he has every reason to believe

that these orders have been carefully observed. I will not fail to communicate to you the detailed report as soon as it is received.

I am [etc.]

CECIL SPRING RICE

File No. 763.72111V76/7

The British Ambassador (Spring Rice) to the Secretary of State

No. 429]

WASHINGTON, December 11, 1915.

[Received December 14.]

SIR: With reference to my personal note of the 1st instant, I have the honour to inform you that a more detailed report has now been received with regard to the case of the steamship *Vinland*, the master of which stated that he had been chased by a British cruiser within the territorial waters of the United States.

The captain of the cruiser in question states that at 11 a. m. on Wednesday, November 10, while he was steaming NNE. at ten knots, with Barnegat Lighthouse abeam, distance five miles, a steamer was observed coming down ahead. At 11.10 a. m., when distant some three to four miles, she altered her course and steered in straight for the shore. The captain estimates that when she altered her course she was four miles from land.

Seeing that it would be impossible to stop her before she reached territorial waters the captain of the British cruiser turned his ship round and stopped outside Barnegat Buoy, hoisting the signal "What ship." The *Vinland* replied only by hoisting Danish colours, proceeding down the coast well inside the three-mile limit.

The cruiser made no further signal, but followed the *Vinland* down the coast, keeping about six miles off. At 7 p. m., when off McCrie's Shoal Buoy, Cape May, the captain of the cruiser received orders to return to his beat, and did so.

It is further reported that the cruiser was never within four and a half miles of the shore, nor within one mile of the *Vinland*. The cruiser was generally about three or four miles off the *Vinland*, and made no signals beyond that described above.

I have [etc.]

CECIL SPRING RICE

The Secretary of State to the British Ambassador (Spring Rice)

No. 1016]

WASHINGTON, December 16, 1915.

EXCELLENCY: With reference to your excellency's note of the 11th instant in regard to the case of the steamship *Vinland*, in which it is stated that while His Majesty's cruiser did not enter territorial waters of the United States, he "followed the *Vinland* down the coast" from Barnegat Lighthouse to off McCrie's Shoal Buoy, Cape May, where the commander received orders to return to his "beat," which he did, I have the honor to refer to my informal notes of October 5 and December 22, 1914,¹ and April 16, 1915,² calling your

¹ *Foreign Relations*, 1914, Supplement, pp. 657 and 662.

² *Ante*, p. 874.

excellency's attention to the annoyance which His Majesty's cruisers, lying off the principal commercial ports of the United States and stopping and searching vessels immediately beyond American waters, have given to shipping, both oversea and coastwise, and to the seriousness with which the Government of the United States regarded the hovering of belligerent warships about American coasts and ports.

In reply to my informal notes your excellency was good enough to assure me that His Majesty's Government had issued instructions which would prevent further molestation of American commerce in the trade lanes approximate to American waters and to the great ports of the United States. I can not forbear, therefore, from calling the recent incident in which His Majesty's cruiser practically pursued a neutral vessel bound from one American port to another in ballast for the purpose of loading a cargo of coal for South America, to your excellency's attention. As His Majesty's Government is aware, this Government has always regarded the practice of belligerent cruisers patrolling American coasts in close proximity to the territorial waters of the United States and making the neighborhood a station for their observations as inconsistent with the treatment to be expected from the naval vessels of a friendly power in time of war, and has maintained that the consequent menace of such proceedings to the freedom of American commerce is vexatious and uncourteous to the United States.

I am constrained, therefore, to request that you lay this matter before His Majesty's Government with the earnest request that instructions be issued to His Majesty's ships to desist from a practice which this Government is convinced has been maintained for long periods at a time and which is peculiarly disagreeable to it and to American traders concerned.

Accept [etc.]

ROBERT LANSING

File No. 763.72111V76/8

The Secretary of State to the British Ambassador (Spring Rice)

No. 1026]

WASHINGTON, December 22, 1915.

EXCELLENCY: Referring to my note of December 16, 1915, in response to your note of the 11th instant, relative to the case of the steamship *Vinland*, which was followed by a British cruiser down the Atlantic coast from Barnegat Lighthouse to a point off McCrie's Shoal Buoy, Cape May, I have the honor to advise you of the receipt of a letter of December 15 from the Secretary of War, with which is enclosed a copy of a communication from the commanding officer, Coast Defenses of Galveston, Fort Crockett, Texas, from which I quote as follows:

1. A British cruiser stood off the entrance to Galveston Harbor from about 10 a. m. to 1 p. m., Sunday, December 5, 1915. When asked her identity by signal from Fort San Jacinto, she replied, "A registered British cruiser," and stated in reply to another query that she did not intend to enter the harbor.

2. The cruiser did not come within the three-mile limit.

I have [etc.]

ROBERT LANSING

File No. 763.72111/3278

The British Ambassador (Spring Rice) to the Secretary of State

WASHINGTON, December 21, 1915.

[Received December 23.]

SIR: I have the honour to acknowledge the receipt of your note No. 1016 of the 16th instant, in which, with special reference to the case of the steamship *Vinland*, you refer to the question of belligerent cruisers patrolling the American coast, and request that the matter may be laid before His Majesty's Government with the earnest request that instructions be issued to His Majesty's ships to desist from a practice which the United States Government is convinced has been maintained for long periods at a time and which is peculiarly disagreeable—both to that Government and to American traders concerned.

Your note under reply has been communicated to His Majesty's Government, and I shall not fail to inform you of any further reply which I may be instructed to make on this subject.

I have [etc.]

CECIL SPRING RICE

File No. 763.72111/3288

The Secretary of State to the French Ambassador (Jusserand)

WASHINGTON, December 29, 1915.

MY DEAR MR. AMBASSADOR: I have just received a report from the Navy Department stating that the United States Naval Radio Station at San Juan was requested on December 7 by the French consular officer at that port to transmit a message to the French cruiser *Descartes* patrolling outside the port of San Juan. Upon the transmittal of the message being properly refused, the tug *Berwin* left the port and steamed out to the cruiser, near which she remained until after dark. The officer surmises that the French consul took this means of communicating his message to the French cruiser.

I am calling this matter to your attention informally in order to avoid, if possible, the necessity of bringing the matter to the attention of your Government in a formal manner for, as it is generally known, the Government has during the present war taken the attitude that belligerent cruisers may not use American coasts as sources of information to guide them in their belligerent operations. Such a practice would obviously transform American shores into bases of naval operations. If the facts turn out to be as I have described them I would appreciate it if you could find it possible to have instructions issued to the commanders of French cruisers to desist from this method of obtaining information.

In this relation I desire to call your attention to a report which has been received from American authorities at San Juan that the same French cruiser has, since it arrived off the Porto Rican coasts, been very active in stopping all vessels leaving and approaching San Juan within the sight of the port, and on several occasions approaching well within the three-mile limit, presumably for the purpose of observation. This practice, which has received the appellation of

"hovering," has, as you may recall, been always regarded by this Government as inconsistent with the treatment to be expected from the naval vessels of a friendly power in time of war and as a vexatious menace to the freedom of American commerce. On account of the cordial relations existing between our Governments, I am sure that as a result of calling this matter to your attention instructions will be issued to the French ships to desist from a practice which is creating such a bad impression in Porto Rico and New York.

I am [etc.]

ROBERT LANSING

File No. 763.72111/3693

The French Ambassador (Jusserand) to the Secretary of State

WASHINGTON, December 30, 1915.

[Received January 3, 1916.]

DEAR MR. SECRETARY: I beg to acknowledge receipt of your letter of December 29 concerning the presence of the cruiser *Descartes* in the vicinity of San Juan, and various incidents connected therewith.

I am making the necessary inquiries on the several points mentioned by you, and I hope to be able soon to write again more fully.

Believe me [etc.]

JUSSERAND

CONTROL OVER WIRELESS TELEGRAPHY—THE ESTABLISHMENT OF A CENSORSHIP AT THE GUAM CABLE STATION

File No. 811.741/122

The German Ambassador (Bernstorff) to the Secretary of State

[Translation]

J. Nr. A 163]

WASHINGTON, January 12, 1915.

[Received January 13.]

An Executive order of the President of the United States dated September 5¹ relative to the supervision of wireless telegraph stations in the United States provides for the admission of code and cipher telegrams exchanged with land stations in Europe. Contrary thereto, the International Bureau of the Telegraphic Union on page 3 of Notification No. 61 herein enclosed with a request that it be returned announces that wireless stations in the United States are forbidden to receive or forward code and cipher messages from and to the nations at war.² The information, to be sure, merely rests on reports from the Anglo-American Telegraph Company. Yet as the communication is of more recent date there may be some doubt as to code wireless messages being delivered.

In order to remove any possible doubt I have the honor to ask your excellency kindly to let me know whether a subsequent order has been issued amending that of September 5, 1914, or if the said order of September 5, 1914, is still in force.

Accept [etc.]

J. BERNSTORFF

¹ *Foreign Relations*, 1914, Supplement, p. 678.

² Not printed.

File No. 811.741/269a

*The Acting Secretary of State to the German Ambassador
(Bernstorff)*

No. 1202]

WASHINGTON, *January 26, 1915.*

EXCELLENCY: I have the honor to acknowledge the receipt of your excellency's communication (J. Nr. A 163) of January 12, transmitting a copy of Notification No. 61, issued by the International Bureau of the Telegraphic Union, which states that radio stations in the United States are not permitted to receive or forward code and cipher messages from and to the belligerent nations.

Your excellency states that, as the Executive order of September 5, 1914, regarding the supervision of radio stations in this country, provides for the use of code and cipher telegrams exchanged with land stations in Europe, you would like to be informed whether, in view of the announcement by the International Bureau of the Telegraphic Union, any subsequent order amending the one of September 5 has been issued.

In reply I have the honor to advise your excellency that no subsequent Executive order amending the order of September 5, 1914, has been issued. Your excellency is informed, however, that radio messages in code or cipher are only permitted to be exchanged between diplomatic missions in this country and their respective governments, and then only when copies of code or cipher used have been deposited with the naval officials in charge of the radio stations through which the message is to be sent or received. All other radio messages must be sent in plain English language.

In compliance with your excellency's request, I return, herewith, the notification of the International Bureau of the Telegraphic Union.

Accept [etc.]

ROBERT LANSING

File No. 811.741/147

The British Ambassador (Spring Rice) to the Secretary of State

No. 125]

WASHINGTON, *March 26, 1915.*

[Received March 29.]

SIR: I have the honour to inform you that I have recently received a despatch from the Governor of British Honduras with regard to the method of transmitting telegraphic messages from the colony to the United States and Europe.

It appears that all messages from British Honduras to Europe are sent by the wireless station at Belize and have to be listened for by the station at Swan Island, which transmits them to New Orleans, and the Swan Island stations will not now transmit messages for British colonies or other countries until they have been approved by the censor in New Orleans.

The governor has requested me to ascertain whether commercial messages from the colony to addresses in the United States could be sent through New Orleans in code, provided that such messages were sent in a code approved by the United States authorities, so that the meaning can be ascertained by the censor at New Orleans. The saving of expense to commercial houses telegraphing to the

United States would of course be very considerable, and the local authorities are therefore anxious to ascertain whether any objection is seen to this proposal.

I may add in this connection that communication with Belize by cable is very irregular, owing to the frequency with which the communication through Mexico has broken down recently. Both the government and private persons and firms are therefore entirely dependent on the wireless system.

I have [etc.]

CECIL SPRING RICE

File No. 811.741/159

The Counselor of the German Embassy (Von Haniel) to the Counselor for the Department of State

J. Nr. A 2687]

WASHINGTON, April 12, 1915.

MY DEAR MR. LANSING: With reference to your letter to the Ambassador of September 22, 1914,¹ concerning the radio station at Tuckerton, I have the honor to ask you to kindly give me the following information:

(1) In case the Imperial Embassy should want to send wireless messages in code or cipher through the said station, would the key to that cipher or code have to be sent to the censor at Tuckerton directly or would it be advisable to do so through the Department of State?

(2) Should eventual ciphered messages be sent to Tuckerton directly or through the Department of State for transmission?

I am [etc.]

E. V. HANIEL

The Counselor for the Department of State to the Counselor of the German Embassy (Von Haniel)

WASHINGTON, April 17, 1915.

MY DEAR MR. VON HANIEL: With reference to your note of the 12th instant, regarding the use of the radio station at Tuckerton, I have to inform you that, in case the Imperial German Embassy desires to send wireless messages in code or cipher by means of this station, the key to that cipher or code, as well as the plain messages in English, should be sent to this Department for transmittal to the authorities in charge of the Tuckerton station.

Incoming messages will also be transmitted to the Imperial Embassy through the Department.

I am [etc.]

ROBERT LANSING

File No. 012—German Embassy

The German Embassy to the Department of State

[Memorandum]

A 2813]

WASHINGTON, April 20, 1915.

The Imperial German Embassy presents its compliments and has the honor, with reference to the correspondence with Hon. Robert

¹ *Foreign Relations*, 1914, Supplement, p. 678.

Lansing in regard to the sending of wireless messages in cipher by means of the radio stations at Tuckerton and Sayville, to transmit to the United States Department of State herewith, in two copies, the key to that cipher against kind acquittance for making further directions [*sic*].

J. BERNSTORFF

*The Counselor for the Department of State to the German
Ambassador (Bernstorff)*

WASHINGTON, April 21, 1915.

MY DEAR MR. AMBASSADOR: In reply to your memorandum of the 20th instant, and your note of the 21st transmitting two copies of the key to the cipher to be used in sending messages to your Government via Tuckerton, and two messages for conveyance by this means to your Government,¹ I would inform you that these two messages have been forwarded to Tuckerton for transmittal in the usual course.

Inasmuch as the censor who will be entrusted with the use of the cipher will be stationed at Tuckerton, and as the transmittal of messages to Tuckerton would be greatly facilitated by telegraphing them in plain English, I have to request you to advise me whether there is any objection to telegraphing the messages between Washington and Tuckerton in the English language, the cipher being used between Tuckerton and Berlin.

In order that these messages may be expedited I would also request that the Department be furnished with duplicate copies of the messages for transmittal and that these messages be signed by some member of your Embassy.

It is understood, of course, that these messages will be received and transmitted by this Government in accordance with the regulations issued by the Navy Department under the Executive order of September 5 last, copies of which I understand have been communicated to your Embassy.²

I am [etc.]

ROBERT LANSING

The Secretary of State to the Secretary of the Navy (Daniels)

WASHINGTON, April 21, 1915.

SIR: With reference to the Executive order of September 5 last, by virtue of which the Tuckerton radio station has been turned over to the Government for the transmittal of code and cipher messages to land stations in Europe, I have the honor to inform you that the Department is in receipt of a request from the Imperial German Ambassador for the privilege of using the Tuckerton station for the transmittal of code messages to his Government. The Department, after consultation with your Department, replied to the Ambassador's request, that such messages between himself and his Government should be transmitted through this Department. Accordingly the Ambassador transmitted to the Department two

¹Note and messages not printed.

²*Foreign Relations*, 1914, Supplement, p. 678.

copies of the key to the cipher which will be used in communications between himself and his Government. These copies have already been handed to the officers of your Department. The Ambassador has also sent two messages for transmittal via Tuckerton, copies of which have also been transmitted by hand to your Department.

In reply to an inquiry of this Department the Ambassador has expressed a desire that messages to and from his Government be telegraphed in code between Tuckerton and Washington, and not in plain English. A copy of the Embassy's note on this point is enclosed for your information.¹

Hereafter the Department will stamp and forward to your Department copies of these German Government messages for transmittal via Tuckerton in accordance with such regulations as your Department may issue under Executive order of September 5 last.

In this relation I have the honor to call attention to the confidential nature of the codes delivered to the Department by the German Embassy and the desirability of taking every precaution to maintain their secrecy.

I have [etc.]

W. J. BRYAN

File No. 811.741/155

The Secretary of State to the British Ambassador (Spring Rice)

No. 749]

WASHINGTON, April 21, 1915.

EXCELLENCY: Referring to your note of March 26, 1915, with regard to the request of the Governor of British Honduras for information as to whether this Government would be willing to permit the sending of commercial messages by radio from that colony to addresses in the United States, through New Orleans, in code, under certain restrictions, I have the honor to inform you that this Government deems it inadvisable to grant the permission desired by the Governor of British Honduras. The transmission of commercial code messages between the United States radio stations and radio stations in foreign belligerent countries has not been permitted even in the case of the Tuckerton station operated under control of the Navy Department, and it is not considered advisable to make an exception to this rule in the case of radio stations in belligerent territory.

I have [etc.]

W. J. BRYAN

File No. 811.741/160

The Secretary of the Navy (Daniels) to the Secretary of State

WASHINGTON, April 27, 1915.

SIR: I have the honor to acknowledge the receipt of your letter of April 21, 1915, with reference to the transmission of messages in cipher between the German Ambassador and his Government via

¹ Not printed.

the Tuckerton radio station, and also to acknowledge the receipt of the two copies of the key to the code which will be used.

A copy of this key has been delivered to the censor at Tuckerton, and messages received from the German Embassy through your Department are being forwarded in due course.

The following procedure, which I understand meets with your approval, is being followed in handling messages of this class:

Outgoing messages are received from the State Department accompanied by a translation in English; they are then transmitted in code to the censor at Tuckerton, who deciphers, paraphrases, enciphers, and transmits the paraphrased message in code to Germany. At the same time the censor forwards to this Department a copy of his translation of the message for comparison with the translation received from the German Embassy.

In the case of incoming messages the censor deciphers the code words, censors the message, and, if he finds nothing objectionable, paraphrases, enciphers, and forwards the message by land wire in code to the German Ambassador, at the same time forwarding a copy of his translation to this Department in order that the contents of each message may be made known to your Department. In case the censor is in any doubt as to the neutral character of any incoming message he will forward it through this Department, and it will be referred to your Department for an opinion as to whether it should be allowed to go forward to the German Embassy.

Sincerely yours,

JOSEPHUS DANIELS

File No. 811.741/165

The British Embassy to the Department of State

MEMORANDUM

Chapter 1, Article 3, of the Hague convention of 1907 on the rights and duties of neutral powers forbids belligerents to erect on the territory of a neutral power a wireless telegraphy station or other apparatus for the purpose of communicating with belligerent forces on land or sea.

According to trustworthy information it appears that the German Atlantic Communication Company has recently erected a new apparatus at Sayville, of 100-kilowatt power, with towers 500 feet high, capable of communicating at any hour with Nauen. The machinery is entirely German and has been transported since the war began from Holland. German officers in the employ of the German Government, and noted experts, have been sent over to this country for the express purpose of superintending the new construction: namely, Prof. Jonathan Zenneck of Munich, recently serving in the German Army, Mr. Behrendt, an engineer in the German Army, and Professor Braun, the well-known expert in wireless telegraphy.

It is natural to conclude that the German Government is interested in the establishment of the new apparatus and the British Embassy has the honour to express its confidence that the United

States Government will take the necessary steps to prevent the use of the apparatus for unneutral purposes.¹

WASHINGTON, *June 9, 1915.*

[*Received June 12.*]

File No. 763.72111/2710

The Acting Secretary of the Navy (Burson) to the Secretary of State

WASHINGTON, *August 10, 1915.*

SIR: I have the honor to forward herewith, for your information, a copy of a cablegram, received from the commandant of the naval station, Guam, relative to the establishment of a censorship over the cables to that place.

Sincerely yours,

W. S. BURSON

[Enclosure—Telegram—Paraphrase]

The Commandant of the Naval Station at Guam (Maxwell) to the Secretary of the Navy (Daniels)

GUAM, *August 10, 1915.*

Have established censorship over the cable. The company demurred over censorship but commandant has taken charge of office.

MAXWELL

File No. 763.72111/2784

The Acting Secretary of the Navy (Roosevelt) to the Secretary of State

WASHINGTON, *August 27, 1915.*

SIR: I have the honor to forward herewith, for your information, copies of telegrams sent and received by this department relative to the censorship of cable messages at the naval station, Guam.

Sincerely yours,

FRANKLIN D. ROOSEVELT

[Enclosure 1—Telegram—Paraphrase]

The Acting Secretary of the Navy (Roosevelt) to the Commandant of the Naval Station at Guam (Maxwell)

WASHINGTON, *August 25, 1915.*

The cable company informs the department as follows:

A protest has been received by the company from the Japanese Government against stoppage of a message which was written in plain Japanese language.

You will forward immediately by cable to the department a translation of the message referred to. 17025.

ROOSEVELT

[Enclosure 2—Telegram—Paraphrase]

The Commandant of the Naval Station at Guam (Maxwell) to the Secretary of the Navy (Daniels)

GUAM, *August 26, 1915.*

Referring to your cable 17025, I have stopped only one Japanese message which was believed to be in code and was received on August 24. It was un-

¹ Early in August, operation of the Sayville station was taken over by the Navy Department in the same manner as the Tuckerton station.

signed and addressed to Haniu who would not translate it. I do not know the contents of the message as I have no competent translators of Japanese. In order to carry out the fifth paragraph of the instructions to officers regarding radio communication and referring to your cable 10007, I have required all messages which are addressed to citizens of belligerent nations to be signed and in plain English, but the cable company refuses to forward these rules to other stations. Referring to your cable November 16, 1914, the Japanese Government has already accepted the rules concerning plain English.

MAXWELL

File No. 763.72111/2790

The Acting Secretary of the Navy (Roosevelt) to the Secretary of State

WASHINGTON, August 30, 1915.

SIR: I have the honor to forward herewith, for your information, copies of telegrams sent and received by this department relative to the censorship of messages at the naval station, Guam.

Sincerely yours,

FRANKLIN D. ROOSEVELT

[Enclosure—Telegram ¹]

The Commandant of the Naval Station at Guam (Maxwell) to the Secretary of the Navy (Daniels)

NAVAL STATION, GUAM, ¹undated.

Referring to your 16028, I have complied with instructions.

NAVAL GOVERNMENT OF GUAM,
GOVERNMENT HOUSE,
GUAM, August 8, 1915.

Executive Notice No. 59

The following rules governing the receipt and transmission of local cable messages at Guam are published for the information of all concerned:

1. Code or cipher cable messages are permitted to and from the United States and its possessions or to neutral countries including United States or neutral vessels of war and merchant vessels providing they are not destined to a belligerent subject and contain no information of any unneutral character such as movements or location of ships of any belligerent nation.
2. In such messages no code or cipher addresses will be allowed except those registered prior to July 1, 1914, and certified copies of which are filed at this cable station.
3. All messages must be signed either with the sender's name or with a duly certified registered name.
4. Persons sending or receiving such messages must assure the censor as to the neutral character of such messages.
5. Every such message, both transmitted or received, must be submitted to the censor at such times as he may designate, which will be at such times as will not delay their transmission.
6. All messages to or from belligerent countries or to or from a citizen of a belligerent nation, or to or from a vessel of war or merchant vessel of any belligerent nation, must be in plain English of an unmistakably neutral character.
7. All such messages will be submitted to the censor before delivery or transmission.
8. The above rules will take effect from this date and will continue in future [force?] until further orders.

W. J. MAXWELL
Governor of Guam

MAXWELL

¹ Other enclosures omitted.

**THE PREVENTION OF ACTIVITIES IN THE UNITED STATES FOR
THE DESTRUCTION OF BELLIGERENT MERCHANT SHIPS AND
PROPERTY**

File No. 211.42H78/7

The British Ambassador (Spring Rice) to the Secretary of State

WASHINGTON, February 3, 1915.

MY DEAR MR. SECRETARY: In an official note dated to-day I am making application to the United States Government on behalf of the Government of Canada for the extradition of Vernil Horne who is accused of having attempted to destroy the Vanceboro Bridge in the Province of New Brunswick. The danger which such acts may entail for innocent travellers appears to me to point strongly to the advisability of taking special precautions and I would suggest for your consideration that guards should be placed on the American side of all international bridges between Canada and the United States with a view to preventing any similar outrages.

I am [etc.]

CECIL SPRING RICE

File No. 211.42H78/7a

The Secretary of State to the British Ambassador (Spring Rice)

WASHINGTON, February 27, 1915.

MY DEAR MR. AMBASSADOR: Referring to your note of February 3, in which you suggested that this Government consider the advisability of placing guards on the American side of all international bridges between Canada and the United States, I beg to inform you that, after a careful consideration of the matter, the Department has the following observations to make:

I am doubtful whether, in the present situation and with the facts now in its possession, the Government of the United States would have any authority to place guards on the American side of the international bridges as requested. It would appear that at the present time the thing to be apprehended is injury done to persons or property within the jurisdiction of a state, and the local authorities have the sole jurisdiction and responsibility with respect thereto. If the local authorities are unable to handle the situation and call upon the United States in accordance with the provisions of the Constitution and the law, then for the first time would the Federal Government have any power or responsibility in the premises. Since the United States is at peace with all countries and there is no proof that any country is using our territory as a base for military operations, I do not see how we can, under the guise of military operations, place guards within the several states for the purpose indicated.

I am [etc.]

W. J. BRYAN

File No. 841.857/66

The British Ambassador (Spring Rice) to the Secretary of State

No. 211]

WASHINGTON, June 5, 1915.

[Received June 7.]

SIR: I have the honour to bring to your notice the following facts: The *Fatherland*, a paper edited by George Viereck and Frederick Schrader, in its issue of May 19 contains the following passage on the first page:

Last week we predicted the fate that has overtaken the *Lusitania*. The editorial in question was written several days before publication. To-day we make another prediction . . . A fate not unlike that of the *Lusitania* will meet, before long, a passenger ship, by an explosion of vast stores of ammunition within . . . Spontaneous combustion recognizes no international convention.

The inference is obvious. The writer knew of the intended sinking of the *Lusitania*. He announces his knowledge of an intended case of "spontaneous combustion," from within, on board other passenger vessels.

In the New York *Sun* of May 31 particulars are given of a circular contained in bundles of German newspapers addressed from Blomberg in Germany offering a reward of a thousand to ten thousand dollars to any one who will assist in destroying, by fire or dynamite, factories which manufacture war material or trains which convey such material to Canada. These circulars were addressed to the *Arbeiter Zeitung* in St. Louis, Missouri, and were sent for distribution in factories.

It will no doubt be in your recollection that a plot was discovered in New Orleans for the purpose of destroying a ship by dynamite which conveyed supplies supposed to be destined for France. Hans Halle, a German, was arrested in December 1914 for being in possession of an infernal machine which he intended to place on board a French liner leaving New Orleans for France. It was not possible to obtain a conviction as Halle was held to have committed no crime covered by the law of the State of Louisiana. The case will now come before the supreme court of the State.

According to advices received from Rio de Janeiro, Germans in that port are planning to put bombs with time fuses on board British mail steamers and it has been necessary to take special precautions.

I am further informed from London that on the ship *Samland* conveying cargo from New York to Tilbury four bombs were discovered so constructed as to explode after a certain delay.

Two very similar bombs were found in the hold of the steamship *Lord Erne* which arrived at Havre from New York about May 22. One of them was stamped with the number four, so that there is reason to believe that they are specimens of several constructed for this purpose. Again a similar bomb was found in the cargo of the steamer *Bankdale* which left New York for Havre about May 2 after loading at Thirty-first Street, Brooklyn, in the neighborhood of a German ship.

I have the honour of calling your attention to the above facts to point out that there appear to be grounds for clear suspicion that a criminal conspiracy exists for the destruction of lives and property on land in America and on the high seas on board ships leaving American ports; that this plot is encouraged from abroad and that it is known to foreign agents in this country.

As the conspiracy appears to be operated on American soil and to have as its special object the destruction of British ships and railways, I have the honour to suggest that the matter may be referred to the competent authority of the United States Government with a view to such action as may be considered right and proper.

I have [etc.]

CECIL SPRING RICE

File No. 841.857/73

The Secretary of State to the British Ambassador (Spring Rice)

No. 924]

WASHINGTON, August 21, 1915.

EXCELLENCY: I have the honor to acknowledge the receipt of your note of August 3,¹ in further relation to the subject of your notes of June 5 and July 5¹ and your Embassy's memorandum of June 23,¹ namely, the placing of explosives on board British vessels clearing from the port of New York.

In reply I have the honor to inform you that copies of your note have been sent to the appropriate departments of the Government and to the Governor of New York for such action as is deemed appropriate to prevent the placing of explosives on board British or other vessels.

Referring to your Embassy's previous memoranda regarding the placing of bombs on the steamships *Lord Erne* and *Bankdale*, I have the honor to say that the Department is now in receipt of a letter from the Assistant Secretary of the Treasury, transmitting a report on the subject from the collector of customs at New York. The collector of customs states that the agents of the Federal Government are cooperating with the police commissioner in New York City and are doing everything in their power to prevent a recurrence of such offenses.

It appears that the harbor police are on the lookout; that plain clothes men have been placed on the piers; that the detective bureau has been conducting an investigation to ascertain the source of the bombs and explosives that have been placed on ships; that customs officers performing supervisory duties are stationed night and day on every pier in New York where a ship is loading for a foreign port, and that they are doing all they can to aid the steamship companies in seeing that nothing but what is properly manifested and described is placed aboard the vessels.

The collector of customs added that the police commissioner of New York understood that his excellency the British Ambassador

¹ Not printed.

was concerned with regard to his own personal safety when in New York, and that the police commissioner had given assurances that he would see that the Ambassador was afforded special police protection whenever he went to New York, if the police commissioner was notified of his movements.

It is stated in the Embassy's memorandum dated June 23, 1915:

British ships loading for the Allied Governments have been placed in close proximity to interned German steamers whose crews have not hidden their enmity.

German tugs frequently watch the loading of British ships in the port of New York.

Masters have been told by unknown foreigners on the wharves of New York that they will never reach home but will be burned out before they get across.

The cargoes destined for ships plying for Allied Governments have been known frequently to be left alone alongside the interned German ships in the port of New York. The interned German ships have their crews and officers aboard.

Germans, having given a false declaration as to their nationality, are also believed to have been employed as watchmen on British ships.

It would seem that these are matters which it is not within the province of the Government agencies to prevent and which it is believed the steamship companies could control, in part at least, by their own actions.

I have the honor [etc.]

ROBERT LANSING

File No. 841.857/80

The French Ambassador (Jusserand) to the Secretary of State

[Translation]

WASHINGTON, *October 3, 1915.*

[Received October 5.]

MR. SECRETARY OF STATE: In transmitting to your excellency under date of July 27 last, certain information calculated to help the American police in their investigation of the case of incendiary bombs placed in vessels at the time of their departure from the United States, I expressed the satisfaction it would afford me to receive like information about cases of the same kind that might be gathered here which, from a previous communication, I had reason to expect.¹

I take the liberty of reminding your excellency of that kind promise and shall be very thankful for any information you may be able to supply.

For my part, to assist the work of the authorities concerned and further enlighten your excellency on those criminal attempts, I have the honor to submit herewith copies of three more commissions rogatory received by the Consul General of France at New York.¹

Be pleased [etc.]

JUSSERAND

¹ Not printed.

File No. 841.857/81

The British Ambassador (Spring Rice) to the Secretary of State

No. 364]

WASHINGTON, October 7, 1915.

[Received October 9.]

SIR: With reference to previous correspondence respecting the placing of bombs on British vessels loading at New York I have the honour to inform you that a further case of this nature has been brought to my notice.

The British steamship *Asuncion de Larrinaga* loaded a cargo of sugar and left New York on August 9. On August 11 at 8.20 a. m. fire was discovered amongst the bags of sugar in No. 2 shelter deck but was fortunately extinguished by the ship's company before any great damage had been done. The master of the vessel reports that when he commenced loading threats were made that the voyage would never be completed. During the loading a dispute occurred over 180 bags and when the ship's officer came to discuss the matter with the captain of the lighter who was a German, the latter tore up his tally remarking that it did not matter about the number of bags as the ship would never get to the other side. The master adds that the vessel was watched day and night by police and detectives but that notwithstanding these precautions the last bags shipped late at night must have contained some substance of an incendiary character as it was among them that the fire originated.

In this connection I may add that it was lately reported in the press that the responsibility for the fires on the steamships *Kirkoswald* and *Cragside* had been brought home by the police of New York to certain German lighter captains. The Acting British Consul General at New York reports, however, that according to information furnished to him by the police authorities their investigations have hitherto not arrived at any definite result.

In your note No. 939 of the 11th ultimo you were good enough to inform me of the steps which the Governor of the State of New York had taken with a view to the prevention of similar acts in the future.¹ In expressing my acknowledgments for this courteous communication, I need not point out that the detection and punishment of the authors of the attempts at the destruction of ships which have already been reported would be the best safeguard against the recurrence of outrages of this sort and in view of the importance of the matter to British shipping using the port of New York I should be very grateful if you could, should you see no objection, inform me of what progress has been made in the investigation by the Federal and municipal authorities.

I have [etc.]

CECIL SPRING RICE

File No. 841.857/80

The Secretary of State to the French Ambassador (Jusserand)

No. 1609]

WASHINGTON, October 27, 1915.

EXCELLENCY: I have the honor to acknowledge the receipt of your note of October 3, 1915, with which, having reference to previous

¹ Not printed.

correspondence concerning the placing of incendiary bombs in British vessels sailing from the port of New York, you enclose copies of papers received by you.

In conformity with the Department's intention, as expressed in its note of July 23 last, to communicate with you upon receipt of replies from the Secretary of the Treasury, the Attorney General, and the Governor of New York to the Department's inquiries as to what steps were being taken by them in order to prevent the recurrence of the character of offenses complained of in your note of July 13, I have now the honor to advise you as follows:

The Department has received from the Assistant Secretary of the Treasury a reply with which was transmitted a copy of a report from the collector of customs at New York, from which it appears that the agents of the Federal Government and the police commissioner of New York are cooperating in this matter, and are doing everything in their power to prevent the recurrence of such offenses. It further appears from the report of the collector of customs that the harbor police are on the lookout; that plain clothes men have been placed on the piers; that the detective bureau has been conducting an investigation to ascertain the source of the bombs and explosives that have been placed on ships; that customs officers performing supervisory duties are stationed night and day on every pier in New York where a ship is loading for a foreign port, and that they are doing all they can to aid the steamship companies in seeing that nothing but that which is properly manifested and described is placed aboard the vessels.

The Attorney General has replied stating that he has caused a prompt investigation to be made of the facts in the cases reported to him; and that, while he had not as yet obtained any evidence to warrant an indictment under any criminal law of the United States, if any evidence can be obtained in the future of the commission of any Federal crime, the matter will be vigorously prosecuted.

From the Governor of New York the Department has received a reply with which he enclosed copy of a letter addressed by him to the Mayor of New York, from which the following is an excerpt:

I am not unmindful of the fact that you and those officials under you, charged with the duty of enforcing our criminal laws, have already taken cognizance of . . . (these) . . . and are endeavoring to bring the offenders to justice and to prevent a repetition of such offenses in the future. But I desire to call your attention to the situation relative to these offenses and to the importance attached thereto by the Secretary of State, and to urge upon you and through you upon those charged with the duty of preventing the commission of crime and the punishment of offenders against our criminal laws, the importance of taking such precautions as will prevent the repetition of offenses similar to those complained of in the future and to use every effort to bring to justice those guilty of such offenses in the past.

I can not too strongly urge upon you the imperative necessity for such action.

Accept [etc.]

ROBERT LANSING

File No. 841.857/84

*The Secretary of State to the British Ambassador (Spring Rice)*¹

No. 975]

WASHINGTON, November 1, 1915.

EXCELLENCY: Referring to your note of October 7, 1915, relative to the reported placing of material of an incendiary character on the British steamship *Asuncion de Larrinaga*, while in the port of New York, I have now the honor to advise you of the receipt of a letter of October 23, 1915, from the Governor of New York as to the progress being made by the municipal authorities in their investigation of the matter.

It appears that, on October 21, the Governor instructed his counsel to proceed to New York and ascertain from the municipal authorities such facts as would enable him to make a report. The counsel called on the district attorneys of New York and Kings Counties, who stated that they had communicated with the police department immediately upon receipt of the Governor's letter, and that, at the present time, the police department is making an investigation which has not yet proceeded far enough to call for any action by them. They have at the same time offered to and were cooperating with the police department in any way which that department desired.

Thereafter the Governor's counsel called on the Mayor of New York, who referred him to the police commissioner. At police headquarters he interviewed Deputy Commissioner Scull, who has the matter in charge. Mr. Scull informed him that investigations were proceeding in all the cases, and that, while none of the cases had been disposed of, he still hoped to apprehend the offenders, and also, that, owing to certain steps which the department had already taken, he believed the activity of persons placing incendiary bombs on British ships had ceased. The deputy commissioner stated that he would furnish the Governor with a written report in the near future, setting forth such facts as seem to him to be advisable to put in writing at the present time. This report the Governor promises to forward to the Department of State in due course.

The Governor states that, should you desire to send a representative to take up the matter directly with him, Deputy Commissioner Scull will be glad to furnish him with all the details which it is impossible to set forth in a letter, by reason of the fact that to do so would probably prejudice the investigations which are now being conducted.

The Governor adds that, from information he has received, he can assure the Department of State that the matter is progressing as well as could be expected, and that everything that can be done is being done.

I have [etc.]

ROBERT LANSING

¹The same, except as to the first and fourth paragraphs, to the French Ambassador, No. 1611, November 1.

PART IV

OTHER PROBLEMS AND RESPONSIBILITIES



PART IV

OTHER PROBLEMS AND RESPONSIBILITIES

NEW REGULATIONS REGARDING THE ISSUANCE AND CONTROL OF PASSPORTS

File No. 138/53

The Minister in Belgium (Whitlock) to the Secretary of State

[Telegram]

BRUSSELS, December 30, 1914.

[Received January 2, 1915, 7.32 p. m.]

American tourists continue to come to Belgium ostensibly to do charity work, bring in money or take out women and children, but in reality to satisfy curiosity and a desire to see Belgium. Despite all our warnings and public announcements of German military authorities a great many of them persist in carrying private letters and doing other things that might affect our neutrality. Subordinate German frontier officials usually permit entry into Belgium without difficulty on presentation of ordinary passport, but traveling about the country and departure from it require special representations by the Legation, use of influence which should be devoted to more important matters, and add to our responsibility. I feel very strongly that we should take all possible measures to preserve the influence and prestige of the Legation and commission upon which the food supply of the civil population now depends.

I venture therefore to urge upon the Department that it decline to grant passports for traveling into Belgium except in cases of proven necessity. I venture further to recommend that the Department endorse ordinary passports "not good for traveling into Belgium." I trust that the Department will also advise diplomatic and consular officers in this sense and will further advise them to dissuade bearers of passports from attempting to cross the border.

WHITLOCK

The Secretary of State to the Ambassadors and Ministers in France, Germany, Great Britain, Italy, the Netherlands, and Denmark

[Telegram]

WASHINGTON, January 7, 1915.

Do not issue emergency passports for use in Belgium unless applicants obliged to go thither by special exigency or authorized by Red Cross or Belgian Relief Commission.

BRYAN

General Instruction, Consular, No. 383

The Secretary of State to the American Diplomatic and Consular Officers (including Consular Agents)

[Circular]

WASHINGTON, February 8, 1915.

TERMINATION, EXTENSION, AND AMENDMENT OF PASSPORTS, AND
ADVICE TO AMERICANS TRAVELING ABROAD

GENTLEMEN: The Department sends you herewith a copy of the "Rules governing the granting and issuing of passports in the United States," signed by the President January 12, 1915, which became effective February 1, 1915. Your particular attention is called to Section 11 of the rules, which reads as follows:

Expiration and renewal of passport.—A passport expires six months from the date of its issuance. A new one will be issued upon a new application, accompanied by the old passport, and, if the applicant be a naturalized citizen, the old passport will be accepted in lieu of a certificate of naturalization, if the application upon which it was issued is found to contain sufficient information as to the naturalization of the applicant. Passports are not renewed by the Department, but a person abroad holding a passport issued by the Department may have it renewed for a period of six months upon presenting it to a diplomatic or principal consular officer of the United States, when it is about to expire, with a sworn statement of the names of the countries which he expects to visit and the objects of his visits thereto. No passport shall be renewed more than twice.

The statement inserted in the passport concerning the names of the countries which the holder expects to visit and the objects of his visits thereto has been amended to read as follows:

The person to whom this passport is issued has declared under oath that he desires it for use in visiting the countries hereinafter named, for the following objects:

----- (Name of country) -----	----- (Object of visit) -----
----- (Name of country) -----	----- (Object of visit) -----
----- (Name of country) -----	----- (Object of visit) -----

This passport is not valid for use in other countries except for necessary transit to or from the countries named, unless amended by an American diplomatic or principal consular officer.

You will note that passports issued by the Department are now limited to expire six months from the date of issuance, but that they may be renewed twice by diplomatic or consular officers, instead of once as heretofore. You will also note that diplomatic and consular officers are authorized to amend the statement concerning the countries to be visited and the objects of the visits.

In extending a Department passport, which is about to expire, you should use the following form:

Extended for six months from date of expiration.

(American ambassador, minister, consul general, or consul)

at -----

(Date)

It would be advisable to have rubber stamps prepared for the above statement.

When a person holding a passport limited for use in certain countries named therein presents a satisfactory sworn statement to the effect that it is necessary for him to visit a country or countries not named therein, for a legitimate object, you may amend the passport to enable him to do so, using the following form:

Upon the sworn application of the holder of this passport, it is hereby amended for use in visiting the additional countries hereinafter named, for the following objects:

----- (Name of country) -----	----- (Object of visit) -----
----- (Name of country) -----	----- (Object of visit) -----
----- (Name of country) -----	----- (Object of visit) -----
----- (American ambassador, minister, consul general, or consul) -----	
at ----- (Date)	

For this statement also you should have rubber stamps prepared.

In each case in which a passport is amended a memorandum of such amendment should be made and forwarded to the Department, to be attached to the original application for the passport. Except in unusual cases, it will not be necessary to accompany such memoranda with regular despatches.

When a passport is amended in the manner indicated it is, of course, unnecessary to issue an emergency passport, as authorized by the general instruction of December 21, 1914, entitled "New Passport Regulations."¹

2. The Department also sends herewith copies of its printed circulars of February 8, 1915, and November 17, 1914, entitled, respectively, "Notice Concerning Passports and Registration in Consulates," and "Notice to American Citizens Who Contemplate Visiting Belligerent Countries."

In the circular first named, attention is called to the necessity of having passports visaed for entrance into certain countries, and the advisability of having them visaed for entrance into other countries. American citizens are also reminded that, when they make a prolonged stay in any foreign country, they should apply for consular registration at the American consulate nearest the place in which they are sojourning.

In the circular of November 17, Americans are advised not to visit belligerent countries unnecessarily, and particularly to avoid, if possible, passing through or from a belligerent country to a country which is at war therewith. The reasons for this advice are obvious. Those who find it necessary to go to belligerent countries are advised concerning the necessity of providing themselves with passports, and other documentary identification. They are also cautioned to avoid unneutral conduct or utterances. In this relation, it may be observed in passing that it is even more important, if possible, for those who represent this Government officially to avoid unneutral conduct or utterances.

¹ *Foreign Relations*, 1914, Supplement, p. 728.

Before issuing an emergency passport, or extending a Department passport, to enable the holder to visit a belligerent country, you should endeavor to ascertain, by discreet inquiry, whether he intends to visit such country for a legitimate purpose, not inconsistent with his status as an American citizen, although, in the case of a person traveling abroad as representative of an American concern, it is not necessary or proper to state in the passport the name of the concern which he represents or the nature of the goods which he is endeavoring to sell.

If you deem it advisable, you may have extra copies of the two circulars last mentioned printed, for distribution on occasion to American citizens.

I am [etc.]

W. J. BRYAN

[Enclosure 1]

RULES GOVERNING THE GRANTING AND ISSUING OF PASSPORTS IN THE UNITED STATES¹

1. *Authority to issue.*—Section 4075 of the Revised Statutes of the United States, as amended by the act of Congress approved June 14, 1902, provides that "the Secretary of State may grant and issue passports, and cause passports to be granted, issued, and verified in foreign countries by such diplomatic or consular officers of the United States, and by such chief or other executive officer of the insular possessions of the United States, and under such rules as the President shall designate and prescribe for and on behalf of the United States." The following rules are accordingly prescribed for the granting and issuing of passports in the United States.

2. *By whom issued and refusal to issue.*—No one but the Secretary of State may grant and issue passports in the United States (Revised Statutes, sections 4075, 4078), and he is empowered to refuse them in his discretion.

Passports are not issued by American diplomatic and consular officers abroad, except in cases of emergency; and a citizen who is abroad and desires to procure a passport must apply therefor through the nearest diplomatic or consular officer to the Secretary of State.

Applications for passports by persons in Porto Rico or the Philippines should be made to the Chief Executives of those islands. The evidence required of such applicants is similar to that required of applicants in the United States.

3. *Fee.*—By act of Congress approved March 23, 1888, a fee of one dollar is required to be collected for every citizen's passport. That amount in currency or postal money order should accompany each application made by a citizen of the United States. Orders should be made payable to the disbursing clerk of the Department of State. Drafts or checks will not be accepted.

4. *Applications.*—A person who is entitled to receive a passport, if within the United States, must submit a written application, in the form of an affidavit, to the Secretary of State. The application should be made by the person to whom the passport is to be issued and signed by him, as it is not proper for one person to apply for another.

The affidavit must be made before a clerk of a Federal or State court within the jurisdiction of which the applicant or his witness resides, and the seal of the court must be affixed.

If the applicant signs by mark, two attesting witnesses to his signature are required. The applicant is required to state the date and place of his birth, his occupation, the place of his permanent residence, and within what length of time he will return to the United States with the purpose of residing and performing the duties of citizenship. He is also required to state the names of the foreign countries which he expects to visit, and the objects of his visits thereto. The latter statement should be brief and general in form, thus: "commercial business";² "to attend to the settlement of an estate"; "to bring wife and children to this country."

¹ Executive order No. 2119-A.

² An applicant who states that he is going abroad on commercial business should submit with his application a letter from the head of the concern which he represents.

The applicant must take the oath of allegiance to the United States.

The application must be accompanied by a description of the person applying, and should state the following particulars, viz.: Age, _____; stature, _____ feet _____ inches (English measure); forehead, _____; eyes, _____; nose, _____; mouth, _____; chin, _____; hair, _____; complexion, _____; face, _____; special identifying marks, if any (scars, birthmarks, etc.).

The application must also be accompanied by duplicate photographs of the applicant, on thin paper, unmounted, and not larger in size than three by three inches. One must be attached to the back of the application by the clerk of court before whom it is made, with an impression of the seal of the court so placed as to cover part of the photograph but not the features, and the other sent loose, to be attached to the passport by the Department. Photographs on cardboard or postcards will not be accepted.

The application must be supported by an affidavit from at least one credible witness that the applicant is the person he represents himself to be, and that the facts stated in the application are true to the best of the witness's knowledge and belief. This affidavit must be made before the clerk of court before whom the application is executed and the witness must be an American citizen, who resides within the jurisdiction of the court. The applicant or his witness must be known to the clerk of court before whom the application is executed, or must be able to satisfy such officer as to his identity and the *bona fides* of the application.

5. *Native citizens.*—An application containing the information indicated by rule 4 will be sufficient evidence in the case of a native citizen; except that a person born in the United States in a place where births are recorded will be expected to submit a birth certificate with his application.

A person of the Chinese race, alleging birth in the United States, must obtain from the Commissioner of Immigration or Chinese inspector in charge at the port through which he proposes to leave the country a certificate upon his application, under the seal of such officer, showing that there has been granted to him by the latter a return certificate in accordance with rule 16 of the Chinese Regulations of the Department of Labor. For this purpose special blank forms of application for passports are provided.

Passports issued by the Department of State or its diplomatic or consular representatives are intended for identification and protection in foreign countries, and not to facilitate entry into the United States, immigration being under the supervision of the Department of Labor.

6. *A person born abroad whose father was a native citizen of the United States.*—In addition to the statements required by rule 4, his application must show that his father was born in the United States, resided therein, and was a citizen at the time of the applicant's birth. The Department may require that this affidavit be supported by that of one other citizen acquainted with the facts.

7. *Naturalized citizens.*—In addition to the statements required by rule 4, a naturalized citizen must transmit his certificate of naturalization, or a duly certified copy of the court record thereof, with his application. It will be returned to him after inspection. He must state in his affidavit when and from what port he emigrated to this country, what ship he sailed on, where he has lived since his arrival in the United States, when and before what court he was naturalized, and that he is the identical person described in the certificate of naturalization. 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 differences should be submitted.

8. *Woman's application.*—If she is unmarried, in addition to the statements required by rule 4, she should state that she has never been married. If she is the wife or widow of a native citizen of the United States the fact should be made to appear in her application, which should be made according to the form prescribed for a native citizen, whether she was born in this country or abroad. If she is the wife or widow of a naturalized citizen, in addition to the statements required by rule 4, she must transmit for inspection her husband's certificate of naturalization or a certified copy of the court record thereof, must state that she is the wife (or widow) of the person described therein, and must set forth the facts of his birth, emigration, naturalization, and residence, as required in the rules governing the application of a naturalized citizen. She should sign her own Christian name with the family name of her husband: (Thus, Mary Doe; not Mrs. John Doe.)

