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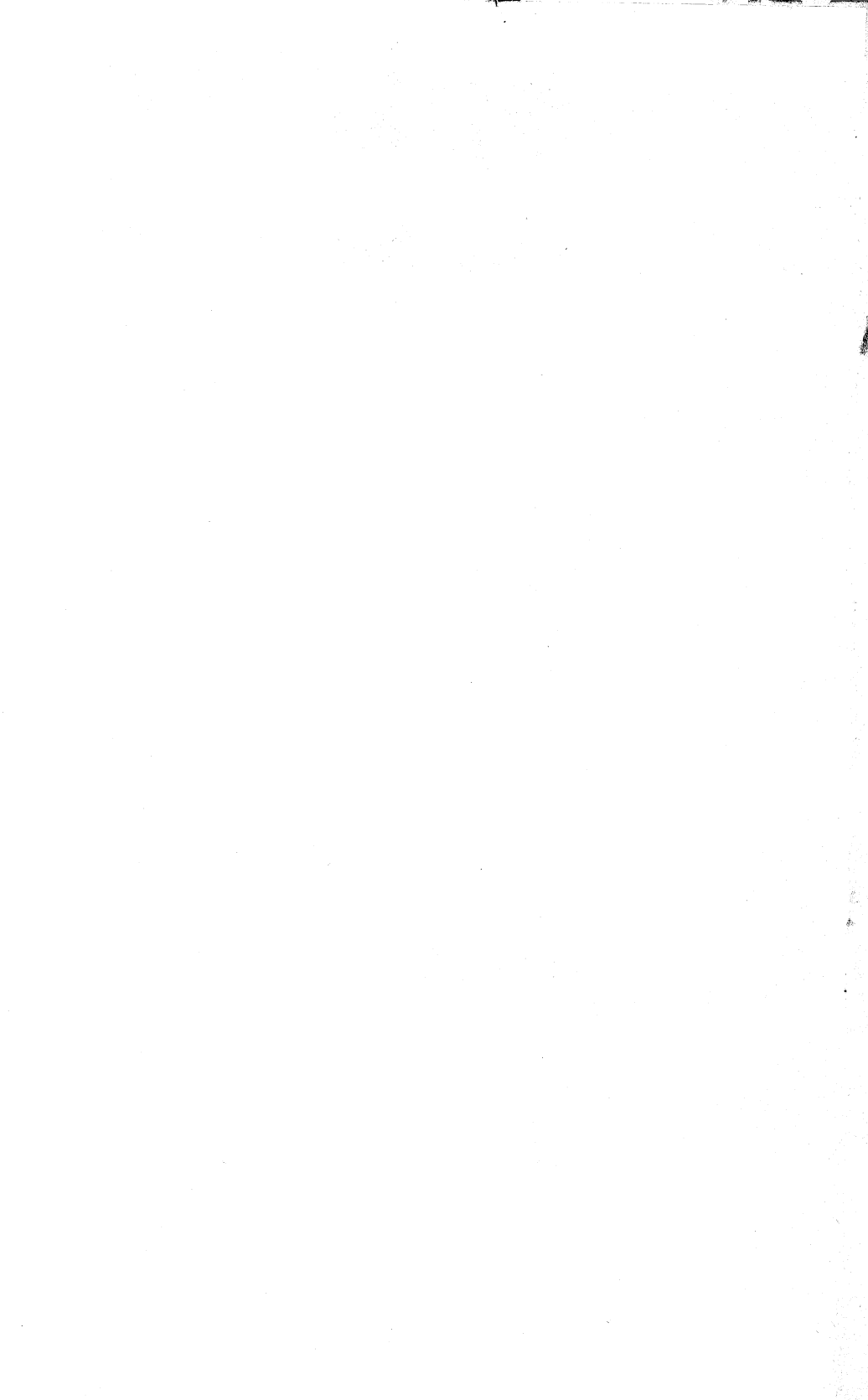
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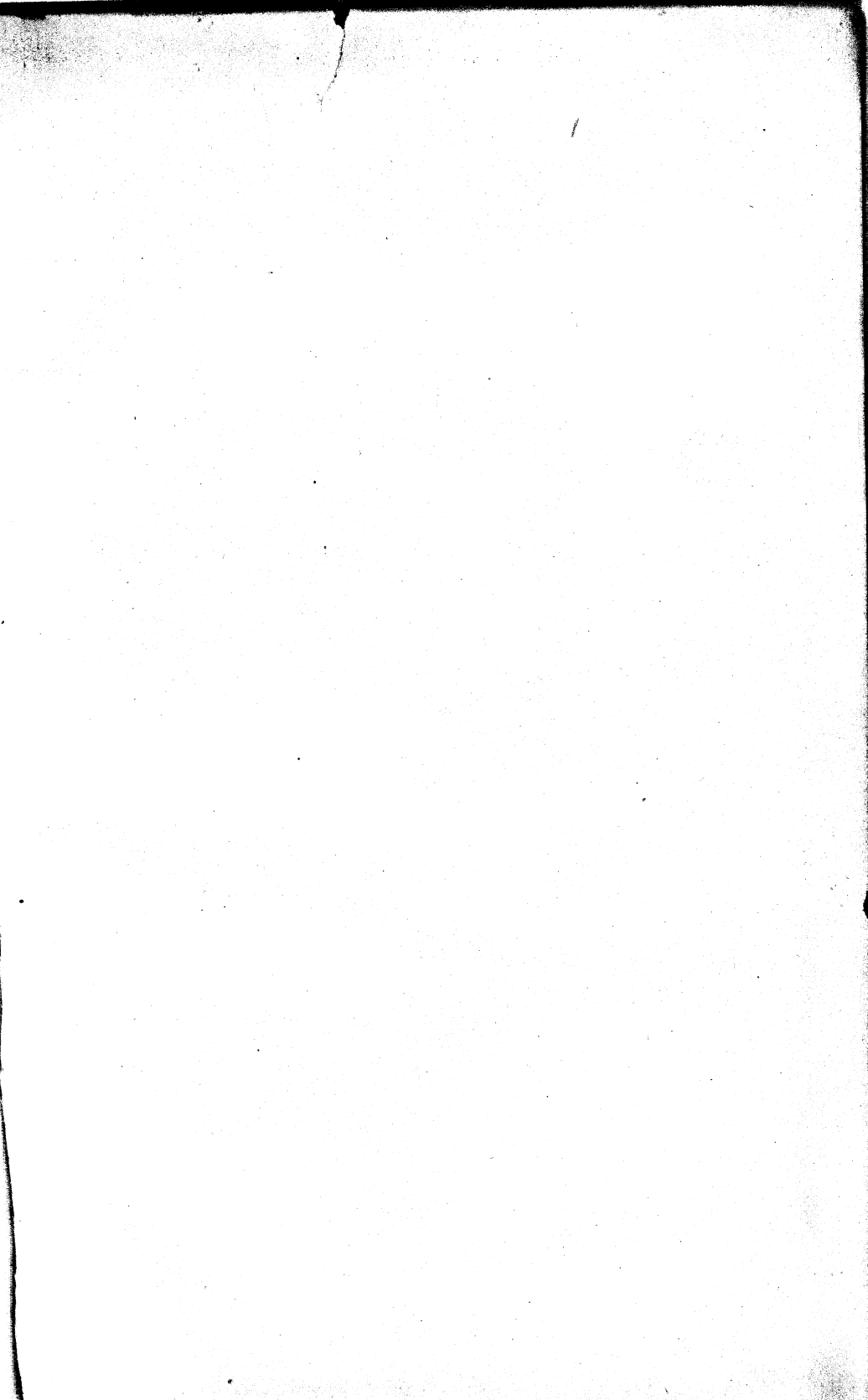
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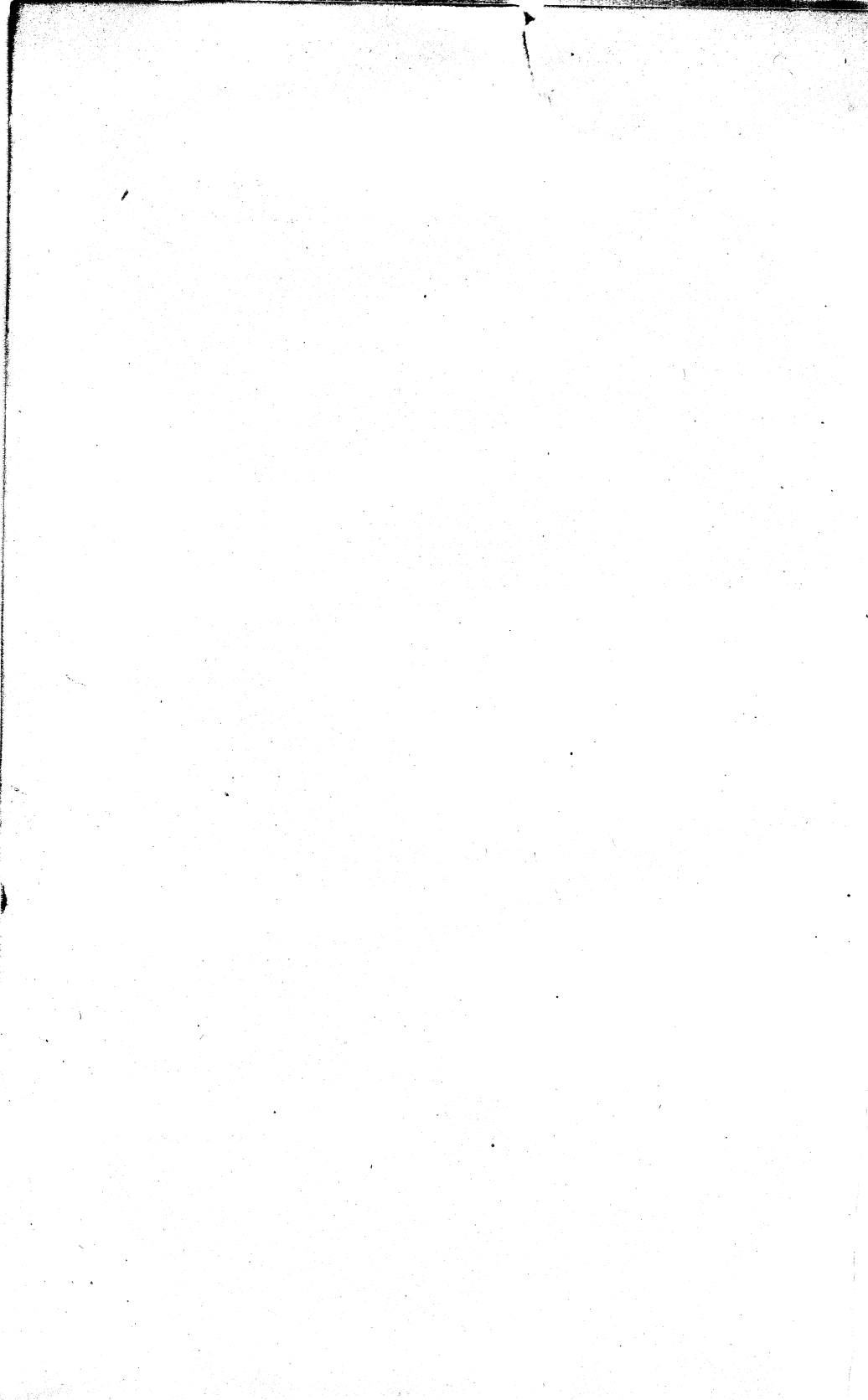
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THIRD SESSION, FORTY-FIRST CONGRESS.

EXECUTIVE DOCUMENTS

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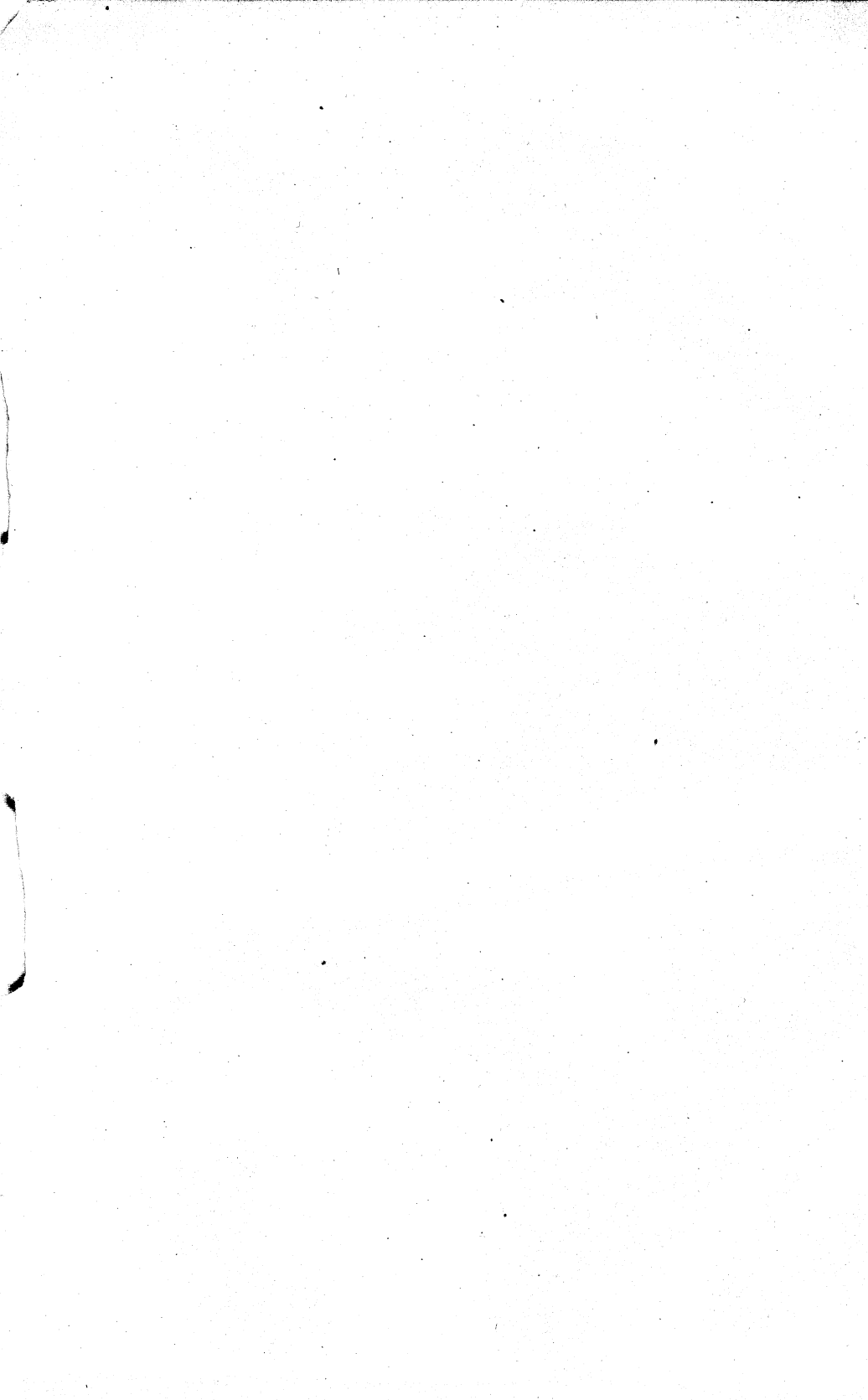
THE HOUSE OF REPRESENTATIVES.

1870-'71.

IN TWELVE VOLUMES.

- Volume 1.....No. 1, part 1, Foreign Relations.
- Volume 2.....No. 1, War: Parts 1 and 2.
- Volume 3.....No. 1, Navy and Postmaster General.
- Volume 4.....No. 1, Interior: Parts 1 and 2.
- Volume 5.....Nos. 2 and 3.
- Volume 6.....Nos. 4 to 18, inclusive.
- Volume 7.....Nos. 19 to 60, part 5, inclusive.
- Volume 8.....Nos. 61 to 94, inclusive, except No. 89.
- Volume 9.....No. 89, parts 1, 2, 3, and 4, Patent Office.
- Volume 10.....Nos. 95 to 110, inclusive.
- Volume 11.....No. 112, Coast Survey.
- Volume 12.....Nos. 111 to 153, inclusive, except No. 112.

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INDEX

TO

THE EXECUTIVE DOCUMENTS

OF THE

HOUSE OF REPRESENTATIVES OF THE UNITED STATES

OF THE

THIRD SESSION OF THE FORTY-FIRST CONGRESS.

Title.	Vol.	Part.	No.	Page.
A.				
Accounts. Secretary of the Interior transmits estimate of appropriation for expenses of settlement of Indian orphan.	7	.....	27	
Adair, W. P. Secretary of the Treasury communicates relative to the claim of, of the Cherokee delegation	12	.....	129	
Alaska. Secretary of the Treasury communicates relative to leasing the seal fishery of	10	.....	108	
Alaska. Secretary of the Treasury transmits report of the special agent of the Treasury Department stationed at St. Paul Island	12	.....	122	
Annuities. Secretary of the Interior transmits estimates of funds required for payment of, to certain Winnebago Indians	7	.....	48	
Appraisers. Secretary of the Treasury transmits draught of a bill to secure uniformity in the mode of appointing	7	.....	21	
Appropriations. Secretary of the Treasury transmits estimates of, for the fiscal year ending June 30, 1872, with index to the same	6	.....	5	
Appropriations. Postmaster General transmits estimates of, for his Department for the year ending June 30, 1872	6	.....	6	
Appropriations. Secretary of the Treasury transmits estimates of deficiencies in, for the fiscal year ending June 30, 1871	6	.....	17	
Appropriations. Secretary of the Interior transmits estimate of, for expenses of settlement of Indian orphan accounts	7	.....	27	
Appropriation. Secretary of the Interior submits joint resolution to render an, of \$75,000, available for feeding Navajo Indians	7	.....	28	
Appropriations. Secretary of the Interior communicates relative to the same subject	7	.....	47	
Appropriations. Secretary of the Interior transmits estimate of, for the payment of annuities to certain Winnebago Indians	7	.....	48	
Appropriations. Secretary of the Interior transmits estimate of, for books of record for office of recorder of deeds for District of Columbia	7	.....	30	
Appropriation. Secretary of the Interior asks an, to supply deficiencies in the Pension Bureau	7	.....	49	

Title.	Vol.	Part.	No.	Page.
Appropriations. Secretary of War transmits an estimate of, to supply deficiencies for the Pay Department for the current fiscal year.....	8	.....	61	
Appropriations. Secretary of War transmits estimates of, for deficiencies in the Paymaster and Quartermaster Departments for the current fiscal year.....	8	.....	62	
Appropriations. Secretary of War transmits estimates of, for deficiencies in contingent expenses of the Quartermaster for the year ending June 30, 1871.....	8	.....	63	
Appropriation. Secretary of the Interior communicates relative to an, of \$7,000 for the purchase of two thousand copies of the sixteenth volume of the United States Statutes at Large.....	8	.....	73	
Appropriations. Secretary of State communicates relative to an act legalizing and making, for such objects as have usually been included in appropriation bills without authority of law, and to fix and provide for certain incidental expenses of the Department and officers of the Government.....	8	.....	75	
Appropriation. Secretary of War asks an, of \$100,000, to continue the improvement of Saint Mary's Falls Canal, Michigan.....	8	.....	86	
Appropriation. Secretary of War asks an, for expenses of the investigation into the Montana Indian war claims....	10	.....	97	
Appropriation. Secretary of the Interior requests an, for the erection of agency buildings in the Creek and Seminole country.....	12	.....	121	
Appropriation. Secretary of the Interior communicates relative to an, to meet the expenses of taking the ninth census.....	12	.....	134	
Appropriation. Secretary of the Interior requests an, for the benefit of Eastern Cherokees.....	12	.....	135	
Appropriation. Secretary of the Interior communicates relative to an, for deficiencies in surveying service for the fiscal year ending June 30, 1870.....	10	.....	105	
Appropriation. Secretary of the Interior communicates relative to an, for supplies &c., furnished the Ponca Indians.....	10	.....	109	
Appropriation. Secretary of the Interior communicates relative to an, for depredations committed by the Apache Indians, in May, 1870.....	12	.....	111	
Appropriation. Secretary of the Interior communicates relative to an, for depredations committed by the Apache and Kiowa Indians.....	12	.....	123	
Appropriation. Letter from the Secretary of the Interior relative to an, for the benefit of the Pottawatomie Indians.....	12	.....	133	
Appropriation. Secretary of the Interior transmits report of the Commissioner of Indian Affairs relative to the survey of the Grande Ronde Reserve, and asks for an.....	7	.....	46	
Appropriations. Secretary of War transmits estimates of, for the Quartermaster's Department for the fiscal year ending June 30, 1871.....	7	.....	55	
Appropriation. Secretary of War answers resolution of January 23, 1871, relative to Bayou Teche.....	7	.....	91	
Appropriations. Secretary of the Interior submits estimates of, for survey of a township in Louisiana.....	7	.....	70	
Appropriation. Secretary of the Interior communicates relative to an, for expenses incurred for the Indian service in Montana.....	12	.....	136	
Appropriation. Secretary of the Interior communicates relative to an, for a deficiency to pay outstanding indebtedness incurred by H. C. Hale, late sub-agent, during his administration of the Tulalip Indian agency, Washington Territory.....	12	.....	137	
Appropriation. Secretary of State communicates relative to an, to indemnify certain individuals in Paris.....	12	.....	150	

Title.	Vol.	Part.	No.	Page.
Appropriation. Secretary of War recommends an, of \$200,000 for an experimental rifled-gun.....	7		56	
Aqueduct. Secretary of War transmits report of the Chief of Engineers upon the Washington.....	7		39	
Armory. Secretary of War transmits statement of expenditures of the National, at Springfield.....	7		45	
Army. Secretary of the Treasury transmits answer to a resolution of the House, of January 25, 1871, in relation to the pay and allowances of the several grades of officers in the Army.....	10		102	
Attorney General. Secretary of the Treasury transmits a copy of an opinion given by the, upon the claim of the Choctaw Indians to the issue of United States bonds....	7		25	
Attorney General transmits his annual report to Congress..	8		90	
Attorney General communicates relative to the account of the United States district attorney for Virginia, in the case of Patrick Woods.....	12		118	
Attorney General transmits answer to a resolution of the House of January 9, 1871, in relation to persons arrested in Virginia for violations of the internal revenue laws....	12		120	
B.				
Bissonnette, Joseph. Secretary of the Interior transmits claim of.....	8		80	
Black Bob's band Shawnee Indians. Secretary of the Interior communicates relative to the condition of.....	12		130	
Bonds. Secretary of the Treasury transmits answer to a resolution of the House of January 9, 1871, relative to, of the United States issued to Indian tribes and other parties..	7		58	
Bourdeau, James, and Clement Lamoureux. Secretary of Interior transmits claims of.....	8		78	
Breakwater. Secretary of War communicates relative to the, in the Potomac River.....	8		88	
Bridges. Secretary of War communicates relative to, across the Ohio River.....	12		128	
Bridge. Secretary of War transmits the report of Board of Engineers on the Newport and Cincinnati.....	7		32	
British North American Provinces. Secretary of the Treasury transmits report upon the state of trade between the United States and the.....	8		94	
Bureau of Statistics. Report of Chief of, on commerce and navigation, with table of contents.....	10		96	
C.				
California. President transmits answer to a resolution of the House of February 6, relative to the use of military forces in preserving peace at the election in 1868.....	12		126	
Canal. Secretary of War asks an appropriation of \$100,000 to continue the improvement of Saint Mary's Falls, Michigan.....	8		86	
Canal. Secretary of War transmits answer to a resolution of the House of February 3, relative to the survey of the James River and Kanawha.....	10		110	
Census. Secretary of the Interior transmits reply to House resolution of the 15th instant relative to the.....	7		29	
Census. Secretary of the Interior communicates relative to an appropriation to meet the expenses of taking the ninth.....	12		134	
Claims. Secretary of the Treasury transmits opinion of Attorney General upon the, of the Choctaw Indians to the issue of United States Congress.....	7		25	
Claims. President of the United States returns without his approval an act for relief of Charles Cooper, Goshorn A. Jones, Jerome Rowley, William Hannegan, and John Hannegan.....	7		37	

Title.	Vol.	Part.	No.	Page.
Claims. Secretary of the Interior transmits the, of Baltazar Marín	8	.....	82	
Claims. Secretary of the Interior transmits the, of Wyandot Indians	8	.....	83	
Claims. Secretary of War transmits report relative to the, of H. C. Jackson	8	.....	85	
Claims. Secretary of War transmits report upon the Montana Indian war, of 1867	10	.....	98	
Claims. Secretary of the Interior transmits report of surveyor general of New Mexico on private land claim number No. 49	10	.....	106	
Claims. Secretary of the Interior communicates relative to the, of the Northwest Fur Company	10	.....	107	
Claims. Secretary of the Interior communicates relative to the, of Durfey & Peck for supplies furnished certain Indians	12	.....	114	
Claims. Secretary of the Interior transmits an account of Durfey & Peck for rent of agency buildings at Fort Berthold	12	.....	115	
Claims. Secretary of the Interior submits papers relative to the, of W. P. Adair of the Cherokee delegation	12	.....	129	
Claims. Secretary of War transmits the, of James A. Laizure	6	.....	8	
Claims. Secretary of the Interior transmits the, of James Bordeau and Clement Lamoureaux	8	.....	78	
Claims. Secretary of the Interior transmits the, of William H. Moore & Co	8	.....	79	
Claims. Secretary of the Interior transmits the, of Joseph Bissonnette	8	.....	80	
Claims. Secretary of the Interior transmits the, of Andrew J. Smith	8	.....	81	
Claims. Secretary of the Interior transmits the, of Bligh E. Wood	8	.....	77	
Claims. Secretary of the Interior transmits the, of C. E. Hedges	8	.....	66	
Claims. Veto message of the President in the case of the, of Henry Williams	12	.....	152	
Clerks. Secretary of State transmits list of, and others employed in his Department	8	.....	74	
Clerks. Secretary of the Treasury transmits statement of the number of, and others employed in his Department	12	.....	141	
Clerk. Secretary of the Interior communicates relative to the disbursing, of his Department	7	.....	53	
Clerks. Secretary of the Navy transmits list of, employed in his Department	8	.....	68	
Coast Survey. Report of the Superintendent of the	11	.....	112	
Coast Survey. Secretary of the Treasury transmits list of names of persons employed in the	12	.....	142	
Collectors. Secretary of the Treasury transmits answer to a resolution of the House of December 13, 1870, with statement of balances due from, of internal revenue not now in office	12	.....	140	
Commerce. Secretary of the Treasury transmits answer to House resolution of the 23d instant relative to the foreign, of the United States	8	.....	76	
Commerce. Annual report of the Chief of Bureau of Statistics on the, and navigation, with table of contents	10	.....	96	
Commercial relations. Report of the Secretary of State upon the, of the United States with foreign countries	6	.....	18	
Commercial relations. Index to the same	6	.....	18	
Commercial relations. Report of the Secretary of State on the, of the United States with foreign countries	8	.....	93	
Comptroller of the Currency. Annual report of the. (See currency)	5	.....	3	
Consular fees. President transmits report of the Secretary of State relative to, for the year ending December 31, 1870	6	.....	10	

Title.	Vol.	Part.	No.	Page.
Contingent expenses. Secretary of the Treasury transmits statement of expenditures from the appropriation for incidental and, of his Department for the fiscal year ending June 30, 1870	7		20	
Contingent expenses. Secretary of War transmits expenditures of his Department for, during the year 1870	7		44	
Contractors. Postmaster General transmits statement of fines imposed on mail	8		87	
Contracts. Postmaster General transmits report of, for carrying the mails	12		148	
Contracts. Postmaster General communicates relative to, for supplying the Post Office Department with stationery, wrapping-paper, &c	12		149	
Cooper, Charles, <i>et al.</i> Veto message of the President in the case of the bill of the House, 1395, for the relief of	7		37	
Currency. Annual report of the Comptroller of the	5		3	
<i>Papers accompanying the above.</i>				
Appendix	5		3	14
Banks, list of, organized since last annual report	5			5
Banks, new, aggregate capital and distribution among States	5		3	5
Banks, applications for, in each State	5		3	6
Banks, for the issue of notes redeemable in specie	5			7
Banks in liquidation, amount of circulation retired, &c			3	8
Banks, operations of, during year 1870	5		3	9
Banks, investigation into affairs, and mode of doing business of	5			9
Banks, joint stock, in Great Britain, profits of	5		3	10
Banks, schedule of, in hands of receivers, showing capital, bonds, circulation, &c	5		3	14
Banks, schedule of, showing capital, bonds, and circulation in each State	5		3	16
Banks, schedule of, in liquidation, showing capital, bonds, and circulation	5		3	16
Banks, schedule of, in liquidation for consolidation, showing capital, bonds, and circulation	5		3	17
Bonds, schedule of, held by the Treasurer of the United States to secure circulation	5		3	14
Capital becoming impaired, suggestions with regard to	5		3	9
Counterfeits, recommendation in relation to	5		3	9
Clerks, list of	5		3	26
Expenditures of office for fiscal year ending June 30, 1870	5		3	26
Interest on deposits, remarks on, and amounts paid by banks for one year	5		3	11
Loans, limitation of, generally observed	5		3	9
Notes, mutilated, destruction of, since organization of Bureau	5		3	8
Notes, assorting and redemption of, necessity of arrangement for	5		3	7
Notes, schedule of denominations issued, redeemed, and outstanding	5		3	15
Officers and employés, list of	5		3	26
Reserve, general observance of the law in relation to	5		3	9
Reserve, tables of, in cities	5		3	19, 21 23, 25
Reserve, tables of, in States	5		3	18, 20 22, 24
Tables, list of, in Appendix	5		3	8
Usury, remarks and suggestions as to banks taking	5		3	10
Customs. Secretary of the Treasury transmits draught of a bill in relation to navigation and the collection of the	12		125	
D.				
Deeds. Secretary of the Interior transmits estimate of appropriations for books of record for office of recorder of, for District of Columbia	7		30	

Title.	Vol.	Part.	No.	Page.
Departments. Secretary of State communicates relative to an act legalizing and making appropriations for such objects as have usually been included in general appropriation bills without authority of law, and to fix and provide for certain incidental expenses of the	8	.....	75	
District of Columbia. Secretary of the Treasury transmits reply to resolution calling for statement of vouchers for disbursement on account of the new jail in the	7	.....	31	
District of Columbia. Secretary of War transmits report of the number of poor persons of the, relieved	7	.....	57	
Documents. President transmits reply to House resolution of December 12, relative to public, and libraries in the care of foreign ministers	7	.....	38	
Documents. Secretary of the Interior transmits a joint resolution to authorize him to dispose of broken sets of congressional.	8	.....	67	
Dominica. President transmits message in reply to House resolution of the 5th instant, with a report of the Secretary of State relative to	7	.....	42	
Dominica. President transmits message in reply to House resolution of the 5th instant, with report of Captain George B. McClellan upon	7	.....	43	
Durfee & Peck. Secretary of the Interior communicates relative to the account of	12	.....	114	
Durfee & Peck. Secretary of the Interior transmits accounts of	12	.....	115	
E.				
Envelopes. Postmaster General transmits answer to resolution of the House of December 16, 1870, relative to cost of stamped	7	.....	35	
Estimates. Secretary of the Treasury transmits, of appropriations for fiscal year ending June 30, 1872	6	.....	5	
Index to the above			5	273
Estimates. Postmaster General transmits, of appropriations for his Department for year ending June 30, 1872	6	.....	6	
Estimates. Secretary of the Interior transmits, of appropriation for expenses of settlement of Indian orphan accounts	7	.....	27	
Estimates. Secretary of the Interior transmits, of funds required for the payment of annuities to certain Winnebago Indians	7	.....	48	
Estimates. Secretary of War transmits, of amounts required to supply deficiencies for the Pay Department for the current fiscal year	8	.....	61	
Estimates. Secretary of the Interior transmits, of appropriations for books of record for office of recorder of deeds for District of Columbia	7	.....	30	
Estimates. Secretary of the Interior transmits, of appropriation to complete the survey of Green River	7	.....	52	
Estimates. Secretary of the Treasury transmits, of deficiencies in appropriations required for fiscal year ending June 30, 1871	6	.....	17	
Estimates. Secretary of the Treasury transmits, to defray expenses of general council of certain Indians in the Indian Territory	8	.....	64	
Estimates. Secretary of War transmits, of appropriations for the Quartermaster's Department for the fiscal year ending June 30, 1871	7	.....	55	
Estimates. Secretary of War transmits, of appropriations for deficiencies in the Quartermaster's and Paymaster's Departments for the current fiscal year	8	.....	62	
Estimates. Secretary of War transmits, contingent expenses Quartermaster's Department year ending June 30, 1871	8	.....	63	

Title.	Vol.	Part.	No.	Page.
Estimates. Secretary of the Interior submits, for survey of township in Louisiana	8		70	
F.				
Finances. Secretary of the Treasury transmits annual report on the state of the, with index to the same	5		2	451
Fines. Postmaster General communicates relative to, imposed on mail contractors	8		87	
Fur Company. Secretary of the Interior communicates relative to the claim of the Northwest	10		107	
G.				
Germany. President transmits message relative to the union of the states of	10		99	
Granada. President transmits message relative to the schooner	7		19	
Gun. Secretary of War transmits letter from Chief of Ordnance recommending an appropriation of \$200,000 for the construction of an experimental rifled	7		56	
H.				
Hedges, C. E. Secretary of the Interior communicates relative to the claim of	8		66	
Humphrey, Ballard S. Secretary of War communicates relative to, late first lieutenant First United States Artillery	12		146	
I.				
Immigrants. Secretary of State transmits statement of number, &c., of, by sea during the year 1870	8		92	
Indians. Secretary of the Treasury transmits copy of opinion by the Attorney General relative to the issue of bonds to the Choctaw	7		25	
Indians. Secretary of the Interior submits joint resolution relative to balance of appropriation for defraying expenses of delegation of, to Washington	7		26	
Indians. Secretary of the Interior transmits estimate of appropriation for settlement of Indian orphan accounts	7		27	
Indians. Secretary of the Interior communicates relative to an appropriation of \$75,000 for Navajo	7		28	
Indians. Secretary of the Interior transmits report of the Commissioner of Indian Affairs relative to survey of Grande Ronde reserve, &c.	7		46	
Indians. Secretary of the Interior communicates relative to the appropriation of \$75,000 for feeding the Navajo	7		47	
Indians. Secretary of the Interior transmits estimate of funds required for payment of annuities to certain Winnebago	7		48	
Indians. Secretary of the Interior transmits report of Commissioner of Indian Affairs relative to survey of Indian reservations	7		51	
Indians. Secretary of the Treasury transmits reply to House resolution of January 9, 1871, relative to bonds issued to, &c.	7		58	
Indians. Secretary of the Interior transmits estimates to defray expenses of certain, in the Indian Territory	8		64	
Indians. Secretary of the Interior transmits letter of the Commissioner of Indian Affairs relative to aid in the civilization of the	8		65	
Indians. Secretary of the Interior transmits claims of Wyandot	8		83	
Indians. Secretary of War asks an appropriation for expenses for investigation into Montana Indian war claims	8		97	

Title.	Vol.	Part.	No.	Page.
Indians. Secretary of War transmits report upon the Montana Indian war claims of 1867	10		98	
Indians. Secretary of the Interior communicates relative to appropriation for supplies and transportation furnished the Ponca	10		109	
Indians. Secretary of the Interior communicates relative to an appropriation for depredations committed by Apache	12		111	
Indians. Secretary of the Interior requests appropriation for agency buildings in Creek and Seminole country	12		121	
Indians. Secretary of the Interior communicates relative to appropriation for depredations committed by Apache and Kiowa	12		123	
Indians. Secretary of the Interior communicates relative to Black Bob's band of Shawnee	12		130	
Indians. Secretary of the Interior communicates relative to the Osage, in Kansas	12		131	
Indians. Secretary of the Interior communicates relative to the Osage Indian lands in Kansas	12		132	
Indians. Secretary of the Interior communicates relative to an appropriation for the Pottawatomie	12		133	
Indians. Secretary of the Interior requests an appropriation for the Eastern Cherokees	12		135	
Indians. Secretary of the Interior requests an appropriation for expenses incurred for the Indian service in Montana for the fiscal year ending June 30, 1869	12		136	
Indians. Secretary of the Interior asks an appropriation to pay outstanding indebtedness incurred by H. C. Hale, late sub-agent at the Tulalip agency	12		137	
Indians. Secretary of the Interior communicates relative to the proposed extension of the Pima and Maricopa Indian reservation in Arizona	12		139	
Interior. Annual report of the Secretary of the	4	4	1	1
<i>Papers accompanying the above.</i>				
Annual report of the Commissioner of the General Land Office	4	4	1	1
Annual report of the Commissioner of Pensions	4	4	1	431
Annual report of the Commissioner of Indian Affairs	4	4	1	467
Report of the Architect of the Capitol Extension	4	4	1	863
Report of the president of the Columbian Institution for Deaf and Dumb	4	4	1	869
Report of the Board of Visitors and Superintendent of Construction of the Government Hospital for the Insane	4	4	1	893
Report of the surgeon-in-chief of the Columbia Hospital for Women and Lying-in Asylum	4	4	1	911
Report of the Warden of the United States jail, District of Columbia	4	4	1	17
Ninth annual report of the Board of Metropolitan Police for year 1870	4	4	1	923
Interior. Letter from the Secretary of the, relative to balance of appropriation for defraying expenses of Indian delegation to Washington	7		26	
Interior. Letter from the Secretary of the, relative to appropriation for settling Indian orphan accounts	7		27	
Interior. Letter from the Secretary of the, for appropriation for feeding Navajo Indians	7		28	
Interior. Letter from the Secretary of the, transmitting report relative to the census, in reply to House resolution of 15th instant	7		29	
Interior. Letter from the Secretary of the, transmitting estimate of appropriation for books of record of deeds for District of Columbia	7		30	

Title.	Vol.	Part.	No.	Page.
Interior. Letter from the Secretary of the, transmitting report of Commissioner of Indian Affairs upon survey of Grande Ronde reserve, &c.....	7	.....	46	
Interior. Letter from the Secretary of the, relative to the appropriation of \$75,000 for feeding the Navajo Indians.....	7	.....	47	
Interior. Letter from the Secretary of the, transmitting estimate of funds required for payment of annuities to certain Winnebago Indians.....	7	.....	48	
Interior. Letter from the Secretary of the, asking for an appropriation for deficiencies in the Pension Bureau.....	7	.....	49	
Interior. Letter from the Secretary of the, transmitting report of Commissioner of Indian Affairs, relative to survey of Indian reservations during the fiscal year ending June 30, 1872.....	7	.....	51	
Interior. Letter from the Secretary of the, with estimates of appropriations for survey of Green River.....	7	.....	52	
Interior. Letter from the Secretary of the, relative to the disbursing clerk of his Department.....	7	.....	53	
Interior. Letter from the Secretary of the, with estimates to defray expenses of general council of certain Indians.....	8	.....	64	
Interior. Letter from the Secretary of the, with letter from the Commissioner of Indian Affairs relative to aid in the civilization of the Indians.....	8	.....	65	
Interior. Letter from the Secretary of the, relative to the claim of C. E. Hedges.....	8	.....	66	
Interior. Letter from the Secretary of the, relative to disposing of broken sets of Congressional documents, &c.....	8	.....	67	
Interior. Letter of the Secretary of the, with a report on cabinet and minerals connected with the General Land Office.....	8	.....	69	
Interior. Letter from the Secretary of the, with estimates for survey of township in Louisiana.....	8	.....	70	
Interior. Letter from the Secretary of the, relative to an appropriation of \$7,000 for purchase of 2,000 copies of 16th volume United States Statutes.....	8	.....	73	
Interior. Letter from the Secretary of the, with claim of Bligh E. Wood.....	8	.....	77	
Interior. Letter from the Secretary of the, with claims of James Bourdeau and Clement Lamoureux.....	8	.....	78	
Interior. Letter from the Secretary of the, with claim of W. H. Moore & Co.....	8	.....	79	
Interior. Letter from the Secretary of the, with claim of Joseph Bissonnette.....	8	.....	80	
Interior. Letter from the Secretary of the, with claim of A. J. Smith.....	8	.....	81	
Interior. Letter from the Secretary of the, with claim of Baltazar Marfin.....	8	.....	82	
Interior. Letter from the Secretary of the, with claim of Wyandot Indians.....	8	.....	83	
Interior. Letter from the Secretary of the, relative to an appropriation for the Sisterhood of St. John.....	10	.....	103	
Interior. Letter from the Secretary of the, asking an appropriation to supply deficiencies in the surveying service.....	10	.....	105	
Interior. Letter from the Secretary of the, with report of the surveyor general of New Mexico, on private land claim No. 49.....	10	.....	106	
Interior. Letter from the Secretary of the, relative to the claim of the Northwest Fur Company.....	10	.....	107	
Interior. Letter from the Secretary of the, relative to an appropriation for supplies, &c., furnished the Ponca Indians.....	10	.....	109	
Interior. Letter from the Secretary of the, relative to an appropriation for depredations committed by Apache Indians.....	12	.....	111	

Title.	Vol.	Part.	No.	Page.
Interior. Letter from the Secretary of the, relative to the account of Durfee & Peck.....	12	.....	114	
Interior. Letter from the Secretary of the, with account of Durfee & Peck.....	12	.....	115	
Interior. Letter from the Secretary of the, asking an appropriation for agency buildings in the Creek and Seminole country.....	12	.....	121	
Interior. Letter from the Secretary of the, relative to an appropriation for depredations committed by the Apache and Kiowa Indians.....	12	.....	123	
Interior. Letter from the Secretary of the, with papers relative to the claim of W. P. Adair.....	12	.....	129	
Interior. Letter from the Secretary of the, relative to Black Bob's Band of Shawnees.....	12	.....	130	
Interior. Letter from the Secretary of the, relative to Osage Indians in Kansas.....	12	.....	131	
Interior. Letter from the Secretary of the, relative to Osage Indian lands in Kansas.....	12	.....	132	
Interior. Letter from the Secretary of the, relative to an appropriation for the benefit of the Pottawatomie Indians.....	12	.....	133	
Interior. Letter from the Secretary of the, relative to an appropriation for the taking of the ninth census.....	12	.....	134	
Interior. Letter from the Secretary of the, asking an appropriation for the Eastern Cherokees.....	12	.....	135	
Interior. Letter from the Secretary of the, relative to an appropriation for expenses in the Indian service in Montana, from June, 1868, to July, 1869.....	12	.....	136	
Interior. Letter from the Secretary of the, for an appropriation to pay indebtedness incurred by H. C. Hale while sub-agent at Tulalip agency.....	12	.....	137	
Interior. Letter from the Secretary of the, relative to extension of the survey of the Pima and Maricopa Indian reservation.....	12	.....	139	
Internal Revenue. Secretary of the Treasury transmits annual report of the Commissioner of, with index.....	6	.....	4	320
Internal revenue. Secretary of the Treasury answers House resolution of January 9, relative to moneys received by officers of, in Virginia, since April 1, 1869.....	12	.....	119	
Internal revenue. Secretary of the Treasury answers House resolution of December 13, 1870, with statement of balances due from collectors of, who are not now in office.....	12	.....	140	
Internal revenue. Attorney General transmits reply to House resolution of January 9, 1871, relative to persons arrested in Virginia for violation of laws of.....	12	.....	120	
J.				
Jackson, H. C. Secretary of War transmits a report relative to the claim of.....	8	.....	85	
Jail. Secretary of the Treasury transmits statement of the vouchers for disbursements on account of the new, for the District of Columbia.....	7	.....	31	
K.				
Kansas. Secretary of the Interior communicates relative to the Osage Indians in the State of.....	12	.....	131	
Kansas. Secretary of the Interior communicates relative to the Osage Indian lands in the State of.....	12	.....	132	
L.				
Laizure, James A. Secretary of War transmits the claim of Lamoureux, Clement, and James Bourdeau. Secretary of the Interior transmits the claim of.....	6	.....	8	
	8	.....	78	

Title.	Vol.	Part.	No.	Page.
Land Office. Secretary of the Interior transmits a report on the history of the cabinet of minerals and natural history connected with the General.....	8	.....	69	
Land Office. Annual report of the Commissioner of the General.....	4	4	1	1
<i>Papers accompanying the above.</i>				
No. 1.—Tabular statement showing the number of acres of public lands surveyed in the following land States and Territories up to June 30, 1869, during the last fiscal year, and the total of the public lands surveyed up to June 30, 1870; also, the total area of the public domain remaining unsurveyed within the same.....	4	4	1	287
No. 2.—Statement of public lands sold, of cash and bounty land scrip received therefor, number of acres entered under the homestead law of May 20, 1862, of commissions received under sixth section of said act; also, of land located with scrip under the agricultural college and mechanic act of July 2, 1862, and commissions received by registers and receivers on the value thereof, and statement of incidental expenses thereon, in the first half year of the fiscal year commencing July 1, 1869, and ending June 30, 1870.....	4	4	1	288
No. 3.—Statement of public lands sold, of cash and bounty land scrip received therefor, number of acres entered under the homestead law of May 20, 1862, of commissions received under sixth section of said act; also, of land located with scrip under the agricultural college and mechanic act of July 2, 1862, and commissions received by registers and receivers on the value thereof, and statement of incidental expenses thereon, in the second half year of the fiscal year commencing July 1, 1869, and ending June 30, 1870.....	4	4	1	296
No. 4.—Summary for the fiscal year ending June 30, 1870, showing the number of acres disposed of for cash, with bounty land scrip, by entry under the homestead laws of May 20, 1862, March 21, 1864, and June 21, 1866, with aggregate of \$5 and \$10 homestead payments and homestead commissions; also, locations with agricultural college and mechanic scrip, under act of July 2, 1862.....	4	4	1	306
No. 5.—Statement exhibiting the quantity of lands selected for the several States under acts of Congress approved March 2, 1849, September 28, 1850, and March 12, 1860, up to and ending September 30, 1870....	4	4	1	306
No. 6.—Statement exhibiting the quantity of land approved to the several States under the acts of Congress approved March 2, 1849, September 28, 1850, and March 12, 1860, up to and ending September 30, 1870.....	4	4	1	306
No. 7.—Statement exhibiting the quantity of land patented to the several States under the acts of Congress approved September 28, 1850, and March 12, 1860, and also the quantity certified to Louisiana under act approved March 2, 1849.....	4	4	1	307
No. 8.—Statement showing the condition of the State selections under the act of September 4, 1841, on the 30th day of June, 1870.....	4	4	1	307
No. 9.—Condition of bounty land business under acts of 1847, 1850, 1852, and 1855, showing the issues and locations from the commencement of operations under said acts to June 30, 1870.....	2	4	1	308
No. 10. Agricultural selections within certain States, and also scrip locations under agricultural and mechanic act of July 2, 1862, and supplements of April 14, 1864, and July 23, 1866.....	4	4	1	309

Title.	Vol.	Part.	No.	Page.
<i>Papers, &c.</i> —Continued.				
No. 11.—Statement exhibiting land concessions by acts of Congress to States for canal purposes from the year 1827 to June 30, 1870	4	4	1	311
No. 12.—Statement exhibiting land concessions by acts of Congress to States and corporations for railroad and military wagon-road purposes from the year 1850 to June 30, 1870	4	4	1	312
No. 13.—Estimates of appropriations required for the service of the fiscal year ending June 30, 1872, by the General Land Office	4	4	1	317
No. 14.—Estimates of appropriations required for the service of the fiscal year ending June 30, 1872, by the General Land Office	4	4	1	318
No. 15.—Estimates of appropriations required for the service of the fiscal year ending June 30, 1872, by the General Land Office, for the surveying department	4	4	1	320
No. 16.—Estimates of appropriations required for surveying the public lands for the fiscal year ending June 30, 1872	4	4	1	323
No. 17 A.—Report of the surveyor general of Florida	4	4	1	324
B.—Report of surveying operations in the district of Florida during the year ending the 31st of August, 1870, showing the present condition of the contracts made since last annual report	4	4	1	327
C.—Report of plats furnished the district land office during the year ending August 30, 1870	4	4	1	328
D.—Report of descriptive notes furnished the district land office during the year ending August 31, 1870 ..	4	4	1	328
E.—Report of deposits made by individuals for special surveys during the year ending August 31, 1870	4	4	1	329
F.—Statement showing the present condition of contracts not closed at the date of last annual report....	4	4	1	330
No. 17 B.—Report of the surveyor general of Louisiana ..	4	4	1	333
A.—Statement of surveying contracts in Louisiana on the 1st of October, 1860, and orders of surveys since issued	4	4	1	336
B.—Statement of contracts and orders of surveys which have been executed in the State of Louisiana on the 1st of October, 1860, which surveys have been approved and paid for prior to the 6th of February, 1861. Extract from statement marked A	4	4	1	338
C.—Statement of surveying contracts in Louisiana on the 30th of June, 1870	4	4	1	339
D.—Estimate of funds to be appropriated for the fiscal year ending June 30, 1872, for surveying in Louisiana, for compensation of surveyor general and the clerks in his office, and for contingent expenses of the surveyor general's office	4	4	1	340
E.—Proposed surveys in the State of Louisiana for the fiscal year ending June 30, 1872	4	4	1	341
F.—List of deputy surveyors in the State of Louisiana holding commission from John Lynch, surveyor general of Louisiana	4	4	1	341
No. 17 C.—Report of the surveyor general of Minnesota ..	4	4	1	342
A.—Statement showing the amount, character, locality, and present condition of the surveys in Minnesota, uncompleted at, and undertaken since, the date of the last annual report	4	4	1	344
B.—Statement of original, Commissioner's, and registers' plats made and copied, date of transmission to the General Land Office and local land offices, from the date of last annual report	4	4	1	346
C.—Statement of townships surveyed from July 1, 1869, to June 30, 1870	4	4	1	347

Title.	Vol.	Part.	No.	Page.
<i>Papers, &c.—Continued.</i>				
No. 17 D.—Report of the surveyor general of Dakota....	4	4	1	347
A.—Estimate of appropriations required for continuing the public surveys in the Territory of Dakota, for salaries of the surveyor general and the clerks in his office, (as per act of March 2, 1861,) and for the incidental expenses of the office for the fiscal year ending June 30, 1872.....	4	4	1	352
B.—Abstract statement of the incidental expenses of the surveyor general's office for the fiscal year ending June 30, 1870.....	4	4	1	352
C.—List of townships surveyed in the Territory of Dakota from July 1, 1869, to June 30, 1870.....	4	4	1	353
No. 17 E.—Report of the surveyor general of Kansas....	4	4	1	353
A.—Statement showing the names, duties, nativity, whence appointed, and rate of compensation per annum, of persons employed in the surveyor general's office of Kansas, during the fiscal year ending June 30, 1870.....	4	4	1	360
B.—Statement showing the amount expended for salaries of surveyor general and clerks during the fiscal year ending June 30, 1870.....	4	4	1	360
C.—Statement showing the amount expended for rent of office and incidental expenses during the fiscal year ending June 30, 1870.....	4	4	1	360
D.—Statement showing the amounts deposited by individuals for the survey of public lands during the fiscal year ending June 30, 1870.....	4	4	1	361
E.—Statement showing extent and cost of surveys executed in Kansas during the fiscal year ending June 30, 1870, payable out of appropriation for public surveys.....	4	4	1	362
F.—Statement showing the description of lands and area of same, for which duplicate plats and transcripts of field-notes have been transmitted to the Department, and triplicate plats and descriptive lists have been furnished the local land office at Junction City, during the fiscal year ending June 30, 1870.....	4	4	1	363
G.—Statement showing the estimated expense, number of miles, and character of work for which contracts have been entered into for surveying in Kansas, and chargeable to appropriation for such surveys, approved July 15, 1870.....	4	4	1	366
H.—Estimate of sums required for the extension of surveys in the State of Kansas for the fiscal year ending June 30, 1872.....	4	4	1	366
I.—Estimate of sums required for office expenses for the fiscal year ending June 30, 1872.....	4	4	1	366
No. 17 F.—Report of the surveyor general of Nebraska....	4	4	1	366
A.—Meteorological table showing the temperature and rain-fall in Nebraska, 1863.....	4	4	1	401
B.—Meteorological table showing the temperature and rain-fall in Nebraska, 1866.....	4	4	1	402
C.—Meteorological table showing the temperature and rain-fall in Nebraska, 1868.....	4	4	1	403
D.—Meteorological table of monthly means of temperature and rain-fall for 1863, 1866, and 1868.....	4	4	1	405
E.—A tabulated statement of the general statistics of Nebraska, deduced from the returns of counties, as in the foregoing report.....	4	4	1	406
No. 1.—Statement showing the amount expended for salaries of surveyor general and clerks during fiscal year ending June 30, 1870.....	4	4	1	410
No. 2.—Statement showing the amount expended for rent of office and incidental expenses during fiscal year ending June 30, 1870.....	4	4	1	410

Title.	Vol.	Part.	No.	Page.
<i>Papers, &c.</i> —Continued.				
No. 17 F.—Report of the surveyor general of Nebraska—Continued.				
No. 3.—Statement showing the extent and cost of surveys executed in Nebraska during the fiscal year ending June 30, 1870, given in the order in which the accounts were sent to the General Land Office.	4	4	1	411
No. 4.—Statement showing description and area of lands for which township maps and descriptive lists have been furnished to the register of the land office, Dakota City land district, at Dakota, Nebraska, during the fiscal year ending June 30, 1870.	4	4	1	412
No. 5.—Statement showing description and area of lands for which township maps and descriptive lists have been furnished to the register of the land office at Vermillion, Dakota Territory, by order of the Commissioner of the General Land Office, during the fiscal year ending June 30, 1870.	4	4	1	412
No. 6.—Statement showing description and area of lands for which township maps and descriptive lists have been furnished to the register of the land office, Nemaha land district, at Beatrice, Gage County, Nebraska, during the fiscal year ending June 30, 1870.	4	4	1	413
No. 7.—Statement showing description and area of lands for which township maps and descriptive lists have been furnished to the register of the land office, South Platte River land district, at Lincoln, Lancaster County, Nebraska, during the fiscal year ending June 30, 1870.	4	4	1	414
No. 8.—Statement showing description and area of lands for which township maps and descriptive lists have been furnished to the register of the land office, Grand Island land district, at Columbus, Platte County, Nebraska, during the fiscal year ending June 30, 1870.	4	4	1	415
No. 9.—Contracts for surveys of the public lands in Nebraska, 1870.	4	4	1	416
No. 10.—Estimate of sums required for the extension of the public surveys in the State of Nebraska for the fiscal year ending June 30, 1872.	4	4	1	417
No. 11.—Estimate of sums required for office expenses for fiscal year ending June 30, 1872.	4	4	1	417
No. 17 G.—Report of the surveyor general of New Mexico.	4	4	1	417
A.—Private land and mineral claim survey deposits in account with the United States.	4	4	1	420
B.—Statement of expenditures in the office of the surveyor general of New Mexico for salaries during the fiscal year ending June 30, 1870.	4	4	1	421
C.—Statement of incidental expenditures in the office of the surveyor general of New Mexico, fiscal year ending June 30, 1870.	4	4	1	421
D.—Statement of public surveys executed in the district of New Mexico during the year ending June 30, 1870.	4	4	1	422
E.—Estimates of the surveyor general of the appropriations required for the surveying service in New Mexico for the fiscal year ending June 30, 1872.	4	4	1	423
No. 17 H.—Report of the surveyor general of Colorado.	4	4	1	423
A.—Statement of surveys made under the appropriation for the fiscal year ending June 30, 1870.	4	4	1	425
B.—Statement showing the surveys made under the appropriation of February 25, 1869, the amount paid clerks, and incidental expenses incident to said surveys.	4	4	1	425
C.—Statement showing the survey of the mineral claims under the act of July 26, 1866, together with the amount deposited for surveying the same.	4	4	1	426

Title.	Vol.	Part.	No.	Page.
<i>Papers, &c.</i> —Continued.				
No. 17 H.—Report of the surveyor general of Colorado—Continued.				
D.—Statement showing the number of townships surveyed during the year ending June 30, 1870, and the area of public land contained in the same	4	4	1	427
E.—Statement showing the amount paid surveyor general and clerks for the fiscal year ending June 30, 1870; also incidental expenses for same period.....	4	4	1	428
No. 17 K.—Report of the surveyor general of Montana...	4	4	1	429
A.—Statement of the condition of appropriation for surveys of public land in Montana for the fiscal year ending June 30, 1870	4	4	1	431
B.—Statement showing the amount of deposits for field and office work and publication of notice under act of Congress July 26, 1866, during the fiscal year ending June 30, 1870	4	4	1	431
C.—A list of lands surveyed in Montana for the fiscal year ending June 30, 1870	4	4	1	432
D.—Statement showing condition of surveys contracted by United States surveyor general of Montana under appropriations by Congress for the fiscal year ending June 30, 1870	4	4	1	433
E.—Statement showing condition of contracts made for survey of mineral lands in Montana under act of Congress July 26, 1866, during the fiscal year ending June 30, 1870.....	4	4	1	434
F.—Statement showing the description of land for which township plats and descriptive lists have been furnished the Helena land district, Helena, Montana, during the fiscal year ending June 30, 1870	4	4	1	434
G.—Statement showing the condition of appropriation for the clerks in the office of the surveyor general of Montana, for the fiscal year ending June 30, 1870....	4	4	1	435
H.—Statement showing the condition of the appropriation for the salary of surveyor general of Montana for the fiscal year ending June 30, 1870.....	4	4	1	435
I.—Statement showing the condition of appropriation for incidental expenses of the office of the surveyor general of Montana for the fiscal year ending June 30, 1870.....	4	4	1	436
No. 17 L.—Report of the surveyor general of Idaho.....	4	4	1	437
A.—Estimate of expenses incidental to the survey of public lands in Idaho for the fiscal year ending June 30, 1870.....	4	4	1	438
B.—Statement of expenditure of appropriation for compensation of surveyor general and clerks in his office for the fiscal year ending June 30, 1870	4	4	1	439
C.—Statement of incidental and office expenses for the fiscal year ending June 30, 1870.....	4	4	1	439
D.—Statement of expenditure of the appropriation for the fiscal year ending June 30, 1870	4	4	1	439
E.—Statement of original maps and copies transmitted to the General Land Office and to the district offices since the date of my last report.....	4	4	1	440
F.—Statement showing the condition of surveying contracts entered into since June 30, 1869.....	4	4	1	441
G.—Statement of descriptive notes sent to local land offices since the date of my last report.....	4	4	1	442
H.—Tabular list of townships surveyed since the date of my last report, showing areas of the public lands..	4	4	1	442
I.—Statement of amount deposited by individuals, &c., for the survey of mineral lands.....	4	4	1	442
K.—Names, nativity, &c., of surveyor general and clerks for the fiscal year ending June 30, 1870, and to date..	4	4	1	442

Title.	Vol.	Part.	No.	Page.
<i>Papers. &c.</i> —Continued.				
No. 17 M.—Report of the surveyor general of Utah.....	4	4	1	443
A.—Statement of surveys of public lands completed during the fiscal year ending June 30, 1870, under acts of Congress approved July 27, 1868, and March 3, 1869..	4	4	1	447
B.—Statement of surveys in progress, to be executed during the fiscal year ending June 30, 1871.....	4	4	1	448
C.—Statement of amount of salaries paid surveyor general and clerks for the fiscal year ending June 30, 1870; also incidental expenses for the same period ...	4	4	1	448
No. 17 N.—Report of the surveyor general of Washington.	4	4	1	448
A.—Statement showing the amount, character, and condition of the public surveys in Washington Territory, contracted for since the date of the last annual report.	4	4	1	450
B.—Statement showing original plats made and number of copies transmitted to the General Land Office and to the district land offices in Washington Territory, since the date of the last annual report, June 30, 1869.	4	4	1	451
C.—Statement showing the number of lineal miles run, the rates per mile, and the total cost of surveys in Washington Territory during the fiscal year ending June 30, 1870	4	4	1	451
D.—Statement showing the number and designation of the townships and the number of acres surveyed in Washington Territory during the fiscal year ending June 30, 1870	4	4	1	452
E.—Statement showing the amount and condition of appropriation, and the amounts paid on contracts for surveys made, for the fiscal year ending June 30, 1870.	4	4	1	452
No. 17 O.—Report of the surveyor general of Oregon.....	4	4	1	452
A.—Statement of original plats of public surveys and copies transmitted since June 30, 1869.....	4	4	1	453
B.—Surveying contracts made under appropriation for fiscal year ending June 30, 1870	4	4	1	456
C.—Townships surveyed since June 30, 1869, with area of public land	4	4	1	457
D.—Salaries paid the surveyor general and clerks for fiscal year ending June 30, 1870	4	4	1	457
E.—Statement of incidental expenses for fiscal year ending June 30, 1870	4	4	1	458
F.—Estimate of surveying and office expenses for fiscal year ending June 30, 1872	4	4	1	458
No. 17 P.—Report of the surveyor general of California and Arizona	4	4	1	458
A.—Statement of contracts entered into by the United States surveyor general for California and Arizona with deputy surveyors, for surveys of public lands during the fiscal year ending June 30, 1870, and payable out of the public appropriations for that fiscal year..	4	4	1	471
B.—Statement of contracts entered into by the United States surveyor general for California and Arizona with deputy surveyors, for surveys of public lands during the fiscal year ending June 30, 1870, and payable out of private deposits, made in conformity with section 10 of the act approved May 30, 1862	4	4	1	472
C.—Statement of surveys of mines in California, in conformity with the law of July 26, 1866, for the fiscal year ending June 30, 1870	4	4	1	473
D.—Statement of number of miles surveyed in California and Arizona to June 30, 1870	4	4	1	474
E ¹ .—Statement of account of appropriations for the survey of public lands in California during the fiscal year 1869-70	4	4	1	475
E ² .—Statement of account of appropriations for the survey of public lands in Arizona during the fiscal year 1869-70	4	4	1	475

Title.	Vol.	Part.	No.	Page.
<i>Papers, &c.</i> —Continued.				
No. 17 P.—Report of the surveyor general of California and Arizona—Continued.				
F.—Statement of special deposits for the survey of public lands in California during the fiscal year 1869-70.	4	4	1	476
G.—Statement of special deposits for the survey of mining claims in California during the fiscal year 1869-70.	4	4	1	478
H.—Account of appropriation for the salary of surveyor general of California and Arizona for the fiscal year ending June 30, 1870.	4	4	1	478
I ¹ .—Account of office rent, stationery, pay of messenger, and incidental expenses of the United States surveyor general's office for California and Arizona for the fiscal year ending June 30, 1870.	4	4	1	478
I ² .—Statement of account of appropriations for compensation of clerks and draughtsmen in office of United States surveyor general for California for the fiscal year ending June 30, 1870.	4	4	1	479
J.—Statement of special individual deposits for compensation of clerks and draughtsmen in office of United States surveyor general for California for the fiscal year ending June 30, 1870, deposited with Assistant Treasurer of the United States at San Francisco, California, as per certificates on file in this office.	4	4	1	480
K.—Statement of transcripts of field-notes of public surveys sent to the Department, at Washington, from the surveyor general's office for California during the fiscal year 1869-70.	4	4	1	482
L.—Statement of descriptive notes, decrees of court, &c., of private land claims to accompany plats for patent, compiled for transmission to the Department, at Washington, during the fiscal year 1869-70.	4	4	1	484
M.—Statement of plats made in the office of the United States surveyor general for California and Arizona during the fiscal year ending June 30, 1870.	4	4	1	485
N ¹ .—List of lands surveyed in California from June 30, 1869, to June 30, 1870.	4	4	1	486
N ² .—List of lands surveyed in Arizona from June 30, 1869, to June 30, 1870.	4	4	1	490
O.—Estimate for the surveying service in the district of California for the fiscal year ending June 30, 1872.	4	4	1	490
No. 17 Q.—Report of the surveyor general for Nevada.	4	4	1	491
A.—Statement of contracts entered into by the United States surveyor general for Nevada, with the number of miles surveyed during the fiscal year 1869-70.	4	4	1	493
B.—List of mineral claims surveyed in the State of Nevada during the fiscal year 1869-70.	4	4	1	496
C.—List of lands surveyed in the State of Nevada during the fiscal year 1869-70.	4	4	1	498
D.—Statement of plats made in the office of the United States surveyor general of Nevada for the fiscal year 1869-70.	4	4	1	499
E.—Statement of mineral surveys recopied.	4	4	1	499
F.—List of special deposits with the sub-treasury of the United States for mineral claims in Nevada during 1869-70.	4	4	1	500
G.—Statement of account of appropriation for surveys of public lands in Nevada during the fiscal year 1869-70.	4	4	1	500
H.—Statement of account of appropriation for compensation of the United States surveyor general and the employes in his office during the fiscal year 1869-70.	4	2	1	501
I.—Statement of account of appropriation for rent of office, fuel, books, stationery, and other incidental expenses, including pay of messenger, during the fiscal year 1869-70.	4	4	1	501
K.—Statement for the surveying service in the district of Nevada for the fiscal year ending June 30, 1872.	4	4	1	501

Title.	Vol.	Part.	No.	Page.
<i>Papers, &c.</i> —Continued.				
No. 18.—Statement of confirmed Indian pueblo grants and private land claims in New Mexico	4	4	1	502
No. 19.—Statement showing the area of the several States and Territories containing public lands, the quantity of land disposed of, by sale or otherwise, in each up to the 30th June, 1870, and the quantity of land which remained unsold and unappropriated at that date in the several States and Territories	4	4	1	504
No. 20.—Historical and statistical table of the United States of North America	4	4	1	508
Lands. Secretary of the Treasury transmits answer to a resolution of the House of February 17, 1871, relative to certain, in Forest County, Pennsylvania	12		144	
Lands. Secretary of the Interior communicates relative to the Osage Indian, in Kansas	12		132	
Light-house reserve. Secretary of the Treasury transmits answer to a resolution of the House of December 8, 1870, relative to the, at Port Huron, Michigan	7		23	
Louisiana. Secretary of the Interior submits estimates of appropriations for survey of township in the State of, in which New Orleans is situated	8		70	
Louisiana. Secretary of War transmits answer to a resolution of the House of January 23, 1871, relative to an appropriation for the improvement of Bayou Teche	8		91	
M.				
Mail service. Postmaster General communicates relative to contracts for	12		148	
Mail service. Postmaster General transmits reply to House resolution of February 1, 1871, relative to the amount of, performed between Baltimore and New Orleans	12		117	
Marin, Baltazar. Secretary of the Interior transmits claim of	8		82	
Marine hospital. Secretary of the Treasury recommends the transfer of certain buildings to the, at New Orleans	7		50	
McClellan, Captain George B. Report of, on Dominican Republic	7		43	
Michigan. Secretary of the Treasury transmits answer to House resolution of December 8, 1870, relative to light-house reserve at Port Huron, in the State of	7		23	
Michigan. Secretary of War transmits engineer's report upon Monroe Harbor	12		124	
Minerals. Secretary of the Interior transmits report on the cabinet of, in General Land Office	8		69	
Montano, Manuel, et al. Secretary of the Interior transmits report of surveyor general on private land claim of	10		106	
Moore, W. H., & Co. Secretary of the Interior transmits claim of	8		79	
N.				
Navigation. Secretary of the Treasury communicates relative to collection of customs and	12		125	
Navy, Secretary of the. Transmits his annual report, with index to contents of the same	3	3	1	1
Navy, Secretary of the. Transmits list of clerks employed in his Department	8		68	
Navy, Secretary of the. Transmits reply to House resolution of the 6th instant relative to the land occupied by the Brooklyn navy-yard	6		15	
Navy, Secretary of the. Transmits inventory of public property in his Department	12		151	

Title.	Vol.	Part.	No.	Page.
P.				
Paraguay. President transmits answer to House resolution of April 9, 1869, relative to.....	6	.....	14	
Paymaster Department. Secretary of War transmits estimates for the, for the current fiscal year.....	8	.....	62	
Paris. Secretary of State recommends an appropriation to indemnify persons in the city of, for giving aid to United States citizens.....	12	.....	150	
Patents. Annual report of the Commissioner of.....	9	.....	89	
Pension Bureau. Secretary of the Interior asks an appropriation for deficiencies in the.....	7	.....	49	
Pennsylvania. Secretary communicates relative to lands in Forest County, in the State of.....	12	.....	144	
Poor. Secretary of War transmits report relative to the relief of the, in the District of Columbia.....	7	.....	57	
Postmaster General transmits inventory of public property in his Department.....	6	.....	12	
Postmaster General communicates relative to contracts made by him for stationery, &c., in his Department.....	12	.....	149	
Postmaster General transmits estimates for his Department for the year ending June 30, 1872.....	6	.....	6	
Postmaster General transmits reply to House resolution of February 1, 1871, relative to amount of mail service performed on route No. 6492, from Baltimore to New Orleans.....	12	.....	117	
Postmaster General communicates relative to contracts for mail service.....	12	.....	148	
Postmaster General transmits answer to House resolution of December 16, 1870, relative to stamped envelopes.....	7	.....	35	
Postmaster General communicates relative to fines imposed on mail contractors.....	8	.....	87	
President of the United States transmits report of the Secretary of State relative to consular fees for the year ending December 31, 1869.....	6	.....	10	
President of the United States transmits answer to House resolution of December 12 relative to public documents, &c., in case of foreign ministers.....	7	.....	38	
President of the United States transmits answer to House resolution of the 5th instant, with a report of the Secretary of State relative to the Dominican Republic.....	7	.....	42	
President of the United States transmits answer to House resolution of the 5th instant, with report of Captain George B. McClellan on the Dominican Republic.....	7	.....	43	
President of the United States transmits message and documents at commencement of third session Forty-first Congress.....	1	1	1	1
President of the United States transmits accompanying papers, and index to the same.....	1	1	1	525
President of the United States communicates relative to the removal of Louis W. Violier.....	6	.....	11	
President of the United States transmits answer to House resolution of January 20 relative to the case of the ship Canada.....	6	.....	13	
President of the United States transmits answer to House resolution of April 9, 1869, relative to affairs in Paraguay.....	6	.....	14	
President of the United States transmits answer to House resolution of the 7th instant relative to the schooner Granada.....	7	.....	19	
President of the United States returns House bill 1395, with objections.....	7	.....	37	
President of the United States communicates relative to the union of the States of Germany.....	10	.....	99	
President of the United States transmits answer to House resolution of February 6 relative to using military power at elections in California.....	12	.....	126	

Title.	Vol.	Part.	No.	Page.
President of the United States vetoes H. R. 2566, for the relief of Henry Willman.....	12	.....	152	
President of the United States transmits answer to House resolution of July 1, 1870, relative to arrest of American fishing vessels.....	7	.....	36	
Public property. Secretary of State transmits inventory of Public property. Postmaster General transmits inventory of.....	6	.....	9	
Public property. Secretary of the Treasury transmits inventory of.....	6	.....	12	
Public property. Secretary of the Treasury transmits inventory of.....	7	.....	41	
Public property. Secretary of the Navy transmits inventory of.....	12	.....	151	
Q.				
Quartermaster Department. Secretary of War transmits estimates for the, for the fiscal year ending June 30, 1871.....	7	.....	55	
Quartermaster Department. Secretary of War transmits estimates for the Paymaster and, for the current fiscal year.....	8	.....	62	
Quartermaster Department. Secretary of War transmits estimates of deficiencies for contingent expenses of, for the year ending June 30, 1871.....	8	.....	63	
R.				
Railroad. Secretary of the Treasury transmits answer to House resolution of December 9, 1870, relative to a, from the Missouri River to the Pacific.....	7	.....	24	
Rapids. Secretary of War transmits report upon the improvement of the Des Moines.....	7	.....	33	
Reservation. Secretary of War communicates relative to the Fort Wilkins military.....	7	.....	34	
Reservation. Secretary of War transmits memorial relative to the Fort Bridger.....	8	.....	71	
Reservation. Secretary of War recommends the relief of settlers upon the Fort Randall military.....	12	.....	147	
Reservation. Secretary of the Interior communicates relative to the survey of the Pima and Maricopa Indian.....	12	.....	139	
Rivers and harbors. Secretary of War transmits answer to House resolution of December 12, 1870, with a report upon the Des Moines rapids improvement.....	7	.....	33	
Rivers and harbors. Secretary of the Interior submits estimates for the survey of Green River.....	7	.....	52	
Rivers and harbors. Secretary of War transmits report of Chief of Engineers upon the improvement of certain.....	7	1-5	60	
Rivers and harbors. Secretary of War transmits answer to House resolution of January 14, 1871, relative to the James.....	8	.....	72	
Rivers and harbors. Secretary of War communicates relative to the breakwater in the Potomac.....	8	.....	88	
Rivers and harbors. Secretary of War transmits answer to House resolution relative to the Housatonic and New Haven, in the State of Connecticut.....	10	.....	95	
Rivers and harbors. Secretary of War transmits answer to House resolution of February 3 relative to James River and Kanawha Canal.....	10	.....	110	
Rivers and harbors. Secretary of War transmits answer to House resolution relative to Marcus Hook, Pennsylvania.....	12	.....	116	
Rivers and harbors. Secretary of War transmits engineer's report upon the harbor of Monroe, Michigan.....	12	.....	124	
Rivers and harbors. Secretary of War communicates relative to bridges across the Ohio.....	12	.....	128	

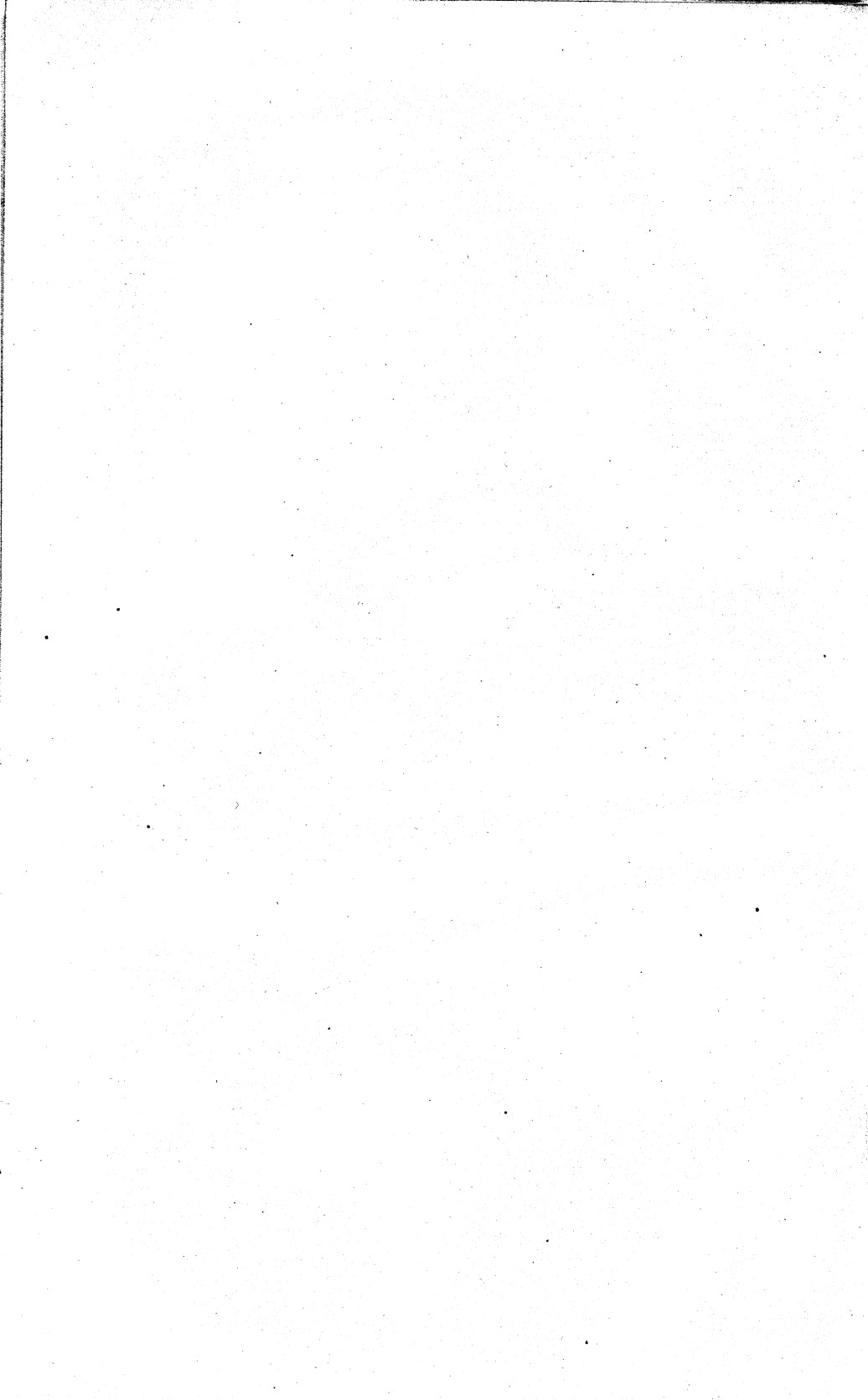
Title.	Vol.	Part.	No.	Page.
S.				
Seal fishery. Secretary of the Treasury communicates relative to leasing the Alaska.....	10	.....	108	
Seamen, American. Secretary of State communicates relative to the relief and protection of.....	6	.....	7	
Smith, A. J. Secretary of the Interior transmits claim of.....	8	.....	81	
Smithsonian Institution. Annual report of.....	12	.....	153	
State, Secretary of. Communicates relative to relief and protection of American seamen.....	6	.....	7	
State, Secretary of. Transmits inventory of public property in his charge.....	6	.....	9	
State, Secretary of. Transmits report on the commercial relations of the United States with foreign countries, with index to the same.....	6	.....	18	383
State, Secretary of. Transmits list of employes in his Department.....	8	.....	74	
State, Secretary of. Communicates relative to legalizing and making appropriations for such objects as have been usually included in general bills, &c.....	8	.....	75	
State, Secretary of. Communicates relative to the number, age, &c., of immigrants arriving by sea in the year 1870.....	8	.....	92	
State, Secretary of. Communicates relative to commercial relations.....	8	.....	93	
State, Secretary of. Recommends an appropriation to indemnify certain persons in Paris for giving aid to United States citizens.....	12	.....	150	
Statistics. Annual report of the Bureau of, on the commerce and navigation of the United States, (for contents see table).....	10	.....	96	
Statutes. Secretary recommends an appropriation of \$7,000 for the purchase of two thousand copies of the sixteenth volume of the United States Statutes at Large.....	8	.....	73	
Steamship lines. Secretary of the Treasury suggests alterations in H. R. 2486.....	7	.....	40	
St. John. Secretary of the Interior recommends an appropriation for the Sisterhood of.....	7	.....	103	
Surveying service. Secretary of the Interior asks an appropriation for deficiencies in the, for the year ending June 30, 1870.....	7	.....	105	
T.				
Texas. Secretary of the Treasury communicates relative to the burning of the town of Brenham, in the State of.....	12	.....	145	
Tonnage. Secretary of the Treasury communicates relative to the inequality of, between American and foreign vessels.....	12	.....	143	
Treasurer of the United States. Report of the, for the third and fourth quarters of 1867, and first and second quarters of 1868, with index.....	7	.....	59	
Treasury Department. Secretary of the Treasury transmits statement of balances unexpended, &c.....	6	.....	16	
Treasury Department. Secretary of the Treasury transmits a detailed statement of incidental and contingent expenses of the, for the year ending June 30, 1870.....	7	.....	20	
Treasury Department. Secretary of the Treasury transmits answer to House resolution relative to expenses connected with the office of special agent of the, at New York.....	10	.....	104	
Treasury Department. Secretary of the Treasury transmits list of employes in the.....	12	.....	141	
Treasury, Secretary of the. Transmits annual report on the state of the finances.....	5	.....	2	
Treasury, Secretary of the. Transmits index to contents of the same.....	5	.....	2	451

Title.	Vol.	Part.	No.	Page.
Treasury, Secretary of the. Transmits annual report of Commissioner of Internal Revenue, with index to the same.....	6	.....	4	320
Treasury, Secretary of the. Transmits estimate of appropriations for year ending June 30, 1871, with index to same.....	6	.....	5	273
Treasury, Secretary of the. Transmits statement of unexpended balances in and amount appropriated for his Department, &c.....	6	.....	16	
Treasury, Secretary of the. Transmits estimate of deficiencies in the year ending June 30, 1871.....	6	.....	17	
Treasury, Secretary of the. Transmits statement of incidental and contingent expenses of his Department for year ending June 30, 1870.....	7	.....	20	
Treasury, Secretary of the. Communicates relative to uniformity in the mode of appointing appraisers, &c.....	7	.....	21	
Treasury, Secretary of the. Transmits answer to House resolution relative to wreck of Scotland light-ship.....	7	.....	22	
Treasury, Secretary of the. Transmits answer to House resolution relative to the light-house reserve at Port Huron.....	7	.....	23	
Treasury, Secretary of the. Transmits answer to House resolution relative to a railroad from the Missouri River to the Pacific.....	7	.....	24	
Treasury, Secretary of the. Transmits copy of opinion of the Attorney General on the claim of the Choctaw Indians to the issue of United States bonds.....	7	.....	25	
Treasury, Secretary of the. Transmits answer to House resolution relative to the disbursements for the new jail in the District of Columbia.....	7	.....	31	
Treasury, Secretary of the. Suggests alterations in H. R. 2486.....	7	.....	40	
Treasury, Secretary of the. Transmits inventory of public property in public buildings, &c.....	7	.....	41	
Treasury, Secretary of the. Communicates relative to the transfer of certain buildings to the Marine Hospital establishment.....	7	.....	50	
Treasury, Secretary of the. Transmits answer to House resolution of January 9, 1871, relative to bonds issued to Indians, et al.....	7	.....	58	
Treasury, Secretary of the. Transmits answer to House resolution relative to foreign commerce.....	8	.....	76	
Treasury, Secretary of the. Transmits report on the state of trade between United States and the British Provinces.....	8	.....	94	
Treasury, Secretary of the. Transmits answer to House resolution relative to pay of Army officers.....	10	.....	102	
Treasury, Secretary of the. Transmits answer to House resolution relative to expenses connected with the office of special agent at New York.....	10	.....	104	
Treasury, Secretary of the. Communicates relative to leasing the Alaska seal fishery.....	10	.....	108	
Treasury, Secretary of the. Transmits answer to House resolution relative to the sale of United States vessels of war, &c.....	12	.....	113	
Treasury, Secretary of the. Transmits answer to House resolution relative to moneys received by internal revenue officers in Virginia.....	12	.....	119	
Treasury, Secretary of the. Transmits a report of a special agent of the Treasury stationed at St. Paul Island.....	12	.....	122	
Treasury, Secretary of the. Communicates relative to navigation and the collection of customs.....	.....	.....	125	
Treasury, Secretary of the. Transmits list of names of persons employed in the Coast Survey.....	12	.....	142	
Treasury, Secretary of the. Communicates relative to the regulations of vessels proceeding up James River.....	12	.....	138	

Title.	Vol.	Part.	No.	Page.
Treasury, Secretary of the. Transmits answer to House resolution of December 13, 1870, with a statement of balances due from collectors of internal revenue.....	12	.....	140	
Treasury, Secretary of the. Transmits answer to House resolution relative to certain lands in Forest County, Pennsylvania.....	12	.....	144	
Treasury, Secretary of the. Transmits a list of persons employed in the Treasury Department.....	12	.....	141	
Treasury, Secretary of the. Communicates relative to the advertising the breaking adrift of light-vessels, &c.....	8	.....	84	
Treasury, Secretary of the. Transmits answer to House resolution relative to the inequality of the tonnage admeasurement of American and foreign vessels.....	12	.....	143	
V.				
Vessels. President transmits papers relative to a claim for indemnity in the case of the ship Canada.....	6	.....	13	
Vessels. Secretary of the Treasury transmits answer to House resolution relative to the wreck of the Scotland light-ship.....	7	.....	22	
Vessels. President transmits answer to House resolution relative to the arrest of American fishing.....	7	.....	36	
Vessels. Secretary of the Treasury communicates relative to the advertising of the breaking adrift of light, and buoys, &c.....	8	.....	84	
Vessels. Secretary of the Treasury transmits reply to House resolution relative to the sale of, during and since the rebellion.....	12	.....	113	
Vessels. Secretary of the Treasury transmits reply to House resolution relative to the inequality of tonnage admeasurement between American and foreign.....	12	.....	143	
Virginia. Attorney General communicates relative to the account of the United States district attorney for the State of.....	12	.....	118	
Virginia. Secretary of the Treasury transmits answer to House resolution relative to moneys received by internal revenue officers in the State of.....	12	.....	119	
Virginia. Attorney General transmits answer to House resolution relative to persons arrested in the State of, for violations of internal revenue laws.....	12	.....	120	
Volunteers. Secretary of War transmits answer to House resolution relative to construction placed by the War Department upon the law of July 11, 1870, for the relief of certain officers of.....	12	.....	54	
W.				
War. Annual report of the Secretary of.....	2	2	1	1
<i>Papers accompanying the above.</i>				
Report of the General of the Army.....	2	2	1	3
<i>Papers accompanying the above.</i>				
Report of Major General Hancock, department of Dakota.....	2	2	1	24
Report of Brigadier General Augur, department of the Platte.....	2	2	1	31
Report of Major General Halleck, division of the South.....	2	2	1	36
Report of Major General Meade, division of the Atlantic.....	2	2	1	42
Report of Brigadier General P. St. George Cooke, department of the Lakes.....	2	2	1	44
Report of Brigadier General Irwin McDowell, department of the East.....	2	2	1	46

Title.	Vol.	Part.	No.	Page.
<i>Papers, &c.</i> —Continued.				
Report of Major General J. M. Schofield, department of California.....	2	2	1	49
Report of Brigadier General Ed. O. C. Ord, department of California.....	2	2	1	50
Report of Brigadier General E. R. S. Canby, department of the Columbia.....	2	2	1	53
Report of the Adjutant General of the Army.....	2	2	1	63
Report of the Inspector General of the Army.....	2	2	1	92
Report of the Judge Advocate General of the Army.....	2	2	1	98
Report of the Chief Signal Officer of the Army.....	2	2	1	101
Report of the Quartermaster General of the Army.....	2	2	1	144
Report of the Commissary General of Subsistence.....	2	2	1	266
Report of the Surgeon General.....	2	2	1	271
Report of the Paymaster General.....	2	2	1	279
Report of the Chief of Ordnance.....	2	2	1	288
Report of the Inspector United States Military Academy.....	2	2	1	297
Report of the Board of Visitors United States Military Academy.....	2	2	1	306
Report of the Commissioner of Bureau of Refugees, Freedmen and Abandoned Lands.....	2	2	1	313
War, Secretary of. Transmits claim of James A. Laizure.....	6	.....	8	.....
War, Secretary of. Transmits report upon Newport and Cincinnati Bridge.....	7	.....	32	.....
War, Secretary of. Transmits answer to House resolution relative to Des Moines Rapids improvement.....	7	.....	33	.....
War, Secretary of. Communicates relative to the Fort Wilkins military reservation.....	7	.....	34	.....
War, Secretary of. Transmits report upon the Washington Aqueduct.....	7	.....	39	.....
War, Secretary of. Transmits statement of contingent expenses of his Department for the year 1870.....	7	.....	44	.....
War, Secretary of. Transmits statement relative to armory at Springfield, Massachusetts.....	7	.....	45	.....
War, Secretary of. Transmits report of the construction placed by the War Department upon the law of July 11, 1870.....	7	.....	54	.....
War, Secretary of. Transmits estimate of appropriations for the Quartermaster Department for the year ending June 30, 1871.....	7	.....	55	.....
War, Secretary of. Transmits letter from Chief of Ordnance recommending appropriation of \$200,000 for an experimental rifled-gun.....	7	.....	56	.....
War, Secretary of. Transmits report of number of poor relieved in the District of Columbia.....	7	.....	57	.....
War, Secretary of. Transmits report of Chief of Engineers upon the improvement of certain rivers and harbors.....	7	1-5	60	.....
War, Secretary of. Transmits estimates for deficiencies in the Pay Department for the current fiscal year.....	8	.....	61	.....
War, Secretary of. Transmits estimates for the Paymaster and Quartermaster Department for the current fiscal year.....	8	.....	62	.....
War, Secretary of. Transmits estimate of deficiencies and contingent expenses for the Quartermaster Department for the year ending June 30, 1871.....	8	.....	63	.....
War, Secretary of. Transmits memorial relative to the Fort Bridger reservation.....	8	.....	71	.....
War, Secretary of. Transmits answer to House resolution relative to the survey of the Ohio River.....	8	.....	72	.....
War, Secretary of. Transmits report on the claim of H. C. Jackson.....	8	.....	85	.....
War, Secretary of. Asks an appropriation of \$100,000 for the improvement of Saint Mary's Falls Canal.....	8	.....	86	.....
War, Secretary of. Communicates relative to the breakwater in the Potomac River.....	8	.....	88	.....