A married woman's citizenship follows that of her husband. It is essential, therefore, that a woman's marital relations be indicated in her application for

a passport, and that in the case of a married woman her husband's citizenship be established.

9. *The child of a naturalized citizen claiming citizenship through the naturalization of the parent.*—In addition to the statements required by rule 4, the applicant must state that he or she is the son or daughter, as the case may be, of the person described in the certificate of naturalization, which must be submitted for inspection, and must set forth the facts of emigration, naturalization and residence, as required in the rules governing the application of a naturalized citizen.

10. *A resident of an insular possession of the United States who owes allegiance to the United States.*—In addition to the statements required by rule 4, he must state that he owes allegiance to the United States, and that he does not acknowledge allegiance to any other government, and must submit affidavits from at least two credible witnesses having good means of knowledge in substantiation of his statements of birth, residence, and loyalty. No fee is required for the issuance by the Department of an insular passport.

11. *Expiration and renewal of passport.*—A passport expires six months from the date of its issuance. A new one will be issued upon a new application, accompanied by the old passport, and, if the applicant be a naturalized citizen, the old passport will be accepted in lieu of a certificate of naturalization, if the application upon which it was issued is found to contain sufficient information as to the naturalization of the applicant. Passports are not renewed by the Department, but a person abroad holding a passport issued by the Department may have it renewed for a period of six months upon presenting it to a diplomatic or principal consular officer of the United States, when it is about to expire, with a sworn statement of the names of the countries which he expects to visit and the objects of his visits thereto. No passport shall be renewed more than twice.

12. *Wife, minor children, and servants.*—When the applicant is accompanied by his wife, minor children, and maid-servant, who is a citizen of the United States, it will be sufficient to state the fact, giving their names in full, the dates and places of their birth, and the allegiance of the servant, when one passport will suffice for all. For a man-servant or any other person in the party a separate passport will be required. A woman's passport may include her minor children and maid-servant under the above-named conditions.

(The term "maid-servant" does not include a governess, tutor, pupil, companion, or person holding like relation to the applicant for a passport.)

13. *Titles.*—Professional and other titles will not be inserted in passports.

14. *Blank forms of application.*—They will be furnished by the Department free of charge to persons who desire to apply for passports. Supplies of blank applications are also furnished by the Department to clerks of courts.

15. *Address.*—Communications should be addressed to the Department of State, Bureau of Citizenship, and each communication should give the post-office address of the person to whom the answer is to be directed.

16. *Additional regulation.*—The Secretary of State is authorized to make regulations on the subject of issuing and granting passports additional to these rules and not inconsistent with them.

To become effective February 1, 1915.

WOODROW WILSON

THE WHITE HOUSE, January 12, 1915.

[Enclosure 2]

NOTICE CONCERNING PASSPORTS AND REGISTRATION IN CONSULATES¹

SIGNATURE OF PASSPORT

The person to whom this passport is issued is hereby directed to affix his signature thereon, in the space designated, immediately upon its receipt.

VISA OF PASSPORT

The Department understands that it is necessary to have passports visaed for entry into the following countries, by diplomatic or consular officers thereof: Russia, Turkey, Italy, Germany, Roumania, and Servia.

Passports of American citizens going to Russia should be visaed by a Russian consular officer, preferably in the United States, at San Francisco, Chicago, or New York City. One who desires to have the visa of his passport for Russia

¹ Unnumbered Departmental order.

cover a period longer than three months should make a special request to that effect.

Passports to be used in Turkey should be visaed by a Turkish consular officer, either in the United States, at San Francisco, Chicago, Boston, or New York City, or at a Turkish consulate abroad.

Passports to be used in Italy should be visaed by an Italian consular officer, preferably in the United States.

Passports to be used in Germany should be visaed by a German diplomatic or consular officer, preferably in the United States.

Passports to be used in Servia should be visaed by the Servian Consul General in New York City, or by a diplomatic or consular officer of Servia in some foreign country.

Passports to be used in Roumania should be visaed by a Roumanian diplomatic or consular officer in some foreign country, there being no diplomatic or consular officers of Roumania in the United States.

The Department understands that it is advisable to have passports visaed by consular officers of the following countries, for use therein: Austria-Hungary, Denmark, and France; and that it is advisable to have them visaed for use in Spain by the Spanish Ambassador in Washington or a Spanish consul in New York City, New Orleans, or San Francisco. It is deemed advisable for persons going to Bulgaria to have their passports visaed by the Consul General of Bulgaria in New York City, or by a diplomatic or consular officer of Bulgaria in some foreign country.

The Department is informed that persons entering British territory are required to bear passports, but that it is not necessary that they should be visaed.

American citizens who expect to visit countries of Europe other than those named above should inquire of diplomatic or consular officers thereof concerning the necessity or advisability of having their passports visaed.

The Department of State does not act as the intermediary in procuring visas. Application should be made by the holder of the passport directly to the diplomatic or consular officer.

EXPIRATION AND RENEWAL OF PASSPORT

A passport issued by the Department is valid for six months only, but may be extended when about to expire by a diplomatic or principal consular officer of the United States. No passport shall be extended more than twice. A person sojourning abroad whose passport has finally expired, after having been twice renewed, should apply for a new passport through a diplomatic or consular office.

AMENDMENT OF PASSPORT

When the holder of a passport finds it necessary, after leaving the United States, to visit a country or countries not named in the passport, he may have it amended by a diplomatic or consular officer of the United States.

REGISTRATION IN CONSULATES

American citizens who expect to make a prolonged stay in any foreign country should apply for consular registration to the American consulate in that country at or nearest the place in which they are sojourning.

DEPARTMENT OF STATE, *Washington, February 8, 1915.*

[Enclosure 3]

NOTICE TO AMERICAN CITIZENS WHO CONTEMPLATE VISITING BELLIGERENT COUNTRIES¹

All American citizens who go abroad should carry American passports, and should inquire of diplomatic or consular officers of the countries which they expect to visit concerning the necessity of having the passports visaed therefor.

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

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

As belligerent countries are accustomed, for self-protection, to scrutinize carefully aliens who enter their territories, American citizens who find it necessary

¹ Unnumbered Departmental order.

to visit such countries should, as a matter of precaution and in order to avoid detention, provide themselves with letters or other documents, in addition to their passports, showing definitely the objects of their visits. In particular it is advisable for persons who go to belligerent countries as representatives of commercial concerns to carry letters of identification or introduction from such concerns.

American citizens sojourning in countries which are at war are warned to refrain from any conduct or utterances which might be considered offensive or contrary to the principles of strict neutrality.

W. J. BRYAN

DEPARTMENT OF STATE,

Washington, November 17, 1914.

NOTE.—An application for a passport must be accompanied by duplicate unmounted photographs of the applicant, not larger than 3 by 3 inches in size, one affixed to the back of the application by the clerk of court before whom it is executed, with an impression of the seal of the court; the other to be affixed to the passport by the Department.

File No. 138/87

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

[Telegram]

BERLIN, April 1, 1915.

[Received April 2, 3 p. m.]

1970. Is a person who is presumed to have expatriated himself entitled to receive passport to enable him to return immediately to United States to resume the duties of citizenship regardless of all conditions resulting in a previous denial of passport to him when he submits definite proof of such intention such as steamship ticket?

GERARD

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

[Telegram]

WASHINGTON, April 9, 1915.

1492. Your 1970, 1st. See general instruction November 18, 1911, 77 consular.¹ Passports should not be issued in all cases of class mentioned, but discretion should be exercised. Naturalized citizens who have long resided abroad and evidently would not have returned this country but for conditions resulting from war should not ordinarily be granted passports. This is especially true as to persons previously refused passports.

BRYAN

*Rules of June 1, 1915, governing the granting and issuing of passports to those who have declared their intention to become citizens of the United States*²

1. The first section of the act approved March 2, 1907, "in reference to the expatriation of citizens and their protection abroad,"

¹ *Foreign Relations, 1911, p. 1.*

² Unnumbered Departmental order. Passports are not issued to declarants who are natives of countries which are at war, nor to declarants who intend to visit belligerent countries.

provides "That the Secretary of State shall be authorized, in his discretion, to issue passports to persons not citizens of the United States as follows: Where any person has made a declaration of intention to become such a citizen as provided by law and has resided in the United States for three years, a passport may be issued to him entitling him to the protection of this Government in any foreign country: *Provided*, That such passport shall not be valid for more than six months and shall not be renewed, and that such passport shall not entitle the holder to the protection of this Government in the country of which he was a citizen prior to making such declaration of intention."

2. This section is not intended to confer upon persons who have only declared their intention to become citizens a general right to receive passports upon application. Such passports will be issued only when it is affirmatively shown to the Secretary of State that some special exigency requires the temporary absence of the applicant from the United States, and that without such absence the applicant would be subjected to special hardship or injury. Under this law passports can not be issued to declarants who intend visiting their native lands.

3. Such passports will not be issued to those who have made the declaration of intention and who have failed, through their own neglect, to complete their intention and secure naturalization as citizens of the United States; nor to those who may make the declaration of intention in order to secure passports and leave the United States, nor shall more than one such passport be issued to any applicant.

4. It is therefore ordered that before a passport shall be issued to anyone who has made the declaration of intention to become a citizen of the United States the following facts shall be established to the satisfaction of the Secretary of State:

(a) That the applicant has resided in the United States for at least three years as provided by law.

(b) That he is not yet eligible under the law for final naturalization.

(c) That at least six months have elapsed since the applicant's declaration of intention.

(d) That the applicant has not previously applied for and obtained a similar passport from this Department.

(e) That a special and imperative exigency exists requiring the absence of the applicant from the United States. The burden of proof will, in each case, be upon the applicant to show to the satisfaction of the Secretary of State that there is a necessity for his absence. The statement as to such necessity must be detailed and supported by satisfactory corroborative evidence. Under this rule passports will not be granted to persons who wish to go abroad as commercial travelers.

(f) That the applicant has not applied for or obtained a passport from any other Government since he declared his intention to become a citizen of the United States.

5. Applications must be made in the form of an affidavit to the Secretary of State. Blank forms of application are not furnished by the Department.

6. The affidavit must be executed before a clerk of a Federal or State court within the jurisdiction of which the applicant or his witnesses reside and the seal of the court must be affixed.

7. If the applicant signs by mark, two attesting witnesses to his signature are required.

8. The applicant is required to state the date and place of his birth, the date of his emigration to this country, his occupation and the place of his permanent residence, the name of the court before which he declared his intention to become a citizen of the United States and the date of the declaration, where he intends to travel, how long he expects to remain in each foreign country, for what purpose he is proceeding abroad, the circumstances which make his absence necessary, that he intends to return to the United States, and the probable duration of his absence therefrom. No fee is prescribed by law for the issuance of a declarant's passport.

9. If any previous application for a similar passport has been denied by the Department, this fact must be stated by the applicant.

The application must be accompanied by a description of the person applying and should state the following particulars, namely: Age, _____; stature, _____ feet _____ inches (English measure); forehead, _____; eyes, _____; nose, _____; mouth, _____; chin, _____; hair, _____; complexion, _____; face, _____.

The application must also be accompanied by duplicate photographs of the applicant, on thin paper, unmounted, and not larger in size than three by three inches. One must be attached to the application by the clerk of the court before whom it is made, with an impression of the seal of the court so placed as to cover part of the photograph but not the features, and the other sent loose, to be attached to the passport by the Department. Photographs on cardboard or postcards will not be accepted.

The applicant's declaration of intention must be forwarded with his application, which must also be accompanied by two supporting affidavits from citizens of the United States, who shall state that the applicant is the person he represents himself to be, how long they have known him, and that the facts stated in his affidavit are true to the best of their knowledge and belief.

A passport may be granted to a declarant under the statutory provision quoted above for purposes of identification and protection in foreign countries, other than his country of origin, but not for the purpose of facilitating reentry into this country. All matters relating to immigration being under the supervision of the Department of Labor, any inquiries concerning the right to reenter the United States should be addressed to that Department.

W. J. BRYAN

DEPARTMENT OF STATE,
Washington, June 1, 1915.

File No. 138/125

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

No. 745]

PARIS, May 18, 1915.

[Received June 1.]

SIR: I have the honor to inform you that several applicants for passports at this office have openly expressed their desire and in-

tention of enlisting in the armed forces of one or another of the belligerent nations.

When it was evident that an applicant desired his passport to enable him to go to another of the belligerent states with the object of there offering himself for enlistment, such applicants were informed that the Embassy could not consistently give them a document requesting the protection of foreign nations in their behalf, in view of the fact that their definite enlistment would, of necessity, remove them from the protection of the Government of the United States and would, therefore, make it impossible for the Government of the United States to request other powers, particularly those against which they might be actually engaged, to protect them as American citizens.

It is thought that several American citizens actively serving in the French Army, and in possession of American passports, would be reluctant to surrender these documents, owing to their temptation to use them in case of capture by the enemy as a means of securing more favorable treatment than they would otherwise enjoy as citizens of France.

The Embassy has made no effort to deprive such Americans of documents they already hold, but is, whenever possible, refusing to grant passports to applicants who are likely to use them in this way.

Unless the Embassy receives instructions to the contrary, it will continue to act as outlined above.

I have [etc.]

WM. G. SHARP

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

No. 409]

WASHINGTON, June 11, 1915.

SIR: The Department has received your despatch No. 745 of May 18, 1915, concerning the status and citizenship of applicants for passports, who openly express their intention of enlisting in one or another of the armed forces of the belligerent nations in Europe. You state that whenever the fact appears that an applicant desires a passport to enable him to proceed to another country to enlist in the army of that country, you have advised such person that his enlistment in the army of such foreign country would operate to deprive him of the protection of this Government. You further state that, in your opinion, several American citizens known to be serving in the French Army and in possession of American passports, would be reluctant to surrender these documents; that you have made no effort to obtain the surrender by Americans serving in the French Army of their American passports; that passports have been refused to all persons who would likely use them for protection while serving in foreign armies, and that, unless the Embassy is instructed otherwise by the Department, it will continue to act as stated above.

The Department has frequently held that service by American citizens in foreign armies does not of itself operate as a renunciation of American citizenship, unless such service involves the taking of oaths of allegiance to the foreign governments, which would come

within the purview of the first paragraph of Section 2 of the act of March 2, 1907. However, while American citizens are members of foreign armies they are not entitled to the protection of this Government, and passports should not be issued to them while they are serving in such foreign armies. The action of the Embassy as outlined in your despatch under acknowledgment is approved by the Department.

I am [etc.]

ROBERT LANSING

File No. 138/142

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

[Telegram]

WASHINGTON, July 22, 1915, 4 p. m.

138. Ambassador London telegraphs 17th James Cook Trumbull of Rockefeller Foundation experienced trouble in England because he carried emergency passport issued by yourself on form printed in Switzerland instead of regular form to take the place of regular passport issued by Department March 16. Apparently you took up Department passport because French consuls are unwilling to visa passports of persons who have been in Germany, Austria or Turkey. Department does not consider action taken in Trumbull case advisable. It is believed that if this case had been fully explained to French Consulate or Legation visa of Department passport might have been obtained.

LANSING

File No. 130Ar22—

*The Secretary of State to the Minister in the Netherlands (Van Dyke)*¹

[Telegram]

WASHINGTON, September 2, 1915.

190. James F. J. Archibald, newspaper correspondent, has been carrying papers for Germany and Austria which have been seized in England. He left England yesterday on the steamship *Rotterdam*, due to arrive at Rotterdam this morning. If possible, take up the passport which he carries and give him emergency passport limited for immediate return to this country.

LANSING

The Minister in the Netherlands (Van Dyke) to the Secretary of State

[Telegram]

THE HAGUE, September 6, 1915, 3 p. m.

[Received 5.40 p. m.]

364. Your September 2, 11 a. m. I have complied with your instruction. Archibald expects to sail for New York on the steamer *Rotterdam* September 8.

VAN DYKE

¹ The same to the Ambassador in Germany, No. 2144, September 3.

File No. 138/186

*The Ambassador in Great Britain (Page) to the Secretary of State*¹

[Telegram]

LONDON, October 19, 1915.

[Received 9.30 p. m.]

3047. Mr. Flournoy² proposes and I concur in the following:

As all American citizens now in British territory should have provided themselves with passports, it is recommended that Embassy be authorized to adopt rule that no emergency passports will be issued after December 1 except in cases of extraordinary emergency which could not be foreseen and upon the express authorization of the Department.

Applicants to pay for the necessary telegraphic correspondence if approved. Notice to this effect will be published in newspapers.

AMERICAN AMBASSADOR

No. 2285

Executive order of December 15, 1915

All persons leaving the United States for foreign countries should be provided with passports of the Governments of which they are citizens. These documents are rendered necessary because the regulations of all European countries and of several other foreign countries require passports or other documents of identification of all persons who enter their boundaries. The Secretary of State, in cooperation with the Secretary of the Treasury, will make arrangements for the inspection of passports of all persons, American or foreign, leaving this country, and the fact that these passports have been seen will be stamped thereon.

All applications to the Secretary of State for passports from American citizens must be made in duplicate, and must be accompanied with three copies of the photograph of the applicant. Each applicant for a passport must inform the Department of State at what point he intends to depart, on what date, and by what ship if he sails from an American port.

Applications shall be made in the manner heretofore prescribed by the rules governing the granting and issuing of passports, but the Secretary of State may designate an agent or agents to take applications, and wherever his agent is stationed applications shall be made only before him.

This order will become effective as soon as the Secretary of State and Secretary of the Treasury have made the arrangements necessary for that purpose.

WOODROW WILSON

THE WHITE HOUSE,
15 December 1915.

¹This telegram was approved by the Secretary of State on October 22, 1915 (No. 2330).

²Chief of the Bureau of Citizenship, Department of State, at that time in England.

Executive order No. 2286-A

Rules of December 17, 1915, governing the granting and issuing of passports in the United States

[Extracts]

1. [Same as rule 1 of January 12, 1915.¹]
2. *To whom passports are issued.*—Section 4076 of the Revised Statutes of the United States (U. S. Comp. Stat. 1901, 2765) provides that “no passport shall be granted or issued to, or verified for, any other persons than those owing allegiance, whether citizens or not, to the United States.”
3. [Same as rule 2 of January 12, 1915.]
4. [Same as rule 3 of January 12, 1915.]
5. *Applications.*—A person who is entitled to receive a passport, if within the United States, must submit a written application in duplicate, in the form of an affidavit, to the Secretary of State. The application should be made by the person to whom the passport is to be issued and signed by him, as it is not proper for one person to apply for another.

The affidavit must be made before a clerk of a court of record, either Federal or State, within the jurisdiction of which the applicant or his witness resides, and the seal of the court must be affixed; but in any place where there is an agent of the Department of State, the application must be made before him. The applicant must state from what point he intends to leave the United States, and the date of his intended departure and also if by a port of the United States, by what ship he intends to sail. Each application must be in the hands of the Department of State or its agents at least five days before departure from the United States.

If the applicant signs by mark, two attesting witnesses to his signature are required. The applicant is required to state the date and place of his birth, his occupation, the place of his permanent residence, and within what length of time he will return to the United States with the purpose of residing and performing the duties of citizenship. He is also required to state the names of the foreign countries which he expects to visit, and the objects of his visits thereto. The latter statement should be brief and general in form, thus: “commercial business.” An applicant who states that he is going abroad on commercial business must support his application with a letter from the head of the firm or firms which he represents stating the names of the countries it is necessary for him to visit and the objects of his visits thereto. An applicant who is going abroad for any other purpose must satisfy the Department of State that it is imperative that he go and submit satisfactory documentary evidence substantiating his statement concerning the imperativeness of his proposed trip.

The applicant must take the oath of allegiance to the United States.

The application must be accompanied by a description of the person applying, and should state the following particulars, viz.:

¹Ante, p. 902.

Age, ----; stature, ---- feet, ---- inches (English measure); forehead, ----; eyes, ----; nose, ----; mouth, ----; chin, ----; hair, ----; complexion, ----; face, ----; special identifying marks, if any (scars, birthmarks, etc.).

The application must also be accompanied by three photographs of the applicant, on thin paper, unmounted, and not larger in size than three by three inches. One must be attached to the back of each application by the clerk of court or the Department's agent before whom it is made, with an impression of such officer's seal so placed as to cover part of the photograph but not the features, and the other sent loose, to be attached to the passport by the Department. The loose photograph must be signed across its face, so as not to obscure the features, by the applicant, and the signature thereon must correspond to the applicant's signature affixed to the application. Photographs on cardboard or postcards will not be accepted.

The application must be supported by an affidavit from at least one credible witness that the applicant is the person he represents himself to be, and that the facts stated in the application are true to the best of the witness's knowledge and belief. This affidavit must be made before the clerk of court or the Department's agent before whom the application is executed and the witness must be an American citizen, who resides within the jurisdiction of the court or the Department's agent. The applicant or his witness must be known to the clerk of court or the Department's agent before whom the application is executed, or must be able to satisfy such officer as to his identity and the *bona fides* of the applicant.

6. *Native citizens*.—An application containing the information indicated by rule 5 will be sufficient evidence in the case of a native citizen; except that a person born in the United States in a place where births are recorded will be required to submit a birth certificate with his application.

Passports issued by the Department of State or its diplomatic or consular representatives are intended for identification and protection in foreign countries, and not to facilitate entry into the United States, immigration being under the supervision of the Department of Labor.

7-17. [Correspond to rules 6-16 of January 12, 1915.]

WOODROW WILSON

THE WHITE HOUSE,
December 17, 1915.

The Secretary of State to the Diplomatic Representatives of Foreign Governments

WASHINGTON, December 23, 1915.

EXCELLENCY: I have the honor to enclose, for your information, a copy of an order of the President of the United States, requiring that all persons who leave the United States shall be provided with passports issued by the proper agents or representatives of the countries of which they are citizens or subjects, and that the passports

shall be examined and stamped by agents of this Government at the points of departure from the United States.¹

The object of the President's order is not to interfere with travel from this country, but to prevent the use of passports by persons who may obtain them by improper representations or for fraudulent purposes.

The order will become effective first at the port of New York, now the principal port of departure from this country.

It will be necessary that this Government's agents, in order to inspect all passports intelligently, may be able to recognize the genuine passports of your Government, and for that purpose I have the honor to request that this Department may be furnished with several—say six—blank or old expired [name of country] passports, each bearing the seal of the issuing office. It is suggested that to insure impossibility of the use of such blank or old passports except for the purpose indicated in this note the fact that they are canceled and cannot be used may be clearly written across the face of each of the documents furnished this Department.

I take this opportunity to renew [etc.]

ROBERT LANSING

DIPLOMATIC REPRESENTATION IN BULGARIA

File No. 124.74

The Secretary of State to the Minister in Roumania, Servia, and Bulgaria (Vopicka)

[Telegram—Extract]

WASHINGTON, October 8, 1915.

161. No reply yet received to Department's 160, October 5.² If diplomatic relations between Bulgaria and Entente powers should be severed, you will address a note to the Minister for Foreign Affairs of Bulgaria, stating importance this Government will attach to having a resident diplomatic officer at Sofia and inquiring whether it would be agreeable to Minister for Foreign Affairs to receive an accredited Chargé d'Affaires on special mission who, in addition to representing United States, would be entrusted with interests of Entente powers. Einstein at present in London has been requested to act in Sofia as such, but has not yet replied. On receipt of favorable reply from Sofia, instruct Wadsworth to proceed there immediately and act until arrival of Einstein or other Chargé d'Affaires. No credence other than note from you to Minister for Foreign Affairs necessary in Wadsworth's case. . . .

LANSING

¹ *Ante*, p. 911.

² *Ante*, p. 62. See also p. 63.

File No. 123E16/92a

The Secretary of State to the Minister in Roumania, Servia, and Bulgaria (Vopicka)

[Telegram]

WASHINGTON, October 18, 1915, 6 p. m.

166. Department's 165, 16th,¹ intended that Einstein, now presumably awaiting instructions Bucharest should proceed to Sofia if the Bulgarian Government has expressed its willingness to receive him in capacity of Chargé d'Affaires and that on his arrival in Sofia he will assume charge of British interests.

LANSING

File No. 124.74/2

The Minister in Roumania, Servia, and Bulgaria (Vopicka) to the Secretary of State

[Telegram]

BUCHAREST, October 21, 1915.

[Received October 22, 8 p. m.]

156. Bulgarian Government has consented to your telegrams 161 and 165.² Einstein expected here to-day. Received telegram from Ambassador Sharp stating Wadsworth started for England same day my telegram reached Paris; he repeated same to American Embassy, London.

VOPICKA

File No. 123E16/94

The Secretary of State to the Minister in Roumania, Servia, and Bulgaria (Vopicka)

[Telegram—Extract]

WASHINGTON, October 27, 1915.

176. Department's 161 and your 157, October 22.² Einstein appointed special agent to assist you in caring for British interests in Bulgaria with headquarters at Sofia and not Chargé d'Affaires on special mission. So inform Bulgarian Government.

LANSING

File No. 123E16/96

The Special Agent in Bulgaria (Einstein) to the Secretary of State

[Telegram]

SOFIA, undated.

[Received November 1, 1915, 8.15 a. m.]

Have presented letters as Chargé d'Affaires.

EINSTEIN

¹ Not printed.² Latter not printed.

File No. 123 E1 6/101

The Secretary of State to the Minister in Roumania, Servia, and Bulgaria (Vopicka)

[Telegram]

WASHINGTON, November 12, 1915, 4 p. m.

191. For your information and for Einstein:

Your 3, November 8. Department has no authority without special act of Congress to appoint Chargé d'Affaires, inasmuch as such appointment would in fact establish new mission. You may, however, as special agent continue to enjoy individual rank of Chargé d'Affaires with the distinction that you hold no office as such.

LANSING

STATUS OF AMERICAN CONSULAR OFFICERS IN BELLIGERENT TERRITORY OCCUPIED BY ENEMY TROOPS

File No. 125.0055/1

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

No. 308]

BERLIN, December 4, 1914.

[Received December 26.]

SIR: I have the honor to transmit to you herewith a copy in translation of a *note verbale*, received from the Imperial German Foreign Office, stating the position of the German Government, respecting the recognition of consular officers in territory under occupation by the German Army.

I have [etc.]

JAMES W. GERARD

[Enclosure—Translation]

The German Foreign Office to the American Embassy

Nr. Ic16180/96680

NOTE VERBALE

Now that the German Army has occupied various portions of enemy countries, the German Government considers the exequaturs of the consuls, formerly permitted to act in such districts, to have expired.

The Imperial Government would, however, be disposed to consider favorably any wishes of allied and neutral countries, respecting the establishment of consular offices in the districts in question, excepting, of course, those districts where military operations are still in course.

In Belgium consular activities in the provinces of East and West Flanders would accordingly not be permitted at present. With regard to the other parts of Belgium, consular officers would be permitted to act for the present in Brussels, Antwerp, and Liège, but not at other points.

The Imperial Government would not consider the issuance of formal exequatur advisable; to consular officers, whose names are communicated to the Foreign Office, would simply be granted temporary recognition to enable them to act in their official capacity, under reserve of the usual investigations respecting their records.

In view of the peculiar circumstances contingent on military occupation, the Imperial Government would be grateful if only such persons should be nominated as are assuredly friendly to Germany or have at least neutral convictions.

In bringing the above to the attention of the Embassy, the Foreign Office has the honor respectfully to request that the American Government may be notified in the above sense. As the Embassy is aware, the German Government has already recognized Consul General Diederich at Antwerp, assuming this to be the wish of the American Government.

BERLIN, November 30, 1914.

File No. 125.0055/2

The Belgian Minister (Havenith) to the Secretary of State

[Translation]

No. 3465]

WASHINGTON, December 28, 1914.

MR. SECRETARY OF STATE: I have just received the following cablegram from my Government:

The German Government has just notified the neutral powers of its intention to cancel the exequaturs granted by the Belgian Government to foreign consuls and to create but three consular posts at Brussels, Liège, and Antwerp, temporary recognition only being granted to those officers.

The Belgian Government has entered protest at Berlin. Under Article 42 of the fourth convention of The Hague, military occupation only confers upon the occupant state over the territory of the occupied state *de facto* possession; the right to cancel all exequaturs can not be derived from that title.

I have been officially instructed to notify your excellency of the Belgian Government's protest.

Be pleased [etc.]

E. HAVENITH

File No. 125.0055/1

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

[Telegram]

WASHINGTON, January 21, 1915, 6 p. m.

1044. *Note verbale* enclosed in your despatch 308. You are instructed to present the following to the German Government:

The Government of the United States has received and given consideration to the *note verbale* of the Imperial Government dated November 30, 1914, in which it is stated that the German Army now having occupied various portions of enemy countries, the German Government considers the exequaturs of the consuls, formerly permitted to act in such districts, to have expired. That the Imperial Government would, however, be disposed to consider favorably any wishes of allied and neutral countries respecting the establishment of consular offices in the districts in question, excepting, of course, those districts where military operations are still in course; and that the Imperial Government would not consider the issuance of formal exequaturs advisable; to consular officers, whose names are communicated to the Foreign Office, would simply be granted temporary recognition to enable them to act in their official capacity, under reserve of the usual investigations respecting their records.

The Government of the United States, in view of the fact that consular officers are commercial and not political representatives of a government and that permission for them to act within defined districts is dependent upon the authority which is in actual control of such districts irrespective of the question of legal right, and further, in view of the fact that the consular districts, to which reference is made in the *note verbale* of the Imperial Government, are within the territory now under German military occupation, is not inclined at this time to question the right of the Imperial Government to suspend the exequaturs of the consular officers of the United

States within the districts which are occupied by the military forces of the German Empire and subject to its military jurisdiction.

The Government of the United States notes that all the consular districts in Belgian territory occupied by the German military forces, excepting Brussels, Antwerp, and Liège, are considered by the Imperial Government to be within the zone of military operations and that within such districts, except those named, the Imperial Government will not permit consular officers to exercise their functions.

The Government of the United States in the circumstances assumes that the Imperial Government will raise no objection to the consular officers of the United States now stationed at Brussels, Antwerp, Liège, and other places similarly situated acting in their official capacity, and that, if the *de facto* authorities at those cities object on personal grounds to any of such officers continuing, the Government of the United States will be forthwith notified of such objection.

BRYAN

File No. 125.0055/3

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

No. 425]

BERLIN, January 11, 1915.

[Received January 25.]

SIR: With reference to my despatch No. 308 of December 4, 1914, I have the honor to transmit to you herewith a copy and translation of a *note verbale*, received from the Imperial German Foreign Office, dated January 3, 1915, and of a *note verbale*¹ addressed to the Imperial Foreign Office by the Royal Spanish Embassy at Berlin, relative to the protest of the Belgian Government against the position taken by the German Government, respecting the recognition of consular officers in territory under occupation by the Germany Army.

I have [etc.]

JAMES W. GERARD

[Enclosure—Translation]

The German Foreign Office to the American Embassy

IcI/2312

NOTE VERBALE

In supplement to its *note verbale* of November 30, 1914, No. Ic16180, the Foreign Office has the honor to enclose herewith to the Embassy of the United States of America a copy of a *note verbale*, received from the Royal Spanish Embassy, which transmitted to the Imperial German Government a protest of the Belgian Government relative to the position of neutral consuls in Belgium:

The Imperial Government is obliged to consider that the protest of the Belgian Government is not well founded.

Article 42 of the fourth Hague convention in particular is not capable of supporting the view of the Belgian Government. This article makes it obligatory on the occupant state only to maintain as far as possible public order in the occupied districts, but not to permit the officials of the enemy state to remain in office. Such officials can not be tolerated, except as far as military considerations admit, and if the officials themselves are ready to comply with the regulations of the occupant state. If these principles are applied by analogy to the consuls of neutral states, it results that they also can not perform their public duties, except by consent of the occupant power and to the extent allowed

¹ Not printed.

by it, inasmuch as the exequatur of the enemy is not binding on the occupant power.

The *note verbale* of the Imperial Foreign Office of November 30, last, does not affect the rights of the Belgian Government in any way, but deals exclusively with the interests of the Imperial Government, which conceives it to be its right and its unalterable duty to regulate for the period of occupation the consular protection in the territory occupied by its Army. Moreover, this re-regulation is primarily necessary in the interests of neutral nationals themselves. More than three hundred consular representatives of the allied and neutral States were hitherto officially recognized in Belgium. By far the majority of them were honorary consuls of Belgian nationality, and of them a large number have left Belgium. It is beyond doubt that the Imperial Government, in the very interest of neutral nationals, can not hesitate to see to it that their consular protection is established securely and effectively, to which end it has, as a first step, requested the allied and neutral Governments, under date of November 30, 1914, to express their wishes.

The Foreign Office begs to request the good offices of the Embassy of the United States of America to the end that the above may be brought to the attention of its Government.

BERLIN, *January 3, 1915.*

File No. 125.0055/2

The Secretary of State to the Belgian Minister (Havenith)

WASHINGTON, *January 25, 1915.*

SIR: I have received your note, No. 3465, of December 28, 1914, in which you refer to the notification of the neutral powers by the German Government of its intention to cancel the exequaturs granted by your Government to foreign consuls and to create but three consular posts, namely, Brussels, Liège, and Antwerp, only granting temporary recognition to the consular officers stationed at those places.

You state that your Government has entered a protest at Berlin under Article 42 of the fourth convention of The Hague, to the effect that military occupation only confers upon the occupant *de facto* possession, which does not carry with it the right to cancel exequaturs.

Accept [etc.]

W. J. BRYAN

File No. 125.0055/4

The Belgian Minister (Havenith) to the Secretary of State

[Translation]

No. 898]

WASHINGTON, *February 13, 1915.*

[*Received February 15.*]

MR. SECRETARY OF STATE: By a note dated January 25 last your excellency was so good as to acquaint me with the text of a telegram embodying the answer of the American Government to the German Government's notice to the neutral powers of its intention to cancel the exequaturs issued by the Belgian Government to the foreign consuls.

I am instructed by the King's Government and have the honor to forward herewith to your excellency a copy of the German Govern-

ment's reply¹ to the Belgian Government's protest together with a copy of another note from the Belgian Government which the Spanish Government kindly undertook to deliver at Berlin.

I embrace this opportunity [etc.]

E. HAVENITH

[Enclosure—Translation]

The Belgian Ministry of Foreign Affairs to the German Foreign Office

NOTE VERBALE

Germany claimed, in her communication of December 5, that the occupant of an invaded country had the right to regard as "annulled" all exequaturs previously issued to consuls in office by the lawful power of that country.

The claim is untenable.

By reason of the character of the occupant's power which flows from mere possession and is in no wise final, Article 43 of the fourth convention of The Hague sanctions, in principle, the continuance of civil and administrative laws and, consequently, of existing conditions.

It is idle for Germany to invoke, in her note of January 3, military and administrative considerations. These both may justify the withdrawal of the exequatur of a consul who should indulge in hostile acts or behave in a manner inconsistent with the duties of his office. But they can not warrant either a general right of cancellation as claimed by Germany nor her assuming to upset the whole consular organization to reduce the number of consuls to three for each nation and to bar from consulates, on the sole ground that they are Belgians, men who have committed no act antagonistic to military interests and honestly acknowledged the occupant's rights as defined by The Hague convention.

The German proposition, if accepted, would carry the consequence of throwing into a state of disastrous uncertainty the consulates established in parts that are occupied one day and retaken the next.

File No. 125.0055/5

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

No. 664]

BERLIN, March 12, 1915.

[Received March 29.]

SIR: With reference to the Department's telegram No. 1044, dated January 21, 4 p. m. [6 p. m.], the substance of which was duly communicated to the Imperial Foreign Office, I have the honor to transmit to you herewith a copy in translation of the reply of the Foreign Office, dated March 9, 1915, on the subject of the consular representation of the United States in Belgium.

I have [etc.]

JAMES W. GERARD

[Enclosure—Translation]

The German Foreign Office to the American Embassy

No. I c.2709/30300

NOTE VERBALE

The Foreign Office has the honor to convey its best thanks to the Embassy of the United States of America for the statement communicated with the esteemed *note verbale* of January 25, 1915, F. O. No. 2002.

The Foreign Office gladly takes the opportunity expressly to confirm that no objections are raised to the American consular representatives now stationed at Antwerp and Liège. These two officials have succeeded under the trying conditions of the present time in establishing the most agreeable official relations with the authorities of occupation.

¹Not printed; the same, except for the introductory and concluding paragraphs, as the note to the American Embassy, *ante*, p. 918.

Mr. Watts, the Consul General at Brussels, is on leave of absence, and it would appear that he is not to return to his post. Should the Government of the United States propose to fill this post again, this intention would agree with the wishes of the Imperial Government and the military authorities in Belgium.

Although Ghent is still within the zone of military operations, and official consular activity there would therefore appear not to be desirable as yet, the Foreign Office would like to state at this time that no objections on personal grounds will be raised against Mr. Jansen [*Johnson*], the Consul of the United States at that place.

BERLIN, March 9, 1915.

File No. 125.187

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

[Telegram]

VIENNA, November 13, 1915, 3 p. m.

[Received November 14, 3.10 p. m.]

976. Consul Young, now at Čačak, Servia, requests permission to return to Belgrade while within Austro-Hungarian military jurisdiction. Is he subordinate this Embassy or Legation at Bucharest? Since question certain to arise, request prompt departmental ruling. Am convinced military authorities would not permit intercommunication between official in inner war zone and neutral capital.

PENFIELD

File No. 125.1873/88

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

[Telegram]

WASHINGTON, November 17, 1915.

991. Under existing conditions Young should remain Belgrade under your supervision. Give him appropriate instructions.

LANSING

File No. 125.1873/89

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

[Telegram]

VIENNA, November 20, 1915, 7 p. m.

[Received November 21, 2 p. m.]

989. Members of Austro-Hungarian Ministry Foreign Affairs called to discuss informally status of Vice Consul Young, Belgrade, and to ascertain Department's preferences. It was pointed out that his functions lapsed *ipso facto* on his coming within Austro-Hungarian lines. Should he remain at Belgrade some friction with the military authorities was feared although they have received no intimation in that sense. Ministry wish, however, to accede to Department's desires if possible. Precedents of Consuls Warsaw and Belgium were cited. Stated that in view foreign interests our care,

consular officer Belgrade would be useful. Suggest he might be attached to Budapest Consulate General to regularize status. Promised to ascertain Department's views; instructions awaited.

PENFIELD

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

[Telegram]

WASHINGTON, November 23, 1915, 5 p. m.

997. Your 989, November 20. While recognizing that, as consuls are commercial and not political representatives, permission for them to act within defined districts is dependent upon the authority in actual control of those districts, the Department assumed that the Austro-Hungarian Government, whose military forces are in control of Belgrade, would be entirely agreeable to have Vice Consul Young, who is in charge of the American Consulate, remain there in charge of American and certain foreign interests in the region of Servia under Austro-Hungarian military control, especially since that course would be in harmony with the usual procedure and with the course followed in regard to the consuls in Belgium and at Warsaw. You may again emphasize the foregoing and point out that the withdrawal of the consulate from Belgrade would likely result in inconvenience to American interests as well as to foreign interests in care of the consulate. Express this Government's hope that the consulate may be permitted to remain. It does not appear that objection is made to Young on personal grounds. Department believes that peculiar status of Belgrade makes it inexpedient to place consulate in jurisdiction Budapest Consulate General and that it should remain detached under Embassy supervision unless positive reasons for different course exist.

LANSING

File No. 125.1873/92

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

[Telegram]

VIENNA, December 7, 1915, 3 p. m.

[Received December 8, 8.30 p. m.]

1017. Your 997, November 23, 3 p. m. Austro-Hungarian Government consents to Vice Consul Young's return to Belgrade under the following conditions:

- (1) Only Americans or Austro-Hungarians to be employed in office;
- (2) No observations or reports of military character to be made;
- (3) Both private and official correspondence subject to censorship;
- (4) No journeys in occupied territory to be undertaken, journeys into Austria-Hungary to be notified in advance to military authorities.

Furthermore, Ministry of Foreign Affairs states verbally Servians being under military jurisdiction, Vice Consul cannot exercise good offices on their behalf.

Young states that under present conditions practically no American interests to be cared for at Belgrade; British, French, and Italian interests negligible.

In view of the foregoing should Department consider Vice Consul's definite return to Belgrade useless but desire to preserve technical continuity of that office, I venture to suggest that he return to his post for fortnight to arrange matters, seal archives, leave office in charge of messenger who is non-mobilizable Austro-Hungarian subject, and come away on leave of absence which might be indefinitely prolonged, in which event, urge that Young be detailed to assist in the work of this Embassy.

PENFIELD

File No. 125.187/2

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

[Telegram]

WASHINGTON, December 23, 1915, 5 p. m.

1052. Your 1017 and 1036.¹ Inasmuch as there now appear to be practically no American or foreign interests to be cared for in Belgrade, Young should arrange sealing of archives and for safekeeping of Consulate and then proceed to Vienna where he has been temporarily assigned in Consulate General subject to such services as Embassy may require. Detail is, however, only temporary. Belgrade seals should be deposited Vienna Consulate.

LANSING

REQUESTS FOR THE RECALL OF DIPLOMATIC AND CONSULAR OFFICERS OF BELLIGERENT GOVERNMENTS: VON LOEHNEYSSEN, GERMAN CONSUL AT SEATTLE; DUMBA, AUSTRO-HUNGARIAN AMBASSADOR; VON PAPEN AND BOY-ED, GERMAN ATTACHÉS

File No. 702.6211/198

*The Acting Secretary of State to the German Ambassador
(Bernstorff)*

No. 1084]

WASHINGTON, October 9, 1914.

EXCELLENCY: I have the honor to enclose a copy of a letter purporting to have been addressed by the Imperial Consul at Seattle, Washington, to August Krüger. The original of this letter was forwarded to the Department by the Secretary of War, with the information that it was found among the effects of Private August Krüger, who has been absent without leave from the 63d Company, Coast Artillery Corps, Fort Worden, Washington, since 6.30 a. m., September 7, 1914, and who has apparently deserted from the United States Army.

¹ Latter not printed.

Inasmuch as it is stated in the letter from the Imperial Consul that, in effect, it would be the particular duty of Private Krüger, if it should become necessary, to free himself in any possible way, in order that he might obey the Consul's further command in the matter of departing to perform military service in Germany, it is a fair presumption that the desertion of this private from the United States Army was due to the Consul's persuasion. In any event, the Consul's course in openly inciting this soldier to desert from the army of a friendly nation, from which the Consul holds an exequatur, constitutes a serious offense. I have, therefore, the honor to request that you will take the necessary steps for the recall of this Consul.

Accept [etc.]

ROBERT LANSING

[Enclosure]

*The German Consul at Seattle (Von Loehneysen) to Private August Krüger*¹

M.7.4656/14

SEATTLE, den 8. August 1914.

Auf die Eingabe vom 6.d.Mts.

Die Beförderung von Dienstpflichtigen (vergl. die anl. Bekanntmachung) von hier nach New York hat vorläufig unterbrochen werden müssen, weil die Weiterbeförderung von New York Schwierigkeiten macht. Dienstpflichtige wollen deshalb eine weitere Benachrichtigung von mir abwarten, ehe sie abreisen oder persönlich sich hier auf dem Konsulat melden. Sie wollen ihre genaue Adresse hier einsenden und jede Aenderung dieser Adresse unverzüglich melden.

Es wird Ihre eigene Pflicht sein, sich auf eine mögliche Weise frei zu machen, wenn es erforderlich werden sollte. Die hiesige Kaiserliche Behörde kann zu dem Zweck nicht einschreiten.

Der Kaiserliche Consul
VON LOEHNEYSEN

File No. 702.6211/201

The German Ambassador (Bernstorff) to the Secretary of State

[Translation]

J. Nr. A 7411]

WASHINGTON, October 18, 1914.

[Received October 19.]

MR. SECRETARY OF STATE: I have the honor to reply as follows to your excellency's note No. 1084 of the 9th instant:

The Imperial Consul at Seattle having, in accordance with the instructions of the Imperial Government, issued a public proclamation on August 2 summoning the German subjects in his district liable to military duty to return to Germany, August Krüger (among several hundred other reservists) announced himself and asked the Imperial Consulate on August 6 in writing for instructions as to what course he should pursue, describing his status with respect to the service. In this connection he declared that he had been born in 1893 at Allenstein and that he had been levied in Germany for service in the Naval Brigade; also, that he had only been in the United States one year and was not an American citizen. Like all other reservists he received on August 8 the usual formal answer for con-

¹The original German text of this document is here printed because of the uncertain meaning of the last paragraph. See following note from the German Ambassador.

scripts (copy of which is enclosed as exhibit 1),¹ in which he was instructed to await further information from the Imperial Consulate before doing anything further. To this answer were added the following words: "It will be your own affair ('duty') to free yourself in some possible manner if it should become necessary. The Imperial authority here can not intercede in this behalf." The addition was called forth by the inquiry addressed by Krüger to the Imperial Consulate as to whether the Imperial Consul could free him from the American service.

The idea advanced in your excellency's note, to the effect that the Imperial Consul had in his letter asked Krüger to desert, is apparently due to an erroneous translation of the aforementioned addition, especially the words "in some possible manner." The literal translation of this passage would not, as stated in your excellency's note, read "in any possible way," but "in a practicable (feasible) way." A translation of the passage according to its sense would therefore read: "In case it should become necessary, it will be your own (not 'particularly') affair to free yourself if possible. The Imperial German Consulate can not take steps in this direction." Of course it was only meant by this that the Imperial Consulate could not interfere in his official relations to the American military authorities, but that he would have to leave it to him to secure his discharge from the American military service in case this should later on become necessary. The idea of desertion was of course quite foreign to the Imperial Consul. This appears even from the wording of the letter, for desertion would have been an impermissible act and therefore not "a practicable way." That the Imperial Consul never thought that Krüger could or would desert is shown by the fact that the latter was sent another formal answer (exhibit 2)¹ on September 17, in which he was instructed "not to do anything further for the time being" and "to continue his present occupation until further notice." As shown by the envelope (the original of which is inclosed as exhibit 3),¹ this answer came back marked undeliverable.

I have the honor in this connection to refer to the similar case of the reservist Karl Letsch, also at Fort Worden, who, as shown in exhibit 4¹ (return of which is requested), received the same formal answer as Krüger, and that in reply to a similar inquiry, the following words being added: "The question as to whether you can be released from your present service will have to be investigated at the proper time." This ought to prove very clearly that the Imperial Consul, in answering inquiries of conscripts serving in the American Federal Army, never thought of such a thing as infringing upon the rights of the American Government or of suggesting to the conscripts that they desert. It is impossible that the Imperial Consul should, for the sake of a single conscript, have assumed the grave responsibility of incitement to a punishable act, especially as I know how responsible the Imperial Consul considers his position there during the war with respect to the American Government. In a public address delivered at Tacoma as late as the beginning of this month the Imperial Consul emphasized the fact that Germans who had

¹ Not printed.

become American citizens must first of all fulfil their duties toward the United States.

While bringing the foregoing to your excellency's knowledge, I respectfully request that the proposal to recall the Imperial Consul at Seattle be dismissed.

Please accept [etc.]

J. BERNSTORFF

The Secretary of State to the German Ambassador (Bernstorff)

No. 1183]

WASHINGTON, *January 14, 1915.*

EXCELLENCY: I have the honor to acknowledge the receipt of your note of October 18 last, advancing reasons why in your opinion this Government should withdraw its request for the recall of the Imperial German Consul at Seattle.

The subject has received the most careful consideration of the Department in the light of the information contained in your note and its enclosures. It appears that the Imperial Consul issued a public proclamation on August 2, 1914, summoning German subjects in his district who were liable to military duty to return to Germany and that in response to that proclamation August Krüger reported and wrote to the Imperial Consul for instructions as to the course he should pursue. To the reply which was sent him by the Imperial Consul was added the words, in the language of your translation:

It will be your own affair ("duty") to free yourself in some possible manner if it should become necessary. The Imperial authority cannot intercede in this behalf.

These additional instructions appear to have been occasioned by Mr. Krüger's inquiry whether the Imperial Consul could arrange his release from the army of the United States in which he was serving and were addressed to him as a member of the Sixty-third Company, Coast Artillery Corps, at Fort Worden, Washington. On the 7th of September Krüger disappeared and is believed to have deserted.

While the Department is entirely willing to accept your excellency's translation of the response to Krüger's inquiry it fails to perceive that the gravity of the Imperial Consul's course is hereby greatly lessened. The fact is admitted, and the documents before the Department establish it, that the Imperial Consul, knowing Krüger's status as a member of the military forces of the United States, addressed him and informed him that it would be his own affair or duty to free himself if possible from the military service of this country. It does not appear to be material in what language the instructions were conveyed. The fact that they were conveyed with the knowledge that Krüger was enlisted in the service of this Government, which is shown by the address in which the communication was sent, is sufficient. Moreover, the communication of September 2, 1914, to Krüger, a copy of which accompanied your note, although instructing him to continue his present occupation until further notice, appears to show conclusively that the Imperial Consul contemplated that when the appropriate time should arrive Krüger would in some manner sever his connection with the United

States Army in order to respond to the demands of the German Government, and this view is strengthened by the reply to Private Karl Letsch which you quote to the effect that the question of his release from the service of the United States would be investigated at the proper time.

Therefore, the Department regrets that it cannot bring itself to agree with your conclusions in regard to this incident. If the act of the Imperial Consul does not constitute, it closely approaches, a serious offense under the laws of the United States and must be regarded as an abuse of the confidence of this Government. I shall, therefore, be glad to learn at your early convenience that the Consul has been recalled.

Accept [etc.]

W. J. BRYAN

File No. 702.6211/203

The German Ambassador (Bernstorff) to the Secretary of State

[Translation—Extract]

J. Nr. B 1448]

WASHINGTON, *February 2, 1915.*

[*Received February 4.*]

MR. SECRETARY OF STATE: I have the honor to inform your excellency, in connection with your esteemed note of the 14th ultimo—No. 1183—that the Imperial Consul in Seattle, Washington, Herr von Loehneysen, has been recalled from his post.

J. BERNSTORFF

File No. 701.6211/305

The German Ambassador (Bernstorff) to the Secretary of State

CEDARHURST, N. Y., *August 18, 1915.*

MR. SECRETARY: In view of the wide publicity that has been given the documents and memoranda that were stolen from a member of my Embassy and the wholly false and unwarranted deductions that are sought to be drawn from them as evidenced by news comments and editorials, I have concluded, in justice to your excellency and to the cause I represent, to present a brief summary of the facts.

It is inevitable that all sorts of wild and irresponsible offers, proposals, and suggestions should be addressed from every conceivable quarter to one holding the official position in which I am placed as the representative of one of the great nations engaged in this unfortunate world-wide war. That is the character of most of the documents that were contained in the portfolio that was abstracted from Doctor Albert.

The published letter from a Mr. McLane to the effect that said gentleman "has a plan for precipitating a strike of automobile workers" is a fair illustration of the worthless sort of material on which the representatives of my country are charged with conspiring against the industrial peace of this community and are sought to be held up to the public reprobation. Letters and documents of this sort from strangers with whom we have had no dealings or communications and whose very identity is unknown to us, are paraded under blinding headlines as though they constituted evidence of actual

transactions with us or were matters [of] which we were cognizant or for which we are responsible. It seems that every person who writes a letter containing any sort of wild proposal is used to discredit a responsible, accredited agent of a friendly government, even to the extent of making his often ridiculous views and proposals the basis of charging me and members of my staff with disloyalty to the country whose protection and hospitality we enjoy and deeply appreciate and which we have in no way abused or infringed.

The recent *World* publications may be arranged under four heads:

(1) It is said that the documents indicate that the German Government has been engaged in the purchase of munition factories and war materials, whilst at the same time it or its ally has been insisting upon and supporting a propaganda in favor of an embargo by this country against the exportation of arms and ammunition. This is charged to be an inconsistent attitude and as evidence of bad faith.

I insist that it is capable of no such construction and that the two positions are entirely consistent, although in point of fact there has been as yet no purchase made, contracted for or arranged of any munition or other factory producing war material.

Whilst Germany and Austria-Hungary had hoped that there would be such an embargo and have been expecting that the action of Great Britain in seizing control of the seas against neutral countries and in destroying neutral commerce in violation of international law would result in prompt reprisals of that character, we have still considered it our right and duty, whilst Great Britain continues its piracy on the high seas, to endeavor to protect ourselves against this course of international brigandage by stopping the exportation of war materials to the Allies wherever it can be accomplished, whether by a purchase of factories or of war materials even though we are not in a position at this time to make further use of them in our own defense.

I am unable to understand on what theory our action in that direction should be the subject of criticism. If we had the means and the opportunity we would buy every munition factory in the United States, if in that way we could keep munitions from the enemy and in doing so we certainly would not act, either in bad faith or inconsistently.

As further evidencing the utter worthlessness and misleading character of the publications of which I complain, I beg herewith to quote from an official document filed by the German Embassy with the State Department on June 12, 1915,¹ from which you will note that so far from our then contemplated purchase of war materials having been secretly conducted, our intentions were fully explained to the State Department, accompanied by the offer to resell to the United States Government "any or all of the materials purchased."

If the German Government, during the course of the war, should consider it advisable to purchase arms, ammunition or other war material in the United States, it could do so for no other purpose than to prevent it from falling into the hands of the Allies, her enemies. The right of Germany to effect such purchases could not be questioned. Such purchases could not form a danger to the United States, but would to some extent serve as a limitation upon the casualties of war, thus serving humanity; such purchases would furthermore

¹This memorandum not printed, as most of its contents are herein repeated.

serve the particular interests of the United States. For it must be remembered that if the German Government should ever consider it advisable to purchase war materials in the United States, it would do so knowing that delivery in Germany could not be secured and that no use of the purchased material could be hoped for during the war. It will readily be understood, therefore, that the German Government would at any time be willing, and, indeed glad, to sell and transfer to the United States Government any or all of the material it had purchased. Instead of depriving this country of any part of her resources, purchases by Germany would insure the retention within this country of any material it might purchase. From the German point of view, purchases at this time by the German Government of war material manufactured in the United States, while it would involve the sacrifice of large sums of money, would be justified alone by the consideration of the humane effects such purchases might accomplish in the saving of the lives of the German soldiers, whom, in the hands of the Allies, this war material would wound and slay.

This statement was, as your excellency knows, prompted by the simultaneous appearance at the time of articles in leading newspapers in various parts of the country that were almost identical in language in which they refer to an alleged "German plot to get possession of the plants making war materials in order to embarrass the United States in the prosecution of its policies."

The articles were evidently part of the inspired press campaign to embarrass the German Government in its relations with the United States Government and were, of course, mischievous fabrications.

The criticism, as directed against our negotiations looking to the prevention of exports of liquid chlorid to the Allies by buying the product, seems strangely out of place, having regard to the fact that the British Government has from the beginning of the war concluded contracts in this country whereby—

(a) Every American manufacturer of rubber goods and of woolen goods has been compelled as a condition of securing the crude rubber or raw wool required in his business, to sell his entire product through a British agency and has been prevented from supplying any part of it to Germany or Austria-Hungary or from dealing with any neutral nation except through the British agency;

(b) The copper producers of the country have been required to deal with their output of copper in like manner;

(c) The great packing industries of America have likewise been compelled to withhold their product from neutral countries, as well as from the enemies of Great Britain, except to the extent to which Great Britain, through its own agents, may permit such sales;

(d) Efforts in the same direction are now being made to tie up the entire cotton crop.

Yet when the German Government endeavors to secure control of the output of a single factory, its entirely legitimate action is widely denounced as amounting to a propaganda "involving the United States in the complications of the European war" and "constituting a flagrant violation of the spirit and intent of the United States antitrust laws."

Surely, no reasoning mind can be misled by such manifest evidences of blind partisanship, unfairness and insincerity. I doubt whether the world has ever witnessed a publicity campaign or a secret service bureau approaching the dimensions, influence and efficiency of that which is maintained in this country by our enemies.

(2) In answer to the inference based on certain of the letters, that I or anyone connected with the German Embassy has been concerned

in fomenting or encouraging strikes in factories manufacturing war materials, I have only to say that there is no basis for any such assertion or insinuation. No such transaction or negotiation as is suggested by the above-mentioned letter from Mr. McLane ever occurred. Whilst it is true, as above stated, that all sorts of offers and proposals were and are being constantly made to us (as they are doubtless being made to the representatives of the Allies in this country) upon that and every other conceivable subject by people unknown to us, to whose proposals we paid not the slightest attention, no such transaction as has been sought to be adduced from the one-sided correspondence that has been printed, ever took place. Our only offense, on the face of these letters, is that of having permitted unknown people to write letters to us and of having tucked away the letters instead of consigning them to the wastebasket.

For months past the newspapers have been filled with inspired romances of our attempts to foment labor troubles, which I am glad of the opportunity to set at rest. It is quite on a par with the baseless and ridiculous assertion that "the large transactions of Germany suggest a weekly expenditure of \$2,000,000." These sensational falsehoods follow one another so thick and fast that it is impossible to deny them if one were disposed to do so.

(3) As to the *Fatherland*:

No agent or representative of the German Government has or ever had, directly or indirectly, any control over or voice in the organization, promulgation, publication, management, policy, or affairs of the *Fatherland*. The paper was in existence and had, I am told, a wide circulation as a publication of avowedly pro-German sympathies, long before I came back to this country after the outbreak of the war.

It so happens that the transaction referred to in Mr. Viereck's letter of July 1, 1915 (which was entirely legitimate and unobjectionable), was never carried out for the reason that Mr. Viereck refused to subscribe to the conditions set forth in the letter. Mr. Albert explained to him that we were not in sympathy with his attacks upon the administration and especially upon the President, and that we would lend no substantial support to the publication, notwithstanding any claim to which it might otherwise be entitled because of its pro-German attitude, unless he could have a sufficient control over its editorial policy to prevent such attacks. He did this notwithstanding our desire to assist a publication that would place the merits of the German point of view before the American public. Mr. Viereck declined to permit his policies to be in any way influenced by our wishes, and much that he has said in his paper has been against our vigorous and persistent protest.

(4) As to the so-called German Information Service and the alleged newspaper propaganda:

It is not true that an effort has at any time been secretly made to influence American public opinion. The existence of the German Information Service was publicly announced to all the leading newspapers of the country upon its inauguration in October last and has been well known to the public ever since. It was founded for the purpose, as then stated, of counteracting the partisan news service that up to the time had been coming via England in which the happenings of the war and the conditions in European countries

were being grossly misrepresented to the injury of Germany. The Embassy, which has a natural and legitimate interest that reliable information regarding Germany should be made available to the press of this country, has always openly assisted that service by giving it access to authentic news items and official reports. Germany is and has been avowedly and anxiously seeking and will continue to seek for its cause the moral support of America and of the other neutral countries of the world. It believes in the justice of its cause and will leave no effort untried to place the merits of its cause before the world, notwithstanding the stupendous obstacles it will be required to overcome in order to secure a fair hearing at the bar of the enlightened public opinion. With every means of cable and almost every other form of communication in the hands of its enemies, with all the powerful financial interests of the country arrayed against it, with a press bureau unequalled in the annals of history for efficiency and imagination working night and day, year in and out, manufacturing the most revolting tales of atrocities to poison the public mind, I fail to see anything reprehensible in the desire of Germany to get its case before the people whose friendship it has had in the past and whose good opinion and sympathetic interest it is anxious to retain.

This effort it has made in the open and in this it will persevere, notwithstanding the discouragements put in its way by this latest attempt to distort its motives and to attribute malign purposes to legitimate and praiseworthy undertakings. For every dollar that it has expended in advancing that praiseworthy object, it is safe to say that thousands of dollars have been expended by our enemies in subsidizing the source of information by means of garbled censored cable reports and by the many subterranean channels that are open to them, through their control of the news, their vast expenditures and the far-reaching financial interests that are behind them. It is because we are frankly solicitous for the good opinion of the people of the United States and resentful of these baseless attacks upon our integrity and the use we have made of American hospitality that I have taken the liberty of trespassing to this extent upon your excellency's attention.

Accept [etc.]

J. BERNSTORFF

The Secretary of State to the German Ambassador (Bernstorff)

WASHINGTON, August 19, 1915.

EXCELLENCY: I am in receipt of your note of the 18th instant relating to various allegations and criticisms appearing in the press of this country, which reflect upon the conduct of representatives of your Government in the United States.

Although these statements have not been formally brought to the attention of this Department, I appreciate your courtesy in laying the matter before me and in setting forth in such detail your views in regard to it. Your comments and explanations will receive my careful consideration for it is the sincere desire of this Government, as I believe it to be of your excellency's Government, to remove all causes of irritation in our relations.

Accept [etc.]

ROBERT LANSING

File No. 130Ar22—

The Ambassador in Great Britain (Page) to the Secretary of State

[Telegram]

LONDON, August 31, 1915, 4 p. m.

[Received 4.10 p. m.]

2722. When the steamship *Rotterdam* of the Holland-America Line from New York to Holland called at Falmouth yesterday, the British naval authorities arrested James F. J. Archibald, the American war correspondent, on the charge of performing an unneutral service. Archibald had in his possession letters from the German and Austrian Embassies in Washington to the Foreign Offices in Berlin and Vienna, as well as letters to himself from Dumba and Papen, thanking him for his offer to take their letters. Archibald has been allowed to proceed to Holland but his papers have been confiscated.

AMERICAN AMBASSADOR

File No. 701.6311/141

The Ambassador in Great Britain (Page) to the Secretary of State

[Telegram]

LONDON, September 1, 1915, 7 p. m.

[Received September 2, 11.30 p. m.]

2732. My 2722, August 31, 4 p. m. This afternoon at the Admiralty Bell¹ was shown in confidence one of the despatches which Archibald was bearing to Vienna. It is from Dumba to Baron Burian, Austro-Hungarian Minister for Foreign Affairs, and is entirely in longhand. Bell was allowed to keep possession of the document long enough to make a rough translation which I append, and take photographs of the document which will go forward in the next pouch. Letter reads as follows:

NEW YORK, August 20, 1915.

EXCELLENCY: Yesterday evening Consul General von Nuber received the enclosed memorandum from the chief editor of the *Szabadság*, an influential paper, after having had an interview with me on the previous day, in which are defined his proposals with regard to the arrangements for a strike in the steel and munitions factory at Bethlehem (Schwab's) and in the Middle West. To-day at 12 o'clock, Mr. Archibald, who is well known to your excellency, leaves for Berlin and Vienna on the *Rotterdam*. I wish to take this rare and safe opportunity of recommending the proposal to your excellency's warmest consideration. I have the impression that we could, if not actually prevent, at any rate, very much disorganize the manufacture of munitions of war at Bethlehem and in the Middle West and hold it up for months, which the German military attaché states is of great importance and would considerably outweigh the relatively small cost. But even if the arrangement does not succeed, it is probable that we should compel favorable conditions of work for our poor oppressed countrymen through the crisis. These white slaves now work at Bethlehem for twelve hours a day on seven days of the week. All the weaklings go under and get consumption.

As far as German workmen exist under these sweated conditions a means of escape will be provided immediately. A private German employment bureau has also been established which obtains fresh employment for such persons

¹ Second Secretary of the Embassy.

as have voluntarily ceased work, and which is working very well. We will take part in this and give it the widest support.

I beg that your excellency will kindly tell me by wireless whether you agree to the contents of this letter, as it is urgent. With all esteem, C. DUMBA.

The enclosure which is in Hungarian has not yet been translated. Archibald is due to arrive to-morrow morning at Rotterdam on the *Rotterdam*.

AMERICAN AMBASSADOR

File No. 701.6311/152

The Austro-Hungarian Ambassador (Dumba) to the Third Assistant Secretary of State (Phillips)

NEW YORK, September 8, 1915.

MY DEAR MR. PHILLIPS: As the papers begin to publish spurious texts of my letter to Baron Burian, I should like to be able to refer to the real one, or at least to its English translation cabled to the State Department. Could you be kind enough to ask Mr. Lansing to have a copy of it forwarded to me to New York, St. Regis Hotel, still to-day, as I shall only return to Lenox on Saturday from New York.

These papers are a nightmare.

Many thanks from yours very sincerely,

C. DUMBA

The Third Assistant Secretary of State (Phillips) to the Austro-Hungarian Ambassador (Dumba)

WASHINGTON, September 8, 1915.

MY DEAR MR. AMBASSADOR: In reply to your letter of this morning, I find to my regret that the translation of your communication to Vienna was forwarded to us from London in a secret cipher, and as it is contrary to our rules to furnish the actual texts of such messages, I have no other alternative than to send you a paraphrase thereof.

Trusting that you will understand the reasons for my inability to comply more precisely with your request, I am [etc.]

WILLIAM PHILLIPS

File No. 701.6311/145a

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

[Telegram]

WASHINGTON, September 8, 1915, 4 p. m.

887. You are instructed to present immediately the following in a note to the Foreign Office:

Mr. Constantin Dumba, the Austro-Hungarian Ambassador at Washington, has admitted that he proposed to his Government plans to instigate strikes in American manufacturing plants engaged in the production of munitions of war. The information reached this Government through a copy of a letter of the Ambassador to his Government. The bearer was an American citizen

named Archibald, who was traveling under an American passport. The Ambassador has admitted that he employed Archibald to bear official despatches from him to his Government.

By reason of the admitted purpose and intent of Mr. Dumba to conspire to cripple legitimate industries of the people of the United States and to interrupt their legitimate trade, and by reason of the flagrant violation of diplomatic propriety in employing an American citizen protected by an American passport as a secret bearer of official despatches through the lines of the enemy of Austria-Hungary, the President directs me to inform your excellency that Mr. Dumba is no longer acceptable to the Government of the United States as the Ambassador of His Imperial Majesty at Washington.

Believing that the Imperial and Royal Government will realize that the Government of the United States has no alternative but to request the recall of Mr. Dumba on account of his improper conduct, the Government of the United States expresses its deep regret that this course has become necessary and assures the Imperial and Royal Government that it sincerely desires to continue the cordial and friendly relations which exist between the United States and Austria-Hungary.¹

LANSING

File No. 701.6311/162

The German Ambassador (Bernstorff) to the Secretary of State

WASHINGTON, September 13, 1915.

MY DEAR MR. SECRETARY: With reference to previous correspondence I beg to enclose a cipher telegram from his excellency Doctor Dumba to his government and to ask you to be good enough to have it transmitted by wireless to the Foreign Office in Berlin from where it will be forwarded to Vienna.

I am [etc.]

J. BERNSTORFF

[Enclosure—Translation]

The Austro-Hungarian Ambassador (Dumba) to the Austro-Hungarian Minister of Foreign Affairs (Burian)

190. For Baron Burian, Vienna. I beg your excellency to recall me on leave of absence for personal report.

C. DUMBA

File No. 701.6311/149

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

[Telegram]

VIENNA, September 14, 1915, 5 p. m.

[Received September 16, 9 p. m.]

897. Austro-Hungarian Government desires to know whether American Government would consent to procure safe-conduct from British and French Governments for Austro-Hungarian Ambassador at Washington in case he should be directed to come to Vienna to give verbal explanation of the subject your telegram 887, September 8, 4 p. m.

PENFIELD

¹ A copy of this note was delivered to the Ambassador in New York by special messenger September 9.

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

[Telegram]

WASHINGTON, *September 17, 1915, 11 a. m.*

899. Your 897, September 14. On the receipt of information that Mr. Dumba has been definitely recalled, the Department will immediately request safe-conduct for him from the British and French Governments.

LANSING

File No. 701.6311/153

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

[Telegram]

VIENNA, *September 19, 1915, 6 p. m.*

[Received September 20, 2.10 p. m.]

908. Austro-Hungarian Minister for Foreign Affairs sent Chief Undersecretary Baron Macchio this morning to express astonishment of Imperial and Royal Government at the publication of your note requesting the recall of Austro-Hungarian Ambassador at Washington which appeared in the British, French, and German press simultaneously with its receipt by the Ministry of Foreign Affairs here. Surprise was also expressed at the terms of your telegram 899 of September 17, 11 a. m., communicated to them yesterday to the effect that the Department would be prepared to request safe-conduct for Doctor Dumba from British and French Governments on the receipt of information that he had been definitely recalled. Baron Macchio further stated that the Imperial and Royal Government could as a matter of course have no thought of continuing an Ambassador at Washington who had become *persona non grata*. It would be readily understood, however, that the Emperor's representative could not be peremptorily recalled before some report in the premises had been received from him. The formality of this procedure had been adopted in Baron Burian's cipher telegram which was transmitted to Doctor Dumba in my 892 of September 13, 10 a. m.,¹ to which a reply was still anxiously awaited through the good offices of the Department and which it was begged might be hastened. Should it not be possible to receive the desired report from the Imperial and Royal Ambassador through your intermediary, Doctor Dumba would be directed to proceed to Vienna to make verbal explanation of his action, in which event there could of course be no question of his return to Washington.

Baron Burian makes no attempt to exculpate Doctor Dumba but seems reluctant on administrative grounds to officially condemn him without a hearing. A photographic copy of the incriminating letter, which fortunately was promptly dispatched to me by the London Embassy, was exhibited to him, the genuineness of which he did not question.

PENFIELD

¹ Not printed.

File No. 701.6311/171

The Ambassador in Great Britain (Page) to the Secretary of State
No. 2112]

LONDON, September 3, 1915.

[Received September 21.]

SIR: With reference to my confidential despatch No. 2091 of September 2,¹ relative to the documents which were taken by the British authorities from Mr. James F. J. Archibald, the American citizen who was clandestinely acting as despatch bearer of the Austro-Hungarian and German Embassies at Washington, I have the honor to transmit herewith enclosed, photographic copies and translation of the Hungarian memorandum which formed the enclosure to Doctor Dumba's letter to Baron Burian, mentioned in my No. 2091.

I have further the honor to transmit, herewith enclosed, photographic copies (somewhat reduced in size) of a despatch dated New York, August 20, 1915, from the Austro-Hungarian Ambassador at Washington to the Minister for Foreign Affairs at Vienna, relative to the exposure by the New York *World* newspaper of the alleged secret activities of the German Embassy at Washington, and of Geheimrat Albert. A translation of this despatch is also enclosed.

There is also enclosed herewith a photographic copy and translation of an official report from the German military attaché at Washington, dated New York, August 20, to the War Office at Berlin on the same subject.

I also enclose photographic copy with translation of another report from the German military attaché, also dated New York, August 20, to the Ministry of War at Berlin, on the subject of the purchase in the United States of toluol.

The last enclosure to this despatch consists of a photographic copy and translation of a letter written by Captain von Papen to his wife, which bears on these subjects.

I have [etc.]

WALTER HINES PAGE

[Enclosure 1—Translation]

The Hungarian memorandum enclosed in the letter of August 20, 1915,² from the Austro-Hungarian Ambassador (Dumba) to the Austro-Hungarian Minister of Foreign Affairs (Burian)

I must divide the matter into two parts—the Bethlehem and the Middle West business; but the point of departure is common to both, viz., press agitation, which is of the greatest importance as regards our Hungarian-American workmen, and by means of the press we can reach both Bethlehem and the West. In my opinion we must start a very strong agitation on this question in the *Freedom* (*Szabadság*), a leading organ, with respect to the Bethlehem works and the conditions there. This can be done in two ways, and both must be utilized. In the first place, a regular daily section must be devoted to the conditions obtaining there, and a campaign must be regularly conducted against those indescribably degrading conditions. The *Freedom* has already done something similar in the recent past, when the strike movement began at Bridgeport. It must naturally take the form of strong, deliberate, decided, and courageous action. Secondly, the writer of these lines would begin a labor novel in that newspaper much on the lines of Upton Sinclair's celebrated story, and this might be published in other local Hungarian, Slovak, and German newspapers also. Here we arrive at the point that, naturally, we shall also

¹ Not printed.² See Enclosure 2.

require other newspapers. The American Magyar *Nepszava* (Word of the People) will undoubtedly be compelled willingly or unwillingly to follow the movement initiated by the *Freedom* (*Szabadság*), for it will be pleasing to the entire Hungarian element in America, and an absolutely patriotic act to which that open journal (the *Nepszava*) could not adopt a hostile attitude.

Of course it is another question to what extent and with what energy and devotion that newspaper would adhere to this course of action without regard to other influences, just as it is questionable to what extent the other local patriotic papers would go. There is great reason why, in spite of their patriotism, the American-Hungarian papers have hitherto shrunk from initiating such action. The position is as follows: To start with, the *Szabadság* which to-day is one of the greatest, in every respect, of the papers printed in a foreign language in America, has already made gigantic sacrifices from a patriotic point of view. Others have only a faint idea of the magnitude of the homeward migration that will take place directly after the termination of the war, whereas the Hungarian papers have direct and better opportunities of observing the shadow which that gigantic migration homewards always casts before it. It is a fact that the paper alone used by the *Szabadság*, for example, in printing only those copies which go to subscribers who are in arrears with their subscriptions, costs at least \$1,000 a month; while the actual total cost of the paper does not amount to more than \$3,500. In view of this fact that one-third of the total subscribers get the paper for nothing, or at all events on credit, you can see what a patriotic action this newspaper is performing. Naturally, under such circumstances you can hardly expect that such a paper should go much further in the way of violent agitation which would have the result of making their subscribers now in regular work unable to meet their subscriptions, as, for example, the Bethlehem workers. I have long been wishing to start a direct movement in that paper, but the above point of view made us hold our hand.

The position of affairs is much the same with the American-Hungarian *Nepszava*, as you might conclude from the special appeal addressed by the editor at the beginning of the war to his readers. The local Hungarian papers also suffer from the fact that a part of their subscribers are in arrears with their subscriptions, as they are out of work, while others are slow in paying because they want to go back to Hungary. To what extent this intention of migrating homewards influences the whole matter is shown by the fact that at present very many only pay their subscriptions for a quarter of a year in advance, contrary to their previous custom, for they think that the war will be over before the end of the quarter. In a word, the shadow of the great homeward migration and, in many places, the bad condition of affairs, have brought the American-Hungarian papers to such a position that they must be careful in all matters which might cause them further loss by affecting the ability of their subscribers to pay their subscriptions in advance. In these circumstances, it is not only fair, but necessary, that if we wish to reckon on the enthusiastic and self-sacrificing support of these papers in the case of any strike movement, and we must be in a position to reckon therewith, it will be necessary to give these papers a certain degree of support, so that they may not suffer for their action. In the interest of successful action at Bethlehem and in the Middle West, besides the *Szabadság*, the *Nepszava*, the new daily paper of Pittsburgh, must be set in motion, and those of Bridgeport-Youngstown-Detroit district, etc., also two Slovak papers. In these circumstances, the first necessity is money. To Bethlehem must be sent as many reliable Hungarian and German workmen as I can lay my hands on who will join the factories and begin their work in secret among their fellow-workmen. For this purpose I have my men turners in steel-work. We must send an organizer, who in the interests of the union will begin the business in his own way. We must also send so-called "soap-box" orators who will know, and so start a useful agitation. We shall want money for popular meetings, and possibly for organizing picnics. In general, the same applies to the Middle West. I am thinking of Pittsburgh and Cleveland in the first instance, as to which I could give details only if I were to return and spend at least a few days there.

I have already shown that much can be done with the newspapers. We must stir up men's feelings.

In Bethlehem a sensation was caused by the articles which appeared at the time of the strike at Bridgeport, and they brought Bethlehem into the affair. It is evident that to start a movement from which serious results can

be expected requires a sufficiency of money at the very start. The extent of subsequent expenditure for the most part depends on the work effected. For example, the newspapers must not receive the whole of the sum intended for them all at once, but only half of it.

To the union agitators only a certain amount should be given at first, and a larger sum in the case of success, or of a serious strike on the formation of a union.

It is my opinion that for the special object of starting the Bethlehem business and for the Bethlehem and Western newspaper campaign \$15,000 to \$20,000 must be at our disposal, but it is not possible to reckon how much will ultimately be required; when a beginning has been made it will be possible to see how things develop, and where and how much it is worth while to spend. The above-mentioned preliminary sum would suffice partially to satisfy the demands of the necessary newspapers, and to a considerable extent those of the Bethlehem campaign. It is in any case worth while risking this amount, for it will undoubtedly show some result, and, if circumstances are lucky and the leadership good, we can arrive at positive results in the West comparatively cheaply, whereas Bethlehem is one of the most difficult jobs. I will telephone at 8 a. m., and I request you then to let me know where and when I can learn your opinion of my proposal, which will require a considerable amount of verbal exposition. Finally, I make bold to point out the fact that hitherto I have said nothing on the subject to anyone connected with the newspapers, and am in the fortunate position that in the case of giving effect to this plan I can make use of other names in case of necessity, for I have already in other matters made payments through other individuals. In any event in the case of newspapers the greatest circumspection is necessary, and no one but the proprietors must know that money is coming to the undertaking from any source.

[Enclosure 2—Translation]

The Austro-Hungarian Ambassador (Dumba) to the Austro-Hungarian Minister of Foreign Affairs (Burian)

No. 35 B/pol]

NEW YORK, August 20, 1915.

Subject: Exposure of the secret activity of the German Embassy and of Geheimrat Albert

A map and a number of documents—typed but unfinished copies or statements of petitioners—were stolen from the financial adviser of the German Embassy here, obviously by the English secret service. These documents are now published in the current issue of the *World*, which has gone over to the English "Yingolager" (Jingo camp) as a great sensation, with cheap advertisement. The paper makes the most violent accusations against the German Embassy, mainly against Count von Bernstorff, Military Attaché Captain von Papen, and Geheimrat Albert, who are said to have conspired secretly against the safety of the United States, in that they have bought arms and munition factories, have concluded bogus contracts for delivery with France or Russia, have purchased large quantities of explosive materials, have incited strikes in the munition factories, have sought to corrupt the press, and have spread far-reaching agitation for the effecting of an embargo in the different American circles. The other important New York papers second the *World*, although with less violence, for, in their leading articles, by misrepresentation of the facts, they accuse Germany of all possible and impossible machinations—for instance, they, like the *World*, bring forward the assertion that the German Government wished to stop the supply of ammunition to the Allies, while secretly sending large quantities over itself.

Count von Bernstorff took the view that these calumnies were beneath reply, and by a happy inspiration, refused any explanation. He is in no way compromised. On the contrary, it appears from the published correspondence of various press agents that he vetoed the purchase of a press agency.

On the other hand, Geheimrat Albert published in the newspapers a very cleverly worded explanation, the tenor of which I venture to submit to your excellency in an enclosure. It is especially to the credit of the German Embassy that on July 15 last it informed the State Department officially that it found itself compelled to buy as many materials of war in this country as it possibly could, and to control their production, with the intention of preventing their being supplied through the enemy. These materials, it stated, were

at any time at the disposal of the American Government at favorable prices, either as a whole or in parts, and of course this could only further the readiness of the United States for taking the field in war.

Here the absurd accusations of the conspiracy collapse. Also, with regard to the accusations as to the incitement of strikes, there is no proof of the empty statements made. Nevertheless everything German here is slandered and run down with emphasis and consistency. An impartial individual can hardly escape the feeling of appreciation with which the far-reaching activity of Geheimrat Albert must inspire him. But there are very few impartial persons in New York.

The torpedoing of the *Arabic*, in the event of its having been done without warning, or its having caused American passengers to lose their lives, will do more than any newspaper accusations to prejudice Germany in the public opinion of the United States.

The Imperial and Royal Ambassador

C. DUMBA

[Enclosure 3—Translation]

The German Military Attaché (Von Papen) to the German Ministry of War

NEW YORK, August 20, 1915.

J. Nr. 2320/15

MILITARY REPORT

THE "SENSATIONAL REVELATIONS" IN THE NEW YORK "WORLD"

On July 31 important papers were abstracted from Herr Geheimrat Doctor Albert in the elevated railway, apparently by an individual in the employ of the English secret service. These papers were sold to the *World* and formed the basis of the revelations (Enclosure I) which gave to the New York press, friendly to the Allies, a welcome opportunity to make a fresh outburst against the Imperial Government and the Imperial representatives in this country.¹

That Washington knew of the forthcoming publication and was consulted as to the appropriateness of such publication is practically certain. A proof of this also is the suppression of all political papers. As to what were the motives of the Washington Government in connection with the publication, the article which appeared in the *World* under yesterday's date (Enclosure II)¹ enables one to draw inferences, for in this the idea is clearly expressed that the Government here proposes through these publications to bring pressure to bear on the decisions of the Imperial Government in the *Lusitania* question. It is this standpoint which has also guided the Imperial Ambassador in the drafting of his memorandum to the State Department (Enclosures III & IV).¹ Apart from political results the consequences of the publications for us show themselves in connection with business.

Bridgeport Projectile Company.

The report of June 30 of the treasurer of this company which I forwarded to the Royal Ministry of War on July 13, J. No. 1888, was among the stolen papers.

The declaration, published in the papers, of the president of the Aetna Explosive Company that he intended to throw up powder contracts with the Bridgeport Projectile Company is of course only newspaper gossip and was already much weakened yesterday through a fresh explanation by the firm (Enclosure V).¹

In connection also with the delivery of presses, I do not believe that the manufacturers will place difficulties in our way because the careful drawing up of the contracts excludes all attack on the Projectile Company under the well-known Sherman law, and the claim that the manufacturers had supposed the deliveries to be intended for the Allies—in other words that the contracts had been obtained by us under false representations—offers a legal basis too weak to enable the persons who undertake delivery to risk the expense and results of a lawsuit.

The only actual damage consists in that the Russian and English committee have at once broken off their negotiations with the Bridgeport Projectile Com-

¹ Enclosures not printed.

pany and that thus our plans to cut off by the acceptance and non-delivery of a shrapnel contract, other firms here from the possibility of beginning the furnishing of war material have come to nothing.

The purchase of phenol by Doctor Schweitzer of the Edison Company which has at the same time been disclosed is disposed of by the explanation published to the effect that this phenol is only to be worked up into medicine.

Most of all have our efforts for the purchase of liquid chlorine been interfered with, since the tying up through middlemen of the Castner Chemical Company, which is friendly to England, appears now to be out of the question.

I shall use the means placed at my disposal (information of Herr Grethen) for the purpose of arriving at an agreement with the Electro Bleaching Company. The published negotiations for the acquisition of the Wrights' patent is without importance, since on our behalf a judicial decision against the Curtiss Company, so far as one can see, could not have been obtained.

The main points of all attacks upon us consist in asserting the "unstraightforwardness and mendacity" of the German policy, which on the one hand carries on by all means at its disposal a propaganda for the prohibition of the export of arms, and on the other hand secretly purchases war material itself. These criticisms cannot be better met than by the publication of the memorandum which the Imperial Ambassador at my request has already submitted to the Government here (Enclosure [VI ?]).

It is worth noting that upon his excellency's requesting the State Department by telegraph for the publication of this memorandum the answer was returned "We cannot find it. Please send a copy."

Through the fact of this memorandum having been made it is beyond doubt established: first, that the purchase on our part of war material is a logical part of our propaganda for the prohibition of the export of war material, and secondly, that our action tends in the widest sense to promote the intentions of the United States Government to strengthen at the present moment its own means of defense.

Viewed from this standpoint the publication can only be advantageous.

PAPEN

[Enclosure 4—Translation]

The German Military Attaché (Von Papen) to the German Ministry of War

J. Nr. 2319/15]

NEW YORK, August 20, 1915.

Recently news has come in here from various sources that the Dutch and Norwegian Governments are buying war material, such as powder, toluol etc.

I respectfully beg the Royal Ministry of War to be good enough to let me know whether there would be any objection to a sale of war material by us to the countries mentioned, in the event of the Governments or their representatives here guaranteeing that no further sale of the goods shall take place.

On the Norwegian Government I could probably unload a large portion of the Lehigh Coke Company's toluol which is lying here useless in storage.

PAPEN

[Enclosure 5—Extracts—Translation]

The German Military Attaché (Von Papen) to his wife

I am enclosing you a few newspaper clippings which will amuse you.¹ They unluckily stole from the good Albert in the Elevated a whole thick portfolio (the English secret service of course!) and then published the principal part of the contents. You can picture to yourself the sensation of the Americans. In it unfortunately were also a few very important things from my report, such as the buying up of liquid chlorine and something about the Bridgeport Projectile Company, as well as the documents about the buying up of phenol (out of which explosives are made) and the acquisition of the Wright flying machine patents.

Well! one must after all have things go like this. The answer of Albert: I am sending you herewith so that you may see how we defend ourselves.¹ The document we drew up together yesterday.

It appears to me still very possible that we may soon see each other again. That would be too nice. The sinking of the *Adriatic* [sic] might knock the

¹ Not printed.

bottom out of the barrel. In the interest of our cause I hope the danger may pass.

How splendid in the East! I always say to these idiotic Yankees that they should shut their mouths, and better still be full of admiration for all that heroism. My friends from the Army are in this respect quite different. . . .

File No. 701.6311/153

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

[Telegram]

WASHINGTON, September 22, 1915, 10 a. m.

908. Your 908, September 19.¹ Since Department's No. 906, September 21,² a further letter from Doctor Dumba to Baron Burian, taken from Archibald, has been published here and in London, containing discussion of political reasons for and political effect of our reply to Austro-Hungarian Government on export of munitions. The letter also contains following: "having regard to the self-willed temperament of the President".

Please explain to the Minister for Foreign Affairs that there were only two courses open to this Government in the case of Doctor Dumba, either to hand him his passports or to request his recall. It chose the latter course as the more considerate. The fact is that Doctor Dumba is *persona non grata*. His immediate recall does not imply condemnation of him by the Austro-Hungarian Government but only his unacceptability to this Government, and we are at a loss to understand why a report from him should be awaited. In the circumstances we can only repeat the request of this Government that Doctor Dumba be recalled immediately.

POLK

File No. 701.6311/156

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

[Telegram]

WASHINGTON, September 22, 1915, 9 p. m.

910. To-day Doctor Dumba informs Department leave of absence granted him officially by his Government. He requests safe-conduct for himself and Madame Dumba on steamship *Rotterdam*, sailing September 28. Department has replied that it is still awaiting a definite reply from Vienna to its note of September 8, requesting his recall. Urge an immediate reply.

POLK

¹Ante, p. 935.

²Not printed.

File No. 701.6311/166

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

[Telegram]

VIENNA, September 24, 1915, 8 p. m.

[Received September 25, 11.30 a. m.]

913. The Austro-Hungarian Minister for Foreign Affairs is sending through our good offices a telegram in cipher to be delivered to Doctor Dumba directing him to proceed to Vienna and requests you to be good enough to secure the necessary safe-conduct for him and his family from the British and French Governments. Baron Burian says that as a matter of course Doctor Dumba's recall from Washington is final. This he said to me personally with emphasis and I have shown him the text of this telegram. He wants Doctor Dumba to start by the 28th instant.

PENFIELD

File No. 051.62/174

The Ambassador in Great Britain (Page) to the Secretary of State

[Telegram]

LONDON, September 25, 1915, 2 p. m.

[Received 5.19 p. m.]

2866. Confidential for the Secretary. Referring to package of papers forwarded in Department pouch to Berlin which you instructed Gerard to return to you personally, I transmit the following telegram written by Kirk, Third Secretary of Berlin Embassy, who has come here under Gerard's oral instructions to send it as it could not safely be dispatched from Berlin. Kirk remains here pending your instructions. Papers are in my safe.

Package in question which has been placed with other official notes pending receipt of instructions from the Department, was inadvertently opened by Mr. Gerard himself and as importance of contents was instantly perceived all papers were examined. Package found to contain statements in duplicate of accounts of German Embassy in Washington together with supporting vouchers in the original or certified copy. Vouchers show that \$5,000 was paid to Archibald for propaganda, \$4,500 to Marcus Braun, editor of *Fairplay*, \$3,000 to Miss Ray Beveridge for a lecture tour and \$1,000 to Edwin Emerson for traveling expenses. In addition statements from the Western Union Telegraph Cable Company contain names of persons in the United States and elsewhere to whom messages were sent by the German Embassy as well as purpose of message, whether propaganda or official business. These statements show also the bill for cables to Bogotá from April 1 to the 10th amounted to over \$4,000 and to Guatemala \$3,000 and to Shanghai \$2,000. Large sums spent in cables to Mexico City, Manila, Honolulu, Haiti and Buenos Aires in that paper appear to furnish authentic list of all kinds German agents in the United States and elsewhere and also indicate extent and direction of German propaganda.

In this connection Mr. Gerard considers that Department would be justified in examining papers in question especially in view of the fact that since beginning of war American Embassy in Berlin has found it necessary to direct seventeen notes to the German Foreign Office protesting against opening of mail addressed to the Ambassador. These protests have for most [part] been ignored while in the single case where a letter to another Chief of Mission in Berlin was opened, an official apology was (made) before protest was lodged.

Mr. Gerard, in accordance with his custom in opening correspondence, did not tear envelopes or break seals of this parcel but detached bottom flap of envelope without it.

In view of nature of documents it did not seem advisable to photograph them in Berlin or to entrust them to regular courier.

AMERICAN AMBASSADOR

File No. 701.6311/173b

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

[Telegram]

WASHINGTON, September 28, 1915.

917. Telegram in cipher from Austro-Hungarian Foreign Office delivered to Doctor Dumba September 25. Not hearing from him, I telegraphed him September 27 as follows:

Regarding certificate of safe-conduct for Madame Dumba and maid, Department is informed by British Embassy that "His Majesty's Government will act in conformity with usages of international law, and does not regard women as combatants." American Ambassador at Vienna reports Austro-Hungarian Minister for Foreign Affairs informed him that cipher cable forwarded to you September 25 by this Department directed you to proceed to Vienna and that your recall from Washington was final. Minister requested this Government to secure necessary safe-conduct. I shall be glad to comply with this request as soon as I am advised that you are prepared to leave in accordance with these instructions.

I talked to Doctor Dumba on telephone yesterday and understood him to say he was instructed by his Government to wait. To-day following telegram was received from him:

In reply to your telegram of to-day I have the honor to advise you that I am prepared to leave in accordance with the instructions received from my Government. I should be thankful to you if you could kindly secure safe-conduct for myself and valet, as communicated to Mr. Phillips, and my personal effects, in time for sailing on *Nieuw Amsterdam* October 5.

Have applied to British and French Governments for safe-conduct and replied to Doctor Dumba as follows:

Having been informed through American Ambassador at Vienna that you had been recalled from Washington by your Government, and in view of your telegram of September 27, stating that you are prepared to leave in accordance with instructions received from your Government, I beg to inform you that the Department has to-day requested of the British and French Embassies safe-conducts for yourself and your valet to sail on the *Nieuw Amsterdam*, October 5.

POLK

File No. 701.6311/173

The Department of State to the Austro-Hungarian Embassy

WASHINGTON, October 1, 1915.

The Department of State presents its compliments to the Imperial and Royal Austro-Hungarian Embassy and has the honor to enclose herewith copies of two notes¹ from the British and French Embas-

¹ Not printed.

sies, respectively, to the effect that the necessary instructions have been issued to British and French naval vessels not to prevent the passage to Europe, on the steamship *Nieuw Amsterdam*, of the Hamburg-American Line, sailing from New York on October 5, 1915, of Dr. Constantin Theodor Dumba, it being understood that Doctor Dumba will abstain from any unneutral act during the voyage.

It will be observed that the British and French Governments have been informed that Doctor Dumba desires to be accompanied by his valet, Roman Stevanow, an Austrian subject, who is declared to be unfit for military service.

File No. 701.6311/177

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

[Telegram]

VIENNA, *September 30, 1915, 8 p. m.*

[*Received October 2, 12.50 p. m.*]

920. Following is translation note received from Austro-Hungarian Minister for Foreign Affairs to-day in reply to your telegram 887, September 8, 4 p. m.:¹

From the very esteemed note of the eleventh of this month number 2265 the undersigned has learned that Mr. Dumba is no longer agreeable to the Government of the United States of America as Ambassador Extraordinary and Plenipotentiary of Austria-Hungary. Inasmuch as the undersigned has taken cognizance of this information he is in no doubt as to the conclusions to be drawn therefrom with regard to the further retention of Mr. Dumba at the Washington post.

The undersigned can however not refrain from giving expression to his opinion that diplomatic correspondence especially between an Ambassador and his Government no matter in what manner transmitted should not—as has been the case in the esteemed note referred to—be made the subject of an official criticism from a Government for which this correspondence was not intended and to whose attention it could come only by accident.

As expressed by the Government of the United States the undersigned for his part likewise entertains the sincere wish that the relations between Austria-Hungary and the United States of America should as formerly still retain their cordial and friendly character and avails himself of this opportunity to renew [etc.]

BURLIN

PENFIELD

File No. 701.6311/190

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

No. 807]

VIENNA, *September 30, 1915.*

[*Received October 25.*]

SIR: Adverting to my cablegrams No. 889 of September 10,² and No. 913 of September 24, on the subject of the recall of Doctor Dumba, I have now the honor to advise you that pursuant to instructions

¹ *Ante*, p. 933.

² Not printed.

contained in your cablegram No. 910 of September 22, I requested an immediate interview for the evening of Friday, September 24, with the Austro-Hungarian Minister for Foreign Affairs. This I had at seven o'clock at the Foreign Office.

Baron Burian appeared to be in anything but an amiable mood, and had much to say expressive of his astonishment that the Washington Government sought to act in a matter so important on evidence brought forward by a foreign power that was one of Austria-Hungary's enemies.

After many minutes' patient listening, I was rewarded by a statement that my own *bona fides* were not questioned, and was further rewarded by receiving the Minister's thanks for the courtesy of the Embassy in dispatching a telegram to Doctor Dumba in the cipher of the Austro-Hungarian Foreign Office.

When I spoke of your request for the Ambassador's recall, the Minister had much to say against the condemnation of an official denied by circumstances from communicating his defense to the Government. The Minister plainly did not like the word "recall" whenever I used it, and in his conversation uttered such sentences as "called home for consultation," "given leave of absence," and the like. It was patent that Baron Burian meant arbitrarily to attach the word "withdrawn" to his Government's action with reference to Doctor Dumba.

When I mentioned that Doctor Dumba had recently written of President Wilson with great license, and given the letter to the press, the Minister stated that the Ambassador had undoubtedly been "guilty of a grave diplomatic indiscretion," and completed his sentence by saying that he would not be permitted to return to Washington. This yielding was what I had been seeking, and I then said, "Well, is not that recalling him in fact?"

Baron Burian admitted that it was.

Then producing a draft cablegram to you that had been prepared in anticipation by the Secretary of the Embassy, in which appeared the words "The Minister for Foreign Affairs assures me that Doctor Dumba's recall is final," I asked why, in the performance of my duty, it might not be dispatched at once to Washington. I read the proposed telegram to the Minister, who to my great satisfaction approved of it. To guard against any chance of misunderstanding hereafter, I placed the draft in his own hands and he carefully read the telegram aloud. He reiterated his approval of it, and an hour later the identical draft was encoded and dispatched to Washington.

The draft, with the circumstances attending the interview carefully noted on same, has been placed in the files of the Embassy.

The Minister expressed amazement that an honorable American should be subjected to the humiliation of being searched by British authorities when merely passing through England. To this I replied that at this time all travelers in belligerent countries are searched, and I related the experience of a connection of my own who had come from America to visit at the Embassy. This gentleman, a professor in a well-known college, was searched a few weeks since on entering Austria and several family letters addressed to my wife were taken from him at the frontier, which some days later

were sent to Mrs. Penfield in the regular post. My relative, on returning, crossed Germany to embark at Copenhagen for New York. Notwithstanding the fact that he bore a polite statement written in German on the note paper of this Embassy, stating that he had been my visitor and was crossing Germany into Denmark to sail for home, he was stripped almost nude, made to remove shoes and socks, while his clothes and hand luggage were subjected to a search of the minutest character. An empty kodak was actually confiscated—and all this not on entering Germany, but on quitting the land. The Minister for Foreign Affairs had never heard of a proceeding like this, he assured me.

In this connection I want to say that the Baron Burian is a clever scholar, knowing well the shading and meaning of an English word or sentence as if English were his mother tongue.

The Minister made a point of mentioning the fact that his Ambassador in America had for a long time been practically cut off from all opportunity of communicating with his Government; to communicate anything of a confidential character seemed impossible. Baron Burian seemed to dwell upon this as an excuse for employing the opportunity of sending letters to him by an American of recognized position.

I must state that the failure of a telegram dispatched by this Embassy on September 13 to receive prompt expedition had an unfortunate influence on the situation. The military authorities having closed the Swiss frontier from the 6th to the 16th, this telegram, bearing an important message from the Austro-Hungarian Government to its Ambassador at Washington, was delayed by the Austrian censor from the 13th to the 16th, causing an interruption of communication at a delicate moment. This subject has been brought to the attention of the Department in more detail in my despatch No. 787 of September 24.¹

It is the opinion of this Embassy that when Doctor Dumba returns to Vienna and has related the difficulties of sending telegrams and letters to his Ministry, Baron Burian may ask the Department of State if the Washington representatives of the Central powers enjoy facilities of communication equal to those of the representatives of the Allied powers.

As this despatch is being concluded, a note comes from Baron Burian, which will be cabled in code to you this evening. As the Austro-Hungarian Government has now complied in fact with your request (although not until eighteen days after the request was made, and without using the word "recall") it would appear that the affair of Ambassador Dumba has reached its conclusion and this without straining the relations of amity between the Governments.

A copy of the Foreign Minister's note, and translation thereof,² accompany this despatch as enclosures.

I have [etc.]

FREDERIC C. PENFIELD

¹ Not printed.