Title.	Vol.	Part.	No.	Page.
War, Secretary of. Transmits answer to House resolution relative to the improvement of Bayou Teche.....	8	.....	91	
War, Secretary of. Transmits answer to House resolution relative to Housatonic River and harbor of New Haven..	10	.....	95	
War, Secretary of. Asks an appropriation for investigation into the Montana Indian war claims.....	10	.....	97	
War, Secretary of. Transmits report upon Montana Indian war claims.....	10	.....	98	
War, Secretary of. Asks an appropriation for cadet barracks at West Point.....	10	.....	100	
War, Secretary of. Transmits estimate necessary for the above.....	10	.....	101	
War, Secretary of. Transmits answer to House resolution relative to survey of James River and Kanawha Canal...	10	.....	110	
War, Secretary of. Transmits answer to House resolution relative to Marcus Hook, Pennsylvania.....	12	.....	116	
War, Secretary of. Transmits report of engineers upon Monroe Harbor.....	12	.....	124	
War, Secretary of. Communicates relative to the late fire at West Point.....	12	.....	127	
War, Secretary of. Communicates relative to bridges across the Ohio.....	12	.....	128	
War, Secretary of. Communicates relative to the burning of the town of Brenham, Texas.....	12	.....	145	
War, Secretary of. Communicates relative to Ballard S. Humphrey.....	12	.....	146	
War, Secretary of. Transmits bill for relief of settlers upon the Fort Randall reservation.....	12	.....	147	
Washington Aqueduct. Secretary of War transmits engineer's report upon the.....	7	.....	39	
West Point. Secretary of War asks an appropriation to repair cadet barracks at.....	10	.....	100	
West Point. Secretary of War transmits estimate for the above.....	10	.....	101	
West Point. Secretary of War communicates relative to the late fire at the Military Academy at.....	12	.....	127	
Willman, Henry. President vetoes H. R. 2566, for the relief of.....	12	.....	152	
Wood, Bligh E. Secretary of the Interior transmits claim of.....	8	.....	77	
Woods, Patrick. Attorney General communicates relative to account of United States district attorney in the case of.....	12	.....	118	
Y.				
Yards and Docks. Estimate of appropriations required for the Bureau of.....	3	3	1	77



MESSAGE

OF THE

PRESIDENT OF THE UNITED STATES

AND

ACCOMPANYING DOCUMENTS

TO THE

TWO HOUSES OF CONGRESS

AT THE

COMMENCEMENT OF THE THIRD SESSION OF THE
FORTY-FIRST CONGRESS.





M E S S A G E

OF THE

PRESIDENT OF THE UNITED STATES.

To the Senate and House of Representatives :

A year of peace and general prosperity to this nation has passed since the last assembling of Congress. We have, through a kind Providence, been blessed with abundant crops, and have been spared from complications and war with foreign nations. In our midst comparative harmony has been restored. It is to be regretted, however, that a free exercise of the elective franchise has, by violence and intimidation, been denied to citizens in exceptional cases in several of the States lately in rebellion; and the verdict of the people has thereby been reversed. The States of Virginia, Mississippi, and Texas have been restored to representation in our national councils. Georgia, the only State now without representation, may confidently be expected to take her place there also at the beginning of the new year; and then, let us hope, will be completed the work of reconstruction. With an acquiescence on the part of the whole people in the national obligation to pay the public debt, created as the price of our Union; the pensions to our disabled soldiers and sailors, and their widows and orphans; and in the changes to the Constitution which have been made necessary by a great rebellion, there is no reason why we should not advance in material prosperity and happiness, as no other nation ever did, after so protracted and devastating a war.

Soon after the existing war broke out in Europe the protection of the United States minister in Paris was invoked in favor of North Germans domiciled in French territory. Instructions were issued to grant the protection. This has been followed by an extension of American protection to citizens of Saxony, Hesse and Saxe-Coburg, Gotha, Colombia, Portugal, Uruguay, the Dominican Republic, Ecuador, Chili, Paraguay, and Venezuela, in Paris. The charge was an onerous one, requiring constant and severe labor, as well as the exercise of patience, prudence, and good judgment. It has been performed to the entire satisfaction of this Government, and, as I am officially informed, equally so to the satisfaction of the government of North Germany.

As soon as I learned that a republic had been proclaimed at Paris, and that the people of France had acquiesced in the change, the minister of the United States was directed by telegraph to recognize it, and

to tender my congratulations and those of the people of the United States. The reestablishment in France of a system of government disconnected with the dynastic traditions of Europe appeared to be a proper subject for the felicitations of Americans. Should the present struggle result in attaching the hearts of the French to our simpler forms of representative government, it will be a subject of still further satisfaction to our people. While we make no effort to impose our institutions upon the inhabitants of other countries, and while we adhere to our traditional neutrality in civil contests elsewhere, we cannot be indifferent to the spread of American political ideas in a great and highly civilized country like France.

We were asked by the new government to use our good offices, jointly with those of European powers, in the interests of peace. Answer was made that the established policy and the true interests of the United States forbade them to interfere in European questions jointly with European powers. I ascertained, informally and unofficially, that the government of North Germany was not then disposed to listen to such representations from any power, and though earnestly wishing to see the blessings of peace restored to the belligerents, with all of whom the United States are on terms of friendship, I declined, on the part of this Government, to take a step which could only result in injury to our true interests, without advancing the object for which our intervention was invoked. Should the time come when the action of the United States can hasten the return of peace, by a single hour, that action will be heartily taken. I deemed it prudent, in view of the number of persons of German and French birth living in the United States, to issue, soon after official notice of a state of war had been received from both belligerents, a proclamation, defining the duties of the United States as a neutral and the obligations of persons residing within their territory, to observe their laws and the laws of nations. This proclamation was followed by others, as circumstances seemed to call for them. The people, thus acquainted, in advance, of their duties and obligations, have assisted in preventing violations of the neutrality of the United States.

It is not understood that the condition of the insurrection in Cuba has materially changed since the close of the last session of Congress. In an early stage of the contest the authorities of Spain inaugurated a system of arbitrary arrests, of close confinement and of military trial, and execution of persons suspected of complicity with the insurgents, and of summary embargo of their properties, and sequestration of their revenues by executive warrant. Such proceedings, so far as they affected the persons or property of citizens of the United States, were in violation of the provisions of the treaty of 1795 between the United States and Spain. Representations of injuries resulting to several persons claiming to be citizens of the United States, by reason of such violations, were made to the Spanish government. From April 1869

to June last the Spanish minister at Washington had been clothed with a limited power to aid in redressing such wrongs. That power was found to be withdrawn, "in view," as it was said, "of the favorable situation in which the Island of Cuba" then "was;" which, however, did not lead to a revocation or suspension of the extraordinary and arbitrary functions exercised by the executive power in Cuba, and we were obliged to make our complaints at Madrid. In the negotiations thus opened, and still pending there, the United States only claimed that, for the future, the rights secured to their citizens by treaty should be respected in Cuba, and that, as to the past, a joint tribunal should be established in the United States, with full jurisdiction over all such claims. Before such an impartial tribunal each claimant would be required to prove his case. On the other hand, Spain would be at liberty to traverse every material fact, and thus complete equity would be done. A case which, at one time, threatened seriously to affect the relations between the United States and Spain has already been disposed of in this way. The claim of the owners of the Colonel Lloyd Aspinwall, for the illegal seizure and detention of that vessel, was referred to arbitration, by mutual consent, and has resulted in an award to the United States, for the owners, of the sum of nineteen thousand seven hundred and two dollars and fifty cents, in gold. Another and long pending claim of like nature, that of the whaleship Canada, has been disposed of by friendly arbitrament during the present year. It was referred, by the joint consent of Brazil and the United States, to the decision of Sir Edward Thornton, her Britannic Majesty's minister at Washington, who kindly undertook the laborious task of examining the voluminous mass of correspondence and testimony submitted by the two governments, and awarded to the United States the sum of one hundred thousand and seven hundred and forty dollars and nine cents, in gold, which has since been paid by the imperial government. These recent examples show that the mode which the United States have proposed to Spain for adjusting the pending claims is just and feasible, and that it may be agreed to by either nation without dishonor. It is to be hoped that this moderate demand may be acceded to by Spain without further delay. Should the pending negotiations, unfortunately and unexpectedly, be without result, it will then become my duty to communicate that fact to Congress and invite its action on the subject.

The long deferred peace conference between Spain and the allied South American republics has been inaugurated in Washington under the auspices of the United States. Pursuant to the recommendation contained in the resolution of the House of Representatives, of the 17th of December 1866, the Executive Department of the Government offered its friendly offices for the promotion of peace and harmony between Spain and the allied republics. Hesitations and obstacles occurred to the acceptance of the offer. Ultimately, however, a conference was

arranged, and was opened in this city on the 29th of October last, at which I authorized the Secretary of State to preside. It was attended by the ministers of Spain, Peru, Chili, and Ecuador. In consequence of the absence of a representative from Bolivia the conference was adjourned until the attendance of a plenipotentiary from that republic could be secured, or other measures could be adopted toward compassing its objects.

The allied and other republics of Spanish origin, on this continent, may see in this fact a new proof of our sincere interest in their welfare; of our desire to see them blessed with good governments, capable of maintaining order and of preserving their respective territorial integrity; and of our sincere wish to extend our own commercial and social relations with them. The time is not probably far distant when, in the natural course of events, the European political connection with this continent will cease. Our policy should be shaped, in view of this probability, so as to ally the commercial interests of the Spanish American States more closely to our own, and thus give the United States all the preëminence and all the advantage which Mr. Monroe, Mr. Adams, and Mr. Clay contemplated when they proposed to join in the Congress of Panama.

During the last session of Congress a treaty for the annexation of the Republic of San Domingo to the United States failed to receive the requisite two-thirds vote of the Senate. I was thoroughly convinced then that the best interests of this country, commercially and materially, demanded its ratification. Time has only confirmed me in this view. I now firmly believe that the moment it is known that the United States have entirely abandoned the project of accepting, as a part of its territory, the Island of San Domingo, a free port will be negotiated for by European nations in the Bay of Samana. A large commercial city will spring up, to which we will be tributary without receiving corresponding benefits, and then will be seen the folly of our rejecting so great a prize. The government of San Domingo has voluntarily sought this annexation. It is a weak power, numbering probably less than one hundred and twenty thousand souls, and yet possessing one of the richest territories under the sun, capable of supporting a population of ten millions of people in luxury. The people of San Domingo are not capable of maintaining themselves in their present condition, and must look for outside support. They yearn for the protection of our free institutions and laws; our progress and civilization. Shall we refuse them?

The acquisition of San Domingo is desirable because of its geographical position. It commands the entrance to the Caribbean Sea and the Isthmus transit of commerce. It possesses the richest soil, best and most capacious harbors, most salubrious climate, and the most valuable products of the forest, mine, and soil of any of the West India Islands. Its possession by us will in a few years build up a coastwise commerce of immense magnitude, which will go far toward restoring to us our

lost merchant marine. It will give to us those articles which we consume so largely and do not produce, thus equalizing our exports and imports. In case of foreign war it will give us command of all the islands referred to, and thus prevent an enemy from ever again possessing himself of rendezvous upon our very coast. At present our coast trade between the States bordering on the Atlantic and those bordering on the Gulf of Mexico is cut into by the Bahamas and the Antilles. Twice we must, as it were, pass through foreign countries to get, by sea, from Georgia to the west coast of Florida.

San Domingo with a stable government, under which her immense resources can be developed, will give remunerative wages to tens of thousands of laborers not now upon the island. This labor will take advantage of every available means of transportation to abandon the adjacent islands and seek the blessings of freedom and its sequence—each inhabitant receiving the reward of his own labor. Porto Rico and Cuba will have to abolish slavery, as a measure of self-preservation, to retain their laborers.

San Domingo will become a large consumer of the products of Northern farms and manufactories. The cheap rate at which her citizens can be furnished with food, tools, and machinery will make it necessary that contiguous islands should have the same advantages, in order to compete in the production of sugar, coffee, tobacco, tropical fruits, &c. This will open to us a still wider market for our products. The production of our own supply of these articles will cut off more than one hundred millions of our annual imports, besides largely increasing our exports. With such a picture it is easy to see how our large debt abroad is ultimately to be extinguished. With a balance of trade against us (including interest on bonds held by foreigners and money spent by our citizens traveling in foreign lands) equal to the entire yield of the precious metals in this country it is not so easy to see how this result is to be otherwise accomplished.

The acquisition of San Domingo is an adherence to the "Monroe doctrine;" it is a measure of national protection; it is asserting our just claim to a controlling influence over the great commercial traffic soon to flow from west to east, by way of the Isthmus of Darien; it is to build up our merchant marine; it is to furnish new markets for the products of our farms, shops, and manufactories; it is to make slavery insupportable in Cuba and Porto Rico at once, and ultimately so in Brazil; it is to settle the unhappy condition of Cuba and end an exterminating conflict; it is to provide honest means of paying our honest debts without overtaxing the people; it is to furnish our citizens with the necessaries of every-day life at cheaper rates than ever before; and it is, in fine, a rapid stride toward that greatness which the intelligence, industry, and enterprise of the citizens of the United States entitle this country to assume among nations.

In view of the importance of this question I earnestly urge upon Con-

gress early action, expressive of its views as to the best means of acquiring San Domingo. My suggestion is that, by joint resolution of the two houses of Congress, the Executive be authorized to appoint a commission to negotiate a treaty with the authorities of San Domingo for the acquisition of that island, and that an appropriation be made to defray the expenses of such commission. The question may then be determined, either by the action of the Senate upon the treaty or the joint action of the two houses of Congress, upon a resolution of annexation, as in the case of the acquisition of Texas. So convinced am I of the advantages to flow from the acquisition of San Domingo, and of the great disadvantages, I might almost say calamities, to flow from non-acquisition, that I believe the subject has only to be investigated to be approved.

It is to be regretted that our representations in regard to the injurious effects, especially upon the revenue of the United States, of the policy of the Mexican government, in exempting from impost duties a large tract of its territory on our borders, have not only been fruitless, but that it is even proposed, in that country, to extend the limits within which the privilege adverted to has hitherto been enjoyed. The expediency of taking into your serious consideration proper measures for countervailing the policy referred to will, it is presumed, engage your earnest attention.

It is the obvious interest, especially of neighboring nations, to provide against impunity to those who may have committed high crimes within their borders, and who may have sought refuge abroad. For this purpose extradition treaties have been concluded with several of the Central American republics, and others are in progress.

The sense of Congress is desired, as early as may be convenient, upon the proceedings of the commission on claims against Venezuela, as communicated in my messages of March 16, 1869, March 1, 1870, and March 31, 1870. It has not been deemed advisable to distribute any of the money which has been received from that government until Congress shall have acted on the subject.

The massacres of French and Russian residents at Tien-Tsin, under circumstances of great barbarity, were supposed by some to have been premeditated, and to indicate a purpose among the populace to exterminate foreigners in the Chinese Empire. The evidence fails to establish such a supposition, but shows a complicity between the local authorities and the mob. The government at Peking, however, seems to have been disposed to fulfill its treaty obligations so far as it was able to do so. Unfortunately, the news of the war between the German states and France reached China soon after the massacre. It would appear that the popular mind became possessed with the idea that this contest, extending to Chinese waters, would neutralize the Christian influence and power, and that the time was coming when the superstitious masses might expel all foreigners and restore mandarin influence. Anticipating

trouble from this cause I invited France and North Germany to make an authorized suspension of hostilities in the East, (where they were temporarily suspended by act of the commanders,) and to act together for the future protection, in China, of the lives and properties of Americans and Europeans.

Since the adjournment of Congress the ratifications of the treaty with Great Britain, for abolishing the mixed courts for the suppression of the slave trade, have been exchanged. It is believed that the slave trade is now confined to the eastern coast of Africa, whence the slaves are taken to Arabian markets.

The ratifications of the naturalization convention between Great Britain and the United States have also been exchanged during the recess; and thus, a long standing dispute between the two governments has been settled, in accordance with the principles always contended for by the United States.

In April last, while engaged in locating a military reservation near Pembina, a corps of engineers discovered that the commonly-received boundary line between the United States and the British possessions at that place, is about forty-seven hundred feet south of the true position of the forty-ninth parallel, and that the line, when run on what is now supposed to be the true position of that parallel, would leave the fort of the Hudson's Bay Company, at Pembina, within the territory of the United States. This information being communicated to the British government, I was requested to consent, and did consent, that the British occupation of the fort of the Hudson's Bay Company should continue for the present. I deem it important, however, that this part of the boundary line should be definitely fixed by a joint commission of the two governments, and I submit herewith estimates of the expense of such a commission on the part of the United States, and recommend that an appropriation be made for that purpose. The land boundary has already been fixed and marked from the summit of the Rocky Mountains to the Georgian Bay. It should now be, in like manner, marked from the Lake of the Woods to the summit of the Rocky Mountains.

I regret to say that no conclusion has been reached for the adjustment of the claims against Great Britain, growing out of the course adopted by that government during the rebellion. The cabinet of London, so far as its views have been expressed, does not appear to be willing to concede that her Majesty's government was guilty of any negligence, or did or permitted any act during the war, by which the United States has just cause of complaint. Our firm and unalterable convictions are directly the reverse. I therefore recommend to Congress to authorize the appointment of a commission to take proof of the amounts, and the ownership of these several claims, on notice to the representative of her Majesty at Washington, and that authority be given for the settlement of these claims by the United States, so that the Government shall have the ownership of the private claims, as well as the responsible control

of all the demands against Great Britain. It cannot be necessary to add that, whenever her Majesty's government shall entertain a desire for a full and friendly adjustment of these claims, the United States will enter upon their consideration with an earnest desire for a conclusion consistent with the honor and dignity of both nations.

The course pursued by the Canadian authorities toward the fishermen of the United States during the past season has not been marked by a friendly feeling. By the first article of the convention of 1818, between Great Britain and the United States, it was agreed that the inhabitants of the United States should have forever, in common with British subjects, the right of taking fish in certain waters therein defined. In the waters not included in the limits named in the convention (within three miles of parts of the British coast) it has been the custom for many years to give to intruding fishermen of the United States a reasonable warning of their violation of the technical rights of Great Britain. The imperial government is understood to have delegated the whole or a share of its jurisdiction or control of these in-shore fishing-grounds to the colonial authority known as the Dominion of Canada, and this semi-independent but irresponsible agent has exercised its delegated powers in an unfriendly way. Vessels have been seized without notice or warning, in violation of the custom previously prevailing, and have been taken into the colonial ports, their voyages broken up, and the vessels condemned. There is reason to believe that this unfriendly and vexatious treatment was designed to bear harshly upon the hardy fishermen of the United States, with a view to political effect upon this Government. The statutes of the Dominion of Canada assume a still broader and more untenable jurisdiction over the vessels of the United States. They authorize officers or persons to bring vessels hovering within three marine miles of any of the coasts, bays, creeks, or harbors of Canada into port, to search the cargo, to examine the master on oath touching the cargo and voyage, and to inflict upon him a heavy pecuniary penalty if true answers are not given; and if such a vessel is found "preparing to fish" within three marine miles of any of such coasts, bays, creeks, or harbors without a license, or after the expiration of the period named in the last license granted to it, they provide that the vessel, with her tackle, &c., shall be forfeited. It is not known that any condemnations have been made under this statute. Should the authorities of Canada attempt to enforce it, it will become my duty to take such steps as may be necessary to protect the rights of the citizens of the United States.

It has been claimed by her Majesty's officers that the fishing vessels of the United States have no right to enter the open ports of the British possessions in North America, except for the purposes of shelter and repairing damages, of purchasing wood, and obtaining water; that they have no right to enter at the British custom-houses or to trade there except in the purchase of wood and water; and that they must depart

within twenty-four hours after notice to leave. It is not known that any seizure of a fishing vessel, carrying the flag of the United States, has been made under this claim. So far as the claim is founded on an alleged construction of the convention of 1818, it cannot be acquiesced in by the United States. It is hoped that it will not be insisted on by her Majesty's government.

During the conferences which preceded the negotiation of the convention of 1818, the British commissioners proposed to expressly exclude the fishermen of the United States from "the privilege of carrying on trade with any of his Britannic Majesty's subjects residing within the limits assigned for their use;" and also that it should not be "lawful for the vessels of the United States, engaged in said fishery, to have on board any goods, wares, or merchandise whatever, except such as may be necessary for the prosecution of their voyages to and from the said fishing-grounds. And any vessel of the United States which shall contravene this regulation may be seized, condemned, and confiscated with her cargo."

This proposition, which is identical with the construction now put upon the language of the convention, was emphatically rejected by the American commissioners, and thereupon was abandoned by the British plenipotentiaries, and Article I, as it stands in the convention, was substituted.

If, however, it be said that this claim is founded on provincial or colonial statutes, and not upon the convention, this Government cannot but regard them as unfriendly, and in contravention of the spirit, if not of the letter, of the treaty, for the faithful execution of which the imperial government is alone responsible.

Anticipating that an attempt may possibly be made by the Canadian authorities in the coming season to repeat their unneighborly acts toward our fishermen, I recommend you to confer upon the Executive the power to suspend, by proclamation, the operation of the laws authorizing the transit of goods, wares, and merchandise in bond across the territory of the United States to Canada; and further, should such an extreme measure become necessary, to suspend the operation of any laws whereby the vessels of the Dominion of Canada are permitted to enter the waters of the United States.

A like unfriendly disposition has been manifested on the part of Canada in the maintenance of a claim of right to exclude the citizens of the United States from the navigation of the St. Lawrence. This river constitutes a natural outlet to the ocean for eight States with an aggregate population of about seventeen million six hundred thousand inhabitants, and with an aggregate tonnage of six hundred and sixty-one thousand three hundred and sixty-seven tons upon the waters which discharge into it. The foreign commerce of our ports on these waters is open to British competition, and the major part of it is done in British bottoms.

If the American seamen be excluded from this natural avenue to the ocean, the monopoly of the direct commerce of the lake ports with the Atlantic would be in foreign hands; their vessels on transatlantic voyages having an access to our lake ports which would be denied to American vessels on similar voyages. To state such a proposition is to refute its justice.

During the administration of Mr. John Quincy Adams, Mr. Clay unanswerably demonstrated the natural right of the citizens of the United States to the navigation of this river, claiming that the act of the congress of Vienna, in opening the Rhine and other rivers to all nations, showed the judgment of European jurists and statesmen that the inhabitants of a country through which a navigable river passes have a natural right to enjoy the navigation of that river to and into the sea, even though passing through the territories of another power. This right does not exclude the co-equal right of the sovereign possessing the territory through which the river debouches into the sea to make such regulations relative to the police of the navigation as may be reasonably necessary; but those regulations should be framed in a liberal spirit of comity, and should not impose needless burdens upon the commerce which has the right of transit. It has been found in practice more advantageous to arrange these regulations by mutual agreement. The United States are ready to make any reasonable arrangement, as to the police of the St. Lawrence, which may be suggested by Great Britain.

If the claim made by Mr. Clay was just when the population of States bordering on the shores of the lakes was only three million four hundred thousand, it now derives greater force and equity from the increased population, wealth, production, and tonnage of the States on the Canadian frontier. Since Mr. Clay advanced his argument in behalf of our right the principle for which he contended has been frequently, and by various nations, recognized by law or by treaty, and has been extended to several other great rivers. By the treaty concluded at Mayence, in 1831, the Rhine was declared free from the point where it is first navigable into the sea. By the convention between Spain and Portugal, concluded in 1835, the navigation of the Douro, throughout its whole extent, was made free for the subjects of both crowns. In 1853 the Argentine Confederation by treaty threw open the free navigation of the Parana and the Uruguay to the merchant vessels of all nations. In 1856 the Crimean war was closed by a treaty which provided for the free navigation of the Danube. In 1858 Bolivia, by treaty, declared that it regarded the rivers Amazon and La Plata, in accordance with fixed principles of national law, as highways or channels, opened by nature, for the commerce of all nations. In 1859 the Paraguay was made free by treaty, and in December 1866 the Emperor of Brazil, by imperial decree, declared the Amazon to be open, to the frontier of Brazil, to the merchant ships of all nations. The greatest

living British authority on this subject, while asserting the abstract right of the British claim, says: "It seems difficult to deny that Great Britain may ground her refusal upon strict *law*, but it is equally difficult to deny, first, that in so doing she exercises harshly an extreme and hard law; secondly, that her conduct with respect to the navigation of the St. Lawrence is in glaring and discreditable inconsistency with her conduct with respect to the navigation of the Mississippi. On the ground that she possessed a small domain, in which the Mississippi took its rise, she insisted on the right to navigate the entire volume of its waters. On the ground that she possesses both banks of the St. Lawrence, where it disembogues itself into the sea, she denies to the United States the right of navigation, though about one-half of the waters of Lakes Ontario, Erie, Huron, and Superior, and the whole of Lake Michigan, through which the river flows, are the property of the United States."

The whole nation is interested in securing cheap transportation from the agricultural States of the West to the Atlantic seaboard. To the citizens of those States it secures a greater return for their labor; to the inhabitants of the seaboard it affords cheaper food; to the nation, an increase in the annual surplus of wealth. It is hoped that the government of Great Britain will see the justice of abandoning the narrow and inconsistent claim to which her Canadian provinces have urged her adherence.

Our depressed commerce is a subject to which I called your special attention at the last session, and suggested that we will in the future have to look more to the countries south of us, and to China and Japan, for its revival. Our representatives to all these governments have exerted their influence to encourage trade between the United States and the countries to which they are accredited. But the fact exists that the carrying is done almost entirely in foreign bottoms, and while this state of affairs exists we cannot control our due share of the commerce of the world. That between the Pacific States and China and Japan is about all the carrying trade now conducted in American vessels. I would recommend a liberal policy toward that line of American steamers, one that will insure its success and even increased usefulness.

The cost of building iron vessels, the only ones that can compete with foreign ships in the carrying trade, is so much greater in the United States than in foreign countries that, without some assistance from the Government, they cannot be successfully built here. There will be several propositions laid before Congress in the course of the present session looking to a remedy for this evil. Even if it should be at some cost to the National Treasury, I hope such encouragement will be given as will secure American shipping on the high seas and American ship-building at home.

The condition of the archives at the Department of State calls for the early action of Congress. The building now rented by that Department

is a frail structure, at an inconvenient distance from the Executive Mansion and from the other Departments, is ill adapted to the purpose for which it is used, has not capacity to accommodate the archives, and is not fire-proof. Its remote situation, its slender construction, and the absence of a supply of water in the neighborhood, leave but little hope of safety for either the building or its contents in case of the accident of a fire. Its destruction would involve the loss of the rolls containing the original acts and resolutions of Congress, of the historic records of the Revolution and of the Confederation, of the whole series of diplomatic and consular archives since the adoption of the Constitution, and of the many other valuable records and papers left with that Department when it was the principal depository of the governmental archives. I recommend an appropriation for the construction of a building for the Department of State.

I recommend to your consideration the propriety of transferring to the Department of the Interior, to which they seem more appropriately to belong, all powers and duties in relation to the Territories, with which the Department of State is now charged by law or usage; and from the Interior Department to the War Department the Pension Bureau, so far as it regulates the payment of soldiers' pensions. I would further recommend that the payment of naval pensions be transferred to one of the Bureaus of the Navy Department.

The estimates for the expenses of the Government for the next fiscal year are eighteen million two hundred and forty-four thousand three hundred and forty-six dollars and one cent less than for the current one, but exceed the appropriations for the present year, for the same items, eight million nine hundred and seventy-two thousand one hundred and twenty-seven dollars and fifty-six cents. In this estimate, however, is included twenty-two million three hundred and thirty-eight thousand two hundred and seventy-eight dollars and thirty-seven cents for public works heretofore begun under congressional provision, and of which only so much is asked as Congress may choose to give. The appropriation for the same works for the present fiscal year was eleven million nine hundred and eighty-four thousand five hundred and eighteen dollars and eight cents.

The average value of gold as compared with national currency, for the whole of the year 1869, was about one hundred and thirty-four, and for eleven months of 1870 the same relative value has been about one hundred and fifteen. The approach to a specie basis is very gratifying, but the fact cannot be denied that the instability of the value of our currency is prejudicial to our prosperity, and tends to keep up prices to the detriment of trade. The evils of a depreciated and fluctuating currency are so great that now, when the premium on gold has fallen so much, it would seem that the time has arrived when, by wise and prudent legislation, Congress should look to a policy which would place our currency at par with gold at no distant day.

The tax collected from the people has been reduced more than eighty millions of dollars per annum. By steadiness in our present course, there is no reason why, in a few short years, the national tax-gatherer may not disappear from the door of the citizen almost entirely. With the revenue stamp dispensed by postmasters in every community; a tax upon liquors of all sorts, and tobacco in all its forms; and by a wise adjustment of the tariff, which will put a duty only upon those articles which we could dispense with, known as luxuries, and on those which we use more of than we produce, revenue enough may be raised, after a few years of peace and consequent reduction of indebtedness, to fulfill all our obligations. A further reduction of expenses, in addition to a reduction of interest account, may be relied on to make this practicable. Revenue reform, if it means this, has my hearty support. If it implies a collection of all the revenue for the support of Government, for the payment of principal and interest of the public debt, pensions, &c., by directly taxing the people, then I am against revenue reform, and confidently believe the people are with me. If it means failure to provide the necessary means to defray all the expenses of Government, and thereby repudiation of the public debt and pensions, then I am still more opposed to such kind of revenue reform. Revenue reform, has not been defined by any of its advocates, to my knowledge; but seems to be accepted as something which is to supply every man's wants without any cost or effort on his part.

A true revenue reform cannot be made in a day, but must be the work of national legislation and of time. As soon as the revenue can be dispensed with, all duty should be removed from coffee, tea, and other articles of universal use not produced by ourselves. The necessities of the country compel us to collect revenue from our imports. An army of assessors and collectors is not a pleasant sight to the citizen, but that or a tariff for revenue is necessary. Such a tariff, so far as it acts as an encouragement to home production, affords employment to labor at living wages, in contrast to the pauper labor of the Old World, and also in the development of home resources.

Under the act of Congress of the 15th day of July, 1870, the Army has gradually been reduced, so that, on the 1st day of January, 1871, the number of commissioned officers and men will not exceed the number contemplated by that law.

The War Department building is an old structure, not fire-proof, and entirely inadequate in dimensions to our present wants. Many thousands of dollars are now paid annually for rent of private buildings to accommodate the various Bureaus of the Department. I recommend an appropriation for a new War Department building, suited to the present and growing wants of the nation.

The report of the Secretary of War shows a very satisfactory reduction in the expenses of the Army for the last fiscal year. For details you are referred to his accompanying report.

The expenses of the Navy for the whole of the last year—*i. e.*, from December 1, 1869, the date of the last report—are less than nineteen million dollars, or about one million dollars less than they were the previous year. The expenses since the commencement of this fiscal year—*i. e.*, since July 1—show for the five months a decrease of over two million four hundred thousand dollars from those of the corresponding months of last year. The estimates for the current year were twenty-eight million two hundred and five thousand six hundred and seventy-one dollars and thirty-seven cents. Those for next year are twenty million six hundred and eighty-three thousand three hundred and seventeen dollars, with nine hundred and fifty-five thousand one hundred dollars additional for necessary permanent improvements. These estimates are made closely for the mere maintenance of the naval establishment as it now is, without much in the nature of permanent improvement. The appropriations made for the last and current years were evidently intended by Congress, and are sufficient only, to keep the Navy on its present footing by the repairing and refitting of our old ships.

This policy must, of course, gradually but surely destroy the Navy, and it is in itself far from economical, as each year that it is pursued the necessity for mere repairs in ships and navy yards becomes more imperative and more costly; and our current expenses are annually increased for the mere repair of ships, many of which must soon become unsafe and useless. I hope during the present session of Congress to be able to submit to it a plan by which naval vessels can be built and repairs made with great saving upon the present cost.

It can hardly be wise statesmanship in a government which represents a country with over five thousand miles of coast line on both oceans, exclusive of Alaska, and containing forty millions of progressive people, with relations of every nature with almost every foreign country, to rest with such inadequate means of enforcing any foreign policy, either of protection or redress. Separated by the ocean from the nations of the Eastern Continent our Navy is our only means of direct protection to our citizens abroad, or for the enforcement of any foreign policy.

The accompanying report of the Postmaster General shows a most satisfactory working of that Department. With the adoption of the recommendations contained therein, particularly those relating to a reform in the franking privilege, and the adoption of the "correspondence cards," a self-sustaining postal system may speedily be looked for, and, at no distant day, a further reduction of the rate of postage be attained.

I recommend authorization by Congress to the Postmaster General and Attorney General to issue all commissions to officials appointed through their respective Departments. At present these commissions, where appointments are presidential, are issued by the State Department. The law, in all the Departments of Government except those of

the Post Office and of Justice, authorizes each to issue its own commissions.

Always favoring practical reforms, I respectfully call your attention to one abuse of long standing, which I would like to see remedied by this Congress. It is a reform in the civil service of the country. I would have it go beyond the mere fixing of the tenure of office of clerks and employés, who do not require "the advice and consent of the Senate" to make their appointments complete. I would have it govern, not the tenure, but the manner of making all appointments. There is no duty which so much embarrasses the Executive and Heads of Departments as that of appointments; nor is there any such arduous and thankless labor imposed on Senators and Representatives as that of finding places for constituents. The present system does not secure the best men, and often not even fit men, for public place. The elevation and purification of the civil service of the Government will be hailed with approval by the whole people of the United States.

Reform in the management of Indian affairs has received the special attention of the administration from its inauguration to the present day. The experiment of making it a missionary work was tried with a few agencies given to the denomination of Friends, and has been found to work most advantageously. All agencies and superintendencies not so disposed of were given to officers of the Army. The act of Congress reducing the Army renders Army officers ineligible for civil positions. Indian agencies being civil offices, I determined to give all the agencies to such religious denominations as had heretofore established missionaries among the Indians, and perhaps to some other denominations who would undertake the work on the same terms—*i. e.*, as a missionary work. The societies selected are allowed to name their own agents, subject to the approval of the Executive, and are expected to watch over them and aid them as missionaries, to christianize and civilize the Indian, and to train him in the arts of peace. The Government watches over the official acts of these agents, and requires of them as strict an accountability as if they were appointed in any other manner. I entertain the confident hope that the policy now pursued will, in a few years, bring all the Indians upon reservations, where they will live in houses, have school-houses and churches, and will be pursuing peaceful and self-sustaining avocations, and where they may be visited by the law-abiding white man with the same impunity that he now visits the civilized white settlements. I call your special attention to the report of the Commissioner of Indian Affairs for full information on this subject.

During the last fiscal year eight million ninety-five thousand four hundred and thirteen acres of public land were disposed of. Of this quantity three million six hundred and ninety-eight thousand nine hundred and ten and five one-hundredths acres were taken under the homestead law, and two million one hundred and fifty-nine thousand

five hundred and fifteen and eighty-one one-hundredths acres sold for cash. The remainder was located with military warrants, college or Indian scrip, or applied in satisfaction of grants to railroads, or for other public uses. The entries under the homestead law during the last year covered nine hundred and sixty-one thousand five hundred and forty-five acres more than those during the preceding year. Surveys have been vigorously prosecuted to the full extent of the means applicable to the purpose. The quantity of land in market will amply supply the present demand. The claim of the settler, under the homestead or the preëmption laws, is not, however, limited to lands subject to sale at private entry. Any unappropriated surveyed public land may, to a limited amount, be acquired under the former laws if the party entitled to enter under them will comply with the requirements they prescribe in regard to the residence and cultivation. The actual settler's preference right of purchase is even broader, and extends to lands which were unsurveyed at the time of his settlement. His right was formerly confined within much narrower limits, and at one period of our history was conferred only by special statutes. They were enacted from time to time to legalize what was then regarded as an unauthorized intrusion upon the national domain. The opinion that the public lands should be regarded chiefly as a source of revenue is no longer maintained. The rapid settlement and successful cultivation of them are now justly considered of more importance to our well-being than is the fund which the sale of them would produce. The remarkable growth and prosperity of our new States and Territories attest the wisdom of the legislation which invites the tiller of the soil to secure a permanent home on terms within the reach of all. The pioneer who incurs the dangers and privations of a frontier life, and thus aids in laying the foundation of new commonwealths, renders a signal service to his country, and is entitled to its special favor and protection. These laws secure that object and largely promote the general welfare. They should, therefore, be cherished as a permanent feature of our land system.

Good faith requires us to give full effect to existing grants. The time-honored and beneficent policy of setting apart certain sections of public land for educational purposes in the new States should be continued. When ample provision shall have been made for these objects, I submit as a question worthy of serious consideration, whether the residue of our national domain should not be wholly disposed of under the provisions of the homestead and preëmption laws.

In addition to the swamp and overflowed lands granted to the States in which they are situated, the lands taken under the agricultural college acts, and for internal improvement purposes, under the act of September 1841, and the acts supplemental thereto, there had been conveyed up to the close of the last fiscal year, by patent or other equivalent title to States and corporations twenty-seven million eight hun-

dred and thirty-six thousand two hundred and fifty-seven and sixty-three one-hundredths acres for railways, canals, and wagon roads. It is estimated that an additional quantity of one hundred and seventy-four million seven hundred and thirty-five thousand five hundred and twenty-three acres is still due under grants for like uses. The policy of thus aiding the States in building works of internal improvement was inaugurated more than forty years since in the grants to Indiana and Illinois, to aid those States in opening canals to connect the waters of the Wabash with those of Lake Erie, and the waters of the Illinois with those of Lake Michigan. It was followed, with some modifications, in the grant to Illinois of alternate sections of public land within certain limits of the Illinois Central Railway. Fourteen States and sundry corporations have received similar subsidies in connection with railways completed or in process of construction. As the reserved sections are rated at the double minimum, the sale of them at the enhanced price has thus, in many instances, indemnified the Treasury for the granted lands. The construction of some of these thoroughfares has undoubtedly given a vigorous impulse to the development of our resources and the settlement of the more distant portions of the country. It may, however, be well insisted that much of our legislation in this regard has been characterized by indiscriminate and profuse liberality. The United States should not loan their credit in aid of any enterprise undertaken by States or corporations, nor grant lands in any instance, unless the projected work is of acknowledged national importance. I am strongly inclined to the opinion that it is inexpedient and unnecessary to bestow subsidies of either description; but should Congress determine otherwise, I earnestly recommend that the rights of settlers and of the public be more effectually secured and protected by appropriate legislation.

During the year ending September 30, 1870, there were filed in the Patent Office nineteen thousand four hundred and eleven applications for patents, three thousand three hundred and seventy-four caveats, and one hundred and sixty applications for the extension of patents. Thirteen thousand six hundred and twenty-two patents, including reissues and designs, were issued; one thousand and ten extended; and one thousand and eighty-nine allowed, but not issued, by reason of the non-payment of the final fees. The receipts of the office during the fiscal year were one hundred and thirty-six thousand three hundred and four dollars and twenty-nine cents in excess of its expenditures.

The work of the Census Bureau has been energetically prosecuted. The preliminary report, containing much information of special value and interest, will be ready for delivery during the present session. The remaining volumes will be completed with all the dispatch consistent with perfect accuracy in arranging and classifying the returns. We shall thus, at no distant day, be furnished with an authentic record of our condition and resources. It will, I doubt not, attest the growing prosperity of the country although, during the decade which has just

closed, it was so severely tried by the great war waged to maintain its integrity, and to secure and perpetuate our free institutions.

During the last fiscal year the sum paid to pensioners, including the cost of disbursement, was twenty-seven million seven hundred and eighty thousand eight hundred and eleven dollars and eleven cents, and one thousand seven hundred and fifty-eight bounty land warrants were issued. At its close one hundred and ninety-eight thousand six hundred and eighty-six names were on the pension rolls.

The labors of the Pension Office have been directed to the severe scrutiny of the evidence submitted in favor of new claims, and to the discovery of fictitious claims which have been heretofore allowed. The appropriation for the employment of special agents for the investigation of frauds has been judiciously used, and the results obtained have been of unquestionable benefit to the service.

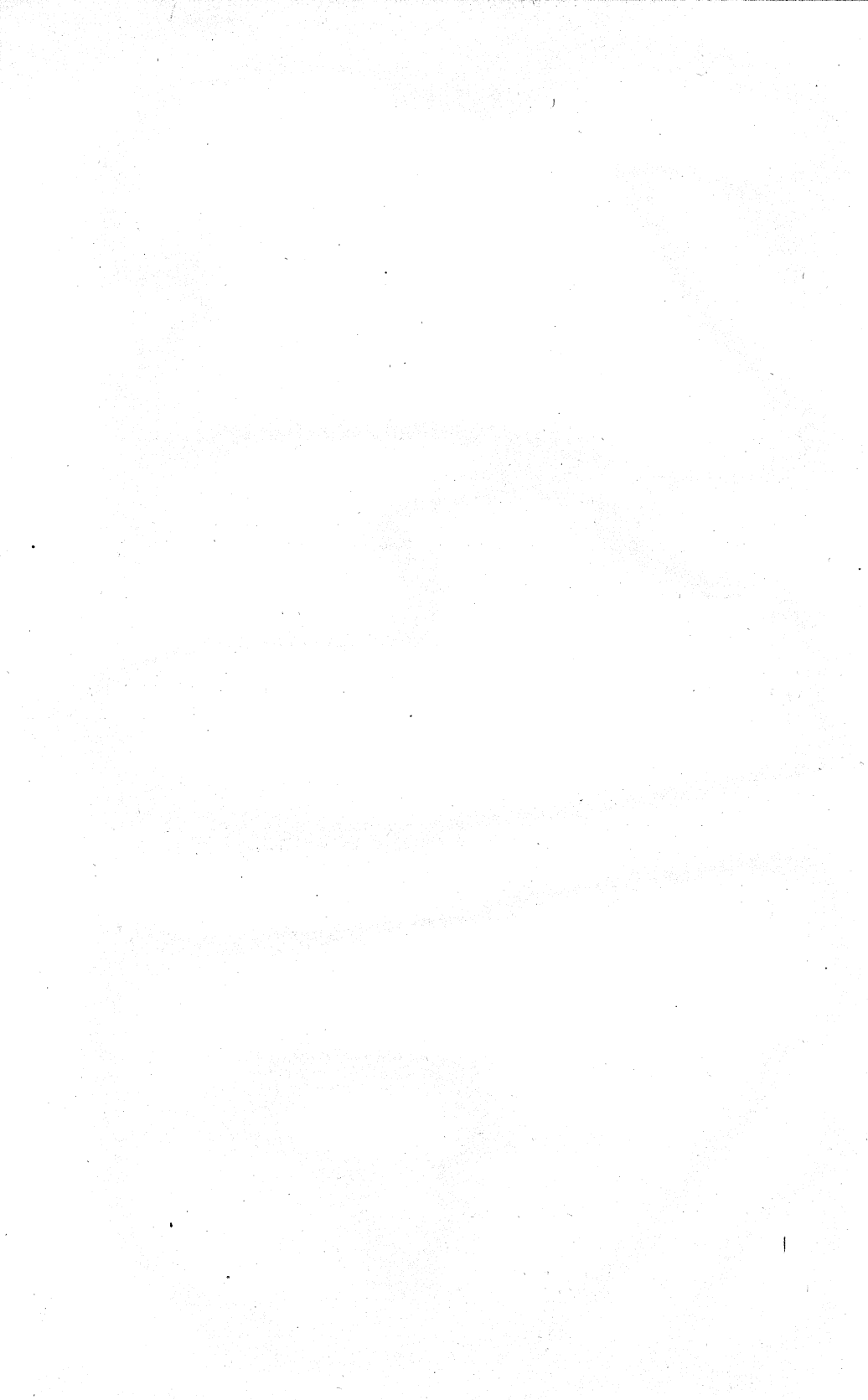
The subjects of education and agriculture are of great interest to the success of our republican institutions, happiness, and grandeur as a nation. In the interest of one a Bureau has been established in the Interior Department—the Bureau of Education; and in the interest of the other, a separate Department, that of Agriculture. I believe great general good is to flow from the operations of both these Bureaus if properly fostered. I cannot commend to your careful consideration too highly the reports of the Commissioners of Education and of Agriculture, nor urge too strongly such liberal legislation as to secure their efficiency.

In conclusion, I would sum up the policy of the administration to be a thorough enforcement of every law; a faithful collection of every tax provided for; economy in the disbursement of the same; a prompt payment of every debt of the nation; a reduction of taxes as rapidly as the requirements of the country will admit; reductions of taxation and tariff, to be so arranged as to afford the greatest relief to the greatest number; honest and fair dealings with all other peoples, to the end that war, with all its blighting consequences, may be avoided, but without surrendering any right or obligation due to us; a reform in the treatment of Indians, and in the whole civil service of the country; and, finally, in securing a pure, untrammled ballot, where every man entitled to cast a vote may do so, just once, at each election, without fear of molestation or proscription on account of his political faith, nativity, or color.

U. S. GRANT.

EXECUTIVE MANSION, *December 5, 1870.*

FOREIGN RELATIONS.



LIST OF PAPERS, WITH THEIR CONTENTS.

1. PAPERS RELATING TO THE FRANCO-GERMAN WAR.

No.	Proclamations by the President of the United States.	Page.
1	Proclamation of August 22, 1870, enjoining neutrality	45
2	Proclamation of October 8, 1870, regulating the conduct of vessels of war of either belligerent in waters within the jurisdiction of the United States.	48

AUSTRIA.

No.	From whom and to whom.	Date.	Subject.	Page.
3	Mr. Jay to Mr. Fish.	1870. Aug. 8	Austria declines French alliance. War preparations precautionary only.	49
4	.....do	Aug. 21	Austria will not join neutral league unless efforts for peace are to be made jointly.	50
5	.....do	Oct. 3	Mr. Thiers's mission to Austria. Growing importance of American opinion.	50

BELGIUM.

6	Mr. Jones to Mr. Fish.	1870. Aug. 11	Generals Sheridan and Forsyth will be welcome at German headquarters.	51
7	.....do	Sept. 1	General Sheridan's account of the battles of August 16 and 18. Belgian precautions to preserve neutrality.	51
8	.....do	Sept. 23	Belgian war measure. Probability of continuance of war.	52
9	.....do	Oct. 14	Escape of the Empress of the French	52
10	.....do	Nov. 14	Inclosing Count Bismarck's and M. Jules Favre's circulars in regard to M. Thiers's negotiations for an armistice.	53
11	.....do	Nov. 15	Inclosing a copy of Count Bismarck's circular as to the claim of the diplomatic corps to send messengers through the German lines.	56

DENMARK.

12	Mr. Yeaman to Mr. Fish.	1870. July 26	Danish neutrality. Relations between Denmark and Prussia. Inclosure: Danish proclamation of neutrality, July 25, 1870.	57
13	.....do	July 29	Danish neutrality. Inclosures: 1. Baron Rosenörn-Lehm to Mr. Yeaman, July 28, 1870. 2. Royal ordinance of May 4, 1803.	58

LIST OF DOCUMENTS.

DENMARK—Continued.

No.	From whom and to whom.	Date.	Subject.	Page.
14	Mr. Yeaman to Mr. Fish.	1870. Aug. 4	Revocation of the permission to foreign ships of war to enter the interior harbor of Copenhagen. Inclosure: Baron Rosenörn-Lehn to Mr. Yeaman, August 3, 1870.	62
15	.....do.....	Aug. 5	Danish neutrality. Visit of the Marquis of Cadore to Copenhagen.	62
16	.....do.....	Aug. 9	Same subjects	63
17	.....do.....	Aug. 13	Same subjects	64

FRANCE.

The Department of State to the United States legation in Paris.

18	Mr. Fish to Mr. Hoffman.	1870. July 16	Protection of North Germans in France....	64
19	Mr. Fish to Mr. Washburne.	July 16	As to North German steamers between Bremen and Hamburg and New York.	64
20	.....do.....	July 19	Instructions to take North Germans in France under his protection, if France consents.	65
21	Mr. Davis to Mr. Washburne.	July 25	Protection of subjects of Saxony, Hesse, &c.	65
22	.....do.....	Aug. 14	Prussian credit for removal of Germans....	65
23	.....do.....	Aug. 16	Expulsion of Germans from Paris—approval of Mr. Washburne's course. Continue to do what he can to mitigate severity of order of expulsion.	65
24	.....do.....	Aug. 16	Approving course as to subjects of Saxony and Hesse.	66
25	.....do.....	Aug. 17	Correction of telegram of previous day....	66
26	.....do.....	Aug. 30	Mr. Bancroft will be instructed to ask to have American property in France respected by German forces.	66
27	.....do.....	Sept. 6	To recognize provisional government if a <i>de facto</i> government.	67
28	.....do.....	Sept. 6	Same subject	67
29	.....do.....	Sept. 6	To tender the congratulations of the President and people of the United States on the establishment of a republic.	67
30	.....do.....	Sept. 7	Conversation with Mr. Berthemy on the state of public opinion in the United States.	67
31	.....do.....	Sept. 8	His course in protecting Germans approved by North German legation here. Explanation of mistake in telegram of August 16.	68
32	Mr. Fish to Mr. Washburne.	Sept. 9	Not the policy or interest of United States to act jointly with European powers in European questions. Mr. Bancroft instructed to ascertain whether Germany desires good offices of the United States.	68
33	.....do.....	Sept. 13	Satisfaction of the government of North Germany with Mr. Washburne's course in regard to the subjects of North Germany.	69
34	.....do.....	Sept. 15	Approval of his course as to North Germans.	69
35	.....do.....	Sept. 27	Approval of his course	69
36	.....do.....	Sept. 27	Same subject	70

FRANCE—Continued.

No.	From whom and to whom.	Date.	Subject.	Page.
37	Mr. Fish to Mr. Washburne.	1870. Oct. 4	Course of French vessels of war at and near New York.	70
38	.....do.....	Oct. 11	Inclosing the proclamation of October 8....	71
39	.....do.....	Oct. 18	Protection of American property in Paris. ...	71
40	.....do.....	Oct. 21	Approval of his course as to naturalized citizens.	72
41	.....do.....	Nov. 22	The course of the Germans in obstructing communication with the United States legation at Paris.	72

The United States legation in Paris to the Department of State.

42	Mr. Hoffman to Mr. Fish.	1870. July 15	Protection of Prussian subjects	73
43	.....do.....	July 18	Same subject	73
44	.....do.....	July 18	North German steamers. Protection of North German subjects in France. Neutrality of Belgium.	73
45	Mr. Washburne to Mr. Fish.	July 19	Declaration of war. Prussian archives in United States protection. Saxony asks same.	74
46	.....do.....	July 21	Refusal to exempt North German steamers from capture.	74
47	.....do.....	July 22	Same subject. Inclosures: 1. Mr. Hoffman to the Duc de Gramont, July 17, 1870. 2. Duc de Gramont to Mr. Hoffman, July 21, 1870.	74
48	.....do.....	July 22	Protection of North German archives. North Germans leaving France, correspondence as to. Inclosures: A. Mr. Washburne to the Duc de Gramont, July 21, 1870. B. Mr. Hoffman to the Duc de Gramont, July 17, 1870. C. Duc de Gramont to Mr. Hoffman, July 18, 1870.	76
49	.....do.....	July 24	Protection of North Germans and Saxons. Hesse Grand-Ducal and Saxe-Coburg-Gotha ask same.	78
50	.....do.....	July 26	Same subject. Inclosures: 1. Baron de Lüttichau to Mr. Washburne, July 20, 1870. 2. Mr. Washburne to Duc de Gramont, July 20, 1870. 3. Mr. Desprez to Mr. Washburne, July 21, 1870.	78
51	.....do.....	July 26	Same subject. Inclosures: 1. Count d'Euzenberg to Mr. Washburne, July 23, 1870. 2. Mr. Washburne to the Duc de Gramont, July 23, 1870. 3. Duc de Gramont to Mr. Washburne, July 25, 1870.	79
52	.....do.....	July 29	Further correspondence as to departure of North Germans from France. Inclosures: 1. Duc de Gramont to Mr. Washburne, July 23, 1870. 2. Mr. Washburne to the Duc de Gramont, July 25, 1870.	80
53	.....do.....	July 29	United States consuls in France to assume the care of North German consulates. In closure: Circular from the legation July 28, 1870.	83
54	.....do.....	July 29	General news. The secret treaty. Inclosures: 1. Decree making the Empress regent. 2. Extracts from the Journal Officiel.	84

LIST OF DOCUMENTS.

FRANCE—Continued.

No.	From whom and to whom.	Date.	Subject.	Page.
55	Mr. Washburne to Mr. Fish.	1870. July 29	Subjects of Bavaria, Württemberg, and Baden under Swiss protection.	86
56	.....do.....	Aug. 5	The secret treaty. Inclosure: Circular dispatch of the Duc de Gramont, August 3, 1870.	86
57	.....do.....	Aug. 8	General. Effect of the news of the battles of Worth and Wissembourg on Paris.	88
58	.....do.....	Aug. 11	Subjects of North Germany desire certificates of protection. Inclosures: 1. Mr. Washburne to the Duc de Gramont, July 30, 1870. 2. Duc de Gramont to Mr. Washburne, August 5, 1870.	91
59	.....do.....	Aug. 12	Expulsion of North Germans from France. Many too poor to leave without aid—asking for a credit to aid such.	92
60	.....do.....	Aug. 12	Protection of North German subjects. Concerted action of Mr. Washburne with the Swiss and Russian ministers.	92
61	.....do.....	Aug. 12	The new ministry. Inclosure of names	93
62	.....do.....	Aug. 15	Condition of North Germans in Paris. Receipt of credit of 50,000 thalers. Mode of disposing of it.	94
63	.....do.....	Aug. 16	The detention of the persons of North Germans in France. Inclosures: 1. The Duc de Gramont to Mr. Washburne, August 3, 1870. 2. Mr. Washburne to the Duc de Gramont, August 9, 1870.	94
64	.....do.....	Aug. 19	Blockade of the North German coast. Inclosure: Official notice August 17, 1870.	98
65	.....do.....	Aug. 22	Protection of North Germans; their expulsion from France. Narrative of steps taken by Mr. Washburne. Inclosures: 1. Debate in the Corps Législatif August 12, 1870. 2. Mr. Washburne to the Prince de la Tour d'Auvergne, August 17, 1870.	99
66	.....do.....	Aug. 26	German complaints of violations of flags of truce. Inclosures: 1. Mr. Washburne to the Prince de la Tour d'Auvergne, August 23, 1870, transmitting a copy of a dispatch from Mr. Motley dated July 22, 1870. 2. Prince de la Tour d'Auvergne to Mr. Washburne, August 23, 1870.	105
67	.....do.....	Aug. 26	Americans leaving Paris. Germans pressing upon the legation in consequence of General Trochu's proclamation. Inclosure: Copy of that proclamation August 24, 1870.	106
68	.....do.....	Aug. 29	Excitement of Germans. Legation crowded. Mr. Washburne acting in concert with Bavarian minister. Their interview with Mr. Chevereau. Mr. Washburne's interview with the Prince de la Tour d'Auvergne. Inclosure: General Trochu's proclamation, August 23, 1870.	107
69	.....do.....	Aug. 31	Blockade. Inclosing notice from the Journal Officiel of August 30, 1870.	108
70	.....do.....	Sept. 2	Franc-tireurs not considered soldiers. Violations of flags of truce. Inclosures: Mr. Washburne to Prince de la Tour d'Auvergne. Two notes transmitting dispatches from Count Bismarek to Count Bernstorff, received through Mr. Motley.	109

LIST OF DOCUMENTS.

27

FRANCE—Continued.

No.	From whom and to whom.	Date.	Subject.	Page.
71	Mr. Washburne to Mr. Fish.	1870. Sept. 2	Most of the Germans have left Paris. Number of passports issued, and of persons forwarded.	110
72	.....do	Sept. 3	Defeat of McMahon.....	110
73	.....do	Sept. 5	Provisional government to be appointed.....	111
74	.....do	Sept. 5	Proclamation of republic.....	111
75	.....do	Sept. 5	Names of the members of the provisional government. Paris quiet. Instructions asked for.	111
76	.....do	Sept. 5	New government installed. Paris tranquil.	111
77	.....do	Sept. 5	Description of the events that had taken place in Paris since the surrender of McMahon.	112
78	.....do	Sept. 9	His recognition of the republic. Interview with M. Jules Favre. Telegram to Department. Inclosures: 1. Mr. Washburne to M. Favre, September 7, 1870. 2. M. Favre to Mr. Washburne, September 8, 1870.	115
79	.....do	Sept. 9	A tribute of the French to Mr. Washburne. Inclosures: 1. Address to Mr. Washburne. 2. Mr. Washburne's reply.	118
80	.....do	Sept. 9	Election ordered for a constituent assembly. Inclosure: Decree by the provisional government September 8, 1870.	118
81	.....do	Sept. 12	Mr. Washburne asked by France to interpose his good offices unofficially. Instructions asked for.	119
82	.....do	Sept. 13	Mr. Washburne asked to interfere, unofficially, to ascertain the views of the Prussian government as to peace. He declines, under instructions.	119
83	.....do	Sept. 13	Government to remain in Paris. Mr. Washburne will remain.	120
84	.....do	Sept. 14	Stupendous preparations for defense.....	120
85	.....do	Sept. 20	Communication with Paris cut. Some of the diplomatic corps gone to Tours without consultation with the other members.	120
86	.....do	Sept. 21	Protection of naturalized German citizens. Inclosures: 1. Messrs. Hecht, &c., to Mr. Washburne, August 29, 1870. 2. Mr. Washburne to Messrs. Hecht, &c., August 31, 1870.	121
87	.....do	Sept. 26	Proceedings of the diplomatic corps. Inclosure: Meeting of the diplomatic corps September 23, 1870.	122
88	.....do	Sept. 30	Mr. Washburne requested to accord the protection of the United States to the arms, flags, residences, &c., of the consulates of Uruguay, Dominica, Costa Rica, Ecuador, Chili, Paraguay, and Venezuela. He accepts the trust. Inclosures: 1. Consuls of those countries to Mr. Washburne, September 22. 2. Mr. Washburne to the minister for foreign affairs, September 24. 3. The minister for foreign affairs to Mr. Washburne, September 26. 4. Mr. Washburne to the consuls, September 30.	123
89	.....do	Oct. 3	Visit of General Burnside and Mr. Forbes. Change of things in Paris. No decision of diplomatic corps as to remaining. Mr. Washburne will remain.	126

LIST OF DOCUMENTS.

FRANCE—Continued.

No.	From whom and to whom.	Date.	Subject.	Page.
90	Mr. Washburne to Mr. Fish.	1870. Oct. 4	Prussian authorities' reply to request of diplomatic corps that couriers may pass the lines, that it will be granted only on condition that the dispatches are unsealed and subject to inspection. The diplomatic corps unanimously refuse to accept the condition.	126
91	.....do	Oct. 8	Same subject. Inclosure: Account of the proceedings of the diplomatic corps at a meeting held October 6.	127
92	.....do	Oct. 18	Americans desiring to leave Paris. Inclosure: Mr. Favre to Mr. Washburne, October 18, 1870.	129
93	.....do	Oct. 24	United States protection extended to citizens of Colombia and of Portugal.	130
94	.....do	Oct. 24	Permission granted to Americans to leave Paris. Inclosure: Form of passport.	131
95	.....do	Oct. 31	Forty-eight Americans have left Paris. Inclosures: 1. Mr. Ward to Mr. Washburne, October 27, 1870. 2. List of Americans who left Paris October 27, 1870.	132
96	.....do	Oct. 31	Inclosing a note from Count Bismark to Mr. Washburne upon the situation of Paris.	133
97	.....do	Oct. 31	Attempted revolution in Paris. "Government of the commune."	133

Correspondence between the Department of State and the French legation in Washington.

98	Mr. Berthemy to Mr. Davis.	1870. Aug. 3	Inclosing the declaration made to the Senate and Corps Legislatif July 20, 1870, by the minister of foreign affairs.	134
99	Mr. Davis to Mr. Berthemy.	Aug. 6	Acknowledging the receipt of the declaration made July 20 to the Senate and Corps Legislatif.	135
100	Mr. Berthemy to Mr. Fish.	Aug. 3	Informing this government of the declaration of war, and that it will be conducted, as to the United States, conformably to the principles set forth in the declaration of the congress of Paris of April 16, 1856.	135
101	Mr. Davis to Mr. Berthemy.	Aug. 6	Acknowledging the receipt of the declaration of war. Satisfaction of the President at learning that the principles for which the United States have contended are to be observed. The United States will observe a strict neutrality.	136
102	Duc de Gramont to Mr. Berthemy.	July 24	[Communicated August 17, 1870, by Mr. Berthemy.] Comments upon the published North German accounts of the candidacy of the Prince of Hohenzollern.	137
103	M. Jules Favre to Mr. Berthemy.	.....	[Communicated by the French legation September 8, 1870.] Circular upon the causes of the war and the policy to be pursued by France.	139

LIST OF DOCUMENTS.

29

FRANCE—Continued.

No.	From whom and to whom.	Date.	Subject.	Page.
104	Mr. Berthemy to to Mr. Fish.	1870. Sept. 16	In refutation of the charge that the French have voluntarily set aside, in the present war, the rules of international law. Inclosures: 1. Prince de la Tour d'Auvergne to Mr. Berthemy, August 31, 1870. 2. Same to same, August 31, 1870. 3. Same to same, September 2, 1870.	140
105	Mr. Fish to Mr. Berthemy.	Sept. 19	Acknowledging receipt of communication in refutation of the charge that the French had voluntarily disregarded the rules of international law in the war. A copy will be transmitted to the North German minister at Washington.	143

Correspondence between the Department of State and the United States consulate general in Paris

106	Mr. Read to Mr. Fish.	1870. Aug. 15	Paper money depreciating. Asks instructions.	143
107	Mr. Davis to Mr. Read.	Aug. 16	Secretary Treasury says take gold	144
108	Mr. Read to Mr. Davis.	Aug. 17	No gold to be had.....	144
109	.....do	Aug. 18	Same subject. Advises taking silver. Asks leave to bank with Hottinguer.	144
110	.....do	Aug. 18	The treasury regulations produce great inconvenience and are unpopular with the French. Applications made by French to receive property for protection and declined.	144
111	Mr. Davis to Mr. Read.	Aug. 18	Treasury decides to require money as heretofore or its equivalent in currency. So instruct consuls.	146
112	Mr. Read to Mr. Davis.	Aug. 19	Telegram satisfactory. Can he bank with Rothschilds or Hottinguer.	146
113	Mr. Davis to Mr. Read.	Aug. 20	Bank with Munroe & Co. Instructions as to funds.	146
114	Mr. Read to Mr. Davis.	Aug. 24	Same subject. North German consulates...	146
115	Mr. Davis to Mr. Read.	Aug. 31	Authorized to employ additional clerks. Refusal to receive French property for protection approved. If private property is received it must be without liability on the part of the Government.	147
116	Mr. Read to Mr. Fish.	Sept. 16	Reply to the Department's instructions of August 31. Government exempted from liability for property received for safe-keeping. Americans have been invited to register themselves at the consulate, and branch offices have been opened at consul's residence, &c.	148
117	Mr. Davis to Mr. Read.	Oct. 4	Approval of his energy and zeal. Doubtful whether branch offices of a consulate can be established in the same city.	149

LIST OF DOCUMENTS.

GREAT BRITAIN.

No.	From whom and to whom.	Date.	Subject.	Page.
118	Mr. Fish to Mr. Motley.	1870. July 16	Telegram for Mr. Bancroft about protection of North Germans in France.	150
119	Mr. Motley to Mr. Fish.	July 21	Inclosing British neutrality proclamation. Inclosure: The Queen's proclamation, July 19, 1870.	150
120	.....do.....	Aug. 3	Inclosing debate on the foreign enlistment bill. Inclosure: Report of debate in the Times of August 2.	152
121	.....do.....	Aug. 9	Copy of the British foreign enlistment act.	158
122	.....do.....	Aug. 11	Employment of General Lee by the French.	164
123	.....do.....	Aug. 18	Views of British government as to contraband of war. Inclosure: Lord Granville's circular of August 11, 1870.	164
124	.....do.....	Oct. 1	French report of interview between M. Favre and Count Bismarck. Inclosure: Translation of M. Favre's account of same, September 21, 1870.	166
125	.....do.....	Oct. 6	British neutrality; contraband of war. Inclosures: Count Bernstorff to Lord Granville, September 1, 1870; Lord Granville to Count Bernstorff, September 15, 1870.	170
126	.....do.....	Oct. 13	Forwarding telegram from Mr. Washburne.	176
127	.....do.....	Oct. 15	British neutrality. Inclosure: Count Bernstorff to Lord Granville, October 8, 1870.	177
128	.....do.....	Oct. 23	British efforts for an armistice.....	183
129	.....do.....	Nov. 1	British neutrality. Inclosure: Lord Granville to Count Bernstorff, October 21, 1870.	183
130	.....do.....	Nov. 15	Send word to Washburne that he and Read can leave Paris when they choose. Write Bancroft to same effect.	187

JAPAN.

131	Mr. De Long to Mr. Fish.	1870. Oct. 10	Neutrality of Japan. Inclosures: 1. The Japanese ministers to Mr. De Long. 2. Japanese proclamation of neutrality.	181
-----	--------------------------	------------------	--------------------------------------------------------------------------------------------------------------------	-----

NORTH GERMANY.

The Department of State to the United States legation at Berlin.

132	Mr. Davis to Mr. Bancroft.	1870. Aug. 9	North German mail steamships.....	189
133	.....do.....	Aug. 13	Expulsion of Germans from France. Will Prussia place credit at Washburne's disposal.	189
134	.....do.....	Aug. 14	Same subject. News of credit sent to Washburne.	190
135	.....do.....	Aug. 16	Same subject.....	190
136	.....do.....	Aug. 17	Same subject. Inclosing a copy of Mr. Washburne's No. 238, and saying that his course has been approved.	191

NORTH GERMANY—Continued.

No.	From whom and to whom.	Date.	Subject.	Page.
137	Mr. Davis to Mr. Bancroft.	1870. Aug. 23	Mr. Washburne has been instructed to employ such additional clerical force as may be necessary. The offer of the Prussian government to bear the expense is declined.	191
138	.....do.....	Aug. 23	Acknowledging the receipt of Mr. Bancroft's No. 118, with the secret treaty. He will inquire when the proposition was made and why it was not sooner made known.	191
139	.....do.....	Aug. 23	Inclosing a copy of Mr. Washburne's No. 253, as to the steps taken for the protection of North Germans in France.	192
140	.....do.....	Aug. 25	Inclosing Mr. Washburne's No. 251, relative to a certificate of protection desired by Germans resident in France.	192
141	.....do.....	Aug. 30	Protection of American property in Paris in event of capture.	192
142	Mr. Fish to Mr. Bancroft.	Sept. 9	France asks good offices of United States jointly with other powers. Not the policy or interest of United States to act jointly. Ascertain if North Germany desires good offices of United States, but without tendering same unless they will be accepted.	193
143	.....do.....	Sept. 16	Inclosing Mr. Washburne's No. 266, on the expulsion of Germans from Paris.	193
144	.....do.....	Sept. 22	The French reply to the charge that France has disregarded the rules of international law in the present war.	193
145	.....do.....	Sept. 23	Communication between the belligerents through the legations of the United States is approved.	194
146	.....do.....	Sept. 30	Reasons for non-intervention. President hopes for peace. Will not express an opinion as to terms. Hopes there will be no extreme demands.	194
147	.....do.....	Oct. 28	Authorized to obtain recognition of the principle of exemption of private property on high seas from capture.	194
148	.....do.....	Nov. 11	The refusal to permit couriers to carry unsealed dispatches through the German lines not acquiesced in by this Government. Discussion of the question.	195
149	.....do.....	Nov. 22	Inclosing a copy of a note (November 21, 1870) to Baron Gerolt on obstructions to intercourse with the United States legation at Paris.	196

The United States legation at Berlin to the Department of State.

150	Mr. Bancroft to Mr. Fish.	1870. July 16	Declaration of war. No excuse for it. North German mail steamships. Enthusiasm in Germany.	197
151	.....do.....	July 27	The secret treaty. It is in the handwriting of Mr. Benedetti. Inclosure: Copy of the treaty.	198

LIST OF DOCUMENTS.

NORTH GERMANY—Continued.

No.	From whom and to whom.	Date.	Subject.	Page.
152	Mr. Bancroft to Mr. Fish.	1870. July 28	Prussian government desires to pay for such assistance as Mr. Washburne may be obliged to employ.	200
153	.....do	Aug. 2	Count Bismarck's circular as to the Benedetti project. Great Britain to protect French in Germany. Inclosure: Circular, Berlin, July 29, 1870.	200
154	Mr. Bancroft to Mr. Davis.	Aug. 14	Prussian credit for Washburne. War news.	202
155	Mr. Bancroft to Mr. Fish.	Aug. 15	Expulsion of Germans from France. Prussian credit for Washburne. Inclosure: Mr. Bancroft to Mr. Washburne, August 14, 1870.	203
156	.....do	Aug. 22	Same subject. Satisfaction in Germany with Mr. Washburne's course. Inclosure: Mr. Von Thile to Mr. Bancroft, August 20, 1870.	203
157	.....do	Sept. 1	French blockade ineffectual. Inclosure: Mr. Brockmann to Mr. Bancroft, August 31, 1870.	204
158	Mr. Bancroft to Mr. Davis.	Sept. 3	Surrender of McMahon.....	205
159	Mr. Bancroft to Mr. Fish.	Sept. 6	Correspondence between French and Germans through the American legations. How conducted. Inclosures: 1. Mr. Von Thile to Mr. Bancroft, September 5, 1870. 2. Mr. Bancroft to Mr. Motley, September 5, 1870.	205
160	.....do	Sept. 11	Not the time for American intervention....	206
161	.....do	Sept. 16	The French blockade.	207
162	.....do	Sept. 21	Views entertained by allied governments as to peace.	207
163	.....do	Sept. 22	The French blockade a paper one. Inclosures: 1. Affidavit of Captain Filts, September 21, 1870. 2. Certificate of Commander Claassen, September 17, 1870.	508
164	.....do	Sept. 24	Conditions of peace. Progress of the war. Negotiations with M. Favre. Reconstruction of government in France and Germany. Number of German troops in France. Inclosure: Count Bismarck's circular September 23, 1870.	209
165	.....do	Sept. 29	Protection of American property in Paris. Inclosure: Mr. Von Thile to Mr. Bancroft, September 28, 1870.	213
166	.....do	Sept. 29	Terms of truce offered by Bismarck.....	214
167	.....do	Oct. 3	Count Bismarck's interview with M. Favre.	215
168	.....do	Oct. 5	Germany will make exemption from capture of private property on high seas a condition of peace. Asks authority to negotiate on the part of the United States for the recognition of the principle by North Germany.	215
169	.....do	Nov. 10	Causes of delay in the operations against Paris.	215

NORTH GERMANY—Continued.

Correspondence between the Department of State and the North German legation in Washington.

No.	From whom and to whom.	Date.	Subject.	Page.
170	Baron Gerolt to Mr. Fish.	1870. July 18	Asking that United States legation at Paris may be authorized to protect Germans in France.	216
171	.....do	July 19	Communicating determination of North German government to exempt private property on the high seas from seizure.	216
172	Mr. Fish to Baron Gerolt.	July 22	Satisfaction at receipt of news in above note.	217
173	Mr. Davis to Baron Gerolt.	July 25	Inclosing copy of a dispatch from Mr. Washburne concerning the position of France as to the declaration of Paris.	218
174	Baron Gerolt to Mr. Fish.	July 25	Acknowledging receipt of intelligence of refusal by French government to exempt German vessels from capture.	218
175	.....do	Aug. 11	The motives and causes of the war. Inclosures: 1. A statement of what took place at Ems. 2. Official report of aides-de-camp of King of Prussia. 3. Count Bismarck to Baron Gerolt, July 19, 1870. 4. Declaration of war by France.	219
176	.....do	Aug. 26	Alleged violation of flags of truce. Inclosures: 1. M. Von Thile to Baron Gerolt, August 26, 1870. 2. M. Von Thile to Baron Gerolt, August 22, 1870.	221
177	.....do	Aug. 29	Alleged secret treaty between Count Bismarck and Mr. Benedetti. Efforts of the Pope in behalf of peace. Inclosures: 1. M. Von Thile to Baron Gerolt, August 10, 1870, and inclosures. 2. The Pope to the King of Prussia, July 22, 1870. 3. The King of Prussia to the Pope, July 30, 1870.	222
178	Mr. Davis to Baron Gerolt.	Sept. 8	Acknowledging receipt of note of August 29.	224
179	Mr. Fish to Baron Gerolt.	Sept. 16	Transmitting copy of Mr. Washburne's No. 266 relative to the protection of North Germans in Paris.	225
180	Baron Alvensleben to Mr. Fish.	Sept. 16	The North German government will gratefully see with what earnestness and zeal Mr. Washburne has exerted himself in behalf of distressed Germans.	225
181	Baron Gerolt to Mr. Fish.	Oct. 12	Alleged violations of international law by French troops. Inclosure: Mr. Von Thile to Baron Gerolt, September 27, 1870.	226
182	.....do	Oct. 15	Alleged violations of international law by German troops. Inclosure: Mr. Von Thile to Baron Gerolt, September 27, 1870.	227
183	.....do	Oct. 17	Negotiations between Count Bismarck and Mr. Favre. Inclosure: Count Bismarck to Baron Gerolt, September 27, 1870.	228
184	Mr. Fish to Baron Gerolt.	Oct. 19	Acknowledging the note of October 12.	230
185	.....do	Oct. 22	Acknowledging the note of October 15.	231
186	.....do	Oct. 22	Acknowledging the note of October 17.	231
187	Baron Gerolt to Mr. Fish.	Oct. 29	Fatal consequences to the people of Paris from a continuance of the siege. Inclosure: Official memorial relating thereto, forwarded to Baron Gerolt by Count Bismarck.	231
188	Mr. Fish to Baron Gerolt.	Nov. 1	Acknowledging the note of October 29.	232

LIST OF DOCUMENTS.

PERU.

No.	From whom and to whom.	Date.	Subject.	Page.
189	Mr. Brent to Mr. Fish.	1870. Oct. 27	Neutrality of Peru.....	223

RUSSIA.

190	Mr. Schuyler to Mr. Fish.	1870. Aug. 17	Views entertained in Russia as to the war. Russian neutrality.	233
191	.....do.....	Aug. 26	Same subjects. Armament of Russia	235

SWITZERLAND.

192	Mr. Rublee to Mr. Fish.	1870. July 25	Swiss neutrality. Arming of Switzerland. The occupation of the Chablais.	235
-----	-------------------------	------------------	--------------------------------------------------------------------------	-----

SPAIN.

193	Mr. Sickles to Mr. Fish.	1870. Sept. 16	Effect of the Prussian successes and of the proclamation of the republic on Spain. The influence of the United States.	236
-----	--------------------------	-------------------	------------------------------------------------------------------------------------------------------------------------	-----

TURKEY.

194	Mr. Morris to Mr. Fish.	1870. Sept. 2	Turkish neutrality a necessity. Policy of Russia. The Viceroy of Egypt. Roumania. Republics in Europe. Increasing influence of the United States.	237
-----	-------------------------	------------------	---------------------------------------------------------------------------------------------------------------------------------------------------	-----

II.—CORRESPONDENCE RELATING TO THE PROPOSED UNIFICATION OF GOLD COINAGE.

No.	From whom and to whom.	Date.	Subject.	Page.
195	Mr. Fish to Mr. Motley, Mr. Washburne, Mr. Bancroft, &c.	1870.	(Circular.) The adoption of a common unit and standard of international gold coinage.	240
196	Mr. Bancroft to Mr. Fish.	July 2	The Germans strongly incline to the five and twenty franc gold piece with decimal variations. Inclosure: A paper, without date or signature, received by Mr. Bancroft from the North German government in reply to the American circular.	251

III.—CORRESPONDENCE CONCERNING THE CONDITION OF THE COMMERCIAL RELATIONS BETWEEN THE UNITED STATES AND THE SPANISH AMERICAN STATES AND BRAZIL.

No.	From whom and to whom.	Date.	Subject.	Page.
197	Circular from the Department of State to ministers and consuls in the Spanish-American States and Brazil.	1870. Aug. 19	Inclosing copy of a report from the Secretary of State to the Senate, July 14, 1870, on the political causes of the decline of the commerce of the United States with the Spanish-American States, and instructing them to communicate any facts or suggestions on the subject which they may deem useful.	254
198	Mr. Long to Mr. Fish.	Sept. 12	Report as to the consulate at Panama.....	261
199	Mr. Columbus to Mr. Fish.	Sept. 24	Report as to the consulate at Payta, Peru ..	263
200	Mr. Moreau to Mr. Hunter.	Sept. 25	Report as to the consulate at San Luis Potosi, Mexico.	264
201	Mr. Moye to Mr. Fish.	Sept. 30	Report as to the consulate at Chihuahua, Mexico.	265
202	Mr. Rand to Mr. Fish.	Sept. 30	Report as to the consulate at La Paz, Bolivia.	268
203	Mr. Trowbridge to Mr. Hunter.	Oct. 3	Report as to the consulate at Vera Cruz....	274
204	Mr. Stevens to Mr. Fish.	Oct. 5	Report as to the countries of the Rio de la Plata.	278
205	Mr. Torbert to Mr. Fish.	Oct. 6	Report as to the republic of San Salvador..	280
206	Mr. Smith to Mr. Fish.	Oct. 9	Report as to the consulate at Tumbes, Peru.	282
207	Mr. Blow to Mr. Fish.	Oct. 20	Report as to the empire of Brazil	283
208	Mr. Hoyt to Mr. Hunter.	Oct. 21	Report as to the consulate at Minatitlan, Mexico.	288
209	Mr. Bragdon to Mr. Fish.	Oct. 25	Report as to the consulate at Guayaquil....	289
210	Mr. Nelson to Mr. Fish.	Oct. 28	Transmitting report of acting consul at Aguas Calientes.	290
211	Mr. Bond to Mr. Fish.	Nov. 3	Report as to the consulate at Para, Brazil..	291
212	Mr. Nelson to Mr. Fish.	Nov. 4	Report as to the republic of Mexico.....	295

IV.—MISCELLANEOUS CORRESPONDENCE RELATING TO FOREIGN AFFAIRS.

AUSTRIA.

213	Mr. Jay to Mr. Fish.	1870.	Internal condition of the Austro-Hungarian empire. Criticism upon Mr. Bancroft's dispatch No. 80, dated April 18, 1870.	298
-----	----------------------	----------------	-------------------------------------------------------------------------------------------------------------------------	-----

LIST OF DOCUMENTS.

CHILI.

No.	From whom and to whom.	Date.	Subject.	Page.
214	Gen. Kilpatrick to Mr. Fish.	1870. April 9	Reason for the delay in sending a minister from Chili to Washington.	302

CHINA.

215	Mr. Fish to Mr. Low.	1869. Dec. 3	Policy of the United States toward China explained in a dispatch to Mr. Bancroft last summer. Policy of 1868 adhered to. The rights acquired by treaty to be insisted on. American citizens and property to be protected. Inclosures: Mr. Fish to Mr. Bancroft, August 31, 1869, in which the relations between the United States and China are reviewed at length. (Several inclosures in that dispatch.)	303
216	Baron Gerolt to Mr. Fish.	1870. Feb. 19	Proposing combined action of the maritime powers for the extermination of piracy. Inclosure: Count Bismarek to Baron Gerolt, January 29, 1870.	329
217	.....do.....	Feb. 25	Same subject.....	330
218	.....do.....	Mar. 28	Same subject. The British forces will cooperate.	331
219	Mr. Fish to Baron Gerolt.	Mar. 31	President takes pleasure in complying with Count Bismarek's request. Cooperation to be limited to cases of recognized piracy.	331
220	Mr. Fish to the Secretary of the Navy.	April 4	Requesting instructions to be given to Admiral Rogers to cooperate with the other maritime powers for the suppression of piracy. Objects of the cooperation and how it is to be carried out. Expedition to Corea for the negotiation of a treaty for the protection of shipwrecked sailors of the United States.	331
221	Mr. Fish to Mr. Low.	April 20	Coöperative action of the maritime powers for the suppression of piracy.	334
222	.....do.....	April 20	Instructions for proceeding to Corea for the purpose of negotiating a treaty for the protection of American seamen. Inclosure: Five dispatches of Mr. George F. Seward to Mr. W. H. Seward, numbered respectively 281, 282, 292, 294, and 317.	334
223	Mr. George F. Seward to Mr. Fish.	April 22	A comprehensive review of the political and commercial relations between the United States and China.	339
224	Mr. Low to Mr. Fish.	June 27	The riot at Tientsin; causes thereof. Inclosures: A. Joint dispatch of the representatives of the treaty powers to Prince Kung, June 24, 1870. B. Prince Kung to Mr. Low, June 25, 1870. C. An imperial decree, June 26. D. Mr. Meadows to Mr. Low, June 22, 1870. E. Mr. Meadows to Mr. Low, June 24, 1870.	355
225	.....do.....	July 16	Relations between China and Corea.....	362

CHINA—Continued.