² *Ante*, p. 944.

File No. 701.6311/196

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

No. 932]

VIENNA, November 10, 1915.

[Received November 29.]

SIR: Adverting to the Department's telegraphic instruction No. 887 of September 8 last,¹ and succeeding correspondence, I have the honor to transmit herewith enclosed a copy with translation of a communication from Baron Burian, Austro-Hungarian Minister for Foreign Affairs, giving formal notice of the recall by the Emperor-King Francis Joseph of Dr. Constantin Dumba from his post as Imperial and Royal Austro-Hungarian Ambassador at Washington.

I have [etc.]

FREDERIC C. PENFIELD

[Enclosure—Translation]

The Austro-Hungarian Minister of Foreign Affairs (Burian) to the American Ambassador (Penfield)

No. 106,067/2]

VIENNA, November 8, 1915.

In view of the exceedingly difficult and uncertain connection with the Imperial and Royal Embassy in Washington, the undersigned has the honor to have recourse to the courtesy of his excellency Mr. Frederic Courtland Penfield, ambassador extraordinary and plenipotentiary of the United States of America, with the most respectful request to inform the Government of the United States of America that under the most high decision of His Imperial and Royal Apostolic Majesty, my most gracious Sire, of November 4, 1915, Dr. Konstantin Theodor Dumba, ambassador extraordinary and plenipotentiary, was recalled from his post at Washington.

The undersigned avails himself [etc.]

BURIAN

File No. 701.6211/343

The German Ambassador (Bernstorff) to the Secretary of State

J. Nr. A 7808]

WASHINGTON, December 1, 1915.

MY DEAR MR. SECRETARY: With reference to our conversation of this morning, I should be very much obliged if you would have the enclosed radiogram sent to Berlin immediately.

I should also be very much obliged if you could see your way to publish the request for recall of Captains Boy-Ed and Papen in such a way that it is made clear that I am not involved. Otherwise the attacks of our enemies against me will continue and make any useful work on my part impossible.

With many thanks in advance, I remain [etc.]

J. BERNSTORFF

¹Ante, p. 933.

[Enclosure—Telegram]

The German Ambassador (Bernstorff) to the German Foreign Office

Secretary of State Lansing requested recall of Captains Boy-Ed and Papen whom both American Government considers *personae ingratae* on account of their naval and military activities. I asked Secretary of State whether I was involved which he positively denied, saying that this was not a political case with which the Embassy as such had anything to do. Secretary of State will do his best to get safe-conduct for both attachés. Please send instructions by radiogram also as to whether I am to ask safe-conduct for successors, which may influence decision of our enemies with regard to safe-conduct of Boy-Ed and Papen. American Government will publish this request for recall in few days.

COUNT BERNSTORFF

File No. 701.6211/360a

The Secretary of State to the German Ambassador (Bernstorff)

No. 1686]

WASHINGTON, December 4, 1915.

EXCELLENCY: Confirming my conversation with you on December 1, I have the honor to state that various facts and circumstances having come to the knowledge of the Government of the United States as to the connection of Captain Boy-Ed, naval attaché, and Captain von Papen, military attaché, of the Imperial German Embassy, with the illegal and questionable acts of certain persons within the United States, the President reached the conviction that the continued presence of these gentlemen as attachés of the Embassy would no longer serve the purpose of their mission, and would be unacceptable to this Government.

The President, therefore, directed me to notify your excellency, as I did orally, that Captain Boy-Ed and Captain von Papen are no longer acceptable to the Government of the United States as attachés of His Imperial Majesty's Embassy at Washington, and to request that your excellency's Government withdraw them immediately from their official connection with the Imperial German Embassy.

As I informed you at the time of our interview, the Government of the United States deeply regrets that this action has become necessary and believes that the Imperial Government will realize that this Government has, in view of all the circumstances, no alternative course consistent with the interests of the two Governments in their relations with each other.

Accept [etc.]

ROBERT LANSING

File No. 701.6211/323

The German Ambassador (Bernstorff) to the Secretary of State

WASHINGTON, December 4, 1915.

MY DEAR MR. SECRETARY: Captain Boy-Ed who arrived here this morning and who is just as well as I myself of the opinion that he is not guilty of any acts which might be construed as violating the laws of the United States is desirous of discussing the matter with you and of learning the reasons for the request for his recall.

I should be very much obliged if you would kindly receive Captain Boy-Ed as soon as possible and let me know by telephone when it would be convenient to you to see him.

I remain [etc.]

J. BERNSTORFF

The Secretary of State to the German Ambassador (Bernstorff)

WASHINGTON, December 4, 1915.

MY DEAR MR. AMBASSADOR: Replying to your note of to-day's date in regard to an interview with Captain Boy-Ed for the purpose of learning the reasons for the request for his recall, I regret to say that I can only discuss the matter with you, and am unwilling to have an interview on the subject with Captain Boy-Ed. In view of the action already taken, I can see no good purpose in further discussion, as the decision of this Government was reached only after long and careful consideration.

I am [etc.]

ROBERT LANSING

File No. 701.6211/332

The German Ambassador (Bernstorff) to the Secretary of State

J. Nr. A 7921]

WASHINGTON, December 5, 1915.

MY DEAR MR. SECRETARY: As I do not wish to trouble you by a visit on Sunday, I beg to inform you by letter that I have just received instructions from my Government concerning your request for the recall of Captains Boy-Ed and Von Papen.

The Imperial Government considers that it was entitled to expect that the American Government would refrain from publication of its request until the German Government had been given an opportunity to be heard from. The Imperial Government regrets that the American Government should have neglected this courtesy which is customary between friendly nations.

Before my Government answers the request of the American Government, the Imperial Government wishes to know for its information which facts have induced the American Government to ask for the recall of the two attachés.

I remain [etc.]

J. BERNSTORFF

The Secretary of State to the German Ambassador (Bernstorff)

WASHINGTON, December 5, 1915.

MY DEAR MR. AMBASSADOR: I beg to acknowledge the receipt of your letter of to-day advising me that your Government considered that it was entitled to expect that the request of this Government for the immediate recall of Captains Boy-Ed and Von Papen would not be made public until the Imperial Government had been given an opportunity to be heard from, and that it regretted that my Government should have neglected this courtesy which it asserts to be customary between friendly nations. You also inform me that, before

your Government answers the request of my Government, it wishes to have for its information what facts have induced this Government to ask for the recall of the two attachés.

As I have informed you, the request for the recall of the two attachés of your Embassy was made only after careful consideration of numerous facts and circumstances which convinced this Government that the two officers could no longer be considered *personae gratae* to this Government and that, therefore, their continuance in the United States with diplomatic immunities would be unacceptable. Having reached this conviction only after mature deliberation, this Government believed that the announcement to the Imperial Government of the fact that Captains Boy-Ed and Von Papen were unacceptable and that their recall was desired would result in their immediate withdrawal without demur or question. Holding that belief as to the course which the Imperial Government would pursue and which is in accord with the custom of nations when requests of this nature are made, this Government perceived no reason for keeping secret its action. It regrets that the Imperial Government considers that in giving publicity to its action this Government showed any discourtesy to your Government, but as it holds that its course involved no impropriety, it could not be expected to express any regret for having taken that course.

It is a matter of surprise to this Government that the Imperial Government should not act immediately upon the request for recall, as this Government has stated that the two attachés are *personae non gratae*. I am sure you will realize that whatever may be the reasons for the request, this Government, and not the Imperial Government, is the one to judge of their sufficiency to support a conclusion as to the acceptability to this Government of members of a German diplomatic mission. Whether the primary grounds for this Government's request are based on legal proof, on presumption, or on mere suspicion of conduct displeasing to it appears to me immaterial in view of the fact that Captains Boy-Ed and Von Papen are no longer acceptable.

As I stated briefly in my letter to your excellency on the 4th instant reciting the oral statement which I made to you on December 1, the relation of the two attachés to persons engaged in illegal or questionable practices was known. I will mention Von Wedell, Ruroede, Rentlen, Stegler, Buenz, Archibald, and Marcus Braun as the names of some of the persons who have offended. I might refer to other men and furnish facts as to their activities, but as these are also at the present time the subject of official investigation, to do so might prevent the apprehension of those who have violated or are violating the laws of this country.

Though, as I have already stated in this letter, I consider that this Government is required to do no more than to express its wish that Captains Boy-Ed and Von Papen should be recalled because they have become *personae non gratae*, I have made the foregoing statement in order that your Government, if it so desires, may investigate the conduct of its attachés. Moreover, to be more explicit as to the facts might interfere with certain investigations now being conducted by this Government, might close valuable channels of information, and might thus defeat the ends of justice, while it might draw forth

grounds of suspicions which would tend to jeopardize rather than improve the friendly relations of both countries. I need not inform your excellency that it is the sincere wish of this Government to avoid differences of this nature when it can do so consistently with its dignity and its duty.

I am [etc.]

ROBERT LANSING

File No. 701.6211/360b

The Secretary of State to the German Ambassador (Bernstorff)

WASHINGTON, December 10, 1915.

MY DEAR MR. AMBASSADOR: On December 1 I informed your excellency that Captain Boy-Ed, the naval attaché of your Embassy, and Captain von Papen, the military attaché, were no longer *personae gratae* to my Government and requested that the Imperial Government immediately recall the two attachés.

As ten days have passed without the request of this Government being complied with and without communication from you on the subject other than your personal letter of the 5th instant which in no way affected the fact that the two attachés were unacceptable or presented a ground for delay, I feel compelled to direct your attention to the expectation of this Government that its request would be immediately granted.

I trust, my dear Mr. Ambassador, that you appreciate the situation and will urge upon your Government a prompt compliance with the request in order that this Government may not be compelled to take action without awaiting the recall of the attachés, an action which this Government does not desire to take but will be forced to take unless the Imperial Government meets the express wish of this Government without further delay. I need not impress upon your excellency the desirability of avoiding a circumstance which would increase the embarrassment of the present situation.

I am [etc.]

ROBERT LANSING

File No. 701.6211/333

The German Ambassador (Bernstorff) to the Secretary of State

[Translation]

J. Nr. A 8061]

WASHINGTON, December 10, 1915.

MR. SECRETARY OF STATE: In reply to your note No. 1686 of the 4th of this month, I have the honor to inform your excellency that His Majesty the Emperor and King has been most graciously pleased to recall the naval attaché of the Imperial Embassy, Captain Boy-Ed, and the military attaché, Captain von Papen.

I am instructed to beg your excellency to obtain for the above-named gentlemen and their servants, Gustav Winkow and Otto Mahlow, a safe-conduct for the return trip to Germany from the powers at war with the German Empire, and also to insure the trip of the successors of those gentlemen to the United States in the event of their being appointed by His Majesty.

Accept [etc.]

J. BERNSTORFF

File No. 701.6211/360c

The Secretary of State to the German Ambassador (Bernstorff)

WASHINGTON, December 11, 1915.

EXCELLENCY: I have the honor to acknowledge the receipt of your excellency's note of the 10th instant, notifying me that His Majesty the Emperor and King has been pleased to recall Captain Boy-Ed, the naval attaché, and Captain von Papen, the military attaché, of the Imperial German Embassy, pursuant to this Government's request of the 4th instant.

In accordance with your excellency's wishes, I have had the honor to request of the powers at war with the German Empire safe-conducts for these gentlemen and their servants, Gustav Winkow and Otto Mahlow. Upon the receipt of notice that His Majesty the Emperor and King has designated the successors of these gentlemen and after the Government of the United States has decided upon their acceptability, it will be my pleasure to request the powers at war with the German Empire to provide safe-conducts for their passage to the United States.

Accept [etc.]

ROBERT LANSING

File No. 701.6211/361c

The Secretary of State to the German Ambassador (Bernstorff)

WASHINGTON, December 15, 1915.

MY DEAR MR. AMBASSADOR: I am advised by the British and French Ambassadors that safe-conducts will be furnished to Captains Boy-Ed and Von Papen for their return to Germany—it being understood that they will take the southern route to Holland. The Ambassadors request information as to the vessel and date of sailing of the two gentlemen, which I hope you will furnish at your earliest convenience. It is also understood that they will, of course, perform no unneutral act, such as carrying despatches to the German Government.

I am [etc.]

ROBERT LANSING

File No. 701.6211/329

The Secretary of State to the German Ambassador (Bernstorff)

WASHINGTON, December 18, 1915.

EXCELLENCY: I have the honor to acknowledge the receipt of your note of the 10th instant, by which I am advised that His Majesty the Emperor has recalled Captain Boy-Ed and Captain von Papen, naval attaché and military attaché, respectively, of your Embassy, and requested to obtain for these officers a safe-conduct for their return trip to Germany.

I did not fail to place myself at once in communication with the British and French Ambassadors on the subject, and I have now the honor to transmit to your excellency two authenticated sets of copies of notes from them, which I am assured will be regarded by officers of the Allied cruisers as safe-conducts, provided Captain Boy-Ed

and Captain von Papen follow the south route via Holland. I further enclose a passport for each of these gentlemen.

Accept [etc.]

ROBERT LANSING

PROTECTION OF AMERICAN INSTITUTIONS AND INTERESTS IN
TURKEY

File No. 367.116/303

The Ambassador in Turkey (Morgenthau) to the Secretary of State

No. 198]

CONSTANTINOPLE, *January 29, 1915.*

[*Received February 26.*]

SIR: With reference to my despatch No. 142 of December 5, 1914,¹ concerning the new regulations to govern foreign religious, charitable, and educational institutions in Turkey, I have the honor to transmit herewith copy and translation of a recent communication received from the Sublime Porte, in which a further period of 60 days is granted before these proposed new regulations are to be applied.

I have [etc.]

H. MORGENTHAU

[Enclosure—Translation]

The Turkish Ministry of Foreign Affairs to the American Embassy

Referring to the note of December 1, 1914, No. 57923/134, concerning the régime established in regard to foreign scholastic institutions, the Embassy of the United States of America is informed that the delays of two months which are therein provided for three matters (paragraphs 2, 8, and 14), will run from to-day's date.

Besides, the Department of Public Instruction, animated by the best intentions toward the said institutions, has already directed all the directions and administrations under its jurisdiction to manifest the best spirit of conciliation in the application of the aforesaid régime; it will be incumbent upon the directors of these institutions to come to a direct understanding with them in all the questions which may interest them.

CONSTANTINOPLE, *January 27, 1915.*

File No. 367.116/317

The Ambassador in Turkey (Morgenthau) to the Secretary of State

[Telegram]

CONSTANTINOPLE, *March 27, 1915, 1 p. m.*

[*Received 12 p. m.*]

533. After my repeated and urgent requests Council of Ministers finally decided to further postpone the enforcement of the new instructions as regards foreign educational institutions until new school year next September. They made it a condition however that the local directors of public instruction be notified at once by each school of its responsible director. I conferred with the presidents of Rob-

¹ Not printed; the regulations enclosed are printed in *Foreign Relations*, 1916, pp. 972-74.

ert and Girls Colleges and Peet, all of whom consider the condition demanded as reasonable and decided to comply with it. Peet is telegraphing to-day to all missionary stations and colleges to comply with it also. I am leaving it entirely to the missions and colleges to decide for themselves what course to adopt and I have in no way committed our Government in the matter. During this period of suspension Ottoman authorities agree not to claim taxes and to leave institutions unmolested. Peet, Gates, and Patrick deem this postponement a great victory as they and the directors of other institutions feared necessity of closing institutions rather than complying with the instructions as they are at present. I intend requesting presidents of all American colleges and representatives of all missions to meet at Constantinople in July to confer together and arrive at some definite understanding with Minister of Public Instruction as to changes to be made in proposed new instructions. Please inform Dodge, Crane, Barton, and others interested in institutions.

AMERICAN AMBASSADOR

File No. 763.72/1652

The Ambassador in Turkey (Morgenthau) to the Secretary of State

No. 236]

CONSTANTINOPLE, *March 5, 1915.*

[*Received April 2.*]

SIR: Referring to my previous despatches in regard to objections raised by the Ottoman Government to the presence of neutral war vessels in Ottoman territorial waters, I have the honor to transmit herewith copy and translation of a further *note verbale* on this subject received from the Sublime Porte, in which the request is made that this Embassy instruct the commanders of the two American cruisers which are stationed on the Syrian coast to leave and not to return.¹

In sending this note the Sublime Porte would seem to desire to maintain its point of view as set forth in its former note of December 27 last (see my telegram No. 218 of December 27, 1914¹). When this latter note was received I spoke to Talaat Bey and was told in reply that the Ottoman Government would raise no serious objections if the *Tennessee* and *North Carolina* remained in Turkish waters. Under the present circumstances I do not deem it advisable to accede to this request of the Ottoman Government, and have therefore secured the Minister of War's verbal consent to have the ships stay.

I have [etc.]

H. MORGENTHAU

File No. 367.116/324

The Ambassador in Turkey (Morgenthau) to the Secretary of State

CONSTANTINOPLE, *April 5, 1915.*

[*Received April 28.*]

SIR: I have the honor to confirm my telegraphic despatch No. 533 of March 27, regarding the delay I have succeeded, after no little

¹ Not printed.

difficulty, in obtaining from the Ottoman Government, before putting into practice the new regulations regarding foreign institutions of learning in Turkey. These regulations, as the Department is aware, constitute a complete departure from the spirit previously animating the relations between our schools and the Turkish authorities. But while it may later be necessary for me to enter into this subject at great length, in view of the uncertainty of existing conditions I felt that delay was wiser than any present attempt to settle the question. This delay which extends to the end of the scholastic year, or virtually till the reopening of the schools next autumn, will allow events to shape themselves in respect to the future of this country and of our institutions.

Meanwhile, however, as it will doubtless be advisable to discuss the matter in preliminary conversations with the Turkish Government, I should like more information than I am able to obtain here with respect to the position of foreign schools in the United States. My general attitude in handling the future of our institutions has been an expression of willingness to consider it on the basis of reciprocity, as I feel certain that the liberal spirit of our own laws, if pointed to, could only be beneficial to our establishments in Turkey. May I beg you, therefore, to be good enough to obtain for me an authoritative statement regarding the status of foreign schools in the United States, or at least in such states whose treatment is most liberal in the matter. I would welcome especially the possibility of contrasting the facilities we extend in opening such schools with those they are now seeking here to withdraw.

I have [etc.]

H. MORGENTHAU

File No. 840.48/1613

The Ambassador in Turkey (Morgenthau) to the Secretary of State

No. 374]

CONSTANTINOPLE, July 27, 1915.

[Received August 25.]

SIR: I have the honor to report as follows in regard to the movements of the American cruisers along the Syrian coast and the extensive and humanitarian services which they have been able to render in the very special circumstances which now exist.

The Italian steamship service was the only one which continued in a regular fashion after the commencement of the war, although some vessels of the Archipelago American Steamship Company and a few other coasting steamers maintained irregular sailings along the Syrian coast. When, therefore, the Italian line ceased calling at Syrian ports in May, and for a number of weeks all departures from Turkey save via Vurla and by rail from Constantinople were prohibited by the military authorities, the Americans and other foreigners in Syria began to grow very nervous and anxious to find a means to leave the country. The number of Americans who wanted to get away was large, as many of the missionaries at Beirut and in the interior were planning to take vacations or furloughs.

In this situation the American war vessels stationed at Beirut offered the best means of reaching the outside world. Negotiations lasting several weeks, which often threatened to go wrong, were

required to secure the consent of the authorities to the departure, not only of the Americans, but of other neutral consuls and nationals. By persistent and steady efforts the required arrangements were finally completed, so that I was able to telegraph to the Department on June 27 (No. 811) that the *Tennessee* had left Beirut on the 26th for Alexandria via Jaffa, having on board some 550 passengers—many Americans, some 200 Italians besides Italian consuls of Palestine and Syria, and many Greek subjects. Mehmed Vejih Effendi and his two attendants, referred to in my telegrams 787 of June 21 and 820 of June 30, were also among the passengers on the *Tennessee*.¹

At Jaffa this vessel took on board about forty Americans, fifty Italians and forty other refugees, according to a telegram from the Consul at Jerusalem dated June 28.

Prior to the departure of the *Tennessee* from Beirut, the *Des Moines* had called at Mersina and at Alexandretta. On June 22 a party of Americans, including Mrs. Edward I. Nathan and others, together with the Italian Consul, left that place by this latter vessel. Mr. Nathan had secured permission for an elderly naturalized American citizen named Garabedian to leave at that time, but for personal reasons this man chose to remain at Mersina. Italian subjects other than the Italian Consul were not allowed to leave from Mersina.

At Alexandretta the American party consisted of Mrs. Jackson and child from Aleppo, Consular Agent and Mrs. Bishop, Miss Evangeline Metheny, etc. No Italians, not even the Consul, were allowed to leave Alexandretta at that time.

These passengers on the *Des Moines* were taken to Beirut and there transferred to the *Tennessee*.

On June 28 the Sublime Porte officially notified this Embassy that the ports of Constantinople, Vurla, and Beirut had been designated as the only places from which neutral or friendly subjects could leave the Ottoman Empire. But the fact that all regular steamship lines to the Syrian coast had been stopped by the practical blockade there maintained by the Anglo-French fleet did not leave any chance to such neutrals to get away. Negotiations were accordingly started with a view to having the *Chester* proceed to Beirut, Mersina, and Alexandretta, and there take away the Italians and others who desired to go to Rhodes, afterwards continuing to Vurla to take Italians and others to Rhodes. A telegram to this effect was sent to the Consul General at Beirut on July 7.

There was a large and worthy class of persons who desired to leave Beirut by the *Tennessee*, but for whom permission could not be obtained in time. These were the women and children of the Jews of belligerent nationality whose male relatives had been forced to leave Palestine last winter. It was therefore proposed to have them go by the *Chester*.

On July 7 the Consul at Jerusalem telegraphed that while 131 Americans, Italians, and Russians had embarked the week before on the *Tennessee*, many more were awaiting transportation, especially in view of the fact that the period allowed to those foreign Jews who would be expelled if they did not adopt Ottoman nationality would end on July 14. After a number of telegrams had been exchanged

¹ Not printed.

in the matter, on July 14 I telegraphed to Beirut, requesting the captain of the *Chester* to take the above-mentioned Jews from Beirut and then proceed to Alexandria, stopping for other Israelites at Haifa and at Jaffa. The captain of the *Des Moines* was requested to make the trip to the north, calling at Alexandretta, Mersina, Vurla, etc. At Alexandretta permission for only the departure of the Italian Consul and his family was granted by the War Office, while the departure of some seventy-four men, women, and children from Mersina was at first authorized, only to have this permission later canceled.

On July 18 the Consul General at Beirut telegraphed that permission for the various departures from that port had arrived, and that the *Caesar* would take on a full passenger list of the Jews, sailing directly for Alexandria and then returning to call at Haifa and at Jaffa. The *Chester* was considered unsuitable for such traffic and remained at Beirut. The *Des Moines* would sail on the 20th on the northward journey.

This arrangement was carried out, and the *Des Moines* left Beirut with 140 persons on board, of whom 3 were Americans, 110 Italians, 14 Greeks, 12 Russians, and one each Roumanian, French and British. Dr. Bliss, the president of the Syrian Protestant College, and Mr. Hoskins, the Syrian treasurer of the Presbyterian Board of Foreign Missions, were passengers on board bound to Vurla and thence to Constantinople. This information was telegraphically reported to the Department in my telegram No. 874 of July 24.¹

At Alexandretta the Italian Consul and family left, but no other neutrals were allowed to embark on the *Des Moines*, and the same situation prevailed at Mersina, the permission formerly granted having been rescinded. This vessel was due at Rhodes on the 24th instant and at Vurla on the following day.

The *Caesar* sailed July 21, according to a telegram received from the Consul General at Beirut, with a passenger list of 310, of whom 95 per cent were Israelites. All but six of those desiring to go were able to get away, these latter being held up by the authorities at the last moment. Its second trip is planned to start about August 1.

On July 24 the Consul General at Smyrna telegraphed that a few Americans, some three hundred Italians, and belligerent women were ready to leave that place, and that other Italians would be prepared to go in a few days. The Embassy has not yet received information as to how many have left from Vurla for Rhodes, but is awaiting a telegram from the Consul General.

Some of the actual details of the embarkation and transportation of all these people were reported to the Department by the Consul General at Beirut in his despatch No. 1126 of June 28.¹ He and his staff, as well as all the other consular officers concerned in Syria and Palestine seem to have undertaken the extra work thus imposed upon them in a very ready and willing spirit, and their arrangements were successfully carried out. The brunt of conducting all the necessary negotiations with the Ottoman War Office has, of course, fallen on this Embassy, even in the case of securing permission for other

¹ Not printed.

neutrals to depart. Since the vessels used were American, this Embassy was obliged to take the lead and, in reality, to obtain the assent of the military authorities to their touching at ports which had been declared closed to all neutral navigation. The Minister of War manifested a very friendly and accommodating attitude, so that all the Americans who desired to leave were able to get away, with the exception of a few who have since come from the interior and will have to wait for later sailings.

In this connection I also wish to speak in the highest terms of the services rendered earlier in the year by the *Tennessee* to the Jewish and other refugees which it transported from Jaffa to Alexandria. Many expressions of grateful appreciation of what was done for these people have since reached me, and I cannot speak too highly of the kindly assistance given them by Capt. Benton C. Decker and his officers and men. The use of our cruisers for this purpose has meant much extra work and inconvenience for their officers and crews. But they have satisfied an urgent need, and in their ready and gracious help to those in anxiety and distress will long be remembered by their grateful beneficiaries.

I have [etc.]

H. MORGENTHAU

File No. 367.116/361

The Ambassador in Turkey (Morgenthau) to the Secretary of State

[Telegram]

CONSTANTINOPLE, *September 4, 1915, 4 p. m.*

[Received September 6, 8.20 p. m.]

1008. American schools and colleges are opening under following conditions: Government demands religious exercises and instruction shall be optional for non-Christians but may be obligatory for Christians. Turkish must be taught to Ottomans but in lowest class only. Heavy taxes are demanded on school buildings, hospitals, and lands, abrogating previous agreements and firmans. Embassy is protesting. Owing to general deportation of Armenians in Asia Minor, accompanied by massacres, atrocities, and starvation, schools in those provinces may not open, or will open under greatest difficulties. Inform Barton, Boston; Dodge, Crane, Brown, New York.

MORGENTHAU

SPECIAL EFFORTS IN BEHALF OF BRITISH, FRENCH, AND ITALIAN NATIONALS, AND OF FOREIGNERS GENERALLY, IN TURKEY

File No. 763.72/1477

*The Ambassador in Turkey (Morgenthau) to the Secretary of State*¹

[Telegram]

CONSTANTINOPLE, *February 18, 1915, 12 noon.*

[Received February 19, 9 a. m.]

418. Was informed that as result of killing on February 8 and 9 of three Moslem peasants by British bombardment at Alexandretta

¹ Repeated to the Ambassador in Great Britain, February 20, No. 1160.

military authorities had sent Gaskin, treasurer of English consulate at Bagdad, and Smith, British resident of Belphoebe, to Alexandretta, who had been selected by lot to be shot, and that another Englishman was to be sent. Minister of War confirmed statement and stated that he had delayed execution with the hope that some way be found to prevent it. Minister of War further stated reasonable indemnity to families of the killed would probably adjust matter and prevent regrettable incident. On my agreeing that if British Government did not do so I would personally pay indemnity, Minister of War promised delay until answer of acting commander of fourth army corps is received.

AMERICAN AMBASSADOR

File No. 763.72/1505

The Consul at Aleppo (Jackson) to the Secretary of State

No. 238]

ALEPPO, January 8, 1915.

[Received February 26.]

SIR: I have the honor to report as follows concerning a threatened bombardment of the city of Alexandretta from December 20 to 22, inclusive, 1914, viz.:

At about 10 o'clock p. m. of December 20 this Consulate received the following telegram from the American consular agent at Damascus:

Commandant Syrian Army communicates through you that all the Englishmen of this region are imprisoned at Damascus, and that if fire is opened on undefended city of Alexandretta to-morrow morning and Ottoman subjects are killed, he will shoot a number of Englishmen to be decided by him. Communicate this immediately to the commandant of the British war vessel who has given the ultimatum. Embassy notified.

In compliance therewith I at once telegraphed to the American consular agent at Alexandretta a copy thereof. At 8 o'clock p. m. of December 21 the consular agent telegraphed as follows:

Commander British warship has given Ottoman authorities until 9 o'clock Tuesday morning to destroy station and rolling stock. Otherwise will bombard.

At 10.30 p. m. the consular agent again telegraphed to this Consulate, as follows:

Communicated contents your despatch commander British warship. Same information contained in Governor's official reply to commander's demand to surrender all material capable of being used in military operations. Commander of warship will communicate reply immediately. Presume bombardment inevitable.

About the time this Consulate received the last above-mentioned telegram from the consular agent in Alexandretta, his excellency the Governor General of Aleppo, Djéjal Bey, sent the Director of Political Affairs to the Consulate to ask me, unofficially, if I would see the British subjects, who had been imprisoned in Aleppo, and ascertain if they had any communication they desired to transmit to the commander of the British war vessel at Alexandretta. This the writer agreed to do, and went personally to the place where the British were imprisoned at about midnight of December 21. After

consulting among themselves for an hour or so they handed me a draft of a telegram that they requested the Consulate to send to the commander of the British warship as follows:

Fifty-five male members British colony majority fathers of families held prisoners in Aleppo. Under Syrian Army commander's threat of death as reprisal for loss of life of Ottoman subjects which might follow as consequence bombardment Alexandretta, they request in common interest avoidance bombardment if possible. Governor General Aleppo assures that decision of commander is irrevocable. Please communicate immediately to commander of British warship wire result.

It may be well to state that of the fifty-five British subjects above mentioned there were but five pure English, the balance being of families of Aleppo who have been many years away from Great Britain or who have never resided there and consequently of a much different character. The former were decidedly of the opinion not to send any telegram whatever to the commander of the war vessel, believing such action to be unpatriotic and of no avail. However they finally compromised on the telegram as sent.

It was the opinion of the writer that whatever the exigencies of the situation at Alexandretta required, would be done by the British commander regardless of the unspeakable threat of the Syrian commander, but that probably time could be gained to permit the action of the Turkish commander to be brought to the knowledge of the American Embassy and the central Ottoman Government at Constantinople, with the idea, also, that pressure could be brought to have instructions sent to Damascus forcing the Turkish commander to withdraw from his unwarranted position. With this object in view, this Consulate at the same time telegraphed urgently to the American Embassy the following:

English warship after destroying railway along coast Alexandretta gave ultimatum to authorities until Tuesday morning nine o'clock to surrender all material capable being used in military operations and to destroy railway station and rolling stock; otherwise will bombard. Commander Syrian Army Damascus communicated through me to commander warship that all Englishmen of this region are imprisoned at Damascus and that if fire is opened on undefended city of Alexandretta and Ottoman subjects are killed, he will shoot a number of Englishmen to be decided by him. Consular agent Alexandretta communicated same to commander, but bombardment presumed inevitable as Government refused to yield. Commander Army seemed decided to carry out his threat which will result in loss of life of innocent persons. Embassy's urgent intervention solicited.

In fact, it appears my calculations were well founded, for at 2 p. m. of December 22, the American consular agent at Alexandretta telegraphed to this Consulate the following:

Have delivered message British commander who withholds decision until a later hour.

This was followed by another telegram from him at 11 p. m. of the same day as follows:

According to Article 2 of the Hague convention local authorities destroyed locomotives to avoid bombardment, these being the only material of war here. One representative from the ship and myself were present. Ambassador advised.

The agreement between the British commander and the Ottoman authorities was carried out, according to the American consular

agent's last above-mentioned telegram, and his report No. 138 of December 24, 1914, copy of which herewith enclosed.¹

Immediately upon receipt of the last-mentioned telegram, the writer personally visited the Governor General of Aleppo, and explaining that as the incident was closed, there could be no reason for continuing to retain the British subjects in prison, requested their release, which was complied with.

Herewith enclosed copy of a despatch of December 26, 1914, from the consular agent at Alexandretta concerning an effort of the authorities at that place to excite the Moslem population against the Christians, and which might have succeeded had not notice thereof been given in time to the provincial government. The persons specified in the consular agent's telegram, as mentioned in his despatch, were the commanders of the American war vessels in this vicinity.¹

Enclosed, also, are translations of the correspondence exchanged between the British commander and the Turkish authorities.¹

This report is forwarded in duplicate so that one copy may be transmitted to the Foreign Office of the British Government.

Copy hereof is being sent to the American Embassy at Constantinople. Copy is also being forwarded to the American Consulate General at Constantinople.

I have [etc.]

J. B. JACKSON

File No. 763.72/1516

The Ambassador in Turkey (Morgenthau) to the Secretary of State

[Telegram]

CONSTANTINOPLE, February 28, 1915, 1 p. m.

[Received 8.40 p. m.]

459. My telegram No. 445, February 25.¹ The city Bosphorus shores are being hurriedly fortified to resist possible attack of Allied fleet and it is evident that Turks and Germans both take very serious view of situation at Dardanelles and Black Sea. German Ambassador has suggested that in case Allied fleet enters Marmora I communicate with admiral in command with a view to avoiding or restricting a bombardment of Constantinople which he states otherwise will be stubbornly defended. Should like your instructions on this point. There is much uneasiness among all classes of the population, but so far, no evidences of hostility toward foreigners. Turks are most apprehensive of final result of present attack. Military authorities are largely influenced by the Germans to adopt extreme measures of defense.

AMERICAN AMBASSADOR

The Secretary of State to the Ambassador in Turkey (Morgenthau)

[Telegram]

WASHINGTON, March 2, 1915.

446. Your 459, February 28, does not clearly indicate what message German Ambassador desires you to communicate to commander Allied fleet, but it would appear that message you are requested to

¹ Not printed.

communicate might more properly be given by Turkish military commander. If, however, it is proposed to evacuate Constantinople, you may, if requested, act as intermediary to save city from bombardment.

BRYAN

File No. 763.72/1533

The Ambassador in Great Britain (Page) to the Secretary of State

[Telegram]

LONDON, *March 2, 1915, 1 p. m.*
[Received 11.45 p. m.]

1723. Referring to my 1703, February 25.¹ Please inform Constantinople Embassy as follows:

Your telegram regarding Ottoman Government's intention to shoot three British subjects at Alexandretta was communicated to British Government without the sentence touching your offer to pay indemnity personally, since this sentence was indecipherable. On obtaining a correction, I at once informed British Government and have received the following reply which should be read as supplementary to their first answer on the subject.

In acknowledging the receipt of your excellency's note of the 24th instant touching your previous note of the 22nd relative to the Ottoman Government's intention to shoot three British subjects at Alexandretta, I have the honour to inform your excellency that my reply of the 25th was drafted and dispatched before the receipt of your excellency's second note, and that it accurately represents the views of His Majesty's Government both in the present case and in any future case of this nature which may arise.

I trust, therefore, that the United States Ambassador at Constantinople will still bring the views therein expressed to the notice of the Ottoman Government.

In view however of the fact that in the present instance Mr. Morgenthau in a spirit which His Majesty's Government highly appreciates has as I understand undertaken already to pay the indemnity demanded, His Majesty's Government will be glad to leave the negotiations for the release of these British subjects in his excellency's hands and will remit to him the amount of the indemnity when the sum is settled.²

AMERICAN AMBASSADOR

File No. 763.72/1536

The Ambassador in Turkey (Morgenthau) to the Secretary of State

[Telegram]

CONSTANTINOPLE, *March 2, 1915, 8 p. m.*
[Received March 3, 8 a. m.]

467. Your 434.¹ Brought contents to the attention of the Foreign Office. The Grand Vizier who seemed to disapprove threats of military commander told me he would speak to Minister of War. The latter wrote me that fourth army corps commander asks four thousand pounds Turkish as indemnity for families of persons killed. I replied Minister of War that this is excessive and certainly not

¹ Not printed.

² Repeated to the Ambassador in Turkey, March 4, No. 460.

nominal, as he had told me it would be. Have directed consul at Alexandretta to investigate matter from neutral point of view.

AMERICAN AMBASSADOR

File No. 763.72/1544

The Ambassador in Turkey (Morgenthau) to the Secretary of State

[Telegram]

CONSTANTINOPLE, *March 3, 1915, 6 p. m.*

[Received March 4, 1.22 p. m.]

470. Meeting of representative Americans was held at Embassy to-day to arrange protectionary measures for safeguarding of all Americans and institutions in case crisis arises. Government has compelled Constantinople banks, Public Debt and Tobacco Regie to send their gold to Konia, Eskishehir and Adrianople. Minister of the Interior told me yesterday and Minister of War confirmed to-day that adequate measures had been taken for the protection of native as well as foreign population of capital and that Constantinople is being fortified in order to prevent landing of troops by Allies and not for the purpose of attacking Anglo-French fleet. However there is every indication of an intention to defend not only the city itself but the approach to it in the Marmora, guns having been placed in the Princes Islands from which all the population have been ordered to depart. I suggest the establishment of zones in Pera, Stamboul, and Scutari which Turkish authorities should leave unfortified and invading forces agree not to bombard or use for landing troops. This would enable non-combatants to secure safety. Minister of War favors plan. I strongly recommend its being submitted to British Government. Presuming that Allied fleet will accomplish passage of Dardanelles and that hostilities will be continued here, I think there will be serious danger for all foreigners. McCauley suggests that Navy Department should obtain British permission to have *North Carolina* follow entering fleet as American sailors might then protect after Allies land.

Germans here probably would not deprecate destruction of Saint Sophia and other monuments because of angering effect upon Moslems of India and elsewhere against British. German Ambassador will undoubtedly make determined efforts to put blame on British [and] French for probable destruction of life and property which he asserts will follow attempt to take the city. It might be well that Germany be informed that she will have responsibility of the fate of non-Moslems.

AMERICAN AMBASSADOR

File No. 763.72/1567

The Ambassador in Turkey (Morgenthau) to the Secretary of State

[Telegram]

CONSTANTINOPLE, *March 9, 1915, 5 p. m.*

[Received March 10, 8 a. m.]

491. Suggest that my proposition as to zones contained my number 470 should also be submitted to French and Russian Governments and urge prompt consideration thereof.

AMERICAN AMBASSADOR

*The Secretary of State to the Ambassador in Great Britain (Page)*¹

[Telegram]

WASHINGTON, *March 12, 1915, 5 p. m.*

1261. American Ambassador Constantinople suggests the establishment of neutral zones in Pera, Stamboul, and Scutari which Turkish authorities should leave unfortified and invading forces, in case Constantinople is attacked, should agree not to bombard or use for landing troops. This would enable non-combatants to secure safety. Ambassador states that the Turkish Minister of War favors this plan. Please present matter to British Government and ascertain if it would be disposed to favor establishment of such neutral zones, and impress British Government with great desirability of some such plan for safety of non-combatants. Matter has also been laid before French and Russian Governments.

BRYAN

File No. 763.72/1622a

*The Secretary of State to the Ambassador in Germany (Gerard)*²

[Telegram]

WASHINGTON, *March 12, 1915, 5 p. m.*

1360. Department fears that the attempt of the Allies to force the Dardanelles and the possibility of attack upon Constantinople will inflame the Turkish population and cause an outburst of fanaticism among the Moslems leading to the commission of acts of violence, perhaps to massacre of foreigners in Constantinople and other cities. Please impress upon the German Government our apprehension in this regard and ascertain informally if the German Government would use its influence with the Turkish Government to impress it with the necessity of taking adequate means for the protection of non-combatants, non-Moslem foreigners in those sections of Turkey in which outbreaks of this sort are likely to occur.

BRYAN

File No. 763.72/1583

The Ambassador in Turkey (Morgenthau) to the Secretary of State

[Telegram]

CONSTANTINOPLE, *March 14, 1915, 2 p. m.*

[*Received March 15, 8 a. m.*]

504. My 499.³ Horton reports under date of 11th instant that bombardment of Smyrna fortress and shore batteries by Allied fleet continued from 5th to 9th instant. He had received telegram from our

¹The same, *mutatis mutandis*, to the Ambassadors in France (No. 629) and Russia (No. 239), March 12.

²The same, *mutatis mutandis*, to the Ambassador in Austria-Hungary, No. 589, March 12.

³Not printed.

Minister at Athens saying that Admiral of fleet desired to make important communication to Governor of Smyrna. On the 9th instant Horton with Political Director of Smyrna went to Vurla where they boarded British flagship *Euryalus*. Admiral Pierce made a communication from British and French Governments to the effect that no hostile feelings were entertained towards Ottoman authorities or people of Smyrna, and that the Governor General, whose kind treatment of belligerents was well known in Europe, was highly esteemed; that the Allies demanded the destruction of batteries and fortifications and the raising of mines and other obstacles in harbor insuring fleet's free entrance. No further military undertakings would be undertaken if the conditions were accepted, nor would city be occupied, and administration of city and province of Smyrna would remain under Governor General to whom would be furnished a considerable sum of money [for] relief of war sufferers. A truce was arranged until 10 a. m., March 11.

Consul General is informed that Governor General sent a simple refusal to the communication. As the British Admiral had previously stated that his orders were to attack and occupy the city in case of refusal, Consul General presumes that hostilities will be resumed. Arrangements have been made for [evacuation] of all Americans if necessary. The city appears to be quiet and without panic for the present.

AMERICAN AMBASSADOR

File No. 763.72/1590

The Ambassador in Turkey (Morgenthau) to the Secretary of State

[Telegram]

CONSTANTINOPLE, *March 16, 1915, 11 a. m.*

[Received 9 p. m.]

505. Your telegram 499.¹ Have definite assurance Turkish Government will make every endeavor to protect non-combatants. Am [accompanying] Minister of War and four senators to Dardanelles.

AMERICAN AMBASSADOR

File No. 763.72/1600

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

[Telegram]

VIENNA, *March 16, 1915, 6 p. m.*

[Received March 17, 9.25 p. m.]

565. Your 569, March 12, 5 p. m.² Had satisfactory interview with the Minister for Foreign Affairs to-day on subject your cable relative to possible massacres in Turkey.

PENFIELD

¹ Not printed.

² See footnote 2, *ante*, p. 964.

File No. 763.72/1621

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

[Telegram]

BERLIN, *March 22, 1915, 8 p. m.*[Received *March 23, 5.40 p. m.*]

1891. Your 1360, March 12, 5 p. m. The German Government does not share apprehensions of danger to foreigners in Turkey in view of the composure with which Turkish people have hitherto viewed the attacks on the Dardanelles, but the German Ambassador at Constantinople has been informed of the apprehensions of the American Government and instructed to use his influence in the desired direction should occasion arise. German Government convinced that Turkish Government would of its own accord take measures to protect non-combatants not of Moslem faith in the event of danger to their lives and property.

GERARD

File No. 763.72/1627

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

[Telegram]

PARIS, *March 25, 1915.*[Received *10 p. m.*]

648. Your 629, March 12, 5 p. m.¹ Foreign Office note received to-day, replies that as conditions of the eventual occupation of Constantinople as result of present operations in Dardanelles depend essentially upon the events of war and cannot be determined in advance, it is impossible for French Government to accept proposal in question.

SHARP

File No. 763.72/1628

The Ambassador in Great Britain (Page) to the Secretary of State

[Telegram]

LONDON, *March 26, 1915, 5 p. m.*[Received *8 p. m.*]

1844. Your 1261, March 12. Grey states in reply that British Government "have given careful consideration to Mr. Morgenthau's suggestion but that, in view of the fact that the present operations at the Dardanelles are being undertaken by the Allies for the express purpose of obtaining command of the city of Constantinople, His Majesty's Government regret that the conditions under which any occupation may eventually take place must depend on the circumstances of war and cannot be decided in advance."

AMERICAN AMBASSADOR

¹ See footnote 1, *ante*, p. 964.

File No. 763.72/1638

The Ambassador in Russia (Marye) to the Secretary of State

[Telegram]

PETROGRAD, March 29, 1915, noon.

[Received 2.30 p. m.]

Department's March 13, 1 p. m. Minister for Foreign Affairs says military considerations make it impossible to establish neutral zone in Pera, Stamboul, and Scutari, but that Constantinople will not be injured by Allies unless Turks use it or parts of it for military operations.

MARYE

File No. 763.72/1639

The Ambassador in Turkey (Morgenthau) to the Secretary of State

[Telegram]

CONSTANTINOPLE, March 29, 1915, 1 p. m.

[Received March 30, 10.15 a. m.]

540. Your telegram No. 460, March 3 [4].¹ Question of indemnity for families of victims of British bombardment still in suspense. Authorities demanded £4,000, I offered £40. Enver then suggested £100 for each victim's family. Meanwhile English prisoners appear to have been allowed to return to Aleppo and reside there in comparative freedom.

AMERICAN AMBASSADOR

File No. 763.72/1679

The Consul General at Smyrna (Horton) to the Secretary of State

SMYRNA, March 9, 1915.

[Received April 8.]

SIR: I have the honor to enclose herewith copy of despatch which has this day been sent to the Ambassador.

I have [etc.]

GEORGE HORTON

[Enclosure]

The Consul General at Smyrna (Horton) to the Ambassador in Turkey (Morgenthau)

SMYRNA, March 9, 1915.

SIR: I have the honor to inform you that on Friday, the 5th instant, a small fleet of Allied ships began a bombardment of the Smyrna fortress which continued throughout the day and was resumed the next morning, the fortress replying feebly the second day. From all appearances, the fortress is now completely silenced and destroyed. The fleet is still actively engaged in operations about the mouth of the harbor and is keeping up a more or less continual cannonade both night and day, generally as late as 3.30 a. m. It is not possible to ascertain here exactly what the nature of these operations is or their

¹See footnote 2, ante, p. 962.

object. The ships were evidently conducting a lively duel with the shore batteries all day yesterday. These events can be plainly seen from the terrace of the Consulate and up till night following yesterday the shore batteries were replying. During the night a searchlight is frequently thrown upon the water from the shore and the roar of cannon can be heard and the flash of the guns seen. The authorities furnish no reliable information, naturally, saying only that the ships were firing at the searchlights, which seems ridiculous. It is believed here that the fleet was engaged in fishing up the mines which are laid at the entrance to the harbor and that the shore batteries were firing at the men employed in this work. Last night an attempt was made to sink two ships in the channel, but apparently not with great success, as one of them can be seen canted over on her side, evidently in shallow water, and the other is standing on her stern in deeper water with her prow projecting. Possibly the firing heard during the night was on the part of the Allied fleet and was directed at the people attempting to sink these ships. The two craft thus used are both British and are named the *Assiout* and the *Billiter* of Malta.

As I am writing this, the sound of the cannon can be plainly heard in my office.

There are many rumors here as to the meaning of these operations. Some people think that the way is being prepared for an actual occupation of the city and others that they are merely a bluff for the purpose of preventing the sending of Turkish troops to the Dardanelles. Up to the present moment, the chief effect which has been produced locally has been to cause the Turkish military officials to take severe measures against the belligerent subjects residing in the vilayet. These are being rounded up and interned in various places. Some 2,000 have already been caught and imprisoned and a keen hunt for the remainder is still going on. Of course a reign of terror prevails and the Consulate is besieged by the relatives of these unfortunate people. We cannot do much for them, but, by persistent efforts, have succeeded in obtaining the liberation of the sick and of men over 60 years of age. We have also succeeded in obtaining the release of the two British chaplains, Messrs. Ashe and Brett, who had been arrested. We also obtained the release of Doctor Newton, the physician of the Scotch Hospital, on the ground that he had Mussulman patients under his charge who were dangerously ill. The vali has also promised me that he will not allow the arrest of Doctor MacLachlan, president of the International College, and I have taken such other measures as are possible to secure his safety. Up to the present nothing has happened to him and I believe that, unless the local military authorities are greatly incensed by a long continued and ineffectual attack, that he will be left at liberty. I would advise him to come and take refuge in the Consulate but the vali who is friendly has counseled me to tell him to stay strictly on the college grounds and I fear that the trip from Paradise to Smyrna might be dangerous.

The vali also informs me that there are no exceptions to the rule for the arrest and concentration of male belligerents, not even the Consular attachés who were left here by the consent of the Ottoman Government. Mr. De Vries, dragoman of our Belgian staff, has been arrested and I have not yet been able to procure his release. I should be very glad if the Embassy could do something in this matter as the action of the Ottoman Government in pursuing these consular attachés seems to me incorrect and unjustifiable. I am keeping all the others in the Consulate and have informed the vali that I will not give them up except obliged to do so by actual breaking open the doors of the building and taking them out by force. His excellency has approved my action and has assured me that no such measures will be resorted to.

The more wealthy of the prisoners have arranged to secure comfortable quarters for themselves and generally are enabled to obtain food by paying for it. As near as I can learn, the poor prisoners are being very badly and insufficiently fed and are without beds or clothing.

A further communication as to these prisoners will follow in due course.

I have [etc.]

GEORGE HORTON

File No. 763.72/1728

The Ambassador in Turkey (Morgenthau) to the Secretary of State

[Telegram]

CONSTANTINOPLE, *May 2, 1915, 7 p. m.*[Received *May 3, 8 a. m.*]

623. Minister of War stated to me to-day that Allied fleet and aeroplanes are bombarding Gallipoli and other unfortified places on the peninsula, killing non-combatants. Minister of War has, therefore, decided to send French and British subjects from Constantinople to those places, exposing them to the same danger. He will delay carrying out this measure until May 6, in order to give time for the receipt of assurance that orders are sent to discontinue such bombardment. Please communicate this to British and French Governments who may answer direct to me to gain time.¹

AMERICAN AMBASSADOR

File No. 763.72/1732

The Ambassador in Turkey (Morgenthau) to the Secretary of State

[Telegram]

CONSTANTINOPLE, *May 4, 1915, 5 p. m.*[Received *May 5, 8 a. m.*]

631. With reference to my telegram 623. I am making every effort to persuade Turkish government not to expose non-combatant British and French subjects here to bombardment at Dardanelles. I have pleaded with German Ambassador to use his influence but could not [obtain] any assurance of assistance. German Ambassador informed me that as two English submarine boats are in the Marmora some belligerents would henceforth be placed on every Turkish transport ship. Respectfully suggest to Department advisability of bringing this to notice of German Government and asking if it wishes to accept responsibility for practices of this nature. As deportation to the Dardanelles is contemplated for Thursday, the matter is urgent.

AMERICAN AMBASSADOR

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

[Telegram]

WASHINGTON, *May 5, 1915, 4 p. m.*

1624. At suggestion Ambassador at Constantinople bring immediately to the notice of the German Government that he has been making every effort to persuade Sublime Porte not to expose non-combatant British and French subjects to bombardment at Dardanelles. Ambassador has pleaded with German Ambassador to use his influence, but received no assurances of assistance. German Ambassador informed him that as two English submarine boats are

¹ Transmitted May 3 to the Ambassadors in Great Britain (No. 1492) and France (No. 776) with instructions to communicate answers directly to the Ambassador in Turkey.

in the Marmora, some belligerents would henceforth be placed on every Turkish transport ship. As deportation to the Dardanelles is contemplated for Thursday, the matter is urgent.

BRYAN

File No. 763.72/1739

The Ambassador in Turkey (Morgenthau) to the Secretary of State

[Telegram]

CONSTANTINOPLE, *May 4, 1915, 10 p. m.*

[Received May 6, 9 p. m.]

639. I called again on Minister of War and did my best to dissuade him from his decision to send non-combatants into the war zone and tried to persuade him to take no action whatever until I heard from British and French Governments. He stated that having given the order and communicated it to the commander of the army, he could not countermand it without seriously injuring the discipline of the army. As a result of my persistent argument Minister of War concluded to send only men between 20 and 40 and to limit number to fifty, selecting the youngest. These men may remain on board steamer until I hear from London and Paris, and according to nature of reply, they will be landed at Gallipoli or returned to Constantinople. No French or British connection with American missions or institutions, Standard Oil or Singer Company, nor any sick persons will be sent. A member of the Embassy accompanies party for relief purposes.

AMERICAN AMBASSADOR

File No. 763.72/1740

The Ambassador in Turkey (Morgenthau) to the Secretary of State

[Telegram]

CONSTANTINOPLE, *May 6, 1915, 6 p. m.*

[Received May 7, 8 a. m.]

641. In continuation of my telegram 639 May 3, 10 p. m. Twenty-six British and twenty-four French were this morning placed on board transport for Gallipoli. The only British born in England were William Wickram and Harry Hoar; French, Marcel Arjol and Paul Bocognano. Others of native origin. British average age 23 and French 25½. To secure proper treatment for the party Philip voluntarily accompanied it. Ruhl representing *Collier's Weekly* and Suydam of *Brooklyn Eagle* were permitted to go along.

AMERICAN AMBASSADOR

The Secretary of State to the Ambassador in Turkey (Morgenthau)

[Telegram]

WASHINGTON, *May 7, 1915, 4 p. m.*

654. Your 639, May 4, 10 p. m. and 641, May 6, 6 p. m. Department disapproves member of Embassy Staff accompanying British and

French prisoners on board transport. Please instruct Philip to return to Embassy.

BRYAN

File No. 763.72/1765

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

[Telegram]

BERLIN, *May 14, 1915, 4 p. m.*

[*Received May 15, 5 p. m.*]

2228. Gave note embodying your telegram 1624, May 5, 4 p. m. to Von Jagow. Two days later member of Foreign Office called in reference to this and gave me a printed book of alleged Russian atrocities in East Prussia last September. I said that hardly seemed to meet situation in Sea of Marmora and have now received from the Foreign Office a note the substance of which follows:

According to report from German Ambassador, Constantinople, British submarine recently attacked in Sea of Marmora Turkish transport carrying wounded from Gallipoli to Constantinople although ship was marked as hospital ship. Turkish hospital near Maidos flying the flag of red half moon [was] set on fire by British and French shells. Ten wounded burned to death. Turkish Minister of War then decided to arrest British and French nationals in Constantinople and place them in hospital ship menaced by enemy's fire and on wounded transports.

German Ambassador pointed out to American Ambassador when he called that action of enemy was contrary to international law and provoked Turkish retaliation. He did, however, in conjunction with Austrian Ambassador make representations to Turkish Government to have deportation order revoked. Turkish Government, desirous of conducting war in accordance with dictates of humanity regardless of the enemy's cruelty and infractions of international law, has now caused the fifty non-combatants already deported to Dardanelles to be brought back. Joint action of German and Austrian Ambassadors was known to their American colleague.

GERARD

File No. 763.72/1766

The Ambassador in Turkey (Morgenthau) to the Secretary of State

[Telegram]

CONSTANTINOPLE, *May 15, 1915, 10 a. m.*

[*Received 7.30 p. m.*]

665. Your 654. The fifty belligerents [non-combatants?] returned perfectly well and were set free. Philip's presence at Gallipoli was most useful for hostages and his services invaluable. Out of Gallipoli's population fifteen thousand have departed leaving about two thousand.

AMERICAN AMBASSADOR

File No. 702.6567/2

The Secretary of State to the Ambassador in Turkey (Morgenthau)

[Telegram]

WASHINGTON, May 28, 1915, 6 p. m.

712. At request of Italian Ambassador here, please request *Tennessee* to take on board at Beirut the Italian consuls from Syria and then proceed to pick up the Italian consuls at Jerusalem and at Haifa, landing them all at Alexandria, Egypt. Italian Ambassador at Constantinople has been instructed to obtain from Ottoman Government all possible facilities for departure of these consuls.

BRYAN

File No. 763.72115/767

The Ambassador in Turkey (Morgenthau) to the Secretary of State

[Telegram]

CONSTANTINOPLE, May 28, 1915, 11 a. m.

[Received June 1, 8 a. m.]

707. Turkish authorities have commenced deporting from Aleppo six hundred belligerent subjects including women and children on the ground that certain of these were spreading false reports. My protests unavailing. Minister of War [allowed] only remission of order for women and children still there. Telegram just received from Consul General at Smyrna states that similar measures contemplated there.

AMERICAN AMBASSADOR

File No. 763.72/1846

The Ambassador in Turkey (Morgenthau) to the Secretary of State

No. 299]

CONSTANTINOPLE, May 11, 1915.

[Received June 3.]

SIR: Confirming the Embassy's various telegraphic despatches I have the honor to inform you of the deportation of certain English and French to Gallipoli. Since the beginning of the war a great deal of indignation has been caused among the Turks by bombardments on the part of the Allied fleets to which they were powerless to respond, and which they declared aimed at non-combatants. The theory of utilizing the English and French here resident as hostages, to which German influence has probably not been foreign, was therefore invoked and, beginning with Alexandretta, it was proposed to expose the subjects of the belligerents to the fire of their own ships. At Smyrna, when a fresh bombardment seemed imminent about two months ago, the measure was resorted to, but only for a brief time, and no harm ensued. Now that the action at the Dardanelles is in full swing and has, it is said, caused some loss of life to non-combatants, it was announced that the English and French here resident would be sent to Gallipoli and some unfortified villages on the Gallipoli peninsula in order that they be exposed to the effects of the bombardment. When news of this measure became generally

known it caused very considerable consternation here. The Embassy was besieged by the local English and French subjects who begged for my intercession. In the Diplomatic Body as well the measure was very severely judged. At the same time the only weapon in my power to prevent it lay in moral persuasion. I solicited the assistance of those of my colleagues who I thought could assist me, but apart from the German Ambassador, the efficacy of the aid of the others was very questionable. Baron Wangenheim approved of the measure in principle, though he believed it might be a political error. I asked him for assistance which he refused at our first interview, but after another conference, he promised to and did speak with the Grand Vizier about the matter but declined to speak to Enver Pasha who alone had power to act in the matter. I have always endeavored to impress on him that he could not dissociate himself from whatever took place in this country, and that just as Germany would be entitled to full credit for the humane conduct of the Turks, in the event of excesses being committed it could not escape responsibility. In the present instance I believe that a determined stand on his part might have stopped the measure. His unwillingness to take this left me practically on my own resources and allowed me only to attenuate it. While the Grand Vizier whom I had seen on the subject gave me hopes of a two days' delay, the real decision lay entirely with the Minister of War, Enver Pasha. I called on the latter twice in connection with this affair and between times addressed him a letter of which the copy and his reply are enclosed.¹ Prior to my second interview the Bulgarian Minister had visited him at my request, but found him most stubborn and determined.

Enver Pasha has always proved himself extremely friendly to me and on this occasion I had the impression that my personal relations stood me in good stead, for he could easily have avoided the interview until after the departure of the hostages which had been fixed for the following morning. As it was, he told me that the measure, whether right or wrong, had already been communicated to the army and to rescind it now would prove fatal to discipline. The hostages would be sent down but would not be landed unless an unfavorable reply were received from the British and French Governments. Should this come, they would then be obliged to take their chances with the remainder of the civil population, and if the latter were evacuated they would be allowed to go as well. As he was absolutely determined to enforce the principle, I endeavored at least to modify the practice and succeeded in his reducing the number from the entire foreign belligerent male population which would have amounted to several hundreds, as first intended, to fifty selected from the English and French of between twenty and forty years of age. He also allowed Mr. Philip, the First Secretary of the Embassy who very generously volunteered for this purpose, to accompany them provided he should do so in an unofficial capacity, and also two American correspondents, Mr. Arthur Ruhl of *Collier's*

¹ Not printed.

Weekly and Mr. Suydam of the Brooklyn *Eagle*. I believe that their presence will exercise a very salutary effect.

By further conference with the Prefect of Police, Bedri Bey, I succeeded in having the number of hostages, instead of being selected from the notables of the foreign colonies as desired by him, chosen from the youngest upward. On May 6, those designated were placed on board a small steamship and sent in the direction of Gallipoli. The Department will be informed of further developments as they occur.

The average age of the English, excluding Pastor Wigram who went of his own volition and who is 43 years of age, was 23 years and that of the French 25½ years. Of the fifty, only two were born in England and two in France. All the rest are born in Turkey and few, if any, have ever visited either France or Great Britain.

This morning the German Ambassador told me that he had received a message from his Government about this matter. It seems that my cabling has produced exactly the effect that I wanted. He has requested me to inform him in the future of my intention to telegraph you before doing so. He evidently desires to use more deliberation about his decisions.

I have [etc.]

H. MORGENTHAU

File No. 763.72115/785

The Ambassador in Turkey (Morgenthau) to the Secretary of State

[Telegram]

CONSTANTINOPLE, June 3, 1915, noon.

[Received June 7, 8 a. m.]

721. With reference to my telegram No. 707, May 28. Train load of British and French have been dispatched from Damascus to Aleppo for Urfa. [Government has deported?] from Aleppo 46 British and 40 French. All men between 16 and 50 have been sent already. My remonstrances to Minister of War unavailing. Details of execution of general order left entirely to local commanders who are empowered to make exceptions in favor of women and children and well-wishers of Turkey. New law empowers military authorities to expel populations whenever they regard it necessary.

AMERICAN AMBASSADOR

File No. 763.72115/865

The Ambassador in Turkey (Morgenthau) to the Secretary of State

No. 280]

CONSTANTINOPLE, May 14, 1915.

[Received July 3.]

SIR: I have the honor to bring to the notice of the Department the various phases in the course of the negotiations I have pursued since the outbreak of the war in regard to the release of the British and French subjects in Turkey. At the beginning of hostilities the disposition toward their persons, if not their property, was guided by humane and even friendly considerations. The relics of an ancient prestige derived from the capitulations and from the historic position both countries had so long enjoyed here, the fact that

in frequent instances the British and the French had resided for so many years in Turkey, or had even been born in this country where they were favorably known, and enjoyed personal relations of friendliness with Ottomans, the feeling that any excesses toward them might later be punished, all contributed to restrain the Turkish Government from taking too harsh an attitude in its treatment of the subjects of the belligerent nations, even though hardships were in certain instances endured by them in the interior. On the other hand, while the Sublime Porte did not attach great importance to the lot of Ottomans in England and France, most of whom were non-Turks, it was keenly interested in the liberation of Prince Omar Toussoun and Ayoub Sabri and Zinnoun Beys who have been detained by the British and French Governments, and in exchange for their release was disposed to allow the free departure of all English and French from Turkey. On this basis, and with the additional understanding that unfortified places should not be bombarded, I arranged with the Ottoman Government for the departure of all English and French. Unfortunately the British Government was somewhat tardy in conveying its willingness to release Prince Omar Toussoun and, having finally done so after considerable delay, proceeded to let him go without awaiting corresponding measures on the part of the Turkish authorities.

At the same time the German Ambassador kept pressing on the Turks the advisability both of repressive measures and of detaining as hostages the subjects of the belligerent powers. I have had to encounter the persistent opposition of my German colleague in endeavoring to obtain permission for the departure of the subjects of the nationalities under our protection, and have further met with that vacillation of policy which is so characteristic of all negotiations with Oriental countries. The repeated promises given me regarding their liberation were as often withdrawn or distorted. While I have tried all along to confine my demands to the simple fulfilment of original assurances, in certain respects this has not been without difficulty. Where the basis for negotiations had been the release of all British and French, it was only after I found that I would not achieve any immediate result in this way that I asked for individual permission. I have succeeded in obtaining the departure of many English and French in this way, though usually not without some trouble. Thus, to give the Department an example, I last month secured permission for twenty-nine telephone operators to leave Turkey. When almost at the Bulgarian frontier, by order of the military authorities they were stopped, ordered to return and on arriving at Constantinople, were detained in prison. A few hours later, it is true, the Embassy secured their release and within a few days I was able once more to arrange for their departure. This time I caused them to be accompanied to the frontier by one of the student interpreters, Mr. Judelsohn, whose diligent and indefatigable services have been of great value in this work, and on many similar occasions. Yet once more they were stopped on their way and obliged to wait twenty-four hours until the Embassy could again obtain the necessary instructions for their release. This may be cited as a typical example of the present peculiar administrative system which exists here and is of course emphasized by the dominance of the military element due to the state of war.

Both the Minister of Interior, Talaat Bey, and the Minister of War, Enver Pasha, had repeatedly assured me that they favored the free departure of the subjects of the belligerent powers, though requiring a Cabinet decision before this could become effective, and this was postponed in order to consult the military commanders. On April 17 I was informed by Enver Pasha, as indicated to you in my telegraphic despatch No. 581,¹ that all British and French, not of military age, or infirm, might leave the country. Under this permission a certain number left at once. I foresaw that the duration of the permission would be limited and urged as many as possible to take advantage of it. My fears have proved correct for when the military operations at the Dardanelles began, all permission to leave was stopped. No exception was made, and even in the case of a man eighty years of age the Minister of War declined to intervene. My own impression is that so long as the military operations at the Dardanelles continue no permission for departure will be granted.

I have [etc.]

H. MORGENTHAU

File No. 367.65/7a

The Secretary of State to the Ambassador in Turkey (Morgenthau)

[Telegram]

WASHINGTON, July 31, 1915, 5 p. m.

908. British Government has informed Department that United States vessel should on no account proceed to Smyrna or Vurla through blockaded area, as there would be extreme danger to the ship from mines. Navy Department has notified *Chester* and *Des Moines* not to enter blockaded or mined area except in case of urgent necessity. British Government suggests that if United States Government has undertaken removal of Italian colony at Vurla or Smyrna it should arrange with Turkish Government to embark them from Sighajik.

LANSING

File No. 704.0067/6

The Ambassador in Turkey (Morgenthau) to the Secretary of State

[Telegram]

CONSTANTINOPLE, August 5, 1915.

[Received August 7, 12.25 p. m.]

911. Yesterday Italian and Russian interests at Smyrna were turned over to our Consul. Interests of Italy, Russia, and Montenegro everywhere in the Empire except at Constantinople are now in our charge. There are no officials here that can be spared to take charge of Adrianople and Brusa. Can you send me some for that purpose? There are no Americans at Adrianople and the two at Brusa are unsuitable for the purpose.

Italian subjects have been prevented from leaving Mersina, Alexandretta, and elsewhere. Italian Ambassador gave Ottoman Gov-

¹ Not printed.

ernment ultimatum expiring to-day to permit these departures. Turkish Government has yielded on all points and I am now requesting *Des Moines* and *Caesar* to call at Mersina, Alexandretta, and also at Sighajik, to transport the Smyrna Italians to Rhodes. Inform Italian Government.

MORGENTHAU

File No. 867.4016/96

*The Ambassador in Turkey (Morgenthau) to the Secretary of State*¹

[Telegram]

CONSTANTINOPLE, August 16, 1915, 2 p. m.

[Received August 19, 11.45 a. m.]

936. There are about 30 British Jews, 420 French Jews, 180 Russian Jews and 200 other belligerent Jews whose respective nationalities unreported and 310 neutral Jews such as Greek, Roumanian, Spanish, and American at Haifa, Jerusalem, Jaffa, and Beirut. The Turkish Government states that unless they are bound to some other country they will intern all of them that are belligerents. Egypt and Rhodes refuse to receive any more Jews. I am trying to obtain reconsideration of Egyptian Government. The Turkish Government refuses permission for any Christian neutral to be transported unless each ship taking neutrals will take three times as many belligerent Jews. Will you kindly communicate with British and French Governments and have them arrange to what port or ports these are to be sent. Glazebrook telegraphs they are suffering great hardship at the harbors as they have disposed of their homes and are destitute. The Turkish Government's decision has frustrated plans to transport Italian subjects and may lead to an open rupture between Italy and Turkey.

MORGENTHAU

File No. 867.4016/100

The Ambassador in Turkey (Morgenthau) to the Secretary of State

[Telegram]

CONSTANTINOPLE, August 20, 1915, 10 a. m.

[Received August 23, 8.15 a. m.]

947. My 936. At the urgent request of Leslie I sent Edelman with relief funds to Urfa. Turkish authorities refuse permission for disbursement of funds. Minister of the Interior requested me to withdraw both Leslie and Edelman, but I refused unless he permit all belligerents to leave Urfa, and refused to withdraw Edelman until Leslie was recognized. Despatches from Leslie stated that treatment by Turks of caravans of deported Armenians passing through Urfa outrages all sense of decency and that all Christians in Urfa [endangered?]. I was therefore extremely anxious that all women and children leave there, and upon my insistent requests Minister of War

¹ Repeated, August 20, to the Ambassadors in Great Britain (No. 1997) and France (No. 1041).

has permitted 44 British, French, and Russian women and children to leave [for] Alexandretta. Also promised that 30 who are on their way from Beirut to Urfa will be stopped at Aleppo and sent to Alexandretta. There are also 128 British Jews from Aleppo at Beirut where they have been for 23 days awaiting transportation to some English port. They are clamoring for prompt action and would prefer greatly being sent to Egypt. Turkish authorities insist that these women and children leave Turkey. British and French authorities should promptly inform me where I should send them on one of our cruisers.¹

MORGENTHAU

File No. 867.4016/102

The Ambassador in Turkey (Morgenthau) to the Secretary of State

[Telegram]

CONSTANTINOPLE, *August 22, 1915, 11 a. m.*

[*Received August 25, 8.15 a. m.*]

959. My 936. I have been informed that British and French who are forced to leave Turkey are permitted to land at Crete. Have requested Schofield to promptly transport them. Inform British and French.

MORGENTHAU

[For an account of the services rendered by American cruisers in transporting Italian nationals from Turkish ports, see despatch No. 374, July 27, 1915, received August 25, from the Ambassador in Turkey, above, page 955.]

File No. 867.4016/115

*The Ambassador in Great Britain (Page) to the Secretary of State*²

[Telegram]

LONDON, *September 4, 1915.*

[*Received 12 noon.*]

2749. Your 1997, August 20, and 2026, August 26.³ British Government asks that Constantinople Embassy be informed that Egyptian Government have now agreed to give these Jews a refuge in Egypt in consideration of dangers which threaten them in Turkey. Morgenthau is requested to make necessary arrangements for their transport to Egypt and to telegraph British High Commissioner for Egypt of dates of arrival at Alexandria and approximate numbers.

AMERICAN AMBASSADOR

¹ Latter portion transmitted to the Ambassador in Great Britain, August 26, No. 2026.

² Repeated to the Ambassador in Turkey, September 7, No. 1019.

³ See footnote 1, *ante*, p. 977, and footnote 1, *supra*.

File No. 763.72115/1287

The Ambassador in Turkey (Morgenthau) to the Secretary of State

[Telegram]

CONSTANTINOPLE, *October 21, 1915, 4 p. m.*

[Received October 24, 10 a. m.]

1175. Please inform interested governments that Embassy having asked the Sublime Porte repeatedly to send civil belligerent subjects now detained at Urfa to a better place, War Office has promised that they will be sent at once now to Aintab where I trust they will be more comfortable. I have recommended American missionaries at Aintab give them such assistance as they can.

MORGENTHAU

File No. 763.72115/1482

The Ambassador in Turkey (Morgenthau) to the Secretary of State

[Telegram]

CONSTANTINOPLE, *December 14, 1915, 10 p. m.*

[Received December 18, 8.30 a. m.]

1386. Your 1523, December 8, 6 p. m.¹ Persons interned at Urfa are now being sent to neighborhood of Konia.

MORGENTHAU

EFFORTS IN BEHALF OF ARMENIANS AND JEWS IN TURKEY

File No. 367.116/309a

The Secretary of State to the Ambassador in Turkey (Morgenthau)

[Telegram]

WASHINGTON, *February 18, 1915, 7 p. m.*

397. Decker telegraphed Department through Navy Department that sentiment of people in Syria and Palestine is very strong against Jews, and danger at any moment of outbreak that may destroy life and property. You are instructed to attempt to secure from Turkish Government order to civil and military officials throughout Palestine and Syria that they will be held responsible for lives and property of Jews and Christians in case of massacre or looting. This is required immediately.

BRYAN

File No. 367.116/298

The Ambassador in Turkey (Morgenthau) to the Secretary of State

[Telegram]

CONSTANTINOPLE, *February 20, 1915, 5 p. m.*

[Received February 21, 10 a. m.]

430. Your 397. Contents communicated to Minister of the Interior who states that there is no reason for apprehension and that Jews

¹ Not printed.

and Christians are properly protected. I am, however, in conformity with your instruction, requesting the Sublime Porte to send instructions to the civil and military authorities in Syria and Palestine.

AMERICAN AMBASSADOR

File No. 867.4016/58a

The Secretary of State to the Ambassador in Turkey (Morgenthau)

[Telegram]

WASHINGTON, April 27, 1915, 7 p. m.

626. Russian Ambassador has brought to our attention an appeal made by the Catholicos of the Armenian Church that this Government use its good offices with the Turkish Government to prevent the massacre of non-combatant Armenians in Turkish territory.

You will please bring the matter to the attention of the government, urging upon it the use of effective means for the protection of Armenians from violence at the hands of those of other religions.

The Russian Ambassador calls attention to the fact that there are many Mussulmans in Russian territory and that these enjoy immunity from religious persecution.

BRYAN

File No. 867.4016/58

The Ambassador in Turkey (Morgenthau) to the Secretary of State

[Telegram]

CONSTANTINOPLE, April 27, 1915, 4 p. m.

[Received April 28, 10.30 a. m.]

608. Over hundred Armenians of better class were arrested ostensibly to prevent revolutionary propaganda. Among the number is Leon Chirinigon, a naturalized citizen of Persian origin, whose American citizenship is recognized by the Sublime Porte. Have taken up matter. Their lives are probably not in danger but they are being deported to the interior. Movement against Armenians forms part of concerted movement against all non-Turkish and non-Union-and-Progress elements and indications exist that it will be followed by action against Zionists. Have also received unfavorable reports about Armenians in interior provinces. Colleagues and I are [making] strong efforts to prevent excesses and stop the movement.

AMERICAN AMBASSADOR

The Secretary of State to the Ambassador in Turkey (Morgenthau)

[Telegram]

WASHINGTON, April 29, 1915, 5 p. m.

633. Department's April 27 and your 608, April 27. Urge Turkish Government to protect both Armenians and Zionists.

BRYAN

File No. 867.4016/60

The Ambassador in Turkey (Morgenthau) to the Secretary of State

[Telegram]

CONSTANTINOPLE, May 2, 1915, 8 p. m.

[Received May 3, 8 a. m.]

624. Your 633. My 614.¹ Italian Ambassador, who had received instructions similar to mine, joined me in making strong representations to the Sublime Porte yesterday according to your 626. Minister of the Interior stated that the Sublime Porte had sent instructions to provincial authorities to protect from molestation all innocent people and that any official who disobeyed these orders would be punished. Reliable information can be secured only by investigation in the localities, which the Ottoman Government will not allow now. Both Austrian and German Ambassadors hesitate to interfere in the internal affairs of their ally but I have persuaded Austrian Ambassador that massacres of non-Moslems seriously injured them as well as Turkish Government and Austrian Ambassador has communicated this to his Government.

We have succeeded in suspending movement against Zionists and secured permission for their representative Jacobson to leave Turkey instead of being expelled.

AMERICAN AMBASSADOR

File No. 867.4016/67

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

[Telegram]

PARIS, May 28, 1915, 11 a. m.

[Received 8 p. m.]

796. Foreign Office note just received transmits a communication requesting that it be notified urgently to Ottoman Government as follows:

May 24. For about a month the Kurd and Turkish population of Armenia has been massacring Armenians with the connivance and often assistance of Ottoman authorities. Such massacres took place in middle April (new style) at Erzerum, Dertchun, Eguine, Van, Bitlis, Mush, Sassun, Zeitun, and throughout Cilicia. Inhabitants of about one hundred villages near Van were all murdered. In that city Armenian quarter is besieged by Kurds. At the same time in Constantinople Ottoman Government ill-treats inoffensive Armenian population. In view of these new crimes of Turkey against humanity and civilization, the Allied governments announce publicly to the Sublime Porte that they will hold personally responsible [for] these crimes all members of the Ottoman Government and those of their agents who are implicated in such massacres.²

SHARP

¹ Not printed.² Repeated to the Ambassador in Turkey for communication in paraphrase, May 29, No. 715.

File No. 867.4016/70

The Ambassador in Turkey (Morgenthau) to the Secretary of State

[Telegram]

CONSTANTINOPLE, *June 18, 1915, 6 p. m.*

[Received June 21, 8.30 a. m.]

778. Your 715 communicated on June 3 to the Grand Vizier who expressed regret at being held personally responsible and resentment at attempted interference by foreign governments with the sovereign rights of the Turkish Government over their Armenian subjects. Meanwhile persecution against Armenians increasing in severity. Three prominent deputies, Zjrabvart, Brandie, Cherajian, have been arrested and twenty Armenians have been hanged here on ostensible charge of separatist conspiracy. Further executions said to be impending. My unofficial efforts, though frequent and persistent, have resulted in occasionally mitigating the hardships but have failed to dissuade them [from] their course which they attempt to justify on the ground of military necessity.

AMERICAN AMBASSADOR

File No. 867.4016/74

The Ambassador in Turkey (Morgenthau) to the Secretary of State

[Telegram]

CONSTANTINOPLE, *July 10, 1915, 9 a. m.*

[Received July 14, 10.20 a. m.]

841. My 778, June 18, 6 p. m. Persecution of Armenians assuming unprecedented proportions. Reports from widely scattered districts indicate systematic attempt to uproot peaceful Armenian populations and through arbitrary arrests, terrible tortures, wholesale expulsions and deportations from one end of the Empire to the other accompanied by frequent instances of rape, pillage, and murder, turning into massacre, to bring destruction and destitution on them. These measures are not in response to popular or fanatical demand, but are purely arbitrary and directed from Constantinople in the name of military necessity, often in districts where no military operations are likely to take place. The Moslem and Armenian populations have been living in harmony, but because Armenian volunteers, many of them Russian subjects, have joined Russian Army in the Caucasus and because some have been implicated in armed revolutionary movements and others have been helpful to Russians in their invasion of Van district, terrible vengeance is being taken. Most of the sufferers are innocent and have been loyal to Ottoman Government. Nearly all are old men [and] women. All the men from 20 to 45 are in Turkish army. The victims find themselves dispossessed of their homes and sent on foot to be dispersed in districts where they are unknown, and no provisions have been made to lodge or to feed them. We have in several places been refused permission to relieve their misery or to have access to them. In some few instances where they opposed these measures and took refuge in the mountains and some arms or bombs were found, it provoked the authorities to further cruelties which they attempt to

justify by the opposition. Untold misery, disease, starvation, and loss of life will go on unchecked. Consul Davis of Harput reports:

Professors American College have been tortured. Some others have died under torture or lost mind. Many hundred young Armenian men originally taken as soldiers, some of whom were students American College, have been sent away without food, clothing, or money. Night of June 23 several hundred other Armenians recently arrested, including professors American College, were sent away in the middle of the night without food, clothing, or money. Many deaths are reported *en route* in both lots of prisoners. Preparations are being made apparently to send away many more. I was informed confidentially to-day that an enormous sum of money is now being demanded of the local Armenians. There seems to be a systematic plan to crush the Armenian race. All things make us apprehend permanent closing of American schools.

That only refers to one place. Many Armenians are becoming Moslems to avoid persecution. In addition to humanitarian considerations we have a real interest through the fact that certain objectionable Armenians involved in these forced dispossessions and deportations are naturalized citizens of the United States and that the charitable and educational work of the American Board will suffer considerably and in many places will cease altogether.

The only embassy here which might assist in lessening these atrocities is the German, but I believe it will simply content itself with giving advice and a formal protest probably intended for record and to cover itself from future responsibility. German Ambassador is about to leave on a six weeks' vacation. Have impressed on him that he and his Government will have considerable share in the odium. Immediately upon arrival of his substitute I shall make herculean efforts to enlist his sympathies. Austrian Ambassador has promised me to try to influence Minister of the Interior.

I have repeatedly spoken to the Grand Vizier and pleaded earnestly with Minister of the Interior and Minister of War to stop this persecution. My arguments were unavailing except as to Constantinople. The men in authority are revolutionists and displaced the Hamidian Government with the cooperation of some Armenian revolutionists who know their method and are feared by them as a possible nucleus of a [counter-revolution?] against the present authorities. They admit that they will resort to any and every means to prevent their losing control of Government. They state that it is the Union and Progress committee's nationalistic policy which they refused to modify even when Russia, France, and Great Britain threatened Ottoman Cabinet Ministers with personal responsibility. Turkish authorities desire to avail themselves of present conditions when three of the great powers are at war with them, Italy in strained relations, and the two others are their allies and therefore will not interfere when they are successfully defending the formidable attack at the Dardanelles.

I have conferred with various American missionaries now here [from] Tajmarsovan [Marsovan?], Beirut, Bardizag, and Constantinople, and all agree that present crisis is worse than 1895 and 1896 massacres, but none of them could suggest any further steps than those I have already taken. They fear that the matter will have to run its course. Turkish authorities have definitely informed me that

I have no right to interfere with their internal affairs. Still I desire to ask whether you have any suggestions.

AMERICAN AMBASSADOR

File No. 367.116/341

The Secretary of the American Board of Commissioners for Foreign Missions (Rev. James L. Barton) to the Secretary of State

[Telegram]

CLIFTON SPRINGS, N. Y., undated.

[Received July 14, 1915, 3.45 p. m.]

Advices from different parts of Turkey report inhuman treatment of Americans¹ by Turks. Cannot something be done to alleviate the horrors?

JAMES L. BARTON

File No. 867.4016/74

The Secretary of State to the Ambassador in Turkey (Morgenthau)

[Telegram]

WASHINGTON, July 16, 1915, 4 p. m.

865. Your 841, July 10. Department approves your procedure in pleading with Turkish Minister of Interior and Minister of War to stop Armenian persecution and in attempting to enlist sympathies of German and Austrian Ambassadors in this cause. The Department can offer no additional suggestions relative to this most difficult situation other than that you continue to act as in the past. Have any native-born American citizens or any naturalized American citizens entitled to protection under American statutes received injuries during this trouble?

LANSING

File No. 367.116/341

The Secretary of State to the Secretary of the American Board of Commissioners for Foreign Missions (Rev. James L. Barton)

WASHINGTON, July 19, 1915.

SIR: The Department acknowledges the receipt of your telegram, dated July 14, stating that advices from different parts of Turkey report inhuman treatment of Americans by Turks, and asking if something cannot be done to alleviate the horrors.

The Department has received no reports of any inhuman treatment of Americans by the Turks, and would be pleased to receive details from you if you have received any information to this effect.

The Department believes, however, that the word "Americans"¹ in your telegram should have read "Armenians." If this is the case, the Department begs to state that it has done, and will continue to do, all that it can do consistently to persuade the Turkish Government to

¹ According to letter dated July 22, this should read "Armenians" (File No. 367.116/345).

alleviate the condition of this race. It should be added, however, that efforts to aid the Armenians are rendered more difficult by the fact that, according to the reports received by the Department, large bodies of Armenians are in armed rebellion against the Turkish Government, and that the Turkish Government claim that such measures as it has taken are only such as are necessary for its own protection against the members of this race.

I am [etc.]

ROBERT LANSING

File No. 867.4016/79

The Ambassador in Turkey (Morgenthau) to the Secretary of State

[Telegram]

CONSTANTINOPLE, *July 20, 1915, noon.*

[Received July 23, 8.20 a. m.]

866. Your telegram 865. Embassy has not heard of any injuries to native or naturalized citizens of the United States.

AMERICAN AMBASSADOR

File No. 867.4016/91

The Ambassador in Turkey (Morgenthau) to the Secretary of State

[Telegram]

CONSTANTINOPLE, *August 12, 1915, noon.*

[Received August 16, 8 a. m.]

929. My 924, August 11, 11 p. m. German Ambassador has made strong protest to the Sublime Porte. I am told that German Government seriously objects to statements made by Turks throughout the interior that the anti-Armenian measures originated with the Germans.

MORGENTHAU

File No. 867.4016/90

The Ambassador in Turkey (Morgenthau) to the Secretary of State

[Telegram]

CONSTANTINOPLE, *August 11, 1915, 6 p. m.*

[Received August 16, 7.45 p. m.]

924. My telegrams numbers 841 and 858.¹ Turkish anti-Armenian activities continue unabated. Reports, of which you will receive copies, are constantly received from our consuls and others, of horrors to which large numbers of innocent and helpless people of this race are being subjected. Armenian population is fast being swept from the Ada Bazar and Izmid. Bardizag, some 50 miles from Constantinople, has been lately threatened, but the Minister of State has granted two weeks' delay, and unless something can be done to arrest this atrocious campaign, these people also will be forced from their homes and herded like cattle into the arid and hostile wastes

¹ Latter not printed.

of the interior, where the greater number, possibly excepting those who in desperation embrace Mohammedanism, will doubtless perish by murder or slow starvation. Minister of Trade and Commerce and Minister of the Interior have promised me permission for Armenians in Constantinople to leave the country on agreement never to return. Minister of the Interior says that he realizes no Armenians can remain friendly to Turkish Government after present treatment and hints at drastic measures against all in Constantinople if slightest offense is committed against Government. In view of the ease with which pretexts are created in this country, these statements cause me uneasiness. The German and Austrian Ambassadors have promised me to exert their influence, but I doubt the efficacy of their representations unless they are specifically instructed by their Governments to insist on the cessation of the acts now being perpetrated and the taking of strong protective measures for the thousands already on the way to their doom.

There remain a considerable number of American missionaries at various points in the interior and though these people are prevented from rendering any adequate assistance to the Yakutsk victims and are viewed with considerable suspicion on account of their sympathies, yet I do not think they are in any personal danger now. I have this phase of riots constantly in mind and will take every measure possible for their protection and departure, should events necessitate. For the present I am inclined to think with Peet and others, that it is better for them to remain where they are in case of possible relief measures.

I earnestly beg the Department to give this matter urgent and exhaustive consideration with a view to reaching a conclusion which may possibly have the effect of checking this Government and certainly provide opportunity for efficient relief which now is not permitted. It is difficult for me to restrain myself from doing something to stop this attempt to exterminate a race, but I realize that I am here as Ambassador and must abide by the principles of non-interference with the internal affairs of another country. Unless you should deem this such an exceptional state of affairs, the Department will direct me to register an unequivocal protest on behalf of our Government. I offer for serious consideration the following suggestions in the hope that they may be of assistance in reaching a conclusion in the matter which is at once urgent and delicate and further complicated by our representation of so many other foreign interests:

- (1) That the United States Government on behalf of humanity urgently request the Turkish Government to cease at once the present campaign and to permit the survivors to return to their homes if not in the war zones, or else to receive proper treatment;

- (2) That if our present relations permit, an official appeal be made to the Emperor of Germany to insist on Turkey, his ally, stopping this annihilation of a Christian race;

- (3) That a vigorous official demand be made without delay for the granting of every facility to Americans and others to visit and render pecuniary and other assistance they may desire to Armenians already affected by Government deportation.

I believe the third suggestion might prove the most acceptable under the circumstances and that a strong and unyielding stand in this matter of our right to advance immediate aid to these helpless people will in itself imply our protesting attitude. The advance of such assistance might be the means of saving thousands during this period of the war tension, after which the situation may assume more hopeful proportions.

MORGENTHAU

File No. 867.4016/91

The Secretary of State to the Ambassador in Turkey (Morgenthau)

[Telegram]

WASHINGTON, August 18, 1915, 5 p. m.

955. Your 924, August 11, and 929, 12th. Has protest by German Ambassador improved conditions?

LANSING

File No. 867.4016/99

The Ambassador in Turkey (Morgenthau) to the Secretary of State

[Telegram]

CONSTANTINOPLE, August 18, 1915, 8 p. m.

[Received August 21, 3 p. m.]

940. Minister of the Interior informed me that orders were telegraphed to provinces exempting from deportation all Protestant and Catholic Armenians. Although a large number have already been deported, many of whom were murdered, yet these orders if properly executed will save many Armenians connected with the American missions. Protestants and Catholics are about 10 per cent of Armenians, 90 per cent being Gregorian. I have requested the exemption of all Armenian professors, teachers, students, inmates, nurses, etc., connected with American institutions. Both Ministers of War and Interior seem inclined to grant my request. Have secured exemption for Armenian employees of our consulates.

MORGENTHAU

File No. 867.4016/101

The Ambassador in Turkey (Morgenthau) to the Secretary of State

[Telegram]

CONSTANTINOPLE, August 20, 1915, 8 p. m.

[Received August 23, 9.15 a. m.]

950. Your 955. German Ambassador's protest has not improved conditions in the interior. Instructions from German Government to their Ambassador to demand from the Sublime Porte that these horrible deportations cease and all possible reparation be promptly made may, with other influences now being exerted, improve the situation. Bulgarians have made strong representations.

MORGENTHAU

File No. 867.4016/117

The Ambassador in Turkey (Morgenthau) to the Secretary of State

[Telegram]

CONSTANTINOPLE, *September 3, 1915, 9 a. m.*

[Received September 6, 9 a. m.]

1005. Minister of War has promised to permit departure of such Armenians to the United States whose emigration I vouch for as *bona fide*. Destruction of Armenian race in Turkey is progressing rapidly. Massacre reported at Angora and Brusa. Will you suggest to Cleveland Dodge, Charles Crane, John R. Mott, Stephen Wise, and others to form committee to raise funds and provide means to save some of the Armenians and assist the poorer ones to emigrate, and perhaps to enlist California, Oregon, and Washington to transport some of these people direct to their shores via Panama Canal?

MORGENTHAU

The Acting Secretary of State to the Ambassador in Turkey (Morgenthau)

[Telegram]

WASHINGTON, *September 22, 1915, 8 p. m.*

1092. Your 1005, September 3. Parties you mention feel that difficulties in way wholesale emigration Armenians insurmountable, but inquire whether you could effectively use from fifty to one hundred thousand dollars for immediate relief suffering non-Moslems by way of food, clothing, repatriation, or assisting emigration.¹

POLK

File No. 867.4016/218a

The Secretary of State to the Ambassador in Turkey (Morgenthau)

[Telegram]

WASHINGTON, *October 4, 1915, 5 p. m.*

1140. Letters from private sources relative to Armenian persecutions which have reached the United States and been published in the newspapers have aroused a general and intense feeling of indignation among the American people. You are instructed to continue to use your good offices for the amelioration of the condition of the Armenians and to prevent the continuation of the persecution of the Armenians, informing Turkish Government that this persecution is destroying the feeling of good will which the people of the United States have held towards Turkey.

LANSING

¹ Subsequent correspondence regarding the transmission and distribution of funds by the American Commission for Armenian and Syrian Relief is not printed. As in the case of Red Cross work, this was conducted through the Department of State and diplomatic and consular officers, as was similar correspondence regarding the relief work of the Provisional Executive Committee for General Zionist Affairs and the Joint Distribution Committee representing other organizations.

File No. 867.11/772

The Secretary of State to the Ambassador in Turkey (Morgenthau)

[Telegram]

WASHINGTON, October 6, 1915.

1165. Can you secure permission to leave Turkey for Armenians whose relatives in America will pay expenses passage? Also please answer Department's 1028, September 8.¹

LANSING

File No. 867.4016/162

The Ambassador in Turkey (Morgenthau) to the Secretary of State

[Telegram]

CONSTANTINOPLE, October 9, 1915, 7 p. m.

[Received October 12, 8.15 a. m.]

1130. Your 1165, October 6. Have not received your 973, 974, 972, 1010, 1028.¹ Impossible to say definitely that permission for Armenians generally can be secured. When contents your 1023¹ were [communicated] to the Sublime Porte, it stated that as most of the deported Armenians are still *en route* it is advisable to wait for a short time until deportation has ceased and caravans have reached their destination. The Sublime Porte will know then their whereabouts and will consider applications for emigration to United States. Until now, very few Armenians have been permitted to leave Turkey. All had to go through Constantinople. On receipt of names and particulars I shall do my best to secure permission at the opportune moment.

MORGENTHAU

File No. 867.4016/163

The Minister in the Netherlands (Van Dyke) to the Secretary of State

[Telegram]

THE HAGUE, October 12, 1915, 5 p. m.

[Received October 13, 8.30 a. m.]

400. The Minister of Foreign Affairs told me yesterday that he would instruct the Netherlands Minister at Constantinople to confer with the United States Ambassador in support of efforts to prevent reported Armenian atrocities.

VAN DYKE

File No. 867.4016/173

The German Ambassador (Bernstorff) to the Secretary of State

J. Nr. A 5952]

CEDARHURST, N. Y., October 8, 1915.

[Received October 16.]

MY DEAR MR. SECRETARY: I have the honor to enclose for your confidential information a copy of a memorandum handed to the

¹ Not printed.

Imperial Ottoman Government by the acting Imperial Ambassador at Constantinople on August 9 about the expulsion of the Armenians.

The Imperial Ottoman Government has informed the German Government that it will take the measures necessary to prevent the repetition of excesses.

I am [etc.]

J. BERNSTORFF

[Enclosure—Translation]

The German Embassy in Turkey to the Turkish Ministry of Foreign Affairs

MEMORANDUM

By its memorandum of July 4, the German Embassy had the honor to acquaint the Sublime Porte with the views of the Imperial German Government concerning the banishment of the Armenian inhabitants of the Anatolian provinces and to draw its attention to the fact that the measures had been attended in several places by acts of violence such as massacres and plundering which the end sought by the Ottoman Imperial Government could not justify.

The German Embassy regrets to state that it appears from information received subsequently from impartial and trustworthy sources that incidents of that character, instead of being prevented by the local authorities, have regularly occurred upon the expulsion of Armenians, so that most of them perished even before reaching their destination. These are reported mainly from the provinces of Trebizond, Diarbekr and Erzerum. In some places, at Mardin for instance, all the Christians without distinction of race or faith have had the same fate.

At the same time the Ottoman Imperial Government saw fit to extend the banishment order to the other provinces of Asia Minor, and quite recently the Armenian villages of the Izmid district were emptied of their inhabitants under like conditions.

In the presence of those events the German Embassy, by order of its Government, is constrained to remonstrate once more upon those horrible deeds and to decline any responsibility for the consequences they may involve. It finds itself under the necessity of drawing the attention of the Ottoman Government to that point all the more as public opinion is already inclined to believe that Germany as a friendly power allied to Turkey may have approved or even instigated those acts of violence.

PERA [Constantinople], August 9, 1915.

PROTECTION OF GERMANS AND TURKS IN PERSIA¹

File No. 763.72/1317

The Secretary of State to the Ambassador in Russia (Marge)

[Telegram]

WASHINGTON, December 30, 1914.

127. German Embassy informs Department safe-conducts taken from Germans captured on Persian territory by Russians at Russo-Persian border, male German prisoners made spend nine days in jail with highwaymen at Nakhichevan. The male Germans found Tabriz sent to Astrakhan prisoners of war.

Bring to attention Foreign Office and do what you properly can behalf Germans imprisoned.

BRYAN

¹ Previous correspondence included in *Foreign Relations, 1914, Supplement*, "Representation of belligerent governments in enemy countries," pp. 731-50.

File No. 763.72/1386

*The Ambassador in Russia (Marye) to the Secretary of State*¹

[Telegram]

PETROGRAD, *January 14, 1915.*[*Received 11.30 a. m.*]

19. Department's 127, December 30. Foreign Office states inquiries have been made and statements German authorities without foundation. Russian authorities questioned and American Consul who accompanied to station Germans expelled from Persia state no complaint was made by them. Their papers were in order and have not been taken away. Of the total of eighteen expelled from Persia ten are interned at Astrakhan as of military age. The rest have left Russia via Finland.

MARYE

File No. 763.72/1410

The Secretary of State to the Ambassador in Russia (Marye)

[Telegram]

WASHINGTON, *February 1, 1915.*

186. Your 19, January 14, and Department's 127, January 30.² German Ambassador here asks you transmit to Foreign Office request that German prisoners now held in Astrakhan be liberated on ground they were taken prisoners on neutral territory of neutral country and their detention constitutes violation international law.

BRYAN

File No. 763.72/1662

The Ambassador in Russia (Marye) to the Secretary of State

No. 89]

PETROGRAD, *March 12, 1915.*[*Received April 7.*]

SIR: Referring to the Department's telegrams 127 and 186, dated December 30, 1914, and February 1, 1915, respectively, and to the Embassy's telegram No. 19 of January 14, 1915, I have the honor to enclose herewith a copy of a note received from the Russian Foreign Office stating the grounds on which the Russian Government declines to liberate certain German subjects arrested by the Russian troops in Persia, and now held as prisoners of war at Astrakhan.

I have [etc.]

For the Ambassador:

CHARLES S. WILSON
*Secretary of Embassy*¹ Communicated to the German Ambassador, January 18 (No. 1191).² See telegram of December 30, *ante*, p. 990.

[Enclosure—Translation]

The Russian Ministry of Foreign Affairs to the American Embassy

No. 919/d. III]

PETROGRAD, February 26/March 11, 1915.

NOTE VERBALE

With a *note verbale*, dated January 20 last, the Embassy of the United States of America transmitted to the Imperial Government the request of the German Government to liberate certain German subjects, arrested by Russian troops in Persia, and at present held as prisoners of war in Astrakhan. This request of the German Government was based on the fact that, according to its opinion, the said German subjects were seized on neutral territory, and consequently their arrest is a violation of international law.

In reply the Imperial Ministry of Foreign Affairs has the honor to inform the Embassy that the Russian Government can in no case regard the demands of the German Government as justified. In the war between Russia and Turkey, Persia, it is true, observes neutrality. This neutrality, however, was violated not by Russia, but by Turkish troops, acting jointly with Germany, the latter taking an active part in the Russo-Turkish campaign, her officers having entered the ranks of the Turkish Army. Under these circumstances Russia was obliged, in order to defend herself against the attack, but not on her own initiative, to transfer hostilities to a part of the Persian territory, and to regard that territory as a zone of war in which she has every right to apply to the subjects of powers at war with her, all such measures which in accordance with the customs of war, are applied to the subjects of an enemy. In view of the above, the Imperial Government considers that Germany, who has violated the neutrality of Persia, has no right to base her demands on this neutrality.