No.	From whom and to whom.	Date.	Subject.	Page.
226	Mr. Low to Mr. Fish.	1870. July 27	The riot at Tientsin; further accounts of the same. Inclosures: A. Mr. Fontainier to Count Rochechouart, June 21, 1870. B. Ma Sin to the foreign office. C. Prince Kung to the representatives of foreign powers, June 26, 1870. D. Prince Kung to Mr. Low, June 29, 1870. E. Mr. Low to Prince Kung, June 30, 1870. F. Prince Kung to Mr. Low, June 29, 1870. G. Proclamation of Tsang-Kwoh-fau, July 10, 1870. Report of Tsang-Kwoh-fau respecting the Tientsin riot, July 14, 1870.	363
227	.....do.....	Aug. 18	Same subject. Views of the Protestant missionaries. Criticism on the same. Inclosures: 1. Mr. Stanley to Mr. Low, July 9, 1870. 2. Mr. Stanley to Captain Taylor, August 12, 1870. 3. Extract from Shanghai Courier of July 29, 1870.	371
228	.....do.....	Aug. 22	The same subject. Demands of the French chargé d'affaires. The condition of things unsatisfactory.	377
229	.....do.....	Aug. 24	Same subject. Excitement continues. Condition at Swatow. Importance of an official denial of the stories that caused the riots. Offensive proclamation of the magistrate of Tientsin. Delay in punishing offenders does not promise well for the future. Fans sold in Tientsin with pictures of the riots. Mr. Low's continued efforts with the Chinese government. Inclosures: A. Mr. Ashman to Mr. Low, July 25, 1870. B. Prince Kung to Mr. Low, July 29, 1870. C. Proclamation of the prefect of Tientsin, June 10, 1870. D. Prince Kung, August 10, 1870.	378
230	.....do.....	Sept. 17	Departure of the missionaries from Chefa. Mr. Low thinks it precipitate and uncalled for. Inclosures: A. Mr. Capp to Mr. Low, September 2, 1870. B. Mr. Nevins to Mr. Holmes, August 29, 1870. C. Report of the British consul, September 2, 1870. D. Mr. Holmes to Admiral Kellett, August 31, 1870. E. Admiral Kellett to Mr. Holmes, August 31, 1870. F. Mr. Holmes to Admiral Kellett, August 31, 1870. G. Admiral Kellett to Mr. Holmes, August 31, 1870. H. Mr. Mateer to Mr. Hollwill, August 30, 1870. I. Mr. Low to Mr. Capp, &c., September 14, 1870. J. Mr. Low to Mr. Wade, September 17, 1870. K. Proclamation of the prefect of Tung-Chow, September 2, 1870. L. Proclamation of chief military mandarin of Tung-Chow, September 2, 1870.	383
231	.....do.....	Sept. 26	Withdrawal of the missionaries from Tung-Chow. General views on the situation. Effect of the news of the surrender of Sedan. Meeting of the diplomatic corps. Inclosures: A. Mr. Low to Prince Kung, September 3, 1870. B. Prince Kung to Mr. Low, September 24, 1870. C. Prince Kung to Mr. Low, September 11, 1870.	391

CHINA—Continued.

No.	From whom and to whom.	Date.	Subject.	Page.
232	Mr. Fish to Mr. Motley.	1870. Nov. 1	Instructions to telegraph to Bancroft to ascertain whether hostilities would be suspended in Chinese waters and coöperative action had for protection of lives and property; and if answer favorable to communicate Washburne, who would make same proposals to French government. Also, to inform Lord Granville, verbally, of his action.	396
233	Mr. Motley to Mr. Fish.	Nov. 2	Lord Granville says what is proposed has already been done.	396
234	.....do.....	Nov. 3	Modifying telegram of the day before	396
235	Mr. Davis to Mr. Bancroft.	Nov. 8	Further instructions on same subject	397
236	Mr. Bancroft to Mr. Fish.	Nov. 2	North German government accepts the policy of this government. Mr. Bancroft will communicate with Mr. Washburne.	398
237	Mr. Fish to Mr. Low.	Nov. 29	His representations to Prince Kung are regarded as too strong an assurance of forbearance.	398
238	Admiral Rogers to Mr. Robeson.	Oct. 8	He proposes to send the missionaries back to Tung-Chow in the Benicia.	398
239	Mr. Fish to Mr. Low.	Dec. 1	Mr. Moran will be instructed to thank the British government for the removal of the American residents from Tung-Chow.	399

GREAT BRITAIN.

A.—The northwestern boundary.

240	Secretary of War to Secretary of State.	1870. Nov. 18	Inclosing copies of the reports asked for, which show that, by a series of observations, the true line is 4,763 feet north of the recognized line. Inclosure: Captain Heap to Major General Hancock, July 9, 1870.	399
241	Mr. Boutwell to Mr. Fish.	July 19	The collector at Pembina informs the Treasury Department of the result of the observations taken as above. Inclosure: Mr. Storer to the Secretary of the Treasury, June 23, 1870.	401
242	Mr. Davis to Mr. Richardson.	Aug. 13	Acknowledging receipt of the foregoing. Suggesting that no steps be taken until British government can be informed.	401
243	Mr. Davis to Mr. Motley.	Aug. 15	Instructing him to inform the British government of the result of the observations.	402
244	Mr. Motley to Mr. Fish.	Oct. 17	Has so informed the British government. Inclosure: Mr. Motley to Lord Granville, October 17, 1870.	402
245	Sir Edw'd Thornton to Mr. Davis.	Nov. 4	Proposing that both governments shall continue to recognize the old line. The occupation of the fort a necessity for the Canadian government.	403
246	Mr. Davis to Sir Edward Thornton.	Nov. 7	Assenting to the occupation of the fort for the present. A commission to fix the line thought advisable. An appropriation will be asked for that purpose.	404
247	Mr. Davis to the Secretary of War.	Nov. 7	Asking for an estimate of the probable expense of completing the survey of the boundary from the Lake of the Woods to the Rocky Mountains.	405

GREAT BRITAIN—Continued.

No.	From whom and to whom.	Date.	Subject.	Page.
248	General Belknap to Mr. Fish.	1870. Nov. 25	Transmitting the estimate. Inclosure: General Humphreys to General Belknap, November 23, 1870.	405

B.—*The fisheries.*

249	Mr. Fish to Mr. Thornton.	1870. April 1	Asking information as to the purposes of the government of Canada with reference to licenses.	407
250	Mr. Thornton to Mr. Fish.	April 2	Acknowledging the foregoing.....	407
251	.....do.....	April 14	In further reply. Inclosure: Sir John Young to Mr. Thornton, April 11, 1870, and inclosures.	408
252	Mr. Fish to Mr. Thornton.	April 21	Calling attention to the purpose of the Canadian authorities to interfere with rights vested in the United States by treaty.	410
253	Mr. Thornton to Mr. Fish.	April 22	Acknowledging receipt of the foregoing....	411
254	Circular.....	May 16	Treasury Department circular relating to the in-shore fisheries.	411
255	Mr. Thornton to Mr. Davis.	May 18	Discontinuance of fishing license. The boundaries of Canada. Inclosing: Sir John Young to Mr. Thornton, May 14, 1870, with its inclosures.	413
256	.....do.....	May 20	Inclosing copy of the Canadian act of May 12, 1870.	414
257	Mr. Thornton to Mr. Fish.	May 26	Instructions to the British naval forces. Inclosures: 1. Mr. Wolley to Vice-Admiral Wellesley, April 9, 1870. 2. Mr. Lushington to Mr. Hammond, May 9, 1870. 3. Mr. Rogers to the secretary of the admiralty, April 30, 1870. 4. Mr. Wobley to Vice-Admiral Wellesley, May 5, 1870. 5. Mr. Holland to the under-secretary of state for foreign affairs, May 13, 1870. 6. Lord Granville to Sir John Young, April 30, 1870.	415
258	Mr. Fish to Mr. Thornton.	May 31	As to the boundaries of Canada and the rights in the shore fisheries secured to United States fishermen by the treaty of 1818.	417
259	Mr. Thornton to Mr. Fish.	June 2	Acknowledging the receipt of the above; is inclined to think that Mr. Fish is right.	
260	.....do.....	June 3	Instructions to commanders of British vessels. Inclosure: Confidential letter from the colonial secretary to the admiralty, dated April 12, 1866.	420
261	Mr. Fish to Mr. Thornton.	June 8	Pointing out a discrepancy in the instructions inclosed in the note of May 26, and those inclosed in the note of June 8, as to the waters between headlands.	421
262	Mr. Thornton to Mr. Fish.	June 11	The vice-admiral will undoubtedly modify the instructions of 1866, in conformity with the instructions of 1870. The American circular of May 16.	421
263	Mr. Fish to Mr. Thornton.	June 30	In reply to the foregoing.....	421

LIST OF DOCUMENTS.

GREAT BRITAIN—Continued.

No.	From whom and to whom.	Date.	Subject.	Page.
264	Mr. Dart to Mr. Mr. Davis.	1870. Aug. 25	Closing of the ports in Prince Edward Island against American fishermen. Inclosure: Mr. Hall to Mr. Dart, August 19, 1870.	422
265	Mr. Jackson to Mr. Fish.	Aug. 25	Same subject	423
266	Mr. Malmros to Mr. Davis.	Aug. 28	Same subject. Fishing vessels of the United States about to return. Voyages broken up.	424
267	Mr. Jackson to Mr. Fish.	Sept. 5	Correspondence with the British admiral respecting furnishing supplies to American fishermen in colonial ports. Mr. Jackson's views of the treaty of 1818. Inclosures: 1. Mr. Jackson to Vice-Admiral Wellesley, August 30, 1870. 2. Vice-Admiral Wellesley to Mr. Jackson, August 31, 1870. 3. Mr. Jackson to Vice-Admiral Wellesley, September 1, 1870. 4. Vice-Admiral Wellesley to Mr. Jackson, September 3, 1870.	424
268	Mr. Davis to Mr. Jackson.	Sept. 13	Asking information as to the practice of the Nova Scotian authorities.	427
269	Mr. Malmros to Mr. Davis.	Sept. 26	Laws and course of trade with fishing vessels prior to the reciprocity treaty in his district.	427
270	Mr. Jackson to Mr. Davis.	Oct. 3	Same subject as to Halifax district. General abstract of the colonial, dominion, and imperial laws on this subject.	428
271	Mr. Fish to Mr. Dart.	Oct. 29	Calling attention to the enforcement of the laws in Canada, and containing general instructions for the guidance of the consuls.	431
272	Mr. Dart to Mr. Fish.	Nov. 3	The discourteous way in which the Canadian laws have been enforced. The purpose is to force a reciprocity treaty.	433

C.—Naturalization law.

273	Mr. Motley to Mr. Fish.	1870. May 14	New naturalization bill has received the royal assent. Inclosure: An act to amend the law relating to the legal condition of aliens and British subjects. [May 12, 1870.]	434
-----	-------------------------	-----------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----

GREECE.

274	Mr. Tuckerman to Mr. Fish.	1870. May 14	The causes of brigandage in Greece.....	439
-----	----------------------------	-----------------	-----------------------------------------	-----

GUATEMALA.

275	Mr. Hudson to Mr. Fish..	1870. May 18	Asylum afforded to political exiles by the British minister. Inclosure: Translation from Gazette of Guatemala, February 26, 1870.	443
276	.....do	Aug. 31	Relative to misunderstanding between Guatemala and Mexico. Inclosures: A. Mr. Hudson to Mr. Nelson, August 31, 1870. B. Memorandum from the government of Guatemala of the causes of complaint against Mexico.	446

ITALY.

No.	From whom and to whom.	Date.	Subject.	Page.
277	Mr. Marsh to Mr. Fish.	1870. Sept. 6	Political condition of Italy.....	448
278	.....do.....	Sept. 9	Relations between the kingdom of Italy and the Roman State.	449
279	.....do.....	Sept. 12	The Roman question.....	450
280	.....do.....	Sept. 21	Occupation of Rome by the Italian troops..	451
281	.....do.....	Nov. 3	The Roman question. Removal of the capital to Rome.	452

JAPAN.

Deportation of native Christians.

282	Mr. Van Valkenburgh to Mr. Fish.	1869. May 21	Persecution of native Christians in Japan. Inclosures: 1. Account of the persecution of native Christians in the island of Lote. 2. Van Valkenburgh to the Japanese government, May 18, 1869.	453
283	Mr. De Long to Mr. Fish.	1870. Jan. 17	Apprehended punishment of native Christians. Steps taken to prevent it. Inclosures: 1. Japanese government to Mr. De Long, January 1, 1870. 2. Same to same, January 7. 3. Consuls of the treaty powers at Nagasaki protest, January 2, 1870. 4. Mr. De Long to the Japanese government, January 10, 1870. 5. The British minister to the Japanese government, January 7, 1870. 6. The French minister to the Japanese government, January 11, 1870. 7. The treaty powers to the Japanese government, January 17, 1870. 8. The Japanese government to Mr. De Long, January 16, 1870.	455
284	.....do.....	Jan. 22	Deportation of native Christians and separation of families. Inclosures: 1. Protocol of a conference, January 19, 1870. 2. The consul of the Netherlands, Nagasaki, January 14, 1870.	460
285	.....do.....	Jan. 22	General views of the political condition of Japan. Connection between it and the persecution of the Christians.	468
286	.....do.....	Jan. 23	The number of native Christians transported. Inclosure: Two reports made by the governor of Nagasaki.	471
287	.....do.....	Feb. 10	The Japanese claim to regard Christianity from a political point of view. Inclosures: 1. The Japanese government to Mr. De Long, January 28, 1870. 2. Memorandum of a conference held February 9, 1870.	472
288	.....do.....	April 12	Inclosing a copy of the report of the native officers who executed the decree of deportation.	475
289	Mr. Fish to Mr. De Long.	April 18	His course approved. Views of the cabinets of London, Paris, and Berlin will be ascertained and further instructions given, if necessary.	478

GREAT BRITAIN—Continued.

No.	From whom and to whom.	Date.	Subject.	Page.
290	Mr. Fish to Mr. Motley.	1870. April 18	States the facts, and instructs him to ascertain what is proposed to be done, if anything. [Identical instructions to Mr. Washburne and Mr. Bancroft.]	479
291	Mr. Motley to Mr. Fish.	June 2	In reply to Mr. Fish's letter. Inclosures: 1. Mr. Motley to Lord Clarendon, May 21, 1870. 2. Lord Clarendon to Mr. Motley, May 27. 3. Lord Clarendon to Sir H. J. Parkes, April 20. 4. Lord Clarendon to Lord Lyons, April 20. 5. Lord Clarendon to Lord Lyons, April 30. 6. Lord Clarendon to Lord Lyons, May 23. 7. Mr. Roche to Mr. Lègues. 8. Mr. Roche to Monseigneur Petit-Jean. 9. Mr. Roche to Monseigneur Petit-Jean. 10. Mr. Motley to Lord Clarendon, June 2.	480
292	Mr. Fish to Mr. De Long.	June 18	The views of the cabinets of London and Paris being identical with those entertained by this Government, no further instructions are necessary.	486

MEXICO.

293	Mr. Nelson to Mr. Fish.	1870. Nov. 4	The free zone. Inclosing a speech by Mr. Romero in opposition to it, and a speech by Mr. Gusman in favor of it.	486
294	.....do	Nov. 10	Same subject. Extension of the limits of the free zone by the Mexican congress. Inclosures: 1. Abstract of a speech by Mr. Romero. 2. Abstract of a speech by Mr. Velasco.	497

NICARAGUA.

295	Mr. Riotti to Mr. Fish.	1870. March 2	The importance of the acquisition of Tigre Island or some other naval station on the western coast of Central America.	502
-----	-------------------------	------------------	------------------------------------------------------------------------------------------------------------------------	-----

PERU.

296	Mr. Hovey to Mr. Fish.	1870. Aug. 22	Review of his services during his mission Pleasant relations between the United States and Peru.	504
297	.....do	Sept. 14	Coolie insurrection.	510
298	.....do	Sept. 18	Threatened detention of Mr. Farrand, bearer of dispatches from the legation to the Department, by legal process. A violation of international law. Inclosures: 1. Mr. Hovey to Mr. Loayza, September 3, 1870. 2. Mr. Loayza to Mr. Hovey, September 13. 3. Mr. Hovey to Mr. Loayza, September 13. 4. Mr. Elmore to Mr. Hovey, September 14. 5. Mr. Loayza to Mr. Hovey, September 16. 6. Mr. Hovey to Mr. Loayza, September 17,	510

PERU—Continued.

No.	From whom and to whom.	Date.	Subject.	Page.
299	Mr. Brent to Mr. Fish.	1870. Sept. 29	Same subject. Inclosure: Mr. Loayza to Mr. Brent, September 23, 1870.	517
300	Mr. Fish to Mr. Brent.	Oct. 19	Same subject. Review of the law. Mr. Hovey sustained.	519
301	Mr. Davis to Mr. Brent.	Nov. 1	Acknowledging his dispatch of September 29, 1870.	520

RUSSIA.

302	Mr. Schuyler to Mr. Fish.	1870. July 17	The appointment of an archbishop of the Aleutian Isles and Alsaska.	520
303	.....do	Aug. 31	Municipal reforms in the Russian empire. Inclosure: Abstract of the law of such reforms.	521

I.--PAPERS RELATING TO THE FRANCO-GERMAN WAR.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

[AUGUST 22, 1870.—ENJOINING NEUTRALITY IN THE PRESENT WAR BETWEEN FRANCE AND THE NORTH GERMAN CONFEDERATION AND ITS ALLIES.]

Whereas a state of war unhappily exists between France, on the one side, and the North German Confederation and its allies, on the other side; and whereas the United States are on terms of friendship and amity with all the contending powers, and with the persons inhabiting their several dominions; and whereas great numbers of the citizens of the United States reside within the territories or dominions of each of the said belligerents, and carry on commerce, trade, or other business or pursuits therein, protected by the faith of treaties; and whereas great numbers of the subjects or citizens of each of the said belligerents reside within the territory or jurisdiction of the United States, and carry on commerce, trade, or other business or pursuits therein; and whereas the laws of the United States, without interfering with the free expression of opinion and sympathy, or with the open manufacture or sale of arms or munitions of war, nevertheless impose upon all persons who may be within their territory and jurisdiction the duty of an impartial neutrality during the existence of the contest:

Now, therefore, I, Ulysses S. Grant, President of the United States, in order to preserve the neutrality of the United States and of their citizens and of persons within their territory and jurisdiction, and to enforce their laws, and in order that all persons, being warned of the general tenor of the laws and treaties of the United States in this behalf, and of the law of nations, may thus be prevented from an unintentional violation of the same, do hereby declare and proclaim that by the act passed on the 20th day of April, A. D. 1818, commonly known as the "neutrality law," the following acts are forbidden to be done, under severe penalties, within the territory and jurisdiction of the United States, to wit:

1. Accepting and exercising a commission to serve either of the said belligerents by land or by sea against the other belligerent.

2. Enlisting or entering into the service of either of the said belligerents as a soldier, or as a marine, or seaman on board of any vessel of war, letter of marque, or privateer.

3. Hiring or retaining another person to enlist or enter himself in the service of either of the said belligerents as a soldier, or as a marine, or seaman on board of any vessel of war, letter of marque, or privateer.

4. Hiring another person to go beyond the limits or jurisdiction of the United States with intent to be enlisted as aforesaid.

5. Hiring another person to go beyond the limits of the United States with the intent to be entered into service as aforesaid.

6. Retaining another person to go beyond the limits of the United States with intent to be enlisted as aforesaid.

7. Retaining another person to go beyond the limits of the United States with intent to be entered into service as aforesaid. (But the said act is not to be construed to extend to a citizen or subject of either belligerent who, being transiently within the United States, shall, on board of any vessel of war, which, at the time of its arrival within the United States, was fitted and equipped as such vessel of war, enlist or enter himself or hire or retain another subject or citizen of the same belligerent, who is transiently within the United States, to enlist or enter himself to serve such belligerent on board such vessel of war, if the United States shall then be at peace with such belligerent.)

8. Fitting out and arming, or attempt to fit out and arm, or procuring to be fitted out and armed, or knowingly being concerned in the furnishing, fitting out, or arming of any ship or vessel with intent that such ship or vessel shall be employed in the service of either of the said belligerents.

9. Issuing or delivering a commission within the territory or jurisdiction of the United States for any ship or vessel to the intent that she may be employed as aforesaid.

10. Increasing or augmenting, or procuring to be increased or augmented, or knowingly being concerned in increasing or augmenting the force of any ship of war, cruiser, or other armed vessel, which at the time of her arrival within the United States was a ship of war, cruiser, or armed vessel in the service of either of the said belligerents, or belonging to the subjects or citizens of either, by adding to the number of guns of such vessels, or by changing those on board of her for guns of a larger caliber, or by the addition thereto of any equipment solely applicable to war.

11. Beginning or setting on foot or providing or preparing the means for any military expedition or enterprise to be carried on from the territory or jurisdiction of the United States against the territories or dominions of either of the said belligerents.

And I do further declare and proclaim that by the nineteenth article of the treaty of amity and commerce which was concluded between his Majesty the King of Prussia and the United States of America, on the 11th day of July, A. D. 1799, which article was revived by the treaty of May 1, A. D. 1828, between the same parties, and is still in force, it was agreed that "the vessels of war, public and private, of both parties, shall carry freely, wheresoever they please, the vessels and effects taken from their enemies, without being obliged to pay any duties, charges, or fees to officers of admiralty, of the customs, or any others; nor shall such prizes be arrested, searched, or put under any legal process, when they come to and enter the ports of the other party, but may freely be carried out again at any time by their captors to the places expressed in their commissions, which the commanding officer of such vessel shall be obliged to show."

And I do further declare and proclaim that it has been officially communicated to the Government of the United States by the envoy extraordinary and minister plenipotentiary of the North German Confederation, at Washington, that private property on the high seas will be exempted from seizure by the ships of his Majesty the King of Prussia, without regard to reciprocity.

And I do further declare and proclaim that it has been officially communicated to the Government of the United States by the envoy extraordinary and minister plenipotentiary of his Majesty the Emperor of the French, at Washington, that orders have been given that, in the conduct of the war, the commanders of the French forces on land and on

the seas shall scrupulously observe toward neutral powers the rules of international law, and that they shall strictly adhere to the principles set forth in the declaration of the Congress of Paris of the 16th of April, 1856, that is to say: 1st. That privateering is and remains abolished. 2d. That the neutral flag covers enemy's goods, with the exception of contraband of war. 3d. That neutral goods, with the exception of contraband of war, are not liable to capture under the enemy's flag. 4th. That blockades, in order to be binding, must be effective, that is to say, maintained by a force sufficient really to prevent access to the coast of the enemy; and that, although the United States have not adhered to the declaration of 1856, the vessels of his Majesty will not seize enemy's property found on board of a vessel of the United States, provided that property is not contraband of war.

And I do further declare and proclaim that the statutes of the United States and the law of nations alike require that no person within the territory and jurisdiction of the United States shall take part, directly or indirectly, in the said war, but shall remain at peace with each of the said belligerents, and shall maintain a strict and impartial neutrality, and that whatever privileges shall be accorded to one belligerent within the ports of the United States shall be in like manner accorded to the other.

And I do hereby enjoin all the good citizens of the United States, and all persons residing or being within the territory or jurisdiction of the United States, to observe the laws thereof, and to commit no act contrary to the provisions of the said statutes, or in violation of the law of nations in that behalf.

And I do hereby warn all citizens of the United States, and all persons residing or being within their territory or jurisdiction, that, while the free and full expression of sympathies in public and private is not restricted by the laws of the United States, military forces in aid of either belligerent cannot lawfully be originated or organized within their jurisdiction; and that while all persons may lawfully, and without restriction, by reason of the aforesaid state of war, manufacture and sell within the United States arms and munitions of war, and other articles ordinarily known as "contraband of war," yet they cannot carry such articles upon the high seas for the use or service of either belligerent, nor can they transport soldiers and officers of either, or attempt to break any blockade which may be lawfully established and maintained during the war, without incurring the risk of hostile capture, and the penalties denounced by the law of nations in that behalf.

And I do hereby give notice that all citizens of the United States, and others who may claim the protection of this Government, who may misconduct themselves in the premises, will do so at their peril, and that they can in no wise obtain any protection from the Government of the United States against the consequences of their misconduct.

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

Done at the city of Washington, this twenty-second day of August, in the year of our Lord one thousand eight hundred and seventy, and of the independence of the United States of America the ninety-fifth.

[SEAL.]

U. S. GRANT.

By the President:

HAMILTON FISH,
Secretary of State.

No. 2.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

[REGULATING THE CONDUCT OF VESSELS OF WAR OF EITHER BELLIGERENT IN THE WATERS WITHIN THE TERRITORIAL JURISDICTION OF THE UNITED STATES.]

Whereas on the 22d day of August, 1870, my proclamation was issued, enjoining neutrality in the present war between France and the North German Confederation and its allies, and declaring, so far as then seemed to be necessary, the respective rights and obligations of the belligerent parties and of the citizens of the United States; and whereas subsequent information gives reason to apprehend that armed cruisers of the belligerents may be tempted to abuse the hospitality accorded to them in the ports, harbors, roadsteads, and other waters of the United States, by making such waters subservient to the purposes of war:

Now, therefore, I, Ulysses S. Grant, President of the United States of America, do hereby proclaim and declare that any frequenting and use of the waters within the territorial jurisdiction of the United States by the armed vessels of either belligerent, whether public ships or privateers, for the purpose of preparing for hostile operations, or as posts of observation upon the ships of war or privateers or merchant vessels of the other belligerent lying within or being about to enter the jurisdiction of the United States, must be regarded as unfriendly and offensive, and in violation of that neutrality which it is the determination of this Government to observe; and to the end that the hazard and inconvenience of such apprehended practices may be avoided, I further proclaim and declare that, from and after the 12th day of October instant, and during the continuance of the present hostilities between France and the North German Confederation and its allies, no ship of war or privateer of either belligerent shall be permitted to make use of any port, harbor, roadstead, or other waters within the jurisdiction of the United States as a station or place of resort for any warlike purpose, or for the purpose of obtaining any facilities of warlike equipment; and no ship of war or privateer of either belligerent shall be permitted to sail out of or leave any port, harbor, or roadstead, or waters subject to the jurisdiction of the United States from which a vessel of the other belligerent (whether the same shall be a ship of war, a privateer, or a merchant ship) shall have previously departed, until after the expiration of at least twenty-four hours from the departure of such last-mentioned vessel beyond the jurisdiction of the United States. If any ship of war or privateer of either belligerent shall, after the time this notification takes effect, enter any port, harbor, roadstead, or waters of the United States, such vessel shall be required to depart and to put to sea within twenty-four hours after her entrance into such port, harbor, roadstead, or waters, except in case of stress of weather or of her requiring provisions or things necessary for the subsistence of her crew, or for repairs; in either of which cases the authorities of the port or of the nearest port (as the case may be) shall require her to put to sea as soon as possible after the expiration of such period of twenty-four hours, without permitting her to take in supplies beyond what may be necessary for her immediate use; and no such vessel which may have been permitted to remain within the waters of the United States for the purpose of repair shall continue within such port, harbor, roadstead, or waters for a longer period than twenty-four hours after her necessary repairs shall have been completed, unless within such twenty-four hours

a vessel, whether ship of war, privateer, or merchant ship of the other belligerent, shall have departed therefrom, in which case the time limited for the departure of such ship of war or privateer shall be extended so far as may be necessary to secure an interval of not less than twenty-four hours between such departure and that of any ship of war, privateer, or merchant ship of the other belligerent which may have previously quit the same port, harbor, roadstead, or waters. No ship of war or privateer of either belligerent shall be detained in any port, harbor, roadstead, or waters of the United States more than twenty-four hours, by reason of the successive departures from such port, harbor, roadstead, or waters of more than one vessel of the other belligerent. But if there be several vessels of each or either of the two belligerents in the same port, harbor, roadstead, or waters, the order of their departure therefrom shall be so arranged as to afford the opportunity of leaving alternately to the vessels of the respective belligerents, and to cause the least detention consistent with the objects of this proclamation. No ship of war or privateer of either belligerent shall be permitted, while in any port, harbor, roadstead, or waters within the jurisdiction of the United States, to take in any supplies except provisions and such other things as may be requisite for the subsistence of her crew, and except so much coal only as may be sufficient to carry such vessel, if without sail power, to the nearest European port of her own country; or in case the vessel is rigged to go under sail, and may also be propelled by steam power, then with half the quantity of coal which she would be entitled to receive if dependent upon steam alone; and no coal shall be again supplied to any such ship of war or privateer in the same or any other port, harbor, roadstead, or waters of the United States, without special permission, until after the expiration of three months from the time when such coal may have been last supplied to her within the waters of the United States, unless such ship of war or privateer shall, since last thus supplied, have entered a European port of the government to which she belongs.

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

Done at the city of Washington this 8th day of October, in the year of our Lord one thousand eight hundred and seventy, and of the independence of the United States of America the ninety-fifth.

[SEAL.]

U. S. GRANT.

By the President:

HAMILTON FISH,
Secretary of State.

A U S T R I A .

No. 3.

Mr. Jay to Mr. Fish.

[Telegram.]

AUGUST 8, 1870.

FISH, *Secretary, Washington :*

Austria declines alliance proffered by France. War preparations and fortifications continue, but only as precautionary and for defense.

JAY.

No. 4.

Mr. Jay to Mr. Fish.

[Telegram.—Received at Washington August 22.]

AUGUST 21, 1870.

FISH, *Secretary, Washington:*

England, Italy, and Russia have mutually agreed to rest neutral, and not to change their position without notice and statement of reasons. Austria, asked to join neutral league, will consent with the additional understanding that efforts for mediation shall be made, not separately but jointly.

JAY.

No. 5.

Mr. Jay to Mr. Fish.

No. 162.]

UNITED STATES LEGATION,
Vienna, October 3, 1870. (Received October 26.)

The visit of M. Thiers to this court, on behalf of the government of the national defense at Paris, left behind it no marked impression. He remained but a few hours, and what he said had relation, as the chancellor remarked, rather to the blunders committed by the last dynasty, than to the plans and hopes of that which has succeeded it.

He expressed, as I understand, his belief that France was republican in her feelings, and that the national convention when elected would sympathize with the present government at Paris, and he urged the propriety of a recognition of the government of national defense by the powers of Europe. He was answered that this cabinet was inclined to the same view, but that it seemed proper that recognition of the new government by France herself should precede its recognition by foreign governments. He was assured of the continued friendly disposition toward France of the court of Austria, Hungary, and of its readiness in the future, as in the past, to unite in any effort at mediation.

* * * * *

The growing importance of American opinion on the continent, of which I have frequently spoken, is shown in the efforts made by the German press to deprive American recognition of the republic of all moral power by intimations that the Government at Washington were deluded into the step by the deceptive representation of their envoy at Paris.

A dispatch, of course fictitious, intended to produce this impression, I find in the Vienna press of the 27th of September, as follows:

NON-APPROVAL OF THE FRENCH REPUBLIC.—Glassbrenner's Monday's paper says: "The American envoy at Berlin, Mr. Bancroft, immediately after the expression of his colleague in Paris in favor of the proclamation of the republic, had submitted a memorial to his Government, relating to the insignificance of the French republican movement and warning his Government against any illusions in that direction."

* * * * *

JOHN JAY.

BELGIUM.

No. 6.

Mr. J. R. Jones to Mr. Fish.

No. 54.]

LEGATION OF THE UNITED STATES,
Brussels, August 11, 1870. (Received August 24, 1870.)

* * * * *

Mr. Motley telegraphed me yesterday, as follows:

Please inform Generals Sheridan and Forsythe that Count Bismarck informs Count Bernstorff that they will be welcome at headquarters.

J. R. JONES.

No. 7.

Mr. J. R. Jones to Mr. Fish.

No. 56.]

LEGATION OF THE UNITED STATES,
Brussels, September 1, 1870. (Received Sept. 15, 1870.)

I have a letter from General Sheridan of the 24th August, saying, "I reached this place, (Point-à-Mousson,) the headquarters of the Prussian army, on the 17th, after much delay. On the 18th witnessed the battle of Gravelotte, just west of Metz. The battle was sanguinary, and resulted in favor of the Prussians, who forced the French army back on Metz and cut off all the roads leading to Paris. The loss of the Prussians was very great, perhaps double that of the French, as the latter held a very strong position and defended it with skill and tenacity. A battle took place also on the 16th for the possession of the Verdun road, at a little village called Reazonville, west of Metz, in which the losses were very heavy on both sides, the battle going in favor of the Prussians, and with fearful loss to the French."

There was very hard fighting yesterday and the day before near Beaumont, and McMahon was driven nearly to the Belgian frontier. The greater portion of the Belgian troops are stationed near the southeastern frontier, and there is a good deal of fear that the combatants may cross the line. The government has refused to allow the wounded of either side to pass through Belgium, and ordered that none of the wounded shall be carried on the Belgian railroads.

The chambers have done but little, except to vote the money required for war purposes. A proposition favoring a line of steamers between New York and Antwerp has been before the chambers, though I see no disposition on the part, either of the government or private individuals, to furnish any considerable sum of money for the purpose.

During the last few days a great many Americans have come to Brussels, mostly from Paris.

I can see no reason why the Crown Prince may not reach Paris within a very few days.

J. R. JONES.

No. 8.

Mr. J. R. Jones to Mr. Fish.

No. 60.]

LEGATION OF THE UNITED STATES,
Brussels, September 23, 1870. (Received Oct. 12, 1870.)

I have the honor to inform you that the chambers were convened on the 21st instant and adjourned yesterday. The only business transacted was the voting of ten millions francs for war purposes. It appears that the former estimate of the minister of war was found insufficient.

About one-third of the army has been dismissed and sent home, the supposition being that there will be no use for them.

The new French minister, M. Tachard, is here, having been received some five or six days since. There are a great many wounded French officers and soldiers here and throughout Belgium, though very few Germans. They are being carefully cared for, large contributions having been made by the citizens.

Communication by mail and telegraph between here and Paris has been suspended for several days. No one here thinks an agreement between Count Bismarck and M. Jules Favre possible.

I am credibly informed that the Prussian government is providing winter clothing for its soldiers, and that already some 200,000 fur suits have been prepared at Berlin.

General Burnside arrived here last evening and has gone to-day to Sedan. General Hazen left this morning for King William's headquarters.

* * * * *

I understand that General Ewing is still here, though I have never seen him. I have your No. 35 of the 8th, inclosing circular in regard to passports.

J. R. JONES.

No. 9.

Mr. J. R. Jones to Mr. Fish.

No. 64.]

LEGATION OF THE UNITED STATES,
Brussels, October 14, 1870, (Received October 29, 1870.)

Doctor Evans, an American dentist of Paris, was in to see me two or three days since, and told me that on Sunday p. m., September 4, the Empress, accompanied by a Madame Bretton, left the Tuilleries as the crowd was rushing in, took a little hack they found on the street, and drove to his house, on the avenue de l'Imperatrice, where they remained until five o'clock the next morning, when he took the ladies in his carriage, accompanied by a Dr. Crane, and drove fifty-six miles on their way to Trouville, just south of Havre, passing through Evreux and Lisieux. Near Trouville they took a little sail vessel, of 38 tons, going on board at 1 o'clock at night, and crossed over to the Isle of Wight, being twenty hours in crossing, the whole party being literally drenched from the washing of the waves over the little boat. From there they crossed over to Portsmouth, where they took the cars for Hastings, where they found the little Prince. Dr. Evans left the Empress and her son on Saturday last, at Shillingshurst, and was on his way to Wilhelmshoe, to see the Emperor, when I saw him.

J. R. JONES.

No. 10.

Mr. Jones to Mr. Fish.

No. 74.]

LEGATION OF THE UNITED STATES,
Brussels, November 14, 1870.

SIR: I have the honor to inclose herewith circulars of Count Bismarck and M. Jules Favre, on the subject of the negotiations with M. Thiers for an armistice.

* * * * *

I have the honor to be, very respectfully, your obedient servant,
J. R. JONES.

HON. HAMILTON FISH, *Secretary of State.*

[Translation.]

The following is the text of M. Jules Favre's circular:

PARIS, November 7, 1870.

SIR: Prussia has just rejected the armistice proposed by the four great neutral powers—England, Russia, Austria, and Italy—having for its object the convocation of a national assembly. She has thus shown once more that she continued the war with a purely selfish purpose, without preoccupying herself with the true interest of her subjects, and, especially that of the Germans, whom she leads on in her train. She pretends, it is true, to be constrained by our refusal to cede to her two of our provinces; but she occupies those provinces, which we neither wish nor are able to give up to her, and whose inhabitants energetically repel her, and it is not for the purpose of obtaining them that she lays waste our fields, drives before her armies our ruined families, and has held, for nearly fifty days, Paris shut in under the fire of the batteries behind which she intrenches herself. No; she wishes to destroy us to satisfy the ambition of the men who govern her. The sacrifice of the French nation is beneficial to the preservation of their power. They accomplish it coldly, being astonished that we are not their accomplices in giving ourselves up to the exhaustions to which their diplomacy advises us.

Being engaged in this course, Prussia shuts her ear to the opinion of the world. Knowing that she wounds all honest sensibilities, that she alarms all conservative interests, makes an isolated system and thus shrinks away from the condemnation which Europe would not fail to inflict upon her if it had been allowed to discuss her conduct. And yet, in spite of her refusals, four great neutral powers intervened and proposed to her a suspension of arms, with the definite purpose of permitting France to take the opinion of her people by calling together an assembly. What could be more reasonable, more equitable, more necessary? The imperial government has been overwhelmed by the exertions of Prussia. The following day the men whom necessity had clothed with power proposed a peace to her, and, in order to settle the conditions thereof, demanded a truce, as indispensable to the formation of a national representation.

Prussia repelled the idea of a truce by subordinating it to unacceptable exactions, and her armies surrounded Paris. An early surrender had been foretold to her. The siege has lasted fifty days; the people are not growing weaker. The promised sedition was expected for a long time; it came at a propitious moment for the Prussian negotiator, who announced it to ours as a foreseen auxiliary; but by breaking out, it permitted the people of Paris, by a commanding vote, to legitimize the government of the national defense, which by this means obtained in the eyes of Europe a consecration of its right.

It behooved it then to confer with regard to the proposition for an armistice of the four powers; it could without temerity hope for its success. Being desirous above all to defer to the representatives of the country, and to come to an honorable peace through them, it accepted the negotiation and entered upon it in the ordinary terms of international law.

The armistice should admit of the election of deputies throughout the whole territory of the republic, even that which is invaded; a duration of twenty-five days; a revictualing proportional to this duration.

Prussia did not contest the two first conditions. However, she made in relation to the vote of Alsace and Lorraine some reservations which we mention without giving them further examination, because her absolute refusal to permit the revictualing has

rendered all discussion useless. In fact, the revictualing is the necessary consequence of a suspension of arms with regard to an invested city. Provisions are an element of defense. The act of taking them from it without compensation is to create an inequality contrary to justice. Would Prussia dare to ask us to lay low a piece of our walls by means of her cannon, without allowing us to resist her? She would place us in a still worse situation, by compelling us to consume a month without fighting, while, she, living on our soil, would wait till we were harassed by famine to renew the war. Her armistice, without revictualing, would be a capitulation at a specified time without honor and without hope.

In refusing the revictualing, Prussia then refuses the armistice. And this time it is not the army only, it is the French nation which she pretends to annihilate by reducing Paris to the terrors of hunger. The question in point is to know whether France can assemble her deputies to deliberate with respect to peace. Europe demands this assembly. Prussia repels it by subjecting it to a condition which is inimical and contrary to common law. And yet, if one must believe a document, published and not contradicted, and which is said to have emanated from her chancellor's office, she dares to accuse the government of the national defense of giving up Paris to certain famine. She complains of being compelled by it to invest and to starve us.

Europe will judge what such imputations are worth. They are the last stroke of that policy which begins by pledging the word of the sovereign in behalf of the French nation, and ends by the systematic rejection of all combinations which allow France to express her will. We do not know what the four great neutral powers, whose propositions are put aside with so much haughtiness, will think; perhaps they finally will conjecture what Prussia, having become by victory mistress able to accomplish all her designs, would lay in store for them.

As regards us, we obey an imperious and simple duty in persisting to maintain their proposition of an armistice as the only means of solving, by an assembly, the formidable questions which the crimes of the imperial government have allowed the enemy to impose upon us. Prussia, who feels the odium of her refusal, dissimulates it under a disguise which can deceive no one. She asks us provisions for a month; it is asking us for our arms. We hold them with a resolute hand, and we will not lay them down without fighting. We have done all that men of honor could do to put a stop to the contest. The outlet is closed to us; we have only hereafter to consult our courage in putting back the responsibility of the bloodshed on those who systematically repeat every transaction.

It is through their personal ambition that thousands of men may yet be sacrificed. And when Europe, aroused, wishes to stop the combatants on the border of this field of carnage, in order to call the representatives of the nation and to attempt peace, "Yes," they say, "but on the condition that that suffering population—those women, those children, those old men, who are the innocent victims of the war—shall receive no succor; that when the truce shall have expired, it shall be no longer possible for their defenders to fight us without causing them to die of hunger." That is what the Prussian leaders do not fear to answer to the proposition of the four powers. We call to witness against them right and justice, and we are convinced that if, like ours, their nation and their army could vote, they would condemn this inhuman policy. It would at least be established that, to the last hour, the government of the national defense, preoccupied with the vast and precious interests which are confided to it, has done everything to make possible an honorable peace. They refuse it the means of consulting France. It questions Paris, and the whole of Paris takes up arms to show the country and the world what a great people is able to do when it defends its honor, its friends, and the independence of the land.

You will have no difficulty, sir, in making truths so simple understood, and in making them the subject of observations, which you will have to offer, whenever the opportunity shall be given you.

Accept, &c.

The Minister of Foreign Affairs,

J. FAVRE.

The *Staatsanzeiger* brings us the text of the circular of Count Bismarck, dated November 8, addressed to the representatives of the North German Confederation, and giving an account of the negotiations held at Versailles with M. Thiers. The document is as follows:

"VERSAILLES, November 8, 1870.

"Your excellency is aware that M. Thiers had expressed a desire to repair to headquarters in order to commence negotiations, after having conferred with the different members of the government of the national defense at Tours and at Paris. By order of his Majesty I declared my readiness to accept these conferences, and M. Thiers was

yesterday authorized to go to Paris on the 30th of October, whence he returned, on the 31st, to headquarters.

"The fact that a statesman so eminent and so experienced as M. Thiers had accepted the powers of the Paris government gave me reason to hope that propositions would be made to us, whose acceptance would be possible, favoring the reestablishment of peace. I received M. Thiers with very respectful attention, to which his distinguished personal qualities, laying aside the consideration of his former relations, gave him a perfect right. M. Thiers declared that, at the request of the neutral powers, France was ready to conclude an armistice. His Majesty the King, in view of this declaration, had to consider that an armistice, by itself, brought with it, for Germany, all the disadvantages which any prolongation of the campaign must bring to an army whose provisioning is rendered more difficult by the distance from which it is obliged to draw its supplies. Moreover, with the armistice we assumed the obligation of stopping the forces rendered disposable by the capitulation of Metz, in the positions which they should occupy on the day of the signing, and to renounce, in consequence, the occupation of vast hostile territories which we could to-day seize without striking a blow, or in spite of an unimportant resistance. In the space of a few weeks the German armies will not be able to expect any large reinforcements. On the other hand, the armistice would have rendered it possible for France to develop her own resources, to complete the organization of her forces, and, in case of a recommencement of hostilities at the expiration of the armistice, to array large military forces against us which do not now exist.

"Notwithstanding these considerations, his Majesty manifested the desire to take the first step in favor of peace, and I was authorized to anticipate the wishes of M. Thiers in granting an armistice of twenty-five days, or even of twenty-eight days, just as he has expressed the desire in the course, upon the base of a simple military *statu quo*, from the day of the signature. I proposed to him to determine by the line of demarcation the position of the respective troops, such as it would be on the day of the signature, to suspend hostilities during four weeks, and to proceed, during this time, to the election and constitution of a national assembly. For France this armistice would not have had other consequences than to renounce of these little sorties, each time unlucky, and to avoid the unnecessary and incomprehensible waste of her munitions kept for the defense of the fortifications. With regard to the election of Alsace I was unable to declare that we would not insist on any stipulations which may put in question the dependence of the German departments of France, before the conclusion of peace, and that we would not hold any inhabitant of these provinces responsible for having taken their seats in a national assembly as a representant of their countrymen.

"I was much astonished on hearing the representative of the provisional government decline the propositions, all advantages of which were for the French, and declare himself unable to accept any armistice unless it stipulated for the revictualing of Paris in proportion to its duration. I answered that an article of this nature disagreed infinitely from the military *statu quo*, and surpassed greatly all concessions which might reasonably be contended for. I asked him, nevertheless, if he had any equivalent to offer in exchange, and, in this case, what would be this equivalent. M. Thiers declared to me that he was not authorized to offer us in exchange any military concession of any kind whatever, but that he was charged to put this question of revictualing, affirming to us in compensation the good will with which the government would take the test of the reunion of an assembly chosen freely by the French nation and with which it undoubtedly would be possible to open negotiations for peace. These declarations being given it was my duty to refer them to the King and his council of war. His Majesty was rightly very much surprised at demands disagreeing in so unusual a manner from military usages, and deceived in the hope which he had founded on the negotiations with M. Thiers. The scarcely credible pretension, to make us lose the fruits of two months of exertion, with the advantages which they had brought us, and to lead us back to the point where we were at the commencement of the investment of the capital, proved again that they were seeking at Paris merely a pretext to prevent the elections and not an opportunity to let the nation manifest its will without obstacle.

"Upon the desire expressed by me to try once more to make an arrangement upon new foundations before recommencing hostilities, M. Thiers had, upon the 5th of this month, on the line of our outposts, a last interview with the members of the provisional government, in which he proposed to them either a shorter armistice with the military *statu quo*, or the convocation of the electors without special stipulations concerning an armistice, in which case I was ready to concede all the measures compatible with our military security.

"M. Thiers has not made me acquainted with the details of his interview with MM. Trochu and Jules Favre; he could only communicate the result to me, which was the injunction received by him to break off negotiations and to leave Versailles, because they could not result in an armistice with revictualing. His departure for Tours took place on the morning of the 7th. The progress of negotiations

has convinced me that from the beginning the men who are actually at the head of the French government did not seriously desire to let the voice of the French nation make itself heard in a representative assembly; that they have proposed a condition which they knew to be perfectly unacceptable, only in order not to avoid giving a negative response to the neutral powers from whom they expect support.

"I invite your excellency to express yourself according to the tenor of the present dispatch; and I authorize you to read it.

"BISMARCK."

No. 11.

Mr. Jones to Mr. Fish.

No. 76.]

LEGATION OF THE UNITED STATES,
Brussels, November 15, 1870. (Received December 1.)

SIR: I have the honor to inclose herewith a circular of Count Bismarck, of the 10th October, in regard to the demand of the members of the diplomatic corps remaining in Paris for permission to continue their correspondence with their governments, which, I believe, has not been made public until now.

J. R. JONES.

VERSAILLES, *October 10, 1870.*

SIR: I have had the honor to receive the letter of the 6th October, by which the members of the diplomatic corps who still reside in Paris wished to inform me that it would be impossible for them to entertain official relations with their governments, if the condition was to be insisted on that only open dispatches could be addressed to them. When the refusal of an armistice by the French government rendered the continuation of the siege of Paris inevitable, the government of the King, at his own instance, notified the agents of the neutral powers accredited to Berlin, by a circular note of the 26th September, from the secretary of state, Mr. Von Thiele, that liberty of relations with Paris existed only so far as permitted by military events.

The same day I received, at Ferrières, the communication of the minister of foreign affairs of the government of the national defense, informing me of the desire expressed by the diplomatic corps to send a courier each week with the dispatches for their governments. I did not hesitate, in accordance with the rules established by international law, to give the answer dictated to me by the exigencies of the military situation. It has seemed proper to the men actually in power to establish the seat of their government in the interior of the fortifications of Paris, and to choose this city and its environs for the scene of war. If the members of the diplomatic corps accredited to the preceding government have decided to share, with the government of national defense, inconveniences inseparable from a stay in a besieged fortress, the responsibility for it does not rest with the government of the King.

Whatever may be our confidence that the subscribers to the letter of the 6th October will submit personally, in the communications addressed to their governments, to the obligations which their presence in a strongly besieged place may impose on diplomatic agents, in accordance with the rules of war, we must not the less take into consideration the fact that the importance of certain facts in a military point of view might escape them. It is evident, beside, that they could not offer to us the same guarantee for the messengers whom they are to employ, and whom we shall be obliged to allow to pass our lines. A state of things has been produced in Paris no analogous precedent to which is offered by modern history, viewed from the standpoint of international law.

A government at war with a power which has not yet recognized it, is shut up in a besieged fortress, and sees itself surrounded by a party of diplomatists, who had been accredited to a government for which the government of the national defense has been substituted. In presence of so irregular a situation, it will be difficult to establish, on the basis of the law of nations, rules which would be incontestable from all points of view.

I believe myself entitled to hope that your excellency will comprehend the justice of these observations, and will appreciate the considerations which, to my lively regret, prevent me from giving assent to the desire expressed in your letter of the 6th October. Beside, if the subscribers cannot admit the justice of this denial, the governments which they have represented at Paris, and whom I shall, without delay, make

acquainted with the correspondence exchanged between us, will put themselves in communication with the government of the King, in order to examine the questions of the laws of nations, which are attached to the abnormal condition which events and the measures of the government of the national defense have created in Paris.

I have the honor, &c.,

BISMARCK.

DENMARK.

No. 12.

Mr. Geo. H. Yeaman to Mr. Fish.

No. 250.]

LEGATION OF THE UNITED STATES,
Copenhagen, July 26, 1870.

SIR: I herewith inclose the Danish and French texts of the proclamation of neutrality, published by this government yesterday. There seems to be a very general doubt felt and expressed here, as to whether this position can be maintained. The diplomatic opinion is, that decided French pressure upon this government would at once carry it into war, but that, at present, that pressure is not applied, and that, on the contrary, the influence of the cabinets of London and St. Petersburg, necessarily very considerable here, is exercised to keep Denmark neutral.

Into any estimate of the probabilities of this government remaining neutral must enter a consideration of the following counter-influences: In proportion as France may succeed in the field, the willingness and the inclination here to engage in the war would be increased; but, at the same time, the desire of France for allies, in such a contingency, might be wholly extinguished, and she might, for many reasons, prefer the advantage, the credit, and the satisfaction of a single-handed success. And in proportion as Prussia may succeed in the field, and as France may, for this reason, be anxious for allies, and seek to drag them into the war, Denmark would, for the same reasons, be more cautious in committing her destiny, for it would be no less, to the doubtful issue of the war.

It was stated and extensively believed here, soon after war was declared, that Prussia, with the view of keeping Denmark quiet, had offered to restore entire the Duchy of Schleswig; and more recently it has been stated both here and at Paris that the offers embraced all of the disputed portion, or North Schleswig, excepting the Island of Als and the fortress of Dybbøl.

I am able to state to you, without qualification, that these reports have no foundation whatever in fact, and that since March 1868, Prussia has not, directly or indirectly, made any proposition, suggestion, or intimation—has not said, or caused to be said, a word to Denmark upon the Schleswig question.

GEO. H. YEAMAN.

Lettre patente concernant la remise en vigueur de l'ordonnance du 4 Mai 1803 qui a pour but de régler la conduite des commerçants et gens de mer en temps de guerre entre puissances maritimes étrangères.

Suivant une autorisation de Sa Majesté en date de ce jour, le ministère des affaires étrangères porte à la connaissance du public que, par suite de la guerre qui vient d'éclater entre la France et la Prusse, l'ordonnance du 4 Mai 1803 entre de nouveau en vigueur, toutefois avec les changements et dispositions nouvelles qui suivent:

§ 1. D'après la loi du 13 Mars 1867, le passeport royal en langue latine prescrit par

l'ordonnance du 4 Mai 1803 n'est plus exigé des navires qui sont munis du certificat de nationalité et d'enregistrement, et quant à ceux qui naviguent encore avec les anciens papiers, la lettre de jauge, conjointement avec les autres documents de légitimation, constitue une preuve suffisante de leur nationalité.

§ 2. La règle contenue dans le § 8 de l'ordonnance du 4 Mai 1803, et relative à la nationalité de l'équipage, a été abolie par la loi du 23 Janvier 1862 sur l'engagement des marins étrangers à bord des navires danois.

§ 3. La déclaration concernant les droits des états neutres en cas de guerre entre puissances maritimes étrangères, qui a été signée à Paris le 16 Avril 1856 par les deux puissances belligérantes, et à laquelle Sa Majesté le Roi a adhéré le 25 Juin de la même année, renferme les dispositions suivantes :

1. La course est et demeure abolie ;
2. Le pavillon neutre couvre la marchandise ennemie, à l'exception de la contrebande de guerre ;

3. La marchandise neutre, à l'exception de la contrebande de guerre, n'est pas saisissable sous pavillon ennemi ; et

4. Les blocus, pour être obligatoires, doivent être effectifs, c'est-à-dire maintenus par une force suffisante pour interdire réellement l'accès du littoral de l'ennemi.

§ 4. Outre les objets mentionnés dans l'article 13 de l'ordonnance du 4 Mai 1803, seront encore considérés comme contrebande de guerre tous les articles manufacturés qui peuvent servir directement à un usage de guerre.

Dans le cas où, par suite de conventions particulières conclues entre Sa Majesté le Roi et des puissances étrangères, il deviendrait nécessaire de modifier les dispositions concernant la contrebande de guerre ou d'en prendre de nouvelles, le ministère des affaires étrangères se réserve, après en avoir obtenu l'autorisation de Sa Majesté, de les porter à la connaissance du public.

§ 5. Sa Majesté le Roi, ayant l'intention de garder la neutralité pendant la guerre actuelle, il est défendu aux sujets danois de s'engager, en quelque qualité que ce soit, au service des puissances belligérantes, soit dans leurs armées soit dans leurs marines, et plus spécialement d'entreprendre le pilotage des bâtiments de guerre ou de transport de ces puissances en dehors des parages où fonctionnent ordinairement les pilotes danois.

Les dispositions qui précèdent sont portées par la présente à la connaissance de tous ceux que cela regarde, pour leur information et pour leur servir de gouverne.

COPENHAGUE, AU MINISTÈRE DES AFFAIRES ÉTRANGÈRES, le 25 Juillet 1870.

O. D. ROSENÖRN-LEHN.

No. 13.

Mr. Geo. H. Yeaman to Mr. Fish.

No. 251.]

LEGATION OF THE UNITED STATES,
Copenhagen, July 29, 1870. (Received August, 17, 1870.)

SIR: Referring to my dispatch No. 250, of 26th instant, and its inclosures, I now send a translation of a note from Baron Rosenörn-Lehn, of yesterday's date, formally acquainting me with the neutral attitude of Denmark and furnishing me with copies of the ordinance of May 4, 1803, the Danish and French texts of which are herewith inclosed, and to which reference is made in the royal letter of 25th instant, inclosed in my dispatch of 26th instant.

GEO. H. YEAMAN.

Baron Rosenörn-Lehn to Mr. Yeaman.

[Translation.]

COPENHAGEN, July 28, 1870.

MONSIEUR: I have the honor to inform you officially that in response to the notification of the war which has arisen between Prussia and France, my august sovereign the King has caused it to be declared at Berlin, as his Majesty will immediately cause it to be declared at Paris, that he intends to remain neutral in the present conflict. By reason of this determination the minister of foreign affairs has just published an open letter, which enjoins upon Danish subjects the obligations incumbent upon them under the present circumstances. I have already permitted myself to transmit to you several

copies of that letter which renews and puts in force a former ordinance of the 4th May, 1803, of which I herewith inclose several copies.

While inviting you to bring this declaration to the knowledge of your Government, and to communicate to it the letter above mentioned, I pray you, monsieur, to accept the renewed assurance of my most distinguished consideration.

O. D. ROSENÖRN-LEHN.

Ordonnance du Roi pour régler la conduite et fixer les obligations des commerçants et gens de mer de ses états en temps de guerre entre d'autres puissances maritimes.

Nous Chrétien Sept, par la grace de Dieu Roi de Danemark et de Norvège, &c., &c. A tous ceux qu'il appartiendra :

Quoique les règles, d'après lesquelles les commerçants et gens de mer, nos sujets, doivent se conduire en temps de guerre entre d'autres puissances maritimes, soient déterminées par plusieurs de nos ordonnances antérieures. Nous avons néanmoins jugé nécessaire, dans les circonstances actuelles, d'exposer dans une seule ordonnance le contenu de ces réglemens, modifié à plusieurs égards, et tel qu'il devra dorénavant servir de règle; afin que par la présente la plus grande publicité soit donnée aux principes invariables, d'après lesquels nous entendons maintenir en tout temps les droits des commerçants et gens de mer de nos états, et que personne ne puisse prétendre cause d'ignorance relativement aux devoirs qu'il aura à remplir comme sujet Danois dans un cas semblable. En conséquence c'est notre volonté royale, que le règlement suivant soit dorénavant ponctuellement observé comme la seule règle de leur conduite, par tous ceux qui voudront prendre part aux avantages que la neutralité de notre pavillon, en temps de guerre, assure au commerce et à la navigation légitime de nos sujets. A ces causes, révoquant par la présente nos ordonnances antérieures relativement à la conduite de nos dits sujets pendant une guerre maritime étrangère, nous ordonnons et publions ce qui suit :

ART. 1. Quiconque des commerçants ou gens de mer de nos états voudra faire partir un vaisseau, à lui appartenant, pour quelque port ou place étrangère, sur laquelle l'effet d'une guerre survenue entre d'autres puissances maritimes pourra s'étendre, sera tenu de se procurer un passeport royal en latin, et les autres papiers et actes requis pour l'expédition légitime d'un navire. A cette fin nos sujets seront avertis au commencement d'une pareille guerre, pour quels ports ou places étrangères on aura jugé nécessaire, que leurs navires soient pourvus de notre passeport royal en latin.

ART. 2. Ce passeport ne pourra être délivré au propriétaire du vaisseau, qu'après qu'il aura obtenu le certificat qui constate sa propriété.

ART. 3. Pour obtenir le certificat ordonné par l'article précédent, il faut être notre sujet, né dans nos états, ou avoir acquis, avant le commencement des hostilités entre quelques puissances maritimes de l'Europe la jouissance complète de tous les droits de sujet domicilié, soit de nos pays, soit de quelque autre état neutre. Le propriétaire du navire, pour lequel on demande le certificat, devra, dans tous les cas, résider dans quelque endroit de nos royaumes ou des pays à nous appartenans.

ART. 4. Il faudra pour se procurer le certificat ci-dessus énoncé, se présenter par devant le magistrat de la ville ou place maritime d'où l'on expédie le navire, ou bien du lieu de la résidence de la plupart des propriétaires; ceux-ci seront tenus de certifier ou tous personnellement, soit par serment de vive voix, soit par formule de serment écrite et signée de leur propre main, ou du moins le propriétaire principal au nom de tous, que le navire est vraiment à eux, tous ensemble nos sujets appartenant, et qu'il n'a à son bord aucune contrebande de guerre, qui soit pour le compte des puissances belligérentes ou pour celui de leurs sujets.

ART. 5. Durant le cours d'une guerre maritime étrangère personne né sujet d'une des puissances qui s'y trouvent impliquées, ne pourra être capitaine d'un bâtiment marchand naviguant sous notre passeport royal, à moins qu'il n'ait justifié d'avoir acquis le droit de bourgeoisie dans nos royaumes ou pays, avant le commencement des hostilités.

ART. 6. Tout capitaine marchand, qui veut être admis à conduire un navire muni de notre passeport royal, doit avoir acquis le droit de bourgeoisie quelque part dans nos états. Sa lettre de bourgeoisie devra être en tout temps à bord de son navire. Avant son départ du port où le passeport lui aura été remis, il sera tenu de prêter serment suivant la formule prescrite, qu'à son su et de sa volonté il ne sera rien commis ou entrepris relativement au dit navire, que puisse entraîner quelque abus des passeports et certificats qui lui ont été délivrés. L'acte de serment sera envoyé au département compétent avec la requête pour la délivrance du passeport. Mais en cas que cela ne puisse s'effectuer par raison d'absence du capitaine, le propriétaire du navire sera tenu d'en donner connaissance au dit département, et notre consul ou commissaire de commerce dans le district où le capitaine se trouve, pourvoira sous sa responsabilité à ce qu'en recevant le passeport, il prête le serment ordonné.

ART. 7. Il ne doit se trouver à bord des navires munis du passeport ci-dessus ordonné

aucun subreçargue, facteur, commis ni autre officier de navire sujet d'une puissance en guerre.

ART. 8. La moitié de l'équipage des navires ci-dessus spécifiés, y compris les matres et contre-matres, sera composée de gens du pays. S'il arrive que l'équipage d'un navire devienne incomplet en pays étranger par desertion, mort ou maladie, et que le capitaine soit dans l'impossibilité de se conformer à la règle susdite, il lui sera permis d'engager autant de sujets étrangers, et de préférence ceux des pays neutres, qu'il en aura besoin pour continuer son voyage; de manière cependant que le nombre des sujets d'une puissance en guerre, qui se trouveront à bord du navire, n'excede en aucun cas le tiers du nombre entier de l'équipage. Chaque changement qui y aura lieu, le capitaine sera obligé de le faire insérer, avec explication des causes qui l'ont rendu nécessaire, dans le rôle d'équipage appartenant au navire, lequel rôle sera dûment attesté par le consul ou commissaire de commerce, ou son délégué dans le premier port où le navire entrera, pour que cette attestation puisse servir de légitimation au capitaine partout ou besoin sera.

ART. 9. Les notes et documents ci-après spécifiés devront toujours être à bord des navires pourvus de notre passeport royal, savoir :

Le certificat ordonné par l'article 2;

La lettre de construction, et si le navire n'a pas été construit pour compte du propriétaire actuel, il y sera joint le contrat de vente ou lettre d'achat. Le premier de ces deux actes et le second, s'il a eu lieu, accompagneront la requête de l'armateur pour obtenir le passeport;

Le passeport royal, en latin, avec les traductions y appartenantes;

La lettre de jaugeage;

Le rôle d'équipage dûment vérifié par les officiers à ce compétents;

Les charteparties et les connaissements concernant la cargaison, et enfin l'attestation du bureau de douane établi sur les lieux où elle a été prise.

ART. 10. La lettre de jaugeage sera expédiée par des officiers à ce constitués dans les places maritimes de nos royaumes et pays. En cas qu'un de nos sujets ait acheté un navire en quelque port étranger, notre consul ou commissaire de commerce sur le lieu sera autorisé à pourvoir au jaugeage et à expédier au capitaine une lettre de jaugeage provisoire, laquelle sera réputée valable jusqu'à ce que le navire arrive à quelque port de nos états où il sera jangé et marqué en due forme; après quoi il sera expédié dans la forme ordinaire une lettre de jaugeage, qui par la suite fera partie des papiers de mer appartenant au navire.

ART. 11. Il est défendu à tout armateur d'acquérir et à tout capitaine d'avoir à son bord des papiers de mer doubles; il n'y sera point arboré de pavillon étranger pendant que le navire poursuivra son voyage avec les papiers et actes par nous accordés à cet effet.

ART. 12. Notre passeport royal n'est valable que pour un seul voyage; c'est-à-dire, depuis le temps que le navire, après en avoir été pourvu, aura quitté le port d'où il est expédié, jusqu'à son retour au même port; bien entendu que dans l'intervalle il n'aura pas changé de propriétaire, auquel cas l'acquéreur sera tenu de se procurer sous son nom les papiers et documents nécessaires.

ART. 13. Comme d'après les principes généralement établis, il ne saurait être permis aux sujets d'une puissance neutre, de transporter par le moyen de leurs navires des marchandises qui seraient réputées contrebande de guerre, si elles étaient destinées pour les ports d'une puissance belligérante ou qu'elles appartenissent à ses sujets. Nous avons jugé convenable de fixer expressément ce qui devra être compris sous la dénomination de contrebande de guerre, afin de prévenir qu'il ne soit abusé de notre pavillon pour couvrir le transport des articles défendus, et pour que personne ne puisse alléguer cause d'ignorance à ce sujet. Nous déclarons en conséquence que les articles et marchandises ci-après énoncés seront réputés être contrebande de guerre, vis : canons, mortiers, armes de toute espèce, pistolets, bombes, grenades, boulets, balles, fusils, pierres-à-feu, mèches, poudre, salpêtre, soufre, cuirasses, piques, épées, ceinturons, gibernes, selles et brides, en exceptant toutefois la quantité, qui peut être nécessaire pour la défense du vaisseau et de ceux qui en composent l'équipage.

En outre resteront en pleine vigueur les engagements positifs contractés avec les puissances étrangères, relativement aux marchandises et propriétés, dont ces engagements prohibent le transport en temps de guerre, et sera pour cet effet dressé un règlement particulier, pour être délivré à chaque armateur quand il recevra notre passeport royal.

ART. 14. En cas qu'un vaisseau destiné pour quelque port neutre prenne pour sa cargaison des marchandises qui seraient contrebande de guerre si elles étaient destinées pour un port appartenant à quelque puissance belligérante, il ne suffira pas que le propriétaire et le capitaine aient prêté le serment ordonné ci-dessus, mais l'affrètement et le capitaine seront de plus obligés de donner conjointement une déclaration différée de la déclaration générale de douane, dans laquelle seront spécifiés le genre, la quantité et le prix de ces marchandises. Cette déclaration sera vérifiée par les officiers de douane à l'endroit d'où le navire est expédié, après quoi l'officier de douane

à ce compéent la fera incessamment parvenir à notre chambre générale des douanes, pour servir à contrôler et à constater l'arrivée des marchandises y spécifiées, au lieu de leur destination y énoncé; à moins que l'arrivée n'en ait été empêchée par capture ou détention violente, ou par quelque autre accident, de quoi il sera fourni preuve suffisante. Le contrôle s'effectuera de la manière qui suit :

Le fréteur de ces marchandises devra fournir une attestation par écrit de notre consul ou commissaire de commerce, ou de leur fondé de pouvoirs au lieu pour lequel le navire est destiné, ou à leur défaut, du magistrat compéent ou de quelque autre personne publiquement autorisée et qualifiée pour cet acte; laquelle attestation certifiera l'arrivée du vaisseau et le déchargement des marchandises conformément à la déclaration sus-mentionnée, et en sera la preuve légale. Cette attestation sera envoyée à notre collège général d'économie et de commerce aussitôt que le vaisseau sera arrivé au port pour lequel il est destiné, ou bien après son retour dans un des ports de nos royaumes. En cas que cette attestation ne soit pas remise dans un délai proportionné à la longueur du voyage, notre collège général d'économie et de commerce exigera du fréteur du navire une déclaration, telle qu'il consentirait à l'affirmer par serment, portant qu'il n'a reçu aucune nouvelle ni du navire ni de ces marchandises. Si l'arrivée du navire et le déchargement des marchandises ci-dessus spécifiées dans un port neutre ne peuvent être prouvés, et qu'une prise en mer ou quelque autre événement malheureux n'en soit pas la cause, le fréteur payera à la caisse de notre collège général d'économie et de commerce une amende de vingt rixdalers pour chaque last de commerce que porte le navire; et seront en outre autant l'armateur que le capitaine soumis à l'action fiscale conformément aux lois.

Art. 15. Il est défendu à tous capitaines de navires, de faire voile pour un port bloqué du côté de la mer par une des puissances en guerre; au contraire, ils devront se conformer strictement aux renseignements, qui leur auront été donnés par les magistrats compéents, relativement au blocus de ce port. En cas qu'un capitaine, voulant entrer dans un port, dont le blocus ne lui aurait point été connu, rencontre quelque vaisseau de haut bord, portant pavillon de quelque puissance en guerre, dont le commandant l'avertisse que ce port est réellement bloqué, il sera obligé de se retirer incessamment, et ne tentera en aucune manière d'y entrer, tant que le blocus n'en sera pas levé.

Art. 16. Il ne sera permis à aucun de nos sujets de s'engager au service de quelque corsaire ou armateur en course d'un pays en guerre, ni d'armer lui-même des bâtimens pour pareille entreprise, ni d'avoir part ou intérêt dans ce genre d'équipement. Aucun armateur, aucun capitaine, ne doit permettre, qu'il soit fait usage de son navire pour transporter des troupes ou munitions de guerre, de quelle espèce que ce puisse être. Au cas qu'un capitaine ne puisse empêcher, que, pour pareil service, il soit abusé de son navire par une force irresistible, il sera tenu de protester, d'une manière solennelle et par acte authentique, contre la violence qu'il n'a pas été en son pouvoir d'éviter.

Art. 17. Lorsqu'un vaisseau non convoqué par une protection militaire, sera hélé en mer par quelque bâtiment armé appartenant à une des puissances belligérentes, et qui serait autorisé à demander l'inspection des papiers de mer à bord des vaisseaux marchands, le capitaine n'opposera aucune résistance à cet examen, si le commandant du bâtiment armé annonce l'intention de le faire; mais il sera au contraire obligé d'exhiber fidèlement et sans dissimulation quelconque, tous les papiers et actes appartenants tant au navire qu'à sa cargaison.

Il est pareillement défendu, sous des peines sévères, tant au capitaine du navire qu'à ses officiers et équipage, de jeter à la mer, déchirer ou retenir aucun des documens faisant partie des papiers relatifs au navire et à la cargaison, soit avant la visite, soit pendant qu'elle se fera. Dans le cas que nous aurions accordé au commerce une protection armée sous notre pavillon, alors les capitaines marchands, qui désireront d'être reçus sous convoi, seront tenus préalablement d'exhiber leurs papiers de mer au chef du convoi, et de se régler en tout d'après ses ordres.

Art. 18. Tout armateur ou capitaine qui contreviendra, en tout ou en partie, aux articles et règles de cette ordonnance, sera déchu de son droit de bourgeoisie et de commerce maritime, et en outre soumis à l'action fiscale conformément aux lois, et puni d'après la qualité du délit, soit comme parjure soit comme infracteur des ordonnances royales. Notre intention royale, au contraire, est de protéger et maintenir les droits de tous nos chers et fidèles sujets, qui se conformeront strictement aux règles ci-dessus, dans leur commerce et navigation légitime. En conséquence nous avons ordonné à tous nos ministres, consuls, et autre agens en pays étrangers, d'employer leurs soins les plus actifs à ce qu'ils ne soient ni vexés ni molestés, et s'ils le sont, de leur aider à obtenir justice et le redressement de leur griefs. Promettons en outre d'appuyer toute réclamation fondée, qu'ils se trouveront dans le cas de nous faire humblement exposer.

Donnée à Copenhague, le 4 Mai 1803, sous notre main et sceau.

[L. S.]

CHRÉTIEN R.

No. 14.

Mr. Geo. H. Yeaman to Mr. Fish.

No. 252.]

LEGATION OF THE UNITED STATES,
Copenhagen, August 4, 1870. (Received August 24, 1870.)

SIR: I herewith inclose a translation of a note of yesterday's date, addressed to me by the Danish minister for foreign affairs, advising me of the revocation, by order of 25th of last month, of the royal order of July 4, 1838, permitting foreign ships of war to enter the interior part of the harbor of Copenhagen in time of peace.

GEO. H. YEAMAN.

Baron Rosenörn-Lehn to Mr. Yeaman.

[Translation.]

COPENHAGEN, *August 3, 1870.*

MONSIEUR: I have the honor to make known to you that, upon the proposition of the minister of marine, it has pleased my august sovereign the King to abrogate, on the 25th of the past month, the royal resolution of July 4, 1838, which, until the new order, permitted armed steamers, as well as other ships of war, of medium size, (*dimension moyenne*), as corvettes and brigs, and belonging to foreign nations, to enter in time of peace into the interior part of the road (harbor) of Copenhagen, by passing the "Three Crowns" port.

In adding that the necessary orders to this effect have been given to the competent authorities and to Danish pilots of the sound, I pray you, monsieur, to accept the renewed assurance of my most distinguished consideration.

O. D. ROSENÖRN-LEHN.

No. 15.

Mr. Geo. H. Yeaman to Mr. Fish.

No. 253.]

LEGATION OF THE UNITED STATES,
Copenhagen, August 5, 1870. (Received August 24, 1870.)

SIR: Touching the subject of the neutrality of Denmark in the present contest between Prussia and France, two events have lately occurred of some interest. This government has forbidden the further exportation of horses, an order which the government is entirely competent to make, simply as a regulation of commerce; but which is done notoriously in view of the possible exigencies of the present situation.

The other fact is the arrival at this capital, a few days ago, of the Marquis de Cadore, late French minister at Munich, which capital he quitted when Bavaria so promptly espoused the cause of Germany, and who, it is generally stated and credited, comes here as an envoy extraordinary on special mission to this government.

Of course, such a visit at this juncture excites very great interest and curiosity in political and diplomatic circles. But very little, indeed nothing, has as yet transpired as to the object of his visit. There can be no reasonable doubt that he left Paris for an important purpose, and, probably, with definite instructions. But from all that can be learned here he seems to have said and done so little as to give rise to the suggestion that, upon arriving here, he found the programme altered or modified. The Danish declaration of neutrality could scarcely have been officially, perhaps not publicly, known at Paris when he left; he traveled all the way from Cherbourg by sea, and by the time he arrived

here, the publication by Count Bismarck of the diplomatic proposals of France so seriously affecting Belgium, and even the "Duchy" question pending between Denmark and Prussia, may have suggested to the cabinet of Paris that an earnest and successful effort by France to drag Denmark into the war might cost too much in the form of other and adverse complications. It might draw both England and Belgium into the war, and give still greater cause of dissatisfaction to Russia. Of course, as an explanation of the Marquis Cadore's apparent inactivity, this is all speculation; but it has a certain air of plausibility about it. While I deem it quite certain that he came here for a definite and important purpose, I have reason to doubt whether he is formally and officially accredited to this government, and I know that up to yesterday evening he was not so regarded by it, and had not established official relations with it. The subject has become an interesting and important puzzle to the diplomatic corps, and the more so as most of my colleagues are actively pressing upon this government the wishes of their own governments that Denmark should remain neutral. There is somewhat less confidence felt that this attitude will be preserved than there was at the date of my last advices upon that subject.

GEO. H. YEAMAN.

No. 16.

Mr. Geo. H. Yeaman to Mr. Fish.

No. 254.]

LEGATION OF THE UNITED STATES,
Copenhagen, August 9, 1870. (Received August 30, 1870.)

SIR: Referring to my dispatch No. 253, it appears that the Marquis de Cadore has not yet been formally and officially presented to the King or to the Danish government, though he has had several interviews. And if he has either accomplished or proposed anything definite there is no means of knowing it, while there is much evidence that he has not.

The opinion is receiving confirmation here that this is only to be explained, by the considerations suggested in my last dispatch, and by the additional fact that the early and brilliant victories counted upon as an aid to French diplomacy have not occurred.

Public opinion here is entirely adverse and hostile to Prussia. It is as belligerent as it can be without actually pushing armies and marines into the contest. In Danish political circles the obvious criticism is made upon the government's declaration of its neutrality, that neutrality seems rather the incident than the object of the document; a criticism invited by its form, though probably not sustained by the fact; for the government seems to be really in earnest, and recent events in the field may dampen public ardor, or at least check its expression.

The leading journals, in their discussions of the subject, have taken the position, not very assuring to the cabinet of Berlin, if technically true that, neutrality is at most only a state of peace—that is, not actual war; that it depends on circumstances, and, like peace, may be abandoned when circumstances, interest, policy, or duty indicate war as the better course.

For the immediate present there seems no danger that the government will abandon its policy of neutrality and become a party to the war.

GEO. H. YEAMAN.

No. 17.

Mr. Geo. H. Yeaman to Mr. Fish.

No. 255.]

LEGATION OF THE UNITED STATES,
Copenhagen, August 13, 1870. (Received August 30, 1870.)

SIR: The Marquis de Cadore left here yesterday, and if he accomplished anything while here, it is wholly unknown, and it is believed that he did not. There can now be no further question about the neutrality of Denmark until the tide of war turns as decidedly in favor of France as it has so far been in favor of Prussia.

GEO. H. YEAMAN.

FRANCE.

THE DEPARTMENT OF STATE TO THE UNITED STATES LEGATION IN
PARIS.

No. 18.

Mr. Fish to Mr. Hoffman.

[Telegram.]

DEPARTMENT OF STATE,
Washington, July 16, 1870.

Protection of North Germans in French territory by American representative can only be given at request of North Germany, and with assent of France. Examine request of Mr. Moustier of July 19, '67, to United States to protect French in Mexico.

FISH.

No. 19.

Mr. Fish to Mr. E. B. Washburne.

[Telegram.]

DEPARTMENT OF STATE,
Washington, July 16, 1870.

Government and people of United States depend upon German steamers between Bremen and Hamburg and New York for postal communications with Europe, under arrangements with the United States Post Office.

Inquire whether, in the event of war with North Germany, these steamers will be exempt from capture.

Report by cable.

FISH.

No. 20.

Mr. Fish to Mr. E. B. Washburne.

[Telegram.]

DEPARTMENT OF STATE,
Washington, July 19, 1870.

North German government asks United States to exert good offices through their legation at Paris during war, for protection of North Germans in France. President directs you to notify Duke de Gramont of this request, and say that if the French government consent thereto, the United States will extend to North Germans same care which they extended to subjects of the Emperor in Mexico, on Mr. Moustier's request of July 19, '67.

FISH:

No. 21.

Mr. Davis to Mr. E. B. Washburne.

[Telegram.]

DEPARTMENT OF STATE,
Washington, July 25, 1870.

Take subjects of Saxony, Hesse, and Coburg under protection, France
consenting. * * * * *

DAVIS,
Acting Secretary.

No. 22.

Mr. Davis to Mr. E. B. Washburne.

[Telegram.]

DEPARTMENT OF STATE,
Washington, August 14, 1870.

Prussian credit opened for removal of Germans. Have notified Secretary, who is absent; shall communicate further.

DAVIS,
Acting Secretary.

No. 23.

Mr. Davis to Mr. E. B. Washburne.

[Telegram.]

DEPARTMENT OF STATE,
Washington, August 16, 1870.

Your reply to Gramont's notice of expulsion of Germans is fully approved. You were notified yesterday that Prussia grants credit. Do

what you can consistently with public law and our position as a neutral, who has assumed the protection of German residents in France, to mitigate the severity of the order for their expulsion.

DAVIS,
Acting Secretary.

No. 24.

Mr. Davis to Mr. E. B. Washburne.

No. 153.]

DEPARTMENT OF STATE,
Washington, August 16, 1870.

SIR: I have to acknowledge the receipt of your dispatches, numbered 232 to 242, both inclusive.

Your action in regard to the protection of subjects of Saxony and of those of the Grand Duke of Hesse, in France, as indicated in your Nos. 234 and 235, is fully approved.

J. C. B. DAVIS,
Acting Secretary.

No. 25.

Mr. Davis to Mr. E. B. Washburne.

[Telegram.]

DEPARTMENT OF STATE,
Washington, August 17, 1870.

Instead of "expulsion" in first sentence of yesterday's dispatch, substitute "departure."

DAVIS,
Acting Secretary.

No. 26.

Mr. Davis to Mr. E. B. Washburne.

No. 158.]

DEPARTMENT OF STATE,
Washington, August 30, 1870.

SIR: I have to acknowledge the receipt of your telegram of yesterday, which, although not entirely intelligible, has been translated thus:

"Am making every preparation for siege of Paris. Military order for expulsion of all Germans without exception. All others who cannot go away invited to leave, and suggested to ask German army to respect American property in Paris in case of need."

Instructions will be forwarded by this day's post to Mr. Bancroft, to ask that, in the event of the occupation of Paris by the German forces, American property there may be respected.

J. C. B. DAVIS,
Acting Secretary.

No. 27.

Mr. Davis to Mr. E. B. Washburne.

[Telegram.]

DEPARTMENT OF STATE,
Washington, September 6, 1870.

If provisional government has actual control and possession of power, and is acknowledged by French people, so as to be, in point of fact, *de facto* government, of which you will be able to decide by the time this reaches you, you will not hesitate to recognize it.

DAVIS,
Acting Secretary.

No. 28.

Mr. Davis to Mr. E. B. Washburne.

[Telegram.]

DEPARTMENT OF STATE,
Washington, September 6, 1870.

It appearing by your last dispatch that new government is fully installed and Paris remains tranquil, you will recognize.

DAVIS,
Acting Secretary.

No. 29.

Mr. Davis to Mr. E. B. Washburne.

[Telegram.]

DEPARTMENT OF STATE,
Washington, September 6, 1870.

As soon as situation in your judgment shall justify, tender the congratulations of President and people of United States on the successful establishment of republican government.

DAVIS,
Acting Secretary.

No. 30.

Mr. Davis to Mr. E. B. Washburne.

[Telegram.]

DEPARTMENT OF STATE,
Washington, September 7, 1870.

Berthemy asks, under instructions from Favre, whether [the] public sentiment in America has changed since [the] change of government in France, adding, on his part, that until now [the] republican press [in this country] has expressed strong sympathy with Germany.

I reply that the Government maintains a strict neutrality, and will continue so to do; that he cannot wonder the people have little sympathy for a dynasty which countenanced giving aid to rebels during our war, and tried to establish a monarchy on our southern borders; that, in my judgment, the feeling to which he alluded was not against France or the French people, of which he is as competent to judge as I; and that the disposition of this Government is shown in the order of the President already given to recognize the new government.

DAVIS,
Acting Secretary.

No. 31.

Mr. Davis to Mr. E. B. Washburne.

No. 161.]

DEPARTMENT OF STATE,
Washington, September 8, 1870.

* * * * *

About an hour after the receipt of your dispatch No. 266, Baron Alvensleben (who is, in the absence of Baron Gerolt, in charge of North German interests in Washington) called at the Department, and I took the opportunity to read the dispatch to him at length. He expressed, in the strongest terms, his satisfaction at what had been done. As soon as copies can be made they will be sent to the North German legation for transmission to Berlin.

I infer, from two allusions to my telegram of the 16th ultimo and my subsequent telegram of the 17th ultimo, that you have misapprehended my purpose in the second telegram.

It was my purpose in the first telegram, not only to give instructions as to the representations to be made in regard to the *expulsion* of the Germans, ordered by the *new* ministry, but also to approve the excellent letter, then just received, which you had written to the Duke de Gramont, (of the *old* ministry,) upon the obstacles which he proposed to throw in the way of the *departure* of the Germans. In preparing the telegram the word *expulsion* was improperly used with reference to the latter subject. The second telegram was intended to correct that mistake.

I also inclose herein copies of all the other telegrams received at the Department from you, or transmitted hence to you, since the date of the last transmission.

J. C. B. DAVIS,
Acting Secretary.

No. 32.

Mr. Fish to Mr. E. B. Washburne.

[Telegram.]

DEPARTMENT OF STATE,
Washington, September 9, 1870.

Request of Favre to instruct you to join other powers in efforts for peace received. It is not the policy or interest of the United States to

act jointly with European powers in European questions. Have instructed Bancroft to ascertain whether Germany desires good offices of United States, but not to tender them without assurance they will be accepted. President strongly desires to see peace restored between two great powers now at war, with each of whom the United States has so many traditions of friendship.

FISH.

No. 33.

Mr. Fish to Mr. E. B. Washburne.

No. 164.]

DEPARTMENT OF STATE,
Washington, September 13, 1870.

SIR: A dispatch, dated the 22d ultimo, has been received from Mr. Bancroft, in which he mentions the satisfaction with which your course in regard to the subjects of North Germany is viewed by that government. He incloses a copy of a note upon the subject received by him from the Secretary of State, a translation of which, he informs me, he has sent to you. I am pleased to assure you that your course has given equal satisfaction to this Department.

HAMILTON FISH.

No. 34.

Mr. Fish to Mr. E. B. Washburne.

No. 168.]

DEPARTMENT OF STATE,
Washington, September 15, 1870.

SIR: I acknowledge the receipt of your very interesting dispatch of the 22d ultimo, No. 266, giving an account of your interview with the French minister of the interior, and inclosing a copy of your letter to the minister of foreign affairs, together with a translation of a debate in the Corps Legislatif on the expulsion of the Germans from France.

Your conduct in relation to the important and delicate subject referred to is regarded by the President and by this Department as very prudent and discreet.

HAMILTON FISH.

No. 35.

Mr. Fish to Mr. E. B. Washburne.

No. 175.]

DEPARTMENT OF STATE,
Washington, September 27, 1870.

Referring to your No. 280, relating to the political occurrences at Paris, on the 4th instant, and inclosing a translation into French of your letter to Mr. Jules Favre, as it appeared in the French press, it is only necessary for me to state that the action thus reported has already received the approval of this Department and of the people of the United States.

HAMILTON FISH.

No. 36.

Mr. Fish to Mr. E. B. Washburne.

No. 177.]

DEPARTMENT OF STATE,

Washington, September 27, 1870.

I have received and perused, with much interest, your dispatch of the 9th instant, No. 283, in relation to important political events in Paris, beginning with the revolution of the 4th instant.

Your proceedings, as set forth in the dispatch, including your letter to Mr. Jules Favre, are cordially approved by the President and by this Department; and Mr. Favre's patriotic and eloquent reply evinces a just appreciation of the principles of free government, which the United States have endeavored to illustrate.

HAMILTON FISH.

No. 37.

Mr. Fish to Mr. E. B. Washburne.

No. 182.]

DEPARTMENT OF STATE,

Washington, October 4, 1870.

This Government desires and intends to maintain a perfect and strict neutrality between the two powers now unfortunately engaged in war. It desires also to extend to both the manifestation of its friendly feeling in every possible way, and will allow to the vessels of war of each power, equally, the hospitality of its ports and harbors for all proper and friendly purposes.

But this hospitality is liable to abuse, and circumstances have arisen to give rise in the minds of some persons to the apprehension that attempts at such abuse have taken place.

I am not in possession of facts to justify me in saying that such has been the case, but I have deemed myself justified in calling the attention of M. Berthemy, the French representative at this capital, to the current rumors, sustained as they are by the presence of a number of French vessels upon the coast of the United States. These vessels have appeared at or near the entrance of the harbor of New York, off Sandy Hook; at the entrance of the Long Island Sound; at or near the entrance of the Chesapeake Bay. One or more is represented to have been anchored not far from Sandy Hook, (the main entrance to New York Harbor,) and there is a difference of statement as to the precise distance at which she lay from the shore; some claiming that she was within a marine league. But of this there is no positive evidence. She has entered the port of New York (as claimed by some) for the purpose of watching a German steamer about to sail thence. Three of them have put into the harbor of New London (which looks out upon Long Island Sound, the eastern entrance to the New York Harbor) avowedly for some small repairs; one recently asked permission, which was granted, to make some repairs at the Norfolk navy yard, near the entrance of Chesapeake Bay.

All this may be consistent with an intention of perfect observance of the neutral character of our waters and jurisdiction, and with an entire absence of undertaking any hostile movement against the vessels of North Germany, from those waters, or that jurisdiction.

A large trade has been carried on from the ports of the United States, approached by the waters in which these vessels have thus appeared, by vessels belonging to North Germany.

The appearance of French vessels in these immediate neighborhoods, in such numbers and force, does not fail to excite the alarm of these vessels, and must have the effect to a greater or less degree to diminish that trade.

The United States are not prepared at present to say that any actual violation of international law has been committed, or that the hospitality of these waters has been positively abused. But the hovering of the vessels of war of a belligerent on the coasts near the entrance of the principal ports of a friendly power does interfere with the trade of the friendly power.

The interruption of the regular communication with you, by reason of the investment of Paris, has lead me to represent to M. Berthemy our views on this subject, and to say that, although the vessels of either belligerents may not actually shelter within the jurisdiction of the United States and proceed thence against the vessels of its enemy, this Government would regard as an unfriendly act the hovering of such vessels upon the coast of the United States, near to its shores, in the neighborhood of its ports, and in the track of the ordinary commerce of these ports, with intent to intercept the vessels of trade of its enemy.

I have requested M. Berthemy to make known these views to the French government, and to express the confident hope of the President that there may be no cause of complaint on the part of this Government by reason of any such hovering by the vessels of the French government.

You will be pleased to take an early opportunity to present the same view to the minister for foreign affairs, which you may do by reading to him this dispatch.

HAMILTON FISH.

No. 38.

Mr. Fish to Mr. E. B. Washburne.

No. 189.]

DEPARTMENT OF STATE,

Washington, October 11, 1870.

I inclose for your information and use four printed copies of a proclamation issued by the President, on the 8th instant, in relation to belligerent cruisers of France and North Germany resorting to the waters and ports within the jurisdiction of the United States during the existing war between those powers.

HAMILTON FISH.

[For this inclosure see *ante*—Proclamations.]

No. 39.

Mr. Fish to Mr. E. B. Washburne.

No. 190.]

DEPARTMENT OF STATE,

Washington, October 18, 1870.

On the 30th of August last the Department inclosed to Mr. Bancroft a copy of the instructions addressed to you on that day, respecting the protection of American property in Paris. Mr. Bancroft was at the

same time instructed to ask that proper measures be taken by the Government of North Germany "for the protection of American property in Paris, in the event of the occupation of that city by the German forces."

I now inclose a copy of a dispatch which I have received from Mr. Bancroft, and of the paper which accompanied it, in reply to that instruction.

[For this inclosure see *post*—"North Germany," Mr. Bancroft to Mr. Fish, No. 143, dated September 29, 1870.]

No. 40.

Mr. Fish to Mr. E. B. Washburne.

No. 192.]

DEPARTMENT OF STATE,

Washington, October 21, 1870.

I have to acknowledge the receipt of your dispatch on the 21st ultimo, No. 295, inclosing a copy of correspondence respecting the protection of naturalized citizens of the United States, of German birth, and in reply to inform you that the position taken by you upon that subject is approved.

HAMILTON FISH.

No. 41.

Mr. Fish to Mr. Washburne.

No. 206.]

DEPARTMENT OF STATE,

Washington, November 22, 1870.

Your dispatch No. 304, of the 18th ultimo, with its inclosures, relative to the obstructions and conditions imposed by the force blockading Paris to the communication of the representatives of neutral powers there with their governments, has been received.

The impression here is that the course of the Prussian authorities on that subject is derogatory to the rights of neutrals under the public law. The views of this Department are more particularly set forth in the instruction to Mr. Bancroft of the 11th instant, No. 264, and in the note to Baron Gerolt of yesterday, copies of which are herewith transmitted.

It is at least questionable whether, if the case were reversed and the diplomatic representative of Prussia were dwelling in the invested capital of a foreign country, the Prussian government would be willing to abide by the position which it has taken upon this question at Paris. In view, however, of the hitherto almost unchecked success of their arms, showing the wisdom, efficiency, and power of their military system, it is not unnatural to expect from them at least a leaning toward an assertion of extreme belligerent claims. It is hoped that they may not on any future occasion have reason to regret the course taken in the instance referred to, especially as it is impossible to believe it to have been necessary for the accomplishment of the military object which they had in view.

HAMILTON FISH.

E. B. WASHBURNE, Esq., &c., &c., &c.

[For these inclosures see *post*—"North Germany," Mr. Fish to Mr. Bancroft, No. 264, dated November 11, 1870, and Mr. Fish to Baron Gerolt, of same date.]

No. 42.

THE UNITED STATES LEGATION IN PARIS TO THE DEPARTMENT OF STATE.

Mr. W. Hoffman to Mr. Fish.

[Telegram.—Received 9.30 a. m. July 16, 1870.]

PARIS, July 15, 1870.

FISH, Washington:

War is certain. Can I take Prussian subjects in France under our protection? Have promised answer to-morrow.

HOFFMAN.

No. 43.

Mr. W. Hoffman to Mr. Fish.

[Telegram.—Received July 19, 1870.]

JULY 18, 1870.

FISH, Washington:

Consented to take North German under protection, on application of ambassador, with assent of France. No answer as regards steamers. Washburne returns immediately.

HOFFMAN,
Paris.

No. 44.

Mr. W. Hoffman to Mr. Fish.

No. 224.]

LEGATION OF THE UNITED STATES,
Paris, July 18, 1870. (Received August 3, 1870.)

On receipt yesterday of your dispatch of the 16th instant, in reference to the North German steamers, I waited immediately upon the minister of foreign affairs. In his absence I saw Count Favernay, the "chef de cabinet." I read your dispatch to him and promised to send him an official dispatch upon the subject, which I did that evening. Count Favernay said that he was of course unable to answer the inquiry, but that he would mention it to the Duke de Gramont and would give an early answer. No answer has yet been received—Monday evening.

I also received your telegram yesterday upon the subject of protection to be extended to North German subjects residing on French territory. I deciphered it with some difficulty, many letters in important words having been changed in the transmission. Having mastered the contents, I wrote at once to the minister of foreign affairs, reciting the request of the ambassador of North Germany and the authorization of my Government, provided that the assent of the imperial government was first obtained, and requested that this assent might be granted. A prompt answer was returned giving the entire assent of his Majesty's government—"entier assentiment." I at once notified Count Solms, the chargé d'affaires of the North German Confederation, the ambassador having left Paris on Saturday.

* * * * *

I have nothing of interest to add to my dispatch No. 220, of July 14. The armies are gathering in overwhelming numbers on the banks of the Rhine. It is reported that the Emperor will leave Paris to take command of the army on Saturday next. Meantime France is hurrying forward her troops with great dispatch, anxious to strike the first blow.

Both powers have given assurances to England of the strict observance of the neutrality of Belgium. No doubt for a short time they will observe this neutrality, but when armies of 200,000 men are in face on so narrow a front as the line between France and Prussia, one or the other, to gain a great strategical advantage, will invade Belgium, and, perhaps, Switzerland and Holland too.

* * * * *

WICKHAM HOFFMAN.

No. 45.

Mr. E. B. Washburne to Mr. Fish.

[Telegram.—Received July 19, 1870.]

PARIS, July 18, 1870.

FISH, Washington:

Prussian chargé has notice declaration war. Leaves to-morrow. Places archives under our protection. Saxony asks same.

WASHBURNE.

No. 46.

Mr. E. B. Washburne to Mr. Fish.

[By cable.]

PARIS, July 21, 1870—10.50 a. m.

FISH, Washington:

Government refuses to exempt North German steamers from capture, except those now at sea, ignorant of war, which may enter French port.

E. B. WASHBURNE.

No. 47.

Mr. E. B. Washburne to Mr. Fish.

No. 228.]

LEGATION OF THE UNITED STATES,
Paris, July 22, 1870. (Received August 3.)

Referring to the subject of the request made by you on the 17th instant, that I should inquire whether, in the event of war between France and the North German Confederation, the North German steamers would be exempt from capture, I have the honor to transmit you herewith—

First. A letter of Colonel Hoffman to the Duke de Gramont on this subject.

Second. A translation of a reply of the Duke de Gramont to the letter of Colonel Hoffman, received the 21st instant.

Third. A copy of the telegraphic dispatch which I yesterday transmitted to you on the receipt of the Duke de Gramont's communication.

I do not see that I can do anything further in this matter until advised by you. It seems to me that the difficulty would have been in a great measure solved if the recommendation of the President's message of the 15th instant, a synopsis of which we received by the telegraph, had been adopted by Congress.

E. B. WASHBURNE.

Mr. W. Hoffman to the Duke de Gramont.

LEGATION OF THE UNITED STATES,
Paris, July 17, 1870.

SIR: I have the honor to transmit to your excellency a copy of a telegram I have just received from Mr. Fish, with the request that your excellency will favor me with a reply as soon as possible.

It is probably known to your excellency that the steamers referred to do an immense carrying business between the United States and France. They also carry our mails to England and to France, to a greater extent than any other line. If they were to cease to run it would be a serious inconvenience to our Post Office Department.

I take this opportunity to renew &c., &c.

WICKHAM HOFFMAN.

His Excellency the DUKE DE GRAMONT, *ſc.*, *ſc.*

The Duke de Gramont to Mr. W. Hoffman.

[Translation.]

PARIS, *July —, 1870.* (Received July 21, 1870.)

SIR: The consignees of the German steamers established between Hamburg, Bremen, and New York, stopping at Havre, have applied to the cabinet of Washington to know if they could, notwithstanding the war, continue their traffic without being exposed to capture, and Mr. Hoffman was in consequence charged to ask of me what are, in this respect, the intentions of the government of the Emperor.

My colleague, the minister of the marine, whom I have just consulted upon this subject, desires me, with reason, to observe that the steamers in question are enemies' ships, and do not find themselves in any of the conditions required in order that, after the opening of hostilities, they may permanently be exceptionally authorized to continue the mercantile operations to which they are devoted. It is true that, like all merchant ships, they take charge of letters or of mails, the carriage of which, according to the federal laws, gives a right to compensation from the American treasury. But this compensation, whatever may be its form, cannot in any way influence the hostile and private character of the ship which receives it, nor consequently justify any exception to the general principle of the law of nations, of the character of that to which the telegraphic dispatch, which Mr. Hoffman did me the honor to communicate to me on the 18th of this month, refers.

The government of the Emperor feels, therefore, regret that it cannot resolve favorably the question put by the consignees of the Bremen and Hamburg steamers. However, and in order to save in a certain measure the complex interests engaged in these ships, we are disposed to exempt from capture those among them which are actually at sea, and which, in ignorance of the state of war, may enter one of the ports of the empire. I hope that the suspension of service performed by the company of Lloyd and of North Germany will not have for the federal Post Office the disagreeable consequences which it appears to apprehend, as the English and French packet-boats from Liverpool and from Havre will not cease to keep up regular communication between the United States and Europe. Receive &c.

GRAMONT.

[For inclosure 3, see preceding number.]

Mr. Fish to Mr. E. B. Washburne.

[By cable.]

WASHINGTON, July 17, 1870.

WASHBURN, *Paris*:

Government and people of the United States depend upon German steamers between Bremen, Hamburg, and New York for postal communication with Europe, under arrangements with the United States Post Office. Inquire whether, in the event of war with North Germany, these steamers will be exempt from capture. Report by cable.

FISH.

No. 48.

Mr. E. B. Washburne to Mr. Fish.

No. 231.]

LEGATION OF THE UNITED STATES,
Paris, July 22, 1870. (Received Aug. 3.)

Count Solms, chargé d'affaires of the North German Confederation, left here for Berlin on Wednesday night, after turning over to this legation the archives of the embassy to which he belonged. He expressed himself as much gratified with the courtesy which we have extended to him in receiving the archives of his embassy, and in assuming the protection of the subjects of the sovereign whom he represented.

Many subjects of the North German Confederacy found themselves here upon the formal declaration of war, and the count left with me sufficient funds to pay the expenses of a certain number of them, who would be directed to call at this legation to obtain the proper authorization to leave the French territory. Accordingly many have presented themselves during the past three days to receive some proper instrument that will enable them to go out of France. I was unwilling to give any paper or certificate, in the nature of a visa, unless I was satisfied it would be respected by the French military and civil authorities. I therefore went to the Foreign Office yesterday to state the case and to ascertain whether these North German subjects would be permitted to leave, and, if so, upon what kind of a protection, to be issued by me. I was there advised that it was a somewhat serious question, and that it would be best for me to state my object in writing. I then addressed a letter to the Duke de Gramont, a copy of which is herewith inclosed, marked A. I was promised an answer to this letter before this time; but now, at five o'clock p. m., it has not come, and will not in season to send you a translation of it by the dispatch-bag, which leaves to-night and goes by the way of England.

I send you also a copy of Colonel Hoffman's letter, marked B, to the Duke de Gramont, in relation to the authorization of our Government to extend protection to North German subjects, with the assent of the government of his Majesty the Emperor; also the reply of the Duke de Gramont thereto.

E. B. WASHBURN.

A.

Mr. E. B. Washburne to the Duke de Gramont.

LEGATION OF THE UNITED STATES,
Paris, July 21, 1870.

Referring to the letter of Colonel Hoffman, of the 17th instant, to your excellency, in relation to putting the subjects of the North German Confederation residing in French territory under the protection of this legation, and the response of your excellency of the following day, giving the entire consent of the French government thereto, I have the honor to state that quite a number of the citizens of the North German Confederation, finding themselves in Paris at the time of the declaration of war, have applied to me for such protection as will enable them to leave the French territory. I have, therefore, now to apply to your excellency to know whether any certificate in the nature of a visa, given by me to these subjects of the North German Confederation, will be so far respected as to enable them to pass into the neutral territory of Belgium. I have to state that there will be no more than one hundred of these persons, and they are mostly poor men who have been necessarily detained here by reasons over which they had no control, and who are extremely desirous of leaving France.

In this connection I beg leave to observe that I only desire to conform to what is due to the function which I have undertaken in this respect, with the assent of the government of his Majesty the Emperor. While, perhaps, under a strict construction of public law, the government of his Majesty would have the absolute right to treat as enemies of war all of the subjects of the North German Confederation finding themselves in France after the 19th instant, yet under the modern and more humane interpretation given to that right, the government of his Majesty might deem it consistent with its views to permit these men to leave the territory of France within the reasonable time which the text-writers observe has become the usual concession of nations engaged in war.

I will thank you to advise me upon this subject at the earliest convenient moment, so that I can inform these men in regard to their application. If permission be granted, I beg to request that I may be informed of the nature of the certificate to be given by me, which will be respected by the military and civil authorities of his Majesty's government.

E. B. WASHBURNE.

His Excellency the DUKE DE GRAMONT, &c., &c.

B.

Mr. W. Hoffman to the Duke de Gramont.

LEGATION OF THE UNITED STATES,
Paris, July 17, 1870.

I was requested by the ambassador of the North German Confederation, before his departure from Paris, to take the North German subjects residing in French territory under the protection of this legation. To-day I am in receipt of a telegram from my Government authorizing me to do so, provided that it be done with the assent of his Majesty's government. I have the honor to apply for this assent.

WICKHAM HOFFMAN.

His Excellency the DUKE DE GRAMONT,
Minister of Foreign Affairs.

The Duke de Gramont to Mr. W. Hoffman.

[Translation.]

PARIS, July 18, 1870.

I have received the letter which you did me the honor to write to me, of yesterday's date, in which you say you have been instructed by the cabinet at Washington to take under your protection the subjects of the North German Confederation residing in France. The government of his Majesty has no objection to your charging yourself with this mission, and I hasten to respond to your desire that we give to you our entire assent.

GRAMONT.

Mr. WICKHAM HOFFMAN,
Charge d'Affaires, &c., &c.

No. 49.

Mr. E. B. Washburne to Mr. Fish.

[Telegram.—Received July 25, 1870, at 9.30 a. m.]

PARIS, July 24, 1870.

FISH, Washington :

French government assents to our protecting North Germans and Saxons. Hesse Grand-Ducale and Saxe-Coburg-Gotha also ask protection.

WASHBURNNE.

No. 50.

Mr. E. B. Washburne to Mr. Fish.

No. 234.]

LEGATION OF THE UNITED STATES,
Paris, July 26, 1870. (Received August 11.)

SIR: I have the honor to transmit herewith a copy of the correspondence relating to the protection of subjects of the King of Saxony residing in France by the Government of the United States, as follows:

1st. A translation of a communication from Baron Lüttichau, chargé d'affaires of Saxony, asking that protection may be given.

2d. A copy of my letter to the Duke de Gramont upon the subject; and

3d. A translation of a note from the Foreign Office, signed H. Desprez, giving the entire assent of the government of the Emperor to the protection assumed by this legation.

E. B. WASHBURNNE.

Hon. HAMILTON FISH,
Secretary of State.

Baron de Lüttichau to Mr. E. B. Washburne.

[Translation.]

ROYAL LEGATION OF SAXONY,
Paris, July 20, 1870.

Mr. MINISTER: The government of the King, compelled by events to recall his legation from Paris, earnestly desires permission to place under the protection of the legation of the United States, pending the existence of the war that has been declared, the interests of Saxon subjects in France.

In conformity with the orders which I have just received, I have recourse to the great kindness of your excellency, and beg you to inform me if you consent to this request of my government.

I profit by the present occasion to offer to your excellency the assurance, &c., &c., &c.
DE LÜTTICHAU,
Chargé d'Affaires.

His Excellency Mr. WASHBURNNE,
Minister of the United States, Paris.

Mr. E. B. Washburne to the Duke de Gramont.

LEGATION OF THE UNITED STATES,
Paris, July 20, 1870.

SIR: I am requested by the chargé d'affaires of Saxony, near the court of his Majesty the Emperor of the French, to take the subjects of Saxony in France under the protection of this legation. Having received the assent of my Government to take the subjects of North Germany under the protection of this legation, I have assumed that it would give the same protection to the subjects of Saxony, provided it should meet with the approval of the government of his Majesty the Emperor.

I will thank you to communicate to me at an early moment the action of his Majesty's government in this regard.

I take the present opportunity to renew, &c.,

E. B. WASHBURNE.

His Excellency the DUKE DE GRAMONT,
Minister of Foreign Affairs.

Mr. H. Desprez to Mr. E. B. Washburne.

[Translation.]

PARIS, July 21, 1870.

SIR: To respond to your letter which you have done me the honor to write to me under date of yesterday, I hasten to inform you that the government of the Emperor gives its entire assent to your assuming, during the war, the protection of Saxon citizens in France.

Receive the assurance of the high consideration, &c., &c., &c.

For the minister and by his authorization, &c., &c., &c.,

H. DESPREZ.

Mr. WASHBURNE,
Minister of the United States, Paris.

No. 51.

Mr. E. B. Washburne to Mr. Fish.

No. 235.]

LEGATION OF THE UNITED STATES,
Paris, July 26, 1870. (Received Aug. 11.)

I have the honor to inclose a copy of the correspondence bearing upon the protection afforded by the Government of the United States to the subjects of Hesse Grand-Ducale, resident in France, who, owing to the alliance formed between the government of the North German Confederation and that of Hesse, have become the enemies of France in the war declared on the 19th of the present month.

The correspondence embraces,

1st. A translation of a letter from Count d'Euzenberg, minister resident of Hesse Grand-Ducale at Paris.

2d. A copy of a letter addressed by myself to the Duke de Gramont asking the assent of the government of the Emperor for such protection, and

3d. The translation of a letter from the Duke de Gramont giving the assent desired.

E. B. WASHBURNE.

Count d'Euzenberg to Mr. E. B. Washburne.

[Translation.]

LEGATION OF HESSE GRAND-DUCALE,
Paris, July 23, 1870.

MR. MINISTER: My government having informed me of the fact of the declaration of war by France against the North German Confederation, of the date of July 19, current, the alliance under the military convention concluded between the two governments of Hesse and the North German Confederation still exists.

In consequence I am instructed to address your excellency without delay, in order to inform you of the desire of my government that you will take all the subjects of Hesse residing in Paris and in France, as well as the archives of the legation, under the protection of the United States.

I hasten to obey this order, and I beg your excellency to be assured of the high estimate which my government attaches to this protection; and already in advance, and in my own name, I pray your excellency to be pleased to accept my heartfelt thanks as a testimony of courtesy and international good will, and I take this occasion to renew the assurances of the high consideration with which I have the honor to be, Mr. Minister, your excellency's humble and devoted servant.

EUZENBERG, *Minister Resident.*

His Excellency E. B. WASHBURNE,
Envoy Extraordinary and Minister Plenipotentiary.

Mr. E. B. Washburne to the Duke de Gramont.

LEGATION OF THE UNITED STATES,
Paris, July 23, 1870.

SIR: The Grand Duke of Hesse Grand-Ducale has directed Count d'Euzenberg, his minister resident near the court of his Majesty, the Emperor of the French to address himself to me, with the request that the Government of the United States should permit all subjects of Hesse finding themselves in Paris or in France, together with the archives of Hesse Grand-Ducale, to be placed under the protection of the United States. I have to state to your excellency that I shall feel authorized to assume such protection; with the assent of the government of his Majesty the Emperor. I would be pleased, therefore, if you would advise me, at your earliest convenience, if such assent will be given.

I take the present opportunity, &c., &c.,

E. B. WASHBURNE.

His Excellency the DUKE DE GRAMONT,
Minister of Foreign Affairs.

The Duke de Gramont to Mr. E. B. Washburne.

[Translation.]

PARIS, July 25, 1870.

I hasten to inform you, in answer to the letter you did me the honor to write to me on the 23d of this month, that the government of the Emperor gives its entire assent in order that you may assume, during the war, the protection of the subjects of Hesse Grand-Ducale, residing in France.

Receive the assurances of the high consideration with which I have the honor to be, sir, your very humble servant,

GRAMONT.

MR. WASHBURNE,
Minister of the United States, Paris.

No. 52.

Mr. E. B. Washburne to Mr. Fish.

No. 238.]

LEGATION OF THE UNITED STATES,
Paris, July 29, 1870. (Received Aug. 11.)

Referring to my dispatch of the 22d instant, numbered 231, and to the reference therein to the question of the departure of the subjects of

the North German Confederation from French territory, I now have the honor to send you the continuation of the correspondence on that subject. It consists of—

First. The reply of the Duke de Gramont to my letter of the 21st instant, marked No. 1, and

Second. My rejoinder to his excellency's letter, dated the 25th instant, and marked No. 2.

It is difficult for me to determine the precise nature and extent of the functions devolving upon me in virtue of the protection of the subjects of the North German Confederation, which I have assumed by your direction and with the assent of the French government. I cannot find that any particular rule has been laid down to govern under such circumstances, and I would be thankful if you could make any suggestions in that regard. But it must be presumed that I am to extend my good offices in every proper manner to such of the North German subjects as may call upon me for advice or protection, but guarding myself carefully against any act which might be construed as inconsistent with the neutral position I occupy. In regard, however, to the doctrines submitted by the Duke de Gramont, in his letter to me of the 23d instant, touching the departure of North German subjects from French territory, I considered them as differing so widely from the well-established principles of public law, at least as understood and acted upon in our own country, that I could not give them even an implied assent. Hence my letter to the Duke de Gramont of the 25th instant, to which I have already made reference herein, and which I trust may meet with your approbation.

E. B. WASHBURNE.

No. 1.

The Duke de Gramont to Mr. E. B. Washburne.

[Translation.]

PARIS, July 23, 1870.

MR. MINISTER: You have done me the honor to inform me that a large number of persons belonging to the North German Confederation have asked your good offices to enable them to return to their country, passing through Belgian territory, and you are good enough to ask me at the same time if the passports given or signed by you would constitute sufficient evidence to assure security in the journey to these persons.

As you have seen, Mr. Minister, by the notice inserted in the Journal Officiel of the 20th of this month, the government of the Emperor has decided that German citizens will be at liberty to continue their residence in France, and that they will enjoy the protection of our laws as before the war, as long as their conduct does not give any legitimate cause of complaint. Nothing is altered in the design of his Majesty in this regard.

In regard to that which now concerns the North Germans who desire to leave the territory of the empire, in order to return into their own country, the government of the Emperor is disposed to accede to the desires of those individuals who are past the age of active military service, reserving the right to examine each particular case as it is presented. Regarding the national confederates who do not find themselves in this situation, and who would like to leave France to respond to the summons of their government which calls them lawfully to return to bear arms against us, the government of the Emperor will not allow their departure. In adopting this line of conduct we have the desire to reconcile, in an equitable degree, the considerations due to respectable private interests with the legitimate exigencies of a state of war. You will please to observe, sir, that the confederate Prussians, whose departure from our territory we prevent for the moment, can with difficulty invoke in their favor the general principles of the law of nations, or the doctrine of the text-writers on this subject. In fact, the German subjects, whom the decision which I have the honor to inform you of concerns, cannot legally be considered as simply private individuals, nor be assimilated to merchants; they are incontestably persons bound to military service as soldiers of the active army or of the landwehr. Now no rule of international law obliges a belligerent to allow to

depart from his territory subjects of the enemy, who, from the day of their return to their own country, will be enrolled in the ranks to take part in the hostilities. I will add, in conclusion, that except the obstacle put in the way of their departure from France, the German citizens in question will enjoy the most complete liberty to attend to their business, to carry on their commerce, their industries, or their professions; in other words they will be precisely on the same footing as those of their compatriots mentioned in the official note of the 20th of this month.

Accept the assurances of the high consideration with which I have the honor to be, sir, your very humble and obedient servant,

GRAMONT.

MR. WASHBURNE,
Minister of the United States.

No. 2.

Mr. E. B. Washburne to the Duke de Gramont.

LEGATION OF THE UNITED STATES,
Paris, July 25, 1870.

SIR: I have the honor to acknowledge the receipt of your excellency's communication of the 23d, in reply to mine of the 21st, asking information in behalf of North German confederate subjects desiring to quit French territory.

Your excellency's communication seems to assume the probability that more or less of these applicants are desirous of quitting France to answer to the summons of their own government to bear arms against France, under the provisions of the laws of the North German confederation. Without undertaking to contest the exactness of this assumption, or without undertaking to inform your excellency whether any or what portion of these applicants are to be found outside of the present limits of liability to bear arms in the ranks of the confederation in case of their return to North Germany, matters upon which I have not particularly informed myself, you will allow me to remark, in loyal fulfillment of the function that has been confided to me in this regard, that I was not prepared to learn that the exception now proposed to be made by the government of his Majesty to the disadvantage of a portion, perhaps the largest portion, of the applicants would be insisted on, viz., that a liability to perform military service in the home army constitutes a sufficient reason for the refusal of the ordinary privilege of quitting foreign belligerent territory; on the outbreak of a war between that foreign government and the home nation. If the exception stated by your excellency is to constitute a settled principle of international comity, for I at once concede that there is no question of *absolute right*, but only of comity or social civilization, involved in the decision in the case of these applicants, then I beg leave to suggest that the exception becomes the rule, and that the privilege of returning to one's own country at the outbreak of a war becomes a mere nullity; since, of what male subject, of whatever age or of whatever condition of life, may it not be affirmed that at some time or under some circumstances he may be compelled to join the ranks of his country's armies in her defense; say in some sudden or extreme emergency? And is a distinction to be made between those countries which limit the conscription of their soldiers to a very restricted section of their population, and those governments which, like Prussia, the United States, and perhaps Switzerland, being much the larger proportion of their citizens under the reach of the law of military service? Will your excellency allow me respectfully to suggest that in the limited examination which I have been able to give to this subject, I find the line of exception now suggested to his Majesty's government to the general concession usually made in favor of foreign subjects wishing to quit belligerent territory an entirely new one. Even in feudal times, when the liability to do military duty to the sovereign lord or king was held in much greater strictness than at the present day, I do not find that the point was insisted upon of the returning liege being liable to become a hostile soldier. Certainly, under my own Government, from which perhaps I borrow my prepossessions, the idea of any such distinction seems to have been long since discarded. For as early as 1798, and when hostilities between the United States and France seemed imminent, probably I may say in reference to the departure of French subjects from United States territory, my own Government, by formal statute, declared that subjects of the hostile nation, who might wish to quit the United States on the outbreak of future hostilities, should be allowed "such reasonable time as may be consistent with the public safety, and according to the dictates of humanity and national hospitality," and "for the recovery, disposal, and removal of their goods and effects, and for their departure." [Laws of the United States, vol. 1, page 577.] Thus your excellency will observe that the privilege is granted in the most unrestricted terms, without allusion to a liability to render military aid to an enemy. I need not add that the same principle is incorpo-

rated into various subsisting treaties of the United States, and that the highest American authority on public law, Chancellor Kent, considers the principle to have become an established formula of modern public law. This learned publicist, I may perhaps be permitted to add, quotes various continental publicists, including Emerigon and Vattel, as upholding and ratifying the same doctrine. [*Kent's Commentaries*, vol. 1, pages 56-59.]

I trust that these suggestions of a liberal construction of the rights of departing belligerents will not be deemed inappropriate or untimely on my part, since your excellency does not apprise me that any public notice of the qualified restraints foreshadowed in your communication have yet been definitely made public, and since from that liberal concession in favor of belligerent residents who do not choose to depart, which his Majesty's government has published, and to which your excellency has alluded, I deduce an anxious desire on the part of that government to conform as much as possible to the mildest interpretation of the hardships of the laws of war.

It only remains for me to say that if his Majesty's government has definitely decided the question of the privilege of departing subjects of the North German Confederation, in the limited sense which your excellency's communication seems to imply, it would relieve me of trouble in the way of answering personal applications, if the French government should deem it proper to make a public announcement of its determination upon that point, or to advise me by a personal communication. I should also be glad to be informed if my own intervention or agency can be of any avail in enabling his Majesty's officials to judge of the fitness of granting the departure of those particular applicants who may happen to be without the limits of the age of military service in the North German Confederation army, and as to which you intimate that the French government reserves to itself the right of judging each case as it shall arise. I take the present occasion, &c., &c., &c.

E. B. WASHBURNE.

His Excellency the DUKE DE GRAMONT, *&c.*, *&c.*

No. 53.

Mr. E. B. Washburne to Mr. Fish.

No. 239.]

LEGATION OF THE UNITED STATES,
Paris, July 29, 1870. (Received August 11.)

The French government having notified this legation that the Emperor had decided that the consular agents of the North German Confederation in France must cease to exercise their official functions, and it having advised me that it had instructed the prefects of the different departments that the interests of the subjects of the confederation, who should continue to reside in France, were, during the war, confided to the consular agents of the United States, I have thought proper to issue a circular to our consular agents, a copy of which I have the honor to inclose. It is issued as an answer to many inquiries on this subject, addressed to me by our consuls.

E. B. WASHBURNE.

[Circular.]

LEGATION OF THE UNITED STATES,
Paris, July 28, 1870.

SIR: The legation of the United States in France, acting under the authority of the State Department, and with the assent of the French government, has taken under its protection all subjects of the North German Confederation residing in French territory. The States of Saxony, Hesse Grand-Ducale, and Saxe-Coburg-Gotha, are included.

The government of his Majesty the Emperor, in notifying to this legation that the Emperor had decided that the consular agents of the North German Confederation in France must cease to exercise their functions, added it had informed the prefects of the different departments that the interests of the subjects of the confederation, who should continue to reside in France, were confided, during the war, to the consular agents of the United States.

Under these circumstances Mr. Washburne desires to state, that it will be your duty to give every proper assistance, consistent with the functions with which you have been charged, and the proper discharge of your own duties, to North German subjects.

If the business of any consulate of the North German Confederation should require it, a clerk should be furnished you to perform the clerical duties, under your direction. The form of your signature to any certificate should be as follows :

Le consul des États-Unis d'Amérique, chargé des affaires des sujets de la Confédération de l'Allemagne du Nord à.

(Signature.)

If you are requested so to do, you will take charge of the archives of the consulate of the North German Confederation, and give the clerk a seat in your office.

As regards passports and visas, the French government has decided that it will not authorize the departure from French territory of such subjects of the North German Confederation as owe military service to their government.

As to those cases where such liability is alleged not to exist, they will be examined separately, under such regulations as may hereafter be made known. It would not be well, therefore, to give any subject of the North German Confederation any passport, or any certificate in the nature of a visa, until you shall receive some specific instructions in this respect.

WICKHAM HOFFMAN,
Secretary of Legation.

No. 54.

Mr. E. B. Washburne to Mr. Fish.

No. 240.]

LEGATION OF THE UNITED STATES,
Paris, July 29, 1870. (Received August 11, 1870.)

In addition to what I have said in the various dispatches which go by the bag to-day, I have very little to add. The Emperor left for the army yesterday. I send you his decree conferring on the Empress the title of Regent, which appeared in the *Journal Officiel* of the 27th instant.

Paris is exceedingly quiet, and there is nothing whatever in the shape of war news.

The English and French journals which you receive at the State Department will advise you fully in regard to all matters connected with the alleged project of a treaty between France and Prussia. This affair has created a great sensation in the diplomatic and other circles of Paris. The note from the *Journal Officiel* on this subject which I inclose renders it evident that a scheme of alliance between France and Prussia was discussed at Berlin, and that some of the ideas contained in the published project were then suggested. This matter has gone so far now that it must be probed to the very bottom. Nothing less than the whole truth will satisfy the public and the nations of the earth.

E. B. WASHBURNE.

PARIS, July 28, 1870.

The *Journal Officiel* publishes the following important decree :

"Napoleon, by the grace of God and the national will, Emperor of the French, to all whom these presents may concern, greeting :

"Wishing to give to our well-beloved consort, the Empress, a proof of the confidence which we have in her, and having the intention to place ourselves at the head of the army, we have resolved to confer, and do hereby confer, on the Empress the title of Regent, to exercise the functions of that charge as soon as we shall have left our capital, in conformity with our instructions and orders as we shall have given them in the general directions of the service which we shall have established, and which will be transcribed on the book of state. Our intention is to communicate to our ministers the said orders and instructions, and that in no case the Empress can depart from their

rigor, in the exercise of her functions of Regent. We desire that the Empress shall preside in our name over the Council of Ministers. We do not, however, intend that the Empress-Regent shall authorize by her signature the promulgation of any law other than those now pending before the senate, the legislative body, and the council of state, referring on that subject to the orders and instructions above mentioned. We order our keeper of the seals, minister of justice and public worship, to communicate the present letters-patent to the senate, which will inscribe them on its books, and publish them in the *Bulletin des Lois*.

"Given at the palace of the Tuileries this day of 23d July, 1870.

"NAPOLEON.

(Countersigned) "EMILE OLLIVIER,
"Minister of Justice."

The *Journal Officiel* publishes an imperial decree declaring the departments of the Moselle, the Haut-Rhin, and the Bas-Rhin to be in a state of siege. A second decree calls into active service the 90,000 men forming the contingent of the class of 1869. A third appoints a committee presided over by the Empress, and consisting of seventeen members, among whom are the ministers of the interior, finance, war, and marine, for distributing the patriotic offerings made, according to the intentions of the donors. A fourth names General of Division Canu to be aid-de-camp to the Emperor.

The Paris journals continue to remark on the draught of the treaty published by the Times, and all, without exception, seem to think that it merits but little attention. The Pays and Peuple Français declare that something of the kind was formerly proposed by Count de Bismarck to the Emperor, but emphatically set aside by the latter. Others of our contemporaries draw attention to the fact that in the wording the name of Prussia comes first, as is always the case with the designation and titles of the proposing party. The Constitutionnel expresses itself as follows:

"The Times, with a rashness of judgment unworthy of so important an organ, affirms that the project of partition was proposed by France to Prussia, and, starting from that assumption, it seeks to excite public opinion in England against the Emperor Napoleon's government. Well, this time, the London newspaper has been badly served by its Prussian inspirers. The veracity of the statesmen of Berlin cannot be depended upon. For a long time they have been accustomed to tread under foot treaties, to deny their acts and their words, if such a course was useful to their designs, to disregard, in a word, all good faith and straightforwardness. The French government has not to fear the broad daylight, and it does not recoil from any species of disclosure. Let every one know, then, that the projected Franco-Prussian treaty, published by the Times and other organs of Count de Bismarck, really exists; only—and this is the essential point—it is the work of the federal chancellor. Does not every one remember the famous phrase for France: 'Instead of speaking of equivalents,' he exclaimed, 'she ought to take Belgium!' That expression is the point of departure of the convention by the aid of which M. de Bismarck hoped to purchase the acquiescence of France in the conquest of Prussia. The Emperor's government rejected those offers, which prove that, to the Prussian chancellor, all means were good to obtain a sanction for his policy of violence and iniquity. Public opinion is therefore enlightened on this project; it has had a fresh proof of the count's cynicism, as, at the risk of a categorical denial, he has gone so far as to attribute to France schemes of spoliation conceived by himself. But what does M. de Bismarck care about denials, and what do they cost him? Did he not also dispute the affirmation of the Duke de Gramont that, in March 1869, Count Benedetti, by order of the imperial government, protested against the Hohenzollern candidature, and that the Prussian ministers then pledged their honor that the affair should not be proceeded with? Well, MM. de Bismarck and de Thile, after having failed in their word of honor, aggravated their fault by a contradiction, of which we immediately pointed out the ambiguous character. The new circular of the minister for foreign affairs completely confounds the Berlin cabinet. Doubt is no longer possible when one has read the dispatch of M. Benedetti, dated the 31st March, 1869; at that period Count de Bismarck had already conceived the project the realization of which has been prevented by the manly energy of the Duke de Gramont. The document lately issued by the minister of foreign affairs proves also that in the phase of negotiations which preceded the declaration of war, frankness and correct proceedings were on the side of the imperial government, and that subterfuges and perfidy were on that of Prussia."

The *Journal Officiel* gives the subjoined explanation:

"The Times publishes a pretended treaty between France and Prussia, having for object to facilitate the annexation to France of Luxembourg and Belgium, on condition that she should not oppose the union of the states of Southern Germany with the Northern Confederation. After the treaty of Prague some negotiations did certainly take place at Berlin between Count de Bismarck and the French embassy on the subject of a proposed alliance. Some of the ideas contained in the document inserted by the Times were mooted, but the French government never had any knowledge of a plan

drawn up in writing, and as to the proposals which may have formed the subject of conversation in those interviews they were rejected by the Emperor Napoleon. No one will fail to see in what interest and with what object efforts are being made to mislead public opinion in England."

No. 55.

Mr. E. B. Washburne to Mr. Fish.

No. 242.]

LEGATION OF THE UNITED STATES,
Paris, July 29, 1870. (Received August 11, 1870.)

SIR: I have just learned, what may be a matter of some interest to you, that the subjects of Bavaria, Würtemberg, and Baden have been put under the protection of the Swiss minister, Mr. Kern, during the war between France and Prussia.

E. B. WASHBURNE.

No. 56.

Mr. E. B. Washburne to Mr. Fish.

No. 248.]

LEGATION OF THE UNITED STATES
Paris, August 5, 1870. (Received August 17, 1870.)

SIR: I have the honor to transmit herewith a printed copy of a dispatch addressed by his excellency the Duke de Gramont, minister of foreign affairs, to the diplomatic agents of France at foreign courts, on the subject of the treaty said to have been proposed by the Emperor of the French to the government of the North German Confederacy. It is taken from the columns of Galignani of this day.

E. B. WASHBURNE.

The Duke de Gramont to the diplomatic agents of France.

PARIS, August 3.

MONSIEUR: We are at present acquainted with the full explanation of the telegram addressed by Count de Bismarck to the Prussian ambassador at London, to announce to England the pretended secrets of which the federal chancellor stated himself to be the depository. His communication adds no essential fact to those which he had advanced. We find in it only a few additional improbabilities. We shall not reply to them, for public opinion has already treated as they deserved assertions which do not gain any authority from the audacity with which they are repeated, and we consider as definitively established, in spite of all contradiction, the fact that the Emperor Napoleon never proposed to Prussia a treaty for taking possession of Belgium. That idea belongs to M. de Bismarck; it was one of the expedients of that unscrupulous policy which, we hope, is approaching its termination.

I should therefore abstain from reverting to statements, the falsity of which is now manifest, had not the author of the Prussian dispatch, with a want of tact which I remark for the first time to such a degree in a diplomatic document, spoken of relatives of the Emperor as bearers of compromising messages and confidences. Whatever may be the repugnance with which I see myself forced, in order to follow the Prussian minister, to enter on a path contrary to my habits, I overcome that sentiment because my duty requires me to repel the perfidious insinuations which, directed against the members of the imperial family, are evidently intended to reach the Emperor himself.

It was at Berlin that M. de Bismarck, taking the initiative of the ideas which he now wishes to attribute to us, addressed in the following terms the French prince, whom, in spite of all propriety, he at present drags into the controversy:

"You seek," he said, "what is impossible; you wish to take the Rhenish provinces,

which are German. Why not annex Belgium, where a people exists which has the same origin, the same religion, and the same language as yourselves? I have already suggested the idea to the Emperor; if he entertained my views, we would aid you to take that state. As for myself, if I was master, and was not hampered by the King's obstinacy, it would have been already done."

Those words of the Prussian chancellor were, so to say, repeated literally to the court of France by Count de Goltz. That ambassador so little attempted concealment, that the number of witnesses who heard him is considerable. I may add that, at the period of the Universal Exhibition, the overtures of Prussia were known to several high personages, who took note of them, and still remember them. Besides, this was not a mere passing idea with the count, but a well-concerted project, to which his ambitious plans were attached; and he pursued its execution with a perseverance thoroughly proved by his numerous excursions to France, either to Biarritz or elsewhere. He failed before the unshakable determination of the Emperor, who always refused to join in a policy unworthy of his integrity.

I now leave this subject, which I have touched on for the last time, with the firm intention of not again reverting to it; and I come to the point, really new, in Count de Bismarck's dispatch:

"I have, beside, reason to believe," he says, "that had the publication in question not taken place, so soon as our and the French preparations for war were complete, propositions would have been made to us by France jointly, and at the head of a million armed men, to carry out against unarmed Europe the proposals formerly made to us, and either before or after the first battle to conclude peace on the basis of the Benedetti proposals, and at the expense of Belgium."

The Emperor's government cannot tolerate such an assertion. In the face of Europe, his Majesty's ministers defy M. de Bismarck to bring forward any fact whatever which could lead to the supposition they have manifested, directly or indirectly, by official channels or through secret agents, the intention to unite with Prussia to accomplish with her on Belgium the violence consummated on Hanover.

We have not opened any negotiations with the Prussian minister either on the subject of Belgium or on any other matter. Far from seeking war, as we have been accused of doing, we begged Lord Clarendon to intervene with the federal chancellor to procure a reciprocal disarmament, an important mission with which his lordship, through friendship for France and devotedness to ideas of peace, consented to undertake confidentially. The following are the terms in which Count Daru, in a letter of the 1st February, explained the intentions of the government to the Marquis de la Valette, our ambassador at London:

"It is certain that I shall not mix myself up in this affair, and that I should not ask England to do so, if the question was purely and simply an ordinary proceeding and one of pure form, made simply to furnish M. de Bismarck with an occasion to express once more his refusal. The overture which we make is decided, serious, and positive.

"The principal secretary of state seems to expect from Count de Bismarck a first movement of displeasure and ill humor. That is possible, but not certain. In that provision we shall perhaps do well to prepare the ground so as to avoid a negative reply from the commencement. •

"I am convinced that time and reflection will lead the chancellor to take into serious consideration the proposal of England; should he not at once reject all overtures, the interests of Prussia and of the whole of Germany will be sufficient to moderate his resistance. He would not wish to excite against him public opinion throughout his country. What, in fact, would be his position if we deprived him of the only pretext behind which he can take refuge, by disarming?"

Count de Bismarck replied first that he could not take on himself to inform the King of the suggestions of the British government, and that he was sufficiently acquainted with the views of his sovereign to know what the impressions of William I would be. The King, he said, would certainly consider such a step on the part of the cabinet of London as the proof of a change in the dispositions of England toward Prussia. In fine, the federal chancellor declared that "it was impossible for Prussia to modify a military system so deeply rooted in the traditions of the country, which formed one of the bases of its constitution, and which was quite normal."

Count Daru did not accept that reply as definitive, and on the 13th February wrote to the Marquis de la Valette as follows:

"I hope that Lord Clarendon will not take that answer as final and will not be discouraged. We will shortly give him an opportunity of returning to the charge, if he is disposed to do so, and to take up the conversation which has been interrupted with the federal chancellor. Our intention is, in fact, to diminish our contingent; we should have reduced it considerably if we had obtained a favorable reply from Count de Bismarck; we shall decrease it less, as his answer is negative, but we shall nevertheless diminish it. The reduction I shall propose will be 10,000 men.

"We shall thus be affirming by acts, which are always better than words, our intentions and our policy. Nine contingents, each reduced by 10,000 will make a total dim-

inution of 90,000. That is already something; it is a tenth of our present force, and I regret that I am not able to do more. The bill on the contingent will be brought forward immediately. Lord Clarendon will then have to consider whether there will be an advisability of representing to Count de Bismarck that the Prussian government is alone in Europe in not making any concession to the spirit of peace, and that it is thus placing itself in a grave situation in the midst of European society, because it is furnishing arms against itself to every one, including the populations crushed beneath the burden of the military charges it imposes on them."

Count de Bismarck, being closely pressed, thought necessary to enter into some fresh explanations with Lord Clarendon.

Those explanations, as we are acquainted with them by a letter of the Marquis de la Valette, dated the 23d February, were full of reticences. The chancellor of the Prussian Confederation, reconsidering his first resolution, had communicated to King William the proposal of England, but his Majesty had declined it. In support of that refusal the chancellor alleged the fear of an eventual alliance between Austria and the states of Southern Germany, and the ideas of aggrandizement which France might have. But he especially put forward the anxiety with which he said he was filled by the policy of Russia, and entered on that subject into private considerations on the court of St. Petersburg, which I prefer to pass over in silence, not wishing to repeat offensive insinuations. Such are the motives of refusal which Count de Bismarck opposed to the frank and conscientious entreaties repeatedly renewed by Lord Clarendon at the request of the Emperor's government.

If, therefore, Europe has remained in arms; if a million of men are about to come into collision on fields of battle, the fact can no longer be contested that the responsibility for such a state of things rests with Prussia; for she rejected all ideas of disarming when we made the proposal to her, and when we commenced by giving an example. Is not that conduct besides explained by the fact that at the same moment in which confiding France was diminishing her contingent, the cabinet of Berlin was organizing in secret the provocatory candidatureship of a Prussian prince? Whatever may be the calumnies invented by the federal chancellor, we have no fear; he has lost the right of being believed. The public conscience of Europe and history will say that Prussia sought for the present war by inflicting on France, preoccupied by the development of her political institutions, the outrage which no proud and courageous people could have submitted to without deserving the contempt of the nations.

GRAMONT.

No. 57.

Mr. E. B. Washburne to Mr. Fish.

No. 249.]

LEGATION OF THE UNITED STATES,
Paris, August 8, 1870. (Received August 24, 1870.)

SIR: In my dispatch of Friday last, August 5, No. 246, I ventured the prediction that there would be no great battle immediately, though qualifying it in parentheses, that such a battle might occur any day. When writing that dispatch on Friday forenoon little did I suppose that there had been a very serious fight on the day before at Weissenbourg, on the French frontier, which had resulted in a practical defeat of the French army. Although the London Times of that (Friday) morning contained a dispatch from Berlin, giving an account of the battle, yet the French public were kept in utter ignorance of it until between twelve and one o'clock of that day, when a very brief notice of the affair was communicated to the press by the French authorities. The suppression of the intelligence for so long a time excited a good deal of indignation among the public, and the Parisian newspapers are particularly indignant that the London Times should have published the news six or eight hours before it was given to them. Things, however, passed on quietly enough until about noon on Saturday, when, as the report goes, a man in the uniform of a courier, or messenger, rode up to the front of the Bourse, where a large crowd had already assembled, and delivered into the hands of a person, who was evidently his confederate, what purported

to be an official dispatch, and which gave an account of a great battle having been fought, in which the French had been victorious, taken forty guns, twenty-five thousand prisoners, among whom was included the Crown Prince. A spark of fire falling upon a magazine would hardly have produced a greater explosion. The assembled multitude broke out into the wildest shouts and the contents of the dispatch were repeated from mouth to mouth and men ran in every direction communicating the joyful intelligence. The people rushed into the streets; flags were everywhere displayed, men embraced and kissed each other, shedding tears of joy. Shouts, vociferations, and oaths filled the air and probably such a delirium was never before witnessed. Rue Richelieu, the Boulevards Montmartre and Italiens, and the Rue de la Paix were filled with people singing the Marseillaise. Everybody declared that the news was true; they had seen the official report; there could be no doubt of its correctness. Madame Sass, a distinguished opera singer, was found in the street and the crowd insisted upon her singing the Marseillaise from her carriage, which she sang three times amid transports of enthusiasm. In another part of the street the multitude forced another distinguished singer to mount to the top of an omnibus, also to sing the Marseillaise. After the first furore of the enthusiasm had subsided some persons began to suggest that it would be well to inquire a little further into the news, and of course the result was that it proved to be a stupendous hoax. The songs at once ceased, the flags were taken in, and the victims of the canard began to feel indignant. As it originated at the Bourse, the cry was raised in the crowd "à la Bourse," and away the people went, breathing vengeance against the money-changers and speculators who, it was alleged, had taken advantage of the false report to get the benefit of a rise of about four per cent. in the stocks. Never were money-changers more summarily driven out of their temple. In a few moments all persons in the Bourse were expelled, some of whom, it is said, were thrown head and heels out of the windows and doors. In a short time, however, about half past three o'clock, the crowd left there, greatly exasperated at having been made victims of so cruel a hoax, and directed themselves towards Place Vendome, halting under the windows of the minister of justice. There they shouted for Emile Ollivier and demanded of him the closing of the Bourse from which the false news had emanated. M. Ollivier responded in a short and well-turned speech, closing by asking them to disperse, which they did. At about five o'clock in the afternoon a group of persons, numbering about three thousand, gathered in front of the ministry of justice and again demanded that M. Ollivier should show himself and make another speech, but the minister refused to do so a second time. The vociferations then increased every instant and hostile cries were raised against the minister by the multitude, who demanded the name of the author of the false news, and reclaimed the liberty of the press. Passing myself through Place Vendome at half-past five o'clock, I saw this turbulent crowd in front of the ministry and stopped to ascertain the cause of it. Soon M. Ollivier made his appearance at the window and commenced a speech, but the tumult, "noise and confusion," was so great that I could understand but very little from the position where I stood. It was evidently not very satisfactory, for the people did not disperse immediately, as he had requested, but began shouting in favor of the liberty of the press and raising hostile cries against M. Ollivier. The public hold him responsible for the terrible severity of the press law which prevents them from getting any news from the army. It requires everything to

come through official channels, and is given out at such times and in such measure as may suit the purposes of government.

In the evening of Saturday Colonel Moore, of this legation, went down town to watch the progress of events. At 10 o'clock he found Place Vendome literally crammed with both men and women, who were in the highest state of excitement, singing a new song called the "Press song," and raising menacing cries against the minister of justice. Afterward large crowds of people collected in Rue de la Paix, on the Boulevards, and in the Place de la Madeleine, all singing and shouting, evidently in very bad temper. They were, however, restrained from violence by large bodies of troops, who appeared in different parts of the city, and I can hear of no acts of actual violence having been perpetrated.

The official journal of yesterday (Sunday) contains a dispatch of two lines, dated at Metz at 11 o'clock the evening before; it simply says: "The corps of General Frossard is in retreat. There are no details." That was enough to inspire the greatest uneasiness and anxiety. The dispatch gave no indication of where the battle was fought, or what was the extent of the losses, while the great Paris public was tormented with fear and suspense. A proclamation of the Empress and the ministry appeared at noon in the second edition of the official journal. This proclamation contained a bulletin from the Emperor, dated at Metz at half-past 12 o'clock Sunday a. m., announcing that Marshal McMahon had lost a battle, and that General Frossard had been obliged to retreat. Another bulletin from the Emperor, dated at Metz three hours later, announced that his communications with Marshal McMahon were interrupted, and that he had no news of him since the day before; and still another, one hour later, from headquarters at Metz, both of which were also contained in the proclamation to the minister of the interior, gave a very brief account of the battles of McMahon and Frossard, but said that details were wanting. It further stated that the troops were full of *élan*, and that the situation was not compromised, but that the enemy was on French territory, and a serious effort was necessary. Thereupon, the proclamation went on to say that in the presence of the grave news, the duty was clear, and that an appeal was made to the patriotism and energy of all; that therefore:

"The chambers are convoked, we will place Paris in a state of defense; to facilitate the execution of military preparation, we declare it in a state of siege."

A decree of the Empress regent convokes the senate and the corps législatif for Thursday the 11th of August. Another decree by her Majesty places the department of Seine in a state of siege. I immediately telegraphed you as follows:

"PARIS, 7th August, 1870—4 p. m. -

"General Frossard's corps beaten. Marshal McMahon defeated. His communication with Emperor cut off. Paris declared in a state of siege. Legislative bodies convoked for 11th August."

It is difficult to convey to you any adequate idea of the state of feeling which this extraordinary news from the battle-field, to which was added the declaration of the siege of Paris, and the convocation of the corps législatif, has created. Paris has hardly ever seen such a day since the time of the first revolution. The whole people seems paralyzed by the terrible events which have burst upon them in such rapid and fearful succession. The rain that was falling yesterday may have had some influence in keeping the people from the streets, but on

going down town in the afternoon I found people collected in knots about the Grand Hotel and on the Boulevards, reading the newspapers, and discussing the situation. Afterward I saw large crowds proceeding in the rain toward the ministry of justice, in Place Vendôme, which seems to be the objective point, owing to the hostility which appears to exist against M. Ollivier.

By a decree in the official journal of this morning, the time for the meeting of the legislative bodies is changed, and they are to meet tomorrow.

E. B. WASHBURNE.

No. 58.

Mr. E. B. Washburne to Mr. Fish.

No. 251.]

LEGATION OF THE UNITED STATES,
Paris, August 11, 1870. (Received August 23.)

SIR: I have the honor to send you herewith a copy of a letter I addressed to the Duke de Gramont, together with the translation of his reply. The correspondence explains itself.

E. B. WASHBURNE.

Mr. E. B. Washburne to the Duke de Gramont.

LEGATION OF THE UNITED STATES,
Paris, July 30, 1870.

SIR: In view of the fact that I have been charged with the protection of the subjects of the North German Confederation, Saxe-Coburg-Gotha, and Hesse-Grand-Duchale, residents in France, certain of those subjects have called upon me and expressed a wish to have some kind of a certificate from me, which they think will be a protection. I can see no objection to my giving them a proper certificate of this character, but before doing so I beg to submit, for the approval of your excellency, a form that I have prepared, and which I send herewith.

I take the present opportunity, &c., &c.

E. B. WASHBURNE.

His Excellency the Duke DE GRAMONT,
Minister of Foreign Affairs.

The Duke de Gramont to Mr. E. B. Washburne.

[Translation.]

PARIS, *August 5, 1870.*

SIR: You did me the honor to inform me, on the 30th ultimo, that a considerable number of German subjects, placed under the semi-official protection of the legation of the United States at Paris, had expressed to you the desire of obtaining from you a sort of certificate, to which they seemed to attach a certain importance as regards their security. You deemed it proper at the same time to forward a draught of this document to me, to be submitted for the approval of my department.

I cannot understand, sir, the utility of such a certificate, the possession of which, you will readily perceive, will add in no respect to the security of the German subjects to whom it may be granted, provided their conduct gives no cause for complaint, and which would have no effect in protecting them against the consequences to which they would be exposed by culpable actions. With this reservation, I will add that, in case you should not judge it desirable to refuse a certificate to those Germans who may claim it, I have no objection to make to the form in which you propose to draw it. I am, moreover, this moment in receipt of a notice from the minister of the interior,

that all Germans resident in France are required to provide themselves, from competent French authorities, with a permission to remain. This police regulation appears to me to render all the more unnecessary the delivery of a certificate by the legation of the United States.

Accept, sir, the assurances, &c., &c.

Mr. WASHBURNE,
Minister of the United States.

GRAMONT.

No. 59.

Mr. E. B. Washburne to Mr. Fish.

[Telegram.—Received 9.50 a. m., August 13, 1870.]

AUGUST 12, 1870.

FISH, *Washington*:

French government decides North Germans, with certain exceptions, quit France. Advise Prussian government and instruct me. Impossible for great numbers of poor to leave without pecuniary aid.

Will Prussian government place a credit at my disposition to assist poor in leaving? It seems necessary in the interest of humanity.

WASHBURNE, *Paris.*

No. 60.

Mr. E. B. Washburne to Mr. Fish.

No. 253.]

LEGATION OF THE UNITED STATES,
Paris, August 12, 1870. (Received August 23.)

SIR: In view of the threatened, and, in some cases, the actual, maltreatment of the subjects of the powers now at war with France, I have been concerting measures with Mr. Kern, the Swiss minister, who is charged with the protection of the subjects of Bavaria and Baden, and with Mr. Okouneff, the Russian chargé d'affaires, who is charged with the protection of the subjects of Würtemberg, to secure from the French government that treatment and protection to such of those subjects as find themselves in France at this moment as is due under such circumstances to all subjects of a belligerent power. There are a great many threats, and occasional instances of violence, enough to inspire great terror among the Germans, who are coming in crowds to the legation. In all cases where they are pursued by threats or violence I promise them the protection of the American flag. The recent French defeats have served to embitter still more the feelings of the French against the Germans.

The Figaro of the 9th instant, one of the most widely circulated journals of Paris, contained an article demanding the immediate expulsion of all Germans from Paris. It proposed that all Germans who were able to pay their passage should be embarked at Havre in twenty-four hours, and that all those who had not the means of leaving should be put under lock and key, a proposition at once savage and disgraceful. That article, which was so well calculated to inspire terror, was brought to me at noon on the 9th instant. It was the day of the meeting of the corps législatif, and I immediately repaired thither, with the expecta-

tion of meeting my colleagues, Messrs. Kern and Okouneff, and to consult with them as to what we should do. I met them both in the diplomatic tribune, but before we left there we saw the ministry displaced and that everything was in confusion. In the state of things that existed my colleagues thought it would be impossible to see any member of the government that night, and that we should have to postpone action till the next morning. I went myself, however, to the foreign office and saw the Count Faverney, the chief of the bureau, and explained to him the situation of things, and asked that the French government should take immediate steps to secure protection to the subjects of those powers who had been placed under my protection with the assent of the government of his Majesty. He said the ministry had gone out and that it was almost impossible to have anything done that night; but, upon my suggestion, he said he would see the prefect of police on the subject.

This whole matter having assumed a still graver aspect, my colleagues and myself called yesterday afternoon upon M. Chevereau, the new minister of the interior, to make our representations and see what the French government proposed to do in the premises. Mr. C. was just going to the chamber, and it was impossible for him to give us an audience; but he fixed ten o'clock this morning as the time at which he would see us at the ministry of the interior. On repairing thither we found he had been called away to a meeting of a council, and that he could not have an interview with us until half-past six o'clock this afternoon, and, of course, too late for me to advise you of the result by the dispatch-bag, which leaves to-night. In the mean time the report is rife that a decree is to be made, at once, expelling all Germans from Paris. I cannot, however, think such a thing can be possible; but if so, I shall communicate with you immediately by telegraph.

* * * * *

E. B. WASHBURNE.

No. 61.

Mr. E. B. Washburne to Mr. Fish.

No. 254.]

LEGATION OF THE UNITED STATES,
Paris, August 12, 1870. (Received August 23, 1870.)

SIR: In the tremendous rush upon me, I have only time to send you the accompanying printed list of the new ministry. I was in hopes to have been able to give you some account of them, but it is impossible to do so to-day.

E. B. WASHBURNE.

LE NOUVEAU MINISTÈRE.

Guerre: Comte Palikao.

Intérieur: Chevereau.

Finances: Magne.

Justice: Grandperret.

Commerce: Duvernois.

Marine: Rigault de Genouilly.

Travaux: Jerome David.

Affaires Étrangères: La Tour d'Auvergne.

Conseil d'État: Busson-Billaud.

Instruction Publique: Brame.

Le Ministère des Beaux-Arts est définitivement supprimé.

On remarquera qu'il n'est pas question du Ministère de la Maison de l'Empereur.

No. 62.

Mr. E. B. Washburne to Mr. Fish.

No. 257.]

LEGATION OF THE UNITED STATES,
Paris, August 15, 1870. (Received August 31.)

SIR: I have to-day received the dispatch of Mr. Davis, relative to the credit to be placed at my disposition by the Prussian government in aid of their subjects expelled from France. I have also received an authoritative dispatch to the effect that 50,000 thalers will be placed to my credit for that purpose. This credit has come none too soon. Five hundred subjects of the North German Confederation have been to the legation to-day to get their passports to leave French territory. Among this number have been many persons of extreme poverty, and whose condition was in every respect most deplorable. Since the breaking out of the war no Germans have been able to get work, and the poorer classes have already exhausted the very little they had in store. They are, therefore, to-day without work, without money, without credit, without friends, without bread. Pinched with hunger, terrified by threats of violence, with no means of leaving the country, they have come to me to save them. Women with little babes in their arms, and women far gone in pregnancy, bathed in tears and filled with anguish, have come to our legation as their last hope. I feel immeasurably thankful that the liberality of the Prussian government has enabled me to afford these poor people some relief. I give each one 30 francs, which is enough to enable them to reach the German frontier, where I have no doubt they will be taken care of. I shall do all in my power to assuage the miseries of these people whose cruel situation must challenge the profoundest sympathy of every generous heart.

You must excuse this hastily written dispatch, finished at midnight after a day of incessant labor.

E. B. WASHBURNE.

No. 63.

Mr. E. B. Washburne to Mr. Fish.

No. 258.]

LEGATION OF THE UNITED STATES,
Paris, August 16, 1870. (Received August 31.)

SIR: Referring to my dispatch No. 238, bearing date the 29th instant, [ultimo,] I now have the honor to inclose you herewith the reply of the Duke de Gramont to my letter to him dated the 25th ultimo, together with my rejoinder thereto.

E. B. WASHBURNE.

The Duke de Gramont to Mr. E. B. Washburne.

[Translation.]

PARIS, August 3, 1870.

SIR: I desired to answer sooner the letter which you did me honor to address me the 25th ultimo, concerning the subjects of the North German Confederation recalled to their country. The necessity of consulting with my colleague, the minister of the interior, whose province it is to organize the numerous details that relate in time of war to the residence of foreigners in France, and especially to that of the subjects of the enemy's nation, has been the only cause of this delay.

I am to-day able to make known to you the measures taken to assure the execution of the resolutions of the government, of which I notified you the 23d of July; but first permit me to examine briefly the observations so courteously presented in your letter cited above, on the line of conduct that the government of the Emperor has seen fit to adopt under existing circumstances, in relation to a certain class of German subjects resident in our territory at the time of the declaration of war.

It is not my intention to sift to the bottom the rights of belligerents toward the enemy's subjects. The principle itself, in virtue of which the government of the Emperor has acted, is not to the point. You have been pleased to recognize this; but, though admitting that in strict point of view our right is not contestable, it would seem to result from your remarks that the application that we had made of it partakes of those extreme consequences of the right of war which modern ideas and the progress of civilization disavow.

We attach too much importance to the preservation of the sympathy of the great republic which you represent, not to try to correct your first impression in demonstrating that nothing in the measures adopted by the government of the Emperor is of a nature to make us incur the responsibility of a disregard of the laws of war, as they are recognized in our days.

In ancient law, as well as in ancient custom, the subjects of the enemy residing in the territory were considered as prisoners upon whom could be visited all the consequences of war.

According to the modern theory the modification of this state of things consists not in conceding to the subjects of the enemy an absolute right to leave the territory of the belligerent, but to impose upon the latter the duty of not maltreating them if it permits them to remain within its territory, and if they conduct themselves peacefully, or in case the government does not wish to keep them, to accord them a reasonable delay for leaving the country. You refer on this point to the fact that in 1793, that is to say, at a moment when hostilities appeared imminent between France and the United States, it was ordered that the subjects of the enemy who desired to leave the United States were at liberty to do so.

This objection has nothing in itself decisive, because what one law has done under certain circumstances, another law can modify, if there is occasion.

As to the passage from the celebrated juris-consult, quoted in your letter, I will first observe that Kent, according to the summary of his views, belongs very much more to the class of partisans of the rigorous doctrine; it is sufficient to remind for that in opposition to the greater part of modern writers, who maintain that war constitutes a relation between the respective states alone. Kent differs from this principle, in holding that war is also a relation between individuals, and that war once declared, the subjects of one government immediately become enemies of all the subjects of the others. It can also be said that in the passage reproduced, Kent confines himself to mentioning the opinion of Vattel without giving his own, and in calling attention in the following paragraphs to the fact that the jurisprudence of the Supreme Court of the United States has definitively pronounced itself formally in favor of the most rigorous doctrine. (Vol. I, sec. 59.)

The most accredited German authors limit themselves to demand, as an extreme favor of the belligerents, to accord to the unsuspected and peaceful subjects of the enemy authorization to continue to reside on the territory. It is thus that Hefter, professor of the University of Berlin, after having expressed this idea, that the subjects of the enemy should obtain a suitable delay for leaving the territory, adds: "Circumstances, nevertheless, may render necessary their provisional sequestration in order to prevent their making communications and carrying news or arms to the enemy." (*Le Droit International*, pp. 226, 240.)

Has the government of the Emperor done anything but apply this doctrine in the most moderate manner? Has it gone beyond what the laws of legitimate defense allow? I do not think so; and I am persuaded, sir, that you will share my opinion if you will be pleased to examine in regard to whom and in what cases the measures in question have been taken. First, it has been decided in principle that all Prussian subjects whatever residing in our territory will be permitted to remain there, and there enjoy the protection that our laws grant to all foreigners who respect and submit to them.

We had no intention of adopting any other measures as regards the subjects of the enemy, when an incident, the gravity of which could not be mistaken, and to which we could not be blind without wanting in our first duties toward the country of which the defense is confided to us, occurred to awaken the attention of the minister of war.

Hardly had war been declared when we saw Prussian subjects, whose age called them to serve in the enemy's army, gather openly at the railway station, and there, obedient to a word of command, as if there had been a sort of recruitment practiced, prepare to cross the frontier.

It was then that the government of the Emperor had to ask itself whether the favors that are consistent with a state of war could go so far as to allow our enemies freely

to augment their military forces at the moment when the struggle was about to commence, and if there was no means of distinguishing between inoffensive persons and those whom we were liable to meet a few days later in the ranks of the combatants.

This distinction has been made as it should be, and we have beside the consciousness of having acted within the limit of our legitimate rights in that which concerns those even to whom the prohibition of exit applies. Nothing is changed from our previous resolution under the head of the security which is accorded to them if their conduct does not furnish motives, based upon complaints, and without our having so far the idea of using against them the odious treatment inflicted upon the French recently expelled from Baden territory.

To recapitulate, the following measures have been adopted regarding German subjects:

1st. The authorization to leave France will only be accorded individually to those over forty years of age.

2d. To those above that age there will be delivered by the minister of the interior a safe-conduct, which will be retained on the frontier by the agent in charge of the surveillance.

3d. The safe-conduct being retained on the frontier, will not be submitted to the *visa* of foreign affairs. It is independent of the passports which the legation or the consulates of the United States may think proper to deliver to those interested, and those passports will not be subjected to the *visa* of the ministry of the interior nor of that of foreign affairs.

4th. In case a German subject should wish to enter or return to France, the request should be addressed direct to the ministry of foreign affairs, or by the intermediary of the diplomatic agents.

Accept the assurance of the high consideration with which I have the honor of being, sir, your very humble and very obedient servant,

GRAMONT.

Mr. E. B. Washburne to the Duke de Gramont.

LEGATION OF THE UNITED STATES,
Paris, August 9, 1870.

SIR: I have the honor to acknowledge the receipt of your communication of the 3d instant, in which you inform me of the decision of his Majesty's government respecting the granting permission to the subjects of the North German Confederation to quit France.

As your excellency apprises me of the decision as a definite one, it does not become me to discuss it any longer as an open question; but inasmuch as certain observations of your excellency in regard to the action of the American Government under similar circumstances, and to the opinion of one of its leading publicists upon the points involved in discussion, seem to invite, if not to require, some further notice on my part, I beg leave very briefly to say a few words in reply to those observations. I do so chiefly because I feel confident that my Government will take deep interest in the decision of the question now raised in this discussion, and because I am sure that it will be very desirous that its true position in regard to it should not be misunderstood.

Your excellency remarks, in reference to the statute of the United States of the 6th of July, 1798, which I had the honor to cite in order to show its settled practice and policy on this head, that the argument to be derived from it has "nothing decisive in it, because what one statute has ordained under certain circumstances, another statute can modify, if there is occasion so to do." In reply to this suggestion permit me to call your excellency's attention to the fact that the law in question has now stood on the statute-book of the United States for more than seventy years; that it has remained untouched and unchanged in the particular in question during the only foreign wars which the United States have had during that time, *viz.*, with Great Britain in 1812, and with Mexico in 1847; and that if the United States were justly committed to that policy in 1798, when it had only a population of 3,000,000, mostly indigenous to the soil, it is now infinitely more pledged to it, when out of its population of 35,000,000 to 40,000,000 so large a population of her citizens are of recent emigration, and when American citizens are to be found outside of her limits in vast multitudes, at any moment that a foreign war might arise. Could your excellency believe that under such circumstances my government would give its assent to a principle, or think for a moment of repealing a law, the effect of which, if imitated by foreign nations, would be that every one of its numerous citizens in foreign parts would be liable to be detained in any hostile country with whom the United States might happen to engage in hostilities, because all such citizens are held liable at home, as is the case, to be called on to do military duty? No! I pray your excellency to consider the statute provision referred to, tested as it has been by a long series of years, and reiterated in sentiment as it has been over and over again in numerous subsequent treaties of the

United States with other powers, as rather a fundamental, organic element of American policy, than as a passing temporary ordinance which could readily yield to the slightest pressure of a change of circumstances. In this sense I beg to put it upon the same platform as the neutrality statutes of the United States, which have remained essentially the same, notwithstanding numerous grave crises, ever since their first enactment in 1793.

Your excellency is pleased to pay the compliment to the distinguished American publicist Kent, whose opinion I took the liberty to cite, to say, that in regard to another passage quoted by me he limits himself to repeating the opinion of another, without expressing his own. In regard to this statute, however, your excellency will observe that he speaks for himself of it, as "dictated by a humane and enlightened policy," (vol. I Commentaries, p. 58;) and I understand him to extend the same comment to English and French laws of the days of Edward III and Henry VIII of England, and the ordinance of Charles V of France, which declared at that early day that "foreign merchants who should be in France at the time of declaration of war shall have nothing to fear, for they should have liberty to depart freely with their effects."

Will your excellency also allow me to make, in regard to the passage wherein you say Chancellor Kent contents himself with citing Vattel without giving his own opinion, that the learned chancellor says (five lines earlier, page 56) in his own person that "such stipulations (as allowing foreign subjects a reasonable time after the war breaks out to recover and dispose of their effects, or to withdraw them) have now become an established *formula* in commercial treaties." If this should seem to be limited to the right of the foreigner to withdraw *his property* only, and not *his person*, I beg to ask if the concession of the lesser privilege does not, *a fortiori*, imply that of the greater. How can one be supposed to be able to withdraw his goods and effects [without] withdrawing himself also? Vattel, in the passage immediately following, (as do most of the writers on public law which I have had an opportunity to consult,) puts the two concessions upon the same common coördinate basis. And since your excellency has done me the honor to refer to Vattel in connection with Kent, will you permit me to call your attention to the fact that the American commentator, in quoting Vattel, fails to translate into English the full force of the Swiss publicist's *dictum*, which I beg leave to characterize as one of the most forcible as well as most accurate expressions of the sentiments which I am trying to express in behalf of my Government that can anywhere be found. With your excellency's permission, I will quote the whole paragraph from the original French:

"Le souverain qui déclare la guerre ne peut retenir les sujets de l'ennemi qui se trouvent dans ses états au moment de la déclaration non plus que leurs effets; ils sont venus chez lui sur la foi publique; en leur permettant d'entrer dans ses terres et d'y séjourner il leur a promis tacitement toute liberté et toute sûreté pour le retour. Il doit donc leur marquer un temps convenable pour se retirer avec leurs effets; et s'ils restent au delà du terme prescrit, il est en droit de les traiter en ennemis, toutefois en ennemis des amis. Mais s'ils sont retenus par un empêchement insurmontable, par une maladie, il faut nécessairement, et par les mêmes raisons leur accorder un juste délai. Loin de manquer à ce devoir aujourd'hui on donne plus encore à l'humanité, et très souvent on accorde aux étrangers, sujets de l'état auquel on a déclaré la guerre, tout le temps de mettre ordre à leurs affaires."

These sentiments lose none of their force when it is remembered that they were uttered more than a century ago.

I will only allow myself a single further observation in regard to the judicial decision of the Supreme Court of the United States, upon which your excellency bestows a passing observation. When Chancellor Kent speaks of "the ancient and sterner rule having become definitively settled by the Supreme Court of the United States," he does not point his comment with his usual accuracy. It was only with reference to the *confiscation of property*, and not the detention of persons, that the American Supreme Court was deciding; and it was only in reference to the formula that the learned chancellor's comment was pertinent, and what I pray your excellency to observe was that decision. The lower court (the eminent Judge Story) had decided that British property found on American territory during the war of 1812 was rightfully seized and confiscated by the United States Government, but the Supreme Court overruled this decision, and held that enemies' property was not liable to detention without a special statute of the United States Congress to that effect; and I beg your excellency's attention to the fact that the United States never have passed any such statute of confiscation, *à propos* of a foreign war, down to this day; and that, therefore, at the present moment, by the decision of the highest American tribunal, if any such war shall hereafter break out, an enemy's property will not be liable to confiscation. As for his personal security, I beg leave to say that the belligerent stranger may fall back, with perfect security, upon the law of 1798, above commented on, and, as I believe, with perfect assurance that he will not see its repeal attempted, much less accomplished, whatever may be the pressure of a foreign war.

I trust that your excellency will see that in this more extended reply to the commu-

nication of the 3d instant than I intended, I have in view but the single point of representing, so far as I may do, without other instructions from home, the deep interest which I am confident my Government will take in the decision which the government of France feels itself constrained by circumstances to adopt in regard to North German subjects, whose interests I am permitted by the comity of his Majesty to represent and befriend.

I take the present opportunity, &c., &c., &c.

E. B. WASHBURNE.

His Excellency the DUKE DE GRAMONT,
Minister of Foreign Affairs.

No. 64.

Mr. Washburne to Mr. Fish.

No. 261.]

LEGATION OF THE UNITED STATES,
Paris, August 19, 1870.

SIR: I am to-day in receipt of a communication from the minister of foreign affairs, inclosing two official copies of the notification of the blockade of the North German coast by the French fleet. I am requested by the Prince de la Tour d'Auvergne to transmit this notification to my Government, in order that it may communicate the information to American citizens.

E. B. WASHBURNE.

[Extract from the Journal Officiel de l'Empire, August 17, 1870.]

OFFICIAL PART, MINISTRY OF FOREIGN AFFAIRS.

Notification of the blockade of the coast of Prussia and of the German States in the North Sea.

We, the undersigned, vice-admiral commanding-in-chief the naval forces of his Majesty the Emperor of the French in the North Sea, in consideration of the state of war existing between France and Prussia, together with the states of the North German Confederation, acting in virtue of the powers belonging to us, declare that from the 15th of August, 1870, the coast of Prussia and of the North German Confederation, extending from the island of the Baltram north of the Eider, with its ports, rivers, harbors, roads, and creeks, is held in a state of effective blockade by the naval forces placed under our command, and that a delay of ten days will be granted to friendly or neutral vessels in order to finish loading and to leave the blockaded districts.

The geographical limits of this blockade are:

The meridian of 5° (five degrees) of east longitude from Paris, as far as the parallel of 54° 05' (fifty-four degrees five minutes) north latitude.

The parallel as far as the longitude of 5° 45' (five degrees forty-five minutes) from Paris.

Then the meridian of 5° 45' (five degrees forty-five minutes) as far as the parallel of 54° 20' (fifty-four degrees twenty minutes) of latitude.

And, finally, this latter parallel as far as the coast.

Steps will be taken against any vessel which may endeavor to violate the said blockade, in accordance with international law and the treaties now in force with neutral powers.

On board of the *Magnanime*, an iron-clad frigate of his Majesty the Emperor of the French, stationed between the English island of Heligoland and the Prussian coast.

The vice-admiral commanding-in-chief,

TOURICHON.

AUGUST 12, 1870.

No. 65.

Mr. E. B. Washburne to Mr. Fish.

No. 266.]

LEGATION OF THE UNITED STATES,
Paris, August 22, 1870. (Received September 8.)

SIR: In my dispatch No. 253, and dated the 12th instant, I spoke of an interview which was to be had that evening by Mr. Kern, the Swiss minister, Mr. Okouneff, the Russian chargé d'affaires, and myself, with M. Chevereau, minister of the interior, on the subject of the protection of the subjects of the powers at war with France.

I will now endeavor to give you a connected narration of what has taken place in regard to this matter since the date of my dispatch above alluded to.

On the 12th instant, at 6.30 p. m., Mr. Kern, Mr. Okouneff, and myself had the interview with the minister of the interior of which I spoke in my dispatch No. 253. Between the time the interview was arranged with M. Chevereau and the time it actually took place the subject of the expulsion of the Germans from Paris had been up in the corps législatif, and for a full understanding of what was said and done there I send you a translation of the material part of the debate, marked No. 1, as copied from the official journal. I would call your attention to the language made use of in this debate by the minister of the interior, M. Chevereau. He speaks of all measures taken to expel [*expulser*] the foreigners in Paris. I alluded to this for the reason that Mr. Davis had requested in his telegraphic dispatch that the word "*departure*" should be substituted for the word "*expulsion*."

Calling upon M. Chevereau, at the ministry of the interior, at the appointed hour, Mr. Kern, as being the senior minister here, stated to him the subject upon which we had desired to see him, and explained our positions in the matter. M. Chevereau remarked that when he came into office he found that the preceding ministry had, in view of the circumstances at the time, adopted the policy of refusing to allow Prussians to leave France, and had made certain provisions regulating their residence. The circumstances had, however, changed, and he found himself in the face of regulations which had no longer any "*raison d'être*." The government had, therefore, determined, with the view of both relieving itself from the presence, in the heart of the capital, of some forty thousand Prussians, and at the same time for the purpose of protecting them from the excited population of Paris, to order them in the most humane mode to leave the country. He was urged to do this in order to answer the interpellations of the corps législatif and the general expression of public opinion as found in the journals of Paris. After a general conversation as to the effect of such action on the German population, and the hardships and misery which would result therefrom, Mr. C. said he was prepared in every way to mitigate as far as he could the harshness of the order, and that he would take pleasure in making the exceptions as numerous as possible; that any persons who could be recommended by respectable parties in their neighborhood, or who would be indorsed by the legations of Russia, the United States, and Switzerland, he would cheerfully allow to remain unmolested. At the same time, in view of the excited state of the population of Paris, he advised all who could get off to leave at once. He would endeavor to remove all difficulties in the way of departure and to make the formalities as few as possible. At my own suggestion he promised to ascertain from the prefecture of police whether it would be possible to dispense with the police *visa* of

that office on the passports of Germans wishing to leave, and, in concert with the prefect, he would devise some expeditious mode by which the Germans could leave France on the simple *visa* of the different legations charged with their protection. At my further suggestion, he promised to send immediate orders to the French police agents on the frontier not to molest the Germans who had started to leave the country, even if their papers had not a proper *visa*. I then told the minister that I had received very recent information from the American consul at Rheims of the ill-treatment to which the German residents in that vicinity had been subjected. He gave orders that the prefect should be immediately telegraphed to consult with the American consul there, and to afford every protection possible, and also to authorize our consul to give them passes to leave the country. In conclusion, the minister said he should be glad to place himself entirely at the disposition of the representatives of Russia, the United States, and Switzerland, with the view of aiding them in removing the difficulties which he understood must surround the position of the different peoples under their protection.

At quite an early hour the next morning Mr. Erian, one of the under secretaries of the ministry, called at the legation to state that it had been arranged with the police authorities that all of the people under my protection could leave France upon the simple *visa* of my legation, a form of which he gave.

As I stated in my dispatch No. 257, under date of the 15th instant, we have been giving these *visas* in great numbers, as well as furnishing pecuniary assistance to a smaller number in order to enable them to leave French territory.

I had the honor to receive on the 17th instant the telegraphic dispatch of Mr. Davis, containing the approval of my action in suggesting a credit to be placed at my disposition by the Prussian government to aid in removal of their poor from Paris, advising me that such a credit had been given, and instructing me to do what I could, consistent with public law and the position of our country as a neutral, to mitigate the severity of the order of "*expulsion*." I also received, the day after, the telegraphic dispatch submitting the word "*departure*" for the word "*expulsion*," which I have above alluded to.