At the same [time] the Ministry desires to point out the fact that in the present war Germany does not refrain from using forcible measures in regard to subjects of her enemies in neutral countries. From the diplomatic negotiations, published by the French Government (the French Yellow Book No. 156, supplement) it may be seen, for instance, that the German authorities considered themselves justified in arresting even the French diplomatic representative in the neutral country Luxemburg.

In view of the above, the Russian Government does not find it possible to release the German subjects taken prisoners by Russian troops on Persian territory, which resolution the Imperial Ministry of Foreign Affairs has the honor to communicate to the American Embassy.

File No. 763.72/1797

The Secretary of State to the Ambassador in Russia (Marye)

[Telegram]

WASHINGTON, May 26, 1915.

349. Inquire for German Government whether Russian Government has released Germans taken prisoners in Persia.

BRYAN

File No. 704.6791/2

The Minister in Persia (Caldwell) to the Secretary of State

No. 63]

TEHERAN, May 17, 1915.

[Received June 15.]

SIR: I have the honor to report that on Saturday, May 1, at the request of the German Legation, I allowed several German families to take refuge and sleep in the residence portion of this Legation. Such families were here two nights.

The occasion of their fear for their safety was the demand for certain Cabinet changes that day made by the English Minister and Russian Chargé d'Affaires which nearly precipitated a crisis. Conditions are again normal, but the Turkish Ambassador has asked if he might be allowed to obtain shelter at the American Legation with his subjects in case the future brings trouble again, and that in case of necessity would this Legation care for and protect Turkish interests and allow use of our flag over his Embassy for that purpose. To this request I have as yet made no reply, pending instructions which this despatch asks.

I have [etc.]

JOHN L. CALDWELL

File No. 763.72/1872

*The Ambassador in Russia (Marye) to the Secretary of State*¹

[Telegram]

PETROGRAD, June 14, 1915.

[Received June 15, 11.25 p. m.]

193. Department's 349, May 26th. Russian Government does not find it possible to liberate German subjects taken prisoner by Russian troops on Persian territory.

MARYE

File No. 704.6791/2

The Acting Secretary of State to the Minister in Persia (Caldwell)

No. 21]

WASHINGTON, June 30, 1915.

SIR: The Department acknowledges the receipt of your despatch No. 63, dated May 17, 1915, reporting as to the protection which you have given to German families at Teheran and stating that the Turkish Ambassador has asked if he might be allowed to obtain shelter at the American Legation, with his subjects, in case the future brings trouble again, and whether the American Legation would care for and protect Turkish interests and allow the use of the American flag over the Turkish Embassy for that purpose.

Relative to this matter, you are instructed that, under the authority of the custom in such cases, you may place the American flag over the Turkish Legation until the Persian Government objects thereto. In case such objection is made, you are instructed to discuss the matter with the Persian Government and attempt to secure their consent to such use of the flag. In case you make use of the American flag for this purpose, you will request the consent of the Persian Government to continue to fly the Turkish flag beside that of this country.

I am [etc.]

JOHN E. OSBORNE

¹ Communicated to the German Ambassador, June 18 (No. 1468).

File No. 763.72/2025

The German Ambassador (Bernstorff) to the Secretary of State

[Translation]

J. Nr. A 4904]

CEDARHURST, N. Y., August 7, 1915.

[Received August 11.]

MR. SECRETARY OF STATE: Referring to your excellency's favor of June 18, No. 1468,¹ I have the honor, in accordance with instructions from my Government, to ask you kindly to ascertain from the Russian Government the grounds on which it refuses the request, justified from the standpoint of international law, to set free the German prisoners taken in Persia.

Accept [etc.]

J. BERNSTORFF

The Secretary of State to the German Ambassador (Bernstorff)

No. 1587]

WASHINGTON, September 13, 1915.

EXCELLENCY: I have the honor to acknowledge the receipt of your note of August 7, asking that an inquiry be made of the Russian Government as to the ground on which it denies the demand for the release of the Germans taken prisoners by Russian troops in Persia.

As it appears from your excellency's note that the German subjects referred to were taken prisoners in Persia, presumably in violation of the neutrality of Persia, any inquiry in regard to the grounds upon which the Russian Government may justify its course in seizing these men on Persian territory would, therefore, seem properly to be made to the Persian Government whose rights are alleged to have been infringed. The Department does not feel that it could properly make an inquiry of Russia in accordance with your request.

Accept [etc.]

ROBERT LANSING

File No. 763.72/2253

The Minister in Persia (Caldwell) to the Secretary of State

[Telegram]

TEHERAN, November 17, 1915, 8 p. m.

[Received November 19, 10.20 a. m.]

Russian Army near Teheran. The Shah and the Persian Government are about to leave but yet undecided. German Minister and Turkish Ambassador fled. Have assumed charge of, at their request, their archives, legations, and interests. Many Persians, including Cabinet officers, officials, and several members of Congress, ask our protection. Cable instructions.

CALDWELL

¹ See footnote 1, *ante*, p. 993.

The Secretary of State to the Minister in Persia (Caldwell)

[Telegram]

WASHINGTON, November 19, 1915, 5 p. m.

Your November 17, 3 p. m. Department approves your assuming temporary charge German and Turkish interests subject to approval of those Governments. Please keep Department fully informed regarding situation. You will use the greatest care and discretion in extending protection to nationals other than Americans citizens.

LANSING

File No. 704.6791/3

The Minister in Persia (Caldwell) to the Secretary of State

[Telegram]

TEHERAN, November 26, 1915, 3 p. m.

[Received November 28, 9.15 a. m.]

Turkish Ambassador has returned and resumed charge of Turkish Embassy. German Minister being yet in Persia with apparently no intention of leaving, I have to suggest that our flag and protection of this Government should be withdrawn from the German Legation until such a time as Russian forces actually enter Teheran, but that German subjects be allowed to remain here at the Legation of the United States. Instruct by cable.

CALDWELL

The Secretary of State to the Minister in Persia (Caldwell)

[Telegram]

WASHINGTON, November 30, 1915, 10 a. m.

Your November 26, 3 p. m. Your action in withdrawing protection of German and Turkish interests approved. Department cannot approve permitting German subjects or any nationals other than Americans remaining in the Legation or taking refuge therein except they be in immediate danger of their lives.

LANSING

File No. 704.6291/10

The Minister in Persia (Caldwell) to the Secretary of State

No. 105]

TEHERAN, November 24, 1915.

[Received December 27.]

SIR: I have the honor to transmit herewith translation of Persian Foreign Office note of yesterday, notifying me of the decision of the Persian Government and Shah to remain at Teheran for the present, instead of moving to Isfahan, as intended.¹

To-day a representative of the Foreign Office called to express the Persian Government's and His Majesty's appreciation and thanks

¹ Not printed.

for this Legation agreeing to accept for safe-keeping the Foreign Office archives and the Shah's valuable personal effects.

Herewith also copy of communications simultaneously received from the British and the Russian Ministers (see my cable November 24¹). These Ministers and their respective Governments have made the same objection to the Spanish Minister having charge of Austrian interests.

As previously reported the chancellor of the German Legation, with several German subjects, mostly women, occupy a garden and house adjoining our Legation and under our care.

I have [etc.]

JOHN L. CALDWELL

[Enclosure 1]

The British Minister in Persia (Marling) to the American Minister (Caldwell)

TEHERAN, undated.

MY DEAR COLLEAGUE: I have the honour to acknowledge the receipt of your letter of the 15th instant, in which you were so good as to inform me that, acting on the instructions of your Government, you had assumed protection of German and Turkish interests in parts of Persia occupied by Russian troops. I must confess that this communication has caused me much surprise, and having informed my Government thereof, I have now been directed to reply that, inasmuch as there has been no rupture of relations between those two countries and Persia, I fail to understand why the protection of Turkish and German interests in certain parts of Persia should be placed in the hands of the representative of a third power. There is nothing new in the presence of Russian troops in North Persia; and the violent agitation conducted against the interests of Russia and her allies by German agents, which as you must be aware has resulted in the perpetuation of most serious outrages in various parts of this country, has made the presence of the troops and their recent reinforcement essential for the protection of foreign life and property from the dangers which threaten them. The Persian Government recognizes the perfectly justifiable purposes for which the Russian Government ordered the movement of its troops to a position whence immediate aid could be rendered in case of necessity. In these circumstances I am precluded by the instructions of my Government from accepting the announcement contained in your letter.

Believe me [etc.]

CHARLES M. MARLING

[Enclosure 2]

The Russian Minister in Persia (Etter) to the American Minister (Caldwell)

TEHERAN, November 24, 1915.

MR. MINISTER AND DEAR COLLEAGUE: In continuance of my letter dated November 17, in which I took note of the information that you have accorded your protection to German and Turkish subjects, I have the honor, by order of my Government, to notify you that we cannot recognize the right of neutral powers to assume the protection of German and Turkish subjects, since diplomatic relations between Persia and these two nations have not been broken off.

Please accept [etc.]

N. ETTER

¹ *Ante*, p. 71.

ACTIVITIES OF THE UNITED STATES IN REGARD TO PRISONERS OF WAR AND INTERNED CIVILIANS: THE AMERICAN GENERAL PLAN FOR INSPECTION AND RELIEF

File No. 763.72114/123

The Ambassador in Great Britain (Page) to the Secretary of State

No. 649]

LONDON, *December 11, 1914.*

[*Received December 21.*]

SIR: I enclose herewith a copy of a letter from Mr. Chandler Anderson, and a memorandum concerning the treatment by belligerents of detained enemy aliens and prisoners of war, and the relief work undertaken through the American embassies in belligerent countries. I would like to call your attention to, and express my approval of, the suggestions made at the close of Mr. Anderson's memorandum.

I have [etc.]

WALTER HINES PAGE

[Enclosure]

Mr. Chandler P. Anderson to the American Ambassador in Great Britain (Page)

LONDON, *December 3, 1914.*

DEAR MR. AMBASSADOR: I have had occasion, as you know, to give considerable attention to the treatment of prisoners of war and enemy aliens detained in belligerent countries during the present war, and to discuss this subject at the foreign offices of several of the belligerent powers, and consequently am somewhat familiar with the difficulties of the situation and the work which the representatives of the Government of the United States have been, and will be called upon to do in that connection.

It seems appropriate, therefore, that I should submit for your consideration certain observations and suggestions which have occurred to me about the situation thus presented, and which I have embodied in the accompanying memorandum, with a view to having these transmitted to the Department of State, with your endorsement, if they meet with your approval.

Respectfully yours,

CHANDLER P. ANDERSON

[Subenclosure]

Memorandum concerning the treatment by belligerents of detained enemy aliens and prisoners of war, and the relief work undertaken through the American Embassies in belligerent countries

December 1, 1914.

Each of the belligerents in the present war adopted at the outset a policy and standard of its own regulating the detention of enemy aliens and the treatment of detained civilians either at large or in concentration camps, and of the military prisoners of war.

RELEASE OF DETAINED CIVILIANS

The necessity for adopting a common basis regulating the release and exchange of detained civilians was recognized by the belligerent governments early in the war. Proposals for the adoption of a common understanding on this subject were submitted by Great Britain on the one side and by Germany and Austria-Hungary on the other, through the good offices of the Government of the United States as the representative of their respective interests in enemy territory, and finally after inevitable delays, arising from the difficulty of carrying on negotiations during the existence of war, and slowness of communication between the belligerent countries, an agreement partially covering the subject was reached.

Under this agreement these Governments undertook not to detain any women or children, or males under 17 or over 55, between Great Britain and Germany, or under 18 or over 50 between Great Britain and Austria-Hungary,

or physicians or clergymen, unless some special reason justified detention in individual cases.

In addition to the arrangements already adopted, these Governments have under consideration further arrangements for the exchange and release of detained enemy aliens, which arrangements, and the respective positions of the belligerent governments with respect thereto are understood to be as follows:

1. Both sides are disposed to arrange for the reciprocal release of all civilians physically disqualified for military service.

2. The German and Austro-Hungarian Governments are prepared to agree to the reciprocal release of civilians over the age for compulsory military service under their respective laws, which in Germany is 45 years, and Austria-Hungary 42 years of age. The British Government have refused as yet to reduce the age below 55 in the case of Germany, and 50 in the case of Austria-Hungary, but this question is under consideration, and they may reconsider their position.

3. Both sides have expressed a willingness to agree to an exchange, man for man, of civilians of military age on lists to be proposed on each side for the approval of the other, but the action of the British Government in arresting several thousand Germans and Austro-Hungarians in Great Britain while these arrangements were under negotiation interfered with their progress.

4. The British and German Governments are disposed to observe the provisions of Articles 6 and 7 of the eleventh Hague convention of 1907 regarding the crews of enemy merchant ships captured by a belligerent, but there seems to have been a difference between the two Governments as to the meaning of these provisions.

The German Government interprets these articles as meaning that the crews of captured ships are not only to be released from imprisonment, but permitted to return to their own country without hindrance if they so desire, under parole against employment in any service connected with the operations of the war.

The British Government, on the other hand, interpret these provisions as merely requiring the liberation on parole in Great Britain of the crews of captured merchant ships, and under reservation that subsequently they will be treated no more favorably than other Germans residing in Great Britain.

It is understood, however, that the British Government are reexamining these provisions in the light of the meaning attributed to them by the German Government.

This question has not arisen between Great Britain and Austria-Hungary, as these two Governments reached an agreement at the beginning of the war, releasing each other's merchant ships.

RELEASE OF WOUNDED MILITARY PRISONERS

The arrangements under consideration do not contemplate any exchange of prisoners of war, and no proposals have been made for the exchange of such prisoners, but it is understood that both sides are disposed to agree to the reciprocal return of all wounded military prisoners who are permanently disabled for military service, and each Government seems to be awaiting a formal proposal from the other on this subject.

TREATMENT OF PRISONERS

Each of the belligerent governments has established for itself standards and rules governing its treatment of military prisoners of war, and civilians in detention camps. They have all announced their willingness, on condition of reciprocity, to give effect to Articles 14 and 16 of the Annex to Hague Convention IV of 1907, which provide for the establishment of a prisoners-of-war inquiry office, for furnishing information about prisoners, in each country, and the delivery of mail, money and parcels to prisoners of war.

In many other respects the arrangements adopted are similar on both sides, but as is inevitable where no common basis of treatment is established, there are also many important differences.

It is unquestionably true that each government desires to deal with this very difficult situation in a manner which will be satisfactory to all concerned in so far as circumstances permit. Nevertheless, in view of the known differences, and the lack of confidence on each side in the good faith of the other,

inspired by the intense hostility existing between them, there naturally have been misunderstandings and misgivings on both sides about the treatment of their subjects who are held as military or civilian prisoners in enemy territory. This situation has been aggravated by sensational stories of abuse and maltreatment of prisoners, which have been given wide circulation in the German and Austro-Hungarian newspapers, and although for the most part without foundation of fact, have been popularly accepted as true. The result of all this has been to excite and inflame popular opinion in those countries to the extent of demanding retaliation and reprisals, and the German and Austro-Hungarian Governments are in a mood to yield to these demands.

In this difficult and dangerous situation the Governments of Great Britain, Germany, and Austria-Hungary have called upon the Government of the United States, as the friend of all parties, and the representative of their interests in enemy territory, for information, assistance, and advice. Perhaps the most important and useful service which this Government, as the custodian of their interests, could render to these belligerent nations, would be to bring about through the exercise of its good offices a better understanding among them as to the existing facts and the best method of dealing with this situation in the future.

In order to accomplish this, it is essential that each government should prepare, for the information of the other a full statement of the standards which it has established, and the regulations which it has adopted for the treatment of prisoners. Each government has expressed its willingness to do this, and these statements, when prepared, will be communicated by each side to the Government of the United States for transmission to the other side. It will undoubtedly be found that there is very little cause for criticism or complaint about the standards and regulations which have been adopted, but it will also be found that it would be to the advantage of all to bring these various standards and regulations up to the level of the best in each.

It is also necessary that the standards and regulations thus established should be carried out in good faith in their practical application, and under existing conditions, neither side can be expected to take this for granted. At the request of the belligerent governments, an inspection of many of these camps on both sides has already been made by representatives of the Government of the United States, and reports have been submitted setting forth the facts with entire impartiality. The treatment and condition of the prisoners has been found to be very much the same on both sides, and nothing has been found to sustain the sensational stories of ill-treatment and abuse which have made the situation dangerous.

But there are many camps on both sides which have not been visited and reported on. There are about 20 camps in Great Britain, less than half of which have been inspected, and although there is only one civilian prisoners camp in Germany, and that has already been reported on, there are several hundred thousand military prisoners there, of whom about twenty thousand are British, and these are scattered among a large number of military camps, many of which are in remote and inaccessible places. There are also a large number of German prisoners in France, where the German interests are also entrusted to the care of the United States.

The best safeguard against abuses in prisoners' camps on both sides, and against further misunderstandings which are sure to recur if unwarranted criticisms continue, would be to arrange so that both sides should have available, at all times, accurate and reliable information about the treatment of prisoners, and conditions existing in all these camps, and this can only be secured through the good offices of the Government of the United States. The situation, therefore, seems to demand that the Government of the United States, in fulfilling its obligations to the several belligerents whose interests have been entrusted to its care, should establish in each country some systematic and organized method of inspecting and reporting from time to time on prisoners' camps. The requests which the several belligerent governments have already made to the United States for information and assistance in dealing with this situation indicate their desire that the United States should undertake this work, and it is anticipated that the belligerent governments will insist upon bearing any expenses which are incurred by the Government of the United States in this connection.

Since Turkey became a party to the present war, a situation similar to that above described has arisen between the British and Turkish Governments with relation to their detention and treatment of each other's subjects.

In this connection it must also be noted that the United States Government has been entrusted with the care of the German and Austro-Hungarian interests in France and Russia, and with the French interests in Austria-Hungary, and the United States will be expected to look out for the welfare of their respective subjects held as prisoners in these countries.

RELIEF WORK AMONG ENEMY ALIENS IN BELLIGERENT COUNTRIES

One of the most serious problems involved in the treatment of enemy aliens in belligerent countries is to provide them with the supplies necessary for their health and comfort. Enemy aliens detained in belligerent countries may be classified generally into military prisoners of war, both officers and soldiers; civilian prisoners interned in detention or concentration camps; and civilians who, although not under arrest, are not allowed to return to their own countries, and the wives of such civilians—the men and women of this class being merely required to register with the police and observe certain police regulations. There are many in each of these classes whose resources are sufficient to enable them to procure for themselves whatever supplies they may require in addition to those furnished by the government of the country where they are detained, but there is a pressing need, which is bound to increase as time goes on, for providing supplies of various kinds in addition to those furnished by the captor government, to the great majority of the soldier prisoners, and also to the civilian prisoners, both in camps and at large. Officer prisoners of war stand on a different footing from the others, and their requirements will be considered separately.

Each government supplies its military prisoners and enemy subjects who are detained in camps, with food on a scale which is understood to correspond roughly with the rations of their own army. The standards are different in each country, but in each case the prisoners receive a supply of food which is amply sufficient for them to live on. The British Government undertake to furnish free of charge, medicines, suits, underclothes, shirts, boots, soap, towels, forks and spoons, and even combs and brushes to their military and civilian prisoners who are in need of these things, except that there seems to be some difficulty about furnishing suits to military prisoners because in the prisoners' camps of some of the belligerent countries they are required to wear military uniforms, an additional supply of which can only be obtained from their own governments. Germany and Austria-Hungary, on the other hand, have not undertaken to furnish any of these things, except medicines, either to civilian or military prisoners.

Most of the military prisoners have only the clothes they were wearing when captured, which in many cases are of thin summer weight, and all are in need of additional and warmer underclothes and uniforms, and also overcoats.

Civilian and military prisoners are allowed to receive money from their own governments, or from other outside sources, and are supposed to be paid some compensation for any work they are required to do, but few of them have much money at any time, and most of the time few of them have any. Those who have money are at liberty to buy such additional supplies of clothing, food, and other things as they may require.

Each government has established a fund of money for the relief of its own subjects who are held in enemy territory, and this money is distributed through the American embassies in those countries in the purchase of supplies for distribution in the camps or in the payment of small allowances, or in supplying food to detained civilians who are not interned in detention camps. This outside relief does not present any serious difficulties except those involved in the organization and administration of the relief work, which differs in each country in accordance with local conditions, but it generally is carried on under the direction of the ambassador through some members of the embassy staff with the assistance of the American Consular Service and local relief organizations or committees.

This work is of considerable magnitude in Great Britain where there are some forty thousand German and fourteen thousand Austro-Hungarian subjects outside of detention camps, most of whom are unable to support themselves on account of the prejudice against them as enemy aliens. It should be noted, however, that British-born wives of enemy aliens, whose husbands are not in a position to support them, and there are many such, receive from the British Government a small regular allowance covering only their actual necessities.

Under the provisions of Article 16 of the annex to the fourth Hague convention of 1907, which are being observed in this war, presents and relief in kind may be sent to prisoners of war, and in this way supplies are reaching some of the prisoners in addition to the supplies furnished by the captor governments, and those which are purchased by the American embassies with the funds supplied for that purpose by the prisoners' own governments.

Up to the present time, some private and comparatively unimportant volunteer relief work has been done, but the only relief which has been extended by their own governments to British prisoners in Germany, and German prisoners in Great Britain, has been the purchase and distribution through the American Embassies in Berlin and London, of two or three thousand pounds' worth of underclothing. Information in regard to what has been done for the German prisoners in France and in Russia is not at present available, but it is known that the Spanish Ambassador in Berlin, to whose care the French, Belgian, and Russian interests in Germany have been entrusted, has received absolutely no money from the Russian Government for the relief of Russian prisoners in Germany, and there are no funds available for the relief of the Belgian prisoners there, and although he has received a substantial amount from France for the relief of French prisoners there, he had, until recently, been able to expend very little of it for that purpose.

It must be remembered that Germany alone claims to have upwards of 450,000 prisoners of war, consisting of about 20,000 British, over 200,000 Russians, and over 200,000 French and Belgians. There are several thousand German prisoners of war in Great Britain in addition to the 12,000 or more German and Austro-Hungarian civilian prisoners interned in concentration camps. Many thousands of German and Austrian soldiers are known to be held as military prisoners in France, and the number of prisoners of war who have been taken on both sides between Russia and Germany and Austria-Hungary is known to run to very large figures.

It has already become evident that the relief work which is being done along the lines above indicated, although beneficial and indispensable, is wholly inadequate to meet the requirements of the great majority of the prisoners on both sides, who are in need of clothes and various supplies for their personal comfort and welfare, and some varieties of diet, and also medicines essential to their health.

The British and German Governments have expressed themselves as prepared to establish with the American Ambassadors in London and Berlin, any additional funds which may be necessary for purchasing supplies needed by British and German prisoners of war of those countries. There is some uncertainty, however, as to whether the Russian and Belgian Governments are prepared to provide funds for the relief of Russian and Belgian prisoners in Germany, and this somewhat complicates the situation, because it is reported that Germany is disinclined to permit any discrimination to be made in distributing relief among the Allies' soldiers who are prisoners of war in Germany. The reason of this is understood to be that any discrimination or partiality in the treatment of prisoners leads to bad feeling and disturbances in the prisoners' camps. If this objection on the part of the German Government cannot be overcome, it remains for the Allies to consider whether or not they wish to provide any funds on a joint account for the relief of their respective subjects who are prisoners of war in Germany.

The need for a large amount of clothing and other supplies for prisoners of war, in addition to the supplies furnished by their captors, is so great already and will be so much greater as the winter advances and the number of prisoners increases, that it is generally recognized that these supplies, or the money to procure them, must be provided. Whether this is done by the governments themselves, or by private contributions, or by both, is immaterial. It may be that the governments will find that the best solution is to arrange for a common basis of treatment on a more liberal scale than they have at present adopted, with the understanding that each government will ultimately bear some portion of the expense of the maintenance of its soldiers who are prisoners of the enemy, on an adjustment of accounts at the close of the war, or at stated intervals during the war, or it may be that some other solution will be found. Undoubtedly some solution will be found, and relief work of this character on a large and steadily increasing scale will be carried on until the close of the war, and should be undertaken at the earliest possible moment.

This sort of relief work is analogous to the Red Cross work among the wounded prisoners, and equally important.

OFFICER PRISONERS

In the annex to the fourth Hague convention of 1907, it is provided in Article 17 that officers taken prisoner shall receive the same rate of pay as officers of corresponding rank in the country where they are detained, and that the amount shall be refunded by their own government. It is understood that some of the belligerents are acting in accordance with this provision, and some of them are not, but that they are all allowing some pay to prisoner officers, and although in some countries this is understood to be less than the provisions of this article call for, yet in all cases the pay allowed is sufficient to enable the officers to provide themselves with their actual necessities. They are expected out of this pay to bear the expenses of their own food and clothing, and to pay some compensation to the military prisoners who are assigned to them as servants.

It probably would be advisable that some steps should be taken to ascertain whether or not the officer prisoners in any of the belligerent countries require any supplies in addition to those provided by the captor government, and those which are sent to them by their relatives and friends.

ORGANIZATION OF RELIEF WORK

If the Government of the United States, as seems inevitable, is called upon to undertake the administration of this work on behalf of the governments whose interests are entrusted to its care in enemy territory, some systematic and organized method of carrying it on should be established in each country. The work will naturally be under the direction of the American Ambassador in the several countries where the interests of all the belligerents are entrusted to his care, and in those countries where some of the belligerents are represented by the Spanish Ambassador, some plans for cooperation will be necessary, but in all of the belligerent countries the work will be so extensive, and of such a character, that it cannot successfully be dealt with by an embassy staff. It will probably involve the purchasing of large quantities of supplies of various kinds, and their delivery at a large number of camps widely separated, many of which are in inaccessible places, and the distribution of these supplies among soldiers of different nationalities interned in these camps. It will also involve the handling of and accounting for considerable sums of money, and the apportionment among the different nations of the expenditure made on their account. The American Consular Service in each country will be available, and can conveniently be used for a good deal of this work in connection with the work of keeping the several governments informed about the treatment of prisoners in these camps, but some special organization will be necessary to take charge of the purchasing of supplies and the keeping of accounts. This part of the work is so important, and the responsibility for properly carrying it out is so great, that if the Government of the United States undertakes this responsibility it cannot afford to delegate it to volunteer assistants or unofficial organizations. For that reason, as well as for reasons of efficiency, it must be placed in charge of competent governmental officials. It would seem advisable to designate for that purpose some experienced officers from the Quartermaster's Department and the Paymaster's Department of the United States Army or Navy, to act as a board in charge of this work in each country under the direction of the American Ambassador, and assisted by the American Consular Service.

In this way the work of inspecting these camps and distributing relief can be effectively coordinated and carried out, but it remains for the several belligerent governments to set this work in motion, for the Government of the United States can take only such means as the belligerent governments are willing to have taken towards bringing about a better understanding among them in regard to the treatment and relief of enemy subjects under their jurisdiction.

CHANDLER P. ANDERSON

File No. 763.72114/139

The Ambassador in Great Britain (Page) to the Secretary of State

[Telegram]

LONDON, December 28, 1914.

[Received 11 p. m.]

1352. British Government has made a communication to me on the treatment meted out to British officers and men captured by German forces, embodying a report from Major Vandeleur, First Cameronians, who has just escaped from Crefeld, and statements made by other credible persons. The note is being transmitted to you by pouch and will also be forwarded to the Berlin Embassy by messenger to-morrow. Meanwhile I am requested to ask you to transmit the strongest possible protest to the German Government against the inhuman treatment to which it is unfortunately evident, in the opinion of the British Government, that many British prisoners of war in Germany are being subjected.

The British Government is all the more concerned by the reports which reach them of the manner in which British prisoners of war in Germany have been singled out for ill-treatment, since they have on their part interpreted the appropriate provisions of the Hague convention in a liberal spirit pending the conclusion of some arrangement such as that suggested by Mr. Chandler Anderson and already reported to you, that the United States Government should lend the services of a certain number [of] officials from the Quartermaster General or pay department at Washington to superintend, with the authorization of the British and German Governments, the distribution of necessary comforts to prisoners of war in the two countries; and owing to the terrible distress evidently prevailing among British prisoners in Germany the British Government expresses the hope that you will be willing at the earliest possible moment to cause a sum of money to be expended in providing clothing, extra food, money, and other necessaries which seem indispensable to raise the present standard of the British prisoners to one of decent human existence.

Grey states his willingness to transmit to me a draft for £20,000 for this purpose as soon as he hears from you that effective arrangements can be made.

The state[ment] made by Major Vandeleur, which I am forwarding to you and which the British Government reports as a creditable and unexaggerated document, describes treatment of extreme brutality and inhumanity and seems to show an intention on the part of the German military authorities to single out British prisoners with object of making them as miserable and despicable objects as possible, since Major Vandeleur states that the insulting and altogether brutal treatment to which he and his fellow prisoners were subjected *en route* from the point at which they were captured to the place of internment was subsequently mitigated.

Impossible within the limits of a telegram for me to transmit to you a satisfactory summary of the report which is very detailed and shocking, but as it will be in the possession of the Department by the next mail and in Gerard's hands within a few days, Grey asks

that you telegraph the latter to make the strongest statement consistently possible in presenting the British Government's protest.

AMERICAN AMBASSADOR

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

[Telegram]

WASHINGTON, December 31, 1914.

927. The American Ambassador at London reports that he has forwarded to you by messenger on December 29 a copy of a written communication from the British Government representing on information accepted by them as creditable that British prisoners of war in Germany are being inhumanly treated at the prisoners' camp at Crefeld, and that there seems to be a deliberate intention on the part of the German military authorities to discriminate against British prisoners and to degrade them while *en route* from the point of capture to the place of internment. The British Government request that this communication be transmitted to the German Foreign Office immediately upon its receipt, and pending its receipt, that the German Foreign Office be informed the British Government protest against the reported treatment of prisoners. You are authorized to comply with this request without comment other than to say that the British Government feel that they have acted in a liberal spirit under the appropriate provisions of the Hague convention relating to the treatment of prisoners of war. In doing so you will make it clear that you are acting merely as a medium of communication.

BRYAN

File No. 763.72114/148

*The Secretary of State to the Ambassador in Great Britain (Page)*¹

[Telegram]

WASHINGTON, January 15, 1915, 6 p. m.

963. Your 1352, December 28, and 1377, December 31,² about prisoners of war. You may say informally to the British Government that this Government is willing to undertake the work outlined in Anderson's report of December 1 for inspecting and reporting on prisoners' camps and distributing among prisoners supplies from their own government, if that is desired by the governments concerned; but as stated in that report it rests with the belligerent governments to set this work in motion, and this Government does not feel at liberty to tender its good offices in bringing about the arrangements suggested until it is requested to do so.

The following suggestions might be considered as a basis for a plan of operation: (1) Each of the belligerent governments should furnish immediately, for the information of the other, a complete statement of its policy with regard to the treatment of prisoners, with full details showing the supplies furnished and the conditions of their

¹ Repeated, for his information, to the Ambassador in Germany, January 15, No. 1007.

² Not printed.

life during internment, supplemented by copies of orders and instructions issued from time to time to the commandants of the prisoners' camps; (2) the belligerents should permit the representatives of the United States in each country to have access to the prisoners and permit the prisoners to furnish written statements about their treatment and conditions of life, and their requirements, which they wish to have communicated to their own government; (3) in undertaking this work the Government of the United States will assume no responsibilities of any kind beyond the mere transmission of the statements and the distribution of the supplies furnished as above indicated, in accordance with such restrictions and regulations as are imposed by the governments concerned.

For your information: If the British Government request this Government to undertake this work, Gerard will be instructed to ascertain if the German Government will give necessary authorization. It is advisable that the British Government should at the same time express their willingness that corresponding arrangements be made on behalf of German prisoners in Great Britain if the German Government so desires, in order that the German Government may be so informed.

A copy of this cable has been sent to Gerard, and he has been informed that as soon as the British Government are advised that effective arrangements can be made, they will transmit immediately £20,000 for use in providing extra food, money, and other necessities for British prisoners in Germany.

BRYAN

File No. 763.72114/180

The Ambassador in Great Britain (Page) to the Secretary of State

[Telegram]

LONDON, *January 15, 1915.*

[*Received 9.30 p. m.*]

1474. My telegram 1352, December 28, and my despatch 690, December 29.¹ British Government have now addressed to me a formal application that the United States Government lend the services of a certain number of officials from the Quartermaster General or pay departments to act under the direction of the Embassy in Berlin and visit camps in Germany, and supervise the provision and distribution of money and necessities and minor comforts for British officers and men prisoners of war and interned civilians, in Germany.

British Government request that the Ambassador at Berlin be instructed to recommend this proposal to the acceptance of the German Government and that upon its acceptance the United States Government will select and dispatch the necessary officers to undertake the work.

British Government are ready to place at the disposal of the Ambassador at Berlin the necessary funds up to a maximum amount calculated at the rate of one pound per man per quarter of prisoners of war and interned civilians now in Germany, or roughly £20,000 a

¹ Latter not printed.

quarter from the time when the scheme can be put into operation. The question of the continuance of subvention at this or some lower figure would be subject to reconsideration later if necessary.

If the scheme is approved, British Government would in addition to amounts expended in relief repay to the United States Government the cost of the salaries of the officials so employed, as well as the necessary expenses of the mission, and they suggest that the details with regard to payment, accounting, supplies, etc., could be advantageously settled when the officials in question arrive in this country.

An arrangement already exists by which this Embassy looks after German prisoners of war and interned civilians in this country, with special facilities for the distribution of money, parcels, etc., to German prisoners in the United Kingdom. British Government point out that this scheme which is already in operation is practically the equivalent of what is now proposed in Germany. If, however, the German Government would consider more satisfactory a similar arrangement on exactly similar lines to that which is now proposed for British prisoners in Germany, British Government express themselves as ready to give their consent.

Grey further refers to the request in his note of December 26 transmitted with my despatch 690 that the United States Government cause a sum of money be expended at once in providing money, clothing, extra food, and other things which may seem necessary for the relief of British prisoners without waiting until the regular machinery can be set up, and asks for an early reply, repeating his statement that he will hand me a draft for £20,000 as soon as it has been agreed to.

AMERICAN AMBASSADOR

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

[Telegram]

WASHINGTON, *January 16, 1915, 7 p. m.*

1020. The British Government have now formally requested this Government to lend its good offices in visiting prisoners' camps in Germany and supervising the provision and distribution of money and necessities and minor comforts for British officers and men prisoners of war, and interned civilians in Germany.

This Government is willing to undertake this work in accordance with the plan outlined in the Department's 1007 yesterday,¹ if acceptable to the German Government.

The British Government have also expressed their willingness to have this Government undertake similar work on behalf of German prisoners in Great Britain if the German Government so desires.

You may communicate to the German Government the position of this Government as indicated in the Department's 1007 and the plan outlined therein, and inform them of the request of the British Government as above stated, and discuss the subject fully with them with a view to ascertaining their views.

¹ See footnote 1, *ante*, p. 1004.

You may also inform the German Government that the British Government wish to arrange for the expenditure at once of a sum up to £20,000 in providing money, clothing, extra food, and other things which may seem necessary on behalf of British prisoners in Germany without waiting until the proposed arrangement can be put into operation. This amount will be provided as soon as you report that there is no objection on the part of the German Government.

For your information: In carrying out the general plan proposed the British Government are ready to place at your disposal the necessary funds up to a maximum amount calculated at the rate of one pound per prisoner quarterly, estimated roughly at £20,000 per quarter, from the time when the scheme can be put into operation, and wish in addition to bear the cost of the salaries of the officials to be employed, as well as the necessary expenses of the mission.

BRYAN

The Secretary of State to the Ambassador in Great Britain (Page)

[Telegram]

WASHINGTON, January 16, 1915.

977. This Government will undertake the work requested by the British Government in your 1474 in accordance with the plan outlined in the Department's 963 of yesterday, and Gerard has been instructed to present the matter to the German Government and report.

BRYAN

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

[Telegram]

WASHINGTON, January 19, 1915.

446. The British Government have formally requested this Government to lend its good offices in visiting prisoners' camps in Germany and supervising the provision and distribution of money and necessities and minor comforts for British officers and men prisoners of war, and interned civilians in Germany. The British Government have also expressed their willingness to have the Government of the United States undertake similar work on behalf of German prisoners in Great Britain if the German Government so desires.

The Department is willing to undertake this work upon the following plan, if acceptable to the governments concerned, and has so informed the British and German Governments:

- (1) Each of the belligerent governments should furnish immediately, for the information of the other, a complete statement of its policy with regard to the treatment of prisoners, with full details showing the supplies furnished and the condi-

- tions of their life during internment, supplemented by copies of orders and instructions issued from time to time to the commandants of the prisoners' camps;
- (2) The belligerents should permit the representatives of the United States in each country to have access to the prisoners and permit the prisoners to furnish written statements about their treatment and conditions of life, and their requirements, which they wish to have communicated to their own government;
 - (3) In undertaking this work the Government of the United States will assume no responsibilities of any kind beyond the mere transmission of the statements and the distribution of the supplies furnished as above indicated, in accordance with such restrictions and regulations as are imposed by the governments concerned.

You may bring the above to the attention of the Austro-Hungarian Government for its information, and intimate that while this Government will be glad to be of any assistance it can to the Austro-Hungarian Government, it does not feel at liberty to tender its good offices in this respect until it is requested to do so.

BRYAN

File No. 763.72114/224

The Ambassador in Great Britain (Page) to the Secretary of State

[Telegram]

LONDON, *February 5, 1915.*

[*Received 5.30 p. m.*]

1595. Your 963, January 15,¹ duly communicated to British Government who now reply accepting all your three points except suggestion under point number two regarding direct correspondence of prisoners with their governments which must remain subject to the control of British authorities.

British Government add the hope that I will therefore consider myself justified in at once taking charge of the preliminary sum of £20,000 for the relief of British prisoners of war and interned civilians in Germany, but I have replied that I do not feel able to do so without your authority and unless I am informed that Gerard is able to use this sum advantageously without waiting for the institution of the official organization proposed. I ask for definite instructions on this last point.

Grey's communication is only another evidence of the eagerness of his Government to have the arrangement put through, and they anxiously await an answer from Berlin to their proposition which Gerard has submitted under your instructions. It is very desirable that this be expedited.

AMERICAN AMBASSADOR

¹ *Ante*, p. 1004.

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

[Telegram]

WASHINGTON, February 6, 1915.

1151. Embassy London reports 5th instant that plan of operation which was mentioned in Department's 1007¹ to you was communicated to British Government, and reply now received accepts all three points except suggestion under number two regarding direct correspondence of prisoners with their governments, which must remain subject to control of British authorities.

Department confident this point can be arranged in such a way as to be satisfactory to governments concerned.

The British Government also express hope that Embassy in London will at once take charge of preliminary sum of £20,000 for relief of British prisoners of war and interned civilians in Germany, to which Page has replied that he is unable to do so without Department's authority and unless he is informed that you are able to use this sum advantageously without waiting for official plan of operation to be instituted. Page now asks for definite instructions on this last point, and adds that Grey's communication is only another indication of eagerness of British Government to have arrangement put through. Your answer as to German Government's attitude to their proposal is anxiously awaited by British Government. Expedite reply in every possible way.

LANSING

File No. 763.72114/248

*The Ambassador in Germany (Gerard) to the Secretary of State*²

[Telegram]

BERLIN, February 19, 1915, 1 p. m.

[Received February 20, 6.10 p. m.]

1641. No authorization needed for us to accept and use £20,000 for British prisoners, as our British funds accounts filed with you and Page show we have received and are still paying out money for British prisoners. Your proposition in your 1007, January 25 [15],¹ [presented] to German Government on January 27 and February 9, and no reply yet received, although have in writing and verbally asked for same.

GERARD

File No. 763.72114/530

The Austro-Hungarian Ambassador (Dumba) to the Secretary of State

No. 739]

WASHINGTON, February 23, 1915.

MY DEAR MR. SECRETARY OF STATE: I am desired by Baron Burian to convey to you the expression of the deep gratitude of the Austro-

¹ See footnote 1, *ante*, p. 1004.² Communicated to the Ambassador in Great Britain, February 23, No. 1180.

Hungarian Government for your efficient intervention in St. Petersburg which resulted in the release of the Chancellor of the Imperial and Royal Embassy and several consular officers imprisoned since the beginning of the war.

I have the honor to inform you at the same time that, according to a wireless telegram received from Vienna, my Government has already carried out and put into practice the suggestions considering the treatment of war prisoners as contained in your telegram addressed on the 19th of January last to Mr. Penfield, and that it will continue doing so, on condition of reciprocity being granted by the Russian Government. Besides Baron Burian signified his readiness to accept the third point suggested by your excellency regarding the limitation of the operations and responsibility of the Government of the United States.

I earnestly hope that your excellency's efforts to induce the other governments interested in the operation of your plan, to accept it also unconditionally, will be soon successful.

May I ask you on this occasion whether the President has—as I understood during my audience he was willing to do so—addressed a direct appeal to His Majesty the Emperor of Russia in favor of the Austro-Hungarian civil and military prisoners?

Believe me [etc.]

C. DUMBA

File No. 763.72114/284a

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

[Telegram]

WASHINGTON, March 1, 1915.

546. Austro-Hungarian Ambassador here informs Department under date 23d ultimo of receipt of wireless message from Vienna to the effect that Austro-Hungarian Government has already carried out and put into practice suggestions concerning treatment of war prisoners as contained in Department's cable to you 446 dated January 19, and that Austro-Hungarian Government will continue doing so on condition of reciprocity being granted by Russian Government. Department awaiting report from you as to whether this may be construed as formal request from Austro-Hungarian Government to Russian Government on similar terms as British request of German Government.

BRYAN

File No. 763.72114/285

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

[Telegram]

VIENNA, March 11, 1915.

[Received March 12, 4.10 p. m.]

545. Your 546, 1st. Austro-Hungarian Government anxious arrangements be immediately reached with Russian Government for

inspection places where subjects of both countries are detained on basis Anglo-German arrangement. Any reasonable modifications would be accepted. Immediate institution relief measures vitally important. Austro-Hungarian Government states that since efforts to obtain privileges for relief [of] their civil subjects in Russia similar [to] those granted since beginning of war to Spanish Embassy and American consuls here for inspection and relief Russian civil as well as military prisoners have as yet proved unsuccessful as far as civilians in Russia are concerned, they greatly regret they find themselves forced to declare that should they not be informed by April 10 that inspection Austro-Hungarian civilians by members of American Embassy Petrograd was granted, they will not any longer let Russian civilians in the Monarchy be visited and reserve [to] themselves to take, regarding their treatment, quite different measures than heretofore.

PENFIELD

File No. 763.72114/284

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

[Telegram]

BERLIN, *March 11, 1915.*

[*Received March 12, 7.30 p. m.*]

1824. As a result of the conferences I cabled about in my No. 1756,¹ the German Government has now sent me a note which embodies result of our arrangement as follows:

Principles for securing information concerning the condition of prisoners in belligerent countries:

1. The belligerents undertake to transmit to those countries whose subjects are held by them as prisoners of war, whether combatant or non-combatant, a compilation of the provisions which they have adopted for the treatment of prisoners to include those relating to lodging, clothing, and food, as well as correspondence and the forwarding of money and presents in kind. In case any special supplementary regulations have been issued in single detention camps, such regulations shall be made known to the diplomatic or consular representatives who have charge of the protection of the prisoners when they inspect such camps.

2. General permission to inspect the detention camps shall be given to the chiefs of the diplomatic missions who have charge of the protection of the prisoners, [and] to the diplomatic or consular officers of their country who may be designated by them. They shall announce visits to the commanders of the camp at least 24 hours beforehand if possible.

3. The diplomatic or consular representatives specified in paragraph second shall be free to converse with the prisoners, in the presence but beyond hearing distance of the commander of the camp or such officer as may be detailed by him, and to hear their wishes and complaints. The conversations shall not however embrace other subjects than such wishes and complaints except with the express permission of the commander of the camp. Before leaving a camp, the diplomatic or consular representative will notify the commander of any wishes and complaints and will not submit them to the superior authorities of the commander unless the commander declares himself unable or unwilling to consider the wishes or to remedy conditions forming the subject of complaint.

In the covering note the Foreign Office states that, contingent on reciprocal action on the part of the enemy powers, the German Government accepts the proposals of the American Government relative

¹ Not printed.

to securing information concerning the condition of prisoners in the form agreed upon as above, and hopes you can secure assent to these proposals of the government of the powers with which Germany is at war.

With regard to the fund of £20,000 made available by the British Government for British combatant and non-combatant prisoners, Foreign Office states there are no objections to its distribution, but it cannot be used in any event for purchase of tobacco, chocolate, bread, or cake from German and Austrian supplies. However no objection is interposed to sending simple foodstuffs, sweets, etc., to prisoners from home, but prisoners will not be allowed bread in excess of allotment which is same as that of German troops quartered among civilians. Allotted rations being adequate for Germans, they are adequate for prisoners also who cannot be permitted to live better than population of captor.

GERARD

File No. 763.72114/285

The Secretary of State to the Ambassador in Russia (Marye)

[Telegram]

WASHINGTON, *March 15, 1915.*

243. Please bring [to] attention Russian Foreign Office that Austro-Hungarian Government desires [to] make agreement with Russian Government for inspection of prison camps similar to plan agreed upon between German and British Governments. Austro-Hungarian Government anxious this plan or similar plan be arranged immediately. Substance of plan as follows:

(1) Each of the belligerent governments should furnish immediately, for the information of the other, a complete statement of its policy with regard to the treatment of prisoners, with full details showing the supplies furnished and the conditions of their life during internment, supplemented by copies of orders and instructions issued from time to time to the commandants of the prisoners' camps.

(2) The belligerents should permit the representatives of the United States in each country to have access to the prisoners and permit the prisoners to furnish written statements about their treatment and conditions of life, and their requirements, which they wish to have communicated to their own government.

(3) In undertaking this work the Government of the United States will assume no responsibilities of any kind beyond the mere transmission of the statements and the distribution of the supplies furnished as above indicated, in accordance with such restrictions and regulations as are imposed by the governments concerned.

Department willing to lend assistance far as possible under circumstances. Since Spain has charge of Russian interests in Austria, Department could not agree to have American officials inspect camps in Austria unless requested to do so by both Governments and with acquiescence of Spanish Government.

BRYAN

File No. 763.72114/534

The President of the United States to the Emperor of Russia

WASHINGTON, March 18, 1915.

YOUR MAJESTY: May I take the liberty of calling Your Majesty's attention to a matter in which the Government and many disinterested citizens of the United States of America would be very happy, and even thankful, to be of service in assisting to moderate the sufferings and difficulties incident to the present war?

It is the desire of the Government of the United States and of the American Red Cross Society to be of service whenever and wherever it is possible to render a service which can have no color of partisanship or of officious suggestion. The field that seems most open for this purpose is the care and support of prisoners. I take it for granted that, no matter how great the generosity of Your Majesty's Government may be in caring for the prisoners in Siberia, many severe hardships will necessarily attend life in the concentration camps there. I venture, therefore, to inquire whether Your Majesty would be willing to vouchsafe to representatives of the American Red Cross Society or to any other impartial agency this Government might be able to supply or vouch for, the right to distribute to the prisoners in Siberia, either military or civil, money, medicines, and supplies sent by their friends or by philanthropic people in this country or elsewhere.

I make this inquiry and request very earnestly, not as the chief official of my Government, but only as a servant of humanity, with no political purpose, of course, and as a friend who would help if he could, and who shares with millions of his fellow-countrymen the desire to assuage, wherever it is possible to do so, the inevitable miseries of the present war.

My suggestion is made in conformity with a general plan for prisoners' relief which the Government of the United States is now trying to arrange at the request of the several belligerent nations whose interests in enemy territory are entrusted to its care; and Your Majesty will understand that the only reason why I do not include in my suggestion an offer of similar services on behalf of Russian subjects held as prisoners, is that the Government of the United States does not represent diplomatically the interests of Russia in any of the belligerent countries.

May I not take this opportunity to express my sincere friendship for the great Russian people and their Government, and my high personal regard for Your Majesty?

Your Majesty's good friend,

WOODROW WILSON

File No. 763.72114/307

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

[Telegram]

WASHINGTON, March 24, 1915, 4 p. m.

1415. Your 1824,¹ 11th, 1850,² 1851,² 15th, 1883,² 20th. Department's 1007³ covered both distribution of supplies and securing infor-

¹ Ante, p. 1011.² Not printed.³ See footnote 1, ante, p. 1004.

mation prisoners' camps. German reply proposes regulations for securing information but says nothing about distributing supplies. Department understands proposal for distributing supplies is accepted without qualification. Belgian, French, and Russian Governments have been notified of plan and regulations as approved by German Government, and that German Government has expressed hope that powers at war with Germany will assent. Department understands that proposed arrangement becomes effective with each government which concurs without waiting for agreement by all. Arrangement for prisoners in Germany of French, Russian, and Belgian nationality must be made by those Governments through Spanish Ambassador, Berlin, who represents them there. Department further understands that at present ten diplomatic and consular representatives in Germany named by you are permitted to inspect camps, and that you are permitted to distribute supplies as heretofore, and that your 1883, 20th, applies only to conditions mentioned in your 1824, 11th. Please confirm Department's understanding on all these points, and report for approval of Department names of men selected by you to inspect camps, and how work is organized.