Though I had left nothing undone in respect of the instructions contained in the telegraph dispatch of Mr. Davis above alluded to, I lost no time in seeking an interview with the Prince de la Tour d'Auvergne on the subject. After conversing in relation to some minor matters, I told the prince that the principal object for which I had sought an interview with him had relation to the position in which I found myself as charged with the protection of the subjects of several of the powers with which France was at war. I stated that the sudden determination of the French government in regard to the departure of the Germans from France had taken me by surprise, and I wanted to know if it were not possible for his Majesty's government to change their determination in that matter. I explained to him the great distress and hardship it inflicted on thousands of peaceable, innocent, and inoffensive men, women, and children of the laboring classes, most of whom were very poor, and who came in great crowds to our legation seeking their passes and the means of getting out of France.

The minister remarked in reply that on his way from Vienna he first heard of this matter and had conceived great doubts as to the propriety of the measure, and on his arrival at Paris had so expressed himself to the Empress Regent and to the minister of interior. He had, however,

yielded his first impressions upon the representations made to him by his colleague, the minister of the interior, that this measure, harsh as it was, was dictated by the pressure of circumstances; that the government could not without great concern contemplate the fact of such vast numbers of Prussians (estimated at forty thousand) residing in their midst; and that their apprehensions had become excited by the manœuvres of certain Prussians whose presence in Paris was dangerous in the highest degree; that the French population had reached a state of excitement on the subject of the residence of so many Prussians in the heart of the capital which rendered it unsafe for the latter, and placed the government under the obligation of requiring their departure for their own sake as a measure of humanity, and in view of their protection, that the government was perfectly willing and anxious to mitigate the hardship of their decree by making any exceptions in favor of persons recommended by the respectable citizens of the neighborhood, and especially in favor of any persons that the legation of the United States might designate as worthy of their protection. I remarked in reply to his excellency that I had received the same assurance from his colleague, the minister of the interior, who had manifested every disposition to do all in his power to mitigate the severity of the order. I told him that my position had become somewhat embarrassing, and that the difficulties, so far from diminishing, were on the increase; and that out of the mass of the Germans in Paris under my protection it was impossible for me to pass upon the separate cases of those who might desire to remain; and even if I could pass on them, yet by reason of the understanding that the order of departure was general, many unobjectionable persons, who would have been desirous of remaining in Paris and following their ordinary pursuits, considered themselves as being obliged to leave.

I said further that in carrying out the wishes and instructions of my government, I wished in the name of humanity to make an earnest appeal to the French government, through him, to revoke the order if it should be considered possible; and if that could not be done, to so modify it as to permit the larger class of Germans in Paris to remain, whose conduct could give no possible cause of complaint to the French government. His excellency then called my attention to the fact that the order of expulsion of all French subjects from Prussia having been issued by the Prussian government, no complaint could, strictly speaking, be made here against the French order, but that out of consideration for my position he was willing to entertain the subject. At the same time he stated that the French order had not been made in consequence of the order of the Prussian government as a retaliatory measure, but for the reasons he had already suggested. I then stated that I was surprised to hear him remark that the Prussian government had made an order of expulsion against French subjects, and was hardly prepared to credit it, unless he had positive knowledge that such was the fact. In confirmation of my belief I stated that I had read a telegraphic dispatch purporting to be an extract from a Berlin paper, which, referring to the expulsion of the Germans from France, expressly declared that the French subjects would not be expelled from Prussia, but would be placed under the protection of the Prussian government. In reply to these suggestions of my own, his excellency stated that he had no official knowledge of the Prussian order of expulsion, but that he understood the minister of interior as stating it as a fact which he had taken for granted in his discussion of the matter with him. He further remarked in this connection that he had personal knowledge of

the arrest and imprisonment, under very aggravating circumstances, of French consular agents, who had sought his protection in Vienna, and whose cases were stamped with peculiar hardships. In concluding the conversation his excellency requested me to address him a written communication embodying my views on the subject, and stating that he would take great pleasure in using his influence to procure them a favorable reception, with a view, if possible, of bringing about some substantial modification of the order. In accordance with such request I addressed his excellency a communication, a copy of which I herewith transmit, marked No. 2.

In continuing this narrative of events, I have the honor further to state that the question of the expulsion of the Germans having again been up in the Corps Legislatif on Thursday last, and a report having been made to that body, (which was, however, referred to the minister of the interior,) recommending the expulsion, *without exception and without reserve*, of all of the subjects of all the powers at war with France, Mr. Kern and myself sought another interview on the subject with Mr. Chevereau, the minister of the interior, on Friday last. Mr. C. said he was aware that the report had been made to the Chamber, but that the matter was substantially in his own hands, and that there would be no aggravation of the measures which had already been taken. Mr. Kern, for himself, as well as on my behalf, explained to the minister the situation of matters, as then existing, so far as regarded the people with whose protection we were respectively charged, and the afflicting cases of hardship and suffering which we were continually compelled to witness at our legations. M. Chevereau replied that he could fully appreciate all that was said, but that the situation was the result of circumstances which could not be controlled; that the hostility of the people of Paris toward the Prussians had become intense, and that it was a matter of the safety of these people, as well as for other reasons, that they should depart as fast as possible. As a remote possibility the government might have to consider the effect of a siege of Paris, and in that event the city would be defended to the last. In the event of a siege, though scarcely possible, the situation of the Prussians finding themselves here would be deplorable beyond description; and simply as a measure of humanity, he thought they ought to leave at a time when they were able to get away and reach their own country. He expressed his determination to do everything to moderate the hostility of the Parisians toward the Germans, and to have them protected while they remained here. He also reiterated his wish to do everything in his power to facilitate their departure, and to alleviate, as far as possible, the hardships which the state of war had produced in that regard. Mr. Kern and myself both explained to him that it was impossible to make separate applications for those who wanted the permission of the government to remain in Paris, and that when people who came to us to ask our advice on the question, and who represented themselves as peaceable persons, long resident in Paris, and engaged in business which they could not leave without great sacrifices, we had advised them to remain, quietly attending to their affairs and giving no cause of complaint to the government, until they should have special notification to leave, when they should apply to us. Mr. Chevereau fully assented to that course and said there was a large class of such people whom the government had no wish to drive away. In closing the interview, Mr. Kern, in speaking for us both, said that "in making these representations in the name of the interests of the Germans whose protection is confided to us, it is well understood that the governments of

the German States may urge in the future all the rights which might result from the measures taken against their subjects in France.”

Such is substantially what has taken place up to this time touching the expulsion of the German population from France. I shall endeavor to keep you fully advised of what may occur in the future.

E. B. WASHBURNE.

No. 1.

Debate in the Corps Legislatif on the expulsion of the Germans from France, August 12, 1870.

The question of the expulsion of subjects of the powers at war with France came up in the Corps Legislatif, in the sitting of the 12th instant, in the nature of an interpellation by Mr. Terme. I quote from the debate as it appears in the official journal of the 13th instant:

“Mr. TERME. I demand the floor. I wish to interrogate the minister of the interior upon the measure he has taken, or proposes taking, in relation to the foreigners who belong to the powers with which we are in war, and who now reside in France. Grave facts have been signalized. They have caused considerable emotion in France. I ask that this emotion shall be calmed.

“His excellency M. HENRY CHEVEREAU, minister of the interior. Gentlemen, at the commencement of the war the government had judged it proper to prevent the Prussians from going out of France, to prevent them from joining the army of the enemy.

“M. GAMBETTA. You have violated the first law of patriotism.

“THE MINISTER OF THE INTERIOR. The circumstances becoming grave, and the presence of foreigners proving extremely injurious to the interests of the national defense, we have raised that interdiction. *Since day before yesterday we have taken all measures to expel the foreigners who are at this moment in the capital.*

“M. CREMIEUX. Expel, or permit to leave?

“THE MINISTER OF THE INTERIOR. It is well understood that is my thought. Day before yesterday twelve hundred Prussians left Paris. As many left last evening. The Corps Legislatif will comprehend that it is impossible in a single day to send away twenty thousand Prussians.

“THE MARQUIS DE PIENNES. I will ask the minister of the interior to explain the word ‘expel,’ which he has used. It would be a serious matter, touching humanity and civilization, to drive out of France, or even out of Paris, without distinction, all persons belonging to the nations with which we are at war.

“M. EUGÈNE PELLETAN. It is evident, from the remarks of the minister of the interior, that the government has committed two mistakes. The first is, not having permitted the Germans to leave when they asked to go. It was a violation of the rights of persons. The second will be to drive them out in the present circumstances, for certainly when foreigners have been placed under the protection of the American and English embassies, you should respect their rights of person, and cause them to be respected. The character of the war is serious enough without seeking to implicate those who have committed no fault.

“M. CLEMENT DUVERNOIS, minister of agriculture and commerce. The Prussians have expelled our people.

“M. EUGÈNE PELLETAN. If there are Germans at present among us who are conspiring against us, you have something else to do than expel them; you should arraign them before the councils of war; that is what justice requires, and I will say more; while I have the floor to defend the principles of civilization which should be maintained against all attacks, I will ask to put another question to the minister of the interior. There has been posted on all the walls of Paris, and in all the departments of France, a dispatch, found upon the person of a spy. I demand to know what has become of this spy, whether he has been arraigned before a council of war? We have need to know the truth concerning a fact of this nature, as it has been made use of to calumniate a great party whose patriotism is now being shown.

“THE MARQUIS DE PIENNES. The question put by my honorable colleague should be examined in a double sense. The government has the right and the duty to guard against foreigners who abuse the hospitality which they find among us. It is necessary to repress severely such tendencies; but humanity and civilization would repel the measure that would strike without distinction the Germans who have long resided among us, and who, by their industry and labor, have contributed to the grandeur and prosperity of the country.

“THE MINISTER OF THE INTERIOR. I will answer to the honorable M. Pelletan, that it is evident and beyond question that a measure like this should be administered with discrimination, and where the persons are understood to be peaceable citizens as

being so to speak, naturalized by long sojourn, by their habits and family ties, we have not the cruelty to expel them from France. I did not presume it was necessary to say this.

“M. EUGÈNE PELLETAN. I can but approve for myself the answer which the minister of the interior has made. It appeared as though the expulsion *en masse* of all the Germans residing in France was about to be made; that would evidently have been a measure contrary to the laws of nations. But if the government intends only to expel dangerous foreigners, there is no disagreement between us.

No. 2.

Mr. E. B. Washburne to the Prince de la Tour d'Auvergne.

LEGATION OF THE UNITED STATES,
Paris, August 17, 1870.

SIR: In our conversation yesterday you did me the honor to request that I might put in writing the views I expressed to you, verbally, in relation to the departure from France of the subjects of the powers now at war with France.

Having been charged by the direction of my own government, and with the consent of the French government, with the protection of the subjects of the confederation of the north, as well as the subjects of Hesse Grand-Ducale, Saxony, and Saxe-Coburg-Gotha, in France, during the war now existing between France and the said powers, I beg leave to state that before any official action had been taken by the French government in relation to the departure from France of the said subjects, my colleagues, Mr. Kern, the minister of Switzerland, charged with the protection of the subjects of Bavaria and Baden, and Mr. Okouneff, the Russian chargé d'affaires, charged with the protection of the subjects of Wurtemberg, and myself, arranged an interview with M. Chevereau, minister of the interior, for Friday last, the 12th instant, with a view of seeking such measures of protection to the Germans in Paris as the situation seemed to require; but that before that interview took place I learned of the proceedings of the Corps Legislatif on that day, and of the declaration of M. Chevereau to the Chamber, that “*Depuis avant-hier nous prenons toutes les mesures pour expulser les étrangers qui sont en ce moment dans la capitale.*” Therefore, when the interview actually occurred, we found it necessary to address ourselves to the measure of expulsion which had been considered by the Chamber. With courtesy and frankness M. Chevereau explained to us the position of matters touching the Germans in Paris. After stating what had been done and the reasons which had influenced the government, he expressed every desire to ameliorate, as far as possible, the severity of the situation, and to facilitate, in every way, the departure of the subjects to whom the order was intended to apply. But after the official action taken on this subject had become known, your excellency will not be surprised to learn of the alarm and excitement it produced among the people whose protection had devolved upon me. Their number is very large. In our conversation your excellency estimated it at forty thousand, other people have placed the estimate still higher. The removal of such a population in a few days, even with all ameliorations, could not fail to carry with it an incredible amount of suffering and misery, involving, as it must, the breaking up of homes and the sacrifice and abandonment of property. As to those subjects of the powers at war with France who abuse the hospitality of the country, and who remain in it to become spies, to plot against the government, to stir up sedition and to trouble the public peace generally, all men will be in accord with the government in punishing them and in expelling them from French territory. But their number must be small as compared with the whole number of Germans finding themselves now in Paris. From my observation, the great number seem to be composed (independently of the active business men with large affairs) of honest, industrious, laboring men and women, who have come into the country under the sanction of public faith, relying upon the hospitality and protection of the government. They are for the most part engaged in daily toil for the support of themselves and their families, taking no interest in political affairs and many of them quite ignorant of the ordinary passing events. It is upon this class of people that the action of the government falls with peculiar severity. The scenes I am compelled daily to witness are afflicting. My legation and the surrounding streets are filled every day with crowds of these people, who come to procure their passes and to beg some aid (which I have been authorized to extend in certain cases) to enable them to conform to what they understand to be the direction of the government and to leave the country. Under these circumstances, therefore, I feel that I should fail to discharge the full measure of the duty devolving upon me in this regard, and that I should be forgetful of the obligations of humanity did I not make the strongest appeal to the government of his Majesty, through your excellency, to further consider this question, and to ask that if it be not possible to suspend action altogether, that there may be at least some modification of the measures

already taken so as to permit such subjects of the belligerent powers as are under my protection, who are now in France, to remain in the country so long as their conduct shall give no cause of complaint, and further to ask for them that protection which the law of nations accords to unarmed enemies. In making this appeal I but obey the wishes of my government, which has instructed me to do everything which is consistent with the position of my country as a neutral, and with the law of nations, to alleviate the condition of things now existing as regards these people with whose protection I have been charged.

In closing this communication I beg leave to thank your excellency for the clear and courteous manner in which you were pleased to explain the views of his Majesty's government on the subject of our interview, and for the disposition manifested by your excellency to soften, in that respect, as far as might be in your power, the hardships which a state of war might impose.

I take this occasion to renew to your excellency the assurances with which I have the honor to remain your excellency's very obedient servant,

E. B. WASHBURNE.

The PRINCE DE LA TOUR D'AUVERGNE,
Minister of Foreign Affairs.

No. 66.

Mr. E. B. Washburne to Mr. Fish.

No. 268.]

LEGATION OF THE UNITED STATES,
Paris, August 26, 1870. (Received September 8.)

I have the honor to send you herewith a copy of the telegraphic dispatch of Mr. Motley in regard to the protest of Count Bismarck, and the reply of the Prince de la Tour d'Auvergne, which carry with them their own explanation.

E. B. WASHBURNE.

LEGATION OF THE UNITED STATES,
Paris, August 23, 1870.

Copy of a telegraphic dispatch received by Mr. Washburne, minister of the United States, from Mr. Motley, United States minister at London, dated London, August 22, at 5.55 p. m., and delivered by Mr. Washburne to the Prince de la Tour d'Auvergne, Tuesday, August 23, 1870:

“E. B. WASHBURNE, *United States minister, Paris:*

“At the request of Count Bernstorff, the North German representative here, I send you the following message received by him from Count Bismarck this morning.”

“Please say to the American minister, Mr. Washburne, in Paris: A man carrying a flag of truce, who arrived at the French outposts, accompanied by the ordinary trumpeter, in order to invite a proposal from surgeons in the interest of French wounded, was fired on, on the 19th instant, by all the French advance guards he met, so that he was obliged to return after his trumpeter had been severely wounded. We protest against this breach of international law, and will hold France responsible for the fate of the French wounded, for whom our medical help proves insufficient.”

“Count Bismarck says to Count Bernstorff:

“I request you to say further to the American minister, Mr. Washburne, at Paris, that, according to the experience we have hitherto had, the medical staff of the imperial French troops does not wear the badge provided by the convention of Geneva, and that those badges when worn by our medical men are not respected by the French troops, so that constantly at the places for bandaging the surgeons and wounded are shot at. As the manner in which our men carrying flags of truce are treated, contrary to international law, prevents us from sending our complaints in the direct way, we have no other means than to request, herewith, the American minister to state at Paris our formal protest against a breach of that international convention.”

[Translation.]

Prince de la Tour d'Auvergne to Mr. E. B. Washburne.

PARIS, August 23, 1870.

SIR: You have been kind enough to hand me, under to-day's date, copy of a telegram which has been addressed to you by Mr. Motley, at the request of Comte de Bernstorff, representative of the North German Confederation at London, which has for its object to bring to the knowledge of the government of the Emperor the reclamations of Count Bismarck against the treatment on the part of our troops, which may have been inflicted on flags of truce, ambulances, surgeons, and wounded.

The statements made in this telegram are too contrary to the traditions of the French army to make it possible for me to accept them as exact. I have this day made them known to the minister of war, and will hasten to communicate to you the explanations which he will not fail to give me, and which will, I doubt not, reduce to their just value the protestations of the Prussian government.

Receive, sir, the assurances of the high consideration with which I have the honor to be your very humble and obedient servant,

PRINCE DE LA TOUR D'AUVERGNE.

Mr. WASHBURNE, *United States Minister at Paris.*

No. 67.

Mr. E. B. Washburne to Mr. Fish.

No. 269.]

LEGATION OF THE UNITED STATES,
Paris, August 26, 1870. (Received September 8, 1870.)

SIR: We are still utterly in the dark here as to war news, and the greatest uneasiness begins to prevail among the Americans finding themselves at the present time in Paris. Large numbers are leaving, not knowing what may take place. The proclamation of the governor of Paris, only placarded last night, and which I send herewith, has added to the excitement already existing. Our crowd of Germans had considerably decreased yesterday, but it is largely increased to-day on account of the proclamation of General Trochu.

I have not telegraphed you any news for several days, for I have had nothing sufficiently reliable to justify it.

E. B. WASHBURNE.

USELESS MOUTHS.

GOVERNOR OF PARIS—GENERAL ORDER.

The governor of Paris, in consideration of the law of August 9, 1849, on the state of siege; in consideration of the decree of the 7th instant, by which Paris was declared in a state of siege; in consideration of the seventy-fifth article of the decree of the 24th December, 1811, relating to the organization and service of the local staff, which decrees: That in every place, in a state of siege, if the minister or the general of the army gives the orders, or if the troops of the enemy approach within three days' march of the place, the governor or commanding officer is forthwith, and without awaiting the state of siege, invested with the necessary authority—

First. To cause the useless mouths, the strangers, and the persons designated by the civil or military police, to leave. In consideration of the law of the 9th July, 1852, relating to the removal from the department of the Seine of persons who have undergone judicial punishment, vagrants, beggars, and others addicted to practices dangerous to person and to property—

Resolved, That, 1st. Every individual without means of subsistence, whose presence at Paris would constitute a danger to both the public order and the security of person and property, or who would give himself to actions of such a nature as to weaken or to trammel the measures for defense and for general security, is expelled from the capital. 2d. The infraction of the orders of expulsion shall be accused before the military tribunals.

GENERAL TROCHU.

PARIS, August 24, 1870.

No. 68.

Mr. E. B. Washburne to Mr. Fish.

No. 270.]

LEGATION OF THE UNITED STATES,
Paris, August 29, 1870. (Received September 14.)

SIR: The decree of General Trochu, governor of Paris, which I have the honor to send herewith, marked No. 1, appeared this morning in the official journal, and was placarded over the city last night. Being so sweeping in its terms and so emphatic in its declarations, it of course created a very great degree of excitement among the large number of Germans yet remaining in Paris. The legation was besieged at an early hour by a large crowd of Germans, and although I had employed as many men as could work, yet the number was nearly as great at night as it was in the morning. I felt it my duty to call and address myself to the Prince de la Tour d'Auvergne in regard to both articles of the decree; the first in regard to the very limited time allowed for departure, and the second in relation to the application for the special permission for "*séjour*" in Paris. In this matter I should state that I acted in concert with Mr. Kern, the Swiss minister, protecting the Bavarians and the Badois, a diplomat of wisdom, experience, and energy. We saw the minister of foreign affairs separately, and who explained matters to each of us in the same way, but referring us to the minister of the interior, who was more particularly charged with the subject. Accordingly Mr. Kern and myself called on Mr. Chevereau at 7 o'clock this evening. In the first place we called his attention to the short time allowed to the Germans to leave Paris, and that even if they were ready to go, it would be utterly impossible for us to furnish them with the requisite papers. In reply, Mr. Chevereau said that although three days was the time named in the proclamation, yet no advantage would be taken of those who were unable to get away within that time.

In the second place, in regard to the permission to be obtained for a sojourn in Paris, we explained to him that we could not, in our diplomatic capacity, make any application whatever to General Trochu, and that our dealings must be with the civil authorities; that if the terms of the proclamation were to be adhered to, we should be powerless to render any aid to the parties with whose protection we had been charged. I explained particularly to Mr. Chevereau the very large number of Germans under my protection who had lived for a long series of years in Paris, and had vast interests at stake; that many of those persons were connected in business with American citizens, and to compel them all to leave would be an incredible hardship, and would entail immense sacrifices. The minister replied very promptly that that question had been just considered by the government, and that our applications could be addressed to the prefect of the police, who had been charged specially with the whole business. He told us to make applications for whoever we pleased, and that they would be considered without any delay, and that whenever we submitted an application of any party for permission to remain in Paris we might consider it as granted unless we had special notice of its rejection.

I have the honor to send you further a notice which appears in this morning's "*Journal Officiel*," and marked No. 2. It is an invitation to all persons in Paris who are not in a condition "*de faire face à Venemi*" to leave Paris. In my interview to-day with the Prince de la Tour d'Auvergne I asked him about this notice. He replied that while it was not to be construed as an *order* which would oblige Americans to

leave, yet under existing circumstances he thought it would be well for me to recommend my countrymen to get away as soon as they could, in their own interests. Everything shows that the French government look upon a siege of Paris as probable, for it is making the most stupendous preparation in that direction. I have telegraphed you to that effect to-day in cipher, and also, looking to possibilities, I suggested whether you should not ask the Prussian government to protect American property in Paris, in the event its army reached here. I need not tell you there is a very large amount of property owned by Americans in Paris, and I hope it will be respected by both sides as property of neutrals.

E. B. WASHBURNE.

No. 1.

The governor of Paris in view of the law of August 9, 1849, on the state of siege; in view of the imperial decree of August 7, 1870, by which Paris and the department of the Seine are declared in a state of siege; in view of article 75 of the decree of December 24, 1811, which invested the governor of a place, in a state of war, with the necessary authority to expel strangers; in view of the laws of November 18, 20, and December 3, 1869, relating to measures of police applicable to strangers; considering that in the interest of the national defense, and also in order to guarantee the security of persons belonging, by their nationality, to the countries at war with France, it is necessary to remove strangers—decrees as follows:

ARTICLE 1. Every person not a naturalized Frenchman, and belonging to a country actually at war with France, must leave Paris and the department of the Seine before the expiration of three days, and leave France or retire into one of the departments situated beyond the Loire.

ART. 2. Every foreigner coming within the provisions of the preceding injunction, who shall not have conformed to it, and shall not have obtained a special permission to remain, emanating from the governor of Paris, will be arrested and delivered to the military tribunals to be judged according to law.

The Governor of Paris,

TROCHU.

PARIS, August 28, 1870.

No. 2.

NOTICE.

Considerable reserves destined for provisioning Paris have been made under the care of the administration. They increase every day. The prefect of the Seine thinks it his duty to request the inhabitants to provide themselves in advance, according to the measure of their wants and resources, with the different kinds of food capable of preservation and lasting.

The interest of the defense, even more than that of subsistence, requires that persons incapable of withstanding the enemy should remove themselves from Paris.

The counsellor of state, general secretary performing the functions of prefect,

ALFRED BLANCHE.

No. 69.

Mr. E. B. Washburne to Mr. Fish.

No. 272.]

LEGATION OF THE UNITED STATES,
Paris, August 31, 1870. (Received September 15.)

SIR: Referring to my dispatch No. 261, of August 17, I have the honor to inclose you an extract from the official journals, fixing the date of the commencement of the blockade of the North German coast at the 19th instead of the 15th of August.

E. B. WASHBURNE.

[Translation.]

(Extract from the Journal Officiel of August 30, 1870.)

OFFICIAL PART.

The notification inserted in the Journal Officiel of the 25th of August relative to the blockade of the coast of the confederation of North Germany in the Baltic, has erroneously fixed the 15th of August as the commencement of the blockade. It is only from the 19th of August that the blockade has been really effectual.

No. 70.

Mr. E. B. Washburne to Mr. Fish.

No. 274.]

LEGATION OF THE UNITED STATES,
Paris, September 2, 1870. (Received September 15.)

I have the honor to inclose you herewith copies of telegraphic dispatches from Count Bismarck to Count Bernstorff, sent to me by Mr. Motley, to be by me transmitted to the French government, together with my notes accompanying the same.

E. B. WASHBURNE.

Mr. E. B. Washburne to the Prince de la Tour d'Auvergne.

LEGATION OF THE UNITED STATES,
Paris, August 28, 1870.

Mr. Washburne, minister of the United States, presents his respectful compliments to the Prince de la Tour d'Auvergne, and begs leave to inclose him herewith, copies of two dispatches which have just been transmitted to him by Mr. Motley, the minister of the United States at London, and which explain themselves.

No. 1.

Count Bismarck to Count Bernstorff.

Palikao declares in the Corps Legislatif that franc-tireurs must be considered as soldiers. I beg you will communicate the following to Mr. Washburne:

Only persons recognizable as soldiers at rifle-range can be considered and treated as such. Blue blouse is general national costume; the red cross on the arm is only to be discerned at a short distance, and can at every moment be removed and replaced; so that it becomes impossible for our troops to know the persons from whom they may expect hostilities and at whom they have to shoot. If persons who are not always, and at the necessary distance, recognizable as soldiers, kill or wound German soldiers, we can only have them tried by a court-martial.

No. 2.

Count Bismarck to Count Bernstorff.

Please announce once more to Mr. Washburne that Captain Rochous, who was sent by General Alvensleben to Toul with a flag of truce, has been repulsed by successive shots, and that a trumpeter accompanying, yesterday, another flag of truce to Verdun has been killed. We protest solemnly against these repeated violations of international law, and declare that we shall be henceforth in the impossibility of sending flags of truce to the French army.

Mr. E. B. Washburne to the Prince de la Tour d'Auvergne.

LEGATION OF THE UNITED STATES,
Paris, September 1, 1870.

Mr. Washburne, minister of the United States, presents his respectful compliments to his excellency the Prince de la Tour d'Auvergne, minister of foreign affairs, and begs to inclose him a dispatch, which he has just received from Mr. Motley, the minister of the United States in London, and which explains itself.

Count Bismarck to Count Bernstorff.

CLERMONT, *August 29, 1870.*

Will you kindly let the following be known to Mr. Washburne, which only now comes to my knowledge.

On the 15th instant General Von Bothmer sent Captain Hanfstangel with a flag of truce to the commandant of the Fortress Mucal. The surrender of the fortress was refused. Before the captain was out of shot's range he was shot at from the fortress, and was severely wounded. This is the fourth case of breach of international law coming to our knowledge.

No. 71.

Mr. E. B. Washburne to Mr. Fish.

No. 275.]

LEGATION OF THE UNITED STATES,
Paris, September 2, 1870. (Received September 15.)

* * * * *

The greater part of the German population has left the city.

This legation has visaed passports and given safe-conducts for very nearly thirty thousand persons, subjects of the North German Confederation, expelled from France. We have given railroad tickets to the Prussian frontier for eight thousand of these people, as well as small amounts of money to a much smaller number. From this statement you can form somewhat of an estimate of the amount of labor we have performed for the last few weeks, and the extra force I have had to employ to accomplish it. I shall, however, have the honor of writing you more fully on this subject at a future time.

My time is now a good deal taken up in looking after Germans who have been arrested and thrown into prison. The number is very great. My applications are promptly attended to, and thus far every man has been released, for whom I have applied.

* * * * *

E. B. WASHBURNE.

No. 72.

Mr. E. B. Washburne to Mr. Fish.

[By cable telegram.]

SEPTEMBER 3, 1870.

FISH, *Washington:*

McMahon totally defeated. Capture of Sedan. Defeat of Bazaine before Metz. In Chamber Favre considered present government extinct; proposed military dictator. Unofficial dispatch to foreign minister that Emperor prisoner, another reports him escaped to Belgium.

WASHBURNE.

No. 73.

Mr. E. B. Washburne to Mr. Fish.

[By cable telegram.]

SEPTEMBER 5, 1870. (Received September 5.)

FISH, *Washington*:

Chamber met at midnight. Favre proposed dethronement of dynasty. Provisional government to be appointed by Chamber, and that the war shall be continued.

WASHBURNE, *Paris*.

No. 74.

Mr. E. B. Washburne to Mr. Fish.

[By cable telegram.]

September 5, 1870. (Received September 5.)

FISH, *Washington*:

Republic proclaimed from Hotel de Ville. People still hold possession Chambers. Deputies Favre, Gambetta, Simon, Picard, and others, provisional government. Rochefort liberated by people.

WASHBURNE, *Paris*.

No. 75.

Mr. E. B. Washburne to Mr. Fish.

[By cable telegram.]

September 5, 1870. (Received September 5.)

FISH, *Washington*:

Republic proclaimed. Government of national defense announced this morning composed of deputies of Paris. Favre, minister of foreign affairs; Gambetta, interior; Picard, finance; Simon, public instruction; Cremieux, justice; Kératry, prefect of police; Arago, prefect of Seine; Glais-Bizon, director of telegraphs; Trochu, governor of Paris and minister of war. Paris quiet. Instruct me.

WASHBURNE.

No. 76.

Mr. E. B. Washburne to Mr. Fish.

[By cable telegram.]

September 5, 1870. (Received September 7.)

FISH, *Washington*:

New government fully installed. Trochu president. Paris tranquil.

WASHBURNE, *Paris*.

Mr. E. B. Washburne to Mr. Fish.

No. 276.]

LEGATION OF THE UNITED STATES,
Paris, September 5, 1870. (Received September 20, 1870.)

SIR: Since I had the honor of addressing you my last dispatch, No. 275, events have marched with gigantic strides. The news of the full extent of the catastrophe which befell the army of McMahon was not made public in Paris until about midnight on Saturday night last, though Palikao had, during the evening in the Chamber, given out news enough to prepare the people for almost anything.

In view of the emergency which had arisen, a session of the Corps Législatif was called for midnight on Saturday night, but the president did not take his chair until 1 o'clock on Sunday morning. The sitting is represented as having been solemn and agitated. M. Schneider came into the chamber without the beating of the drum, which ordinarily announces his entry. The silence was deathlike; but few of the deputies of the right were in their seats, though the members of the left were almost all present. The floor was assigned to M. Palikao, the minister of war, who said that, in the presence of the serious news which had been received, he deemed it better not to take any action at that time, but to postpone everything until 12 o'clock of that day, (it was now Sunday morning.) Jules Favre then rose and said that he should not propose any serious opposition to that motion, but he would ask leave to give notice of a proposition which he had to submit, and which he would discuss at the meeting at 12 o'clock. The proposition was as follows:

1. Louis Napoleon Bonaparte and his dynasty are declared fallen from the powers which the constitution had confided to them.
2. There shall be named by the legislative body a commission vested with powers and composed of * * * * *. You will designate yourselves the number of members who shall compose this commission, who will make it their first duty to repel the invasion and drive the enemy from the territory.
3. M. Trochu shall be maintained in his functions of governor general of the city of Paris.

After a session of ten minutes only the Chamber adjourned.

As this sitting of Sunday was likely to become historic, I went early to the Chamber. I found but a few troops stationed in the neighborhood, and there was not a large number of people in the vicinity. Indeed, I was quite surprised at the tranquillity which seemed everywhere to reign in the quarter of the Palais Bourbon, which is the name of the building occupied by the Corps Législatif. Taking my seat in the diplomatic tribune at quarter before 12, there was not a single person in the hall of the deputies, though the galleries were all well filled. Instead of the session opening at noon, it was precisely 1 o'clock when M. Schneider entered and took the chair of the presidency. The deputies then came rapidly into the hall. Count Palikao was the first of the ministers to come in, and he was soon followed by the Prince de la Tour d'Auvergne, Chevereau, and Brame; all the other ministers took their places on the ministerial benches soon after. The members of the left came in almost simultaneously, Gambetta hurrying along among the first, haggard with excitement. The venerable Raspail takes his seat. Garnier-Pagès hurries across the area in front of the president's chair in a state of intense agitation. Arago, Simon, Picard, Ferry, Estanchin-Guyot, and Montpayroux enter and take their seats. Thiers, the little brisk and vigorous old man walks gently to his place. Jules Favre, the

foremost man of them all, is among the last to enter. In the storm that is raging around him he seems cool and calm and collected. Taking his seat, he covers his face with his hands and seems unconscious of that which is transpiring. And now the president sits in his chair without calling the chamber to order, the members become impatient and clamorous; there is loud talk and violent gesticulation. At precisely twenty minutes after 1 o'clock M. Schneider swings his bell, and the gruff voice of the huissier is heard above the din, "*Silence, messieurs! s'il vous plait.*" After some unimportant proceedings the floor is assigned to M. Palikao, the minister of war, who proposes the following project of law:

ART. 1. A council of government and of national defense is instituted. This council is composed of five members. Each member of this council is named by the absolute majority of the Corps Législatif.

2. The ministers are named under the countersign of the members of this council.

3. The General Count Palikao is named lieutenant general of this council.

Done in a council of ministers the 4th of September, 1870.

For the Emperor, and in virtue of the powers which he has confided to us.

EUGÉNIE.

M. Thiers then submitted another proposition, as follows:

Considering the circumstances, the Chamber names a commission of government and national defense. A "Constituante" will be convoked as soon as the circumstances will allow.

The proposition of Favre being already before the Chamber, "urgency" was voted on these three propositions, and they were sent to a committee for examination under the rules of the Chamber. At 1.40 o'clock the sitting was suspended to await the report of the committee, and all the members immediately left the hall. As it was supposed that the sitting would not be resumed for an hour or more, I left the diplomatic gallery and descended into the court of the building facing upon the street which runs parallel with the Seine. Here I found a good many people who had been admitted by virtue of tickets. The street in front of the building had been kept quite clear by the military, though there was an enormous multitude of the National Guard and the people on the Place de la Concorde, on the opposite side of the river. The Pont de la Concorde seemed to be sufficiently guarded by the military to prevent their crossing over. All at once I saw quite a number of people on the steps of the Palais Bourbon, and soon they commenced to raise loud cries of "*Vive la République!*" "*Déchéance!*" "*Vive la France!*" At this moment I was called away by the messenger of the legation, who brought me an urgent message from Madame McMahon, who wanted a safe-conduct from me, to enable her to pass the Prussian lines to visit her wounded husband at Sedan. In company with Mr. Eustis, I stepped into an antechamber to prepare the proper document, and had but just taken my seat at a table to write, when the cry was raised that the people had invaded the building. It seemed but a moment before they were passing into the part where I was. It being impossible to finish the requisite paper, under these circumstances, Mr. Eustis and myself made our way into the court-yard. There was presented a most extraordinary spectacle. A part of a regiment of the line had been brought hurriedly into the yard, had formed across it, and were loading their muskets. Behind them and in the street, and rushing through the gates and up the front steps of the building, was a vast mass of excited people and the National Guard, who had fraternized—the guards having their muskets butt-end upward as a token of friendship. There was evidently collusion between the people who were on the steps of the

Palais Bourbon and the people and National Guards in the Place de la Concorde, on the other side of the river, for it was upon the signal of the people on the steps that the guard and the people broke through the military force that was holding the bridge. As the crowd mounted the steps of the Palais Bourbon it was received with terrific cheers and with shouts of "Vive la république!" and "Déchéance!"

Making our way into the street, Mr. Eustis and myself managed to pass through the crowd and to reach the building of the Agricultural Club, in the immediate neighborhood, and from the balcony of which we could see all that was going on. And now the soldiers of the guard, many of them with their hats on the ends of their muskets, accompanied by an indiscriminate mass of men, women, and children, poured over the Pont de la Concorde and filled the entire space, all, in one grand fraternization, singing the Marseillaise and shouting, "Vive la république!" The Municipal Guard, with its shining helmets and brilliant uniforms, was forced back, inch by inch, before the people, until, finally, all military authority became utterly powerless. During this time the National Guard and the people had invaded the Hall of the Deputies, which they found vacant. M. Schneider and about a dozen of the members rushed in. The president in vain made appeals for order, and finally covered himself by putting on his hat, according to immemorable usage of the French assemblies under such circumstances. Gambetta addressed a few energetic words to the invaders, and, a little order being restored, quite a number of deputies entered the hall. But at three o'clock irruption into the Chamber took place. Jules Favre then ascended the tribune and was listened to for a moment. "Let there be no scenes of violence," he said; "let us reserve our arms for the enemy, and fight to the last; at this moment union is necessary, and for that reason we do not proclaim the republic." The president now left his seat, and, as it turns out, for the last time. The irruption into the Chamber continued. The floor and the seats of the deputies, on which a few members of the left only remained, were filled with a motley crowd in blouses and in coarse woolen shirts, or in the uniform of the National Guard or the Guard Mobile. They wore caps and kepis of all colors and shapes, and carried muskets with their muzzles ornamented with sprigs of green leaves. The tumult became indescribable, and some of the invaders seized on the pens and paper of the deputies and commenced writing letters; while different persons were going up to the president's chair and ringing his bell continually. The crowd in the hall now demanded *déchéance* of the Emperor, which was declared, and then it was proposed to go to the Hotel de Ville and proclaim the republic. The cry was therefore raised, "À l'Hotel de Ville," mingled with other cries, "Cherchez Rochefort," &c., and then this vast multitude commenced moving away from the Palais Bourbon.

The crowd having soon sufficiently dispersed, we were enabled to make our way back again to the Corps Législatif, and to enter again the diplomatic tribune. The hall was filled with dust, and a rough-looking man was in the president's chair, surrounded by a number of men still more rough in appearance. The soldiers and the people were occupying the seats of the deputies, writing letters, looking over documents, and talking and laughing, all in the best humor. In the hall at this time I recognized Garnier-Pagès, Raspail, and a few other members of the left.

Leaving the Chamber, we went at once to the Hotel de Ville. The number of the people assembled there was enormous, and the same fraternization existed between them and the National Guard as elsewhere.

The building had been invaded by the people, and all the windows fronting on the square were filled with rough and dirty-looking men and boys. Soon a terrific shout went up; Rochefort was being drawn in a cab by the multitude through the crowd. He was ghastly pale; he stood up in the vehicle, covered with sashes of red, white, and blue, and waving his hat in answer to the acclamations. As he was hauled slowly through the multitude to the main door of the Hotel de Ville, the delirium seemed to have reached its height, and such frantic acclamations I never before heard. At precisely four o'clock and forty-five minutes in the afternoon, by the great clock in the tower of the Hotel de Ville, at one of the windows appeared Gambetta; a little behind him stood Jules Favre and Emanuel Arajo; and then and there, on that historic spot, Gambetta proclaimed the republic.

This proclamation was received by every possible demonstration of enthusiasm. Lists were then thrown out of the window containing the names of the members of the provisional government. Ten minutes afterward Raspail and Rochefort appeared at another window and embraced each other, while the crowd loudly applauded them. During this time the public were occupying the Tuileries. Sixty thousand human beings had rolled toward the palace, completely leveling all obstacles; the vestibule was invaded, and in the court-yard, on the side of the Palace de Carousel, were to be seen soldiers of every arm, who, in the presence of the people, removed the cartridges from their guns, and who were greeted by cries, "Long live the nation!" "Down with the Bonapartes!" "To Berlin!" &c. During all this time there was no pillage, no havoc, no destruction of property, and the crowd soon retired, leaving the palace under the protection of the National Guard. At the Hotel de Ville some little damage was done, but nothing to any great extent. Some discussion was raised about the changing of the flag, but Gambetta declared that the tri-color was the flag of 1792 and '93, and that under it France had been and would yet be led to victory.

From the Hotel de Ville we went back to the Chamber of Deputies, to find it still in possession of the people. From there I returned to my legation, which I reached at 6.30 o'clock. At 8 o'clock I returned to the Corps Législatif, but on my arrival there I found everything closed and the lights extinguished. The doors leading to the hall of the Deputies had been shut, and seals put upon them. I then drove through some parts of the city, and found everything remarkably quiet. The day had been pleasant, and the night was beautiful beyond description. After making a call upon Lord Lyons, I returned to my lodgings to ponder over the events of the day to become memorable in history. In a few brief hours of a Sabbath day I had seen a dynasty fall and a republic proclaimed, and all without the shedding of one drop of blood.

E. B. WASHBURNE.

No. 78.

Mr. E. B. Washburne to Mr. Fish.

No. 283.]

LEGATION OF THE UNITED STATES,
Paris, September 9, 1870. (Received September 22.)

SIR:

* * * * *

I telegraphed you of the results and condition of things here on Monday, and asked for instructions, though not doubting what would be

the prompt action of our Government. I received replies from Mr. Davis Wednesday morning. It was only Tuesday night that I received the official notice from M. Jules Favre of the change of the government, and advising me that the department of foreign affairs had been confided to him. The next morning (Wednesday) I sent a verbal message to the Foreign Office to ascertain when it would be agreeable for the minister to receive me, as I had an important communication to make from my Government. I received a reply that the minister would see me at any time between 2 and 6 o'clock in the afternoon. In the mean time I prepared the letter to M. Jules Favre which I send herewith, marked No. 1, and at 2.30 p. m., accompanied by the first secretary of legation, Colonel Wickham Hoffman, I took it in person to him. He received us with the utmost cordiality. After reading my letter he shook me very warmly by the hand, and thanked me for the communication, saying he would be very glad if I would telegraph to my Government to express his gratitude and profound emotions. He then briefly explained the situation in which the government of the national defense found itself. He said that he was aware that the United States had hitherto refrained from taking any part whatever in the complications of European governments; however, he did not know, but, under present circumstances, it might feel like tendering its good offices, and he wished to know if I should feel myself at liberty to take any action in that direction. I replied that I should not feel authorized to act in so grave a crisis without instructions from my Government, particularly as I could advise with it on the subject by telegraph. On my return to the legation I telegraphed to you as follows, part of the dispatch being in cipher:

PARIS, *September 7, 1870.*

Have recognized republic. Favre expressed gratitude and profound emotion. Requests United States to join other powers in intervention for peace. Hopes I may be instructed immediately.

About 2 o'clock p. m. yesterday M. Jules Favre called upon me in person to thank my Government in the name of that of the national defense, as well as in his own behalf, for its prompt recognition of the republic and the tender of its felicitations. He again desired that I should transmit to the President and Cabinet at Washington the profound acknowledgments of the government of the national defense. I then communicated the dispatch of Mr. Davis in relation to his conversation with M. Berthemy, which I had just received. M. Favre smiled at the allusion to the attempt of the Emperor to found a monarchy on the southern borders, and replied that nothing could be more satisfactory than Mr. Davis's telegram; it was all they could desire. He then said he had answered my letter of the day before, and that it could be sent to me in the course of the afternoon. It was duly received, and I have the honor to send herewith a copy of it in the original French, together with a translation thereof.

E. B. WASHBURN.

Mr. E. B. Washburne to M. Jules Favre,

LEGATION OF THE UNITED STATES,
Paris, September 7, 1870.

SIR: I have the honor to state that your communication of the 5th instant was received at this legation at 11 o'clock last night, in which you inform me that the government of the national defense has, by a resolution of its members, confided to you the department of foreign affairs.

It affords me great pleasure to advise you that I have this morning received a telegraphic dispatch from my Government instructing me to recognize the government of the national defense as the *government of France*.

I am, therefore, ready to put myself in communication with that government, and, under your permission, to transact all such business as may properly appertain to the functions with which I am charged.

In making this communication to your excellency I beg to tender to yourself and to the members of the government of the national defense the felicitations of the Government and the people of the United States. They will have learned with enthusiasm of the proclamation of a *republic in France*, accomplished without the shedding of one drop of blood, and they will associate themselves in heart and sympathy with that great movement, confident in the hope of the most beneficial results to the French people and to mankind.

Enjoying the untold and immeasurable blessings of a republican form of government for nearly a century, the people of the United States can but regard with profoundest interest the efforts of the French people, to whom they are bound by the ties of a traditional friendship, to obtain such free institutions as will become to them and to their posterity the inalienable rights of "life, liberty, and the pursuit of happiness."

In conclusion, I desire to say to your excellency that I congratulate myself that I am to hold relations with the government of the national defense through a gentleman so distinguished as your excellency, and one so well known in my own country for his high character and his long and devoted services in the cause of human liberty and free government.

I take this occasion to assure your excellency that I have the honor to be, with great respect, your obedient servant,

E. B. WASHBURNE.

His Excellency JULES FAVRE,
Minister of Foreign Affairs.

M. Jules Favre to Mr. E. B. Washburne.

[Translation.]

PARIS, September 8, 1870.

SIR: I look upon it as a happy augury for the French republic that it has received as its first diplomatic support the recognition of the Government of the United States. No one can better remind us in words, both just and noble, of the inappreciable benefits of a republican government than the representative of a people which has given to the world the salutary example of absolute liberty.

You have founded your wise and powerful institutions upon independence and upon civic virtue, and notwithstanding the terrible trials sustained by you, you have preserved with an unshaken firmness your faith in that grand principle of liberty, from which naturally spring dignity, morality, and prosperity.

Nations, masters of their own destinies, should strive to follow in your footsteps. They cannot be truly free unless they are devoted, fearless, moderate; taking for their watchword the love of labor and respect for the right of all. This is the programme of the new-born government of France, springing from the painful crisis provoked by the follies of despotism, but at the hour of its birth it can have no other thought than to save the country from the enemy. Here, too, it meets the example of your courage and your perseverance.

You have sustained a gigantic contest, and you have conquered. Strong in the justice of our cause, rejecting all lust of conquest, desiring only our independence and our liberty, we have firm hope of success. In the accomplishment of this task we count on the aid of all men of heart, and of all governments interested in the triumph of peace. The adhesion of the Cabinet of Washington would alone give us this confidence. The members of the government beg me to communicate to you all their gratitude for it, and to request you to transmit its expression to your Government.

For my part I am happy and proud that fortune has permitted me to be the link of union between two peoples bound together by so many glorious memories, and henceforward by so many noble hopes, and I thank you for having, with so great kindness toward myself, expressed all which I feel toward you, as well as my desire to strengthen more and more the relations of affectionate esteem which should unite us forever.

Accept the assurances of the high consideration with which I have the honor to be, sir, your humble and obedient servant,

JULES FAVRE.

Mr. WASHBURNE,
Minister of the United States.

No. 79.

Mr. E. B. Washburne to Mr. Fish.

No. 284.]

LEGATION OF THE UNITED STATES,
Paris, September 9, 1870. (Received September 22, 1870.)

SIR: At about 4 o'clock yesterday afternoon a large crowd of French people came to the legation, bearing the French and American flags, repeating the cries, "Vive l'Amérique!" "Vive la France!" A delegation, composed of very respectable gentlemen, waited upon me in my private room and read a short address, begging that I would transmit to my Government the thanks of a great number of French citizens for the promptness and cordiality with which it had recognized the French republic. I beg to transmit you a copy of the address to me and my response.

E. B. WASHBURNNE.

[Translation.]

LÉGATION DES ETAT UNIS,
Paris, le 8 Septembre, 1870—4 p. m.

We come in the name of a large number of French citizens, certain that we shall be approved and followed by the whole nation, to beg you to present our thanks to your Government for the spontaneity with which it answered to the notification of our French republic. To you, sir, reverts a large part of our thanks for the gracious words which your heart dictated in communicating to us the recognition by your Government. The French people will long remember the excellent words of the American minister. We did not expect less of this great and generous nation, whose aspirations and principles have always been in communion with the ideas of France. America and France are sisters, sisters as republics, that is to say, sisters in liberty. The ocean which separates us is less deep than the sentiments which unite us.

GENTLEMEN: On behalf of my Government I thank you for this demonstration. I shall take pleasure in transmitting the thanks which you have so eloquently expressed for the action which the Government of the United States has taken in recognizing the new republic of France. In my communication, to which you so kindly allude, I only expressed the sentiments of the President and of the people of the United States. The American people feel the greatest interest in the grand movement which has just been inaugurated in France, and will indulge in the most fervent wishes for its success, and for the happiness and prosperity of the French people. Living themselves under a republican form of government, they know how to appreciate its blessings, and to-day, with warm hearts and eloquent words, they felicitate their ancient ally in the accomplishment of that peaceful and bloodless revolution which must challenge the profound interest of all lovers of liberty throughout the world.

No. 80.

Mr. E. B. Washburne to Mr. Fish.

No. 285.]

LEGATION OF THE UNITED STATES,
Paris, September 9, 1870. (Received September 22.)

SIR: I have the honor to inclose you herewith the proclamation of the government of the national defense, together with certain decrees issued yesterday, and appearing in the official journal this morning. You will perceive that an election is ordered for the 16th proximo for members of a national constituent assembly, to consist of one hundred and fifty delegates.

E. B. WASHBURNNE.

[Translation.]

The Government of the national defense to the French people:

FRENCHMEN: In proclaiming, four days since, the government of the national defense, we have ourselves defined our mission. Power lay prostrate; that which commenced by an attempt finished by a desertion. We have only picked up the government which escaped from impotent hands. But Europe needs to be enlightened; she needs to know, by irrefutable proof, that the country is with us. The invader must encounter upon his route not only the obstacle of an immense city resolved to perish rather than surrender, but a whole people, moreover, organized, represented, an assembly, in fine, which can carry into every place, in spite of every disaster, the living soul of the country. Therefore, the government of the national defense decrees—

ARTICLE I. The electoral colleges are convoked for Sunday, the 16th of October, in order to elect a constituent national assembly.

ARTICLE II. The elections will take place on the revision of the list, conformably to the law of the 15th of March, 1849.

ARTICLE III. The number of the members of the constituent assembly will be seven hundred.

ARTICLE IV. The minister of the interior is charged with the execution of this decree.

Done at the Hotel de Ville of Paris, the 8th of September, 1870.

General TROCHU.

EMMANUEL ARAGO.

CRÉMIEUX.

JULES FAVRE.

JULES FERRY.

GAMBETTA.

GARNIER-PAGÈS.

GLAIS-BIZOIN.

PELLETAN.

E. PICARD.

ROCHEFORT.

JULES SIMON.

The minister of war, General LE FLO.

The minister *ad interim* of marine and the colonies,

Rear-Admiral DE DOMP PIERRE D'HORNOY.

The minister of agriculture and commerce, M. MAGNIN, former deputy.

The minister of public works, M. DORIAN.

No. 81.

Mr. E. B. Washburne to Mr. Fish.

[By cable.]

PARIS, September 12, 1870. (Received September 12, 1870.)

Government requests me to use my good offices, unofficially, and simply as a citizen, to hold intercourse with Prussian government. Have declined until I can hear from you. Immediate answer important.
WASHBURNÉ.

No. 82.

Mr. E. B. Washburne to Mr. Fish.

No. 286.]

LEGATION OF THE UNITED STATES,
Paris, September 13, 1870. (Received September 29.)

SIR: Late on Sunday evening last a gentleman, having intimate relations with the government of the national defense, called upon me at my residence to know if I would not unofficially, and simply as a private individual, put myself in communication with the Prussian government, for the purpose of ascertaining its views in regard to peace. I told him I did not see how I could draw a line of demarcation between my *unofficial* and *official* character in a matter of that kind, and that I would

not presume to take a step of that importance without instructions from my Government. I said to him further, however, that if the government here would intimate its wishes in that respect, I would put myself at once in telegraphic communication with you.

Early yesterday morning I received a note from M. Jules Favre, thanking me for my offer to communicate with you, and expressing a hope that I might obtain your authorization to take the step indicated. I therefore telegraphed you at noon yesterday, and received your reply at 10 o'clock last night. On coming to my legation at 10 o'clock this morning, I found M. Jules Favre awaiting me to ascertain the character of the dispatch I had received from you. I read it to him and explained to him fully how our Government stood in the matter. While he seemed to appreciate our position, he was evidently a good deal disappointed, and was surprised to learn of the action of the Prussian government, as communicated by Mr. Bancroft, in rejecting intervention. On leaving, he thanked me cordially for what I had done, and said he hoped that while our Government could not intervene officially, it would give the new republic of France its moral support.

E. B. WASHBURNE.

No. 83.

Mr. E. B. Washburne to Mr. Fish.

No. 287.]

LEGATION OF THE UNITED STATES,
Paris, September 13, 1870. (Received September 29.)

SIR: Contrary to the first notice, the government of the national defense has determined to remain in Paris, the minister of justice, M. Crémieux, only going away, and he goes to Tours. I intend, therefore, to remain at my post here, at least until circumstances shall make it my duty to go away.

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E. B. WASHBURNE.

No. 84.

Mr. E. B. Washburne to Mr. Fish.

[By cable.]

PARIS, *September 14, 1870.* (Received September 14.)

Paris making stupendous preparations for defense. Three hundred thousand soldiers in city. Slight hopes of negotiations through England.

WASHBURNE.

No. 85.

Mr. E. B. Washburne to Mr. Fish.

No. 294.]

LEGATION OF THE UNITED STATES,
Paris, September 20, 1870. (Received October 5.)

SIR: I am making up a small dispatch to send to London by a gentleman who leaves at noon to-day. He may get through or he may not.

All communication with Paris was cut yesterday morning, both by rail and by telegraph. As you will have seen, several members of the diplomatic body have already left and gone to Tours. They are—Lord Lyons, Prince Metternich, Mr. Nigra, (the Italian minister,) and the Turkish ambassador. They left without any consultation with the other members of the corps.

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E. B. WASHBURNE.

No. 86.

Mr. E. B. Washburne to Mr. Fish.

No. 295.]

LEGATION OF THE UNITED STATES,
Paris, September 21, 1870. (Received October 18.)

I have the honor to inclose you herewith a correspondence I have had with some German citizens of the United States, in relation to the protection afforded them by American passports, and which explains itself.

E. B. WASHBURNE.

Messrs. Hecht, Held and Kayser to Mr. E. B. Washburne.

DIEPPE, August 29, 1870.

DEAR SIR: Learning that a proclamation is issued by General Trochu expelling from Paris, as well as from France, all persons of German birth, or born in such country, at present at war with France, we, the undersigned, naturalized citizens of the United States, of German birth, but duly furnished with a valid passport, beg your excellency to inform them whether the said proclamation applies to them or prevents their temporary sojourn here or in any other part of France.

Your kind reply, per return mail, will very much oblige and relieve your very obedient servants,

B. HECHT.
MARK HELD.
HENRY KAYSER.

Hon. E. B. WASHBURNE,
Minister of the United States to France.

P. S.—Please telegraph your reply to the undersigned, for which we beg you to find inclosed stamps.

B. HECHT,
Hotel du Rhine, Dieppe.

Mr. E. B. Washburne to Messrs. Hecht, Held and Kayser.

PARIS, August 31, 1870.

GENTLEMEN: I have this morning received your letter of the 29th instant.

I shall immediately telegraph you that the order of General Trochu does not include naturalized citizens of the United States of German birth. *Such persons are citizens of the United States, and all proper protection will be extended to them, under all circumstances and at all hazards.*

I have the honor to be, very respectfully, your obedient servant,

E. B. WASHBURNE.

Messrs. HECHT, HELD and KAYSER, *Dieppe, France.*

Mr. E. B. Washburne to Mr. Fish.

No. 296.]

LEGATION OF THE UNITED STATES,
Paris, September 26, 1870. (Received October 19.)

SIR: I have the honor to inclose you herewith the proceedings of a meeting of the diplomatic corps, as drawn up by my private secretary, and which fully explain themselves.

E. B. WASHBURNE.

MEETING OF THE DIPLOMATIC CORPS.

A meeting of the diplomatic corps having been convoked by the Pope's nuncio, the *doyen* of the corps, some twenty-two members of the body met at 11 o'clock a. m., Friday, September 23, 1870, at the residence of the nuncio, No. 102 St. Dominique, St. Germain, Paris.

The nuncio stated his reasons for convoking the body. Their present position as diplomatic representatives was comparatively a useless one, as their communications were now cut off with their various governments. He considered it proper that they should consult together and decide—

First. Whether the time had come when it was proper for them to leave Paris.

Secondly. Whether they would act together, or act separately.

Thirdly. If it should be decided not to leave at the present time, that it should be determined what steps were to be taken to send and receive dispatches through the military lines.

The nuncio thought the time had not yet arrived for the corps to leave. He thought it best for the members to act collectively, and he hoped measures would be taken so that they could communicate with their governments. He concluded by asking a general expression of opinion.

Mr. Kern, the Swiss minister, expressed a decided opinion that it was not proper for the body to leave now. The time for leaving would be, according to diplomatic usage, when the notice of bombardment had been received. He had thought strange of certain members of the corps leaving without notice or consultation with their colleagues. He thought it was more dignified to remain and act collectively. He wished the nuncio to take upon himself to communicate with the minister of foreign affairs and obtain all information possible in relation to communicating through the military lines, and to arrange for egress, if it should become necessary, of the diplomatic corps.

After a few observations of Baron de Zuylen de Nyevelt, envoy extraordinary and minister plenipotentiary of Holland, and by Baron Beyers, envoy extraordinary and minister plenipotentiary of Belgium, Mr. Washburne remarked that he fully agreed with the opinions expressed by his colleagues who had spoken. He was obliged to the nuncio, who had taken the trouble to convoke the body, for, in the circumstances that existed, he considered it important that they should act in concert. He did not consider that the time had come for the diplomatic corps to leave, for he thought they should stay as long as possible, not only for the dignity of their own governments, but for the protection of such of their countrymen as might yet be in Paris. For himself, he wished to give to the government of the national defense such consideration as was due to it as a government recognized by the United States. He thought steps should be taken immediately to open communication through the lines for the dispatches of the diplomatic body, and that as soon as anything was accomplished, another meeting should be convoked. It would be unnecessary at the present meeting to take any steps in relation to going out of the city, as the emergency had not arisen to render it necessary to go.

After further and informal expression of opinions, the nuncio consented to accept the mission confided to him, and he would reconvene the body at an early day to report as to what had been done.

The meeting then separated.

No. 88.

Mr. E. B. Washburne to Mr. Fish.

No. 297.]

LEGATION OF THE UNITED STATES,
Paris, September 30, 1870. (Received October 18, 1870.)

SIR: I have the honor to send you herewith copies of a correspondence between the consuls general and consuls of Southern and Central America and myself, (including a letter from the minister of foreign affairs,) in relation to my according the protection of the Government of the United States to the arms, flags, residences, &c., of their respective consulates.

E. B. WASHBURNE.

The inclosures are—

1. Letter of the consuls general and consuls to me.
2. My letter to the minister of foreign affairs.
3. The reply of the minister of foreign affairs to me; translation.
4. My reply to the letter of the consuls general and consuls.

No. 1.

Consuls general and consuls to Mr. Washburne.

[Translation.]

PARIS, *September 22, 1870.*

MR. MINISTER: The undersigned, E. Tiberghem Ackerman, consul general of the Oriental Republic of Uruguay; Jules Thirion, of the Dominican Republic; Gabriel Lafond de Lurey, consul general of the republic of Costa Rica; B. Fourguet, consul general of the republic of Ecuador; Francisco Fernandez Rodella, consul general of the republic of Chili; Ludovic Janré, consul of the republic of Paraguay; Eugene Thirion, consul of the republic of the United States of Venezuela, considering that they are clothed with consular functions by Southern and Central American republics, who have no accredited diplomatic representatives in Europe, or whose chiefs of legation are absent from Paris; considering that, in the present grave circumstances and the possibility of the occupation of the city of Paris by the Prussian armies, who may attack the persons and property of neutrals whose governments have treaties of friendship and commerce with Prussia or with the German states at war with France; considering, finally, that the undersigned consular officers do not find themselves sufficiently protected, inasmuch as their isolated or collective action toward the Prussian government is deprived of that diplomatic character and sanction which can alone insure its efficiency; for these motives the undersigned, invoking the sentiments of union and fraternity which should unite states having republican institutions in common, have the honor to pray you, sir, in the name of the law of nations, of justice, and of humanity, to take under the official protection of the United States of America the chanceries of the above-mentioned republics.

The undersigned hope, sir, that in case of attack or the occupation of Paris, you will kindly interpose your good offices diplomatically with the Prussian headquarters, and take such measures as you may judge proper that the Prussian troops may be obliged to respect the arms, flags, residences, persons, and families of the undersigned, as well as their fellow-citizens, respectively, who may seek shelter with them, by covering in this manner the undersigned and the interests they represent with the powerful intervention of the United States Government.

It is worthy of a great power like the American nation to lend its protecting aid to sister and friendly republics who have not yet acquired the necessary development to make right stronger than force in Europe.

Such an act of good will on your part, sir, solicited by the undersigned, is perfectly legitimate, in view of events and of the present position.

It will be received gratefully by the governments of the undersigned, and will con-

stitute a debt of gratitude which can only draw closer the bonds of active and cordial sympathy which bind them to the glorious republic founded by Washington.

The undersigned beg you, sir, to kindly receive the assurances of their highest consideration and of their profound respect.

JULES THIRION,
Consul General de la République Dominicaine.
 E. TIBERGHEIM ACKERMAN,
Consul General of Uruguay.
 GEO. LAFOND,
Consul General of Costa Rica to France.
 B. FOURGUET,
Consul General of Ecuador.
 FRANCISCO FERNANDEZ RODELLA,
Consul General of the Republic of Chili.
 LUDOVIC JANRÉ,
Consul of the Republic of Paraguay.
 EUGENE THIRION.
Consul of the Republic of the United States of Venezuela.

No. 2.

Mr. E. B. Washburne to the minister of foreign affairs.

LEGATION OF THE UNITED STATES,
Paris, September 24, 1870.

The following named consuls general and consuls at Paris, to wit, E. Tiberghem Ackerman, consul general of the Oriental Republic of Uruguay; Jules Thirion, consul general of the Dominican Republic; Gabriel Lafond de Lurey, consul general of the republic of Costa Rica; B. Fourguet, consul general of the republic of Ecuador; Francisco Fernandez Rodella, consul general of the republic of Chili; Ludovic Janré, consul of the republic of Paraguay; Eugene Thirion, consul of the republic of the United States of Venezuela, who are clothed with consular functions by the Southern and Central American republics, state to me that they have either no accredited diplomatic representative in Europe, or that the chiefs of such legations as have representatives at Paris are absent from the city. Considering therefore the grave circumstances at present existing in Paris, they have done me the honor to request that I might, as the representative of a sister and friendly republic, extend my good offices and friendly protection to the arms, flags, and residences of their consulates general and consulates, as well as to their fellow citizens finding themselves in Paris.

As I am without the means of communication with my Government on the subject, I shall assume that it would desire me, under the circumstances, to extend my good offices and protection in every proper manner, but with the knowledge and consent of the government of the national defense. I have the honor therefore to submit this matter to the consideration of your excellency, with a request that you may inform me if the consent of your Government will be given to me to extend my good offices and protection as herein indicated, and in a manner in conformity with the law of nations and the amity that exists between friendly powers.

I take this occasion to renew to your excellency the assurance of the distinguished consideration with which I am your excellency's obedient servant,

E. B. WASHBURNE.

No. 3.

Minister of foreign affairs to Mr. E. B. Washburne.

PARIS, *September 26, 1870.*

SIR: You did me the honor to write me on the 24th of this month to inform me of the wish expressed to you by the consuls general and by the consuls of the republics, viz: Dominican, of Uruguay, of Costa Rica, of Ecuador, of Chili, of Paraguay, and of Venezuela, to place under our protection, and to confide to your good offices, the arms, flags, and residences of the consulates, as well as their fellow countrymen residing in Paris.

I hasten to inform you that the government of the national defense, to whom I have submitted this request, has authorized me to receive it favorably. The foreign consuls

certainly could not make a choice which would be more acceptable to us than that of the representative of the United States. However, as certain of them are French, it should be understood that (conformably, too, to what is stipulated in their exequaturs) the favor solicited by them is not to have the effect of keeping them personally from the obligations and duties imposed upon them in their quality of Frenchmen. The position in France of the citizens of the republic of South America, in time of war as in time of peace, is settled by treaties. As far as those republics are concerned which have made choice of Frenchmen as consuls, the application of the measures of favor stipulated in those treaties can extend only to the archives of the consulates and to the foreigners depending upon them, and this only for what depends upon the competency or the powers of the French administration.

Receive the assurances, &c., &c.

JULES FAVRE.

No. 4.

Mr. E. B. Washburne to the consuls general and consuls.

PARIS, September 30, 1870.

GENTLEMEN: I have the honor to acknowledge the receipt of your communication of the 22d instant, asking that, in the present grave circumstances existing in Paris, I might interpose my good offices to protect the arms, flags, residences, &c., of your respective consulates. Not being able to communicate with my Government on the subject, I took it for granted that on account of the warm feeling of friendship it feels for sister republics, it would most willingly have me assume all the good offices and protection which I could properly render in the premises.

I deemed it proper, however, before giving you this assurance, to advise the government of the national defense of your request, and to ask its permission to act in accordance therewith, in a manner in conformity with the law of nations and the amity that exists between friendly powers. I have had the honor to receive a reply from his excellency Jules Favre, the minister of foreign affairs, a copy of which I beg leave to inclose herewith for your information. In accordance, therefore, with the assent accorded by the government of the national defense, and with the qualifications indicated in the letter of the minister of foreign affairs, I have the pleasure of placing myself at your disposition and to offer you the good offices and friendly protection of my Government, so far as they may be in accordance with usage and public law in such cases.

My Government will feel highly complimented by the distinguished mark of confidence shown to it by its sister republics of Central and South America. The Government and the people of the United States take the deepest interest in all that concerns their welfare and happiness, and they will cordially reciprocate the sentiments of fraternity and sympathy which you have so kindly expressed.

I have the honor to request that you will accept, individually, the assurance of the distinguished consideration with which I have honor to be, with great respect, your very obedient servant,

E. B. WASHBURNE.

To Messieurs—

E. TIBERGHEIM ACKERMAN,

Consul General of the Oriental Republic of Uruguay.

JULES THIRION,

Consul General of the Dominican Republic.

GABRIEL LAFOND DE LURCY,

Consul General of the Republic of Costa Rica.

B. FOURGUET,

Consul General of the Republic of Ecuador.

FRANCISCO FERNANDEZ RODELLA,

Consul General of the Republic of Chili.

LUDOVIC JANRE,

Consul of the Republic of Paraguay.

EUGENE THIRION,

Consul of the Republic of the United States of Venezuela.

No. 89.

Mr. E. B. Washburne to Mr. Fish.

No. 299.]

LEGATION OF THE UNITED STATES,
Paris, October 3, 1870. (Received October 18.)

SIR: Much to my surprise and gratification General Burnside and Paul Forbes, esq., made their appearance at my house this morning, at 8.30 o'clock. They were courteously permitted to come through the Prussian lines by Count Bismarek, and to bring me a small dispatch bag, made up by Mr. Stevens, on the 23d ultimo, in London. It contained the dispatch of Mr. Davis, of the 8th ultimo, and New York dates to the 10th.

These gentlemen are the first and only persons who have entered Paris from the Prussian lines for two weeks. I have sent dispatches out on two or three different occasions, by persons leaving the city, but have not before to-day received anything whatever from outside of the city.

Of course, I know nothing of the Prussian force around Paris, nor anything of their plans or operations. As to matters in Paris, I can only say that there has been the most wonderful change in the last two weeks. The report of Jules Favre seems to have changed the face of things entirely. All Paris is now apparently united and determined. They claim to have five hundred thousand troops in the city. Ten thousand sailors man their outer forts, which are mostly supplied with naval guns of the heaviest caliber.

The inner defenses are wonderfully strong.

* * * * *

The diplomatic corps has come to no decision in regard to leaving Paris. I expect we shall know to-day the decision of the Prussian authorities in regard to our sending out and receiving our dispatches. I think there must be some three hundred of our countrymen now in Paris, and many of them are anxious to get away. It is now doubtful whether they will be permitted to go out, either by the French or Prussian authorities. I would, no doubt, be permitted to leave at any time, but should permission to depart be refused to my countrymen I should consider it my duty to remain. However anxious I might be myself to get away, I should deem it a species of cowardice to avail myself of my diplomatic privilege to depart and leave my *nationaux* behind me to take care of themselves. I am certain such a course would not meet with the approbation of my Government, as it certainly would not of my own conscience. If, however, such Americans as may want to depart are permitted to go, I may then leave whenever I think the interest of my Government would be better served by my being out of Paris than by remaining in it.

E. B. WASHBURNE.

No. 90.

Mr. E. B. Washburne to Mr. Fish.

No. 301.]

LEGATION OF THE UNITED STATES,
Paris, October 4, 1870. (Received November —, 1870.)

SIR: General Burnside and Mr. Forbes left to go through the Prussian lines yesterday. The general took the bag, in which I had inclosed

several dispatches. My colleague of the diplomatic corps, Mr. Caicedo, the minister resident of the United States of Colombia, expects to leave to-morrow morning, and I propose intrusting this dispatch to him to be delivered to Mr. Stevens in London. The diplomatic corps has received no answer to the application to the Prussian authorities to be permitted to send a courier through the military lines to take official dispatches to their respective governments. Count Bismarck writes to Jules Favre that such permission will be granted only on the condition that such dispatches shall be unsealed and subject to the inspection of the Prussian authorities, and contain nothing in relation to the war. For myself, I determined instantly that I would not send dispatches under any such conditions, for I assumed that the Government of the United States would permit no other government to examine the official dispatches of its diplomatic representatives. At a meeting of the corps this morning to consider the question, it was unanimously determined not to accept any such condition. The Prussian authorities will be advised of that decision, and no other application will be made to them. If the siege continue, and I remain in Paris, it will be for you to determine as to the measures to be taken to hold official communication with me.

It seems that the nuncio, acting as the *doyen* of the diplomatic corps, had requested Jules Favre to ask Count Bismarck to advise the corps whenever the bombardment of the city was to take place. That fact only came to my knowledge yesterday, and I sent word to Count Bismarck, by General Burnside, that I had nothing to do with such a request, as I conceived that, according to the laws of war, the diplomatic corps had a right to a notification of bombardment without asking for it.

E. B. WASHBURNE.

No. 91.

Mr. E. B. Washburne to Mr. Fish.

No. 302.]

LEGATION OF THE UNITED STATES,
Paris, October 8, 1870. (Received November 9, 1870.)

SIR: I have the honor to inclose you herewith certain proceedings of meetings held by the diplomatic corps, which may be taken in connection with my dispatch No. 301, under date of the 4th instant, and which are in a measure explanatory thereof.

E. B. WASHBURNE.

MEETING OF THE DIPLOMATIC CORPS.

In accordance with a previous notice, the diplomatic corps met at the residence of the Pope's nuncio at eleven o'clock on Tuesday, the 4th day of October, 1870. Twenty-one members of the corps were present.

The nuncio reported to the meeting that, in pursuance of the previous action of the body, he had seen Mr. Jules Favre, and had verbally requested him to communicate with Count Bismarck for the purpose of ascertaining, first, whether he would give notice to the diplomatic corps of a bombardment; and, second, whether he would permit a courier to pass the Prussian military lines to take out and bring in official dispatches for the members of the body. After a long delay Mr. Jules Favre had received the response of Count Bismarck, the substance of which he had in his hands and would read. As to the first matter, Count Bismarck said that he was unable at the moment to state what the necessities of the war might require; and, touching the request for a courier, he would allow one to pass the lines once a week to bear official dispatches, provided such dispatches should not be sealed, and have no reference to the war. The nuncio said the first answer was evasive, and that the condition imposed in relation to the

manner of sending dispatches would render it impossible for the diplomatic body to avail themselves of Count Bismarck's offer.

Mr. Kern, the minister from Switzerland, said there had been a misapprehension as to the communication to Count Bismarck. It should not have been a communication by Jules Favre to Bismarck, but the nuncio should, as the organ of the diplomatic corps, have written direct to him and sent it through Favre as the intermediary. In regard to the inquiry which had been directed to Count Bismarck, touching the bombardment, he certainly should have strongly protested against it. The diplomatic corps had a right by the laws of war to a notice of bombardment, and the body had been placed in a false position by requesting something which they had a right to without asking for it.*

Baron Beyens, the Belgian minister, expressed himself as not being very clear in regard to the questions which had been raised; some of the people in the Foreign Office had told him that the diplomatic corps had no right to a notice of bombardment. Mr. Kern replied he considered such opinions of no value; he had himself studied the question, and he had no doubts on the subject. He would further say, in relation to the courier, that, as a matter of courtesy due to their respective governments, the diplomatic corps had a right to be advised by the Prussian authorities of their intention to cut off their communications with their governments. Baron de Zuylen de Nyevelt, minister of Holland, said the Prussian authorities ought to be informed at once of the presence of the diplomatic corps in Paris, and that they rejected the offer of a courier on the terms proposed.

Mr. P. Galvez, envoy extraordinary and minister plenipotentiary from Peru, said that body owed it to the countries they represented, to the dignity of the diplomatic service, as well as to themselves, to respond negatively to Count Bismarck's proposition to have their official correspondence sent unsealed.

Mr. Washburne, minister of the United States, said there seemed to have been a misapprehension in regard to the character of the communication sent by Mr. Jules Favre, on behalf of the diplomatic corps, to Count Bismarck. He had not understood that a request had been sent to have notice given to the diplomatic corps when the bombardment would take place. He conceived that no such request should have been made, for the diplomatic body had a right to that notice without asking for it. He would further reject instantly any concession of a courier, coupled with the condition that his dispatches should go unsealed. He would not write a dispatch to his government which would have to be submitted to the inspection of any other government on the face of the earth.

Mr. Kern, Baron de Zuylen de Nyevelt, and Mr. Washburne were then joined to the nuncio, as a committee to draw up a communication, to be signed by all the members of the corps in Paris, to be sent to Count Bismarck; the same to be submitted to a future meeting for approval.

OCTOBER 5, 1870.

Mr. Kern, Baron Nyevelt, and Mr. Washburne met at the residence of the nuncio, at 2 o'clock p. m., to agree upon the answer to be made to Count Bismarck. Mr. Kern submitted the *projet* of an answer, which was agreed to, and the nuncio was requested to notify the members of the diplomatic body to meet at his residence the next day, at 11 o'clock a. m., to act upon it and to sign it if it met their views.

OCTOBER 6, 1870.

The members of the diplomatic body met in accordance with the notice given by the nuncio yesterday. The committee submitted the answer to Count Bismarck that had been drawn up, which was unanimously agreed to and signed by all the members.

The communication is hereto annexed.

Diplomatic corps to Count Bismarck.

The undersigned, members of the diplomatic corps residing at Paris, had the honor to send to your excellency, on the 24th of September last, the expression of their wish, that a courier, carrying their official dispatches, might pass the lines of the besieging army every week on days to be hereafter named, and proceed to some point whence a regular postal communication could be assured.

The minister of foreign affairs of France has informed us, by a letter of October 3, that he had the day before received as the reply of your excellency, "that a diplomatic courier could not pass the lines of the besieging troops except upon condition that the dispatches be unsealed, and treat of no subject relating to the war."

* As to availing himself of a courier to take his dispatches, he would reject it at once, as the condition was disrespectful not only to his government, but to himself.

We should have made it a duty, as regards the contents of our dispatches, to conform scrupulously to the obligations imposed during a siege upon diplomatic agents by the rules and usages of international law.

On the other hand, our position as diplomatic agents, and our obligations toward our governments, do not permit us to accept the other condition, viz: to address to them unsealed dispatches only.

If this last condition is to be maintained, it will be impossible for the diplomatic representatives of the neutral states, to their deep regret, to keep up official communication with their respective governments.

Receive, sir, the assurance of, &c., &c., &c.

PARIS, October 6, 1870.

FLAVIUS,
The Apostolic Nuncio, Archbishop of Myre.

KERN,
Minister of the Swiss Confederation.

BR. ADELSSWAERD,
Minister of Sweden.

CTE. DE MOLTKE HAUFELDT,
Minister of Denmark.

BR. BEYENS,
Minister of Belgium.

LOPEZ DE AROSEMENA,
Secrétaire Chargé d'Affaires des Légations de Honduras et de Salvador.

BR. DE ZUYLEN DE NYVELT,
Ministre des Pays Bas.

HENRIQUE L. MATTEN,
Chargé d'Affaires du Brésil.

VTE. DE LANCASTRE,
Chargé d'Affaires du Portugal.

E. B. WASHBURNE,
Ministre des États-Unis.

TORRES CAICEDO,
Ministre Resident des États-Unis de Colombie.

DU C D'ACQUAIEVA,
Chargé d'Affaires de Monaco et San Marino.

WILLIAM MARTIN,
Chargé d'Affaires de Hawaï.

JULES THIRION,
Chargé d'Affaires de la République Dominicaine.

V. DE BALLIVRAN Y RODAS,
Ministre de Bolivie.

P. GALVEZ,
Ministre du Pérou.

No. 92.

Mr. E. B. Washburne to Mr. Fish.

No. 305.]

LEGATION OF THE UNITED STATES,
Paris, October 18, 1870. (Received November 9, 1870.)

SIR: Many of our countrymen, shut in by the investment of Paris, having become very anxious to leave the city, I asked General Burnside to procure, if possible, the permission of the Prussian authorities to go through their military lines. The general having advised me that Count de Bismarck had authorized him to say that he would permit all Americans to go through their lines that I would ask for, I yesterday made application to the French government for authority to the citizens of the United States to leave the city, and go through their military lines. Just as I was about to close my dispatches to send out early in the morning, I received the letter from Mr. Jules Favre which I have the honor to send herewith. I must confess that I was very much surprised and disappointed. If the decision is adhered to in its full force, the disappointment to large numbers of our countrymen now in Paris will be

very great. I estimate that there are between two hundred and two hundred and fifty Americans now in Paris, and that about one hundred of them are anxious to leave. Among this number desirous of going away are found many cut off from their communications from home, who are without funds, and who have no means whatever of living. If the siege continues for a long time, and they cannot get away, their condition must become deplorable in the extreme. I need not say that matters are becoming very embarrassing, but I hope we shall get through in some satisfactory way. I shall look further into this matter of the departure of our people, and write you by the first opportunity.

E. B. WASHBURNE.

Jules Favre to Mr. E. B. Washburne.

PARIS, October 18, 1870.

SIR AND DEAR MINISTER: Conformably to the desire which you have done me the honor to express to me yesterday, I transmit to your excellency the letter addressed to the minister of war, to notify him of the departure of your courier. I beg you to send it to him at once, with notice of the precise hour of his departure.

As regards the permission solicited by a number of your countrymen to pass our lines to leave Paris, I have asked for it from the only competent authority, that is to say, from the governor of Paris. He was of opinion that the difficulties raised by this request, being political as well as military, the government ought to examine them. The government has done so, with a strong desire to be agreeable personally, and to give to your nation a new proof of its sincere cordiality. But however powerful are these considerations upon our minds, we have been checked by the absolute impossibility which we find ourselves in of satisfying the requests of a similar nature which are constantly made. The number of strangers who have not left Paris is very great; many of them have asked of us permission to leave Paris, which we have been obliged to refuse for reasons of defense, of which your excellency will, without doubt, appreciate the value. To grant them would be to annul our military operations; to make exceptions would be to create an unjustifiable privilege. I have therefore the regret to notify your excellency that the government is of opinion that permission to leave Paris during the siege can only be granted to persons clothed with a diplomatic character.

I beg your excellency to believe that it is extremely painful to me not to be able to be agreeable to you. It is one of the griefs which war imposes upon us, and it is one of those to which I can least easily reconcile myself.

I beg your excellency, &c., &c.,

JULES FAVRE.

No. 93.

Mr. E. B. Washburne to Mr. Fish.

No. 307.]

LEGATION OF THE UNITED STATES,

Paris, October 24, 1870. (Received November 15, 1870.)

SIR: The minister of the United States of Colombia, Mr. Caicedo, before leaving Paris, with all the "personnel" of his legation, requested me to take under my protection the few Colombians who might remain in Paris. I promised to do so very cheerfully, glad of the opportunity to render a service to a sister American republic; but as there are very few Colombians in Paris, and their interests are not large, I have not thought it worth while to trouble the French government with a request for its assent. My protection will be simply "officious."

The chargé d'affaires of Portugal, the Vicomte de Lancastre, who proposes to leave Paris to-morrow, has also asked me to extend our protection to his fellow-subjects remaining in Paris. I have consented to do so; but as this is a matter of more importance, in view of the num-

ber of persons and the importance of the interests at stake, I have asked the consent of the government of the national defense. This has been promptly accorded. The request of the Vicomte de Lancastré was made by direction of his government.

E. B. WASHBURNE.

No. 94.

Mr. E. B. Washburne to Mr. Fish.

No. 308.]

LEGATION OF THE UNITED STATES,

Paris, October 24, 1870. (Received November 15, 1870.)

SIR: Referring to my dispatch of the 18th instant, and numbered 305, I have the honor to state that I have this day received from the government of the national defense the permission for my countrymen to leave Paris. They are to leave, therefore, on Thursday morning next, by the way of Créteil.

It had been twice decided that at this state of the siege no foreigner would be permitted to leave Paris, but after having several interviews on the subject with General Trochu and Mr. Jules Favre, they finally agreed to change their determination, and let all of our Americans go who wanted to leave. I think this decision is mainly due to a friendly feeling toward our Government. From the beginning, Mr. Jules Favre evinced every desire to gratify my wishes in this regard. The granting of the permission for the Americans to leave involved a like permission for the subjects of other neutral powers; and as the Prussian authorities require that I shall give a pass to every person who desires to traverse their military lines, I am likely to have a good deal of work on hand for the next two days. I have had prepared a special passport for this purpose, a copy of which I have the honor to inclose herewith.

* * * * *

E. B. WASHBURNE.

[Translation.]

LEGATION OF THE UNITED STATES OF AMERICA IN FRANCE.

The bearer, _____, a citizen of the United States, having expressed to me a desire to leave Paris and to pass the military lines of the powers at war with France, I hereby request the military authorities aforementioned to allow _____ to pass their lines freely with _____ carriage, baggage, &c., and to give aid and protection in case of need.

In testimony whereof we, E. B. Washburne, envoy extraordinary and minister plenipotentiary of the United States in France, have hereunto affixed our signature and the seal of this legation, this _____ day of _____, 1870.

DEPARTURE THROUGH THE CRÉTEIL GATE.

The undersigned, whose name is in the passport on the opposite page, admits that he _____ been notified by the aforesaid minister of the United States, that he can be the bearer of no newspaper, letter, or package, except personal baggage, under penalty of military law.

PARIS, *the* _____ October, 1870.

No. 95.

Mr. E. B. Washburne to Mr. Fish.

No. 310.

LEGATION OF THE UNITED STATES,
Paris, October 31, 1870. (Received November 25, 1870.)

SIR: Under the permission obtained from both belligerents, forty-eight of our countrymen left Paris on Thursday last. I have the honor to send you herewith the report on the subject made to me by Mr. Ward, temporarily employed at this legation. Many persons who had professed to be very anxious to get away declined to leave when the opportunity presented itself. There are some others who now want to depart, but it is very doubtful if I can now get permission of the French authorities for them to leave. They had insisted that the whole number of those who intended to leave should go out at the same time on Thursday last. The English and the Swiss received yesterday from Count de Bismarck their permission to pass the Prussian lines, but the French authorities now hesitate to fix the day on which they may leave. The Russians went out on the same day as the Americans. I believe there is yet some trouble about the Austrians going out. I am very glad that I have so many of our countrymen safely away.

E. B. WASHBURN.

*Mr. Ward to Mr. Washburne.*LEGATION OF THE UNITED STATES,
Paris, October 27, 1870.