When did you last inspect Ruhleben?

BRYAN

File No. 763.72114/323

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

[Telegram]

BERLIN, March 26, 1915.

[Received March 27, 5.25 p. m.]

1926. Referring my 1824, March 11, regarding proposal for basis of international agreement for securing information concerning condition of prisoners of war. I have now received copy of note from British Office to Mr. Page, dated March 20, which, while appearing to accept these proposals in principle does not give a definite affirmative reply. What I desire is a specific acceptance by the Governments of Great Britain, France, and Russia of my definite and advantageous proposals already approved and accepted by the German Government. Please urge early reply.

GERARD

The Secretary of State to the Ambassador in Great Britain (Page)

[Telegram]

WASHINGTON, March 29, 1915.

1334. Department informed by Berlin you forwarded to Embassy copy of note from British Foreign Office, dated March 20, relative agreement for obtaining information concerning condition of war prisoners, which appears to accept German proposals in principle, but which does not give definite affirmative reply. Please forward copy of note to Department by telegraph.

BRYAN

File No. 763.72114/337

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

[Telegram]

BERLIN, March 29, 1915, 5 p. m.

[Received March 30, 11.50 p. m.]

1943. Department's 1415, 24th. There are no objections on the part of German Government to my distributing supplies to British prisoners or my administering British Government's fund of £20,000 except that I may not purchase certain articles in Germany such as tobacco, chocolate, etc., which are forbidden by regulations for prisoners of war, but prisoners may receive these when sent from foreign country.

I have up to now distributed large amount [of] overcoats, uniforms, underclothing, etc., to British prisoners, but at present these articles are sent in accordance with wish [of] British Government to camps direct through American Express Company in Holland.

Although not embodied in note, Herr von Jagow has given me to understand that the proposed arrangement becomes effective with each government which concurs without waiting for agreement by all. Although understanding that British Government will agree, I have received no definite assurance to this effect. I understand of course that arrangements for French, Russian, and Belgian prisoners in Germany must be made by those Governments through Spanish Ambassador here.

General pass to visit and inspect camps and hospitals in Germany has but just been received, and visits to camps in Prussia will begin this week with a view to learning existing conditions, as was done in the case of Jackson's visit to England. Besides myself, passes have been issued at my request to Jackson, Grew, Ohnesorg, Russell, Osborne, and Michelson, Consul at Hanover.

I suggested in my 1850, 15th, quartermasters, if attached here, could be given similar passes.

I inspected Ruhleben shortly previous to sending you my 1851, 15th, and a member of my staff was last there on March 31 [21?]. A representative of the civilians interned at Ruhleben comes to the Embassy twice weekly and confers regularly and at length with me and with Russell in charge of British Department regarding conditions at Ruhleben.

GERARD

File No. 763.72114/338

The Ambassador in Great Britain (Page) to the Secretary of State

[Telegram]

LONDON, March 30, 1915.

[Received March 31, 8 a. m.]

1856. Your 1334, March 29. Following is complete text of British note, dated March 20:

I have the honor to acknowledge the receipt of your excellency's note of the 17th instant forwarding the text of a telegram from Mr. Gerard received through the Secretary of State at Washington with regard to the "principles

for securing information concerning the condition of prisoners in belligerent countries."

It will perhaps be convenient if the points raised are dealt with in the order followed in the above-mentioned telegram.

(1) In my notes to your excellency of December 2, December 14 and February 3 I had the honor to forward to your excellency full information regarding the treatment accorded to German prisoners of war and interned civilians in the United Kingdom. This information covered the questions of housing, rations, sanitary conditions, occupation, clothing, money, correspondence, washing, officers' pay, and general treatment. His Majesty's Government consider therefore that the German Government have for some time been in a position to satisfy themselves that German prisoners of war and interned civilians in the United Kingdom are being treated in a most humane way. His Majesty's Government are quite prepared to communicate to your excellency any special supplementary regulations which may be issued in single detention camps.

(2) His Majesty's Government are gratified to learn that the German Government are prepared on condition of reciprocity to grant the chiefs of the diplomatic missions who have charge of the protection of the prisoners as well as the diplomatic or consular officers of their country—in this case United States officials—general permission to inspect the detention camps. It is assumed that the above statement read in conjunction with the words "The German Government accepts the proposals of the American Government relative etc.," in the covering note from the German Foreign Office means that the general permission to inspect the camps will include the United States officials referred to in my note to your excellency of December 26 last who will presumably be attached to the United States Embassy at Berlin, seeing that it would probably be difficult for the regular members of Mr. Gerard's diplomatic or consular staff to keep in close and continuous touch with the British prisoners of war in the various detention camps. I have the honor to remind your excellency that in my note of January 14 last I expressly stated that His Majesty's Government would readily give their consent to an arrangement for the benefit of the German prisoners of war and interned civilians in the United Kingdom on exactly similar lines to that proposed for British prisoners of war, etc., in Germany, as detailed in my note of December 26. I pointed out in this connection that an arrangement already exists by which an official of your excellency's Embassy sees to the general welfare of German prisoners of war and interned civilians in this country and is given special facilities for this purpose. Your excellency will therefore perceive that the German Government are already assured of reciprocity in the above connection.

His Majesty's Government take note of the remarks made in the final paragraph of your note under reply in connection with the question of the supply of foodstuffs to British combatant and non-combatant prisoners. It is assumed that tobacco, biscuits, sweets, etc., may be sent from the United Kingdom to Germany for the use of the British prisoners, and in view of the fact that meat is, according to the accounts which have reached this country, only supplied in very limited quantities, His Majesty's Government trust that it may be possible for the United States officials charged with the general welfare of British prisoners in Germany from time to time to purchase meat locally in order to supplement the rations issued to those prisoners.

I should be grateful if your excellency would acquaint the United States Ambassador at Berlin by telegraph with the substance of the foregoing.

AMERICAN AMBASSADOR

File No. 763.72114/359

The Ambassador in Great Britain (Page) to the Secretary of State

[Telegram]

LONDON, April 6, 1915, 6 p. m.

[Received 8 p. m.]

1891. Sir Edward Grey again asks me to have telegraphic assurance conveyed to Gerard for the German Government of the acceptance *in toto* by His Majesty's Government of the scheme put forward

by the German Government in connection with the inspection of camps where British civilian and war prisoners are interned in Germany.

Sir Edward Grey asks the favor of a telegraphic reply from Gerard assuring him that the British Government's assent is understood.¹

AMERICAN AMBASSADOR

File No. 763.72114/399

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

[Telegram]

BERLIN, April 16, 1915, 7 p. m.

[Received April 17, 6 p. m.]

2064. Department's 1479, April 7.² I have now received written assurances from the Imperial Foreign Office that the assent of the British Government to the German Government's scheme regarding camp inspection telegraphed to you in my 1824, March 11, is understood.³

GERARD

File No. 763.72114/409

The Ambassador in Russia (Marye) to the Secretary of State

No. 103]

PETROGRAD, March 27, 1915.

[Received April 21.]

SIR: I have the honor to acknowledge the receipt of the Department's telegram No. 243, of the 15th instant,⁴ directing the Embassy to bring to the attention of the Russian Foreign Office that the Austro-Hungarian Government desires to make an agreement with the Russian Government for the inspection of prisoners' camps, similar to the plan agreed upon between the German and the British Governments.

The substance of this telegram was transmitted to the Russian Foreign Office, and I have the honor to enclose herewith a copy of its reply.

Copies of this reply have been sent direct to the American Embassy in Vienna for transmission to the Austro-Hungarian Foreign Office.

I have [etc.]

For the Ambassador:

CHARLES S. WILSON

Secretary of Embassy

[Enclosure—Translation]

The Russian Ministry of Foreign Affairs to the American Embassy

No. 3166/D II]

PETROGRAD, March 13/26, 1915.

Replying to the note of 4/17 March, 1915, the Imperial Ministry of Foreign Affairs has the honor to inform the Embassy of the United States of America, on the question of the condition of Austro-Hungarian prisoners of war in Russia,

¹ Transmitted to the Ambassador in Germany, April 7, No. 1479.

² See footnote 1, *supra*.

³ Transmitted to the Ambassador in Great Britain, April 21, No. 1449.

⁴ *Ante*, p. 1012.

that as the Imperial Ministry has already informed the Embassy in its note of February 7, 1915, No. 1645, the Imperial Government has no objection to the Embassy's representative visiting the camps of said prisoners in Russia.

As regards the distribution of subsidies to these prisoners, the Imperial Ministry has to say that, as already stated in previous correspondence, the Government regrets that it cannot agree to a direct distribution of subsidies to the prisoners by any one except the military authorities.

In this way all contributions and gifts, addressed to Austrian prisoners in care of the special distributing committee at the Russian Red Cross Society, are forwarded to the addressees, as are also all gifts collected by the Russian committee caring for the needs of Slav prisoners of war, the latter category receiving considerable assistance from the said committee.

In conclusion the Imperial Ministry has the honor to transmit to the Embassy a copy of the existing regulations concerning prisoners of war in Russia, with the request that it may be forwarded to the Austro-Hungarian Government in reply to their request for data concerning the condition of military prisoners in Russia. Should the Imperial Government issue any new regulations of a general nature concerning the condition of prisoners of war, the Imperial Ministry will not fail to forward a copy to the Embassy.

File No. 763.72114/440

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

[Telegram]

BERLIN, April 29, 1915, 8 p. m.

[Received May 1, 6 p. m.]

2135. Military authorities here in charge of prisoners suggested to me a conference of American and Spanish Ambassadors of all or principal warring countries, each Ambassador to be accompanied by representatives of authorities having charge of prisoners in the country to which Ambassador accredited. Conference to meet in Switzerland and settle matters concerning treatment of prisoners' exchanges, etc. Von Jagow and Zimmermann approve idea. In the meanwhile you will make proposition and I will first get assurances that your proposition will be accepted. Colonel House might attend to representations of President and conference might lead to greater results.

GERARD

File No. 763.72114/461

The Ambassador in Russia (Marye) to the President

No. 119]

PETROGRAD, April 15, 1915.

[Received May 10.]

SIR: I have the honor to inform you that the letter written by you to His Majesty the Tsar and transmitted to me by Mr. Davis, Chief Clerk of the Department of State, reached me in due course, and that immediately on receiving it I sought an interview with Mr. Sazonov, the Minister of Foreign Affairs, to solicit the honor of an audience with His Majesty in order to hand him your letter in person in accordance with the instructions of the Department.

With Mr. Sazonov I had, as always, a very pleasant interview. I told him of the letter I had received from the Department and I informed him of the matter and substance of your letter to the Tsar.

He said His Majesty would be happy to receive it, but he seemed to think the request of the letter would impress the Tsar more favorably if it were accompanied with a suggestion that in some way the same things would be done in Germany by the same people, or by others acting along the same lines, to ameliorate the condition of Russian prisoners in Germany. He said, "German prisoners are better off here than our people who are held prisoners in Germany. The Germans with us are given enough to eat, but our men in Germany only get 200 grams a day of that K K bread which they can hardly eat. That is a severe hardship to them for our peasants are accustomed to all the black bread they want." Mr. Sazonov then said that he would present my request for an audience and that the Tsar would receive me as soon as it could be arranged, which might be a day or two, as these were exceptionally busy times.

Yesterday I received notice from the Ministry of Foreign Affairs that His Majesty would receive me at noon to-day at Tsarskoe-Selo, and later, information was sent me to the same effect by the Grand Master of Ceremonies, and also notice when the special train to take me to Tsarskoe would leave and when return.

The Tsar received me in the kindest and most gracious manner. I gave him your letter and he read it over, not hastily as one who wants to reserve for a later moment the serious perusal of a document, but deliberately as one who wants to discuss the matter. And we did discuss it. He expressed his approval and admiration of the spirit and motive of the letter, and I naturally acquiesced. He said, "I am going to grant this request. I want to do it, but don't you think it ought to be coupled with some sort of assurance that the same thing would be done for my people in Germany?" And then he added, "Of course, the President says he doesn't make that request in Germany because the United States does not represent Russia diplomatically, but that does not really make any difference. The reason for what it is proposed to do is just the same in one place as in the other." I said, "Any suggestion by Your Majesty of equality of treatment will, I am sure, commend itself to the President's sense of fairness." After some further remarks he said, "I want to answer this in a way to be agreeable to the President," and then a few moments later he continued, "I will have Sazonov (Mr. Sazonov, the Minister of Foreign Affairs) write you a letter telling just my feelings, and you can send that on to the President."

That letter I have, of course, not yet received, but I will, no doubt, in a day or so, and I will then send it to Mr. Davis to be delivered to you.

My conversation with the Tsar was throughout most pleasant and cordial. After attending to the business of the letter which took me to him, I remarked, "After the war there will be a tremendous *essor* [soaring], a tremendous expansion of trade and commerce in Russia." The Emperor interrupted me to say, "I hope so," and I continued, "Well, I think there will be, and I want Americans to have some share in it. This great Empire would be benefited by American enterprise and initiative and by American money, and Americans would find this country with its many undeveloped resources a fine field for their activities." The Emperor responded, "I think so too."

After quite a long, and as I have said, most agreeable interview, I shook hands and had virtually taken my leave when he reopened the conversation by saying, "I am going to the Army the day after to-morrow." That brought up the subject of the war and after some remarks he said, "My information from all the fronts is that things are going on well." I said, "That is what I hear, but of course you have far greater means of knowing than I have." The conversation continued and a few moments later he said impressively, "This war is a great calamity and a great wrong and the Allies, Russia, England, and France (he enumerated the three), are firmly resolved to make no peace until it can be made on terms which will render it durable, terms which will free Europe from the constant threat of German aggression." And then after some further conversation he gave me a most hearty shake of the hand and I took my leave.

I have [etc.]

GEORGE THOMAS MARYE

File No. 763.72114/551

The Ambassador in Russia (Marye) to the Chief Clerk of the Department of State (Davis)

PETROGRAD, May 1, 1915.

[Received June 7.]

MY DEAR MR. DAVIS: I have the honor to send you herewith an autograph letter from His Majesty the Emperor to His Excellency the President, [and] an English translation of the Emperor's letter; also an English translation of the letter to me of Mr. Sazonov, the Minister of Foreign Affairs, with which the Emperor's letter was handed to me to be transmitted to the President.

I therefore beg you to hand to the President His Majesty's autograph letter, and at the same time the translation and the translation of Mr. Sazonov's letter to me.

I am [etc.]

GEORGE THOMAS MARYE

[Enclosure—Translation]

The Russian Minister of Foreign Affairs (Sazonov) to the American Ambassador (Marye)

No. 4666/D II]

PETROGRAD, April 18/May 1, 1915.

MR. AMBASSADOR: Replying to the note of March 27/April 9, 1915, I have the honor to transmit herewith to your excellency a letter from His Imperial Majesty the Emperor to the President of the United States of America, in reply to the letter of the President dated March 16 [18], 1915,¹ which you had the honor to hand to His Majesty on April 2.² At the same time I consider it my duty to enclose herewith a copy of the said letter of His Majesty.

From this copy your excellency will see that the Emperor has ordained me to enter into negotiations with you and to intimate to you the conditions on which a distribution of gifts among Austro-Hungarian and German prisoners of war in Russia may be effected.

Acting under instructions of my August Sovereign, I consider it my duty to state that the Imperial Government expresses its consent to the distribution of gifts among Austro-Hungarian and German prisoners, by American benevolent organizations in the capacity of organizations of a nation which is protecting the interests of these prisoners, and on condition that all regulations on this subject, issued by Russian military authorities, will be observed.

¹ Ante, p. 1013.

² Old style.

But as in all questions concerning prisoners of war it is the custom to be guided by the principle of perfect mutuality, the Imperial Government gives its consent with the stipulation that the governments of hostile powers should agree, in their turn, to allow a distribution of subsidies among Russian prisoners by similar organizations and in the same amounts as it will be done in Russia.

Should, however, the present initiative of the United States Government be based, as stated in the President's letter, not only on the fact that it is protecting the interests of Austro-Hungarian and German subjects in the Russian Empire, but on the general principles of humanity towards prisoners, the Imperial Government deems it possible to consent to the distribution of gifts by the above-mentioned organizations, without demanding the observance of mutuality, but, as stated above, provided the corresponding regulations will be complied with. At the same time, the Imperial Government expresses its assurance that in their philanthropic work American citizens will not make any distinction as regards nationalities and will extend the same kindness to Russian prisoners in Austria-Hungary and Germany.

While humbly requesting your excellency to kindly transmit His Majesty's letter to its high destination, and to communicate the contents of the present note to the Government of the United States, I avail myself [etc.]

SAZONOV

[Subenclosure—Translation]

The Emperor of Russia to the President

MR. PRESIDENT: The Ambassador of the United States has handed me your letter of March 18, 1915.

In this letter you ask me to allow representatives of the United States Government and of the American Red Cross to render assistance to prisoners of war of hostile armies interned in Russia, by personally distributing various gifts.

I highly appreciate and share the philanthropic feeling of the citizens of the United States in view of which you addressed yourself to me with the above request. Wishing to meet this feeling, and deeply appreciating your initiative, I have instructed my Minister of Foreign Affairs to enter into negotiations with the Ambassador of the United States of America and to communicate to him the conditions on which a distribution of gifts among Austro-Hungarian and German prisoners in Russia can take place.

I avail myself of this opportunity to express my sincere friendship to the great American nation and its Government and my personal high respect for yourself.

Your good friend,

NICHOLAS

April 15, 1915.

The Secretary of State to the Ambassador in Russia (Marye)

[Telegram]

WASHINGTON, June 15, 1915, 6 p. m.

375. Your personal letter Davis, May 1. You may assure Sazonov that the President's letter to the Tsar was in the general interest of humanity and that Americans in their philanthropic work in countries at war with Russia will be glad to extend the same kindness to Russian prisoners as to those of other belligerents.

We recognize that Spain is in charge of Russian interests in Germany and Austria-Hungary, but this Government is ready, if requested by the Russian Government, with the consent and approval of the Spanish, German, and Austrian Governments, to arrange for cooperation with Spanish representatives, to extend to Russian prisoners in the respective countries same relief and assistance as is

now being extended to prisoners of other belligerent powers. This Government has already been distributing to prisoners of war in France, Germany, and Great Britain supplies furnished from their own countries.

Department suggests that American citizens, representatives of American Red Cross, be appointed by American Minister, Peking, with sanction of Central Committee, American Red Cross, and with approval of Russian Minister, Peking, to act as unit for administration of funds and distribution of supplies in Siberia, but in cooperation with you and under your general direction. Representatives of Embassy could visit camps in Russia.

It is not quite clear from Sazonov's note to you whether Russian Government will permit individual members of Embassy and of Red Cross to visit personally prison camps in Siberia and distribute relief. It is important such work should be done by Americans themselves with cooperation of local Russian officials.

Department desires report by cable, Embassy's needs for carrying on relief work Russia, and any suggestions you may have regarding relief work Siberia.

Sterling, second secretary Peking, available only if his services absolutely necessary.

LANSING

File No. 763.72114/440

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

[Telegram]

WASHINGTON, June 23, 1915, 6 p. m.

1866. Plan suggested in your 2135 of April 29¹ for conference regarding prisoners could not properly be initiated by this Government. In view of suggestion by German military authorities you may inquire whether the German Government desires the Government of the United States to take any action, and if so what action.

If plan outlined by you is requested, Department could not favor as practical assembling of American ambassadors.

LANSING

File No. 763.72114/648

The Ambassador in Russia (Marye) to the Secretary of State

[Telegram]

PETROGRAD, July 23, 1915.

[Received July 25, 4.30 p. m.]

235. The Russian Government allows distribution of relief by American Red Cross to German and Austrian prisoners of war in Russia on principle of reciprocity as expressed Emperor's letter and by Sazonov that American Red Cross and other American philanthropic agencies do same work of relief among Russian prisoners of war in Germany and Austria as is done by them among German and

¹ *Ante*, p. 1018.

Austrian prisoners of war in Russia, and Russian Government makes that request through this Embassy and will request Spanish Government to give its consent and cooperation to such work. Letter on way.

MARYE

File No. 763.72114/675

The Ambassador in Russia (Marye) to the Secretary of State

[Telegram]

PETROGRAD, August 3, 1915.

[Received August 4, 5.35 p. m.]

245. Foreign Office states Spanish Government has instructed Spanish Ambassadors in Berlin and Vienna to render all possible assistance to representatives American Red Cross and other American philanthropic societies, should they undertake relief work among Russian prisoners. Consequently Russian Government requests American organizations start relief work.

MARYE

File No. 763.72114/684

The Ambassador in Russia (Marye) to the Secretary of State¹

[Telegram]

PETROGRAD, August 9, 1915.

[Received 12.45 p. m.]

253. Russian Government has given its consent that American Red Cross operate in Siberia and throughout Russia in manner to it most convenient. Additional secretaries of Embassy sent to us can take charge of visiting the camps in Russia and are now engaged in such work.

MARYE

NEGOTIATIONS RELATING TO THE WORK OF BELGIAN RELIEF

File No. 855.48/131

The Minister in Belgium (Whitlock) to the Secretary of State

[Telegram]

BRUSSELS, January 2, 1915.

[Received 8.40 p. m.]

I have received to-day assurances from Baron von Bissing, German Governor General in Belgium, that orders have been given forbidding all further requisitions of foodstuffs of whatever sort in Belgian territory occupied by German troops, and that the protection thus afforded covers cattle and their food as well. He will give any reiterated assurances that we may desire on any occasion, that foodstuffs will not be requisitioned, and that we may establish and maintain any kind of control that we may see fit to adopt in connection

¹ Communicated to the Ambassador in Germany, August 10, No. 2058.

with our relief work for the civil population. Similar assurances were given to my Spanish colleague.

WHITLOCK

File No. 855.48/138

The Minister in the Netherlands (Van Dyke) to the Secretary of State

No. 184]

THE HAGUE, December 29, 1914.

[Received January 12, 1915.]

SIR: I would respectfully call your attention to a report which appeared in the American newspapers a month or six weeks ago, to the effect that the German civil commander of the Belgian province of Limburg had exacted a severe import tax on foodstuffs sent into that province from Rotterdam by the American Commission for Relief in Belgium. Immediately upon my arrival here I sent for the manager of the branch of that commission which is stationed in Rotterdam, and learned from him that the facts as stated were correct, and that the aforesaid import tax was still demanded. I therefore sent the enclosed letter¹ to our manager, instructing him to discontinue shipments into the Belgian province of Limburg until the tax was removed, and a promise made by the German civil commander to refund the money hitherto exacted. Copies of the letter have been sent to our Minister at Brussels and to our Ambassador at Berlin.

I have, of course, no authority either in Belgium or in Germany. But I feel responsible, as one of the chairmen of the Commission for Relief in Belgium, for the conduct of its affairs within the Netherlands. It does not seem to me that it would be proper to sanction the continuance of exportation from the Netherlands into this particular province of Belgium, Limburg, so long as a tax is laid upon foodstuffs intended solely for the relief of the non-combatant population of Belgium, and not meant to contribute in any way to the revenue of belligerents.

I am quite sure that this tax is not in accordance with the understanding with which the United States entered upon this relief work, and that if the tax is continued it will inevitably raise very serious objections both from France and from Great Britain.

I therefore respectfully submit my report of this action to you, and request authority to maintain the same position until the tax is removed. It should be pointed out that the suspension of further shipments applies only to the single province of Limburg in which the tax has been imposed, and does not affect the general work in Belgium.

I have [etc.]

HENRY VAN DYKE

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

[Telegram]

WASHINGTON, January 13, 1915.

999. Ascertain from Foreign Office whether German civil commander of Belgian Province Limburg is exacting severe import tax

¹ Not printed.

on foodstuffs sent for relief of Belgians from Rotterdam by American Commission.

BRYAN

File No. 855.48/142

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

No. 399]

BERLIN, January 2, 1915.

[Received January 16.]

SIR: With reference to my despatch No. 376, dated December 28, 1914,¹ on the subject of the arrangements for supplying the population of Belgium with food, I have the honor to transmit to you herewith a copy of an unofficial note, written by me to his excellency Mr. Zimmermann, Imperial Undersecretary of State for Foreign Affairs, relative to the desire of the Belgian Relief Commission that the German military authorities in Belgium will not make any further requisitions of food supplies, while the international commissions are sending in food, and of a reply received from the Undersecretary, dated December 31, 1914. My telegram No. 1195, of December 26 last, informed you of my action in this matter.²

I have [etc.]

JAMES W. GERARD

[Enclosure 1]

The American Ambassador (Gerard) to the German Undersecretary of State for Foreign Affairs (Zimmermann)

F. O. No. 1574]

BERLIN, December 28, 1914.

MY DEAR MR. SECRETARY: After my call on you last Saturday, on which occasion I was not acting officially, but as one of the honorary chairmen of the Belgian Relief Commission, I sent to my Government and to the chairmen of the commission the following telegram:

Acting not officially, but as one of honorary chairmen Belgian Relief Commission, called to-day with Spanish Ambassador and Netherlands Minister on Undersecretary of State Zimmermann, who gladly and without hesitation assured us that commanding general in Belgium will give assurances to American, Spanish, and Netherlands Ministers in Belgium that German military authorities will not make any further requisitions of food supplies in Belgium while the international commissions are sending in food, and for a reasonable time after the last delivery.

There is, however, another matter in which the Belgian Relief Commission required the assurance of the German Government. Supplies are being sent to Belgium in British ships. These ships fly the flag of the commission, and carry nothing but these supplies for Belgium. Will the Imperial Government not give a public assurance that these boats will not only not be interfered with on the voyage to Belgium, but that there will be no interference with these ships on their return to British ports, so long as they return direct to such ports and sail under the flag of the commission?

I have [etc.]

JAMES W. GERARD

[Enclosure 2—Translation]

The German Undersecretary of State for Foreign Affairs (Zimmermann) to the American Ambassador (Gerard)

No. 11 W K. Be. 343/107002]

BERLIN, December 31, 1914.

The undersigned has the honor to inform his excellency Mr. Gerard, Ambassador of the United States of America, with reference to the esteemed note of

¹ Not printed.

² *Foreign Relations*, 1914, Supplement, p. 823.

the 28th instant, that the Imperial Governor General in Belgium will issue without delay an order prohibiting all the troops under his command from requisitioning food or forage of any kind whatsoever which would require to be replaced by importations by the American committee for Belgian relief. The Governor General will in addition authorize the Minister of the United States of America and the Spanish Minister at Brussels, as honorary chairmen of the committee, to convince themselves in any way which may to them appear advisable that the prohibition is observed most scrupulously.

With regard to the desire that non-neutral ships bringing food for Belgium may not be interfered with on their return to British ports, and that assurances to this effect might be given, reference is respectfully made to the *note verbale* of the 24th instant, No. 3 of which contains provisions dealing with this desire.

The undersigned avails [etc.]

ZIMMERMANN

File No. 855.48/143

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

[Telegram]

BERLIN, January 16, 1915.

[Received 7.15 p. m.]

1305 [1355]. Department's 999. Van Dyke informs me tax removed and money collected refunded. Have therefore asked German Foreign Office to drop investigations previously requested at Van Dyke's instance.

GERARD

The Secretary of State to the Minister in the Netherlands (Van Dyke)

[Telegram]

WASHINGTON, January 21, 1915.

81. Your despatch 184, December 29. Department informed from Berlin tax removed and money collected refunded. Please confirm facts and report.

BRYAN

File No. 855.48/161

The Ambassador in Great Britain (Page) to the Secretary of State

[Telegram]

LONDON, January 27, 1915, 9 p. m.

[Received January 28, 8 a. m.]

1540. Hoover asks me transmit to you the following message:

Potatoes and meat upon which Belgians have been partially dependent up to the present are now being rapidly exhausted and the cost of foodstuffs required to keep this population alive will forthwith increase from the six million to ten million dollars per month. Furthermore within thirty days three million French people north of German lines will be in similar position. Another fifteen million dollars will have absolutely exhausted the whole resources which we can possibly look forward to, leaving a period of three to four months before next harvest entirely hopeless unless support can be obtained from the belligerent governments. I believe the Allied Governments despite their view that they have no responsibility could be brought to make substantial contributions provided the Germans would cease to wring monetary indemnities from these people. To have this population thus fed must be even on military grounds a

vast advantage to the Germans which far outweighs the value of the money which they now secure from their present methods, and from a humane point of view, if this situation is driven to its logical extreme, the moral responsibility for the decimation of the population must be laid at the German door.

I go to Berlin to-morrow for the purpose of making representations to the German Government that if they would agree to stop all requisitions of every character, and would do so conditionally upon the Allies' giving adequate financial support to this commission, I have reason to believe I can secure large help from Allied Governments. In making this plea to the German Government it would help to have support of German opinion in America.

On account of the importance of the matter I think it advisable that you should know of this, and I even venture the suggestion that if it meet with your approval the German Ambassador be informed of it informally with a view to the possible enlistment of his influence.

The Germans cannot afford to have these issues tried in the court of American public opinion and they can well afford, not only from a point of view of military advantage but also of American public opinion, and above all, of humanity, to have this question settled on the above lines. I believe the Allied Governments have every confidence in the integrity of and ability of this commission to carry out the work, and, great as the task is, we should find ample compensation in doing it in the prestige it would win for our country and its ideals.

HOOPER

AMERICAN AMBASSADOR

File No. 855.48/160

The German Ambassador (Bernstorff) to the Secretary of State

[Telegram]

NEW YORK, undated.

[Received January 28, 1915, 1 p. m.]

With reference to my note of 21st instant,¹ I now beg to state that the German Government gives formal assurance that foodstuffs imported from the United States will not be used by the Government for the military or naval authorities and will not reach any contractors of the Government. The German Government guarantees that it will not interfere with the distribution of such foodstuffs by the American importers to the civilian population exclusively.

J. BERNSTORFF

File No. 855.48/162

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

[Telegram]

PARIS, January 28, 1915.

[Received 6 p. m.]

502. Hoover, of London, chairman Commission for Relief in Belgium, wires me to request French Foreign Office to permit delivery of cargo maize bought by it of French firm from Argentina for use of starving civilian people in Belgium, including a great many French, within the German lines. Assurance given that not any such shipments for use by Germans who have scrupulously observed their agreement that no foodstuffs shipped by that organization shall be used by them. Despatch states English Government has been fully

¹ Not printed.

convinced of the strict observance of such arrangements and has manifested sympathy in this humane work through its own permission to allow British shippers to deliver such foodstuffs. Matter urgent as cargo in question will be in demurrage soon. Shall I present matter to Foreign Office?

SHARP

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

[Telegram]

WASHINGTON, *January 29, 1915.*

528. Your 502, 28th, regarding relief in Belgium. You may present matter to Foreign Office.

BRYAN

File No. 855.48/161

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

[Telegram]

WASHINGTON, *January 30, 1915, 6 p. m.*

1091. Hoover cables from London proceeding to Berlin to make representations to German Government that if they would agree to stop all requisitions of every character and would do so conditionally upon Allies giving adequate financial support to the relief commission, he has reason to believe that he can secure large help from Allied Governments. While Department would prefer to have any such negotiations conducted privately rather than through official channels, it may not be inappropriate for you to mention, entirely unofficially, that many prominent Americans who are interested in sending foodstuffs to Belgium at the present time are making inquiries of the Department in regard to the German levies, and are convinced that in order to continue successfully raising the necessary funds in the United States it is essential that monetary indemnities should cease. Department relies upon your discretion in handling this matter.

LANSING

File No. 855.48/168

The Minister in the Netherlands (Van Dyke) to the Secretary of State

No. 195]

THE HAGUE, *January 22, 1915.*

[Received February 6.]

SIR: Referring to your cablegram No. 81, of January 21, I have to-day sent you the following reply by cable:

I confirm facts. Report follows.

Herewith I have the honor to make the report for which you have asked.

According to my despatch No. 184, of December 29, 1914,¹ I sent the letter which was enclosed with that despatch to Captain Lucey, manager of the Rotterdam branch of the Commission for Relief in Belgium, and a copy of the same to the American Ambassador at Berlin, enclosing it in a letter of which I herewith send you a copy.² On December 31 I received from the Rotterdam branch of the Commission for Relief in Belgium a letter dated December 29, of which you will find a copy enclosed,² stating that "the matter of duty on imports into the province of Limburg has been taken care of and settled."

On the same day I replied to this letter as follows:

If effective instructions have been issued to the German civil governor of the province of Limburg in Belgium, that foodstuffs shipped by our commission are to enter free of duty, you may resume shipments from the Netherlands into that province at your convenience. Otherwise not.

And on January 4, by the next American mail, I sent you my despatch No. 187, reporting the facts.²

On January 8 I received a letter from the American Ambassador in Berlin, of which I beg to enclose a copy, together with a copy of my reply,² made the same day.

I am convinced that the imposition of the import duty on flour by the German civil governor of the Belgian province of Limburg, was due entirely to a mistake on his part. But it was a mistake of such nature that it threatened, if not corrected, to cast doubt upon the absolutely neutral character of our relief work in Belgium, and thus to call forth possible objections from Great Britain and France on the ground that we were contributing to the revenue of a belligerent power.

I have [etc.]

HENRY VAN DYKE

[Enclosure]

The Ambassador in Germany (Gerard) to the Minister in the Netherlands (Van Dyke)

BERLIN, January 6, 1915.

MY DEAR COLLEAGUE: I have the honor to acknowledge the receipt of your letter of the 26th ultimo regarding the reported action of the German civil commander of the province of Limburg in imposing an import duty on flour shipped into Belgium via Rotterdam by the American Commission for Relief in Belgium. I have at once informed the Imperial German Government of the facts and have requested that this official be directed to desist from imposing this tax and to refund the sums already collected in this manner. In view of the reiterated assurances, both written and oral, which I have received from the German Government of its sympathy with this movement for relief in Belgium, I am persuaded that this action of the civil commander of the province of Limburg results from misapprehension on his part regarding the facts of the case and is not in accord with the sentiments entertained by his Government, and I feel confident orders will promptly be issued to him in the desired sense.

I am [etc.]

JAMES W. GERARD

¹ *Ante*, p. 1024.

² Not printed.

File No. 855.48/169

The Minister in the Netherlands (Van Dyke) to the Secretary of State

No. 196]

THE HAGUE, *January 22, 1915.*[*Received February 6.*]

SIR: In connection with the work of the Commission for Relief in Belgium, I have the honor to report that the Netherlands Government has granted free use of the Government railways for the transportation of relief supplies to the Belgian border, and free use of the Netherlands Postal and Telegraphic Service for the transmission of the letters and telegrams of the commission. I report this as indicating the Netherlands Government's willingness to assist in every possible way with the work which the commission is doing.

I have also requested the Foreign Office here to designate two Netherlands citizens who might be employed in the office of the Rotterdam branch of the commission, in order to secure a full understanding and cooperation on the part of the Dutch authorities with the details of the commission's work. This has been done.

The Netherlands Government has also granted an exemption from the payment of import duty, and from the giving of surety for the twelve motor cars employed by the commission in service between Holland and Belgium, and *vice versa*.

I have [etc.]

HENRY VAN DYKE

File No. 855.48/172

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

[Telegram]

PARIS, *February 10, 1915.*[*Received 5.15 p. m.*]

538. Your 528, January 29. Foreign Office has given assurance that it will make no objection to shipment cargo Argentina maize to Rotterdam for distribution relief of Belgian and French people in territory controlled by the Germans. In consenting to this and other similar shipments for like purposes and expressing its sympathy for sufferers, French Government reserves its approval because of belief that indirectly in some instances equivalent amount foodstuffs have been sent out of Belgium to Germany.

SHARP

File No. 855.48/175

The Minister in Belgium (Whitlock) to the Secretary of State

No. 46]

BRUSSELS, *January 28, 1915.*[*Received February 15.*]

SIR: Referring to previous correspondence in regard to exception from requisition by military authorities of foodstuffs in Belgium, I have the honor to transmit enclosed copies and translation of a communication received from the German military authorities in Brus-

sels, stating that although the agreement relative to the suspension of requisitions did not state that exception was made of the city of Antwerp, such was, however, the intention of the Government.

I have [etc.]

BRAND WHITLOCK

[Enclosure—Translation]

The Chief Administrator for the German Governor General in Belgium (Von Sandt) to the American Minister (Whitlock)

BRUSSELS, January 4, 1915.

EXCELLENCY: I have the honor to reply as follows to the note which your excellency addressed to me on December 23, 1914.

The order of the Governor General issued upon the request of your excellency and of the Spanish Minister on behalf of the Comité National de Secours et d'Alimentation relative to the suspension of military requisitions of flour and wheat until the stock of alimentary products in Belgium should have been determined, and in fixing the 9th of December as the limit of time for this suspension, did not, it is true, specifically except the stocks at Antwerp from this exemption from requisition. However, as a consequence of the conditions of the case the stocks at Antwerp should not share this benefit. The suspension of military requisitions desired by your excellency was designed to enable the Belgian population to gain sufficient time until the Comité National could actively intervene. Your excellency had in mind the suspension of requisitions until an inventory of existing foodstuffs had been made. It was found expedient to fix December 9 as the time limit because that would not be prejudicial to a general investigation and because it was possible that on account of the number of materials, etc., a determination of the actual existence of foodstuffs would have been seriously delayed. The stocks of foodstuffs at Antwerp was not affected by these measures. Their character differed essentially from that of provisions existing in the rest of the country. As a matter of fact, Antwerp is a world port where merchandise of all kinds is not destined to the feeding or the use of Belgium alone, but for distribution throughout different countries from this important economic center. It must be added that the merchandise in Antwerp belongs only in part to Belgians or to dependencies of belligerent nations, being for the rest the property of German citizens or their allies or of neutral subjects.

These facts alone prove that the measure concerning the feeding of the civil population should not comprise the foodstuffs on the Antwerp docks and that a doubled charge for food has not been made in the city of Antwerp.

Further, the stocks at Antwerp were from October 18, subjected to a general attachment which prevented their being transported outside of Antwerp. Unlike foodstuffs, the circulation of which was free in Belgium, these stocks of Antwerp were already subject to a measure which affected owners of all merchandise.

The protests of President Franck against the measure taken November 30 relative to transport to Germany, and the special seizure of cereals which seemed to belong to the city of Antwerp, appear, therefore, to be unfounded.

I have [etc.]

D. V. SANDT

File No. 855.48/176

The Minister in Belgium (Whitlock) to the Secretary of State

No. 47]

BRUSSELS, January 28, 1915.

[Received February 15.]

SIR: I have the honor to transmit copies and translation of a letter from the German military authorities informing me that cattle and their food will hereafter be exempt from military requisition when imported by the Comité National de Secours et d'Alimentation.

I have [etc.]

BRAND WHITLOCK

[Enclosure—Translation]

The Chief Administrator for the German Governor General in Belgium (Von Sandt) to the American Minister (Whitlock)

BRUSSELS, January 13, 1915.

I have the honor to inform your excellency that the Governor General in a decision given on the 5th of this month has exempted from military requisition not only foodstuffs imported by the Comité National de Secours et d'Alimentation into Belgium from abroad for the civil population, but has extended this measure to food necessary for beasts and cattle imported by the committee.

Furthermore, as a consequence of the attached order¹ issued December 26 by the Governor General, certain classes of animals are protected against military requisition.

In this manner many of the wishes expressed by the National Committee's agricultural section are met.

I have [etc.]

D. VON SANDT

File No. 855.48/182

The Minister in Belgium (Whitlock) to the Secretary of State

No. 34]

BRUSSELS, January 26, 1915.

[Received February 17.]

SIR: I have the honor to transmit herewith enclosed copy and translation of a note received from the German civil authorities at Brussels giving me the assurance of the Governor General that foodstuffs imported for the region of Givet and Fumay, in that part of France upon the Belgian border as far as the Meuse, will be exempt from requisition.¹

After investigating conditions in this district, the representatives of the Rockefeller Foundation, who have recently been here, have agreed to furnish the foodstuffs for this district on condition of their being transported thither by the Commission for Relief in Belgium.

I have [etc.]

BRAND WHITLOCK

File No. 855.48/191

The Minister in Belgium (Whitlock) to the Secretary of State

No. 52]

BRUSSELS, February 2, 1915.

[Received February 24.]

SIR: I have the honor to transmit copies and translations of correspondence with the German military authorities in Brussels in relation to the exemption of pharmaceutical supplies from seizure or requisition, the need for which has been presented by the Comité National de Secours et d'Alimentation and by the Commission for Relief in Belgium.

I have [etc.]

BRAND WHITLOCK

¹ Not printed.

[Enclosure—Translation]

The Chief Administrator for the German Governor General in Belgium (Von Sandt) to the American Minister (Whitlock)

BRUSSELS, January 21, 1915.

EXCELLENCY: In reply to your note of December 28,¹ I have the honor to state that the Governor General has also exempted pharmaceutical products from all requisition in the territory controlled by the General Government. I beg you to be kind enough to so inform the Comité National de Secours et d'Alimentation.

I have [etc.]

For the Administrator:

KAUFMANN

File No. 855.48/192

The Minister in Belgium (Whitlock) to the Secretary of State

No. 53]

BRUSSELS, February 3, 1915.

[Received February 24.]

SIR: I have the honor to transmit herewith for the information of the Department, copies and translation of correspondence relative to the revictualing of the Maubeuge district, through the agency of the Commission for Relief in Belgium.¹

The necessary guarantees of non-seizure and non-requisition having been granted by the German authorities, the Maubeuge region will be administered as a part of Belgium so far as relief work is concerned.

I have [etc.]

BRAND WHITLOCK

File No. 855.48/195

The Minister in the Netherlands (Van Dyke) to the Secretary of State

[Telegram]

THE HAGUE, February 27, 1915, 7 p. m.

[Received 9.16 p. m.]

173. German Minister here has received instructions which prevent giving safe-conduct for the ships of the Commission for Relief in Belgium from Rotterdam unless they take the route north of Shetlands.² I have informed him on advices from Hoover in London that this policy will probably result in stopping the action of commission. He has telegraphed to Berlin for further instructions. I would advise strong representations through the medium of American Ambassador at Berlin to secure respect for commission flag and safe-conduct for their ships direct to and from Rotterdam.

VAN DYKE

¹ Not printed.² On March 2, the office of the commission in New York reported the receipt of a similar notification from the German Embassy regarding ships bound for Rotterdam (File No. 855.48/197).

File No. 855.48/199

The Minister in the Netherlands (Van Dyke) to the Secretary of State

[Telegram]

THE HAGUE, *March 3, 1915.*

[Received 7 p. m.]

181. My 178.¹ German Minister has just communicated note from Berlin. Germany anxious to give every possible support work of relief commission. She will allow commission ships bearing its flag and markings clearly visible and lighted at night to pass through English Channel unmolested. German submarines have received instructions. Accordingly this guarantee presupposes use of all possible measures to exclude misuse of commission markings and flag. Germany regrets in view of mine danger within war zone the impossibility of giving safe-conducts to relief ships for voyage to and from England.

VAN DYKE

File No. 855.48/207

The Ambassador in Great Britain (Page) to the Secretary of State

[Telegram]

LONDON, *March 10, 1915.*

[Received 1.45 p. m.]

1756. Sir Edward Grey has communicated with Commission for Relief in Belgium assuring the commission that neither their flag nor their markings will be used in any way or for any purpose by any officer of His Majesty's Government; also stating that His Majesty's Government will countenance the use of this flag and these markings in all cases where it is used on ships carrying goods of the commission and will discount in all other cases. Will you kindly communicate the above assurance to the German Ambassador in Washington?

AMERICAN AMBASSADOR

File No. 855.48/216

The Minister in the Netherlands (Van Dyke) to the Secretary of State

No. 215]

THE HAGUE, *March 3, 1915.*

[Received March 16.]

SIR: Supplementing my despatch 214 of March 2, and my telegrams 173 of February 27, and 178 of March 2,² I have the honor to advise you that the German Minister has called upon me this afternoon, bringing a memorandum from his Government in regard to the ships of the Commission for Relief in Belgium. He expressed his personal regret that the memorandum had been so long delayed.

¹ Not printed.² Nos. 214 and 178 not printed.

I have cabled the substance of the memorandum to you and to Mr. Hoover, the chairman of the relief commission in London. Here-with you will find a copy of the memorandum in the German text with an English translation attached.

It will be observed that this assurance covers the freedom of the relief ships, bearing the flag and markings of the commission, from all molestation by German submarines in the voyage through the English Channel, and that orders to this effect have been issued by the German Government. We have thus obtained a concession of distinct advantage.

But the German memorandum expresses regret that safe-conduct can not be issued to relief ships *on their way to and from England, in view of the existing mine danger in the war zone.* The exact meaning of the reservation is not clear.

I have [etc.]

HENRY VAN DYKE

[Enclosure—Translation]

Memorandum of the German Government

Naturally the German Government is anxious to give every possible support to the humanitarian work of the relief commission. It will allow the ships of the commission to pass through the English Channel unmolested, if they are recognizable by the usual signs (i. e., name painted on the sides of the vessel in big letters, and white flag with similar designation in red letters) and visibly illuminated at night. German submarines have received instructions to this effect. The guarantee is given on condition that every measure shall be adopted to exclude the misuse of the signs of the relief commission. The German Government will at once communicate with the American Ambassador here, with a view to obtaining from the British Government a declaration that only ships which are really in the service of the relief commission will be allowed to carry the signs of that commission.

The German Government regrets that in view of the danger caused within the war zone by mines, it is impossible to issue safe-conducts for the ships of the relief commission for the voyage to and from England.

File No. 855.48/221

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

[Telegram]

WASHINGTON, *March 25, 1915.*

1423. The following telegram received from The Hague:

Captain steamship *Elfland*, engaged Belgium relief and flying our commission's flag, reports his vessel attacked Sunday by German aeroplane off Dutch coast. Five bombs were dropped. One struck within 20 feet of ship. I have asked German Minister here to obtain explanation from Berlin.

Please bring to the attention of the German Government.

BRYAN

File No. 855.48/237

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

[Telegram]

BERLIN, *April 6, 1915.*

[*Received April 7, 7 p. m.*]

1989. Department's 1423. Foreign Office replies that military authorities unaware of any attack on *Elfland* on 21st. If any mistake

in identity were made it must be ascribed to exceptional difficulty of work of submarines and aeroplanes. They are minutely informed regarding markings and movements of commission's ships. Government recommends that horizontal markings on deck of ships be erected. Copy note mailed Hague and commission.

GERARD

File No. 855.48/239

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

[Telegram]

WASHINGTON, April 17, 1915, 5 p. m.

1527. From London:¹

The Commission for Relief of Belgium informs me that their investigation made in Holland seems to leave no doubt that the ship *Harpalyce* was torpedoed by a German submarine.

She carried a safe-conduct pass from the German Minister at The Hague, was displaying the conspicuous markings and the flag of the commission, and had complied in every particular with the formal agreements between our Government and the German Government. She was sunk in daylight without warning just off the Dutch coast. She was *en route* for Norfolk, Virginia, intending to call at Newcastle for coal.

Hoover, chairman of the commission, informs me German Minister at The Hague now refuses to grant any further safe-conduct passes to commission's ships unless they proceed direct to United States for further cargoes for the commission without calling at United Kingdom ports. This is a direct contravention of the German agreement to safe-conduct all the commission's ships whether going to or coming from Rotterdam. Most of their ships are chartered for a single voyage and leave the service of the commission when they have returned in ballast to a United Kingdom port after discharging cargo in Rotterdam. In any event all the ships which intend to make a second voyage for the commission must call at English ports for coal.

This action of the German Minister, following the sinking of the *Harpalyce*, both in violation of the agreement, brings the commission's operations to a practical end since their insurance and charters are based on the assurances which they have given of non-interference with shipping by the Germans. Two ships which have already discharged commission's cargoes will not leave Rotterdam with German passes and they insist that cost of detention must be paid by commission. Other ships are on their way. Presently there will be a detained fleet of them at Rotterdam if they risk passage thereto.

The commission therefore now squarely faces the question whether the Germans mean thus to break down its work. They request me to ask whether the German Government wishes them to discontinue to feed the Belgian and French civil population within their occupied zone; and they hope that in the interest of the ten million non-combatants dependent on the commission for their daily bread you will use your good offices to ascertain whether they must abruptly give up the whole undertaking.

Please communicate at once to Foreign Office.

BRYAN

File No. 855.48/249

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

[Telegram]

WASHINGTON, April 21, 1915.