According to your instructions, and having previously obtained from the governor of Paris, General Trochu, the necessary pass for the list of Americans drawn up at this legation, I proceeded on horseback, as per appointment, at 6 a. m., with two staff officers, trumpeter, and flag of truce, to the gate of Charenton, where the convoy was to meet. Having formed the line, we passed out of the city under military escort, and proceeded to the village of Créteil, on the post road to Bale, just beyond which was the Prussian outpost. Before reaching the village, however, an examination of your passes was made. Leaving the convoy in Créteil, the staff officers, flag of truce, trumpeter, and myself rode up to within a hundred yards of the Prussian barricade outpost. After waiting some time, and doing considerable trumpeting, a lieutenant and two soldiers appeared bearing a white flag. We parleyed, and, on the arrival of his superior officer, ordered on the convoy.

Examination of your passes was again made by Lieutenant Tillié, of Seventy-fifth regiment of the line, and myself; and German *sauf-conduits* being delivered by the lieutenant for the occupants of each carriage, prescribing their line of march, the convoy, consisting of forty-eight Americans, (men, women, and children,) in nineteen carriages, as per list herewith, (as also the Russian convoy of seven carriages and twenty-one persons, having your passes,) then passed on through the barricade into the Prussian lines; from whence I was informed they would proceed, each carriage escorted by a soldier, to the Prussian post beyond, at Boissy. Your son and Colonel Hoffman went to the outpost and returned with me to Paris, where I reported at the legation the execution of your instructions.

ALBERT LEE WARD.

List of Americans who left Paris on the 27th October, 1870.

Mr. and Mrs. W. E. Cramer, Mr. G. W. Kidder, Mr. W. H. Fuller, Mr. V. Masson, Mr. H. Helmick, Mr. B. F. Meyer, Mr. G. N. Sanders, Mr. H. A. Stone and two coachmen; Dr. L. S. Burrige, two sons, governess, and coachman; Mr. E. Preble, Mrs. O. Closterman and Miss E. J. Closterman, Mr. I. C. Lynes, Mr. J. G. Peniston and Mr. J. A. Peniston, Mr. C. H. Welles, Mr. E. L. Leeds, Mr. G. L. Whittaker, Miss A. Whinnery and governess, Mr. Felix Gelin, Mr. I. F. Sterling, Mr. I. L. O'Sullivan and wife, Mr. Henry Turnbull, Mr. H. Palmieri, Mr. L. M. Sargent, Mr. W. H. Sizer, Mrs. Wagner and two children and coachman, Mr. I. A. Marsh, Mr. I. G. Bernell, wife, and four children; Mr. A. S. Southworth and courier, Mr. F. Pendleton, Mr. M. Helman, wife, child, nurse, maid, and coachman; Mr. L. A. M. Rossi, Mr. W. F. Duff, Mrs. Pollock and coachman.

RECAPITULATION.—48 Americans, 6 coachmen, 2 governesses, 1 courier, 1 nurse, 19 carriages, 1 saddle-horse.

No. 96.

Mr. E. B. Washburne to Mr. Fish.

No. 312.]

LEGATION OF THE UNITED STATES,
Paris, October 31, 1870. (Received November 25, 1870.)

SIR: I take the liberty of inclosing you herewith a copy of a letter addressed to me by Count de Bismarck, in relation to the action of the government of the national defense, and in regard to the situation of Paris.

E. B. WASHBURNE.

*Count Bismarck to Mr. Washburne.*VERSAILLES, *October 29, 1870.*

SIR: Having before them the resolution adopted by the government of national defense, to continue a hopeless struggle and to defend Paris as long as provisions will last, the government of his Majesty have felt obliged to give their attention to the consequences which the carrying out of that resolution will entail upon the inhabitants of Paris, consisting, as they do, for a great part of foreigners. By a memoir communicated to foreign cabinets some weeks since, we have declined any responsibility for the sufferings to which the residents will find themselves exposed when the resources are exhausted and when, owing to the waste laid all around Paris by order of the French government at an extent of three or four days' marching, it will be impossible to provide the survivors with food or to transport them beyond the zone of destruction.

While sending you a translation of the said memoir, I take the liberty of earnestly calling your attention to the considerations detailed therein and bearing directly upon the interests of those American residents who, either by their condition of life or for want of means, have been obliged to remain at Paris.

I have the honor to be, with the highest consideration, your obedient servant,

BISMARCK

No. 97.

Mr. E. B. Washburne to Mr. Fish.

No. 313.]

LEGATION OF THE UNITED STATES,
Paris, 11 o'clock Monday night, October 31, 1870.
(Received November 25, 1870.)

SIR: I have waited till a very late hour before commencing my dispatch, which I hope to be able to start off at a very early hour to-morrow morning. The day has been one of much excitement and interest. The arrival of M. Thiers, the disgraceful affair of Le Bourget, of yesterday, when the French permitted the Prussians to surprise them and recapture the town, and the terrible news of the fall of Metz, all conspired to create a profound excitement in Paris. It is almost impossible to get at the truth in regard to the state of affairs; but as near as I can learn, some of the dissatisfied national guards and a crowd of the red republicans invaded the Hotel de Ville this afternoon and took the government of the national defense prisoners. They then went to work and organized what they called the "government of the commune," and fixed upon the candidates to be elected to-morrow by a vote of the people of Paris. I inclose you a card containing a list of the names of the persons to form this new government of the red republic. I went to the Hotel de Ville at 6 o'clock to-night and found that it had been invaded by soldiers. The magnificent hall of the municipal council was densely

packed with soldiers, singing, shouting, yelling, and speech-making. All seemed to consider that the revolution was practically accomplished, and that nothing was wanting but a vote of the people of Paris, to be taken to-morrow. I have just learned, however, that General Trochu and Jules Favre escaped early in the evening, and that they are now organizing to put down these new revolutionists. At any rate, the *general* is everywhere beating, and gentlemen bring me the intelligence that the center of the city is literally packed with troops, and that everybody is expecting a collision to-night. My messenger is obliged to start so early in the morning, in order to meet the flag of truce, that I can give you no further intelligence before he leaves. I send you several papers, issued this evening, though dated to-morrow, which you will find contain a good deal on this subject.

In all this turmoil and excitement to-day, I have not been able to find out anything in regard to the result of the mission of M. Thiers. He left at 3 o'clock this afternoon to return to Versailles.

I am as yet without any dispatch-bag since the one brought by General Burnside, a month ago, and, of course, without instructions from you.

E. B. WASHBURN.

[Inclosure with dispatch No. 313.]

Rue Condorcet 47, }
Impie, Bachy, etcie. }

La Dépêche,
N. 32.

{ 100 Dépêches, 10 frs.
{ 50 Dépêches, 5 "

Paris, le 31 Octobre 1870, 5 heures du soir. Le gouvernement de la commune est composé de MM. Dorian, Victor Hugo, Felix Pyat, Henri Rochefort, Schoelcher, Delescluze, Mottu, Bouvallet, Gaupin, Martin Bernard, Blanqui, Flourens, Louis Blanc, Ledru Rollin.

CORRESPONDENCE BETWEEN THE DEPARTMENT OF STATE AND THE
FRENCH LEGATION IN WASHINGTON.

No. 98.

Mr. Berthemy to Mr. Davis.

LEGATION OF FRANCE AT THE UNITED STATES,
Washington, August 3, 1870. (Received August 3, 1870.)

SIR: According to the instructions of my government, I have the honor to communicate to you the text herewith inclosed of the declaration made the 20th of July last to the senate and the legislative body by the minister for foreign affairs of the Emperor.

Deign accept, sir, the assurances of my high esteem.

BERTHEMY.

Hon. BANCROFT DAVIS,
Acting Secretary of State.

Declaration made to the senate and to the legislative body in the session of the 20th July, 1870.

MONSIEURS: The statement which has been presented to you in the session of the 15th has made the senate and the legislative body acquainted with the just causes of war that we have against Prussia. Conforming to the usual rules, and by the order of the Emperor, I instructed the chargé d'affaires of France to notify the cabinet of

Berlin of our resolution to prosecute with arms the guarantees which we could not obtain by discussion. This course has been adopted, and I have the honor to inform the senate and the legislative body that in consequence of it war exists, since the 19th of July, between France and Prussia.

This declaration applies likewise to the allies of Prussia who aid her against us with arms.

No. 99.

Mr. Davis to Mr. Berthemy.

DEPARTMENT OF STATE,
Washington, August 6, 1870.

SIR: I have the honor to acknowledge the receipt of your note of the 3d instant, with which, under the instructions of your government, you communicate to this Department the text of the declaration made on the 20th ultimo to the senate and the legislative body, by the minister for foreign affairs of his Majesty the Emperor.

Accept, sir, a renewed assurance of my high consideration.

J. C. B. DAVIS,
Acting Secretary.

M. BERTHEMY, &c., &c., &c.

No. 100.

Mr. Berthemy to Mr. Fish.

LEGATION OF FRANCE IN THE UNITED STATES,
Washington, August 3, 1870. (Received August 3, 1870.)

SIR: The undersigned, envoy extraordinary and minister plenipotentiary of his Majesty the Emperor of the French, has been directed by his government to address the following communication to the Secretary of State of the United States.

His Majesty the Emperor of the French having found himself under the necessity, in order to defend the honor and interests of France, and at the same time to protect the general equilibrium of Europe, of declaring war against Prussia and the allied countries which lend her the support of their arms:

His Majesty has given orders that, in the prosecution of this war, the commanders of his forces on land and sea should scrupulously observe, with regard to powers which shall remain neutral, the rules of international law, and that they should especially conform to the principles embraced in the declaration of the congress of Paris of the 16th of April, 1856, to wit:

1. Privateering is and remains abolished.
2. The neutral flag covers enemy's goods, with the exception of contraband of war.
3. Neutral goods, with the exception of contraband of war, are not liable to capture under enemy's flag.
4. Blockades, in order to be binding, must be effective; that is to say, maintained by a force sufficient really to prevent access to the coast of the enemy.

Although Spain and the United States have not adhered to the declaration of 1856, the vessels of his Majesty will not seize the enemy's property found on board an American or Spanish ship, unless the property be contraband of war.

Neither does his Majesty intend to claim the right to confiscate the property of American or Spanish citizens which shall be found on board of the ships of the enemy.

His Majesty is confident that, by a just reciprocity, the Government of the United States will have the goodness to prescribe measures, so that the authorities and the citizens of this country may observe with precision on their part, during the continuance of the war, the duties of a strict neutrality.

The undersigned takes this occasion to renew to the Secretary of State of the United States the assurances of his very high consideration.

BERTHEMY.

No. 101.

Mr. Davis to Mr. Berthemy.

DEPARTMENT OF STATE,
Washington, August 6, 1870.

SIR: The undersigned, Acting Secretary of State, has the honor to acknowledge the receipt of the note of the 3d instant of M. Berthemy, the envoy extraordinary and minister plenipotentiary of his Majesty the Emperor of the French, informing this Government that war has been declared by his Imperial Majesty against Prussia and the allied powers who lend to it the aid of their arms against France; and stating the rules of international law which will be observed by France toward all the powers which remain neutral.

The undersigned is directed by the President to express to the Government of his Majesty the Emperor the satisfaction with which this Government learns that these principles for which the United States have ever contended, and most of which were long since embodied in treaties between the United States and France, are to receive a further sanction by the observance of them in the present war.

The undersigned is further directed to state to Mr. Berthemy that during this contest the United States will observe the strictest neutrality toward each and all the belligerents. The laws of the United States and the law of nations, as expounded by the judicial and political authorities of this country, are believed to be sufficient to prevent any persons from attempting to infringe or compromit that neutrality by participating in the contest in which two of the great powers of Europe are now unhappily engaged. The United States, on the other hand, will expect that their full rights as a neutral will be scrupulously respected.

The undersigned avails himself of this occasion to renew to Mr. Berthemy the assurance of his very high consideration.

J. C. B. DAVIS.

M. BERTHEMY, *dc., dc., dc.*

No. 102.

Duc de Gramont to Mr. Berthemy.

[Communicated from the French legation at Washington, August 17, 1870.]

[Translation.]

PARIS, *July 24, 1870.*

MONSIEUR: The cabinet of Berlin has published, relative to the negotiations at Ems, various documents, in the number of which is a dispatch from Baron de Werther, giving an account of a conversation we had together during his last stay in this capital. These papers do not present the veritable aspect of the course pursued by the Emperor's government under these circumstances, and the report of M. de Werther especially attributes words to me which I believe my duty requires me to rectify on several points.

The ambassador of Prussia, in our interview, dwelt particularly on this consideration, that the King, in authorizing the candidature of Prince de Hohenzollern, had never had any intention of wounding the Emperor, and had never supposed that this combination could give umbrage to France. I observed to my interlocutor that if such was the case a similar assurance given would be of a nature to facilitate the accord we were seeking. But I did not ask that the King should write a letter of excuse, as the Berlin journals have pretended in their semi-official commentaries.

Nor can I agree to the observations which the baron attributes to me on the subject of the declaration of the 6th of July. I did not admit that this manifestation had been determined by parliamentary necessities. I explained our language by the sharpness of the wound we had received, and I in no way put forward the personal position of the ministers as the motive determining their conduct. What I said was, that no cabinet could preserve in France the confidence of the Chambers and public opinion in consenting to an arrangement which did not contain a serious guarantee for the future. I must add, contrary to the recital of M. de Werther, that I made no distinction between the Emperor and France. Nothing in my language could authorize the representative of Prussia to suppose that a strict solidarity of impressions did not prevail between the sovereign and the whole nation.

Those reserves made, I arrive at the principal reproach made against us by the cabinet of Berlin. We are said to have voluntarily opened the discussion with the King of Prussia instead of with his government. But when, on the 4th of July, in accordance with my instructions, our chargé d'affaires called upon Count de Thile to speak to him of the news we had received from Spain, what was the language of the secretary of state? According to his own expression, "the Prussian government was completely ignorant of this affair, which did not exist for it." In presence of the attitude of the cabinet, which affected to have nothing to do with the incident, and to consider it as solely regarding the Prussian royal family, what could we do except apply to the King himself?

It is thus that, against our will, we requested our ambassador to place himself in communication with the sovereign instead of treating with his minister.

I have resided long enough in the courts of Europe to know how disadvantageous that mode of negotiation is, and all the cabinets will put faith in my words when I affirm that we only pursued that path because all others were closed to us. We regret that Count de Bismarck, as

soon as he was aware of the gravity of the affair, had not gone to Ems to resume his natural position as intermediary between the King and our ambassador. But are we in reality responsible for the isolation in which his Majesty doubtless desired to remain, and which the chancellor probably found favorable to his designs? And if, as the cabinet of Berlin states, the declaration of war remitted by our chargé d'affaires constitutes our first written and official communication, whose is the fault? Are notes addressed to sovereigns? Could our ambassador so far derogate from customary usages when he was treating with the King, and is not the absence of any document exchanged between the two governments the necessary consequence of the obligation under which we were placed to pursue the discussion at Ems, instead of continuing it at Berlin, where we had first raised it?

Before closing these rectifications, I must refer to one observation of the Prussian cabinet. According to a telegram from Berlin, published by the journals of the 23d, MM. de Bismarck and de Thile, contesting a passage in my circular dispatch of the 21st of July, declared that "since the day they heard of the offer addressed to the Prince de Hohenzollern, the question of that candidature to the throne of Spain has never been the subject of the least conversation, either official or private, between themselves and M. Benedetti." In the form in which it is produced, this affirmation is ambiguous; it seems to refer solely to the relations of our ambassador with the Prussian ministry, posterior to the acceptance of Prince Leopold. In that sense it would not be contrary to what we have ourselves said; but if it is extended to anterior communications, it ceases to be true, and to establish that fact I cannot do better than cite here a dispatch dated the 31st of March, 1869, addressed by Count Benedetti to the Marquis de Lavalette, then minister of foreign affairs.

It is thus conceived :

BERLIN, *March 31, 1869.*

M. LE MARQUIS : Your excellency requested me by telegraph yesterday to assure myself whether the candidature of the Prince de Hohenzollern to the throne of Spain had a serious character. I had occasion this morning to see M. de Thile, and I asked him if I was to attach any importance to the rumors in circulation on this subject. I did not conceal from him that I was anxious to be exactly informed, remarking that such an eventuality was of too direct interest to the Emperor's government for my duty not to compel me to point out the danger if any reason existed to believe that the project might be realized. I made him aware that I intended to communicate our conversation to you.

M. de Thile gave me the most formal assurance that he had not at any moment been aware of any indication whatever which could authorize such a conjecture, and that the Spanish minister at Vienna, during the stay he made in Berlin, had not even made any allusion to the subject. The under secretary of state, in thus expressing himself, and without anything I said being of a nature to induce such a manifestation, believed himself called upon to pledge his word of honor.

According to him, M. Rancès had confined himself to talking to Count de Bismarck—who perhaps was anxious to take advantage of the passage of this diplomatist to obtain some information on the state of things in Spain—of the manner in which affairs were advancing in what concerned the choice of the future sovereign.

That, in substance, is what M. de Thile stated to me, several times repeating his first declaration that there was not, and could not be, a question of the Prince de Hohenzollern for the crown of Spain.

Accept, &c.,

BENEDETTI.

After this quotation I believe I have no occasion to enter into any further explanations on a point we must consider as definitively established.

GRAMONT.

Monsieur BERTHEMY,
Minister of France, &c., &c.

No. 103.

The vice-president of the government of the national defense, minister of foreign affairs, to the minister of France at Washington.

[Communicated by the French legation, September 8, 1870.]

SIR: The events which have just taken place at Paris explain themselves so well by the inexorable logic of facts that it is useless to dwell at length upon their meaning and scope.

Yielding to an irresistible impulse, too long restrained, the people of Paris have obeyed a higher law, that of their own safety; they have not been willing to perish with the criminal power which was leading France to destruction; they have not declared the downfall of Napoleon III and of his dynasty; they have registered it in the name of right and justice and of the public safety, and this sentence was so well ratified in advance by the consciences of all, that no one, even among the most noisy defenders of the falling power, has arisen to sustain it; it has sunk itself under the weight of its faults, amid the acclamations of an immense people, without a drop of blood having been shed, without a person's having been deprived of his liberty; and we have seen a thing, unheard of in history, the citizens, to whom the cry of the people confided the perilous task of fighting and conquering, not giving a moment's uneasiness to the adversaries, who yesterday threatened them with military execution. It is by refusing them the honor of any repression that they have plainly shown their blindness and impotence. Order has not been disturbed for a single moment. Our confidence in the wisdom and patriotism of the national guard and of the entire population permits us to assert that it will not be.

Delivered from the shame and danger of living under a government which was recreant to all its duties, every one understands that the first act of this national sovereignty, reconquered at last, is to command itself, and to seek its strength in respect for the law. Moreover, time is pressing; the enemy is at our gates; we have but one thought—to drive him from our territory. But this obligation, which we resolutely accept, has not been imposed upon France by us; France would not now be under this obligation if our voice had been heard. We have energetically defended, even at the expense of our popularity, the policy of peace; we shall persevere in doing so, with a still deeper conviction. Our heart bleeds at the sight of these inhuman massacres, whereby the flower of two nations is destroyed, which, with a little good sense and a great deal of liberty, would have been saved from these frightful catastrophes. We have no words to describe our admiration for our heroic army, sacrificed by the incompetency of the commander-in-chief, and yet rendered greater by its defeats than by the most brilliant victories; for, notwithstanding its knowledge of the faults which imperiled it, it has sublimely advanced to certain death, redeeming the honor of France from the stains brought upon it by its government. Honor to it! The nation opens its arms to it. The imperial power has sought to divide them; misfortunes and duty unite them in a solemn embrace, sealed by patriotism and liberty. This alliance renders us invincible. Prepared for everything, we calmly contemplate the situation which is presented to us. I will state this situation in a few words, and submit my statement to my country and to Europe: We openly denounce war, and, protesting our respect for the rights of nations, we asked that Germany should be left mistress of her destinies; we desired that liberty

should be at once our common bond and our common shield. We were convinced that these moral forces insured forever the maintenance of peace; but, by way of enforcement, we demanded a weapon for each citizen, a civic organization, and chosen chiefs. We should then have remained invulnerable on our own soil. The imperial government, which had long before separated its interests from those of the country, rejected this policy. We resume it, with the hope that, having been taught by experience, France will have the wisdom to practice it.

On his part the King of Prussia has declared that he was making war, not against France, but against the imperial dynasty. The dynasty lies prostrate. Free France rises. Does the King of Prussia desire to continue an impious struggle which will be at least as fatal to him as to us? Does he desire to give to the world of the nineteenth century the cruel spectacle of two nations destroying one another, and which, forgetful of humanity, of reason, of science, pile up ruins and corpses? He may take his choice. Let him assume this responsibility to the world and to history. If it is a challenge, we accept it. We will not yield an inch of our territory, nor a stone of our fortresses. A disgraceful peace would soon be followed by a war of extermination; we will only treat for a durable peace. Herein lies our interest, and that of all Europe. We have reason to hope that, freed from every dynastic bias, the question will be thus put to the chanceries. But even if we must stand quite alone, we will not be discouraged. We have a resolute army, well-supplied forts, strong walls, but above all, the breasts of three hundred thousand fighting men, ready to hold out to the last. When they go piously to place garlands at the feet of the statue in Strasburg, they not only obey a sentiment of enthusiastic admiration, they take their heroic watch-word, they swear to be worthy of their brothers of Alsace, and to die like them. After the forts, the ramparts; after the ramparts, the barricades. Paris can hold out for three months, and conquer. If it should fall, France, rising at its call, would avenge it. It would continue the struggle, and the aggressor would perish. This, sir, is what Europe ought to know. We have not accepted power with any other object. We would not retain it a minute if we did not find the population of Paris, and of all France, resolved to aid in carrying out this plan. I sum up our resolutions in one word. Before God, who hears us—before posterity, which will judge us, we only desire peace; but if a destructive war, which we have denounced, be continued against us, we will do our duty to the end. I firmly trust that our cause, which is that of right and justice, will finally triumph.

It is in this sense that I desire you to explain the situation to his excellency the Secretary of State, in whose hands you will place a copy of this document.

Accept, sir, the expression of my high consideration.

The Minister of Foreign Affairs,

JULES FAVRE.

No. 104.

M. Berthemy to Mr. Fish.

WASHINGTON, September 16, 1870. (Received September 16.)

Mr. SECRETARY OF STATE: The minister of foreign affairs addresses to me, under date of August 31 and September 2, various communica-

tions to which he requests me to call the attention of the Government of the United States, and which refute the accusations made by the government of the North German Confederation against the French army, which has been represented by said government, in several official documents, as voluntarily setting aside, in the present war, the rules of international law. Having reason to think that the documents to which I allude have been formally brought to the notice of the Department of State, I take the liberty of laying before you the reply of my government to the allegations which they contain.

Accept, Mr. Secretary of State, the assurances of my very high consideration.

BERTHEMY.

Hon. HAMILTON FISH, &c., &c., &c.

The minister of foreign affairs to the minister of France at Washington.

PARIS, August 31, 1870.

SIR: The Prussian government has pretended, in documents of which we have had knowledge, that our soldiers have disregarded the rules of international law, by voluntarily firing on ambulances and bearers of flags of truce. Before even calling the attention of the minister of war to these allegations, I protested in the name of the traditions of our army, and as soon as my colleague was informed of them, he warmly approved of the language which I had used. Mistakes may occur in the heat of battle; we, more just than our adversary, admit that neither of the two armies is sure of not committing such errors. But Prussia will persuade no one that our soldiers have deliberately set at naught the sacred privilege of ambulances and the freedom of flags of truce, and we have no need to defend ourselves against such accusations.

It seems, moreover, that the Prussian government has shown so much eagerness to avail itself of facts, regrettable indeed, though hitherto not proved, and at all events isolated, in order to have some pretext to justify itself for much graver acts with which we have to charge it, and for which the corps commanders are much more directly responsible.

Every one knows the incident of the ambulance called "de la Presse," which was seized with the persons and supplies which it contained, and which was obliged to pass through a part of Germany, and through Luxemburg and Belgium, in order to reënter France. The same thing is stated to have occurred again in the neighborhood of Metz.

Near Strasburg the Baron de Bussière was taken prisoner in the midst of the ambulances which he had organized, and to which he was giving his attention. It is equally notorious that a French surgeon was killed on the field of battle by a Prussian soldier, while in the act of attending to the injuries of a wounded man.

It further appears from the testimony given by one of our physicians, in the presence of witnesses whose declaration has been received at the vice-consulate of France, at Basle, that explosive bullets have been used against our troops, and have been found in the bodies of some of our wounded. These are so many violations, not only of the usages of all armies in modern times, but also of the formal stipulations of diplomatic conventions to which Prussia was a contracting party.

Finally, the public journals have announced that the peasants near Strasburg have been required to dig the trenches opened by the Prussians before the place. We at first refused to give credit to these rumors. We could not regard as possible an act of violence no less repugnant to the laws of war than to those of humanity. The certain proofs which have since reached us leave no longer any doubt concerning the entire accuracy of these statements. The Prussian authorities have not hesitated to adopt a measure which obliges the defenders of Strasburg to fire on Frenchmen.

If Prussia should continue these odious proceedings she would stamp her military operations with a character for atrocity which would place her under the ban of civilized nations. We protest in the name of universal conscience against such abuses of power, and in requesting you to call to them the particular attention of the Government to which you are accredited, I feel confident that public opinion will visit them with just condemnation.

Receive, &c.

THE PRINCE DE LA TOUR D'AUVERGNE.

The minister of foreign affairs to the minister of France at Washington.

PARIS, August 31, 1870.

SIR: In a telegram addressed to Count Bernstorff, to be communicated to us through the agency of the minister of the United States at Paris, Count Bismarck makes known the treatment which Prussia intends to reserve for our independent marksmen. He declares that *only* men who can be recognized within gunshot, as soldiers, shall be considered and treated as such. He adds that the blue blouse is the national costume; that the red cross on the arm can only be discerned at a short distance, and may be removed or replaced at any moment, so that it becomes impossible for the Prussian troops to distinguish the persons from whom they have to expect acts of hostility and on whom they ought to fire. He announces, in consequence, that all those who, not being on all occasions and at a proper distance recognizable as soldiers, may kill or wound any Prussians, shall be tried by court-martial.

I have transmitted this communication to the minister of war. The following is his reply:

The national garde mobile and the independent marksmen, who are assimilated thereto by their organization, or who have been formed by regular authority, represent a force constituted by French law. Their costume has been defined, and the blue blouse with red ornaments of the men of the national garde mobile, who also wear the military cap, cannot be confounded, in good faith, with the garb of the peasants of France. The minister of war does not, therefore, hesitate to declare that if Prussia treats such troops as not belonging to the army, the French corps commanders will retaliate upon the men of the landwehr and of the landsturm, who represent the same forces in Germany.

I beg you, sir, to bring this declaration to the notice of the government to which you are accredited, and I do not doubt that it will share the impression made upon us by the proceeding in question, as likewise by the painful necessity under which it places us.

Receive, &c.

PRINCE DE LA TOUR D'AUVERGNE.

The minister of foreign affairs to the minister of France at Washington.

MINISTRY OF FOREIGN AFFAIRS,
Paris, September 2, 1870.

SIR: The Prussian official journal, and all the German papers which obey the same inspirations, have sought to excite public opinion against us on account of the measures which the subjects of Prussia and its allies have been the object in France since the commencement of the war.

It has been openly asserted, and every effort is made to induce the belief, that the government of the Emperor, after having first tolerated the presence of citizens of the enemy's country, took measures for their general expulsion. This assertion is absolutely at variance with the truth, and of this the cabinet of Berlin cannot be ignorant.

When the ministry of the 10th of August was called to power, it was obliged, by reason of the circumstances, to examine the situation of the Germans in France. It did so, regarding the interest of the country and the personal security of these foreigners at the same time, for it was obliged to consider the annoying consequences of the great excitement which is caused in France by excesses of all kinds committed in the rural districts against an unoffending population, and a system of espionage without precedent in the annals of war.

The government did not, however, adopt a general measure of expulsion, however legitimate it would have been after the unworthy treatment of which our citizens, and even some French consular agents, have been the victims in Germany. It confined itself to favoring the removal of all those who desired to return to their own country. To this effect the minister of the interior exempted them from the formality of safe conducts for leaving the country, and from that of the French *visa* previously required for their passports. The mass of the German residents, so numerous throughout the territory of the empire, was in no wise affected.

Friendly explanations were given on this subject by the minister of the interior and myself to the ministers of America and Switzerland, as well as to the chargé d'affaires of Russia, to which functionaries the German governments had confided the protection of their citizens in France. In fact, the majority of these foreigners did not leave the territory of the empire. Every one knows with what moderation the orders of the French government were enforced, and no one can truthfully maintain, as is done by the Berlin journals, that the Emperor's government has shown itself pitiless and cruel toward the German residents.

Quite recently, in view of the march of the Prussian army on Paris, General Trochu,

by virtue of the powers intrusted to him, promulgated an order obliging every subject of the enemy to leave Paris and the department of the Seine in the space of three days, and to leave France or to retire to one of the departments situated beyond the Loire.

This measure was dictated by considerations of public necessity, upon which I have no need to insist, and in my previous interviews with the ministers of the United States and Switzerland, as well as with the chargé d'affaires of Russia, I had taken care to reserve with regard to this the full and entire liberty of appreciation of the government. The presence of several thousands of Germans in Paris during the operations of a siege would have been a source of peril to themselves as well as of danger to the defense, and every one understood that this order, however painful it was to those affected by it, still bore the impress of that generous sentiment by which the French people are habitually actuated in their conduct, even toward an enemy, in the midst of the heat of a struggle; for their patriotism will never cause them to forget the laws of humanity. The government, moreover, in the order of August 28 stopped short of what it might legitimately have done, since it confined itself to removing the Germans from the capital, still allowing them to remain in the departments situated beyond the Loire, and this restriction, placed by ourselves upon the exercise of our right, is a new and irrefragable evidence of the falsity of the allegation of the Prussian official journal, according to which, since the 10th of August, all Germans settled in France have been included in a measure of expulsion. I beg you to point out the falseness of these assertions to the Cabinet at Washington, and in order to reduce them to their just value it will be sufficient for you to oppose to them our acts.

Receive, sir, &c.,

PRINCE DE LA TOUR D'AUVERGNE.

M. BERTHEMY,
Minister of France, Washington.

No. 105.

Mr. Fish to Mr. Berthemy.

DEPARTMENT OF STATE,
Washington, September 19, 1870.

SIR: I have the honor to acknowledge the receipt of your note of the 16th instant, transmitting a copy of communications which have been addressed to you by the minister of foreign affairs in refutation of accusations made against the French military forces by the government of North Germany, to the effect that they had voluntarily disregarded in the present war the rules of international law. I shall not fail to communicate a translation of these papers to the minister of North Germany accredited to this Government.

Accept, sir, a renewed assurance of my highest consideration.

HAMILTON FISH.

M. BERTHEMY, &c., &c., &c.

CORRESPONDENCE BETWEEN THE DEPARTMENT OF STATE AND THE
UNITED STATES CONSULATE GENERAL AT PARIS.

No. 106.

Mr. Read to Mr. Fish.

[By cable telegram.]

PARIS, *August 15, 1870.* (Received 5.15 p. m., August 15.)

Paper depreciating daily, also difference between silver and gold; average daily receipts thirteen hundred francs. Very little gold in circulation. What am I to do?

READ.

No. 107.

Mr. Davis to Mr. Read.

[Telegram.]

WASHINGTON, August 16, 1870.

READ, *Consul General, Paris*:

Secretary Treasury says: Take gold till further ordered.

DAVIS.

No. 108.

Mr. Read to Mr. Davis.

[By cable.]

PARIS, August 17, 1870. (Received at 3.35 p. m., August 17.)

DAVIS, *Acting Secretary of State, Washington*:

No gold to be had; only silver.

READ, *Paris*.

No. 109.

Mr. Read to Mr. Davis.

[Telegram.]

AUGUST 18, 1870. (Received August 20.)

Cannot get gold; silver only can be had. Business clogged and people indignant. I strongly advise taking silver.

Can I bank with Hottinguer, Barings' correspondent here; unwilling to have responsibility of funds at this time.

READ, *Paris*.

No. 110.

Mr. Read to Mr. Davis.

No. 56.] UNITED STATES CONSULATE GENERAL FOR FRANCE,
Paris, August 18, 1870. (Received August 31.)

SIR: I have the honor to acknowledge the receipt of your dispatch, No. 55, and I am happy that the Department so warmly approves of my administration of this responsible and laborious office.

At this time the labor and responsibility have greatly increased. Since the war broke out the daily number of invoices is very large, averaging above one hundred, and in some instances reaching two hundred and forty a day; while passports have averaged sixty per day. When the Bank of France suspended specie payment there was in the safe 6,000 francs in paper, which had been taken within the preceding three or four days for Government fees. To-day it is almost impossible to obtain gold, and it commands a premium of 5 per cent., while silver is at 1½. Under the circumstances, I telegraphed to you on the 16th instant as follows:

Paper depreciating daily. Also difference between silver and gold. Average daily receipts thirteen hundred francs. Very little gold in circulation. What am I to do?

I received the next day this reply :

Secretary of the Treasury says, take gold till further orders.

Anticipating this, I had ordered that morning that gold only be received, except for fractional sums, when silver would be taken. This regulation produced immediate difficulty, for it had become almost impossible to procure gold, and I accordingly telegraphed you again yesterday :

No gold to be had ; only silver.

Receiving no answer, and finding that the excitement was increasing and the probability of obtaining gold becoming less every hour, I telegraphed this morning as follows :

Cannot get gold. Silver only can be had. Business clogged and people indignant. I strongly advise taking silver. Can I bank with Hottinguer, Barings' correspondent here ; unwilling to have responsibility of funds at this time.

I am awaiting the reply with anxiety for several reasons. You are aware that I have been charged with the consular affairs of the North German Confederation throughout France. This has been and continues to be a very vexatious and troublesome charge, especially since the French government (who have been forced into it by the feelings of the masses of the people) have decreed the immediate departure of all North Germans from France. I have been obliged from day to day and hour to hour to send by telegraph and mails explicit instructions to all our consular officers to guide them in their new duties in this matter. Americans are just now extremely unpopular here, owing to the sympathy shown by the people of the United States for Germany. When, in addition, one identifies himself so far with the Prussians as to become their representative, he incurs an amount of dislike and even hatred which may prove not only disagreeable, but actually dangerous to himself and his surroundings in the present highly-excited state of the public mind. It becomes, therefore, extremely desirable not to give rise, if possible, to further ill-feeling.

The regulation of the Department to receive only gold has produced, however, another and additional cause of ill-will, and you will readily comprehend that I hope that my suggestion may be promptly adopted. We are receiving alternate accounts of defeats and successes during the retreat upon Chalons, and to-day General Trochu, just appointed governor of Paris, has issued his proclamation calling upon all good citizens to preserve their fortitude and prepare for the worst in the presence of a foreign foe. At the same time the journals are filled with accounts of the instructions issued for provisioning the city to stand a siege. In the light of the foregoing information, you will perceive that I must necessarily be unwilling to continue to be responsible for such public funds in my safe, and you will immediately recognize the propriety of giving me authority to bank with some responsible house.

The safe furnished by the Government is in peaceful times very insecure, and in times like these it affords no adequate protection whatever.

Many French citizens have applied to me for protection, and also have asked me to guard their valuables ; but I have respectfully declined to receive anything into my keeping belonging to French subjects, feeling that unless I adopted this rule I could not do justice to my own countrymen and women. I have made one exception in favor of the grand-daughters of the Marquis de Lafayette, telling them, at the same time, that it must be at their own risk.

JOHN MEREDITH READ.

No. 111.

Mr. Davis to Mr. Read.

[Telegram.]

AUGUST 18, 1870.

READ, *Consul General, Paris*:

Treasury Department decides that all fees received must be either in the same money as heretofore authorized to be received, or its equivalent, so that the United States will not be a loser by any abnormal condition of affairs now existing in France. Please so instruct consuls in your jurisdiction.

J. C. B. DAVIS.

No. 112.

Mr. Read to Mr. Davis.

[Telegram.]

AUGUST 19. (Received August 20, 1870.)

Your two telegrams of eighteenth answer satisfactorily all mine, except please authorize me immediately to bank public funds daily with Rothschild or Hottinguer, Baring's correspondent, for instance. This measure is essential.

READ, *Paris.*

No. 113.

Mr. Davis to Mr. Read.

[Telegram.]

AUGUST 20, 1870.

READ, *Consul General, Paris*:

Bank with Monroe & Co., if necessary. Accept any funds at such discount as will purchase exchange on London, without loss, and convert into such exchange. Use your own discretion in emergency.

DAVIS.

No. 114.

Mr. Read to Mr. Davis.

No. 57.] UNITED STATES CONSULATE GENERAL FOR FRANCE,
Paris, August 24, 1870. (Received September 8.)

SIR: I have the honor to acknowledge the receipt of your four telegrams of the 18th and 19th instant, and to inform you that I have instructed all the consuls within my jurisdiction in accordance with the directions therein contained.

In fixing upon rates of discount, owing to the fluctuations from day to day and hour to hour, I have thought best to place them a trifle above the highest limits yet reached, as I would thus secure the Government against probable loss. Of course I will account rigidly to the

Government for every centime received, and will turn over the small surplus, if any there be, to the Treasury Department.

The whole subject is a very delicate and harassing one, for the French people at this moment, very naturally, are in a similar state of excitement to that which prevailed in the United States during the rebellion, and they are prone to see in the smallest things infractions upon their honor as a nation, where no disrespect is intended or imagined. Thus, for example, they argue that for the United States Government to refuse to take silver or Bank of France notes, except at a discount, in this time of their sore distress, is to impugn their national honor. That the true plan is for the Government of the United States to receive silver and bank notes at par, and after the war is over to make a reclamation upon the French government for the amount lost by so doing.

I feel it my duty to state the exact situation of affairs, and to report the opinions expressed to me by many of the leading men here in commerce and public affairs. No explanation seems to them satisfactory, and I find myself placed in a very unpleasant position thereby, at a critical time, when it is desirable to cultivate the kindly feelings of the people. My instructions, however, are so clear and unmistakable that I have no hesitation as to the course which I will pursue.

I have to-day received from the consul general of the North German Confederation at London, a request to inclose to each of the United States consuls circulars asking them to forward immediately all information concerning German vessels and their crews, which may be brought into port by French cruisers. I have directed the consuls to communicate to me all such intelligence, and upon its receipt I will immediately advise the German consul general at London.

Trusting that the Department will approve my action in the above particulars, I have only to add that the dispatches this day received for the consul at Strasburg cannot at present be forwarded to him, as all communications are cut, and that city is besieged. It is reported this evening that the Prussians are in the vicinity of Chalons, on their way to Paris. It is impossible to ascertain the truth or falsity of this rumor, as no information can be obtained from the department, but I am inclined to doubt it for the moment.

JOHN MEREDITH READ, JR.

No. 115.

Mr. Davis to Mr Read.

No. 60.]

DEPARTMENT OF STATE

Washington, August 31, 1870.

SIR: Your dispatch No. 56 is received.

The questions in regard to the receipt of fees, in currency or in specie, and to the daily deposit of them in a bank, are supposed to have been satisfactorily answered by the cable. Full copies of the telegrams are inclosed.

If the extra labor put upon you by the care of the North German consulates renders necessary an extra force, you will employ such as is necessary, keeping a separate memorandum account of all expenditures in that behalf for the use of this Department hereafter.

The items will also go into your usual and ordinary accounts. The Department relies on your prudence to keep these extraordinary expenses within reasonable bounds.

Your course in refusing to receive the property of French subjects for protection is approved. If the protection sought is against the act of France or of the French authorities, the rendering it would be an infringement of the last clause of the third article of the consular convention, concluded with France in 1853. If it is intended to be used against the North Germans, the granting it is a violation of the neutrality which we should observe in this war.

You intimate that citizens of the United States in Paris may apply to have their property lodged at the consulate for protection. As the receipt of such property may involve you in personal liability to the owners, unless you carefully guard yourself against it, the Department does not feel inclined to give you instructions which can be construed as requiring you to receive it.

Should you receive it, you will be careful to state officially in writing to each party that the Government will assume no risk in the custody of the property and no obligation to return it. A consulate is not established in a foreign country to be a storehouse of property in time of war. But if parties are willing to take upon themselves, so far as the Government is concerned, the entire risk of the safe-keeping and return of small articles which can be deposited in a consulate without interfering with the official business, the Department will be glad to see them accommodated, if it is an accommodation to them to be permitted to make deposit of such sort of property.

I am, sir, your obedient servant,

J. C. B. DAVIS,
Acting Secretary.

JOHN MEREDITH READ, Jr.,
United States Consul General, Paris.

No. 116.

Mr. Read to Mr. Fish.

No. 63.] UNITED STATES CONSULATE GENERAL FOR FRANCE,
Paris, September 16, 1870. (Received October 3.)

SIR: I have the honor to acknowledge the receipt of your dispatch No. 60, with inclosed copies of telegrams forwarded to me by the Department. I have the honor also to reply to the instructions contained in your dispatch, as follows:

1. The several dispatches and telegram have enabled me to satisfactorily arrange the monetary affairs connected with this consulate general.

2. The Department may feel entirely sure that I will keep the extraordinary expenses connected with the care of the North German consulate "within reasonable bounds," and that, while using my utmost personal exertions, I will carefully abstain from creating or allowing any unnecessary expenditures whatever.

3. I have declined in every instance to receive the property of French citizens, except that in the case of the grandson of the Marquis de Lafayette I consented to take charge of certain relics of that illustrious Frenchman, in remembrance of the services which he had rendered to our country when she was struggling for her liberty. But I distinctly informed Mr. de Lafayette that these matters were deposited in this consulate general at his own risk.

4. I have received the valuables of certain American citizens, most of whom were ladies, and who had no one to whom they could turn for protection. But I have notified each person in writing that they deposited their effects in the consulate general at their own risk, and that neither the Government nor the consul general would or could accept any responsibility in thus receiving them.

While taking the utmost care to relieve the Government of all responsibility and myself from personal liability, I have spared no pains to defend and protect the property of American citizens. As a means to this end I have placed in several newspapers a notice requesting all Americans, resident in Paris, to come to this consulate general and register their names, their addresses in this city, with a slight description of the character of their property, and also their exact addresses in the United States. With this record at hand, I will be enabled to give a certain sort of useful information to their relatives or representatives, in case of loss of property or life.

I had the honor to address to you on the 12th instant the following telegram:

FISH, *Secretary of State, Washington:*

Prussians within twenty-eight miles. I shall remain in Paris to guard our interests. Have instructed consuls throughout France, send official correspondence through Stevens, when communications are cut. Transferred ten thousand francs to Barings Saturday. My family safe at Granville. Please notify Judge Read.

READ, *Consul General.*

As I have received no reply to this message, I presume that my course is approved.

The Prussians are very near Paris, and it is possible that no mails after to day will reach their destination.

Referring to my determination heretofore expressed, I wish the Department to distinctly understand that I shall remain here not only in case of a siege, but also in case the city is bombarded. In my judgment it is my duty to adopt this course, and I shall have no hesitation in doing so.

In view of the immediate possibility and necessity of providing places of refuge for American citizens in times of danger and popular tumult, I have established branch offices of this consulate general at my residence in the Avenue d'Antin, and at the residence of the vice-consul general in the Place de Batignolles. It gives me the utmost pleasure to state that, in all my efforts in this and in every other direction, I have the faithful coöperation of Mr. Olcott, vice-consul general, Mr. Thirion, consular clerk and secretary, and Mr. David T. S. Fuller, clerk and messenger.

JOHN MEREDITH READ.

No. 117.

Mr. Davis to Mr. Read.

No. 69.]

DEPARTMENT OF STATE,

Washington, October 4, 1870.

SIR: Your No. 63 is received. While approving generally your energy and zeal in preparing protection for your countrymen and countrywomen the Department would caution you to do nothing that can be construed by the French government as an infringement upon, or an unau-

thorized extension of the provisions of the consular convention of 1853. It is, to say the least, doubtful whether the right to establish agencies, (or branches,) conferred by Article V, should be construed as conferring the right to establish several offices in the same city, and it is certain that, under our laws, Mr. Olcott is not a vice-consul with operative functions while you are in Paris.

The Department advises you to communicate freely with Mr. Washburne on these subjects, and to so act as not to bring us in conflict with the French, or with the Prussians should they occupy Paris.

I am, sir, your obedient servant,

J. C. B. DAVIS,
Assistant Secretary.

JOHN MEREDITH READ, Jr., Esq.,
U. S. Consul General, Paris.

GREAT BRITAIN.

No. 118.

Mr. Fish to Mr. Motley.

[Telegram.]

DEPARTMENT OF STATE,
Washington, July 16, 1870.

Send to Bancroft, Berlin, by mail, and telegraph following:

Hoffman, Paris, asks may we protect Prussians? Have answered, Our representatives may protect Prussians, if Prussia asks for it and France consents. Precedent of Moustier's request to us to protect French in Mexico referred to.

At request of Gerolt have instructed Washburne to ask if North German steamers between Hamburg and Bremen and United States will be exempted from capture. Have received nothing from you. Think your dispatches have been intercepted. Answer through Motley, via Hamburg or Belgium.

FISH.

No. 119.

Mr. Motley to Mr. Fish.

No. 394.]

LEGATION OF THE UNITED STATES,
London, July 21, 1870. (Received August 3.)

SIR: I have the honor to send herewith two copies of a proclamation of her Majesty the Queen, commanding British subjects to observe strict neutrality in the war now existing between the Emperor of the French and the King of Prussia.

JOHN LOTHROP MOTLEY.

BY THE QUEEN.

A PROCLAMATION.

VICTORIA R.

Whereas we are happily at peace with all sovereigns, powers, and states; and whereas, notwithstanding our utmost exertions to preserve peace between all sovereign powers and states, a state of war unhappily exists between his Imperial Majesty the Emperor of the French and his Majesty the King of Prussia, and between their respective subjects and others inhabiting within their countries, territories, or dominions; and whereas we are on terms of friendship and amicable intercourse with each of these sovereigns, and with their several subjects and others inhabiting within their countries, territories, or dominions; and whereas great numbers of our loyal subjects reside and carry on commerce, and possess property and establishments, and enjoy various rights and privileges within the dominions of each of the aforesaid sovereigns, protected by the faith of treaties between us and each of the aforesaid sovereigns; and whereas we, being desirous of preserving to our subjects the blessings of peace, which they now happily enjoy, are firmly purposed and determined to abstain altogether from taking any part, directly or indirectly, in the war now unhappily existing between the said sovereigns, their subjects, and territories, and to remain at peace with and to maintain a peaceful and friendly intercourse with each of them, and their respective subjects, and others inhabiting within any of their respective countries, territories, and dominions, and to maintain a strict and impartial neutrality in the said state of war unhappily existing between them:

We, therefore, have thought fit, by and with the advice of our privy council, to issue this our royal proclamation:

And we do hereby strictly charge and command all our loving subjects to govern themselves accordingly, and to observe a strict neutrality in and during the aforesaid war, and to abstain from violating or contravening either the laws and statutes of the realm in this behalf, or the law of nations in relation thereto, as they will answer to the contrary at their peril.

And whereas in and by a certain statute made and passed in the fifty-ninth year of his Majesty King George the Third, intituled "An act to prevent the enlisting or engagement of his Majesty's subjects to serve in a foreign service, and the fitting out or equipping, in his Majesty's dominions, vessels for warlike purposes, without his Majesty's license," it is, among other things, declared and enacted as follows:

"That if any person within any part of the United Kingdom, or in any part of his Majesty's dominions beyond the seas, shall, without the leave and license of his Majesty for that purpose first had and obtained as aforesaid, equip, furnish, fit out, or arm, or attempt or endeavor to equip, furnish, fit out, or arm, or procure to be equipped, furnished, fitted out, or armed, or shall knowingly aid, assist, or be concerned in the equipping, furnishing, fitting out, or arming, of any ship or vessel, with intent or in order that such ship or vessel shall be employed in the service of any foreign prince, state, or potentate, or of any foreign colony, province, or part of any province or people, or of any person or persons exercising or assuming to exercise any powers of government in or over any foreign state, colony, province, or part of any province or people, as a transport or storeship, or with intent to cruise or commit hostilities against any prince, state, or potentate, or against the subjects or citizens of any prince, state, or potentate, or against the persons exercising or assuming to exercise the powers of government in any colony, province, or part of any province or country, or against the inhabitants of any foreign colony, province, or part of any province or country, with whom his Majesty shall not then be at war, or shall within the United Kingdom or any of his Majesty's dominions, or in any settlement, colony, territory, island, or place belonging or subject to his Majesty, issue or deliver any commission for any ship or vessel, to the intent that such ship or vessel shall be employed as aforesaid, every such person so offending shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof upon any information or indictment, be punished by fine and imprisonment, or either of them, at the discretion of the court in which such offender shall be convicted; and every such ship or vessel, with the tackle, apparel, and furniture, together with all the materials, arms, ammunition, and stores, which may belong to or be on board of any such ship or vessel, shall be forfeited; and it shall be lawful for any officer of his Majesty's customs or excise, or any officer of his Majesty's navy, who is by law empowered to make seizures for any forfeiture incurred under any of the laws of customs or excise, or the laws of trade and navigation, to seize such ships and vessels aforesaid, and in such places and in such manner in which the officers of his Majesty's customs or excise and the officers of his Majesty's navy are empowered respectively to make seizures under the laws of customs and excise, or under the laws of trade and navigation; and that every such ship and vessel, with the tackle, apparel, and furniture, together with all the materials, arms, ammunition, and stores, which may belong to or be on board of such ship or vessel, may be prosecuted and condemned in the like manner and in such courts as

ships or vessels may be prosecuted and condemned for any breach of the laws made for the protection of the revenues of customs and excise, or of the laws of trade and navigation :”

And it is in and by the said act further enacted, “That if any person in any part of the United Kingdom of Great Britain and Ireland, or in any part of his Majesty’s dominions beyond the seas, without the leave and license of his Majesty for that purpose first had and obtained as aforesaid, shall, by adding to the number of the guns of such vessel, or changing those on board for other guns, or by the addition of any equipment for war, increase or augment, or procure to be increased or augmented, or shall be knowingly concerned in increasing or augmenting, the warlike force of any ship or vessel of war, or cruiser, or other armed vessel, which at the time of her arrival in any part of the United Kingdom or any of his Majesty’s dominions was a ship of war, cruiser, or armed vessel in the service of any foreign prince, state, or potentate, or of any person or persons exercising or assuming to exercise any powers of government in or over any colony, province, or part of any province or people belonging to the subjects of any such prince, state, or potentate, or to the inhabitants of any colony, province, or part of any province or country under the control of any person or persons so exercising or assuming to exercise the powers of government, every such person so offending shall be deemed guilty of a misdemeanor, and shall, upon being convicted thereof upon any information or indictment, be punished by fine and imprisonment, or either of them, at the discretion of the court before which such offender shall be convicted :”

Now, in order that none of our subjects may unwarily render themselves liable to the penalties imposed by the said statute, we do hereby strictly command that no person or persons whatsoever do commit any act, matter, or thing whatsoever contrary to the provisions of the said statute, upon pain of the several penalties by the said statute imposed, and of our high displeasure.

And we do hereby further warn and admonish all our loving subjects, and all persons whatsoever entitled to our protection, to observe toward each of the aforesaid sovereigns, their subjects and territories, and toward all belligerents whatsoever, with whom we are at peace, the duties of neutrality; and to respect, in all and each of them, the exercise of those belligerent rights which we and our royal predecessors have always claimed to exercise.

And we do hereby further warn all our loving subjects, and all persons whatsoever entitled to our protection, that if any of them shall presume, in contempt of this our royal proclamation, and of our high displeasure, to do any acts in derogation of their duty as subjects of a neutral sovereign in a war between other sovereigns, or in violation or contravention of the law of nations in that behalf, as more especially by breaking, or endeavoring to break, any blockade lawfully and actually established by or on behalf of either of the said sovereigns, by carrying officers, soldiers, dispatches, arms, ammunition, military stores or materials, or any article or articles considered and deemed to be contraband of war according to the law or modern usages of nations, for the use or service of either of the said sovereigns, that all persons so offending, together with their ships and goods, will rightfully incur and be justly liable to hostile capture, and to the penalties denounced by the law of nations in that behalf.

And we do hereby give notice that all our subjects and persons entitled to our protection who may misconduct themselves in the premises will do so at their peril, and of their own wrong; and that they will in nowise obtain any protection from us against such capture, or such penalties as aforesaid, but will, on the contrary, incur our high displeasure by such misconduct.

Given at our court, at Osborne House, Isle of Wight, this nineteenth day of July, in the year of our Lord one thousand eight hundred and seventy, and in the thirty-fourth year of our reign. God save the Queen.

No. 120.

Mr. Motley to Mr. Fish.

No. 412.]

LEGATION OF THE UNITED STATES,
London, August 3, 1870. (Received August 16, 1870.)

SIR: * * * * *

I would also bring to your notice the report in that paper (the Times of August 2, 1870) of a debate in the House of Commons * * on the occasion of the second reading of the foreign enlistment bill.

FOREIGN ENLISTMENT BILL.

The ATTORNEY GENERAL. I have to move the second reading of a bill of great importance, the object of which is what the late debate has shown to be the general wish of both sides of the House, namely, the preservation of the neutrality of this country. I do not propose to enter into the discussion of any vexed questions of international law. I do not propose to discuss the extent to which a neutral country can be required by a foreign belligerent to interfere to prevent her subjects from taking part in hostile preparations. I do not propose to discuss what municipal laws, if any, she can be required to enact, to what extent she can be compelled to enforce them, or for what neglect to enforce them she can be held responsible. I do not propose to discuss these questions because, though her Majesty's government are most anxious to discharge all their obligations of neutrality, still it is well it should be understood that the main object of this bill is not so much to satisfy any demands which foreign nations may be entitled to make against us, but rather to satisfy ourselves [hear] to maintain the honor and dignity of the Crown, which are compromised when the subjects of the Queen take part in hostilities against an ally, and to avoid not merely all causes of offense, but, if possible, all cause of discussion with foreign countries. In a word, her Majesty's government have been less careful to ascertain what foreign nations would be entitled to require from us than what we consider due to ourselves, to our own dignity, and our own self-respect. It may be that the provisions of our present foreign enlistment act are as strong as can be required of us by a belligerent ally—perhaps even stronger. But I think it will be generally agreed that they are not strong enough to satisfy ourselves, and we desire they should be made more stringent. I shall not enter into the Alabama question. The Alabama escaped by a stratagem which we could not foresee, and which, as we maintain, could not be prevented by ordinary care in the then existing state of our law. We deny that we are responsible to the American Government for the escape of the Alabama, though we are willing to submit that question to arbitration. But, whatever the issue in that case, I believe there is no man in this House who does not regret the escape of the Alabama, [cheers,] and I am willing to hope that that regret is shared even by the authors of the calamity. [Hear, hear.] I trust there is not a man in this House who does not desire that measures should be taken, if it be practicable, to make the escape of future Alabamas impossible. [Hear, hear.] I need not dwell upon the failures—for I fear I must call them such—of the attempts by the government to enforce the foreign enlistment act. We all know that a suit was instituted against the *Alexandra*, and although it appeared that that vessel had been built for the confederate government, and was to a certain extent equipped for their service, still the late chief baron directed the jury that, because she was not so completely equipped as to be in a condition to commence hostilities when she left our ports, therefore the foreign enlistment act did not apply; and on appeal to the court of exchequer the court was divided in opinion. I believe the ruling to have been wrong, though I am not entitled to say so, the court having been divided; but if the law was rightly laid down by the chief baron, that law ought to be amended, and no other *Alexandra* ought to be allowed to escape. I need not name the steam rams which Lord Russell undertook to stop, acting within the powers of the law. We recollect that the proceedings of Lord Russell were seriously impeached in this House, and that upon a division, nominally for papers, but really amounting to a vote of censure, his conduct in stopping the steam rams was approved by comparatively a small majority. These considerations point to an amendment of the law, and I have reason to suppose that considerations such as these induced the government of Lord Derby to appoint a commission in 1868, consisting of men of the greatest possible eminence, who made a very valuable report. It was the intention of the government to propose a bill some time since, carrying into effect the recommendations in that report. The bill gave way to other measures which then appeared more pressing; but I think the House will agree that, upon the breaking out of this unexpected and most calamitous war, her Majesty's government would have been very much to blame if they had delayed for a single day to introduce this measure. [Hear, hear.] The bill is founded on the report of a royal commission. I am quite sure that there is no class in the community more patriotic or more desirous than the mercantile classes are of maintaining peace and neutrality. We must not, however, disguise from ourselves that there are a set of unscrupulous traders—men who seem to have proposed to themselves no object but that of private gain, and who will endeavor to evade the provisions of any foreign enlistment act which we may pass. It is necessary, therefore, in order to meet the subterfuges with which we may expect to have to deal, that the law should be stringent. I shall now proceed to state very shortly the main provisions of the bill. With respect to enlistment, the provisions of the bill are very much the same as those of the existing act; but they are, I think, expressed in clearer language—a not very difficult task to accomplish, for the present foreign enlistment act is not a good specimen of draughting. Generally speaking, the provisions with respect to enlistment apply to all British subjects in all parts of the world, and to aliens only within the Queen's

dominions. There are provisions against enlisting persons under false representations, as in the case of those who engaged Irish navvies to go to America, where they were enlisted in the federal service. There is a penalty for taking persons illegally on board ship, and a power to detain the ship, accompanied, however, by a power to release her on security being given. I now come to deal with the question of the equipment and fitting out of vessels, with respect to which there has been so much litigation. To this section of the act a very important addition has been suggested by the commissioners, to the effect that it should apply not merely to the arming and equipping, but to the building of a ship. That recommendation was made by all the commissioners, with the exception of my honorable and learned friend, the member for whose authority I have the greatest respect, although I think that he, in the present instance, was wrong, and that the majority of the commissioners were right. If such a provision were contained in the existing act, the Alabama could not have escaped, and the Alexandra must have been condemned. It obviously is very unsatisfactory for a government to be aware that a vessel is being built for a belligerent, to know her destination, to have to wait day after day till she is completed, and then one fine morning to find that she is gone. Now, that has frequently occurred, and it is desirable that it should not occur again. There is also a provision in this section which touches the case of a mere dispatch of a vessel, and a clause containing a provision to the effect that if it is shown that a vessel has been ordered to be built for a belligerent, and is supplied to that belligerent and used for warlike purposes, that shall be held to be *prima facie* evidence that she was built for the warlike service of the belligerent, unless the innocent destination of the vessel can be established. In a provision of that kind there is, I apprehend, no hardship. The commissioners also recommended, and we have adopted that part of their report, that proceedings should be taken in the court of admiralty rather than the court of exchequer. It is provided, therefore, that suits for the condemnation of vessels offending against the act shall be instituted in the court of admiralty. I have now to call attention to a very important power which we propose to give by the bill. It is the power which it confers on the secretary of state, on his being satisfied that a vessel is being built or equipped for the service of a foreign belligerent, and is about to be dispatched, to issue his warrant ordering her to be detained, which warrant is to be laid on the table of the House. It is further provided that the owner of a vessel may apply to the court of admiralty for her release, which he may obtain if he satisfies the court that her destination was lawful; and not only may he obtain her release, but damages for her retention. In order to prevent any hardship, there is, moreover, a provision that the admiralty shall release the vessel on a bond being given that she was not to be employed on any illegal adventure. There is another provision in respect to which the bill, I admit, goes beyond the recommendation of the commissioners. It gives power to the local authorities named in it to seize a vessel if they have reason to suppose she is about to escape; but then they will have to report immediately the seizure to the secretary of state, who will be empowered at once to release her, should he be of opinion that there were not sufficient grounds for the seizure; and, assuming the vessel to have been seized without reasonable cause, and released by the secretary of state, the owner will be entitled to claim damages for the detention. These are the provisions by which we propose to attain the object which we have in view, and to render extremely difficult, if not almost impracticable, the escape of any such vessel as the Alexandra or the Alabama in future. There is, besides, a provision against augmenting the force of a belligerent vessel in our ports, and one to the effect that a vessel illegally built shall not be received in our ports. This is a provision which we have introduced in conformity with the recommendation of the commission, but I am bound to say it appears to me somewhat questionable whether it is not desirable to leave the matter to be dealt with by regulations to be laid down by the government, rather than deal with it in acts of Parliament. The bill, I may add, contains a prohibition against fitting out naval and military expeditions, and another, which is new to our law, but which is acted upon by all the American courts, to the effect that prizes captured by a vessel illegally fitted out, if brought into our ports, shall be restored to the owners. These are the principal provisions of the bill, but, in consequence of some misapprehension which seems to prevail, I wish, if the House will permit me, to say a few words with respect to certain provisions which some persons think ought to be contained in the bill, but which are not. I allude to provisions to prevent the exportation of contraband of war. Those who entertain misapprehensions on this score I would refer to a letter signed "Historicus," which appeared in the Times of Saturday, and which contains a clear and correct expression of the law on the subject. But as some honorable members may not have seen that letter, I will make a few remarks by way of explanation on the point. The government of this country does not undertake, and has not undertaken in former wars, to prohibit the exportation of contraband of war. The exportation of contraband of war is not prohibited by the existing enlistment act, nor, strictly speaking, by the Queen's proclamation. On this subject, however, it appears to me that a good deal of misapprehension exists. Some people seem to think that the Queen could, by her proclamation, constitute a

new offense against the law of the land, but to suppose that would be tantamount to supposing that the Queen could exercise the functions of the whole legislature. No proclamation of the Queen can constitute that an offense against an act of Parliament, or the law of the land, which was not an offense before; and if honorable members will carefully read the recent proclamation, they will find that the effect of it is as follows: It draws their attention, in the first place, to certain provisions of the foreign enlistment act which prohibit the furnishing of ships of war, &c., to belligerents, and it indicates that any offense against those provisions will be a criminal and indictable offense. The proclamation proceeds to warn her Majesty's subjects, first, against the breaking of blockades, and, secondly, against the supplying of contraband of war; but the consequence of disobeying these injunctions of the Queen are pointed out to be a liability to hostile capture. That is the liability, and the only liability, which is pointed out in the proclamation. The government have not undertaken to prevent vessels from breaking the blockade, nor to prevent the exportation of contraband of war, but they say to any man who starts with a vessel intending to break the blockade or to supply contraband of war to a belligerent: "You do it at your own risk; you will be subject to capture, and the Queen will not interfere for your protection." That is the consequence of which those people are warned who contravene the provisions of the foreign enlistment act. I think it well that this should be generally understood, because many complaints are made against the government for not preventing the exportation of coal, of horses, of a variety of articles which may or may not be contraband of war. Let us see what has been our practice in former wars. During the Crimean war, for example, Belgium and Holland supplied Russia with large quantities of arms, but we did not treat that as a breach of neutrality. Again, during the American war large quantities of arms, ammunition, and other contraband of war were supplied by us both to the federals and the confederates, but although the former complained of us for having allowed the Alabama to escape, they made no complaint that we did not undertake to prevent the exportation of contraband of war. They merely captured the vessels when they could catch them. Therefore, provisions to prevent the exportation of contraband of war are not to be found in this bill any more than they are to be found in our existing act or in the American act. This, however, ought to be known. If it be shown that a vessel carrying coal or any other contraband article is so far in communication and correspondence with the fleet of either belligerent as to form a part of it, or acts as a tender to ships of war, such vessel will run the risk of being captured and forfeited as a store-ship in the service of the enemy. It is true that under the customs consolidation act the Queen may stop the exportation of arms by an order in council, but that provision has never been enforced except when we ourselves were actually engaged or were on the point of engaging in war. I admit that this bill goes beyond the American act. Indeed, as far as I am aware, it goes beyond any statute law passed in any country for the purpose of enforcing neutrality. If we had merely considered the strict measure of international duties which might have been forced upon us, probably we should not have gone so far; but the bill has been prepared for the sake of ourselves and of our dignity rather than in order to satisfy any demands which might be made upon us by foreign countries. Although some of its provisions against reckless and unscrupulous traders may be stringent, I think none will interfere with the objects of legitimate commerce. At all events, the bill has been prepared with much care and consideration by the government with the object of promoting what both sides of the House profess to desire, namely, the preservation of the neutrality of this country and the peace and tranquillity of Europe. It has been prepared with that object, and I, therefore, confidently venture to submit it to the candid consideration of both sides of the House. [Hear, hear.] The honorable and learned gentleman concluded by moving the second reading of the bill.

MR. STAVELY HILL cordially indorsed all the reasons adduced by his honorable and learned friend in favor of the bill, as this country certainly ought to endeavor by every means to maintain itself as a neutral state. Above all things, it was necessary to prevent the recurrence of what happened during the American war, and, consequently, we ought not to allow England to be made the starting point of a ship of war which, as had been aptly remarked, was an expedition in itself. In his opinion, the present measure should carry out the spirit of the foreign enlistment act passed in the reign of George III, but ought not to go so far as in any way to cripple our ship-building trade. It ought not to prevent our ship-builders from carrying on their trade simply because some of the vessels they constructed might be used in war against or by a friendly power. The eighth clause went too far when it provided that any person within her Majesty's dominions should be deemed guilty of an offense who built or agreed to build any ship if he had reasonable cause to believe that it would be employed by any foreign state at war with any friendly state. In his judgment, the clause ought to be limited in its operation by the insertion of words to the effect that it should be an offense to build the vessels after the declaration of war. The fifth clause affected all persons leaving her Majesty's dominions with the intention of entering the service of a foreign state, and the House would, perhaps, learn with considerable surprise that

under that clause a penalty would be inflicted on an American subject who quitted these shores in order to serve in the French army. The circumstance of the court of exchequer having decided the Alabama case against the Crown was not a sufficient reason for transferring the jurisdiction in such cases to the judge of the admiralty court. In conclusion, he expressed approval of the bill generally, but hoped it would be so amended as to keep the country thoroughly neutral when it was so designed by the government.

Mr. VERNON HARCOURT was glad that an atmosphere of neutrality at length pervaded the House. He rejoiced at the appearance of this measure, notwithstanding the tardy action of the government respecting the matter with which it dealt. No one would differ from Lord Russell's dictum, that the case of the Alabama was a scandal to the law of this country, and that those concerned in that disastrous fraud committed one of the most unpatriotic acts of which an Englishman had ever been found guilty. He was glad to hear from the attorney general that the bill could not be regarded as a bill founded upon international obligations; it went far beyond any such obligations; it was a bill to restrain private warfare against a nation with which the sovereign was at peace. He was sure the honorable and learned member for Richmond and the vice-president of the committee of council would agree with him in the opinion that it would have been better if the preventive portion of the bill had been enlarged, and that so much had not been made of the punitive portion, because punishment was useful only as a deterrent, but prevention was of far greater consequence. Besides, if great weight was placed upon the punitive portions of the bill, foreign powers would be continually complaining of our not prosecuting sufficiently. The action of a jury, too, was necessary in the case of punishment, and juries might be unwilling to give a verdict against a prisoner. He regretted the bill had not been introduced earlier, that it might be revised by a select committee. Among other things he noticed with regret that the power held by the executive to dispense with the operation of the foreign enlistment act had not been dispensed with. This power would enable a government, as was said by Canning, "to sneak the country into a war which they had not the courage to declare," a most dangerous power for any government to possess. As regards clause 5, he agreed with the honorable and learned member for Coventry that we should not control foreigners as regards their object in leaving this country. Clause 6, which proposed to punish those who induced others to enlist in a foreign army, was a very useful one, and was directed against crimps and others who got hold of innocent sailors, and when they got them to sea endeavored to persuade them to sign articles. That clause, however, concluded by a singular paragraph, to the effect that if a man taken abroad should ultimately enlist in a foreign service it should be deemed conclusively that he quitted her Majesty's dominions with the intent to accept an engagement in the military or naval service of such foreign state. In his opinion, the clause would be sufficiently strong without that paragraph. The eighth clause had reference to the illegal building of ships, and, in his opinion, it was open to considerable difficulty. If the government took upon itself to forbid the building of vessels of any particular description they would make themselves responsible for every keel laid in this country, and the representatives of foreign nations would be constantly urging them to interfere in a manner calculated to materially check our ship-building trade, on the ground that nearly every vessel that was being built might be intended for a purpose adverse to the interests of the country in whose service they were. The private ship building trade in this country was a most important one, as it afforded us in time of war splendid dock-yards, which cost us nothing to maintain in time of peace, and he warned the House against passing, he would not say in a moment of panic, but without a sufficient amount of consideration, any measure which was calculated to drive away that trade, and thereby to give to foreign nations the advantages which it at present afforded us in the shape of the private dock-yards to which he had alluded. All that was necessary in order to carry out the intention of the measure was to prevent the dispatch of the vessel when built, and not to prevent it being built, and he thought that that object was fully provided for by another clause in the bill. Under clause 7, which supplemented the provisions of clause 6, if any American were to leave this country for America by one of the Cunard Company's ships, and were subsequently to enter the service of any of the states of South America, the captain of the ship so carrying him would be liable to two years' imprisonment. That would be stretching the law to a most injudicious extent, because he did not think that Parliament had a right to inquire into the motives of any foreigner when he left these shores, and because he thought that it was absurd to say that the captain of a vessel conveying him should be responsible for what was concealed in the mind of the foreigner during the voyage. He trusted, therefore, that the honorable and learned gentleman would consent to strike that clause out of the bill. The attorney general had stated that it was his intention to strike out clause 11, which was intended to prevent the hospitality of our ports being extended to vessels that had illegally left this country, on the ground that he thought its object would be better carried out by means of a regulation to be enforced by the executive. He entirely agreed with the necessity that existed for the enforcement of some such regula-

tion, because he believed that had the Alabama been excluded from our ports after she had escaped from this country, the difficulties that had arisen between this country and America in reference to that vessel would have been avoided. He thought that if the alterations he had suggested were made in the measure it would be a far better bill than it was at present. [Hear.]

Sir ROUNDELL PALMER was glad that the House was so nearly agreed upon the importance of and the necessity for passing this measure. It was most desirable that the statement of the attorney general, that a nation was not bound by international law to legislate upon this subject, should be thoroughly understood and generally known. In fact, it was only in this country and in the United States that such legislation had occurred, although no doubt in many continental nations there were elastic powers in force which enabled the various governments to deal with cases of the description referred to in the bill, when they happened to arise. All subjects of the country owed to the government the duty of being neutral when the state was neutral, and it was the duty of the state to arm itself with powers to repress any attempt on the part of private citizens to oppose the public will to be neutral. His honorable and learned friend the member for Oxford had suggested that the House should seize the opportunity of doing what was not done by the existing foreign enlistment act, and should take from the Crown the power of granting a license to do any acts which, under the foreign enlistment act, would be illegal if done without the license of the Crown; but to legislate to deprive the Crown of the power of taking a single step of that kind, without going to war altogether, would be imprudent and foreign to the purposes of the present bill, for there might be many cases in which it would be inexpedient to enter upon war, though the state did not assume an attitude of strict neutrality. A matter of high policy of that kind ought not to be dealt with by a side-wind in such a bill as the present. The fifth clause related to persons leaving this country to enlist in the service of a belligerent whose subjects they were not, and if it were expedient to retain such a clause, it was also expedient that the Crown should have the power of relaxing its operation. And so with regard to the important case of ship-building; if a power of relaxation was not given to the Crown, there would be involved in the penalties of the bill any person who took a contract to build a ship before the commencement of war, and yet might be willing afterward to go to the government and ask for a license, undertaking, at the same time, not to allow the ship to leave the country. With regard to the seventh clause, they must consider not merely the case of the solitary American alluded to by the honorable member from Oxford, but must look at the larger case. There was in this country a great number of foreigners of various nations, and it could not be maintained that the principle of neutrality would be observed if a recruiting sergeant were allowed to go through the country to enlist persons for the service of a foreign state of which they were not the subjects. With regard to the clause respecting illegal ship-building, he was of opinion that if the power conferred by that clause were not given the bill would be emasculated. He thought it of infinitely greater importance that all ship-builders and traders in this country should obey the law with respect to the neutrality of their country than that they should have a few contracts on their hands more or less. [Hear, hear.]

Mr. SAMUDA feared that much mischief would be done to the large and important ship-building industry of the country if this bill were allowed to pass in its present form. He thought the whole objects of the bill might be obtained by the fourth subsection of the eighth clause, omitting all the others, avoiding all restrictions on ship-building, and only requiring stringent securities that the vessels should not be dispatched without a certificate from the foreign secretary.

Mr. RATHBONE thanked the government, in the name of the mercantile community, for introducing this bill, which only carried out the policy which the ship-owners of Liverpool pressed on the government of the day very soon after the escape of the Alabama. The mercantile community would give their utmost support to the government in maintaining a faithful and true neutrality.

Mr. BOURKE supported the second reading of the bill, but regretted that it had not been introduced at an earlier period of the session, and that we should now have the appearance of legislating to meet special circumstances, though the provisions had been matured in a time of profound peace. At the same time Earl Russell was among the many distinguished persons who had formerly been of opinion that the foreign enlistment act was sufficient for the purpose. The practice of neutrality was in many respects very embarrassing from the fact that this country had become the arsenal, dock-yard, and workshop for every nation in the world; and the man who delivered a thousand rifles to one of the belligerent nations infringed the principle of strict neutrality as much, in his opinion, as the man who built them a ship. While, therefore, he agreed that further legislation was necessary, he recommended the government to rely more on the preventive than the punitive clauses, and not to attach a brand of criminality to the acts of ship-owners, while others were allowed to go free.

Lord BURY could not see in the fact that war was raging on the continent any reason for not amending our municipal law in points where this was notoriously defective.

No. 121.

British foreign enlistment act, passed August 9, 1870, (received under cover from the United States legation at London, August 24, 1870.)

AN ACT to regulate the conduct of her Majesty's subjects during the existence of hostilities between foreign states with which her Majesty is at peace. August 9, 1870.

Whereas it is expedient to make provision for the regulation of the conduct of her Majesty's subjects during the existence of hostilities between foreign states with which her Majesty is at peace—

Be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, as follows:

PRELIMINARY.

First. This act may be cited for all purposes as "The foreign enlistment act, 1870."

Second. This act shall extend to all the dominions of her Majesty, including the adjacent territorial waters.

Third. This act shall come into operation in the United Kingdom immediately on the passing thereof, and shall be proclaimed in every British possession by the governor thereof as soon as may be after he receives notice of this act, and shall come into operation in that British possession on the day of such proclamation, and the time at which this act comes into operation in any place is, as respects such place, in this act referred to as the commencement of this act.

ILLEGAL ENLISTMENT.

Fourth. If any person, without the license of her Majesty, being a British subject, within or without her Majesty's dominions, accepts or agrees to accept any commission or engagement in the military or naval service of any foreign state at war with any foreign state at peace with her Majesty, and in this act referred to as a friendly state, or whether a British subject or not within her Majesty's dominions, induces any other person to accept or agree to accept any commission or engagement in the military or naval service of any such foreign state as aforesaid, he shall be guilty of an offense against this act, and shall be punishable by fine and imprisonment, or either of such punishments, at the discretion of the court before which the offender is convicted; and imprisonment, if awarded, may be either with or without hard labor.

Fifth. If any person, without the license of her Majesty, being a British subject, quits or goes on board any ship with a view of quitting her Majesty's dominions, with intent to accept any commission or engagement in the military or naval service of any foreign state at war with a friendly state, or, whether a British subject or not, within her Majesty's dominions, induces any other person to quit or to go on board any ship with a view of quitting her Majesty's dominions with the like intent, he shall be guilty of an offense against this act, and shall be punishable by fine and imprisonment, or either of such punishments, at the discretion of the court before which the offender is convicted; and imprisonment, if awarded, may be either with or without hard labor.

Sixth. If any person induces any other person to quit her Majesty's dominions or to embark on any ship within her Majesty's dominions under a misrepresentation or false representation of the service in which such person is to be engaged, with the intent or in order that such person may accept or agree to accept any commission or engagement in the military or naval service of any foreign state at war with a friendly state, he shall be guilty of an offense against this act, and shall be punishable by fine and imprisonment, or either of such punishments, at the discretion of the court before which the offender is convicted; and imprisonment, if awarded, may be either with or without hard labor.

Seventh. If the master or owner of any ship, without the license of her Majesty, knowingly either takes on board, or engages to take on board, or has on board such ship within her Majesty's dominions any of the following persons, in this act referred to as illegally enlisted persons—that is to say: 1. Any person who, being a British subject within or without the dominions of her Majesty, has, without the license of her Majesty, accepted or agreed to accept any commission or engagement in the military or naval service of any foreign state at war with any friendly state. 2. Any person, being a British subject, who, without the license of her Majesty, is about to quit her Majesty's dominions with intent to accept any commission or engagement in the military or naval service of any foreign state at war with a friendly state. 3. Any person who has been induced to embark under a misrepresentation or false representation of the service in which such person is to be engaged—with the intent or in order that such person may accept or agree to accept any commission or engagement in the mili-

tary or naval service of any foreign state at war with a friendly state, such master or owner shall be guilty of an offense against this act, and the following consequences shall ensue; that is to say: 1. The offender shall be punishable by fine and imprisonment, or either of such punishments, at the discretion of the court before which the offender is convicted; and imprisonment, if awarded, may be either with or without hard labor; and 2. Such ship shall be detained until the trial and conviction or acquittal of the master or owner, and until all penalties inflicted on the master or owner have been paid, or the master or owner has given security for the payment of such penalties to the satisfaction of two justices of the peace, or other magistrate or magistrates having the authority of two justices of the peace; and 3. All illegally enlisted persons shall immediately on the discovery of the offense be taken on shore, and shall not be allowed to return to the ship.

ILLEGAL SHIP-BUILDING AND ILLEGAL EXPEDITIONS.

Eighth. If any person within her Majesty's dominions, without the license of her Majesty, does any of the following acts—that is to say: 1. Builds or agrees to build, or causes to be built any ship with intent or knowledge, or having reasonable cause to believe that the same shall or will be employed in the military or naval service of any foreign state at war with any friendly state; or, 2. Issues or delivers any commission for any ship with intent or knowledge, or having reasonable cause to believe that the same shall or will be employed in the military or naval service of any foreign state at war with any friendly state; or, 3. Equips any ship with intent or knowledge, or having reasonable cause to believe that the same shall or will be employed in the military or naval service of any foreign state at war with any friendly state; or, 4. Dispatches, or causes or allows to be dispatched, any ship with intent or knowledge, or having reasonable cause to believe that the same shall or will be employed in the military or naval service of any foreign state at war with any friendly state—such person shall be deemed to have committed an offense against this act, and the following consequences shall ensue: 1. The offender shall be punishable by fine and imprisonment, or either of such punishments, at the discretion of the court before which the offender is convicted; and imprisonment, if awarded, may be either with or without hard labor. 2. The ship in respect of which any such offense is committed, and her equipment, shall be forfeited to her Majesty: **Provided, That a person building, causing to be built, or equipping a ship in any of the cases aforesaid, in pursuance of a contract made before the commencement of such war as aforesaid, shall not be liable to any of the penalties imposed by this section in respect of such building or equipping if he satisfies the conditions following; that is to say:** 1. If forthwith, upon a proclamation of neutrality being issued by her Majesty, he gives notice to the secretary of state that he is so building, causing to be built, or equipping such ship, and furnishes such particulars of the contract and of any matters relating to, or done, or to be done under the contract as may be required by the secretary of state. 2. If he gives such security, and takes and permits to be taken such other measures, if any, as the secretary of state may prescribe for insuring that such ship shall not be dispatched, delivered, or removed without the license of her Majesty until the termination of such war as aforesaid.

Ninth. Where any ship is built by order of or on behalf of any foreign state when at war with a friendly state, or is delivered to or to the order of such foreign state, or any person who to the knowledge of the person building is an agent of such foreign state, or is paid for by such foreign state or such agent, and is employed in the military or naval service of such foreign state, such ship shall, until the contrary is proved, be deemed to have been built with a view to being so employed, and the burden shall lie on the builder of such ship of proving that he did not know that the ship was intended to be so employed in the military or naval service of such foreign state.

Tenth. If any person within the dominions of her Majesty, and without the license of her Majesty, by adding to the number of the guns, or by changing those on board for other guns or by the addition of any equipment for war, increases or augments, or procures to be increased or augmented, or is knowingly concerned in increasing or augmenting the warlike force of any ship which at the time of her being within the dominions of her Majesty was a ship in the military or naval service of any foreign state at war with any friendly state, such person shall be guilty of an offense against this act, and shall be punishable by fine and imprisonment, or either of such punishments, at the discretion of the court before which the offender is convicted; and imprisonment, if awarded, may be either with or without hard labor.

Eleventh. If any person within the limits of her Majesty's dominions, and without the license of her Majesty, prepares or fits out any naval or military expedition to proceed against the dominions of any friendly state, the following consequences shall ensue: 1. Every person engaged in such preparation or fitting out, or assisting therein, or employed in any capacity in such expedition, shall be guilty of an offense against this act, and shall be punishable by fine and imprisonment, or either of such punishments, at the discretion of the court before which the offender is convicted; and im-

prisonment, if awarded, may be either with or without hard labor. 2. All ships and their equipments, and all arms and munitions of war, used in or forming part of such expedition, shall be forfeited to her Majesty.

Twelfth. Any person who aids, abets, counsels, or procures the commission of any offense against this act shall be liable to be tried and punished as a principal offender.

Thirteenth. The term of imprisonment to be awarded in respect of any offense against this act shall not exceed two years.

ILLEGAL PRIZE.

Fourteenth. If, during the continuance of any war in which her Majesty may be neutral, any ship, goods, or merchandise captured as prize of war within the territorial jurisdiction of her Majesty, in violation of the neutrality of this realm, or captured by any ship which may have been built, equipped, commissioned, or dispatched, or the force of which may have been augmented, contrary to the provisions of this act, are brought within the limits of her Majesty's dominions by the captor, or any agent of the captor, or by any person having come into possession thereof with knowledge that the same was prize of war so captured as aforesaid, it shall be lawful for the original owner of such prize, or his agent, or for any person authorized in that behalf by the government of the foreign state to which such owner belongs, to make application to the court of admiralty for seizure and detention of such prize, and the court shall, on due proof of the facts, order such prize to be restored.

Every such order shall be executed and carried into effect in the same manner, and subject to the same right of appeal, as in case of any order made in the exercise of the ordinary jurisdiction of such court; and in the mean time and until a final order has been made on such application the court shall have power to make all such provisional and other orders as to the care or custody of such captured ship, goods, or merchandise, and (if the same be of perishable nature, or incurring risk of deterioration) for the sale thereof, and with respect to the deposit or investment of the proceeds of any such sale, as may be made by such court in the exercise of its ordinary jurisdiction.

GENERAL PROVISION.

Fifteenth. For the purposes of this act, a license by her Majesty shall be under the sign-manual of her Majesty, or be signified by order in council or by proclamation of her Majesty.

LEGAL PROCEDURE.

Sixteenth. Any offense against this act shall, for all purposes of and incidental to the trial and punishment of any person guilty of any such offense, be deemed to have been committed either in the place in which the offense was wholly or partly committed, or in any place within her Majesty's dominions in which the person who committed such offense may be.

Seventeenth. Any offense against this act may be described in any indictment or other document relating to such offense, in cases where the mode of trial requires such a description, as having been committed at the place where it was wholly or partly committed, or it may be averred generally to have been committed within her Majesty's dominions, and the venue or local description in the margin may be that of the county, city, or place in which the trial is held.

Eighteenth. The following authorities, that is to say, in the United Kingdom, any judge of a superior court, in any other place within the jurisdiction of any British court of justice, such court, or, if there are more courts than one, the court having the highest criminal jurisdiction in that place, may, by warrant or instrument in the nature of a warrant in this section included in the term "warrant," direct that any offender charged with an offense against this act shall be removed to some other place in her Majesty's dominions for trial in cases where it appears to the authority granting the warrant that the removal of such offender would be conducive to the interests of justice, and any prisoner so removed shall be triable at the place to which he is removed, in the same manner as if his offense had been committed at such place.

Any warrant for the purposes of this section may be addressed to the master of any ship or to any other person or persons, and the person or persons to whom such warrant is addressed shall have power to convey the prisoner therein named to any place or places named in such warrant, and to deliver him, when arrived at such place or places, into the custody of any authority designated by such warrant.

Every prisoner shall, during the time of his removal under any such warrant as aforesaid, be deemed to be in the legal custody of the person or persons empowered to remove him.

Nineteenth. All proceedings for the condemnation and forfeiture of a ship, or ship and equipment, or arms and munitions of war, in pursuance of this act shall require the sanction of the secretary of state or such chief executive authority as is in this act

mentioned, and shall be had in the court of admiralty, and not in any other court; and the court of admiralty shall, in addition to any power given to the court by this act, have in respect of any ship or other matter brought before it in pursuance of this act all powers which it has in the case of a ship or matter brought before it in the exercise of its ordinary jurisdiction.