1547. Belgian Commission of Relief, London, desires substance of following brought to attention of Foreign Office:

The action of the German Minister at The Hague in declining to issue safe-conduct passes to relief ships from Rotterdam to British

¹ Despatch No. 1948 of April 16, 1915 (File No. 855.48/245).

ports seems to be contrary to the spirit of the German agreement to pass ships engaged in this humanitarian task. The commission desires the German Government to understand: First, that while relief cargoes from America bear safe-conduct to Rotterdam from the German Ambassador at Washington, they are compelled to call at Falmouth to secure permission from British Admiralty to proceed. Thus they are compelled [to] touch at British ports. Secondly, owing to high prices of food supplies, nearly one-half relief cargoes are now River Plata and Indian cargoes bought afloat, which come into Falmouth for orders and only at this point come under the control of the commission, and at Falmouth they receive commission markings and British permit to proceed. Therefore the commission asks to be supplied from The Hague with German safe-conduct passes which the Legation can hand to captains at Falmouth to carry them to Rotterdam. Thirdly, practically all the commission's ships are engaged for only one single voyage and ships leave the commission's service not when they have discharged at Rotterdam, but when they have returned in ballast to their next loading port, which is almost universally United Kingdom. Even when engaged for second voyage they must under British orders call at United Kingdom port, and in any event usually must do so for coal. Commission is unable to induce ships to go to Rotterdam unless they can be assured safe return. Therefore the commission deems it necessary to have right to secure from German Minister at The Hague upon application safe-conduct passes from United Kingdom ports to Rotterdam, and likewise on application at The Hague, to receive passes for ships from Rotterdam to United Kingdom or other port whither they proceed in ballast. Otherwise British Admiralty will refuse to issue any permits for British ships to proceed to Rotterdam, and as there are practically only British ships available, the whole business comes to an end. All these ships carry plain markings of the commission, and the commission puts every ship under bond to surrender markings upon reaching destination of her service. British Government has agreed to prevent use of these markings for any other purpose than the commission's work.

For your confidential information, Ambassador Page states:

The German Minister at The Hague must be quickly instructed from Berlin to give safe-passage permits to commission ships both ways; else the work of the commission will come to speedy end and starvation will follow. Neither the commission nor I believe that German Government deliberately wish to stop commission's work. We believe the trouble is with German Minister at The Hague who will not listen to commission but must be reached from Berlin.

BRYAN

File No. 855.48/250

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

[Telegram]

BERLIN, April 20, 1915.

[Received April 21, 11.15 p. m.]

2089. Have received letter from Minister for Foreign Affairs stating he has telegraphed German Legation, The Hague, authorizing it

to issue letters of escort to ships of commission, not only for return voyage to America, but also for trip to England provided ships are required by terms of charter to return to England and they take no cargo for England. For safety of ships strongly urged that they carry by day and by night clearly recognizable identification markings. Also recommend that ships of commission returning to America should not call at English ports solely for coaling, but should coal at Rotterdam where German coal will be provided if possible. German submarines already instructed to let ships of commission pass unmolested when recognizable as such.

GERARD

File No. 855.48/258

The Ambassador in Great Britain (Page) to the Secretary of State

[Telegram]

LONDON, May 5, 1915.

[Received 7 p. m.]

2046. My 1951 of April 19.¹ Sir Edward Grey has addressed a note to me dated May 3 regarding the sinking of the British ship *Harpalyce* engaged in work for Commission for Relief in Belgium, and enclosed statements made before British Consul General at Rotterdam by survivors and by master of steamship *Elizabeth* who was an eyewitness of the occurrence. In the note it is set forth that from these statements it is evident that the *Harpalyce*, which was at the time flying the flag of the relief commission, was sunk in broad daylight by a torpedo fired without warning by a submarine, and 17 of crew of 45 lost their lives in spite of efforts made to rescue them on the part of American and Dutch steamers. In addition to flying the flag of the commission, the British Government are informed that the ship was displaying side cloths painted with name of the commission in large letters, and that the master had in his possession a pass of safe-conduct furnished by the German Minister at The Hague. It is further stated in this note that it is shown that the position of the sinking of this vessel, as described by survivors, was between 25 and 27 miles from coast of Holland and she was consequently not in the so-called war zone proclaimed by the German Government, which does not extend nearer to the Dutch coast than a distance of 30 miles. A request is made in the note that I bring these facts to the attention of my Government. Copy of note with its enclosures goes forward by mail.

AMERICAN AMBASSADOR

File No. 855.48/260

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

[Telegram]

BERLIN, May 4, 1915.

[Received May 6, 8 a. m.]

2156. Following received from American Legation, Hague, and transmitted Foreign Office April 21:

¹ Not printed; see No. 1547, April 21, to the Ambassador in Germany, *ante*, p. 1036.

55, 20th. Commission requests you to ask German Government for safe-conduct passes from Falmouth to Rotterdam for steamers *Ethelbrytha*, *Ardandjorg*, *Carisbrooke*, *Yeddo*, *Horsa*, carrying cargoes which they have purchased *en route*. They propose that American Ambassador, London, be authorized to deliver the passes on telegraphic advice for each steamer from German Legation, Hague. They also request the same procedure in future for similar cases. We understand German Legation here telegraphing their Government their agreement to above. Matter is urgent on account of supplies for northern France and to save demurrage on steamers.

Foreign Office replies, dated 1st, received to-day:

German Government quite willing issue safe-conduct permits those ships carrying cargoes bought afloat by commission for each passage from Falmouth to Rotterdam provided vessels carry exclusively cargoes for relief commission and are provided with markings commission clearly distinguishable day and night. These permits would be issued by Imperial Legation, Hague, pursuant instructions from Berlin and would be delivered to Rotterdam representative relief commission for further transmission.

Legation Hague informed direct.

GERARD

File No. 855.48/259

The Secretary of State to the Ambassador in Great Britain. (Page)

[Telegram]

WASHINGTON, May 7, 1915.

1525. Your 1948, April 16.¹ From Berlin, for information relief commission:

Foreign Secretary replies that, according to investigations of German authorities concerning sinking British steamer *Harpalyce*, an English steamer with one funnel and four masts proceeding towards England on morning April 10, namely, at time when *Harpalyce* is said to have gone down, was sunk in war zone between British and Dutch coasts. This steamer did not however carry markings of Belgian Relief Commission. It is not known whether this vessel was the *Harpalyce*. Accordingly the markings of relief commission have not been disregarded.

Your 2046, 5th. Furnish commission with copy note from Sir Edward Grey referred to. Department not in position to discuss matter with German and British Governments.

BRYAN

File No. 855.48/297

The Minister in Belgium (Whitlock) to the Secretary of State

[Telegram]

BRUSSELS, July 10, 1915.

[Received 2.45 p. m.]

Governor General has given assurances to Spanish Minister, Netherlands Chargé, and myself that this year's crop in district under his jurisdiction shall be reserved for exclusive use of Belgian civil population.

WHITLOCK

¹ See footnote 1, *ante*, p. 1036.

File No. 855.48/306

The Ambassador in Great Britain (Page) to the Secretary of State

[Telegram]

LONDON, *September 3, 1915.*

[Received 1.40 p. m.]

2736. At request of Commission for Relief in Belgium I am forwarding by to-day's pouch copy of the contracts concerning use by the commission of German ships interned in the United States, Holland, and other neutral ports. This requires agreement by American Government in one particular, namely, that they will raise no objection to these ships leaving American ports. The ships will fly Dutch flag, Commission for Relief flag, and will have entirely Dutch crews. The British, German, and Dutch Governments will agree to this use of these ships for commission's use only. The commission asks if you will be kind enough to telegraph consent not to detain these ships when required for commission's business.

AMERICAN AMBASSADOR

The Secretary of State to the Ambassador in Great Britain (Page)

[Telegram]

WASHINGTON, *September 9, 1915, 5 p. m.*

2088. Your 2736, September 3. Is Department to understand that British Government has agreed to and officially sanctioned the use of these German ships interned in the United States and other neutral ports?

LANSING

File No. 855.48/322

The Ambassador in Great Britain (Page) to the Secretary of State

[Telegram]

LONDON, *October 11, 1915, 6 p. m.*

[Received 8.15 p. m.]

2986. My 2736, September 3, and your 2088, September 9, 5 p. m., and September 13, p. m.¹ The plan is scotched apparently for good by objections from the French Government.

AMERICAN AMBASSADOR

NEGOTIATIONS RELATING TO THE WORK OF THE RED CROSS

File No. 811.142/579b

The Secretary of State to the American Diplomatic and Consular Officers

[Circular]

WASHINGTON, *January 23, 1915.*

GENTLEMEN: In furtherance of its commendable efforts to assist in the alleviation of suffering incident to the existing hostilities in

¹ Instruction of September 13 not printed.

Europe, the American National Red Cross has established Red Cross hospitals at various places on the Continent under the direction of American physicians. These hospitals should receive the earnest and sympathetic support of every diplomatic and consular officer of the United States to the end that the efforts of Americans in the interest of suffering humanity may be as effective and creditable as possible.

Occupation with other questions has until now prevented the Department from issuing specific instructions in regard to the relation of officers of the foreign service to the work of the Red Cross, and those officers have, therefore, used their own discretion as to the nature and extent of the support which they may properly extend to the American Red Cross in belligerent territory. In the exercise of this discretion, it is understood that members of the Diplomatic and Consular Service and their wives are serving in a number of places as patrons of American Red Cross hospitals, and this appears to the Department to be peculiarly appropriate and deserving of its cordial approval. It seems desirable, however, that the participation of those officers in the work of the Red Cross should not be carried beyond this point. In order that misunderstandings should not occur and circumstances which might interfere with the successful management of these hospitals be avoided, members of the Diplomatic and Consular Service should carefully refrain from serving as officers of Red Cross hospitals or organizations or taking any part in the administration of them. For reasons that need no explanation there should be no action on the part of any member of the foreign service that could be construed as official control over any part of the work of the Red Cross.

It is not doubted that circumstances may arise when the exercise of good offices of diplomatic and consular officers with the governmental authorities of belligerent countries will be necessary and in such cases it is expected that upon the request of the representatives of the Red Cross the most cordial support and cooperation will be extended.

The foregoing outlines briefly the principles which the Department desires to have observed in the relations between the diplomatic and consular officers and the representatives of the American National Red Cross.

I am [etc.]

For the Secretary of State:
ROBERT LANSING

File No. 811.142/587

The Secretary of State to the Minister in Roumania, Servia, and Bulgaria (Vopicka)

[Telegram]

WASHINGTON, *March 19, 1915.*

77. Your March 4.¹ American Red Cross considering question tents for hospitals. Expects to send in April Red Cross sanitary commission under Dr. Richard P. Strong, professor tropical diseases,

¹ Not printed.

Harvard University. Commission will carry large stores, disinfecting apparatus, and supplies.

BRYAN

File No. 811.142/619

The Minister in Roumania, Servia, and Bulgaria (Vopicka) to the Secretary of State

[Telegram]

BUCHAREST, *March 30, 1915.*

[*Received March 31, 8 p. m.*]

61. Department's 77, 19th. Servian Minister Foreign Affairs replies:

I thank your excellency for his telegram of March 22. We have already expressed to the American Red Cross and the Rockefeller Foundation our most lively gratitude for sending the sanitary commission under the direction of Dr. Richard Strong and we beg you to again express to them our deep thanks, adding that all facilities will be given to the commission for the execution of its noble mission and that the royal authorities will be entirely at their disposition in order to execute measures that they will judge useful. Kindly accept also personally our renewed thanks for the generous efforts that you have made in order to obtain for our wounded and sick the help which is so precious to us.

PASHITCH

AMERICAN MINISTER

File No. 811.142/793a

The Secretary of State ad interim to the Ambassador in Turkey (Morgenthau)

[Telegram]

WASHINGTON, *June 11, 1915.*

760. Inasmuch as members of American Diplomatic and Consular Service have, in years past, served as officers of American Red Cross chapters in Turkish Empire, Department considers it advisable to make an exception to circular instruction of January 23, and to permit representatives to continue to serve as officers of Red Cross chapters in Constantinople and Beirut.

LANSING

File No. 811.142/851

Miss Mabel T. Boardman, Chairman of the National Relief Board of the American Red Cross, to the Secretary of State

WASHINGTON, *July 16, 1915.*

DEAR MR. SECRETARY: In September 1914, the American Red Cross sent 11 hospital units to Europe to assist in caring for the sick and wounded of the belligerent nations. Since then other units have been added, until at the present time we have 16 groups distributed in the war zone as follows:

At Paignton, England... A. R. C. Units D and F
 At Yvetot, France..... A. R. C. Yvetot Unit
 At Pau, France..... A. R. C. Units A and B
 At Cosel, Germany..... A. R. C. Unit G
 At Gleiwitz, Germany... A. R. C. Unit I
 At Kief, Russia..... A. R. C. Units C and H
 At Vienna, Austria..... A. R. C. Unit K
 At Budapest, Hungary.. A. R. C. Unit E
 At Belgrade, Servia.... A. R. C. Servian Units 1, 2, and 3
 (At La Panne, Belgium.. A. R. C. Belgian Units 1 and 2)

Such great demands have been made during the past 11 months on the people of the United States in an endeavor to relieve distressed conditions in Europe that for some time there has been a marked decrease in the amount of funds and other donations sent to the American Red Cross, with which to meet the salaries, travel, and other incidental expenses of our hospital units in Europe. In addition to hospital units that have already been sent and maintained by the American Red Cross, medical, surgical, and hospital supplies have been sent to the Red Cross societies of the various belligerent countries in Europe on 84 different vessels since September 12, 1914.

Owing to the difficulties of travel under war conditions and the fact that in some instances our units have been delayed for weeks in transit, and that it has not in all cases seemed desirable to place them in positions where they could be kept fully occupied and thus justify the expense of their maintenance, it is felt that we can perform a greater service by withdrawing the units, making it possible to utilize the funds thus released for the purchase of medical and surgical supplies to be forwarded to Europe. For these reasons we have decided to withdraw all the surgeons and nurses composing our hospital personnel in Europe from the several belligerent countries (excepting those at La Panne, Belgium, who were sent only last spring¹) not later than October 1 of the present year, and from the date of this communication we will not fill any vacancies occurring in our personnel.

As these units were originally offered by the American Red Cross through the Department of State and our ambassadors at the various capitals of the belligerent countries in Europe, and were accepted by them, it seems proper to communicate our intentions regarding the withdrawal of these hospital units through similar channels at this time, so that the authorities in those countries may be given sufficient advance notice of the prospective withdrawal of our personnel to enable them to make the necessary provision for taking of the work in the hospitals now operated by the American Red Cross, or to close them as seems best to them in their judgment.

May I therefore ask, Mr. Secretary, if you will kindly cable the following information to the American diplomatic representatives accredited to the countries in which the American Red Cross units are stationed, with the exception of Belgium: . . .

Yours sincerely,

MABEL T. BOARDMAN

¹The sanitary commission in Servia was also not included in the withdrawal.

*The Secretary of State to the Ambassadors and Ministers in
European Belligerent Countries*

[Circular telegram]

WASHINGTON, July 21, 1915.

The American Red Cross regrets the necessity of recalling on October 1, 1915, the units of surgeons and nurses now in Europe who, by that time, will have been maintained for one year. The constant demands upon its funds, which have become largely exhausted, necessitate this withdrawal and the curtailment of these expenses. It will continue to send hospital supplies and will appreciate any information as to the need for special articles. The American Red Cross desires to express, through the Ambassador's kindness, to the official authorities and the Red Cross societies its appreciation of all the courtesies extended to its personnel.

LANSING

File No. 763.72114/703

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

[Telegram]

BERLIN, August 16, 1915.

[Received August 17, 3.15 p. m.]

2744. Your telegram 2047, August 6, relative distribution relief among German and Austrian prisoners of war in Russia and Siberia,¹ and No. 2058, August 10, stating Russian Government has given its consent that American Red Cross operate in Siberia and throughout Russia.² German Government anxious to know whether American Red Cross willing to send nurses and doctors who would distribute relief and give actual medical assistance to Germans and Austro-Hungarians now in Russia and Siberia, their expenses and salaries to be paid by German Government. Mission could possibly be partly composed from members of the units now in Germany and Austria-Hungary, as far as they are willing to undertake such work. German Government would reciprocally allow Russian Government through the American Red Cross to give similar assistance to Russian prisoners in Germany and Austria-Hungary.

GERARD

File No. 811.142/983

The Ambassador in Russia (Marye) to the Secretary of State

[Telegram]

PETROGRAD, September 20, 1915.

[Received 2.40 p. m.]

1001. Embassy Berlin requests permission for American Red Cross unit to journey Russia to work among German prisoners of war. Russian Foreign Office on receiving application immediately inquired

¹ Not printed.

² See footnote 1, ante, p. 1023.

what steps American Red Cross have taken to apply similar relief Russian prisoners in Germany. See my telegram 235, July 23.¹

MARYE

The Acting Secretary of State to the Ambassador in Russia (Marye)

[Telegram]

WASHINGTON, September 24, 1915.

506. Your 1001, 20th. Red Cross states:

Mission to look after Russian prisoners in Germany being organized by American Ambassador, Berlin. Red Cross finances to extent of ten thousand dollars. Doctor Snively has been asked if any of his unit available for this mission. The missions being organized to look after German prisoners in Russia and Siberia are financed by German Government.

POLK

File No. 763.72114/894

The Ambassador in Russia (Marye) to the Secretary of State

[Telegram]

PETROGRAD, October 28, 1915.

[Received 10.30 p. m.]

334. Embassy's 327, 23d.² American Red Cross contingent for German, Austrian prisoners. Foreign Office states plan to perform medical and nursing service among prisoners does not seem practical; first, because not in accord with proposal submitted by President to Emperor, which stated organization would be employed only in distributing necessary articles medical and sanitary supplies; secondly, [because] difficulties would arise if foreign nurses [and] doctors ignorant of Russian or requirements Russian ambulance service, were included in Russian hospitals and allowed to wear Russian uniforms corresponding their rank. Therefore, Foreign Office proposes work of party be confined to visiting internment camps, distributing assistance, and studying Russian method of medical treatment of prisoners. Ministry asks to be furnished with documentary evidence of citizenship and nationality nurses.

MARYE

The Secretary of State to the Ambassador in Russia (Marye)

[Telegram]

WASHINGTON, November 5, 1915.

616. Your 334, October 28. It appears to be desirable to explain to the Russian Government that on August 16 the American Ambassador at Berlin asked the American Red Cross whether it would be willing to send to Russia nurses and doctors "who would distribute relief and give actual medical assistance to Germans and Austro-Hungarians now in Russia and Siberia, their expenses and

¹ *Ante*, p. 1022.

² Not printed.

salaries to be paid by German Government." The request of the German Government to the American Red Cross was not submitted to the Russian Government, as perhaps it should have been, inasmuch as a part of the American unit sent to Russia is still at work in the Russian hospitals, and the Red Cross and the Department assumed there was no objection on the part of the Russian authorities to the American Red Cross performing actual medical service, and also in view of your No. 253, of August 9,¹ stating "that Russian Government assented to Red Cross operating in Siberia and Russia in a manner to it most convenient."

The Department should be advised promptly whether the Russian Government will permit the Red Cross to render actual medical service in behalf of Germans and Austrians in Russia or desires the Red Cross to discontinue rendering the same service to Russians in Germany, which it is now doing and is prepared to do on a larger scale if Russia desires.

LANSING

File No. 763.72114/985

The Ambassador in Russia (Marye) to the Secretary of State

[Telegram]

PETROGRAD, November 23, 1915, 7 p. m.

[Received November 26, 8.45 a. m.]

360. Department's 625 and 626, 13th.² Foreign Office states it must maintain position. American Red Cross units can be allowed only to distribute material aid to prisoners in Russia and not perform medical and nursing services for reasons stated Embassy's 334, October 28. Russian Government would regret if this decision should cause recall American Red Cross units in Russia and Germany. Foreign Office states that it assumed from President's letter to Emperor that units in Germany and in Russia would be supported by American Red Cross funds and now learns support of unit in Russia comes chiefly from Germany. Russian Government has already spent large sums for her prisoners in Germany and has therefore decided not to subscribe funds for support of American Red Cross now operating in Germany, especially as medical department there seems to be only one more or less satisfactory in its treatment of prisoners. Russian Government hopes its decision will not be considered due to unwillingness to avail itself services American Red Cross which it values highly. In view of above think it would be unwise and useless to press Caldwell request.

MARYE

File No. 811.142/1176e

The Secretary of State to the Ambassador in Great Britain (Page)

[Telegram]

WASHINGTON, November 30, 1915.

2518. Inform British Government American Red Cross greatly desires permission to forward rubber gloves and other hospital sup-

¹ Ante, p. 1023.

² Not printed.

plies to hospitals Central powers, and would appreciate a prompt answer. Call attention British Government to following facts: At request of Allies American Red Cross constantly sending large quantities hospital supplies to Allies' hospitals, and if Red Cross is unable to send supplies to all belligerents it may not be in position to continue sending supplies to any. October 19 and 25 respectively Red Cross requested, through British Embassy, Washington, permits for shipment hospital supplies to Bulgarian and to German and Austro-Hungarian Red Cross, all these supplies to be consigned via Rotterdam to American Minister Hague. In spite of several cables no answer received, and Red Cross obliged cancel space reserved on steamers for shipment. American Ambassador Berlin cabled Red Cross through State Department for rubber gloves which he will personally distribute hospitals. No reply received by Red Cross to inquiry through British Embassy if these and other rubber hospital supplies may be forwarded to German Red Cross.

LANSING

File No. 763.72114/985

The Secretary of State to the Ambassador in Russia (Marye)

[Telegram]

WASHINGTON, December 1, 1915.

641. Your 360, November 23. Second and next to last sentences your telegram seem ambiguous and inconsistent with following statements in memorandum received from Russian Embassy, Washington, November 23:

The impossibility of allowing a unit not belonging to the Russian Sanitary Corps to take up permanent or prolonged work in the camps, and the divergence between its present aim and the conditions that had previously been agreed upon by diplomatic correspondence, obliged the War Office to permit the American Red Cross unit to act only according to the program that had originally been agreed upon—i. e., visits to the camps—and these visits have already begun. As to our financing the American Red Cross mission to Germany, the Imperial Government is obliged to express their regret that such a proposal can not be accepted, as it is in contradiction with the conditions that had been originally agreed upon. The Imperial Government highly appreciates the good and friendly intentions of the American Red Cross and the generous proposal of assigning \$10,000 for the relief of Russian prisoners, but the present circumstances do not justify the necessity of accepting this generous offer.

Ascertain and inform Department exactly, attitude Russian Government as to removal from Russia both new Red Cross unit and also two Red Cross units already working in Russia. It would seem to be a reasonable conclusion from the memorandum of the Russian Ambassador that the American unit working in behalf of Russian prisoners in Germany must be withdrawn, and, while less definitely set out, that the Russian Government also desires the withdrawal of the American unit sent into Russia to visit German and Austrian prisoners of war. The Red Cross has decided to remove its unit from Germany.

LANSING

File No. 763.72112/2015

The British Ambassador (Spring Rice) to the Secretary of State

No. 435]

WASHINGTON, *December 15, 1915.*[*Received December 16.*]

SIR: As you are doubtless aware, difficulties have arisen in regard to stores shipped by the American Red Cross to Germany and Austria, which are not mentioned in the list of articles which His Majesty's Government communicated to the United States Government on May 11 and which they were prepared to accept as coming within the description contained in the Declaration of London, Article 29 (1), as articles serving exclusively to aid the sick and wounded, and therefore not liable to be considered as contraband of war.¹

I have now the honour to inform you that the British Government is prepared to agree to the following arrangement in order to ensure the safe passage of articles, not enumerated in the list, which would be treated as contraband in default of such special arrangement.

The British Government are prepared to favourably consider an application for the free passage of distinctively medical stores sent by the American Red Cross provided a definite undertaking is given by the United States Government in respect of each shipment that stores so sent shall be used exclusively in American Red Cross units and that when worn out, the materials shall not be allowed to become available for any other purpose, civil or military, but shall be destroyed.

The quantity and nature of the articles for which such safe-conduct is requested will of course be taken into consideration, as the original principle underlying the clause in the Declaration of London above referred to must be regarded as still applicable.

Such an arrangement would, in the view of my Government, meet the difficulty which has arisen in regard to the extension of the agreed list of articles the free passage of which is asked for on behalf of the American Red Cross, and if it meets with the approval of your Department I shall be happy to inform my Government, and take the necessary steps to ensure the free passage of the articles concerned.

I have [etc.]

For the Ambassador:

COLVILLE BARCLAY

File No. 763.72114/1065

The Ambassador in Russia (Marye) to the Secretary of State

[Telegram]

PETROGRAD, *December 21, 1915, 6 p. m.*[*Received December 22, 8.15 a. m.*]

379. Replying to Department's 661, December 17, 12 noon, relative to American Red Cross unit now in Russia.² The situation is: The German Government commissioned the American Red Cross surgeons and nurses sent from Germany to do work which was not

¹ *Post*, p. 1050.

² Not printed.

requested nor contemplated by the President's letter to the Tsar, not granted nor considered in the Tsar's letter in reply, namely, the rendering of surgical and medical assistance to German prisoners of war in Russia. The Russian Government has twice formally refused to extend field of usefulness of American Red Cross unit from Germany so as to include surgical and medical inspectors, giving reasons. The American Red Cross unit from Germany finds itself limited strictly to work specified in grant of permission. Permission was granted on principle of reciprocity agreement, and as no similar work is now being done by American Red Cross among Russian prisoners of war in Germany, withdrawal of permission altogether was under consideration. Now am informed that American Red Cross unit can stay and continue work now being done, but no other work. None among American Red Cross unit would be suitable for investigation of prison camps in place of American diplomatic officers engaged in the work.

MARYE

File No. 763.72112/2043

The British Ambassador (Spring Rice) to the Secretary of State

WASHINGTON, December 24, 1915.

[Received December 27.]

DEAR MR. SECRETARY: With reference to my telephonic message of to-day, I venture to enclose copy of a communication I am making to the press in reply to an assertion which is published to-day to the effect that the British Government has stopped all Red Cross supplies. This, of course, is not the fact, and I think it desirable to state what has actually happened. Your Department is not directly involved, as most of the correspondence took place between the Red Cross society and this Embassy, but you have kindly given me your permission to make a public statement, of which I avail myself not, I hope, in any spirit of controversy—least of all with the State Department—but merely with the object of making the facts known to the public.

I remain [etc.]

CECIL SPRING RICE

[Enclosure]

Statement given to the press by the British Embassy

A statement has been published in the press to the effect that Great Britain has suspended the issuance of permits for shipment of hospital supplies of any description from the United States to Germany, Austria, Hungary, Bulgaria, and Turkey.

The facts are as follows:

On May 11 the British Government communicated to the United States Government a list of articles which they were prepared to accept as coming within the description contained in the Declaration of London, Article 29 (1), as articles serving exclusively to aid the sick and wounded and therefore not liable to be considered as contraband of war, provided that a general agreement between the belligerent powers could be secured. It was not until December 9 that the British Embassy was informed that Germany had agreed to this list; but the articles mentioned on the list have been given permits since the war began.

Rubber goods such as gloves and rubber sheets were not included in this list, and rubber being contraband of war and an article of great importance

from a military point of view, such goods were not allowed to pass into Germany. The British Government, however, after careful consideration of all the circumstances, offered to allow all hospital stores, whether on the list or not, to pass freely on receipt of a guarantee that these stores should be used exclusively by the American Red Cross and destroyed after being used.

This guarantee the American Red Cross were unable to give, their units having been withdrawn from Europe. They have recently applied for permits for a very large consignment of rubber goods on account of a Netherlands society for the use of the German Red Cross in southeastern Europe, including 2,000 meters of rubber tubing and 2,000 square meters of rubber sheeting. This proposal, in view of recent attempts to smuggle rubber into Germany, requires careful consideration and is now before the Allied Governments.

It is absolutely untrue that "the prohibition has been extended to all supplies." The State Department and the American Red Cross Society have been informed of the above-mentioned circumstances in letters dated the 21st and 22d instant.

WASHINGTON, December 24, 1915.

**EXEMPTION OF HOSPITAL SUPPLIES FROM SEIZURE AS
CONTRABAND OF WAR**

File No. 763.72112/1210

The Ambassador in Great Britain (Page) to the Secretary of State
No. 1409]

LONDON, May 17, 1915.

[Received June 1.]

SIR: With reference to the Department's telegram of October 14 last, No. 307,¹ I have the honor to report that I have received an informal letter from Sir Edward Grey on the subject of the list of drugs and medical appliances proposed for exemption from treatment as contraband of war on the ground that they serve exclusively to aid the sick and wounded.

Sir Edward Grey informs me that the lists submitted by the Spanish Ambassador and by me have been examined by the various competent British authorities and that the list which is transmitted herewith shows the items which the British Government would be prepared to accept as coming within the description contained in the Declaration of London, provided that a general agreement among the belligerent powers can be secured.²

Sir Edward further states that he is writing in the same terms to Señor Merry del Val, the Spanish Ambassador at this capital.

I have [etc.]

WALTER HINES PAGE

*The Secretary of State to the Ambassador in Italy (Page)*³

WASHINGTON, June 25, 1915.

SIR: Under date of September 22, 1914,⁴ the Ambassador at Madrid telegraphed the Department that the King of Spain had proposed

¹ *Foreign Relations*, 1914, Supplement, p. 834.

² Enclosure (of 13 pages) not printed.

³ The same, *mutatis mutandis*, to the Ambassadors in France, Germany, Austria-Hungary, Russia, Japan, Turkey, and Spain.

⁴ *Foreign Relations*, 1914, Supplement, p. 831.

to him that the American and Spanish diplomatic representatives accredited to the different belligerent governments make a joint request of those governments that hospital supplies in transit on the high seas may be considered by them as neither contraband nor conditional contraband of war, but free.

The Department therefore instructed the heads of the different missions accredited to the countries at war, acting in conjunction with their Spanish colleagues, to bring the matter to the attention of the respective governments.

A despatch has now been received from the Ambassador at London, transmitting a list of hospital supplies which the British Government states it would be prepared to accept as coming within the description contained in the Declaration of London, provided that a general agreement among the belligerent powers can be obtained.

A copy of this list is transmitted herewith,¹ which please submit to the Italian Foreign Office with a view to obtaining, if possible, the agreement of the Italian Government in the matter, as indicated by the British Government, and inform the Department of the result of your representations.

In your efforts to obtain the desired agreement please cooperate with your Spanish colleague.

I am [etc.]

ROBERT LANSING

File No. 763.72112/1359

The Spanish Ambassador (Riaño) to the Secretary of State

NEWPORT, R. I., July 17, 1915.

[Received July 19.]

MY DEAR MR. SECRETARY: AS I have no doubt that you will recall, I visited you on June 1 ultimo, and acting upon instructions from my Government, informed you that it was the opinion of the Spanish Government that, under the existing circumstances, it was expedient to postpone indefinitely the negotiations initiated by Spain and the United States to obtain from the belligerents that, in order to insure the supplies of their hospitals, the articles and materials mentioned in paragraph 1 of Article 29 of the Declaration of London of 1909 should not be considered contraband.

You had then the kindness to inform me that the views of the Spanish Government upon the subject in question met with your entire approval, and that you would instruct the American representatives in the countries concerned to postpone indefinitely any further action on the matter, according to the suggestion of the Government of Spain, and I at once informed my Government of your attitude upon the question.

The Minister of Foreign Affairs in Madrid now telegraphs me that he has received a note from Ambassador Willard, in which he states that the American Government has sent to its representatives in belligerent countries a list of the articles, the transit of which England would be disposed to accept, with instructions to negotiate

¹ Not printed.

their acceptance by the other belligerents; and the Ambassador asks that the Spanish representatives be similarly instructed.

As these instructions which have been communicated to Mr. Willard appear to imply a change of attitude on the part of the Government of the United States upon a question in which, owing to the initiative taken by the King of Spain, the Spanish Government feels a keen interest, I should consider it a very great favor if you could confidentially inform me to what reasons it responds.

If, as I hope, you have no objection to communicating them to me, I should be most grateful if you would do so as soon as possible; and if you should prefer to do so verbally, I shall be glad to go down to Washington and see you at any time which may suit your convenience.

Believe me [etc.]

JUAN RIAÑO

The Secretary of State to the Spanish Ambassador (Riaño)

WASHINGTON, July 27, 1915.

MY DEAR MR. AMBASSADOR: I have your letter of July 17 regarding the desire of the Spanish Government to postpone indefinitely the negotiations initiated by Spain and the United States relating to the exclusion of certain hospital supplies from the lists of contraband of the belligerent countries.

The original proposal in the matter was communicated to the British Government on October 14 last. On May 17 the American Ambassador in London forwarded to the Department the list of hospital supplies which the British Government was prepared to accept as coming within paragraph 1 of Article 29 of the Declaration of London, subject to the formation of a general agreement among the belligerent powers. This communication, a copy of which is enclosed, was received in the early part of June.¹ In the meanwhile, however, during your call at the State Department on June 1, you informed me that the Spanish Government desired an indefinite postponement of the negotiations in question.

Inasmuch as the British Government, at the suggestion of the United States Government, had committed itself to a definite proposal before the Department had been notified of this attitude of the Spanish Government, the Department did not feel that it could properly withdraw from its expressed willingness to be of assistance in this matter, and consequently forwarded to the various belligerent powers, under date of June 25, the list submitted by the British Government.

In view of these circumstances, therefore, the Department considers that it has no alternative than to endeavor to secure from the powers concerned their replies to the proposal communicated to them by the Department on June 25, and will be glad to continue to advise you of any further steps in the negotiations.

I am [etc.]

ROBERT LANSING

¹ Not printed.

File No. 763.72112/1439

The Spanish Ambassador (Riaño) to the Secretary of State

NEWPORT, R. I., August 3, 1915.

[Received August 5.]

MY DEAR MR. SECRETARY: With reference to our correspondence on the subject of the negotiations initiated by Spain and the United States to obtain from the belligerents that certain hospital supplies should not be considered as contraband of war, I beg to inform you that the Minister of State of Spain, to whom I cabled an extract of your note of July 27 ultimo, telegraphs me under date of August 1 that in view of the change in the attitude of this Government from what I understood it to be after my interview with you on June 1, of which I duly apprised my Government by telegraph, the Ministry of Foreign Affairs has telegraphed to the representatives of Spain in belligerent countries instructing them to proceed jointly with the representatives of the United States to negotiate the acceptance of the British lists of supplies by the respective governments to which they are accredited.

Believe me [etc.]

JUAN RIAÑO

File No. 763.72112/1445

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

[Telegram]

ROME, August 7, 1915.

[Received 6.50 p. m.]

363. Your instruction June 25 regarding hospital supplies was received and acted on immediately. Owing, however, to difference in Spanish Ambassador's presentation of case to me I supposed other articles were referred to. Am to-day informed by Foreign Office that Italian Government accepts proposal of United States and Spain and will consider as non-contraband, either absolute or conditional for transit on high seas, medicines, sanitary supplies [and] surgical appliances, serving only for cure and for diagnostic investigations specified in American list.

AMERICAN EMBASSY

File No. 763.72112/1820

The Ambassador in Germany (Gerard) to the Secretary of State¹

No. 1673]

BERLIN, October 19, 1915.

[Received November 1.]

SIR: With reference to the Department's unnumbered instruction of June 25, 1915, File No. 763.72112/1210, concerning the proposal of the King of Spain that American and Spanish diplomatic representatives accredited to the different belligerent governments make a

¹ Enclosure transmitted to the British Ambassador and the Ambassador in Great Britain, for their information, December 9 (File No. 763.72112/1962).

joint request of those governments that hospital supplies in transit on the high seas may be considered by them as neither contraband nor conditional contraband of war, but free, I have the honor to transmit to the Department herewith a copy and translation of a note addressed by the Imperial Foreign Office under date of October 15, 1915, to the Spanish Ambassador in Berlin in regard to this subject which the Foreign Office requests me to bring to the attention of my Government.

I have [etc.]

JAMES W. GERARD

[Enclosure—Translation]

The German Secretary of State for Foreign Affairs (Zimmermann) to the Spanish Ambassador (De Bernabé)

No. IIIa—19014/150962

BERLIN, October 15, 1915.

Mr. AMBASSADOR: With reference to your letter of August 2, 1915, relative to the free transit on the seas of certain articles and materials, I have the honor to inform you as follows:

The German Government declares itself ready to consider the articles and materials of exclusive use for the care of the sick and wounded, a list of which accompanied the above letter, as being comprised in the Declaration of London relative to the law of maritime warfare, and to guarantee their free transit on the seas. In conformity with the provisions of Article 29, No. 1, of the Declaration, it has already inserted into the Prize Ordinances of September 30, 1909 (*Reichs-Gesetzblatt* 1914, p. 275), the provisions of No. 28, par. 1, according to which articles and materials of the nature described above cannot be considered as contraband of war. As it is stated in Article 29, No. 1, of the Declaration of London that, in case of important military necessity the articles and materials in question can be requisitioned against indemnity, if they are destined for enemy territory or for territory occupied by the enemy or for his armed forces, the German Government has reserved itself right of requisition, of which mention is made in No. 28, par. 1, of the German Prize Ordinances, but up to the present has not made use of it.

If the German Government accepts the Spanish proposition and consents to engage by international act to observe the stipulations of Article 29, No. 1, of the Declaration of London, and especially to consider as binding, the list of articles and materials in question, submitted by the Spanish Government, it only enters this engagement on the understanding of strict reciprocity and declares expressly that it will not consider itself bound, if England should impede the transportation of the said articles and materials from a neutral country to a German port.

Requesting that you inform your Government of the above, I avail myself [etc.]

ZIMMERMANN

THE DISPLAY OF DISTINGUISHING MARKS BY AMERICAN NAVAL VESSELS ON THE HIGH SEAS

File No. 763.72/2292

The German Ambassador (Bernstorff) to the Secretary of State

[Translation]

J. Nr. A 7824]

WASHINGTON, December 1, 1915.

[Received December 2.]

MR. SECRETARY OF STATE: By direction of my Government I have the honor to ask of your excellency that orders be issued to the commanding officers of American warships in the Mediterranean to display the national flag so that it can be clearly seen by day and to

keep the ship and flag sufficiently lighted by night, in order to avoid their being mistaken for warships of the states at war with the Central powers.

The Imperial Government has the honor to offer this suggestion with a view to preventing error in submarine attacks.

Accept [etc.]

For the Imperial Ambassador:

PRINZ HATZFELDT

Counselor of Embassy

File No. 763.72/2302

The Secretary of State to the German Ambassador (Bernstorff)

No. 1692]

WASHINGTON, *December 10, 1915.*

EXCELLENCY: Referring to your excellency's note of December 1, 1915 (No. A 7824), in which you ask, by direction of your Government, that orders be issued to the commanding officers of American warships in the Mediterranean to display the national flag so that it can be clearly seen by day and to keep the ship and flag sufficiently lighted by night, in order that the vessels of this Government may not be mistaken for warships of the states at war with the Central powers, I have the honor to transmit herewith a copy of a communication dated December 10, 1915, from the Secretary of the Navy, indicating the reasons why the Navy Department must decline to issue the orders as suggested by the Imperial Government.

The substance of the Secretary of the Navy's letter has been transmitted to the American Ambassador at Berlin by telegraph for communication to the Imperial Foreign Office.

Accept [etc.]

ROBERT LANSING

[Enclosure]

The Secretary of the Navy (Daniels) to the Secretary of State

WASHINGTON, *December 10, 1915.*

SIR: I have the honor to acknowledge the receipt of your letter of December 8, 1915, transmitting a copy in translation of a note dated December 1, 1915, from the German Ambassador at this capital, asking that orders be issued to the commanding officers of American war vessels in the Mediterranean to display the national flag so that it can be clearly seen by day and to keep the ship and flag sufficiently illuminated at night, in order that the vessels of this Government may not be mistaken for the warships of the states at war with the Central powers. It is further noted from the enclosure that the German Government offers this suggestion with a view to preventing error in submarine attacks.

The distinguishing marks and lights to be carried by men-of-war on the high seas are prescribed by international agreement as embodied in the statute law of the United States in regulations for preventing collisions at sea. These rules do not require the display of colors by day when not in sight of other vessels, nor do they require the display of colors at night, nor the illumination of the ship and colors at night.

Within territorial waters or blockaded areas this Department concedes the right of a foreign government to require the use of special distinguishing lights or signals, and, in fact, such local regulations are provided for by the international rules above mentioned.

On the high seas, however, no nation has a right to prescribe or suggest rules for the conduct of the vessels of other nations, and the responsibility for preventing attacks on innocent vessels under the circumstances suggested

by the German Government must rest with the belligerent nation concerned, and not with the neutral nation whose flag the ship may fly.

This Department considers that the entering into of an arrangement with one or more belligerents, not provided for by international agreement, would be a most dangerous and inexpedient procedure.

In view of the above, this Department must decline to issue the orders requested by the German Ambassador to the commanding officers of American war vessels in the Mediterranean, and must continue to consider that the German Government is wholly and fully responsible for the prevention of unintentional attacks by its naval forces on the vessels of the United States.

Very sincerely yours,

JOSEPHUS DANIELS

File No. 763.72/2368

The Secretary of the Navy (Daniels) to the Secretary of State

[Extract]

WASHINGTON, *January 28, 1916.*

SIR: I have the honor to acknowledge the receipt of your confidential letter of the 26th instant,¹ enclosing a copy of the statement made by the German Foreign Office, as given to the American Ambassador at Berlin, in relation to the request of the German Government that American warships in the Mediterranean fly the national flag during the day and illuminate ships and flag during the night.²

In reply, this Department, in view of the reasons furnished in its letter of December 10, 1915, to the Department of State, regrets exceedingly that it is unable to change its attitude in relation to this matter.

Very sincerely yours,

JOSEPHUS DANIELS

File No. 763.72/2411

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

No. 2298]

BERLIN, *January 24, 1916.*

[*Received February 17.*]

SIR: With reference to the Department's telegram No. 2491,¹ of December 10, 1915, 5 p. m., regarding certain suggestions or instructions on the part of the German Government, applying to American ships of war in the Mediterranean, which were brought to your attention by the German Ambassador in Washington, I have the honor to inform you that I did not fail to bring the contents of the Department's telegram to the attention of the Imperial Secretary of State for Foreign Affairs on December 14, last, and that I am now in receipt of his reply, a copy in translation of which I enclose herewith. A *résumé* of this note has to-day been cabled to the Department in the Embassy's telegram 3386.

I have [etc.]

JAMES W. GERARD

¹ Not printed.

² The statement referred to, contained in the Ambassador's telegram No. 3386 of January 24, 1916 (not printed), is a *résumé* of the note from the German Secretary of State for Foreign Affairs, *post*, p. 1057.

[Enclosure—Translation]

The German Secretary of State for Foreign Affairs (Von Jagow) to the American Ambassador (Gerard)

No. A 760]

BERLIN, January 19, 1916.

The undersigned has the honor to reply as follows to the esteemed note of his excellency, the American Ambassador, Mr. Gerard, of December 14, 1915, F. O. No. 6821.

If the Imperial Government proposed to the Government of the United States that the American warships in the Mediterranean be instructed to fly their national flags clearly visible during the day, and to provide sufficient illumination of vessel and flag at night, this merely represented a friendly suggestion, as is self-evident from the nature of the matter. It was by no means the intention of the Imperial Government to wish to issue instructions to the American Government in this regard. This suggestion had for its object in the first place to serve the interest of the American Government, but by no means to infringe upon its rights, as the American marine authorities erroneously appear to assume.

The Imperial Government is moreover not in the position to accept the point of view of the American marine authorities, that no state has a right to give friendly advice to another state. According to the conception of the Imperial Government, a belligerent power not only has the right, but even the duty to warn a neutral of dangers which may possibly menace him, in case he should get into unintended danger through operations of war about to take place.

In its reply of December 14, 1915, the American Government bases its point of view solely on formal instructions. In the opinion of the Imperial Government, the American Government does not sufficiently take into account the fact that these instructions were principally intended to safeguard shipping in normal times; that is, in times of peace. The particular requirements of war hardly render the appeal of a neutral power to such instructions permissible, if the one-sided disadvantage of one of the belligerents is thereby caused.

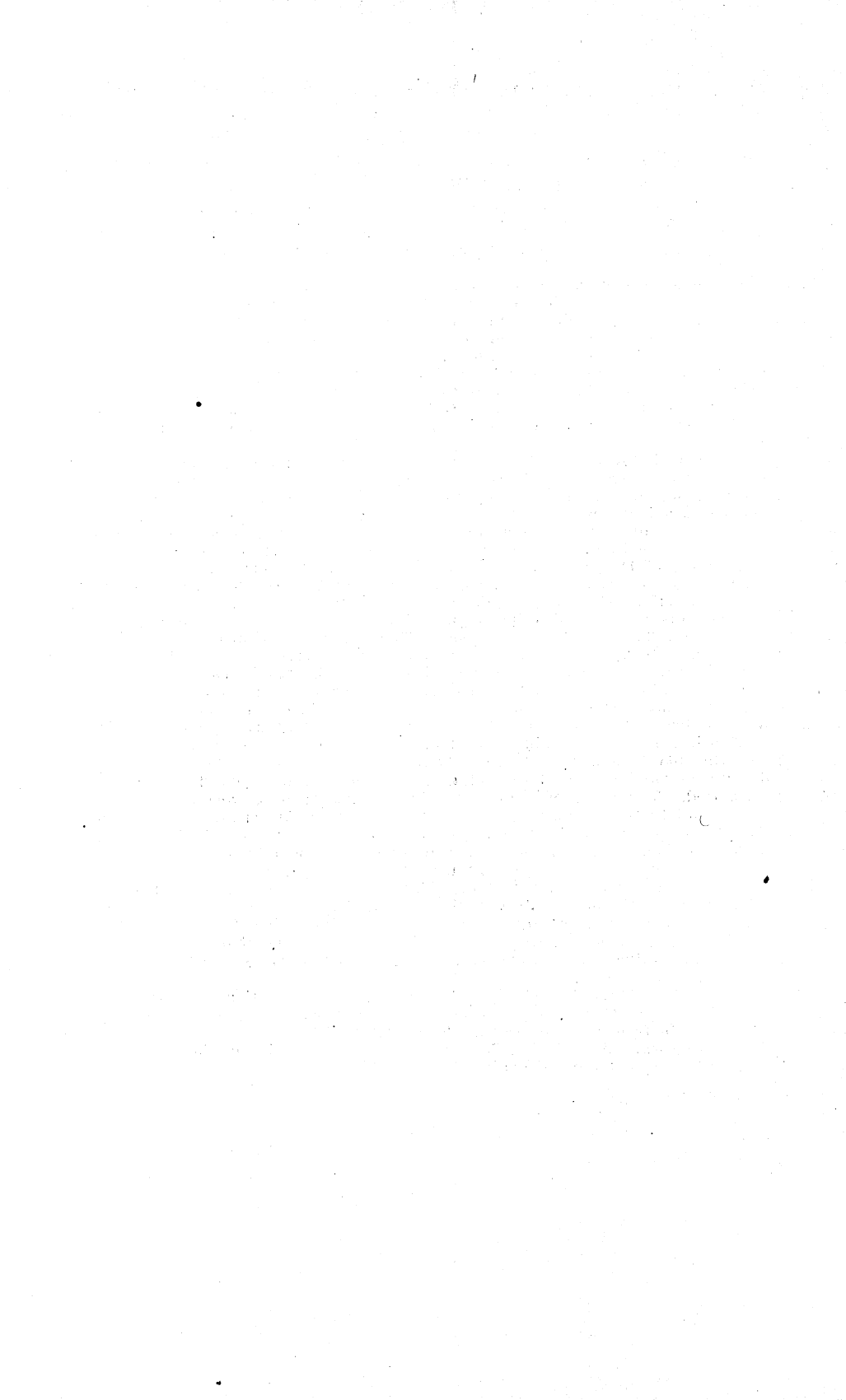
Even though no explicit regulations exist with regard to the German suggestion, the German Government would like to point out in this connection that it was the American Government itself which appealed on several occasions to the general principles of the right of neutrality. According to these, the neutral state is in duty bound, not intentionally to place difficulties in the way of the military operations of one of the belligerents, unless its own justified interests are violated. The point of view taken by the American Government would logically lead to the result that even in times of war, American warships, in appealing to the right valid in times of peace of free transit on the high seas, could demand unhindered passage between two battling warships.

The foregoing considerations and urgent military interests, especially the exigencies of submarine warfare, concerning which the American Government itself admitted in the note of July 23, 1915, F. O. No. 4376, that it was prepared to take its special conditions into account, render it impossible for the Imperial Government, to its sincere regret, to accept the American point of view, which, in case of mistaking a vessel, wishes to place the blame solely and entirely on the German naval forces.

The Imperial Government cherishes the hope that the American Government, upon subjecting the German suggestion to a new and well-wishing examination, will not refrain from listening to the above arguments.

While requesting him to bring the foregoing to the attention of the American Government, the undersigned avails himself [etc.]

V. JAGOW



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