Twentieth. Where any offense against this act has been committed by any person by reason whereof of a ship, or ship and equipment, or arms and munitions of war, has or have become liable to forfeiture, proceedings may be instituted contemporaneously or not, as may be thought fit, against the offender in any court having jurisdiction of the offense, and against the ship, or ship and equipment, or arms and munitions of war, for the forfeiture in the court of admiralty; but it shall not be necessary to take proceedings against the offender because proceedings are instituted for the forfeiture, or to take proceedings for the forfeiture because proceedings are taken against the offender.

Twenty-first. The following officers, that is to say, 1. Any officer of customs in the United Kingdom, subject nevertheless to any special or general instructions from the commissioners of customs or any officer of the Board of Trade, subject nevertheless to any special or general instructions from the Board of Trade. 2. Any officer of customs or public officer in any British possession, subject nevertheless to any special or general instructions from the governor of such possession. 3. Any commissioned officer on full pay in the military service of the Crown, subject nevertheless to any special or general instructions from his commanding officer. 4. Any commissioned officer on full pay in the naval service of the Crown, subject nevertheless to any special or general instructions from the admiralty or his superior officer, may seize or detain any ship liable to be seized or detained in pursuance of this act, and such officers are in this act referred to as the "local authority;" but nothing in this act contained shall derogate from the power of the court of admiralty to direct any ship to be seized or detained by any officer by whom such court may have power under its ordinary jurisdiction to direct a ship to be seized or detained.

Twenty-second. Any officer authorized to seize or detain any ship in respect of any offense against this act may, for the purpose of enforcing such seizure or detention, call to his aid any constable or officers of police, or any officers of her Majesty's army or navy or marines, or any excise officers or officers of customs, or any harbor-master or dock-master, or any officers having authority by law to make seizures of ships, and may put on board any ship so seized or detained any one or more of such officers to take charge of the same, and to enforce the provisions of this act, and any officer seizing or detaining any ship under this act may use force, if necessary, for the purpose of enforcing seizure or detention, and if any person is killed or maimed by reason of his resisting such officer in the execution of his duties, or any person acting under his orders, such officer so seizing or detaining the ship, or other person, shall be freely and fully indemnified as well against the Queen's Majesty, her heirs and successors, as against all persons so killed, maimed, or hurt.

Twenty-third. If the secretary of state or the chief executive authority is satisfied that there is a reasonable and probable cause for believing that a ship within her Majesty's dominions has been or is being built, commissioned, or equipped contrary to this act, and is about to be taken beyond the limits of such dominions, or that a ship is about to be dispatched contrary to this act, such secretary of state or chief executive authority shall have power to issue a warrant stating that there is reasonable and probable cause for believing as aforesaid, and upon such warrant the local authority shall have power to seize and search such ship, and to detain the same until it has been either condemned or released by process of law, or in manner hereinafter mentioned. The owner of the ship so detained, or his agent, may apply to the court of admiralty for its release, and the court shall as soon as possible put the matter of such seizure and detention in course of trial between the applicant and the Crown. If the applicant establish to the satisfaction of the court that the ship was not and is not being built, commissioned or equipped, or intended to be dispatched contrary to this act, the ship shall be released and restored. If the applicant fail to establish to the satisfaction of the court that the ship was not and is not being built, commissioned, or equipped, or intended to be dispatched contrary to this act, then the ship shall be detained till released by order of the secretary of state or chief executive authority. The court may, in cases where no proceedings are pending for its condemnation, release any ship detained under this section on the owner giving security to the satisfaction of the court that the ship shall not be employed contrary to this act, notwithstanding that the applicant may have failed to establish to the satisfaction of the court that the ship was not and is not being built, commissioned, or intended to be dispatched contrary to this act. The secretary of state or the chief executive authority may likewise release any ship detained under this section on the owner giving security to the satisfaction of such secretary of state or chief executive authority that the ship shall not be employed contrary to this act, or may release the ship without such security, if the secretary of state or chief executive authority think fit so to release the same. If the

court be of opinion that there was not reasonable and probable cause for the detention, and if no such cause appear in the course of the proceedings, the court shall have power to declare that the owner is to be indemnified by the payment of costs and damages in respect of the detention, the amount thereof to be assessed by the court, and any amount so assessed shall be payable by the commissioners of the treasury out of any moneys legally applicable for that purpose. The court of admiralty shall also have power to make a like order for the indemnity of the owner, on the application of such owner to the court, in a summary way, in cases where the ship is released by the order of the secretary of state or the chief executive authority, before any application is made by the owner or his agent to the court for such release.

Nothing in this section contained shall affect any proceedings instituted or to be instituted for the condemnation of any ship detained under this section where such ship is liable to forfeiture, subject to this provision, that if such ship is restored in pursuance of this section, all proceedings for such condemnation shall be stayed; and where the court declares that the owner is to be indemnified by the payment of costs and damages for the detainer, all costs, charges, and expenses incurred by such owner in or about any proceedings for the condemnation of such ship shall be added to the costs and damages payable to him in respect of the detention of the ship. Nothing in this section contained shall apply to any foreign non-commissioned ship dispatched from any part of her Majesty's dominions after having come within them under stress of weather, or in the course of a peaceful voyage, and upon which ship no fitting out or equipping of a warlike character has taken place in this country.

Twenty-fourth. Where it is represented to any local authority, as defined by this act, and such local authority believes the representation, that there is a reasonable and probable cause for believing that a ship within her Majesty's dominions has been or is being built, commissioned, or equipped contrary to this act, and is about to be taken beyond the limits of such dominions, or that a ship is about to be dispatched contrary to this act, it shall be the duty of such local authority to detain such ship, and forthwith to communicate the fact of such detention to the secretary of state or chief executive authority. Upon the receipt of such communication the secretary of state or chief executive authority may order the ship to be released if he thinks there is no cause for detaining her, but if satisfied that there is reasonable and probable cause for believing that such ship was built, commissioned, or equipped, or intended to be dispatched in contravention of this act, he shall issue his warrant stating that there is reasonable and probable cause for believing as aforesaid, and upon such warrant being issued, further proceedings shall be had as in cases where the seizure or detention has taken place on a warrant issued by the secretary of state without any communication from the local authority. Where the secretary of state or chief executive authority orders the ship to be released, on the receipt of a communication from the local authority, without issuing his warrant, the owner of the ship shall be indemnified by the payment of costs and damages in respect of the detention, upon application to the court of admiralty in a summary way in like manner as he is entitled to be indemnified where the secretary of state having issued his warrant under this act releases the ship before any application is made by the owner or his agent to the court for such release.

Twenty-fifth. The secretary of state or the chief executive authority may, by warrant, empower any person to enter any dock-yard or other place within her Majesty's dominions and inquire as to the destination of any ship which may appear to him to be intended to be employed in the naval or military service of any foreign state at war with a friendly state, and to search such ship.

Twenty-sixth. Any powers or jurisdiction by this act given to the secretary of state may be exercised by him throughout the dominions of her Majesty, and such powers and jurisdiction may also be exercised by any of the following officers, in this act referred to as the chief executive authority, within their respective jurisdictions; that is to say: 1. In Ireland, by the lord lieutenant or other the chief governor or governors of Ireland for the time being, or the chief secretary to the lord lieutenant. 2. In Jersey, by the lieutenant governor. 3. In Guernsey, Alderney, and Sark, and the dependent islands, by the lieutenant governor. 4. In the Isle of Man, by the lieutenant governor. 5. In any British possession, by the governor. A copy of any warrant issued by a secretary of state or by any officer authorized in pursuance of this act to issue such warrant in Ireland, the Channel Islands, or the Isle of Man shall be laid before Parliament.

Twenty-seventh. An appeal may be had from any decision of a court of admiralty under this act to the same tribunal and in the same manner to and in which an appeal may be had in cases within the ordinary jurisdiction of the court as a court of admiralty.

Twenty-eighth. Subject to the provisions of this act providing for the award of damages in certain cases in respect of the seizure or detention of a ship by the court of admiralty, no damages shall be payable, and no officer or local authority shall be responsible, either civilly or criminally, in respect of the seizure or detention of any ship in pursuance of this act.

Twenty-ninth. The secretary of state shall not, nor shall the chief executive authority, be responsible in any action or other legal proceedings whatsoever for any warrant issued by him in pursuance of this act, or be examinable as a witness, except at his own request, in any court of justice in respect of the circumstances which led to the issue of the warrant.

INTERPRETATION CLAUSE.

Thirtieth. In this act, if not inconsistent with the context, the following terms have the meanings hereinafter respectively assigned to them; that is to say:

“Foreign state” includes any foreign prince, colony, province, or part of any province or people, or any person or persons exercising or assuming to exercise the powers of government in or over any foreign country, colony, province, or part of any province or people.

“Military service” shall include military telegraphy and any other employment whatever, in or in connection with any military operation.

“Naval service” shall, as respects a person, include service as a marine, employment as a pilot in piloting or directing the course of a ship of war or other ship when such ship of war or other ship is being used in any military or naval operation, and any employment whatever on board a ship of war, transport, store-ship, privateer or ship under letters of marque; and as respects a ship, include any user of a ship as a transport, store-ship, privateer or ship under letters of marque.

“United Kingdom” includes the Isle of Man, the Channel Islands, and other adjacent islands.

“British possession” means any territory, colony, or place being part of her Majesty’s dominions, and not part of the United Kingdom, as defined by this act.

“The secretary of state” shall mean any one of her Majesty’s principal secretaries of state.

“The governor” shall, as respects India, mean the governor general or the governor of any presidency, and where a British possession consists of several constituent colonies, mean the governor general of the whole possession or the governor of any of the constituent colonies; and as respects any other British possession, it shall mean the officer for the time being administering the government of such possession; also any person acting for or in the capacity of a governor shall be included under the term “governor.”

“Court of admiralty” shall mean the high court of admiralty of England or Ireland, the court of session of Scotland or any vice-admiralty court within her Majesty’s dominions.

“Ship” shall include any description of boat, vessel, floating battery, or floating craft; also any description of boat, vessel, or other craft or battery, made to move either on the surface of or under water, or sometimes on the surface of and sometimes under water.

“Building,” in relation to a ship, shall include the doing any act toward or incidental to the construction of a ship, and all words having relation to building shall be construed accordingly.

“Equipping,” in relation to a ship, shall include the furnishing a ship with any tackle, apparel, furniture, provisions, arms, munitions, or stores, or any other thing which is used in or about a ship for the purpose of fitting or adapting her for the sea or for naval service, and all words relating to equipping shall be construed accordingly.

“Ship and equipment” shall include a ship and everything in or belonging to a ship.

“Master” shall include any person having the charge or command of a ship.

REPEAL OF ACTS, AND SAVING CLAUSES.

Thirty-first. From and after the commencement of this act, an act passed in the fifty-ninth year of the reign of his late Majesty King George the Third, chapter sixty-nine, intitled “An act to prevent the enlisting or engagement of his Majesty’s subjects to serve in foreign service, and the fitting out or equipping, in his Majesty’s dominions, vessels for warlike purposes, without his Majesty’s license,” shall be repealed: Provided that such repeal shall not affect any penalty, forfeiture, or other punishment incurred or to be incurred in respect of any offense committed before this act comes into operation, nor the institution of any investigation or legal proceeding, or any other remedy for enforcing any such penalty, forfeiture, or punishment as aforesaid.

Thirty-second. Nothing in this act contained shall subject to forfeiture any commissioned ship of any foreign state, or give to any British court over or in respect of any ship entitled to recognition as a commissioned ship of any foreign state any jurisdiction which it would not have had if this act had not passed.

Thirty-third. Nothing in this act contained shall extend or be construed to extend to subject to any penalty any person who enters into the military service of any prince, state, or potentate in Asia, with such leave or license as is for the time being required by law in the case of subjects of her Majesty entering into the military service of princes, states, or potentates in Asia.

No. 122.

Mr. Motley to Mr. Fish.

No. 425.]

LEGATION OF THE UNITED STATES,
London, August 11, 1870. (Received August 24.)

SIR: I sent you a telegram on the 9th instant in these words:

"It is an authentic fact that the French government telegraphed to London yesterday to know if General Lee is here or whether he is expected. The supposition is that a military command is to be offered him.

"No news here from Prussian headquarters since Sunday evening."

I am not aware that General Lee is in London or that he is expected here. The fact, however, that the French government should show such anxiety to obtain the assistance of military talent from so distant a quarter would seem to argue some want of confidence in the government of their armies.

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J. LOTHROP MOTLEY.

No. 123.

Mr. Motley to Mr. Fish.

No. 429.]

LEGATION OF THE UNITED STATES,
London, August 18, 1870. (Received August 30.)

I have the honor to send herewith a circular dispatch of Lord Granville addressed to her Majesty's diplomatic and consular representatives in Germany, which has just been made public, defining the views of the British government in regard to the export of articles contraband of war or *incipitis usus*, and replying to certain complaints which have been made in Germany that Great Britain had deviated from the attitude of neutrality which she had announced her resolution to observe.

JOHN LOTHROP MOTLEY.

ENGLAND'S NEUTRALITY.

The following is a copy of a circular which has been addressed to her Majesty's diplomatic and consular representatives in Germany:

FOREIGN OFFICE, *August 11, 1870.*

Her Majesty's government have learnt with much regret that an impression exists in Germany that Great Britain is deviating from the attitude of neutrality which she has announced her resolution to observe, by giving France facilities for obtaining certain articles useful to her for war purposes, such as munitions of war, horses and coal, while such facilities are not accorded in an equal degree to the allied German States.

It is not unnatural that, in a moment of excitement like the present, the German people should be more than ordinarily sensitive in watching the attitude of nations which are taking no part in the struggle, and it cannot be wondered at that they should for a time accept as facts unfounded rumors, and that they should somewhat hastily condemn, as breaches of neutrality, proceedings which, at a calmer season, they would not hesitate to pronounce, with that impartiality of judgment for which they are distinguished, to be strictly in accordance with the usages of international law and comity.

Her Majesty's government lost no time, after the declarations of war had been exchanged, in announcing the determination of Great Britain to maintain a position of neutrality between the contending parties, and this position has been hitherto faith-

fully observed. It is not true that any facilities have been given, or any restrictions imposed, which are not equally applicable to both belligerents.

The steps taken by her Majesty's government have been strictly in accordance with precedent and with the principles by which neutral nations, including Prussia herself, have been guided in recent wars. But it now appears to be wished that Great Britain should go further, and that she should not only enjoin upon British subjects the obligations of neutrality, but that she should take it upon herself to enforce those obligations in a manner and to an extent wholly unusual. It is demanded that she should not only forbid, but absolutely prevent, the exportation of articles contraband of war, that is to say, that she should decide herself what articles are to be considered as contraband of war, and that she should keep such a watch upon her ports as to make it impossible for such articles to be exported from them.

It requires but little consideration to be convinced that this is a task which a neutral power can hardly be called upon to perform. Different nations take different views at different times as to what articles are to be ranked as contraband of war, and no general decision has been come to on the subject. Strong remonstrances, for instance, are made against the export of coal to France; but it has been held by Prussian authors of high reputation that coal is not contraband, and that no one power, either neutral or belligerent, can pronounce it to be so. But even if this point were clearly defined, it is beyond dispute that the contraband character would depend upon the destination. The neutral power could hardly be called upon to prevent the exportation of such cargoes to a neutral port; and if this be the case, how could it be decided, at the time of departure of a vessel, whether the alleged neutral destination were real or colorable? The question of the destination of the cargo must be decided in the prize court of a belligerent, and Prussia could hardly seriously propose to hold the British government responsible whenever a British ship carrying a contraband cargo should be captured while attempting to enter a French port.

Her Majesty's government do not doubt that, when the present excitement has subsided, the German nation will give them credit for having honestly acted up to the duties of neutrality to the best of their power, and they are confirmed in this conviction by the recollection that, when Prussia was in the same position as that in which Great Britain now finds herself, her line of conduct was similar, and she found herself equally unable to enforce upon her subjects stringent obligations against the exportation even of unquestionable munitions of war.

During the Crimean war arms and munitions were freely exported from Prussia to Russia, and arms of Belgian manufacture found their way to the same quarter through Prussian territory, in spite of a decree issued by the Prussian government prohibiting the transport of arms coming from foreign states.

Reflection upon these points may make the German nation inclined to take a juster view of the position now occupied by her Majesty's government.

As regards the export from this country of horses and ammunition, it appears from the latest tables which have been obtained from the British customs that the number of horses exported during the months of July and August to Germany and Belgium is approximately 413, and to France 583. As regards the amount of munitions of war exported during the same period, it appears from the official reports that none at all have been exported to France; and only the following exports have been made to German, Belgian, and Dutch ports: To Belgium, ordnance stores, &c., to the value of 369*l.*; shot-lead, or iron, 1 cwt.; to Hamburg, shot-lead, or iron, 5 cwt.; to Holland, shot-lead, or iron, 32 cwt.

It is not irrelevant to this matter to quote the views recently expressed to a foreign minister at Washington by the Secretary of State of the United States respecting the duties of neutrals in regard to trade in articles contraband of war. He is reported to have said that arms and ammunition had always been considered to be articles of legitimate commerce by neutrals during war, and that the United States claimed the right to supply them to all belligerents without distinction, adding that during the civil war in America quantities of these articles had been bought from England, France, and Belgium.

It may be well also to observe that the Belgian government, though by a recent decree it has provisionally prohibited the transit and exportation of arms and munitions of war, excepts from this prohibition articles which can be clearly shown to be destined for a neutral government, and reserves formally the right of free exportation for the future.

I am, with great truth, your most obedient, humble servant,

GRANVILLE.

No. 124.

Mr. Motley to Mr. Fish.

No. 474.]

LEGATION OF THE UNITED STATES,
London, October 1, 1870. (Received October 14, 1870.)

I have the honor to send herewith copies of the report of M. Jules Favre concerning his recent interview with Count Bismarck as they appear in the London papers of the day.

MISSION OF M. JULES FAVRE TO COUNT BISMARCK.

The following is a translation of the document, which is extracted from the *Moniteur* September 28, 1870:

“Official bulletin of the delegation of the government of national defense, Tours, September 27, 1870.

“M. Lutz, of the Rhône, who left Paris on Sunday in a balloon, brings us this morning the report of M. Jules Favre, Minister for foreign affairs, upon his interview with Count Bismarck. The report of M. Jules Favre has appeared in the *Journal Officiel* of the 23d September, in Paris. It will be seen from this report with what sort of enemy we have to do, and that France can reckon only on herself. The following is the report:

“MY DEAR COLLEAGUES: The close union of all citizens, and particularly of the members of the government, is more than ever a necessity of public safety. Every one of our acts ought to cement it. That which I have just performed on my own authority has inspired me with this sentiment; it will have this result. I have had the honor to explain it to you in detail. That is not enough. We are a government of publicity. If, in the hour of execution, secrecy is indispensable, the act once completed, should be surrounded by the greatest amount of light. We are nobodies save for the opinion of our fellow-citizens, and they must judge us hourly, and in order to form a judgment upon us, they have the right to know everything. I considered it my duty to go to the headquarters of the hostile armies, and I went. I have given you an account of the mission which I had imposed upon myself; I am about to tell my country the reasons which determined my action, the object which I had placed before me, and that which I believe I have attained. I need not recapitulate the policy which we inaugurated, and which the minister of foreign affairs was particularly charged to announce. We are, above all, men of peace and liberty. Up to the last moment we opposed the war which the imperial government undertook in a spirit exclusively dynastic; and when this government fell, we declared that we would persevere more energetically than ever in the policy of peace. We made this declaration, when, through the criminal madness of one man and of his counsellors, our armies were destroyed; our glorious Bazaine and his valiant soldiers blocked up before Metz; Strasburg, Toul, Phalsburg, shattered by bombs; and the victorious enemy marching upon our capital. Never was situation more cruel; yet it did not occasion in the country any thought of weakness, and we believed ourselves its faithful interpreters in laying down clearly the conditions—“Not an inch of our territory, nor a stone of our fortresses.” If, then, at this instant, when an event was accomplished so important as the overthrow of the promoter of the war, Prussia had desired to treat upon the basis of an indemnity to be determined, peace was made, it would have been greeted as an incalculable blessing; it would have received a certain pledge of reconciliation between two nations which have been fatally divided solely by an odious policy. We hope that humanity and interest, properly understood, may gain this victory, most important of all; for it would have inaugurated a new era, and the statesmen who should have identified their names with it would have had as guides philosophy, reason, and justice, and as rewards, the blessings and the prosperity of the people. It was with these ideas that I undertook the perilous task with which you intrusted me. I had at once to ascertain the feelings of the European cabinets, and to seek to obtain their support. The imperial government had either completely neglected to do this or it failed in the attempt. It engaged in the war without one alliance, without one serious negotiation; all around it was hostility or indifference. It thus reaped the bitter harvest of a policy noxious to each neighboring state on account of its menaces or its pretensions. Scarcely were we at the *Hôtel de Ville*, when a diplomat, whose name it is not fitting to reveal, asked to enter into relations with us. From the next day your minister received the representatives of all the powers. The Republic of the United States, the Helvetic Republic, Italy, Spain, and Portugal officially recognized the French Republic. The

other governments authorized their agents to maintain with us official relations which permitted us to enter at once into useful negotiations. I would give to this explanation, which is already too diffuse, a fullness which it does not merit, if I were to relate in detail the short but instructive history of the negotiations which followed. I believe I am right in asserting that it will not be altogether valueless as relates to our moral position. I shall only say that everywhere we found honorable sympathy. My object was to collect them, and to induce the powers who had signed the league of neutrality to intervene directly with Prussia on the basis of the conditions which I had laid down. Four of these powers offered to do so. I testified to them my gratitude in the name of my country, but I wished to have the coöperation of the two others. One of them promised me an independent action, reserving its liberty respecting it; the other proposed to be my intermediary with Prussia. It even went a step further. Upon the request of the envoy extraordinary of France, it was willing to give direct countenance to my proceedings. I asked for much more, but I have refused no coöperation, esteeming that the interest which was evinced for us was a power not to be neglected. However, time was passing. Each hour brought the enemy nearer. Under the most poignant feelings, I had promised myself not to permit the siege of Paris to begin without making a supreme effort, were I left alone to make it. It is unnecessary to enlarge upon its importance. Prussia maintained silence, and no one consented to question her. This state of things could not continue; it allowed our enemy to lay upon us the responsibility of the continuation of the struggle; it compelled us to bear it, as he intended; it must be got out of. Despite my repugnance, I determined to make use of the good offices which had been offered me, and on September 10 a telegram reached M. de Bismarck, asking him if he would enter into a conversation with me upon the conditions of a treaty. A first reply was an excuse for not receiving me, deduced from the irregularity of our government. However, the chancellor of the Confederation of the North did not stand upon that, and asked what guarantees we could offer for the execution of a treaty. This second difficulty having been removed by me, it was necessary to go further. It was proposed that I should send a messenger, to which I agreed. In the mean time M. de Bismarck was telegraphed to directly, and the prime minister of the power which acted as our intermediary said to our envoy extraordinary that France alone could act; he added that it was to be desired that I should not shrink from taking steps at headquarters. Our envoy, who was acquainted with my inmost feelings, replied that I was ready at all sacrifices to do my duty, and that there were few things so painful to do as that of going through the enemy's lines to seek our conqueror, but that he supposed I would resign myself to it. Two days later the courier returned. After a thousand obstacles he had seen the chancellor, who had told him he was willing to converse with me. I should have wished for a direct reply to the telegram of our intermediary; we had to wait for it. The investment of Paris was accomplished. No further hesitation was possible. I resolved to set out. However, it was important to me that while it was in progress, this proceeding should be secret. I advised secrecy, and was deeply surprised, on returning last evening, to learn that it had not been maintained. A culpable indiscretion had been committed. A journal, *L'Electeur Libre*, already disavowed by the government, had made use of it. An inquiry has been commenced, and I hope to repress this double abuse. I had carried discretion so far that I observed it even before you, my dear colleagues. I had not come to this resolution without great repugnance; but I knew your patriotism and your affection—I was certain of your forgiveness. I believed I was acting in obedience to an imperious necessity. On the first occasion I spoke with you of the troubles of my mind, and told you it would not be at rest until I had done everything that was humanly possible with honor to arrest this abominable war. Recollecting the conversation which followed from this commencement, I feared objections, and I was decided. Further, I wished, in meeting M. de Bismarck, to be free from any engagement, in order to have the right not to accept any. I make to you these sincere avowals; I make them to the country to remove from you a responsibility which I take upon myself alone. If my proceeding has been an error, I alone should bear the blame. I had, nevertheless, informed the minister of war, who was kind enough to give me an officer to conduct me to the outposts. We did not know where headquarters were situated. We imagined them to be at Grosbois. We started on our way toward the enemy by the gate of Charenton. I suppress all the details of this sorrowful journey, full of interest nevertheless, but which would not be in place here. Conducted to Villeneuve St. Georges, where I found the general-in-chief commanding the sixth corps, I learnt full late in the afternoon that headquarters were at Meaux. The general, whose treatment of me was all that could be desired, proposed to send an officer to carry the following letter which I had written for M. de Bismarck:

“M. le COMPTE: I have always believed that before seriously commencing hostilities under the walls of Paris, it would be possible for some honorable negotiation to be attempted. The person who had the honor of seeing your excellency two days ago informed me that you yourself had expressed such a desire. I have come to the out-

posts to place myself at the disposal of your excellency. I trust that you will deign to inform me how and where I can have the honor of conferring for some minutes with you.

“I have, &c.

“JULES FAVRE.”

“We were separated by a distance of 48 kilometers. The next morning at six o'clock I received the reply, which I transcribe:

“I have just received the letter that your excellency was good enough to write me, and it will be extremely agreeable to me if you will do me the honor to come and see me to-morrow here at Meaux. The bearer of the present, Prince Biron, will see that your excellency is guided through our lines.

“I have, &c.,

“DE BISMARCK.”

“At 9 o'clock the escort was ready, and I left with it. When I got near Meaux, about 3 in the afternoon, I was stopped by an aide-de-camp who came to inform me that the Count had left Meaux with the King to sleep at Ferrières. We had passed each other, and by retracing our steps we should both of us meet. I retraced my way and halted in the courtyard of a farm entirely plundered, as were nearly all the houses that I passed on my way. At the end of an hour M. de Bismarck joined me there. It was difficult for us to talk in such a place. A house, the Château de le Haute Maison, belonging to the Count de Rillac, was close to us, and we went there. The conversation took place in a saloon, where in disorder lay fragments of all kinds. I should like to report the whole of this conversation, such as I dictated it to a secretary on the following day. Every one of its details has its importance. But I can only give an analysis of the same. At the commencement I stated briefly the object of proceeding. Having published in my circular the intentions of the French government, I wished to know those of the Prussian prime minister. It appeared to me inadmissible that two nations should continue without preliminary and mutual explanations a terrible war, which, in spite of its advantages, would inflict most serious injuries upon the conqueror. Created by the power of an individual, this war had no further *raison d'être*, now that France had again become her own mistress. I offered to guarantee her desire for peace, and at the same time her irrevocable resolve not to accept any condition which would render this peace a short and threatening truce. M. de Bismarck replied to me that were he convinced that such a peace were possible, he would sign it directly. He acknowledged that the opposition had always condemned the war. But the power which this opposition represents at present is more than precarious. If in a few days Paris is not taken, it will be overthrown by the populace. I immediately interrupted him by saying we had no populace in Paris, but a population intelligent and devoted, fully aware of our intentions, and who would not become accomplices of the enemy by fettering our mission of defense. With regard to our power, we were ready to place it in the hands of the assembly which we had already convoked. “This assembly,” replied the count, “might have designs which nothing can make us foresee. If it listens to the sentiments of France it will desire war. You would no more forget the capitulation of Sedan than that of Waterloo, or that of Sadowa, which did not affect you.” Further, he maintained strongly the determination clearly expressed by the French nation to attack Germany and to deprive her of a portion of her territory. “From Louis XIV down to Napoleon III these tendencies have not changed; and when war was announced, the Corps Legislatif received the words of the minister with acclamations.” I remarked to him that the majority of the Corps Legislatif had, a few weeks before, received the news of peace with acclamation; that this majority, chosen by the prince, unfortunately thought itself obliged to confide blindly in him, but consulted twice, at the elections of 1869, and at the vote of the *plébiscite* the nation had energetically adhered to a political course of peace and liberty. The conversation was prolonged on this subject, the count maintaining his opinion and I defending mine; and, as I pressed him hard as to the conditions, he replied distinctly that the security of his country demanded that he should retain the territory which guaranteed it. He repeated several times, “Strasburg is the key of the house; I ought to have it.” I requested him to be more explicit. “It is useless,” he objected, “we cannot come to terms; it is a matter which must be decided later.” I requested him to do so immediately; he then told me that the two departments of the Bas and Haut Rhin, a part of that of the Moselle, including Metz, Château Salins, and Soissons, were indispensable to him, and he could not recede from these conditions. I remarked to him that the consent of the people whom he thus disposed of was more than doubtful; that the public rights of Europe would not permit him to disregard it. “Oh, yes, indeed,” he replied to me, “I am perfectly aware that they do not desire us. We shall have some hard work cut out for us by them, but we cannot do otherwise than take them. I am certain that at a future time we shall have a fresh war with you, and we wish to undertake it under every advantage.” I expostulated, as was my duty, against similar propositions. I said that it seemed to me as if two important elements

had been lost sight of in this discussion: in the first place, Europe, which might find such pretensions exorbitant and offer opposition; and, again, that modern rights, and the progress of all customs, were entirely antipathetic to such exigencies. I added that, as far as we were concerned, we could never agree to them. "We can perish as a nation, but we cannot dishonor ourselves. However, the country itself was alone competent to give an opinion respecting any cession of territory. We have not any doubts as to its feeling, but we wish first to consult it. It is before the whole nation that Prussia must take up her position; and to speak plainly, it is clear that, led away by the frenzy of victory, she desires the destruction of France." The count protested against this conclusion, alleging the absolute necessity of a national guarantee. I continued: "If on your side it is not an abuse of power, covering secret designs, let us call an assembly together; we will hand it our powers, and it will appoint a definite government, who will be able to appreciate your conditions." "In order to carry out this plan," replied the count, "an armistice would be required, and I will not grant one at any price." The conversation took a more and more painful turn. Night came. I requested M. de Bismarck to give me a second interview at Ferrières, where he was going to sleep, and we each went our way. Desiring to fulfill my mission to the end, I had to raise several questions that we had argued, and to conclude them. Therefore, on meeting the count about half-past nine at night, I remarked to him that the information which I had come to obtain from him was intended to be transmitted to my government and to the public; therefore I should resume in conclusion our conversation, so as only to publish what had entirely been agreed upon between us. "Do not take that trouble," replied he, "you can publish it *in extenso*. I do not see any reason why it should not be divulged." We then resumed our discussion, which continued till midnight. I dwelt considerably upon the necessity of convoking an assembly. The count appeared to allow himself to be convinced by degrees, but returned to the armistice. I asked for a fortnight. We discussed the conditions. He only expressed himself very vaguely, and elected to consult the King. Consequently he adjourned the interview to 11 o'clock on the following day. I have only one more word to say, for in repeating this sad recital my mind is agitated by all those emotions which have tortured it during three mortal days, and I yearn to finish. I arrived at the Château of Ferrières at 11 o'clock. The count was coming from the King at a quarter to twelve, and I heard from him the conditions upon which an armistice would be granted; they were written in the German language, and a verbal communication was made to me of their purport. He asked as a guarantee the occupation of Strasburg, Toul, and Phalsburg; and as, in answer to a question from him, I had told him on the previous day that the assembly would take place in Paris, he wished in this case to have a fort dominating the city, as, for instance, that of Mont Valérien. I interrupted him by remarking, "It is much simpler to ask for Paris at once. How can you suppose that a French assembly could deliberate under your guns? I had the honor of informing you that I should faithfully communicate our interview to the government, and I hardly know if I dare mention to them that you have made such a proposal to me." "Let us seek some other combination," he replied. I spoke to him of a reunion of the assembly at Tours, no guarantee being given as far as Paris was concerned. I suggested he should speak of this to the King, and again speaking of the occupation of Strasburg, he added: "The town will fall into our hands; it is now only a matter of calculation for our engineers. Therefore I demand of you that the garrison shall surrender themselves prisoners of war." At these words I could not suppress my feelings, and rising, I cried: "You forget you are speaking to a Frenchman, M. le Comte. To thus sacrifice a heroic garrison whose behaviour has been admired universally, and more particularly by us, would be cowardice, and I promise not to say that you have offered me such a condition." The count replied that he had had no intention of hurting my feelings; that he conformed to the laws of war; and that, moreover, if the King gave his consent, this article might be modified. He returned in a quarter of an hour. The King accepted the proposal as to Tours, but insisted that the garrison of Strasburg should constitute themselves prisoners. I was perfectly exhausted, and feared for the moment that I should faint. I turned away to hide the tears which suffocated me, and asking to be excused for my involuntary weakness, I took leave with these few words: "I made a mistake, M. le Comte, in coming here; but I do not regret it, I have suffered sufficiently to excuse myself in my own eyes, but in any case I only yielded to a feeling of duty. I will report to my government all that you have said, and should they consider it fit again to send me to you, however cruel the task for me, I shall have the honor of returning. I am grateful for the kindness you have shown me, but I fear that all that can be done is to let events take their course. The inhabitants of Paris are courageous, and resolved to make every sacrifice, and their heroism may change the course of events. If you have the honor of conquering them, you will never subjugate them. The whole nation is possessed with the same sentiments. As long as there can be found one element of resistance among us, we shall fight you. This becomes an interminable struggle between two nations who should extend their hands to each other. I had hoped for a different

solution. I leave, most unhappy, but nevertheless full of hope." I add nothing to this recital, too eloquent in itself. It enables me to conclude, and to inform you what is, in my idea, the aim of these interviews. I sought peace, and found an inflexible desire for conquest and war. I demanded an opportunity of interrogating France, represented by an assembly freely elected, and I was replied to by being shown the Caudine Forks, under which France must first pass. I do not recriminate. I content myself by relating facts, and publishing them to my country and to Europe. I ardently desired peace. I do not disguise the fact, and witnessing during three days the misery existing in our unfortunate country, I felt this desire increase within me to such an extent that I was forced to summon all my courage to my aid, so as not to fail in my task. I wished for an armistice almost as eagerly. I again confess it. I wished it so that the nation might be consulted respecting the redoubtable question that fatality had placed before us. You are now acquainted with the preliminary conditions which they desire to impose upon us. Equally with myself, and without discussion, you have been unanimously of opinion that such humiliation should be rejected. I possess the profound conviction that in spite of the sufferings she is now enduring, and which she sees before her, France, indignant, shares our determination, and inspired by these feelings I addressed to M. de Bismarck the following dispatch, which closes our negotiations:

"M. LE COMTE: I have faithfully reported to my colleagues of the government for the national defense the declaration that your excellency deigned to make to me. I regret to inform your excellency that the government could not entertain your propositions. They would accept an armistice in order to proceed to the election and meeting of a National Assembly, but they cannot subscribe to the conditions your excellency imposes. For my own part, I have the satisfaction of having done everything to stay the shedding of blood and to obtain the restoration of peace to the two nations, to whom it would prove the greatest blessing. I am only arrested by an imperious obligation which commands me not to sacrifice the honor of my country, which is determined upon an energetic resistance. I unite without reserve in this feeling, as do my colleagues. God, who judges us, will decide our destinies. I have faith in His justice. I have, &c.

"JULES FAVRE.

"SEPTEMBER 24, 1870."

"I have finished, my dear colleagues, and you will think, as I do, that even if I have failed, my mission has not been totally useless. It has proved that we have not deviated. As during the first days we cursed a war which was condemned by us beforehand, so also during the first days we rather accept it than dishonor. We have done more; we have abolished the equivocal position in which Prussia enclosed itself, and which Europe did not aid us to dissipate. On entering into our territory she gave the world her word that she attacked Napoleon and his soldiers, but she would respect the nation. We know to-day what to think of such statements. Prussia exacts three of our departments, two fortified towns, one containing 100,000 and the other 75,000 inhabitants, and eight or ten other places equally fortified. She is aware that the populations she wishes to tear from us will resist her, but she seizes them nevertheless; opposing the edge of her sword to the protestations of civic liberty and moral dignity. To a nation requesting the faculty of consulting itself, it proposes a guarantee of its batteries of howitzers planted on Mont Valérien to protect the place of our deliberations where our deputies will vote. This is what we know and what I am authorized to inform you. Let the whole nation hear us and rise up, either to repudiate us when we advise it to resist *à outrance*, or to support with us this last and decisive trial. Paris is resolved upon it. The departments are organizing themselves and will come to our assistance. The last word has not been pronounced in this struggle, where might is combating against right. It depends upon our constancy whether it be spoken for justice and liberty.

"Accept, my dear colleagues, the fraternal homage of my unchanging devotion.

"JULES FAVRE,

"*Minister of Foreign Affairs.*

"THE VICE-PRESIDENT OF THE GOVERNMENT OF NATIONAL DEFENSE,

"*Paris, September 21, 1870.*"

No. 125.

Mr. Motley to Mr. Fish.

No. 482.]

LEGATION OF THE UNITED STATES,
London, October 6, 1870. (Received October 18, 1870.)

SIR: I have the honor to send herewith a copy of the correspondence between Earl Granville and Count Bernstorff, Prussian and North Ger-

man ambassador, on the subject of neutrality and the exportation of contraband of war, extracted from the Times of 19th ultimo.

I have not sent it before because I have been expecting day by day that it would be published in the usual pamphlet form.

This I now find will not be the case for the present, as a rejoinder is soon expected from Count Bernstorff, which, perhaps, will necessitate a further reply from Lord Granville.

JOHN LOTHROP MOTLEY.

[From the Times, Monday, September 19, 1870.]

BRITISH NEUTRALITY.

The following correspondence has passed between the ambassador of the North German Confederation and the secretary for foreign affairs:

“MEMORANDUM COMMUNICATED BY COUNT BERNSTORFF TO EARL GRANVILLE, SEPTEMBER 1, 1870.

“It would be waste of time at the present crisis to enter upon an exhaustive juridical examination of the existing neutrality laws and their ultimate bearing and scope. It is not too late, however, to glance in a practical manner at a question which every hour may cause fresh and momentous complications, especially as affecting national susceptibilities.

“In the first instance there is no question that France has wantonly made war on Germany. The verdict of the world, and especially the verdict of the statesmen as well as of the public of England, has unanimously pronounced the Emperor of the French guilty of a most flagitious breach of the peace. Germany, on the other hand, entered into the contest with the consciousness of a good cause. She was, therefore, led to expect that the neutrality of Great Britain, her former ally against Napoleonic aggression, however strict in form, would at least be benevolent in spirit to Germany, for it is impossible for the human mind not to side with one or the other party in a conflict like the present one. What is the use of being right or wrong in the eyes of the world if the public remains insensible to the merits of a cause? Those who deny the necessity of such a distinction forego the appeal to public opinion, which we are daily taught to consider as the foremost of the great powers.

“In examining from this point of view whether the neutrality of Great Britain has been practically benevolent as regards Germany, it is best to reverse the question and to put it in this shape: If Germany had been the aggressor, and, consequently, condemned by public opinion, in what way would the government and the people of the United Kingdom have been able to avoid taking an active part in the struggle, and, at the same time, to prove to France their benevolent intentions? Being short of coal, the French would have been allowed to find here all they needed for their naval expeditions. Their preparations for war not being so far advanced and not so complete as they first thought, the French would have found the manufacturers of arms and ammunitions in this country ready to supply them with, and the British government willing not to prevent their obtaining here, all the material they wanted. This, we think, would have been the utmost aid which Great Britain could have granted to France, without transgressing the letter of the existing neutrality laws, had the parts of aggressor and attacked, of right and wrong, been the reverse of the present condition.

“In the face of the continuous export of arms, ammunition, coal, and other war material from this country to France; in the face of facts openly made a boast of by the French minister of war, and not denied by the British government, it is not necessary to prove that the neutrality of Great Britain, far from being impartial toward that party which has been pronounced to be in the right, is, on the contrary, such as it might possibly have been if that party had been wrong in the eyes of the British people and government. When defending the new foreign enlistment act in Parliament the representatives of the government declared that the law empowered the executive to prevent the export of contraband of war, but that in order to make it effectual toward the belligerents it ought to be generally enforced, and would thus even affect the commerce of this country with other neutrals. This statement, however, cannot be admitted, for there is no necessity to hamper the trade with neutral countries by preventing the exportation of contraband of war to the belligerents. Had the government declared such exportation to the belligerents to be illegal, it would have remained an exception, subject to penalty, if detected. The *bona fide* trade with neutrals would not

in the least have been affected thereby. But the government, far from doing this, refused even to accept such propositions as might have prevented direct or clandestine exportation of contraband of war to France; besides, it cannot be admitted that such prohibitive measures could in reality damage the regular and lawful trade of the English people at large. They would merely prevent some rapacious individuals from disregarding the verdict of the nation, and realizing enormous profits which never would have legitimately been made under ordinary circumstances. The rapid increase of the private fortunes of a few tradesmen by such ventures could not appreciably add to the national wealth of the country. But, on the other hand, the nation will be held morally responsible for the blood which is being shed through the agency of those individuals. It will be said that the war would have ended sooner, and that less German soldiers would have been killed and wounded, had not the people and government of England permitted such abuses.

"It hardly could be seriously meant to say that the Germans are at liberty to bring each case before their prize courts, for it would be out of place thus to taunt Germany with not being mistress of the seas. The question is whether England may escape the just reproach on the part of Germany of having greatly increased the advantage France already possesses at sea, by fitting out her navy with the requisite material to attack the seaboard of Germany and annihilate its commerce, as well as of arming the French Garde Mobile with English breech-loaders, to be used against the German soldiers in the field.

"England will thus be accused of feeding a war which would have ended sooner had France been left dependent on her own resources. Hence the policy of the British government, notwithstanding the verdict of public opinion in this country in favor of the German cause, is, if not intentionally, at least practically, benevolent to France, without there being any real foundation for the excuse that the commercial interests of this country would be seriously affected by a different course.

"There is still another reason put forward by the British government in reference to their line of action. It is the allusion to Prussian neutrality during the Crimean war. Germany is told to consider that, at that time, 'arms and ammunition were freely exported from Prussia to Russia; and arms of Belgian manufacture found their way to the same quarter through Prussian territory in spite of a decree issued by the Prussian government prohibiting the transport of arms coming from foreign states.'

"Lord Granville says, in his circular of the 11th instant, 'that reflection upon these points may make the German nation inclined to take a juster view of the position now occupied by her Majesty's government.'

"All who recollect the political aspect of that time will admit that there is no real analogy between the two cases. At the period alluded to public opinion in Germany was very doubtful as to the wisdom of helping a Napoleon to become once more the arbiter of Europe. Besides, it was not a struggle for life and death between two nations equally matched, but it was a war waged in remote regions for remote interests by four powers against one, without the national existence of England being the least endangered.

"Had England alone been the enemy of Russia, the comparison of the two cases would be less wanting in point.

"However, it will be remembered how strongly Great Britain remonstrated at the time against the alleged wrong of Prussia. There is but one possible alternative. Either the complaints of the British government were founded, or they were not. If they really were, how can it be maintained at present that the complaints of Germany are unfounded, should even the great difference of the two cases be entirely disregarded? By declaring the present grievances of Germany devoid of foundation the British government disavow implicitly the bitter charges they preferred at the time, and condemn the ill-feeling created by them, and partly entertained ever since in this country against Prussia.

"It is absolutely impossible to conciliate, with any show of reason and logic, defending the justice of those charges on one side and refusing on the other to acknowledge the present grievances of Germany to be well founded.

"This being true, there is but one motive which might be alleged as an excuse for the present policy of the British government toward Germany. That is to apply the principle of retaliation for an alleged wrong done a long time ago under circumstances completely different from the present situation in every possible respect.

"To establish in our times such a principle as a rule for the policy of a great nation would be too inconsistent with the general feeling and moral disposition of this country to admit of its being the intention of the British government.

"Should the position now occupied by the British government in regard to Germany, notwithstanding the admitted justice of her cause, continue to be maintained, it would be difficult even for the staunchest advocate of friendship between England and Germany to persuade the German nation that they have been fairly dealt by.

"PRUSSIA HOUSE, August 30, 1870."

“EARL GRANVILLE TO COUNT BERNSTORFF.

“FOREIGN OFFICE *September 15, 1870.*

“M. L'AMBASSADOR: I have the honor to assure your excellency that her Majesty's government have not failed to consider most carefully the arguments contained in the memorandum which you did me the honor to place in my hands on the 1st instant, and have studied them the more attentively as they contain matter which has not hitherto been imported into discussions upon the duties of neutrals.

“The two principal positions assumed by your excellency are, first, that the attitude of Great Britain toward Prussia in the present war should be that of a ‘benevolent neutrality;’ and, secondly, that there is no analogy between the course adopted by Prussia when Great Britain was at war with Russia and that adopted by Great Britain now that Prussia is at war with France.

“In examining these propositions her Majesty's government are relieved from the necessity of entering at present into the question whether Great Britain is honestly fulfilling her duties as a neutral. The point raised by you goes far beyond this. It amounts to a demand that her neutrality should be, both in spirit and practice, benevolent toward Prussia, and, consequently, as it would seem, unfavorable toward France.

“Upon the declaration of hostilities, her Majesty's government publicly declared that they were desirous of maintaining their good relations with, and tendering their good offices to, both the belligerents, as far as was consistent with perfect neutrality. But the idea of a ‘benevolent neutrality,’ as explained by your excellency, is new, and it consequently becomes necessary to consider what is its meaning, and what would be its practical effect.

“It is obvious that your excellency cannot intend to lay down a principle applicable only to the present war; rules of international law cannot be confined to individual or exceptional cases; and this principle, if accepted, can only be so as a principle of international law, and, as such, susceptible of general application. This applied, then, its effect would be as follows: That, on the outbreak of a war between two nations, it would be the duty of each neutral to ascertain which belligerent was favored by the public opinion of its subjects, and to assume an attitude of neutrality benevolent toward that belligerent. But such neutrality should not, as I gather from your excellency's memorandum, be confined to sympathy, but should be exhibited in practice—that is to say, the measures adopted by each neutral should be favorable to one belligerent and proportionately unfavorable to the other. It seems hardly possible to push the examination further without finding ourselves met by insuperable difficulties. Where could the line be drawn between a departure from the usual practice, in order to confer material advantages on one belligerent state, to the exclusion of the other, and a participation in hostilities? The sympathies of nations, as of individuals, are not invariably influenced by abstract considerations of right or wrong, but are swayed by material interests and other causes. Neutrals would probably, therefore, be found ranged on different sides. What would be the material relations of such neutrals? What their relations with the belligerent to whom they were opposed? It seems hardly to admit of doubt that neutrality, when it once departs from strict impartiality, runs the risk of altering its essence, and that the moment a neutral allows his proceedings to be biased by predilection for one of two belligerents he ceases to be a neutral. The idea, therefore, of benevolent neutrality can mean little less than the extinction of neutrality.

“Passing to the second proposition laid down by your excellency, that there is no real analogy between the conduct of Prussia in the Crimean war and that of Great Britain in the present war, I find that this proposition is mainly rested on the ground that Great Britain, in the former war, was not fighting single-handed, and that public opinion in Germany was not enlisted in favor of the cause for which she was contending. These two reasons may be brought under the same head, as both can only be adduced with any weight in justification of a position of benevolent neutrality; but, as this justification was not preferred at the time by Prussian statesmen in discussing this question, it will be useful to consider what was the attitude of Prussia during the war waged by Great Britain and her allies against Russia, and what were the motives alleged at the time for her assuming that attitude.

“During the whole of the war arms and other contraband of war were copiously supplied to Russia by the states of the Zollverein; regular agents for traffic were established at Berlin, Magdeburg, Thorn, Königsberg, Posen, Bromberg, and other places, and no restraint was put upon their operations. But, besides this, although a decree was published in March 1854, prohibiting the transit of arms from other countries, and a further decree in March 1855, prohibiting also the transit of other contraband of war, the transit trade from Belgium continued in full activity throughout the war. The Prussian government, when this state of things was brought to its notice, affirmed, not that it was justified in permitting these exports on the principle of ‘benevolent neutrality,’ but that it could not interfere with the course of trade; an answer which would seem to have been based rather on the principle that the first duty of Prussia, as

a neutral, was to consider the interests of her own subjects, not those of the subjects of a country which had engaged itself in a war with which Prussia had no concern.

"Such was the attitude of Prussia at that time, and such her justification of that attitude. In what point does the analogy fail? Prussia was neutral then as Great Britain is now. Your excellency alludes to the magnitude of the respective wars. A war in which the energies of five European powers were taxed to the utmost can, perhaps, hardly be justly described as a war waged in remote regions for remote interests; but this point seems scarcely worthy of contention. Your excellency can hardly mean to say that principles of this importance are to be decided on questions of degree. If no weightier objection than, this can be adduced, the analogy would appear to be complete.

"I now come to the dilemma in which your excellency would place her Majesty's government. You observe that Great Britain remonstrated strongly against the state of things above described, and you add that either those remonstrances were founded, or they were not. If founded, how, you ask, can the present complaints of Germany be held to be unfounded?

"Her Majesty's government do not complain of the Prussian government making an effort to alter a state of things which they conceive to be at this moment disadvantageous to them; but her Majesty's government are of opinion that the answers which the Prussian government made during the Crimean war more than justify the reply which, to my great regret, I had been obliged on several occasions to make, and now again to repeat, to your excellency. The nature of those answers will be seen on referring to the correspondence which passed at the time between the two governments, which shows also the nature of the remonstrances addressed to Prussia by Great Britain. On ascertaining that the Prussian government did not mean to restrict the export of arms or contraband of war of native origin, but intended to prohibit the transit of such articles, her Majesty's government consulted the legal advisers of the Crown as to the extent to which they would be justified in making representations founded on their rights as belligerents. The answer was clear—that her Majesty's government would be entitled to remonstrate only in the event of violation of Prussian law; and it will be found on reference to the correspondence that, though the large direct exportations from the states of the Zollverein certainly formed occasionally the subject of representations and discussions, the strong remonstrances to which your excellency alludes were, with few exceptions, made on the subject of the continuous violation of the injunctions of the decrees forbidding the transit of arms, which violation was so systematic that in only one case, of the stoppage at Aix-la-Chapelle of some revolvers concealed in bales of cotton, were the customs authorities successful in interposing a check on it. It is true that remonstrances were made on the receipt of a report, to which a full and complete contradiction was given, that rifles belonging to the Prussian government had been sold to Russia, and of a report that wagons loaded with gunpowder had been escorted to the frontier by Prussian police; but the distinction is obvious between these cases and cases affecting private individuals.

"I would, therefore, venture to remark that your excellency's dilemma is more apparent than real. The course of Great Britain then and now is perfectly consistent. As she then remonstrated against infractions of Prussian law, so she now admits the justice of remonstrances against infractions of British law, such as store-ships, enlistments, and others; and any cases of such infraction which your excellency may bring under my notice shall receive the most prompt attention.

"Your excellency now requires alterations of practice and the creation or restrictions on trade in a sense favorable to Prussian interests. In face of these demands I would put to your excellency this question: When did Prussia renounce the principles on which she acted in 1854 and 1855, to which she adhered, as far as I am aware, when she again occupied the position of a neutral in the war waged by Austria with France and Italy in 1859, and in the war between the Northern and Southern States of America, and to which she has formally given her sanction in the treaties with the United States of 1799 and 1828?

"So far I have confined my reply to the examination of what may appear to me to be the novel elements in your excellency's arguments; but it now becomes my duty to address myself to the consideration of the statement made that the policy of her Majesty's government has been practically benevolent to France, and that the British nation, which has not prevented the export to France of contraband of war and supplies useful for warlike purposes, will be held morally responsible for the blood which is being shed.

"I am glad to observe that your excellency acquits her Majesty's government of adopting intentionally such a policy as you describe, and I have consequently only to deal with the practical point of view which brings me to consider the following question: Did Great Britain, when she found herself in the position of a neutral in face of a sudden and unexpected war, adopt an unusual policy and one unwarranted by precedent? Was her attitude in any way exceptional? There can be but one answer to this question. She adopted the course for which she had the clearest and most un-

broken precedent and authority, foreign as well as British; and which Prussia herself, as I have shown above, has invariably adopted in similar cases.

"I am ready to admit to the fullest extent the difficulty of defining the rights of belligerents and the duties of neutrals, and I fully recognize that the present feeling of the German nation is, under the circumstances, not unnatural. I could not deny it, considering the feelings which we ourselves entertained in times of great excitement; but I do not for a moment doubt that Germany will, at a calmer season, readily admit that, even if it had been desirable, this country could not have been expected, without general consent, to have altered the hitherto received rules by which the duties of neutrals have been defined and regulated. Both belligerents entered on the war with a full knowledge of the rules of international law, and of what has been the almost uniform practice of neutrals; and each belligerent had consequently a right to expect that the existing rules and former practice would be maintained, and might with reason have complained if any change had been made.

"It must be remembered that obligations upon neutrals have become more strict with the progress of civilization; but the present question is one which was not raised or discussed at the congress of Paris of 1856; and the royal commission, composed of some of the most eminent jurists in this country, who inquired into the neutrality laws in 1867, decided that to prohibit the export of munitions of war was impracticable and impolitic.

"Your excellency, turning from generality to details, has made certain specific demands as to the course which Great Britain should pursue. I think it right, therefore, to lay before you some considerations with reference to these demands which may convince you of the difficulty, if not impracticability, of acceding to them.

"You demand that the export to France of arms, ammunition, coal, and other contraband of war should be prevented; and you observe that her Majesty's government have declared that the law empowered the executive to take this step.

"There is no doubt that the executive has, under the customs consolidation act of 1853, the legal power to prohibit the export of contraband of war; but the highest authority can be adduced to show that such exportation is not forbidden by our municipal law, and it has not been the practice to prohibit it except when the interests of this country, as in the case of self-defense, are directly and immediately concerned in the prohibition; and even in some of these cases, such as the Crimean war, considerable doubts arose during its continuance whether the prohibition, when actually attempted to be enforced, was as disadvantageous to the enemy as it was inconvenient to ourselves.

"Such, then, being the state of the case as regards existing practice, I would venture to ask your excellency's serious attention to the following specimens of the difficulties which would, at the outset, have to be met in an attempt to alter existing practice.

"The export of arms and contraband of war may be open or clandestine. Her Majesty's government, though they regret it, do not for a moment deny that there is at present a certain exportation of arms to France; but this exportation is open and undisguised. Since the dispatch of my note of the 9th instant, fuller customs returns have been received, from which it appears that in the week immediately following the declaration of war 11,000 rifles were shipped to France. None are known to have been shipped since, with the exception of the 4,512 taken by the *Fannie* from Southampton on the 6th instant; but it is possible that further purchases have been made by French agents, though, from the reports received as to the number in the market and the state of the gun trade, it is certain that the purchases must have been very limited. But, whatever the amount, there has been no secrecy in the export, and the returns of every rifle shipped are as well known to your excellency as to her Majesty's government. Exportations, if prohibited, would be entirely clandestine; the nature of a cargo and the destination of a vessel would be equally concealed. It would be necessary to alter the present system of exportation under which (except in the port of London) cargoes, in order to insure rapidity of shipment, are not examined by the customs authorities, who receive the account of them from the shippers, generally after the ship has sailed. It would require the establishment of an expensive, intricate, and inquisitorial customs system under which all suspicious packages, no matter what their assumed destination, would be opened and examined. Finally, though it may certainly diminish the profits of certain merchants, with whose proceedings her Majesty's government, in common with your excellency, have no sympathy, it would also cause infinite delay and obstruction to innocent trade.

"Your excellency would not interfere with the trade to neutral countries; but how would it be possible to avoid this? A ship carrying prohibited articles would invariably have a colorable neutral destination. How is this to be detected without interfering with the trade with neutrals, if even then? During the Crimean war Prussia had no such difficulty. There could be no doubt of the destination of goods arriving on the Russian frontier; and yet the customs authorities were practically powerless. But Great Britain has no frontier; a ship leaving her ports may shape her course where she pleases. Your excellency has suggested the exaction of a bond from

shippers; but such a measure would be most onerous to the mercantile community, would be easily evaded, and at the best would be no security against ultimate destination. It would be necessary, too, to take these bonds, not only from foreign-bound ships, but from coasting vessels, which are at present subject to little or no customs supervision; for what could hinder a coasting vessel from crossing the channel and delivering her cargo at a French port?

"Again, your excellency includes coal among the articles to be prohibited, on the ground that coal is more useful to France than to Germany during the present war. This raises the question of the prohibition of all articles, not contraband of war, which might be of service to a belligerent. But if this principle were admitted, where is it to stop? In the American war no cargoes would have been more useful to the Southern States than cloth, leather, and quinine. It would be difficult for a neutral, and obviously inadmissible for a belligerent, to draw the line.

"It must be remembered, too, that the features of the war may change. Articles invaluable to a belligerent at one period may be valueless at another, and *vice versa*. Is the neutral to watch the shifting phases and vary his restrictions in accordance with them?

"Again, the eleventh article of the treaty of commerce between this country and France expressly provides that the contracting parties shall not prohibit the exportation of coal. Can this solemn treaty stipulation be lightly disregarded as long as we remain neutral?

"I have pointed out these difficulties to your excellency, as the consideration of them may tend to efface the impression that Great Britain has hastily and inconsiderately, or upon grounds of a narrow selfishness, refused to accede to your demands; and I need hardly assure you that at the outbreak of hostilities her Majesty's government were actuated in the course adopted by them by no feeling of hostility toward a nation with which Great Britain has always been on terms of intimate friendship, and by no unworthy motive of retaliation for past conduct, but by the honest desire to maintain a strict and impartial neutrality, in accordance with precedent and in conformity with the law of nations.

"I trust that I have shown that our conduct has been of the nature indicated. I have shown that we have conformed to existing practice, and I have pointed out the difficulties standing in the way of the alteration of existing practice. I have alluded to the difficulties which the Prussian government encountered when placed in a position analogous to that now occupied by Great Britain, and I have shown that these difficulties were chiefly owing to their having so far departed from existing practice as to prohibit the transit trade—a concession which gave Great Britain a standing ground for complaint which she would not otherwise have possessed, and which, notwithstanding, was powerless in its results. I have also fully recognized that the sensitiveness of the Prussian people and the complaints of the government are natural.

"Her Majesty's government fear that no means could be devised for securing at this moment a calm discussion of the subject. They by no means desire to claim exceptional rights for this country. They would be prepared to enter into consultation with other nations as to the possibility of adopting in common a stricter rule, although their expectations of a practical result in the sense indicated by the North German government are not sanguine.

"We took the course which appeared to be according to the dictates of practice and precedent, at a time when it was impossible to know how the fortune of war would turn. Since then, France, notwithstanding the display of her usual courage and gallantry, has met with nothing but reverses. Germany, has, on the other hand, given extraordinary proofs of her military ability and power, accompanied, as it has been, by continuous success. Your excellency, as the representative of a great and chivalrous nation, must agree with me that it would not be possible that we should now change the policy which we declared to our Parliament to be usual, just, and expedient, because it was stated by the victorious belligerent to be in some degree favorable to the defeated enemy.

"I am, &c.,

"GRANVILLE."

No. 126.

Mr. Motley to Mr. Fish.

No. 486.]

LEGATION OF THE UNITED STATES,
London, October 13, 1870. (Received October 26.)

SIR: I sent you on the 10th instant a dispatch, partly in cipher, of which the text is as follows. It reached me from Mr. Washburne by what is now called balloon post:

From Motley, London, to Fish, Secretary of State, Washington City.

I received the following in a letter this morning; it is dated September 30:

“Telegraph Washington that Paris has five hundred thousand troops. Best spirit prevails. People united. Government strong. Desperate resistance.”

I am, sir, your obedient servant,

JOHN LOTHROP MOTLEY.

No. 127.

Mr. Motley to Mr. Fish.

No. 489.]

LEGATION OF THE UNITED STATES,
London, October 15, 1870. (Received October 29.)

SIR: Referring to my No. 482, I have the honor to send herewith the reply of Count Bernstorff to the letter of Lord Granville, extracted from the Times of the 10th instant.

JOHN LOTHROP MOTLEY.

[From the Times, Monday, October 10, 1870.]

BRITISH NEUTRALITY.

The following is a translation of a dispatch addressed by the North German ambassador to Lord Granville, in continuation of the correspondence published in the Times of September 19:

“PRUSSIA HOUSE, *October 8, 1870.*

“MY LORD: I have the honor to acknowledge the receipt of your excellency’s note of the 15th ultimo, in reply to my memorandum of the 30th of August concerning British neutrality. I have left it unanswered for a time, because for the moment hopes of peace appeared to offer, and as I should have much preferred to discontinue the controversy altogether. These hopes having, however, I sincerely regret, disappeared for the present, I cannot but reply to your excellency’s note.

“Before entering upon its contents, I ask your excellency’s permission to say a few words regarding the form and origin of this correspondence.

“The memorandum of the 30th of August, which I had the honor to transmit to your excellency with a private letter of the 31st of the same month, was originally not intended for publicity, as may easily be perceived by some of its passages. I afterward, indeed, acceded to your excellency’s wish to deal with it officially, and will therefore not complain of your excellency’s having immediately caused your reply to be published by the press simultaneously with my memorandum before I had been allowed time to remove certain evident misconceptions, and hence before the correspondence could be regarded as closed.

“The circumstances under which the memorandum was written were as follows:

“My verbal and written remonstrances on account of the direct supply of the French fleet with coals, and on account of the export of arms and ammunition to France, had remained without any practical result.

“Your excellency had, it is true, promised that as soon as I could adduce proofs of a certain vessel being hired by or for the French government, in order to be used as a storeship in its service, the case should receive consideration. Notwithstanding this promise, your excellency declined acceding to my request of the 19th of August to proceed against the vessels *Hypathia* and *Norseman*, merely on the ground that these vessels had sailed before the foreign enlistment act had come into operation. The two other points, however, proved by undeniable evidence, namely, that both vessels had sailed under the British flag after conclusion of the sale, and that, even up to the 8th ultimo, the transfer of the property to the French owners had not been entered on the ships’ books, while the sale had taken place about the middle of the month of July, have been passed over in silence by your excellency, although the two-fold violation of the international law and of the English law had been clearly established.

"The notes in which I had submitted to your excellency several cases which had become known of contemplated or already accomplished open and clandestine consignments of arms and ammunition to France, in order to afford an opportunity to her Britannic Majesty's government of preventing them or obviating the further extension of the mischief, met with the same fate. Your excellency had assured me, in the replies to my communications on the subject, that they should be taken into immediate consideration, or that inquiries should be made at once. But none of your excellency's notes contained a positive statement to the effect that her Britannic Majesty's government regarded the traffic in contraband of war compatible with their neutrality and that they could not interfere. On the contrary, it has been repeatedly left to me to search after particular cases with the means at my disposal, in order to bring them under the notice of her Majesty's government.

"I should have been glad, indeed, if your excellency had, by a categorical official declaration, placed me in a position to release the consular agents of the North German Confederation in the United Kingdom from the laborious and unpleasant task of controlling this illegitimate traffic.

"Your excellency will especially please to recollect that subsequent to the indiscretion of Count Palikao, which created a great sensation, not only in Germany, but also in this country, your excellency, far from declaring the dispatch of 40,000 breech-loaders for the French army to be compatible with strict neutrality, stated that it would be impossible to interfere unless I adduced positive proofs that those consignments had really been made. At least your excellency's notes of the 25th and 26th of August, in reply to my note of the 25th, justified such conclusion on my part. For, in the first note, your excellency expressed the apprehension that my communications not containing more precise statements of the name of the ship having on board part of the arms in question, and of the particular place in the river where the vessel was lying, the inquiry would be difficult. And, in the second note, your excellency informed me that the investigations had remained without result.

"After waiting in vain for the promulgation of an 'order in council,' or for any official announcement on the part of her Britannic Majesty's government, or for instructions to the police, customs, and harbor authorities of the United Kingdom, but having meanwhile ascertained, by means of reliable communications, that the consignments announced by Count Palikao were being actively carried on, I embodied my views of the political bearing of the question in the memorandum, in order to show distinctly to the British cabinet, in a most unofficial form, the impression necessarily created in Germany by the toleration of the export of arms to France. I have since then been almost daily in a position to draw your excellency's attention to various instances of consignments of arms. In reply to my notes on the subject, I for a long time either received no answers at all, or only such as were dilatory, although the cases acknowledged in your excellency's subsequent notes of the 13th and 19th ultimo prove that her Britannic Majesty's government would have had time to prevent the dispatch of many a thousand of rifles to France.

"It is true, your excellency, on the 5th ultimo, in reply to my note of the 2d ultimo, informed me that some of the packages in a certain truck on a railway, pointed out by me, contained bacon. But besides the possibility of other packages, which had not been opened, having contained arms, and of my having been misinformed only in regard to the particular number of the railway truck, I could, *e contrario*, draw the conclusion from your excellency's communication that her Britannic Majesty's government would have complied with my request if those packages had contained arms instead of bacon. However, after I had succeeded by my notes of the 1st, 2d, 3d, 6th, 7th, 8th, and 9th ultimo, in bringing a series of irrefutable facts before her Britannic Majesty's government, a sudden change occurred. In your note of the 13th ultimo, while acknowledging the correctness of a large number of cases pointed out by me, your excellency declared that the traffic, which had been quite openly carried on, was legitimate, and that the customs authorities had no power to stop it. Had her Majesty's government from the commencement of this discussion taken this standing ground, they would certainly not have induced me to institute the above inquiries, and far less would they have had reason to subject the correctness of my informations to a practical test.

"I therefore consider myself justified in concluding that her Britannic Majesty's government, since the receipt of my memorandum, has materially changed the position previously occupied in regard of our complaints. It was unavoidable that this change should be reflected in the answer to my memorandum, penned under different conditions. For I had started with the supposition that the legal means at the disposal of the executive had hitherto not been applied simply from motives of convenience. I had been under the impression that it would only be necessary to prove the serious extent of the supply of France with arms and ammunition on the part of England in order to convince the British government that the time had arrived to make use of their powers. I had, therefore, not entered upon a judicial examination of the question of English neutrality, not because I had reason to shun its discussion, but merely

because I had hoped that by abstaining from it I should be bringing about a more rapid practical decision, and therefore considered it sufficient to restrict myself to the practical and political aspect of the question.

"I now have the honor to refer to your excellency's note of the 15th ultimo, and must begin by contradicting the supposition that I had expressed a desire on the part of my government that the attitude of Great Britain toward Germany in this war should be that of a 'benevolent neutrality.' On the contrary, as a repeated and careful examination of my arguments in their mutual connection, will convince your excellency, I have, on the one hand merely given expression to my satisfaction that public opinion had ranged itself on our side in this war, wantonly thrust upon us, and had, on the other hand, combined with it the reflection how difficult it is to reconcile the faith in the practical value of public opinion with the neutrality policy actually pursued by her Britannic Majesty's government.

"I have by no means asked, and far less claimed, on our part, that England should transgress the bounds of a strict neutrality in our favor and to the detriment of France. But I have asserted, and, in the face of the experiences of the last few weeks, as well as in consequence of your excellency's note of the 15th ultimo, must maintain my assertion that the neutrality of England, while, as I am most willing to admit, intended to be impartial, in its practical effects assumes the form of a neutrality which is benevolent and partial toward France. For my part, I have only wished a return from a lax neutrality, whereby one party is benefited, to a strict and really impartial neutrality; for I am unable to admit that it is compatible with strict neutrality that French agents should be permitted to buy up in this country, under the eyes and with the cognizance of her Britannic Majesty's government, many thousands of breech-loaders, revolvers, and pistols, with the requisite ammunition, in order to arm therewith the French people, and make the formation of fresh army corps possible after the regular armies of France have been defeated and surrounded.

"Your excellency admits that the export of arms and ammunition to France has latterly assumed larger proportions than had hitherto appeared credible. I have the honor to remark that, according to my information, which may be partly tested upon oath, if this should appear desirable, the number of fire-arms shipped from England to France since my memorandum of the 30th ultimo, is treble and four-fold the number of 40,000, announced by Count Palikao, and that a number of manufactories, especially in Birmingham and London, are working day and night for French agents and their men of straw. I am in possession of authenticated copies of contracts, concluded between the French government and English contractors. The events of the war have quite recently delivered into our hands an official letter of the present French minister of war, dated the 18th ultimo, to a French officer at the French embassy in London, and in which the then expected dispatch of 25,000 Snider rifles is mentioned, and reference is made for the payment to the funds at the disposal of the French chargé d'affaires for the purchase of arms in general. In like manner authentic proofs lie before me that the export of fire-arms and ammunition to France has been thoroughly organized in some British ports.

"Since, however, as already alluded to, her Britannic Majesty's government, relinquishing its former standing ground, does not doubt the actual legitimacy of these consignments of arms, but disputes the validity of our complaints concerning the toleration of these facts from a judicial and political point of view, I shall now proceed to an enumeration of the arguments contained in your excellency's note of the 15th ultimo.

"According to your excellency's own admission, the executive has the power to prohibit the export of contraband of war. But you state the practice is to make use of this right only in the interest of England, as in the case of self-defense. A letter of the Duke of Wellington to Mr. Canning, dated the 30th of August, 1825, and reprinted in a London newspaper immediately after the indiscretion of Count Palikao, refutes this assumption, proving that England as a neutral has repeatedly prohibited the export of arms by an order in council, 'according to the usual practice,' as the renowned duke says. In one part of this letter the words occur, 'I am afraid, then, that the world will not entirely acquit us of at least not doing our utmost to prevent this breach of neutrality of which the Porte will accuse us.'

"Practice, consequently, is in itself not opposed to the adoption of a measure desired by us for the prohibition of the sale of arms to our enemy. But the law allows government a certain latitude of consideration to make use of their power according to circumstances. Your excellency is, however, of opinion that the present customs system would require a radical reform in order to prevent the export of contraband of war. I gladly concede that the lax method of dispatch and control on the part of the custom-house authorities, which has become usual in the interest of an unfettered commercial intercourse, bars the energetic carrying out of a measure prohibiting the exportation of contraband of war. But, on the other hand, I think the very fact of such laxity tends to show that, for the purpose of rendering an order in council effectual, no new organization would be required, but simply more stringent instruc-

tions for the customs and harbor authorities, reminding them of the existing regulations. The correctness of this opinion is founded upon the numerous official reports, and other partly sworn evidence lying before me. They clearly prove that many thousands of boxes, containing rifles, well known to be such by the custom-house authorities, have been shipped for France without challenge. I know several instances where the cases have not even been registered in the books, but have been openly shipped as passengers' luggage by the French agents. When our consular agents protested against such proceedings, the custom-house officers invariably replied that they had no instructions to detain the packages.

"I hope, however, to be able to prove by the following passages in English statutes that her Britannic Majesty's government have at their disposal, in case they should wish to avail themselves of them, the means to put a stop to this traffic without the necessity of introducing a new machinery of officials for the purpose.

"By the 150th section of chapter 107 of the customs consolidation act 1853, (16 and 17 Victoria,) it is enacted that—

"The following goods may, by proclamation or order in council, be prohibited either to be exported or carried coastwise: Arms, ammunition, and gunpowder, &c.; and if any goods so prohibited shall be exported from the United Kingdom, or carried coastwise or by water borne to be so exported, they shall be forfeited."

"Section 125 of the same act enacts—

"That the exporter of British manufactures, or his agents, has to declare, in a shipping bill, the marks, numbers, description of packages, and the quantity, quality, and description of goods about to be shipped for exportation."

"Section 5 of the 122d chapter of the 17 and 18 Victoria (1854) enacts—

"That on the entry at the customs of arms and ammunition of war, "whether for home use, exportation, or in transit, the number of articles of each description, as denominated in Table A, (swords, bayonets, muskets, rifles, carbines, cannons, mortars, &c.) shall be stated in the import, export, or transit entry."

"The passage, therefore, in your excellency's note that 'such exportation is not forbidden by our municipal law,' can but have the meaning that a positive declaration is still required on the part of her Britannic Majesty's government before the power with which it is invested comes into operation.

"The second passage of the quoted enactment proves that the means for an efficient control have likewise been provided by the law itself. It is true the intention must exist to apply the remedy. That, however, the action of her Majesty's government does not always remain the same under all circumstances I may be permitted to prove by two instructions issued to the customs authorities of the United Kingdom on the 2d of June, 1848, and the 8th of September, 1870, respectively.

"The first originated at the time of the Danish-German complications, when Sir Charles Trevelyan, one of the secretaries to the lords commissioners of her Majesty's treasury, informed the commissioners of customs, in a treasury minute, that 'in transmitting to them copies of a letter received by their lordships from the foreign office, and of its inclosures from the Danish minister to this court, he has been commanded by their lordships to desire that if the commissioner shall be satisfied that any arms or warlike stores are embarked to be sent from this country for the purpose of being employed in hostilities against the Danish government, they will give instructions to their officers to prevent their exportation.' In pursuance of this order of the lords of the treasury, the commissioners of the customs issued directions to their officers at the several departments in the port of London, and to all the collectors and controllers of all the ports throughout the kingdom, to take care that the same be duly obeyed, with instructions to make a special 'report to the board of any circumstances that may arise fit for their cognizance.'

"On the other hand, the present instructions, notwithstanding my continued complaints since the middle of July in this year, are as follows:

"THE EXAMINING OFFICERS' CUSTOM-HOUSE,

"London, September 8, 1870.

"In pursuance of instructions from the lords commissioners of her Majesty's treasury, the board directs you, when it is supposed that arms and ammunition are being exported, to ascertain the facts; and, if so, what is the nature of the arms and ammunition, and in what quantities, by whom and to what destination they are to be shipped; but you are not in any case to delay the shipment longer than is sufficient to obtain the above particulars. A report to be made to the board in each case.

"I am, sir, your obedient servant,

"J. B. HALE.

"The COLLECTOR AT ———."

"This contrast in the treatment of analogous cases is self-evident and calls for no comment on my part. At the time I wrote my memorandum and the above-mentioned numerous notes to your excellency, I was naturally not acquainted with the instruc-

tions of the 8th ultimo. I think, however, that I am entitled to contend that they prove conclusively how easy it would have been for her Britannic Majesty's government to render the control which has been ordered for their own information effective also with regard to my complaints, without damaging the usual and legitimate trade of the country.

"I had, on a former occasion, taken the liberty to propose to your excellency still another remedy, which appeared to me appropriate for guarding the *bona fide* commerce with other neutral countries against unnecessary annoyance without in its interest setting aside all and every control.

"This measure would consist in demanding securities that articles cleared for a neutral port should really be delivered there. Your excellency considers this proposal impracticable. I beg permission, however, to quote a passage from a French law of the 14th of July, 1860—'Law concerning the manufacture and sale of arms for war purposes,' which has been reprinted in the appendix to the Report of the Neutrality Laws Commissioners of 1867—

"It says, at page 48 of the report, under the head of Title 2, No. 9:

"The export of arms or pieces of arms for warfare is free, under the conditions laid down by the law, or by the regulations of the administrative authorities.

"An imperial decree may, however, forbid this exportation beyond the frontiers for a fixed destination and limited period.

"The custom-house officers through which the export may be made are named by decrees for the purpose.

"When the export is prohibited for certain points of destination the exporters must, under the penalties imposed by article 4 of section 3 of the law of August 22, 1791, certify the arrival of the arms at a legitimate point of destination by means of bonds, which on departure are delivered to them by the customs authorities, and canceled on arrival at the port of destination by the consular agents of France.'

"My proposal, therefore, if it has not the merit of originality, enjoys at least the advantage of being recognized as practicable by the French legislature. France could consequently least of all have been in the position to see any kind of unfriendliness in the application of the remedy.

"Notwithstanding a careful study of the quoted 'Report of the Neutrality Laws Commissioners,' I have not been able to find the proof in it that this commission had come to the decision that a prohibition of the export of arms and ammunition was, indeed, impracticable or impolitic. Besides, the authority of the commission would scarcely have extended far enough to prejudice (by such a decision) all future contingencies and the rights of other nations. I believe, however, I have proved that a prohibition of export is legally admissible, and practicable as well as possible, in the usual course of administration. Whether it is politic or not, that is the very question on which a difference of opinion exists between us up to the present time.

"The second objection of your excellency to the legitimacy of our complaints is the alleged wrong on the part of Prussia during the Crimean war. I do not wish to recur to the greater or less degree of analogy between both the cases in question, as a continuation of this controversy especially before the public might create feelings in one or other of the two nations which I am most anxious to avoid.

"However that may be, and even if the most complete analogy existed and had been acknowledged by me, I still could not refrain from upholding the alternative that if the complaints of England against Prussia at the time of the Crimean war were warranted, those of Germany against England at the present time are at least equally well founded.

"As regards your excellency's arguments by which the dilemma is to be obviated, I wish to make a single reply. Your excellency remarks:

"The course of Great Britain, then and now, is perfectly consistent. As she then remonstrated against infractions of Prussian law, so she now admits the justice of remonstrances against infractions of British law, such as store-ships, enlistments, and others.'

"In another place your excellency says:

"I have alluded to the difficulties which the Prussian government encountered when placed in a position analogous to that occupied by Great Britain, and I have shown that those difficulties were chiefly owing to their having so far departed from existing practice as to prohibit the transit trade, a concession which gave Great Britain a standing ground for complaints which she would not otherwise have possessed, and which, notwithstanding, was powerless in its results.'

"It is evident that the justice of former complaints against us is deduced from a concession made by Prussia to England and her allies in excess of its strict obligations as a neutral, while our present grievances are stated to be unfounded because England has not made concessions of any kind in excess of its bare duties of neutrality, and merely concedes to us a right of complaint in so far as the violation of English law is concerned.

"If I should at all draw a conclusion from this line of argument, it could only be

that Prussia did at that time more in principle for the observation of the neutrality than England does at present, and therefore evinced at that time a more friendly neutrality toward England than the latter now observes toward us, and that, therefore, the complaints of England were then less warranted than ours now are.

"As regards the practical observation of the existing laws and regulations, I shall not revert to the numerous complaints of England on account of alleged transport of arms through Prussia, of which I have still a perfect recollection, and which at the time were proved unfounded.

"On the other hand, I must draw attention to the infractions of British law, as shown above, even in its present state, in order to prove that our complaints certainly have, in this respect also, a foundation based on facts.

"In addition, I cannot refrain from opposing the principle involved in your excellency's argument. For I am of opinion that the right of the belligerent powers to complain about the attitude of a neutral state does not so much originate in its accidental municipal law as in the international law with which it is the duty of every government to bring its own laws into harmony.

"This is the very standing ground of Germany. According to the existing principles of international law, arms and ammunition rank first among the articles which are regarded as contraband of war, and the sale of which to the belligerent powers contributes most toward feeding and protracting the war.

"The reference to the Crimean war could, therefore, only be considered an argument for the position of her Britannic Majesty's government if they should insist upon the analogy denied by me, and deduce therefrom the right to return our alleged former wrong by a positive wrong at the present moment.

"I have in my memorandum already too strongly declared the possibility of such a supposition to be at variance with the liberal and conciliatory ideas of the English people and statesmen to make any particular allusion necessary to the injurious effects which the reintroduction of the principle of retaliation would necessarily have upon the progress and the peace of Europe. I may the more readily refrain from doing so, as your excellency has, on your own part, emphatically repudiated such an idea.

"In the same manner I may abstain from entering at present upon the question whether it would be more in the interest of all to extend or restrict the duties of neutrals in the future.

"That Germany inclines to every progress in the field of increasing active freedom it has already proved in the course of three wars by applying, reciprocally, in the Danish and the Austrian wars, and, without regard to reciprocity, in the present war, the principle aimed at by the majority of the whole commercial world, namely, the security of private property at sea, a principle the adoption of which proved to be unattainable at the congress of Paris in 1856. Germany has therefore the more reason to expect from the other powers that they should not selfishly alter the existing international rights to its detriment and their own advantage.

"The present controversy simply centers in the question whether the refusal of her Majesty's government to prohibit the export of arms is not at variance with the still unaltered general rules of international law regarding the duties of neutrals toward belligerents, and with the laws of this country not yet repealed by the legislature for the better fulfillment of these duties. That such is the case I believe I have proved by the existing facts and the laws themselves.

"I will now try and remove the final obstacle, which, according to the concluding paragraph of your excellency's note, dated the 15th ultimo, has prevented her Britannic Majesty's government from issuing an order prohibiting the export of arms.

"Your excellency remarks that France has suffered only defeats, while Germany, on the other hand, exhibits uninterrupted successes, and you connect therewith the reflection that it would be contrary to the feelings of her Britannic Majesty's government now to change a line of policy entered upon at a time when they could not know which side would be favored by the fortune of war.

"In the first instance I should wish to raise the objection hereto that the government of her Britannic Majesty brought the new foreign enlistment act before Parliament after the outbreak of the war, and that when advocating the bill they emphatically declared that the laws hitherto in force would not be altered thereby, but merely supplemented.

"If, however, it cannot be doubtful, on the one hand, that in existing circumstances the new law is only beneficial to France, rendering it impossible for Germany to get ships, which she needed most urgently, while on the other hand the executive now refuses to apply the old laws for the prevention of export of arms and ammunition to France, and hereby the United Kingdom becomes a great arsenal for our enemy, the new law assumes in consequence of this a character, as regards Germany, which, if not hostile, is practically malevolent. But this, as I have the satisfaction to know, and as is proved by the parliamentary debates, was not the intention of the legislature.

"I further have the honor to remark that our complaints of the manner in which the English neutrality laws are being administered date from a time when we had not yet

gained any victories, and that they were in no wise first raised by my memorandum of the 30th of August. Moreover, at the time the memorandum was penned France still possessed two powerful armies, while her fleets commanded the Baltic and North Sea, so that it could not possibly be a matter of indifference to us whether England, by the exercise of her neutrality, materially increased the advantages which France derived from our want of control of the sea.

"But even under the present circumstances the German people would not easily be persuaded that it was wanting in chivalry because it complains that by an unrestricted export of arms the enemy, who had been overcome only by its own great sacrifices, is furnished with the means of prolonging a struggle which, even if its final result should not thereby be materially affected, still in any case must lead to more bloodshed and more sacrifices for both belligerents. Even the most eloquent defender of the position taken by her Britannic Majesty's government will not succeed, in the eyes of Germany, in bringing such a neutrality policy into harmony with the considerations of humanity and the wishes for peace so frequently advocated by England.

"As for the hope expressed by your excellency that the German people will, in a cooler moment, judge less severely the attitude of the government of Great Britain in this question than now in the heat of action, I regret that, in consequence of your excellency's note of the 15th ultimo, added to the knowledge that our enemy is being daily equipped with British arms, I cannot share it.

"Should this state of things continue, I could only look forward to the soothing influence which the numerous and actual proofs of sympathy given by the English people, and the manifold testimonies of public opinion in favor of Germany and its good right, may have upon the feelings of the German nation.

"I have the honor, &c.,

"BERNSTORFF."

No. 128.

Mr. Motley to Mr. Fish.

[Telegram.]

WASHINGTON, D. C., *October 23, 1870.* (Received at 1.30 p. m.)

To FISH, *Secretary of State, Washington City:*

Lord Granville has just informed me that her Majesty's government have urged France and Prussia to agree to an armistice with the view to the constituent assembly and an eventual peace.

MOTLEY, *London.*

No. 129.

Mr. Motley to Mr. Fish.

No. 502.]

LEGATION OF THE UNITED STATES,
London, November 1, 1870. (Received November 15.)

SIR: Referring to my Nos. 482 and 489, I have now the honor to send herewith a copy taken from yesterday's Times, of a letter addressed by Lord Granville, on the 21st ultimo, to Count Bernstorff, in reply to his note of the 8th ultimo.

JOHN LOTHROP MOTLEY.

BELLIGERENTS AND NEUTRALS.

Lord Granville has addressed the following dispatch to Count Bernstorff in reply to his note of the 8th instant:

"FOREIGN OFFICE, *October 21.*

"M. L'AMBASSADEUR: I have the honor to acknowledge the receipt of your excellency's note of the 8th instant.

"The friendly spirit of your reply to the observations which I addressed to you on the

15th ultimo, on the subject of the attitude of this country as a neutral, and the attention which you have evidently given to the arguments and explanations which I placed before you, encouraged her Majesty's government in the belief that the calm discussion by the two governments of the difficult question of the claims of belligerents upon neutrals is calculated to remove present misunderstandings, and possibly to pave the way for an eventual solution. I have also to thank your excellency for having pointed out certain apparent breaches in the chain of practice which I had described as forming an unbroken precedent for the course now adopted, and thus afforded me an opportunity for giving such further explanations as will establish, beyond a doubt, its consistency.

"The policy of her Majesty's government, and the grounds on which it is based, were so fully explained in my former note that I need not again advert to the subject, further than to observe that your excellency is wrong in supposing that at any time a change took place in that policy. From the date of the outbreak of the war the cabinet has never hesitated as to the course which should be pursued. The views of the House of Commons were clearly manifested when, on the 4th of August, an amendment, by which it was proposed to insert in the foreign enlistment act, then under discussion, a clause prohibiting the exportation to belligerents of arms or munitions of war, was rejected by a large majority; and the same opinions were shown to be held in the House of Lords in the debate of the 8th of August on the same bill, in which the lord chancellor, the lord privy seal, and Lord Cairns took part. I myself, in answer to a question addressed to me in the House of Lords by the Marquis of Clanricarde on the 22d of July, went so far as to express some doubts whether a policy of prohibition was advisable even in self-defense; and in the constant conversations on the subject which I have had with your excellency since the commencement of the war, I have invariably explained to you that the new foreign enlistment act neither diminished nor added to the powers of the government as regarded the exportation of munitions of war, and that it was our intention to adhere on that point to the usual practice of this country, which practice we believe to be in conformity with the established principles of public law.

"I had supposed that from those various sources of information your excellency would have been in a position fully to acquaint the North German government with the attitude which this country might be expected to maintain, and it is therefore with surprise that I have learnt that, previously to the receipt of my note of the 15th ultimo, you had doubts upon the subject. I can find nothing in my earlier notes to which you refer which could lead to the inference that there was any hesitation on the part of her Majesty's government; those notes, written in reply to specific statements made by your excellency respecting alleged exportations of munitions of war, contained merely the acknowledgments which were due to your excellency as a matter of courtesy, promises of inquiry into facts, and brief reports of the results of investigations.

"Your excellency appears to take exception to my having instituted inquiries at all, but upon this point I most respectfully differ. Whatever view may be taken of the principle on which the government has acted, it is right that the facts should be correctly ascertained. Wild rumors have been in circulation as to the extent to which arms are being supplied by this country to France; bitter articles founded on these rumors have been inserted in the German newspapers; your excellency based upon them frequent and strong representations, and her Majesty's government might, in my opinion, fairly be accused of supineness and neglect if, at the meeting of Parliament, they should be so ill-informed as to be unable to supply any information upon this point. It was possible, moreover, that the shipments of arms might have been of such a nature as to bring them within the operation of the clauses of the foreign enlistment act forbidding the dispatch of store-ships or the fitting out of military or naval expeditions. It was for these reasons that I felt it to be my duty to investigate any statements brought to my notice by your excellency, and not to allow them, if unsupported, to pass unchallenged.

"The necessity for this inquiry will be the more obvious when the complaints made from time to time by your excellency are compared with the answers which I have returned to them; and I may here observe that, before returning those answers, I have taken exhaustive steps to test their accuracy, by obtaining independent information from the customs officials, from the board of trade, from the police, and from the small-arms department of the war office. I am not aware of the sources from which your excellency's information is derived. I do not, of course, suppose that any importance would be attached by you to reports given in return for pecuniary rewards, such as have been offered in newspaper advertisements; but I think it cannot be doubted that the sources which I have above enumerated are likely to be more trustworthy than those to which the able and active consuls of the North German Confederation have access.

"Your excellency observes that in your notes from the 1st to the 9th of September you brought to my notice a series of irrefutable facts. It must have escaped your notice that in my answer of the 9th of that month I showed that the majority of those alleged facts were unfounded.

“In your note to which I am now replying, you make two further specific statements, the truth of which I have also felt it to be my duty to investigate; that respecting the order supposed to have been given by Count Palikao to a firm in this country on the 23d of August for 40,000 rifles to be delivered within a week, and that in which the number of fire-arms shipped from this country to France between the 30th of August and the 8th instant is calculated at from 120,000 to 160,000. As regards the former, while observing in passing that Count Palikao's statement, as reported in the *Journal Officiel* was merely that these arms had been ordered à *Vétranger*, I have to state that no trace can be discovered of the order ever having been received in this country, and that it is certain that, if it was received, it was not executed; and, as regards the latter, that the full returns now before me show that the supplies of arms drawn by France from this country between the two specified dates are less than those drawn by her from the United States, whence no exports have been made approaching the figures mentioned by your excellency. It is, indeed, understood that there is now some activity at Birmingham in the manufacture of fire-arms, owing to the increasing demand, but experienced persons are of opinion that, in consequence of the recent stagnation of the trade, its present producing power is very limited.

“I may here remark that her Majesty's government have learnt with some surprise that, while your excellency has been instructed to make such constant complaints on the subject of the exports of munitions of war from this country, no such instructions had, up to a very recent date, been addressed to your colleague in the United States, who had only made personal representations to the United States Government, although the latter have adhered in the same manner as her Majesty's government to the principle and practice of neutrals, and have consequently not interfered with the exports to which I have above referred. The President of the United States, in his proclamation of the 22d of August last, expressly states that ‘the laws of the United States, without interfering with the free expression of opinion and sympathy, or with the open manufacture or sale of arms or munitions of war, nevertheless impose upon all persons who may be within their territory and jurisdiction the duty of an impartial neutrality during the existence of the contest.’

“I will next proceed to examine the fresh complaint preferred by you against her Majesty's government of violation of international and British law, of which I trust that I can briefly dispose. Your complaint refers to the sale of the *Hypatia* and *Norseman* to the French government to be used as store-ships. Previously to the receipt of your present note I had received but one communication from you on this subject, that of the 19th of August, in reply to which I informed you, on the 29th of the same month, that the attention of her Majesty's government had been already drawn by their own officials to the circumstances of these sales, and that, on investigation, it had been ascertained that in both cases the vessels were dispatched from England before the foreign enlistment act of 1870 came into operation, and that, consequently, the owners, who were not liable to penalties under the previous enlistment act, could not be successfully prosecuted under the provisions of the new act. Having heard nothing further from your excellency on the subject, I concluded that you were satisfied with this explanation; but as I now learn that you are dissatisfied on certain points, I think it due to you that I should explain that the information in possession of her Majesty's government shows that the vessels sailed from England under the British flag because the actual sale was effected at Cherbourg, at which port the vessels were handed over to the purchasers before the passing of the new act. I do not understand to what process your excellency refers in stating that ‘up to the 8th ultimo the transfer of the property to the French owners had not been entered on the ship's books;’ but the steps which the law requires were duly complied with by the vendors, the certificates of registry having been given up in the month of August to the proper officers with the notifications that the vessels had been sold abroad. To your excellency's remark, therefore, that I ‘declined to proceed’ against these vessels, I have only to reply that there was and is no ground whatsoever upon which a prosecution could be based.

“I will not follow your excellency through the passages of your note in which you show that her Majesty's government have the power to prohibit the export of arms, a fact which I have constantly stated to you; nor do I think it necessary to refer to the passage in which you quote the French law of the 14th of July, 1860, further than to observe that the clauses of that law are, like those possessed by the British executive, merely permissive, and that a system of bonds is necessarily open to the objection that it merely serves to enhance the price of the arms—a matter of little account when their acquisition is of national importance.

“I may refer incidentally to your excellency's remark that you do not find in the printed report of the neutrality laws commissioners any confirmation of my statement that the opinion of those commissioners was, that to prohibit the export of munitions of war was impracticable and impolitic. It is true that that opinion was not embodied in their report; but it is none the less true that the subject was discussed by the commission, and that the opinion pronounced upon it was that which I have recorded, as

is shown by the report not containing any recommendation of the alteration of the law in this respect.

"I now come to the points in your excellency's note which appear to me to demand a full explanation. I had stated in my note of the 15th that the practice of Great Britain, as a neutral, had always been that which she now follows. Your excellency disputes this position, and in support of your arguments you adduce two documents—a letter from the Duke of Wellington to Mr. Canning, dated the 30th of August, 1825; and an instruction from the board of treasury to the customs, dated the 2d of June, 1848. I have not failed to examine most carefully the instances which you specify, and the following is the result of the examination:

"A laborious search has failed to discover any trace of a letter from the Duke of Wellington of the 30th of August, 1825; but a paper has been found, dated August 3, 1826, which contains the passage quoted by you. This paper is a minute written by the Duke of Wellington upon a draught dispatch addressed by Mr. Secretary Canning to Mr. Stratford Canning, then British ambassador at Constantinople, at the time of the war between Turkey and Greece, in which, with reference to a rumor that arms were being sent from England for the purpose of equipping abroad vessels to be commanded by Lord Cochrane, in the service of Greece, Mr. Canning stated that such a proceeding was not contrary to law, and could not be prevented by her Majesty's government. To the latter part of this statement the Duke of Wellington demurred, referring to the fact that, when Spain was at war with her colonies, England had prohibited exports to both belligerents, and making use of the words quoted by your excellency.

"Mr. Canning, however, insisted on his view, stating, in his rejoinder: 'The law does permit the exportation of arms as merchandise; and I must authorize Stratford so to say, if he is to state the case of his country truly.' The duke gave way, and no order in council prohibiting the export of arms was issued by the government.

"It is also incidentally important to observe that the precedent for such a prohibition, to which reference was made by the duke, was one in which Great Britain had no option in the matter. She had bound herself by article 3 of the additional articles, signed at Madrid on August 28, 1814, to the treaty with Spain of the 5th of July of the same year, to 'take the most effectual measures for preventing her subjects from furnishing arms, ammunition, or any other warlike article to the revolted in America;' and being thus compelled, when Spain was at war with her colonies, to prohibit the exportation of arms to the latter, she subsequently extended the prohibition to Spain herself, in order to avoid the imputation of favoring one belligerent to the exclusion of the other.

"The second apparent instance adduced by your excellency of departure from what I have stated to be the ordinary practice of Great Britain, is the issue of orders to the customs officials, on the 2d of June, 1848, instructing them to prevent the exportation of arms for the purpose of being employed in hostilities against the Danish government. I shall have no difficulty in showing that there were exceptional causes which made the issue of these instructions imperative on her Majesty's government.

"On the 25th of May, 1848, the Danish minister in London drew attention to the fact that preparations were being made in this country for sending cannon to Hamburg, and called on her Majesty's government, in accordance with the stipulations of the treaty between Great Britain and Denmark of 1670, to prevent those shipments being made. The treaty appealed to was signed at Copenhagen on the 11th of July, 1670, was supplemented by an explanatory article on July 4, 1780, and was confirmed by the 13th article of the treaty signed at Kiel on the 14th of January, 1814; it provided that 'the aforesaid Kings, for themselves, their heirs and successors, mutually do undertake and promise that they will not aid or furnish the enemies of either party that shall be aggressors with any provisions of war, as soldiers, arms, engines, guns, ships, or other necessaries for the use of war, or suffer any to be furnished by their subjects.' It is clear that, under the provisions of this stipulation, her Majesty's government had no alternative but to issue the orders to which your excellency has drawn attention.

"I have thus shown that the practice of Great Britain has not been different from that which I originally stated it to be; and that, on the contrary, two cases of apparent divergence, on being examined, prove that the departure from the usual practice, when it existed, was dictated by exceptional causes, and thus indirectly confirm the accuracy of my statement that the course now adopted is founded on unbroken precedent.

"In conclusion I should wish to make a few general remarks.

"Your excellency will, I think, admit that though her Majesty's government are not prepared to change the practice of the country in regard to neutrality, they have been vigilant in watching and checking any symptoms of violation by British subjects of existing law. Some weeks before your excellency drew attention to the cases of the *Hypatia* and *Norseman* the proper authorities of this country had been engaged in investigating them, and the watchfulness shown on those occasions has doubtless been the reason that no attempt has been made to sell or dispatch vessels in contravention

of the foreign enlistment act. A report which had reached her Majesty's government that attempts were being made to enlist Irishmen for military service in France was acted upon with the greatest promptitude by the authorities of the Home Office, even at a time when, as it appears from the note which you addressed to me on the 11th instant, it did not appear to you that much importance was to be attached to the rumors. I can assure your excellency that no effort shall hereafter be spared to deal promptly with any actual or contemplated infractions of the law.

"I am glad to find that your excellency now not only does not insist upon, but disclaims, the doctrine of benevolent neutrality, which appeared to her Majesty's government, after a most careful examination of your memorandum of the 30th of August, to be the principal basis on which your representations were founded. That such a doctrine is untenable will now be universally admitted; while it must be as generally admitted that it would be a real departure from neutrality for a neutral to change without general consent its practice—a practice, be it observed, in conformity with the views of all writers on international law, because such practice might incidentally be more or less favorable to one of two belligerents.

"Good offices may be benevolent, but neutrality, like arbitration, cannot be so.

"It would be a serious violation of neutrality if a neutral nation guided itself by any principle or rule of conduct, however just or meritorious in itself, which had not been previously recognized and sanctioned by the usage of nations.

"I sincerely rejoice that Prussia, who, as a neutral, has always been a strenuous champion of the rights of neutrals, now, as your excellency points out, shows a desire to 'incline to every progress in the field of increasing the active freedom' of commercial interests in time of war; though I cannot but observe that the special point which your excellency adduces as evidence of this desire is a question which may be viewed differently by independent powers in proportion to their maritime strength.

"Her Majesty's government, at the outset of a war which they deplored, and after an appeal to the belligerents to act in accordance with the 24th protocol of the treaty of Paris had been refused by them, declared their neutrality, in the earnest desire to maintain friendly relations with both. It was their wish to exercise all friendly offices compatible with perfect impartiality. They further expressed their determination to exercise their duties and maintain their rights as neutrals. It gave me great satisfaction when your excellency was good enough to inform me in conversation that you knew of no other subject but the one under discussion on which Germany had any foundation for complaining of the attitude of this country as a neutral. It is not for the first time that I inform your excellency that her Majesty's government have no jealousy of German unity. They believe it to be a great and worthy object for Germany to endeavor, with the consent of all its members, to consolidate its vast moral, intellectual, and physical powers. An ardent desire that not only the governments but the people of Great Britain and Germany should be in the most friendly relations induces me to repeat my belief that so just and thoughtful a nation as yours will not permanently entertain feelings of rancor against England, or, I might add, the United States, for adhering as neutrals to the practice which they had always adopted, and which, up to the outbreak of the present war, has been the theory and practice of both the belligerents.

"I have, &c.,

"GRANVILLE."

No. 130.

Mr. Fish to Mr. Motley.

[Telegram.]

DEPARTMENT OF STATE,

Washington, November 15, 1870.

MOTLEY, *Minister London* :

Send by first opportunity following :

WASHBURN, *Minister Paris* :

The President instructs me to say, that whenever you and Read, or either, desire or find it convenient to leave Paris you are at liberty to do so; in that event he, or you, or both, will go to Tours and communicate with the proper official there. Inform Read of this.

FISH, *Secretary.*

Also send copy of this by mail to Bancroft, who will also endeavor to send it to Washburne.

FISH, *Secretary.*

JAPAN.

No. 131.

Mr. De Long to Mr. Fish.

No. 92.]

UNITED STATES LEGATION YOKOHAMA,
Japan, October 10, 1870. (Received November 25.)

SIR: I have the honor to inform you that on the 4th instant I received from the Japanese minister for foreign affairs a letter (inclosure No. 1) inclosing to me a printed copy of the neutrality proclamation issued by this government, (inclosure No. 2.) A copy of which I have duly forwarded to the respective consular officers of our government in this empire.

C. E. DE LONG.

YOKOI, *the 7th of the 9th month.*

SIR: * * * * *

A proclamation has been published among the Japanese subjects, of which we beg leave to inclose your excellency a copy with English translation.

With respect and consideration,

SAWA JUSAMMI KIGIWARANO NOBUZOSHI FRASHUNA JASHII FUGUVARANO MUMENOSI.

His Excellency C. E. DE LONG,

Minister Resident of the United States.

PROCLAMATION OF NEUTRALITY.

Information having been received that war has broken out between Prussia and France, his Majesty the Emperor has declared his resolve to maintain strict neutrality, and he has therefore directed that the following regulations shall be made known, not only at the open ports, but also at all towns on the sea-coast, so as to prevent untoward consequences.

ARTICLE I. The contending parties are not permitted to engage in hostilities in Japanese harbors or inland waters, or within a distance of three ri from land at any place, such being the distance to which a cannon ball can be thrown. Men-of-war or merchant vessels will, however, be allowed free passage as heretofore.

ARTICLE II. Any vessel belonging to either of the contending parties, whether men-of-war or merchant vessels, shall be impartially supplied with wood, water, and provisions at the open ports, or other sea-ports of Japan in the same way as notified before, and shall receive assistance in case of distress.

ARTICLE III. If ships of war belonging to both parties enter the same port, the ship belonging to one party will not be allowed to sail until twenty-four hours after the departure of the other.

ARTICLE IV. Some countries have troops stationed at one of the open ports, their men-of-war are allowed to anchor there, and a marine camp has been formed; but this permission has been granted solely for the ordinary protection of their subjects resident at the port in question, and not for any purpose connected with foreign wars. These quarters must not be used in furtherance of any expedition against the enemy, and unconnected with their ordinary use.

ARTICLE V. Japanese vessels are prohibited from carrying troops, arms, or munitions of war for the service of either of the hostile parties.

ARTICLE VI. All persons, with the exception of pilots, who shall take service on board of ships of war of either of the contending parties, will do so at their own risk and peril.

ARTICLE VII. The sale of prizes in a Japanese harbor is prohibited. In case, however, it should become necessary to dispose of a prize in a Japanese harbor, permission should be applied for, and question decided in consultation with the diplomatic representative of the nation to which the captor belongs.

ARTICLE VIII. With regard to other articles of import and export the same rules are to be observed as hitherto.

ARTICLE IX. In case any of the provisions of the above regulations which relate to foreigners should be infringed, steps should be taken to put a stop to such acts by application to the consul of the party concerned, if committed at the open ports. If representations to the consul are of no effect, application should be made to the Japanese men-of-war stationed there to take the necessary steps. If a breach of these regulations be committed at a non-treaty port, the local authorities should inform the authorities at the nearest open port, and also the Japanese men-of-war. In the case of remote places, notice should be sent direct to the war and foreign offices.

The above regulations must be carefully attended to by the authorities of the open ports, and of the seaboard Fu, Han, and Ken.

DAJÓKWAN.

AUGUST, 1870.

NORTH GERMANY.

THE DEPARTMENT OF STATE TO THE UNITED STATES LEGATION AT
BERLIN.

No. 132.

Mr. Davis to Mr. Bancroft.

No. 214.]

DEPARTMENT OF STATE,

Washington, August 9, 1870.

SIR: With reference to your dispatch of the 16th ultimo, No. 112, which presents a very lucid statement of your view of the relative positions of North Germany and France in the pending war, and especially to that part of your communication which relates to the exemption of the North German mail steamships from capture by French cruisers, I have to inform you that on the 16th ultimo the Secretary of State addressed a cable dispatch on this subject to Mr. E. B. Washburne, a copy of which and of his reply is inclosed. From that reply you will perceive that in the exercise of its rights as a belligerent the French government declines to exempt those steamships from capture except those then at sea ignorant of war which may enter a French port. This decision is much regretted by this government, which would be glad to avail itself of any peaceable means of inducing a reversal of it.

While upon the subject of the policy as a belligerent to which France has committed herself, I inclose a copy of a telegraphic dispatch of the 25th of July from Minister Washburne, and of a note of the same date from Mr. Berthemy, the minister of France here, together with a copy of a note from the latter of the 3d instant, and of my reply thereto.

J. C. B. DAVIS.

[The several inclosures referred to in this dispatch will be found under the head "France," *ante*.]

No. 133.

Mr. Davis to Mr. Bancroft.

[Telegram.]

DEPARTMENT OF STATE,

Washington, August 13, 1870.

French government decides North Germans, with certain exceptions, quit France. Impossible for great numbers of poor to leave without

pecuniary aid. Washburne asks will Prussian government place a credit at his disposition to assist poor in leaving. It seems necessary in the interest of humanity. Inform him and this Department.

DAVIS.

No. 134.

Mr. Davis to Mr. Bancroft.

[Telegram.]

DEPARTMENT OF STATE,
Washington, August 14, 1870.

News of credit sent to Washburne. Gramont gave notice two weeks since of probable expulsion. Washburne protested at length.

DAVIS.

No. 135.

Mr. Davis to Mr. Bancroft.

No. 216.]

DEPARTMENT OF STATE,
Washington, August 16, 1870.

SIR: On the 13th instant this Department received from Mr. Washburne a telegram relating to the proposed expulsion of Germans from France, and suggesting that Prussia should grant a credit to mitigate the great suffering that would inevitably result.

The same day the substance of this telegram was communicated to you by cable, and the text was read to Baron Gerolt. On the 14th instant the Department received your reply by cable, saying that a credit had been granted, and asking whether Mr. Washburne had protested. To this answer was made to you, on the same day, that Mr. Washburne had already protested. Before the Duke de Gramont left office he had notified Mr. Washburne that this step might become necessary, and Mr. Washburne, in an able paper, (of which a copy will be sent you by a future post,) had protested against the measure.

Mr. Washburne was also notified by cable, on the 14th, of the granting of the credit, and to-day he has, in like manner, been informed that his note to the Duke de Gramont has been fully approved, and he has been instructed to do all he can, consistently with our position as a neutral power, to mitigate the severities of the expulsion. Copies of these several telegrams are herewith inclosed.

I am, sir, your obedient servant,

J. C. B. DAVIS.

[These several inclosures will be found under the title "France," *ante*, and in the North German correspondence as above.]

No. 136.

Mr. Davis to Mr. Bancroft.

No. 219.]

DEPARTMENT OF STATE,
Washington, August 17, 1870.

SIR: Inclosed you will find a copy of Mr. Washburne's dispatch, No. 238, on the subject of the departure of North Germans from French territory.

* * * * *

Mr. Washburne's course in this correspondence has been approved. He advises the Department, in a dispatch received to-day, that he has received a reply to his note, which will be forwarded, he says, by the next post. As soon as it is received here, a copy will be sent you.

I am, sir, your obedient servant,

J. C. B. DAVIS.

[For this inclosure see Mr. Washburne's No. 238, dated July 29, under the title "France," *ante.*]

No. 137.

Mr. Davis to Mr. Bancroft.

No. 222.]

DEPARTMENT OF STATE,
Washington, August 23, 1870.

SIR: I have to acknowledge the receipt of your No. 119 of the 28th ultimo, and to state in reply that Mr. Washburne has been authorized to employ, at the expense of this Government, such clerical force as is necessary to enable him to perform the duties which he has undertaken toward North Germans in France.

You are instructed to say that the offer of the Prussian government to bear this expense is respectfully declined.

I am, sir, your obedient servant,

J. C. B. DAVIS.

No. 138.

Mr. Davis to Mr. Bancroft.

No. 223.]

DEPARTMENT OF STATE,
Washington, August 23, 1870.

SIR: I have to acknowledge the receipt of your dispatch of the 27th ultimo, No. 118, inclosing a copy of a convention between France and Prussia, alleged to have been proposed by M. Benedetti, the French ambassador, having for its object the union of Germany and the annexation of Belgium and Luxembourg to France.

You are instructed to ascertain, if possible, from the minister of foreign affairs, when the proposition for the convention was made, and why it was not sooner made known.

J. C. B. DAVIS,
Acting Secretary.

No. 139.

Mr. Davis to Mr. Bancroft.

No. 225.]

DEPARTMENT OF STATE,
Washington, August 23, 1870.

SIR: I inclose herewith, for your information, a copy of a dispatch, No. 253, of the 12th instant, from Mr. Washburne, relative to the measures taken by him for the protection of North Germans in France.

I am, sir, your obedient servant,

J. C. B. DAVIS.

[For this inclosure see, *ante*, "France," Mr. Washburne's dispatch No. 253, dated August 12, 1870.]

No. 140.

Mr. Davis to Mr. Bancroft.

No. 226.]

DEPARTMENT OF STATE,
Washington, August 25, 1870.

SIR: I inclose herewith, for your information, a copy of a dispatch of the 11th instant, No. 251, and of its accompaniments, from Mr. Washburne, relative to a certificate of protection desired by German residents in France.

I am, sir, your obedient servant,

J. C. B. DAVIS.

• [For this inclosure see, *ante*, "France," Mr. Washburne's dispatch No. 251, dated August 11, 1870.]

No. 141.

Mr. Davis to Mr. Bancroft.

No. 228.]

DEPARTMENT OF STATE,
Washington, August 30, 1870.

SIR: I transmit herewith a copy of a dispatch of this date to Mr. Washburne, in answer to a telegram received from him yesterday, which is embodied in the inclosure.

You are instructed to ask that proper measures may be taken by the government of North Germany for the protection of American property in Paris, in the event of the occupation of that city by the German forces.

I am, sir, your obedient servant,

J. C. B. DAVIS.

[This inclosure is embodied in Mr. Davis's instructions to Mr. Washburne, No. 158, dated August 30, 1870. See, *ante*, "France."]

No. 142.

Mr. Fish to Mr. Bancroft.

[Telegram.]

DEPARTMENT OF STATE, *September 9, 1870.*

Washburne telegraphs that France requests United States to join other powers in effort for peace. Uniform policy and true interest of United States not to join European powers in interference in European questions. President strongly desires to see war arrested and blessings of peace restored. If Germany also desires to have good offices of United States interposed, President will be glad to contribute all aid in his power to secure restoration of peace between the two great powers now at war, and with whom United States has so many traditions of friendship. Ascertain if North Germany desires such offices, but without making the tender thereof unless assured they will be accepted.

FISH.

No. 143.

Mr. Fish to Mr. Bancroft.

No. 238.]

DEPARTMENT OF STATE,
Washington, September 16, 1870.

SIR: I inclose, for your information, a copy of a dispatch of the 22d ultimo, No. 266, from Mr. Washburne, our minister at Paris, and of the papers which accompanied it, in relation to the expulsion of Germans from French territory.

I am, sir, your obedient servant,

HAMILTON FISH.

[For this inclosure see, *ante*, "France," Mr. Washburne's No. 266, dated August 22, 1870.]

No. 144.

Mr. Fish to Mr. Bancroft.

No. 242.]

DEPARTMENT OF STATE,
Washington, September 22, 1870.

SIR: I inclose, for your information, a translation of a communication of the 16th instant, from M. Berthemy, in refutation of the accusations made by the government of North Germany that the French army had disregarded the rules of international law in the present war.

HAMILTON FISH.

[For this inclosure see Mr. Berthemy's note to Mr. Fish, dated September 16, *ante*, "France."]

No. 145.

Mr. Fish to Mr. Bancroft.

No. 244.]

DEPARTMENT OF STATE,

Washington, September 23, 1870.

SIR: Your dispatch of the 6th instant, No. 131, has been received, and your proceedings in regard to the transmission of correspondence between Germany and France are approved.

This Government desires the American legations to render all facilities to communications (not military) between the belligerent powers.

* * * * *
I am, sir, your obedient servant,

HAMILTON FISH.

No. 146.

Mr. Fish to Mr. Bancroft.

No. 246.]

DEPARTMENT OF STATE,

Washington, September 30, 1870.

SIR: Your dispatch No. 133, of the 12th instant, has been received.

The reasons which you present against an American intervention between France and Germany are substantially among the considerations which determined the President in the course and policy indicated to you in the cable dispatches from this office on the 9th instant, and in rejecting all idea of mediation unless upon the joint request of both of the warring powers.

It continues to be the hope of the President, as it is the interest of the people of this country, that the unhappy war in which France and North Germany are engaged should find an early end.

This Government will not express any opinion as to the terms or conditions upon which a peace may or should be established between two governments equally sharing its friendship, but it is hoped that the prolongation of the war may not find its cause either in extreme demands on the one side, or extreme sensitiveness on the other side.

So far as you can consistently and without my official interposition of advice or of counsel, it is hoped that you will lose no proper opportunity to indicate the wishes and hopes of the President and of the American people as above represented, and to contribute what you may to the presentation of such terms of peace as befit the greatness and the power which North Germany has manifested, and as shall not be humiliating or derogatory to the pride of the great people who were our earliest and fast ally.

I am, sir, your obedient servant,

HAMILTON FISH.

No. 147.

Mr. Fish to Mr. Bancroft.

No. 257.]

DEPARTMENT OF STATE,

Washington, October 28, 1870.

SIR: I have to acknowledge the receipt of your dispatch of the 5th instant, No. 147, in which, referring to my letter of the 22d of July last,

to Baron Gerolt, you state that Mr. Delbrück informs you that when the time shall come for negotiating a peace with France, one of the conditions to be proposed and insisted on will be the recognition of the principle of exempting private property on the high seas from seizure. You then inquire whether you will be authorized to propose, on your part, a recognition in the pending treaty relating to consulships and inheritances between the United States and the North German Union.

In reply, you are informed that you are authorized to obtain the recognition of the principle of the exemption of private property of citizens or subjects of either of the two parties from capture on the high seas by either privateers or public vessels of the other.

I am, sir, your obedient servant,

HAMILTON FISH.

No. 148.

Mr. Fish to Mr. Bancroft.

No. 264.]

DEPARTMENT OF STATE,
Washington, November 11, 1870.

SIR: The refusal of the German authorities at the investment of Paris to allow the United States minister there to send a messenger to London with a pouch, with dispatches from his legation, unless the contents of the pouch should be unsealed, must be regarded as an uncourteous proceeding, which cannot be acquiesced in by this Government. Blockade by both sea and land is a military measure for the reduction of an enemy's fortress, by preventing the access of relief from without, and by compelling the troops and inhabitants to surrender for want of supplies. When, however, the blockaded fortress happens to be the capital of the country where the diplomatic representative of a neutral state resides, has the blockading force a right to cut him off from all intercourse by letter with the outer world, and even with his own government? No such right is either expressly recognized by public law, or is even alluded to in any treatise on the subject. The right of legation, however, is fully acknowledged, and, as incident to that right, the privilege of sending and receiving messages. This privilege is acknowledged in unqualified terms. There is no exception or reservation looking to the possibility of blockade of a capital by a hostile force. Although such blockades are not of frequent occurrence, their liability to happen must have presented itself to the minds of the writers on public law, and, if they had supposed that the right of sending messengers was merged in or subordinate to the belligerent rights of the assailant, they certainly would have said so. Indeed, the rights of legation under such circumstances must be regarded as paramount to any belligerent right. They ought not to be questioned or curtailed, unless the attacking party has good reason to believe that they will be abused, or unless some military necessity, which upon proper statement must be regarded as obvious, shall require the curtailment.

The condition upon which the sending of messengers was offered was humiliating, and could not be accepted by any diplomatic agent with any self-respect. Correspondence between those officers and their governments is always more or less confidential, and it is unreasonable to suppose that its inspection by the blockading force should be permitted. Indeed, the requirement of such a condition must be regarded as tanta-

mount to an imputation both upon the integrity of the minister and the neutrality of his government.

You will consequently remonstrate against the exercise of authority adverted to as being contrary to that paramount right of legation which every independent nation ought to enjoy, and in which all are equally interested.

Prussia has heretofore been a leading champion of the rights of neutrals on the ocean. She has, even during the existing war, made acknowledged sacrifices to her faith and consistency in that respect. The course of her arms on land does not seem to warrant or require any enforcement of extreme belligerent claims in that quarter as against neutrals.

An analogous privilege of legation was upon several occasions successfully asserted by this Government, during the late war between Brazil and her allies on the one side, and Paraguay on the other. Mr. Washburn, the United States minister to Paraguay, applied for a permit to take him through the hostile lines to Asuncion, his destination. The application, though at first rejected, was ultimately granted. Application was subsequently made for leave for General McMahon, his successor, to pass the same lines, and for the vessel which carried him to bring back Mr. Washburne. This, also, though at first refused, was ultimately granted. There is reason to believe that the course taken by this Government on those occasions was approved by other governments. It is probable that other governments would also sanction the claim of the United States in this case.

HAMILTON FISH.

No. 149.

Mr. Fish to Mr. Bancroft.

No. 269.]

DEPARTMENT OF STATE,

Washington, November 22, 1870.

SIR: I inclose, for your information, a copy of a note of yesterday to Baron Gerolt, respecting the question of intercourse between diplomatic representatives at Paris and their governments.

HAMILTON FISH.

Mr. Fish to Baron Gerolt.

DEPARTMENT OF STATE,

Washington, November 21, 1870.

SIR: The undersigned, Secretary of State of the United States, duly received the note of the 4th instant, with the accompanying documents, addressed to him by Baron Gerolt, envoy extraordinary and minister plenipotentiary of the North German Union, relative to intercourse between the diplomatic representatives in Paris of the governments of neutral states and their respective governments. In that communication it is assumed that Paris being in a state of siege by the German forces, the latter have a belligerent right, under the public law, to cut off all intercourse between the diplomatic representatives of foreign powers there and their governments at home, or if such intercourse should be allowed at all, that the besieging force may prescribe the conditions upon which it shall be permitted. The right seems further to be claimed upon the alleged impropriety of diplomatic agents continuing to reside in a beleaguered city which contains persons in authority whose title thereto has not been recognized by the assailant.

The undersigned, after a careful consideration of the subject, and with every disposition to acknowledge the just and necessary belligerent rights of the blockading force, cannot acquiesce in the pretension set up on behalf of that force. It is true, that when

such a force invests a fortified place with a view to its reduction, one of the means usually relied upon for that purpose is the interruption of ordinary communication by messengers or by letters. This is acknowledged to be not only a belligerent right, but also one incident to the actual sovereignty over the enemy's territory occupied by the assailant adjacent to the blockaded place. Paris, however, is the capital of France. There the diplomatic representatives of neutral states had their official residence prior to the investment. If they think proper to stay there while it lasts, they must expect to put up with the inconveniences necessarily incident to their choice. Among these, however, the stopping of communication with their governments cannot be recognized. The right of embassy to a belligerent state is one which it is both the duty and the interest of its enemies to acknowledge, and to permit the exercise of, in every usual or proper way. If this right should be denied or unduly curtailed, wars might be indefinitely prolonged, and general peace would be impracticable.

The privilege of embassy necessarily carries with it that of employing messengers between the embassy and its government. This is a privilege universally recognized by publicists. There is no exception or reservation made for the case of an embassy having its abode in a blockaded place. Indeed, the denial of the right of correspondence between a diplomatic agent in such a place and his government seems tantamount to insisting that he cannot elect to be a neutral, but must be regarded as an adversary if he continues to stay there, especially when the legitimacy of the authority of those directing the resistance is denied by the other assailant.

The opposite course, which it has suited the convenience of some neutral government to adopt, is obviously liable to be construed, partly, at least, the occasion of withholding the privilege of correspondence. Should this be a correct view of the case, no independent state claiming to be a free agent in all things could in self-respect acquiesce in a proceeding actuated by such a motive. The undersigned does not charge the government of the North German Union with being so actuated, but deems himself warranted in thus referring to the point as it is adverted to by the representative of that government both at Berlin and before Paris.

The undersigned is consequently directed to claim that the right of correspondence between the representatives of neutral powers at Paris and their governments is a right sanctioned by public law which cannot justly be withheld without assigning other reasons therefor than those which have hitherto been advanced. The burden of a proof of the sufficiency of those reasons, in furtherance of the belligerent rights of the assailant, must be borne by him.

While, however, the undersigned is directed to claim the right as due to all neutrals, he will not omit to acknowledge the partial exception made in favor of the minister of the United States for the reasons assigned.

The undersigned avails himself of this occasion to renew to Baron Gerolt the assurance of his very high consideration.

HAMILTON FISH.

THE UNITED STATES LEGATION AT BERLIN TO THE DEPARTMENT OF STATE.

No. 150.

Mr. Bancroft to Mr. Fish.

No. 112.]

AMERICAN LEGATION,

Berlin, July 16, 1870. (Received August 3.)

SIR: * * * * *

War was yesterday declared against Prussia. The King did everything to avoid it that he could. It is evident that there was a wavering in the French cabinet, and the result is an evidence of a frivolity in the decision of a momentous question that scarcely has a parallel in history. At the present time nothing has occurred which furnishes any excuse whatever for the resort to arms, and the solution is to be found partly in the great difficulties which arise and increase in the interior administration of France, and partly in the passions which have rankled since 1866, and which can be no longer restrained. At that time Benedetti wrote home predicting ill success to the Prussian arms; and afterward, when at the peace he asked for compensation to France, the

refusal which he received deeply wounded his self-love. The Emperor, too, expected the ill success of the Prussians, and promised himself compensation, and was grievously disappointed. Every day that war was delayed consolidated the power and the union of Germany. The land was making progress in industry, wealth, freedom, and patriotic feeling. France was not intrinsically, but relatively, declining in political influence. It has chosen suddenly to take the risk of a desperate measure. And with what prospect of success? All the neutral nations of Europe have endeavored to avert the war, and in more or less urgent terms have made to the French government their representations against it. The French people are, by an enormous majority, opposed to the war. The republican party, the Orleanists, are opposed to it. The navy of France will give it the supremacy on the ocean. But wars between contiguous land powers are not decided by naval battles; and, in point of military preparations, the superiority within four weeks will be found on the side of Germany.

Our own interests are menaced by the interruption to which the system of German emigration to America will be exposed. It is to be hoped that our Government may succeed in making such representations to France as will permit the mail steamships, with their emigrants and with American goods and property, to pursue their voyages unmolested from one country to the other. On this subject I request full and particular instructions. The greatest interest is felt about it.

In one respect our country will be a great gainer. The harvest of France has been this year a failure, and the French will be thrown upon us very largely for their supplies of bread,

The enthusiasm in Germany is high; North and South are united. Frankfort-on-the-Main is as patriotic as the rest. The King of Bavaria has mobilized his army. The forty millions of Germans are as one man. As to courage, both nations are distinguished for it, alike officers and men; but the German officer is more laborious, more persevering in his attention to the wants and discipline of the soldiers of his command.

Moreover, the sentiment prevails that Germany is fighting the battle of public liberty and of independent nationalities. * * *

GEO. BANCROFT.

No. 151.

Mr. Bancroft to Mr. Fish.

No. 118.]

AMERICAN LEGATION,

Berlin, July 27, 1870. (Received November 10.)

SIR: To-day I have to send you an authentic copy of one of the most remarkable documents ever framed by a European statesman. Some time ago (the exact date is uncertain) M. Benedetti, the French ambassador, proposed to Count Bismarck, at a time when France was in profound peace with England and with Belgium, to enter into an offensive and defensive alliance for the purpose of gaining the consent of France for the union of Germany on the one side, and the consent of Germany to the annexation of Belgium and Luxemburg to France on the other. You may rely implicitly on the authenticity of the document of which I inclose a copy, for I have seen the original, in the handwriting of Benedetti, which handwriting is very well known to me. As an expression of contempt for the restraints of international law, the document may rank with the late declaration of war by the Emperor

against Prussia; but it has, moreover, the character of a defiance of Great Britain.

From the best that I can learn, the Germans, although they were taken by surprise, have already a larger force on the Rhine than the French.

I have just received from an American lady at Paris five hundred thalers, to be devoted to the relief of suffering German soldiers. I shall hand it over to one of the many benevolent societies for wounded soldiers and for the widows and orphans of those that fall in battle.

I remain, sir, yours sincerely,

GEO. BANCROFT.

HAMILTON FISH, Esq.,
Secretary of State, &c., &c., &c.

[Translation.]

His Majesty the King of Prussia and his Majesty the Emperor of the French, deeming it useful to draw closer the bonds of friendship which unite them, and to consolidate the relations of good neighborhood happily existing between the two countries, and being convinced, on the other hand, that to attain this result, which is calculated besides to assure the maintenance of the general peace, it behooves them to come to an understanding on questions which concern their future relations, have resolved to conclude a treaty to this effect, and named in consequence as their plenipotentiaries, that is to say:

His Majesty, &c., &c.

His Majesty, &c., &c.

Who, having exchanged their full powers, found to be in good and proper form, have agreed upon the following articles:

ARTICLE I. His Majesty the Emperor of the French admits and recognizes the acquisitions which Prussia has made as the result of the last war which she sustained against Austria and her allies, [as also the arrangements adopted or to be adopted for constituting a confederation in North Germany, engaging at the same time to render his support for the maintenance of that work.]

ARTICLE II. His Majesty the King of Prussia promises to facilitate the acquisition of Luxemburg by France. To that effect his aforesaid Majesty will enter into negotiations with his Majesty the King of the Netherlands, to induce him to cede to the Emperor of the French his sovereign rights over that duchy, in return for such compensation as shall be deemed sufficient or otherwise. ~~On his part, the Emperor of the French engages to bear the pecuniary charges which this engagement may involve.~~ [In order to facilitate this arrangement, the Emperor of the French engages, on his part, to bear accessorially the pecuniary charges which it may involve.]

ARTICLE III. His Majesty the Emperor of the French will not oppose a federal union of the confederation of the North with the Southern States of Germany, with the exception of Austria, which union may be based on a common parliament, the sovereignty of the said states being duly respected.

ARTICLE IV. On his part his Majesty the King of Prussia, in case his Majesty the Emperor of the French should be obliged by circumstances to cause his troops to enter Belgium, or to conquer it, will grant the ~~succour~~ [coöperation] of his arms to France, and will sustain her with all his forces of land and sea against every power which, in that eventuality, should declare war upon her.

ARTICLE V. To insure the complete execution of the above arrangements, his Majesty the King of Prussia and his Majesty the Emperor of the French contract, by the present treaty, an alliance, offensive and defensive, which they solemnly engage to maintain. Their Majesties engage, moreover, and specifically, to observe it in every case in which their respective states, of which they mutually guarantee the integrity, should be menaced by aggression, holding themselves bound in such a conjuncture to make without delay, and not to decline on any pretext, the military arrangements which may be demanded by their common interest, conformably to the clauses and provisions above set forth.

No. 152.

Mr. Bancroft to Mr. Fish.

No. 119.]

AMERICAN LEGATION,
Berlin, July 28, 1870. (Received August 18.)

SIR: Yesterday at the foreign office I was requested to authorize Mr. Washburne at Paris to employ such assistants as he might need to meet the additional labor imposed upon him by the protection of the Germans in France. This government is ready and desirous to discharge the expense that may ensue, but I beg leave to suggest (what indeed I know beforehand to be your wish, and what I should not mention but for my being the channel of communication) that it may best suit our dignity to defray ourselves the trifling increase in expense in the French legation.

GEO. BANCROFT.

No. 153.

Mr. Bancroft to Mr. Fish.

No. 121.]

AMERICAN LEGATION,
Berlin, August 2, 1870. (Received August 22.)

SIR: I inclose a copy of the circular letter of Count Bismarck relating to the Benedetti project of a treaty. It is in every respect one of the most important State papers of our time. * * *

The British government has undertaken in Berlin the protection of the French in Germany, and to keep matters even, would have very gladly undertaken the protection of the Germans in France, but Count Bismarck refused to allow this, and by turning over the office to our Government called the United States visibly into the circle of first-class powers. The act of yourself and the President in accepting this protection is, I will not say a new era in European politics, but a new incident, which has been received with acclamation. * * *

GEO. BANCROFT.

[Circular.]

BERLIN, *July 29, 1870.*

I have previously fulfilled, by a telegraphic dispatch to Count Bernstorff, on the 27th of this month, the expectation announced by Lord Granville and Mr. Gladstone in Parliament, that further particulars were to be expected from both the interested parties relative to the draught of a treaty by Count Benedetti.

The article published in the Times does not, by any means, contain the only offer which has been made us from the French side in this relation. Before the Danish war both official and unofficial French agents tried to effect through me a union of France and Prussia for the purpose of mutual enlargement.

It is hardly necessary for me to draw your excellency's attention to the fact that the belief of the French government in the possibility of such a transaction with a German minister, whose position is conditional upon his harmony with the national sentiment, finds its explanation only in the ignorance of French statesmen of the principal conditions of the existence of other nations. If the agents of the Paris cabinet had been fitted for the observation of German relations they, in Paris, would not have given themselves up to the illusion that Prussia could have consented to this. Your excellency is, indeed, as well informed of the ignorance of the French of Germany as I am.

The exertions of the French government to carry out, with the support of Prussia, its covetous designs upon Belgium and the borders of the Rhine, were already made known to me before 1862, therefore before my assumption of the duties of the office of foreign affairs. I cannot regard it as my duty to bring such communications, which

were of a purely personal nature, into the province of international law, and think that I should keep back the interesting contributions which I could make, by means of private conversation and private letters, for the explanation of this question.

The chosen tendencies of the French government made themselves recognizable by the outward influence on European politics of the position which France observed in our favor during the German-Danish struggle. The feeling in France against us, in regard to the following treaty of Gastein, agrees with the anxiety that a lasting foundation of the Prussian-Austrian union might be the result of the Paris cabinets sustaining its position. Already in 1865 France reckoned upon the breaking out of a war between us and Austria, and reapproached itself to us as soon as our relations to Vienna began to become troubled.

Before the breaking out of the Austrian war of 1866 proposals were made to us, partly through relatives of his Majesty the Emperor of the French, partly through trusted agents, which tended at that time to complete greater or less transactions for mutual enlargement; sometimes it was a question of Luxemburg, or of the boundary of 1814 with Landau and Saar-Louis, sometimes of still greater objects, from which French Switzerland and the question where the language boundary of Piedmont was to be drawn were not excluded.

In May 1866 these requests assumed the form of an offer of a defensive and offensive alliance, the following extract from the principal points of which remained in my possession:

1. In case of a congress, to pursue amicably the cession of Venice to Italy, and the annexation of the duchies to Prussia.
2. If the congress fails, alliance defensive and offensive.
3. The King of Prussia to commence hostilities ten days after the separation of the congress.
4. If the congress does not reconvene Prussia shall attack within thirty days after the signature of the present treaty.
5. The Emperor of the French shall declare war against Austria as soon as hostilities shall have commenced between Austria and Prussia. (In thirty days, 300,000.)
6. Neither shall make separate peace with Austria.
7. Peace shall be made under the following conditions: Venice to Italy; the undermentioned German territories to Prussia. (seven to eight million souls at a choice;) also the federal reform in the Prussian sense. For France, the territory between the Moselle and Rhine, except Coblenz and Mayence, comprising 500,000 souls of Prussia, Bavaria on the left bank of the Rhine. Birkenfeld, Homburg, Darmstadt, 213,000 souls.
8. Military and maritime convention between France and Prussia from the time of signature.
9. Adherency to the King of Italy. The strength of the army with which the Emperor wished to support us was given, according to Article 5, at 300,000 men in written explanations. The number of souls in the addition for which France exerted herself was 1,800,000, according to French calculation, which does not agree with reality.

Every one who is acquainted with the inner diplomatic and military history of the year 1866 will perceive, through these clauses, the policy which France followed at the same time with Italy, with whom she also treated in secret, and later with Prussia and Italy. After we had declined the above project of alliance in June 1866, in spite of several almost threatening requests to accept it, the French government counted still upon Austrian victory over us and upon our availing ourselves of French assistance after our final defeat, and French policy now busied itself in strengthening its diplomatic introduction. That the congress thought of in the foregoing project of alliance, and which was later proposed once again, would have had the effect to bring our union with Italy, which had been closed but three months, uselessly to an end, your excellency is well aware. The "patriotic anxiety" of Minister Rouher gives a commentary upon the further course of events.

From that time on France has not ceased to tempt us by offers at the expense of Germany and Belgium. I was never doubtful of the impossibility of consenting to any offer of the kind; nevertheless I held it to be of use in the interest of peace to leave the French statesmen to their peculiar illusions so long as this should be possible, without making any, even oral, promises. I thought that the destruction of this French hope would endanger peace, which it was for the interest of Germany and Europe to sustain. I did not agree with those politicians who advised us not to flinch from a war with France on account of our strength, because it was inevitable. None can understand the foresight of God in regard to future events, and I looked upon even a victorious war as in itself an evil which statesmanship should take pains to spare the people. I could not predict, without considering the possibility that in France changes in constitution and policy might take place which would have saved both these great neighboring nations from the necessity of a war; a hope which acted in favor of a delay of the rupture. For this reason I kept silent in respect to the requests made, and acted in a dilatory manner regarding them, without making any promise on my side.

After the transaction with his Majesty the King of the Netherlands about the purchase of Luxemburg was broken up, in a manner which is well known, the enlarged propositions of France were repeated to me, which comprehended Belgium and South Germany. In this conjunction falls the communication of the Benedetti manuscript. That the French ambassador should have formed these proposals with his own hands, should have given them to me, and gone over them with me, and, by modification of position in the text, prompted by me, should have acted without the assent of his sovereign, is as improbable as the assertion, at another time, that the Emperor Napoleon did not agree to the demand for the surrender of Mayence, which was officially made to me in August 1866, by the imperial ambassador, with a threat of war in case of refusal.

The different phases of French ill humor and desire for war which we experienced from 1866 to 1869, coincided pretty exactly with the inclination or disinclination to action of this kind which French agents thought to find in me.

At the time of the preparation of the sale of the Belgian railroads, in March 1868, a person in high position, who was not ignorant of the earlier transactions, pointed out to me, with respect to the latter, that in case of a French occupation of Belgium "we could well find our Belgium somewhere else." In the same way, on former occasions, I was given to understand that France, in the case of an opening of the eastern question, could take its share, not in the far east, but immediately on its border.

I have the impression that only the definite conviction that with us no enlargement of the boundaries of France was to be gained, led the Emperor to seek the same in spite of us. I have even reasons for believing that if the publication which is now in question had not taken place, that after the French and our equipments were finished that the proposal would have been made us by France to carry out together, at the head of a million equipped warriors, and against unarmed Europe, the proposals previously made us, *i. e.*, before or after the first battle to make peace upon the basis of the Benedetti proposition, at the cost of Belgium. Upon the text of these proposals, I have yet to remark that the draught in our hands is, from the beginning to the end, in the handwriting of Count Benedetti, and is written upon the paper of the imperial embassy, and that the ambassadors herein named, respectively, ministers of Austria, Great Britain, Russia, Baden, Bavaria, Belgium, Hesse, Italy, Saxony, Turkey, and Wurtemberg, who have seen the original, have recognized the handwriting.

At the first reading Count Benedetti renounced the closing passage in Article I, and immediately after I had remarked to him that the same presupposed an interference of France in the internal affairs of Germany, which I could not permit even in secret acts, he inclosed it in parentheses. From an impulse of his own, he, in my presence, made a correction of less importance on the margin in Article II.

I orally informed Lord Aug. Loftus, on the 24th, of the existence of the act, and upon his doubting it I invited him to view it personally. On the 27th he saw it, and convinced himself that it was from the hand of his former French colleague.

The aspect of the political situation is explained by the imperial cabinet's denial to-day of the designs for the accomplishment of which it has exerted itself without interruption since 1864, changing from threats to promises in order to win us.

Your, &c., will have the kindness to read this to ———, and to hand him a copy.

BISMARCK.

No. 154.

Mr. Bancroft to Mr. Davis.

[By cable telegram.]

BERLIN, August 14, 1870. (Received August 15.)

Prussia opens credit for Washburne. * * * * German army prepared to turn French army north and south to save themselves: French abandons Moselle line. Next defensible line the Marne.

BANCROFT.

No. 155.

Mr. Bancroft to Mr. Fish.

No. 124.]

AMERICAN LEGATION,
Berlin, August 15, 1870. (Received August 31.)

Yesterday forenoon I received your telegram, as follows:

BANCROFT, *Minister, Berlin* :

French government decides North Germans, with certain exceptions, quit France. Impossible for great numbers of poor to leave without pecuniary aid. Washburne asks will Prussian government place a credit at his disposition to assist poor in leaving? It seems necessary in the interest of humanity. Inform him and this Department.

DAVIS,
*Acting Secretary.*WASHINGTON, *August 30.*

I immediately waited upon Mr. Director Phillipsborn, and afterward met him and Mr. Secretary Von Thiele by appointment at 12 o'clock. It was promptly decided to afford the poor North Germans expelled from France the pecuniary aid they might need, and I forthwith telegraphed to Mr. Washburne, through Mr. Jones, as follows:

JONES, *American Minister, Brussels* :

Telegraph to Washburne immediately, in cipher if convenient, Prussia will place to your credit with Rothschild fifty thousand thalers to help very poor Germans expelled from France. Give only enough to reach the frontier. Take care whom you help. Persuade the French government not to expel Germans.

An hour later I received a letter in due form from Mr. Thiele, of which I annex a copy. I also wrote to Mr. Washburne, and of that letter I annex a copy. I trust that I have fulfilled your instructions to your satisfaction. * * * * *

GEO. BANCROFT.

*Mr. Bancroft to Mr. Washburne.*BERLIN, *August 14, 1870.*

SIR: Can you not persuade the French government to recede from the expulsion of the Germans? It is against the law of nations, of civilization; all but unheard of.

To-day this government opens for you a credit with the Rothschilds to the amount of fifty thousand thalers for the assistance of Germans in poverty and expelled from France. They wish you to use the sum frugally, and only in cases of necessity, and only to give the means of reaching the frontier. But I hope and believe you will induce the French to recall the order.

Your letter of the 10th is received, and the subject has been referred to headquarters. I shall answer you by letter as soon as shall be possible.

Colonel Grammont lies in Reichshofen amputated.

Of Colonel Vassart I have as yet no tidings, though telegraphs have gone about him.

GEO. BANCROFT.

Copy annexed of Thile to G. B.
AUGUST 14, 1870.

No. 156.

Mr. Bancroft to Mr. Fish.

No. 126.]

AMERICAN LEGATION.
Berlin, August 22, 1870. (Received September 7.)

SIR: The sum of fifty thousand thalers, placed by the royal government at the disposition of our minister at Paris, is designed for the re-

lief, not of Prussians only, but of the poor in France of every one of the States of the North German Union. Mr. Washburne is empowered to use it liberally, and has received the assurance that when the first credit is exhausted all further sums that may be necessary will be placed at his disposition. I have great satisfaction in reporting to you that the government is exceedingly well satisfied with the efficient and disinterested manner in which Mr. Washburne discharges his duties. I inclose to you a copy of a letter which I have received from the secretary of state on the subject. I have sent a translation of it to Mr. Washburne.

GEO. BANCROFT.

Mr. Von Thiele to Mr. Bancroft.

FOREIGN OFFICE OF THE NORTH GERMAN UNION,
Berlin, August 20, 1870.

SIR: The envoy extraordinary and minister plenipotentiary of the United States of America, Mr. Bancroft, has been pleased to transmit to the undersigned copies of two communications from the envoy of the United States in Paris, of the 12th and 15th of the present month, said communication referring at some length to the lamentable consequences of the expulsion of the Germans from France by the imperial French government.

The undersigned has thereby seen, with lively satisfaction, in what a self-sacrificing and kind manner Mr. Washburne has interested himself for the distressed Germans, and how he has, at the same time, taken the necessary measures to procure other superintendence, under the protection of the American flag, for the hotel of the legation of the North German Union, which was deprived of its proper guardians by the expulsion of the architect, steward, &c. The undersigned fulfills a pleasing duty in most respectfully requesting his excellency the envoy to express to Mr. Washburne the warmest thanks of the royal government for the successful efforts which have been made by him.

Mr. BANCROFT, &c.

V. THIELE.

No. 157.

Mr. Bancroft to Mr. Fish.

No. 130.]

AMERICAN LEGATION,
Berlin, September 1, 1870. (Received September 20.)

SIR: By the inclosed letter from the consular agent at Königsberg, it would appear that the French blockade of the Prussian ports on the Baltic is not an effective one. So far as I know, no ship of our European fleet has appeared in the Baltic, or off the blockaded Prussian ports in the North Sea. It is to be hoped that the rapid events of the war will soon put an end to the blockade.

GEO. BANCROFT.

P. S.—*September 5, 1870.*—I learn that the United States ship Juniata, Commander Luce, has arrived off Helgoland. It is reported by telegraph that “an American corvette of twelve guns started, on the 2d, from Helgoland, with a pilot for the Elbe, but was turned back by the French fleet.” Whether this has actually happened will be known from the report of the commander of the corvette.

G. B.

Extract of a letter from J. H. Brockmann, United States consular agent at Königsberg, to George Bancroft.

KÖNIGSBERG, August 31, 1870.

SIR: * * * * *

All North German harbors of the Baltic are declared blockaded, although no effective blockade has till now been executed by the French fleet. The newspapers, indeed, brought some time ago the intelligence that the whole German Baltic has been blockaded since the 18th instant, but neither our authorities here nor those of Pillau have published a legal notification of the blockade, and they could not do so because they themselves have not received such from the French vice-admiral. That a mere notification of the blockade at Swinemünde resp. Lübeck for the whole Baltic cannot be considered effective, when no ship is stationed in the neighborhood of the different other harbors, is an unquestionable matter. But it may be, upon the whole, doubted whether a blockade notification at only one port is legally sufficient to put a stop to all other ports.

All consuls of this place are of opinion that, under said circumstances, the Baltic is not yet blockaded; but, nevertheless, they cannot advise captains to leave the harbor from fear their ships may be captured on the open sea.

No. 158.

Mr. Bancroft to Mr. Davis.

[By cable.—Received 11.52 a. m., September 3.]

SEPTEMBER 3, 1870.

DAVIS, *Secretary, Washington, D. C.:*

MacMahon's army capitulated. Emperor Napoleon surrendered to King William without prejudice to Paris regency.

BANCROFT, *Berlin.*

No. 159.

Mr. Bancroft to Mr. Fish.

No. 131.]

AMERICAN LEGATION,
Berlin, September 6, 1870. (Received September 20.)

SIR: The American minister at Paris having been accepted as the protector of Germans in France, much correspondence has passed through my hands, relating, for example, to the security of the North German embassy, and of North German property in Paris, and the condition of those left in charge of them. The French forward their letters to wounded and captive French officers through Mr. Washburne to me. Parents in Germany remit money through me to their children who are in want. Then there are letters asking of our minister his attention to the care of Germans imprisoned, of merchants interfered with, &c., &c. Every letter from the government to Mr. Washburne has hitherto passed through my hands. The principle that governed this interchange of good offices was that the communications should relate to other matters than those of war, and the result has been highly appreciated in France, especially by the families of the wounded and captive French officers. By the inclosed copy of a letter, you will see that Count Bismarck wished to send a communication destined for the French government through Mr. Washburne, and, to save time, transmitted it directly to the American minister at London. The direct mails being interrupted between Germany and France, my channel of communication has been the American minister-resident at Brussels, but now that the mails run less certainly between Brussels and Paris, correspondence may pass through the legation at London. * * * *

Mr. Washburne will always know how to make a proper disposition of any paper or letter he may receive. In short, the Department may trust Mr. Washburne and me, that we shall keep ourselves strictly within the line of duty as neutral, but as a neutral that with the consent of France has accepted a trust for North Germany. I am ever exceedingly anxious not to go beyond what I take to be the evident meaning and intent of my instructions, and Mr. Washburne is very considerate.

GEO. BANCROFT.

Mr. Von Thile to Mr. Bancroft.

BERLIN, *September 5, 1870.*

DEAR MR. BANCROFT: You are aware that the French have repeatedly disregarded not only the general law of nations by firing at a flag of truce, but also the convention of Geneva, to which they are a party, by attacking our ambulances and surgeons. Count Bismarck has addressed a remonstrance on this subject to the French government, and, in order to save time, has transmitted the dispatch to Count Bernstorff, with the injunction to request your colleague, Mr. Motley, to forward it to Mr. Washburne. But Mr. Motley, and not without apparent reason, doubts if in his position he would be justified in making himself the intermediary of such a communication. Count Bismarck, therefore, desires me to ask your opinion as to the best way of conducting a non-military correspondence, the urgent necessity of which may any day arise between us and the French government. Would you think it advisable for me to telegraph to Baron Gerolt to demand an authorization for Mr. Motley? Or what else would you propose? * * * * *

THILE.

Mr. Bancroft to Mr. Motley.

AMERICAN LEGATION,

Berlin, September 5, 1870.

SIR: I am the channel of communication between this government and Mr. Washburne at Paris. Hitherto I have sent my letters through Mr. Jones at Brussels; but that channel is now become uncertain, and I may be obliged to use your legation at London very often. I begin to-day: the dispatch which I wish to forward is in the hands of Count Bernstorff, the Prussian ambassador at London. Pray receive it of him, and forward it under your official seal by the very first opportunity to Washburne.

I hope not to give the London legation too much trouble; but I know you will do your part in forwarding letters with the same ready willingness which Mr. Jones has shown, and of which Mr. Washburne and I are not likely to grow weary.

GEO. BANCROFT.

* * * * *
P. S.—To save time letters will sometimes reach you directly from some branch of the North German government. Pray forward them as if they came under my hand and seal to the legation at Paris.

His Excellency the MINISTER OF THE UNITED STATES OF AMERICA.

No. 160.

Mr. Bancroft to Mr. Fish.

[Cable telegram.]

BERLIN, *September 11, 1870.* (Received September 11.)

No time now for America to intervene. Germany rejects all foreign interference. Every other power holds back. America would stand alone and unable to accomplish anything. Our interest, dignity, require us for the present to stand aloof.

-BANCROFT.

No. 161.

Mr. Bancroft to Mr. Fish.

No. 135.]

AMERICAN LEGATION,
Berlin, September 16, 1870. (Received October 3.)

SIR: Having received a telegram from Commander Luce, of the Junata, that the French blockade of the Elbe and Weser had been raised on the 11th, I telegraphed the news to you yesterday.

To-day I have to inform you that the French steamer Pereire, which on its voyage from New York touched at Brest, had on board for Havre a considerable number of Remington guns. This fact is also known to the government here.

* * * * *
GEO. BANCROFT.

No. 162.

Mr. Bancroft to Mr. Fish.

No. 136.]

AMERICAN LEGATION,
Berlin, September 21, 1870. (Received October 10.)

I am able to report to you, on the best authority, the views which are entertained by the allied German governments in relation to the conditions of the peace to be established between themselves and France.

The pledges for peace contained in the plebiscite so lately adopted in France have not been made good.

Events have shown the mutability of the disposition of the French nation. The majority of the French chamber, the senate, and the organs of public opinion through the press have demanded a war of conquest against Germany so loudly that the insulated friends of peace lost all courage to oppose, and the Emperor may have thought himself justified in asserting that he had been forced into the war by public opinion. In view of these facts the German allied governments cannot find a guarantee of peace in the disposition of the French people. They must not therefore deceive themselves into the belief that there is no reason to expect after this peace a speedy renewal of an attack, whatever may be the conditions which may be demanded from France. The French nation will never forgive the series of defeats which have attended their present war of aggression. Even though the Germans were to demand no cession of territory, no indemnity, no advantage, except the glory of their arms, there would remain the wounded self-love of the French people and their hereditary desire of conquest, and they would only wait for a day when they might hope to renew the war with success. The forbearance of the German government in 1867 was due to their desire not to conjure up an era of bitterness and angry passions, but by patience and the careful culture of friendly relations between the two nations to lay the foundations of an era of peace and reciprocal good will. As this moderation failed of its effect, and as the Germans, against all their efforts, have been compelled to encounter a war of aggression, they regard it henceforward as necessary to look for some securities against the next attack other than can be found in the good will of France. The guarantees which were established in 1815 against the same ambition of the French people have lost their effect, and Germany must now rely on its own strength and its own resources. The Germans ought not to be continually exposed to the necessity of again

making the same exertions which they have done at this time, and material securities are therefore needed for their own protection and for the preservation of the peace of Europe. These securities are to be demanded, not from any transient government of France, but from the French nation, which has shown itself ready, as the history of past centuries proves, to follow any government into war, and under any government to seek acquisitions of territory from Germany. In order, therefore, to establish peace, securities must be obtained against the next imminent attack from France, and these can be found only in the change of the present defenseless boundary of South Germany, so that the point from which future attack may emanate may be more remote, and the fortresses with which France has hitherto threatened Germany may so far be brought into the power of Germany as to constitute hereafter defensive bulwarks against invasion.

The views which I have detailed to you I know to be those which are entertained in the cabinets of the German princes. They also exist in all but irresistible strength in the minds of the German people. I will add but one remark of my own. A true guarantee for Germany against future attacks from France would be the political union of Germany itself; and the most earnest negotiations are now pending between North Germany on the one side and South Germany, especially Würtemberg and Bavaria on the other, for the accomplishment of that object; Germany, being united, will have nothing to fear from France on the one side or Prussia on the other.

GEORGE BANCROFT.

No. 163.

Mr. Bancroft to Mr. Fish.

No. 137.]

AMERICAN LEGATION,
Berlin, September 22, 1870. (Received October 10.)

SIR: The French blockade of the Baltic ports has existed only on paper. Herewith I inclose a translation of a report which I obtained on the subject through the activity of our consular agent at Königsberg. From this it appears that French vessels of war had been seen off the harbor of Pillau. An answer was given corresponding to the certificate. The American ship accordingly sailed for Pillau, and arrived there on the 20th.

The affidavit of the American captain, of which I inclose a copy, confirms the certificate of the pilot commander. The injury done to American commerce by the proclamation of the pretended blockade in defiance of international law has been very great. Twenty American vessels destined for Pillau or a neighboring port were at the last date lying at Copenhagen, to the great loss of shippers and owners.

GEO. BANCROFT.

Annexed: I. Affidavit of Captain William Filts.

II. Report of Prussian pilot commander.

I.

On this 21st day of September, 1870, Captain William Filts, of Portland, United States of America, appeared at this consulate and declared on oath that, after having received

from Mr. Gustav Moeller, merchant of this place, the information that no blockade exists in the Prussian ports of the Baltic, he set [sic] the resolution to leave Helsingør for Pillau, but communicating that resolution to the American consul, Mr. Higat, at Copenhagen, the latter urged him not to do so, stating that he would not interfere in favor of the ship and her cargo if they should be captured by the French navy.

† Captain William Filts started, notwithstanding that admonition, and meeting in the neighborhood of Falsterbo nine French men-of-war, left unmolested, and arrived safe with his cargo at Pillau yesterday (Gez.) William Filts.

{ Seal of the Consulate of the United }
{ States of America at Königsberg. }

J. H. BROCKMANN,
United States Con. Agent

II.

[Translation.]

PILLAU, *September 17, 1870*

Upon request it is hereby officially certified that the port of Pillau during the war with France, from the 18th of July up to to-day, the 17th of September, has been blockaded by no French vessel of war, and that no blockade here has been officially announced; the port of Pillau accordingly has been during the whole time free for the passage of vessels without hinderance, both in and out.

{ Royal Prussian pilot com- }
{ mander's official seal. }

CLAASSEN,
Pilot Commander.

No. 164.

Mr. Bancroft to Mr. Fish.

No. 139.]

AMERICAN LEGATION,
Berlin, September 24, 1870. (Received October 10.)

SIR: Count Bismarck has published another circular, in which he expressly defines as the conditions of peace the cession to Germany of the fortresses of Strasburg and Metz. He describes every attempt of the French to obtain the intervention of neutral powers as only a delay in the negotiations for peace. On the part of neutrals themselves, he holds it to be an act of cruelty for them to prolong the war by nursing hopes of intervention which can never be fulfilled. He declines a truce, unless it shall be attended with the security of the adoption of the concerted conditions of peace. He justifies his demand for the possession of the fortresses by the fact, that in more than twenty wars against Germany the French have in every instance been the aggressors. His conditions of peace he describes as moderate, because they have no other object than the safe enjoyment of tranquillity in time to come. As to the internal government of France, he disavows every disposition to meddle with it. His words are: "It is perfectly indifferent to us what government the French nation may establish for itself." But he draws a distinction between the conditions of peace which Germany demands and the form of government which France may elect. The latter France alone must decide. Strasburg and Metz must pass from the possession of France into that of Germany, or the peace which is to be negotiated, whatever the government of France may be, will prove only a truce, that would last only till France could recover strength to take revenge for its defeats.

With regard to the progress of the war, I am assured by the best military authorities here that Strasburg can hold out but a few days longer. It will probably be in the hands of the Germans before this letter reaches you. On the other hand, little has been done at Metz, except to invest it, and await its surrender from want of food, of which, however, as yet

there appears to be no deficiency. Nevertheless, the bold, unequivocal manner in which Count Bismarck, supported by all the governments of Germany, publishes to the world his conditions of peace, implies a settled determination to be content with nothing less.

The circular of Count Bismarck defines the nature of any negotiations on the part of Jules Favre. He has communicated his conditions of peace to cabinets and peoples, and leaves to the French minister little more than to decide whether he can accept them. He begins and ends with an ultimatum which he propounds, not in secret, but aloud, so that Jules Favre, and everybody else in Europe and America, may know what it is.

The news of last night announced the capture of Toul, the fortress which interrupted the German line of communication by railroad with Paris. It now becomes possible to forward to the neighborhood of Paris the heavy guns which have already been sent forward into France as if they had been intended for the siege of Metz. The circulars of Count Bismarck, of which I inclose copies, of which I have given you an analysis, furnish solutions to every question but one—the conditions on which Germany will agree to a truce. On that subject I have now special information; Count Bismarck offered Jules Favre a truce on condition, first, a constituent assembly should be called; and second, for the convenience of supplying the German army, the Germans should hold the fortresses of Strasburg, Toul, and Verdun. Jules Favre took the offer to Paris, and yesterday sent a refusal, so that war continues to rage. Meantime Toul has surrendered at discretion, and the city of Strasburg may be taken within three days. Meantime measures are going forward for the reconstruction of government in France and in Germany. For France, it is agreed on all hands that it is not fit to restore the dynasty of Napoleon. In the present condition of the country it is not likely that many friends of the Orleans dynasty will be returned as members of the constituent assembly, which is soon to come together. And therefore there is room to hope that the republic will win a majority to its support; the more so, as the republic will be the second choice of the legitimists, and perhaps of other parties. But the republic will be seen with reluctance by Great Britain; and, in truth, of the great powers the United States alone will give it a hearty welcome.

In Germany negotiations are going forward for its reconstruction as a united kingdom or empire, with the King of Prussia as King or Emperor of Germany. Baden has for four years been ready for such a result. The possession of Hesse lying already partly in North Germany, partly in South, and exposed to invasion from France, it will need but a slight pressure to obtain the consent of its sovereign to the change which its people already desire. In Würtemberg and in Bavaria the stern and strict system of Prussian discipline, both civil and military, was not loved, but its results in this war have been so astounding as to convert that adverse feeling into a sentiment of admiration and gratitude. The opposition to a union in Würtemberg grew out of a junction between an extreme democratic party, a court party, and the ultra-montanes. The war has dissolved this coalition, and the national party is in the ascendant. Up to this time the spirit of independence has been strongest in Bavaria, from its greatness and wealth, the antiquity and imperial ancestry of its royal house, its geographical position on the Danube, and the attachment of its royal family and its people to the See of Rome. But the people of Bavaria have for their sovereign a patriot King, who loves Germany as well as Bavaria. The ultra-montane party, which, against his wishes, seemed likely to obtain

the ascendancy in the parliament of the kingdom, has suffered severe blows from the decree of Papal infallibility and the fall of the temporal power of the Pope. The exposed situation of the Bavarian Palatinate creates a dependency on others for defense. The delight in victories achieved by the coöperation of Bavarian and Prussian troops has effaced the sullenness consequent in the hard reverses of 1866, and Mr. Delbrück, whose standing and ability are known to you, is now at Munich, on the invitation of the Bavarian government, to concert the basis of a constitution that shall include all Germany. A congress of the German ruling princes will then be held, and it is the general belief that success will attend the negotiations.

Such a result was, before this war, not aspired to by the Prussian King. He foresaw that the union of Germany must one day take place, but he never believed that it would take place during his lifetime.

* * * * *

GEO. BANCROFT.

P. S.—The number of German troops now on French soil is about five hundred thousand. Other troops are still sent forward. To-day and to-morrow there will go twelve battalions of infantry, two of cavalry, and three batteries. Eight pieces of the heaviest artillery are on the way to Paris. The places in Alsace which are invested and not yet taken are Metz, Strasburg, Schlettstaedt, Bietsch, and Pfahlzburg; in the north, Paris and Mezieres. Thionville is watched by a small detachment. There has been fighting in the streets of Paris, with the use of guns and cannon. Who were the parties is unknown. On the 19th four divisions, one more than the Germans supposed, fled before the Germans, carrying the panic into the city.

One of the Würtemberg ministers, Mr. Mitnacht, has joined Mr. Delbrück in Bavaria, and the conferences on the general outline of a union are going forward jointly.

There are one hundred and fifty-five thousand French prisoners in Germany; the French loss by death and wounds is a hundred thousand, and a hundred thousand are shut up in the invested fortresses. Such is the end of the French army.

COUNT BISMARCK'S CIRCULAR.

GERMANY, *Berlin, September 23.*

The Staatsanzeiger publishes two dispatches to the North German representatives near several neutral governments, in which Count Bismarck gives the reasons which impose upon Germany the necessity of insisting upon cessions of territory as a condition of the prospective conclusion of peace with France. The first is as follows:

"RHEIMS, *September 13, 1870.*

"In consequence of the erroneous ideas concerning our relations with France, which reach us even from friendly quarters, I am induced to express myself in the following lines in relation to the views of his Majesty the King, which are shared by the allied German governments.

"We thought we saw in the plebiscitum and the succeeding apparently satisfactory condition of things in France, a guarantee of peace, and the expression of a friendly feeling on the part of the French nation. Events have taught us the contrary; at least they have shown us how easily this voice, among the French nation, is changed to its opposite. The almost unanimous majority of the representatives of the people, of the senate, and of the organs of public opinion among the press, demanded a war of conquest against us so loudly and emphatically that the isolated friends of peace were discouraged, and the Emperor Napoleon probably told his Majesty no untruth when he declared that the state of public opinion forced him to undertake the war.

"In the face of this fact we must not seek our guarantees in French feelings. We must not shut our eyes to the fact that, in consequence of this war, we must be prepared for a speedy attack from France again, and not for a permanent peace, and that quite independently of any conditions which we may impose upon France. The French nation will never forgive us for the defeat in itself, nor for our victorious repulse of its wanton attack. If we should now withdraw from France, without any acquisition of territory, without any contribution, without any advantages save the glory won by our arms, the same hatred, the same desire for revenge on account of wounded pride and ambition, would remain among the French nation, and it would only await the day when it might hope successfully to indulge these feelings. It was not a doubt of the justice of our cause, nor was it an apprehension that we might not be strong enough, that restrained us in the year 1867 from the war which was then offered us, but the fear of exciting those passions by our victories and of inaugurating an era of mutual animosity and constantly renewed wars, while we hoped, by a longer continuance and attentive care of the peaceful relations of both nations, to gain a firm foundation for an era of peace and welfare. Now, after having been forced into the war which we desired to avoid, we must seek to obtain better guarantees for our defense against the next attack of the French than those of their good feeling.

"The guarantees which have been sought since the year 1815 against the same French desires and for the peace of Europe in the holy alliance and other arrangements made in the interest of Europe, have, in the course of time, lost their efficacy and significance; so that Germany has finally been obliged to defend herself against France, depending solely upon her own strength and her own resources. Such an effort as we are now making imposes such sacrifices upon the German nation that we are forced to seek material guarantees and the security of Germany against the future attacks of France, guarantees at the same time for the peace of Europe, which has nothing to fear from Germany.

"These guarantees we have to demand, not from a temporary government of France, but from the French nation, which has shown that it is ready to follow any government to war against us, as is indisputably manifested by the series of aggressive wars carried on for centuries by France against Germany.

"Our demands for peace can therefore only be designed to lay obstacles in the way of the next attack of France upon the German, and especially the hitherto defenseless South German frontier, by removing this frontier, and with it the point of departure of French attacks, further back, and by seeking to bring the fortresses with which France threatens us, as defensive bulwarks, into the power of Germany.

"You will express yourself in this sense, if any questions are asked of you.

"BISMARCK."

The second circular relates to the first circular of Mr. Jules Favre, and to the mission of Mr. Thiers, considers the question with what government peace would have to be made, and then returns more definitely to the subject of cessions of territory, expressly demanding the surrender of Strasburg and Metz. The document is as follows:

"*MEAUX, September 16, 1870.*

"You are aware of the contents of the document which Mr. Jules Favre has addressed to the representatives of France abroad, in the name of the present authorities in Paris, who style themselves the government of the national defense.

"It has, at the same time, come to my knowledge, that Mr. Thiers has undertaken a confidential mission to several foreign courts, and I presume that it will be his task, on the one hand to inspire confidence in the desire for peace of the present Paris government, and on the other to seek the intervention of neutral powers in favor of a peace designed to rob Germany of the fruits of her victory, and to prevent the establishment of any basis of peace which might lay obstacles in the way of the next French attack upon Germany.

"We cannot believe in the earnest intention of the present Paris government to put an end to the war, so long as it continues to excite the passions of the people by its language and its acts, to increase the hatred and the bitter feeling of the population, already excited by the sufferings caused by the war, and to condemn in advance as inadmissible for France, every basis of peace which can be accepted by Germany. It thereby renders peace impossible, for which it should prepare the people by mild language, duly considering the serious nature of the situation, if it would lead us to believe that it aims at honest negotiations for peace with us. It could only be seriously supposed that we would now conclude an armistice without every security for our conditions of peace, if we were thought to lack military and political sagacity, and to be indifferent to the interests of Germany.

"Another thing which prevents the French from clearly comprehending the necessity of peace with Germany, is the hope, which is encouraged by the present authorities, of a diplomatic or material intervention of neutral powers in favor of France. If the French nation becomes convinced, that, as it alone voluntarily inaugurated the

war, and as Germany has been obliged to carry on the contest alone, it will be compelled to settle the account with Germany alone, it will soon put an end to its now certainly useless resistance. It is cruelty on the part of neutral nations towards France if they permit the Paris government to encourage unrealizable hopes of intervention among the people and thereby to prolong the struggle.

"We are far from any desire to interfere in the internal affairs of France. It is a matter of indifference to us what sort of a government the French may choose for itself. The government of the Emperor Napoleon is the only one which has been formally recognized by us. Our terms of peace, with whatever government, authorized for the purpose, we may have to negotiate them, are entirely independent of the question, how and by whom the French nation is governed; they are dictated to us by the nature of the case, and by the law of self-defense against a turbulent and quarrelsome people on our frontier. The unanimous voice of the German governments and of the German people demands that Germany be protected by better boundaries than heretofore against the threats and outrages which have been committed against us for centuries by all French governments. As long as France remains in possession of Strasburg and Metz her offensive is strategically stronger than our defensive, throughout the entire south and that portion of the north of Germany which lies on the left bank of the Rhine. Strasburg is, in the possession of France, a constantly open sally-port against South Germany. In the possession of Germany, on the other hand, Strasburg and Metz acquire a defensive character. In more than twenty wars we have never been the aggressor against France, and we desire nothing from that country but our own safety, which has been so often jeopardized by it. France, on the contrary, will regard any peace which may now be concluded simply as a suspension of hostilities, and will again assail us, in order to be revenged for her present defeat, with just as little reason as she has done this year, as soon as she feels strong enough to do so, either through her own strength or through foreign alliances.

"In rendering it difficult for France (which has been the originator of every disturbance of the peace of Europe hitherto) to act on the offensive, we are acting, at the same time, in the interest of Europe, which is that of peace. No disturbance of the peace of Europe is to be feared from Germany. Since the war has been forced upon us, which we have shunned for four years with the utmost care and at a sacrifice of our national feeling, which has been incessantly hectored by France, we will demand security in future as the price of the gigantic efforts which we have been obliged to make in our defense. No one will be able to reproach us for want of moderation if we adhere to this just and reasonable demand.

"I desire you carefully to take cognizance of these ideas and present them for consideration in your interviews.

"BISMARCK."

No. 165.

Mr. Bancroft to Mr. Fish.

No. 143.]

AMERICAN LEGATION,
Berlin, September 29, 1870. (Received October 14.)

SIR: In pursuance of your instruction of August 30 (No. 128) I addressed to the secretary for foreign affairs a request that measures might be taken for the protection of the large amount of American property in Paris upon its occupation by the German troops.

I append a translation of the reply of Mr. von Thiele conveying the desired assurances.

GEO. BANCROFT.

Mr. von Thile to Mr. Bancroft.

[Translation.]

BERLIN, September 28, 1870.

The envoy extraordinary and minister plenipotentiary of the United States of America was pleased in his communication of the 15th instant to draw attention to the fact that there is in Paris a large amount of American property. To this notification was added the suggestion that measures might be taken for the protection of this property during the occupation of the French capital by German troops. The undersigned

may be permitted to mention in reply hereto that German troops respect always private property so far as the necessities of war at all admit. Even under the difficult circumstances which may perhaps occur in Paris, all that is possible will willingly be done by the authorities of this government to guard from injury American property.

But it is desirable that the American citizens should themselves also take, on their part, those measures for the security of their property which other inhabitants of besieged towns take, *i. e.*, avoid as far as possible the risk of loss.

VON THIELE.

No. 166.

Mr. Bancroft to Mr. Fish.

No. 145.]

AMERICAN LEGATION,

Berlin, September 29, 1870. (Received October 20.)

SIR: On the 24th of this month I sent you the following telegram:

FISH, *Secretary,*

Washington, District of Columbia:

Bismarck offered Favre truce conditions. Convention to be called. Germany to hold Strasburg, Verdun, Toul. Yesterday Favre rejected offer.

BANCROFT.

The account conveyed in the telegram is authentic. In the opinion of Europe the terms offered were moderate. The statement that the Germans demanded Mont Valerien is a misrepresentation. Now, the fall of Toul has been followed by the momentous event of the surrender of Strasburg, just one hundred and eighty-nine years after the day in which it was seized by Louis XIV. Seventy thousand troops are thus set free to invade southwestern France, the left wing to touch Lyons.

It seems very hard to understand the hopes and expectations of the present French government. The constituent convention has been postponed, and most men think, had a convention been held at this time it would not have confirmed the revolutionary ministers in power. The Orleanists see with pleasure the postponement of the convention, for they have as yet had no opportunity to organize their party in the nation, and under existing circumstances could be represented only by a small minority. Indeed, France is distracted by parties, and as yet manifests no unity of aspiration or action in the reconstruction of its civil government. * * * * *

GEO. BANCROFT.

P. S.—It is now said that the present government, feeling the want of the confirmation of the people and the chance of ending anarchical tendencies through a convention, has decided to hold elections for a convention on the 16th of the next month. The Orleanists, during their eighteen years' reign, were opposed to the extension of suffrage, which was confined to about 18,000 voters in all France.

Mr. Guizot even invented a term to distinguish the governing class of France, calling it the "*pays legal.*" As a consequence, the Orleans dynasty was supported only by surface roots, and not having any hold on the people was overthrown by the first storm. It has now no popularity, but a large part of the industrial class and a large part of the cultivated class in France are in favor of restoring that family.

No. 167.

Mr. Bancroft to Mr. Fish.

No. 146.]

AMERICAN LEGATION,
Berlin, October 3, 1870. (Received October 20.)

SIR: I have this moment received, a little in advance of the press, a lithographic copy of Count Bismarck's account of his interview with Jules Favre. Having no time to make a translation or abstract of it before the closing of the mail, I send you the document as I received it from the Foreign Office.

* * * * *

GEO. BANCROFT.

[For a translation of this inclosure see Baron Gerolt's note to Mr. Fish of October 17, 1870, *post.*]

No. 168.

Mr. Bancroft to Mr. Fish.

No. 147.]

AMERICAN LEGATION,
Berlin, October 5, 1870. (Received October 20.)

SIR: In your letter of July 22 to Baron Gerolt you express your hope that the Government and people of the United States may soon be gratified by seeing the principle of exempting private property on the high seas from seizure universally recognized.

Mr. Delbrück informs me that when the time shall come for negotiating a peace with France, one of the conditions to be proposed and insisted on will be the recognition of this principle.

The treaty relating to consulships and inheritances, which I am to close as soon as the incidents of war will admit, may contain references to the former treaties of the United States with Prussia, confirming them in part. Will you authorize me to propose on your part a recognition in the pending treaty of the principle which you affirm in the letter I have referred to? I am sure it will find acceptance here.

GEO. BANCROFT.

No. 169.

Mr. Bancroft to Mr. Fish.

No. 160.]

LEGATION OF THE UNITED STATES,
Berlin, November 10, 1870. (Received November 25.)

SIR: Several causes have combined to delay operations against Paris far beyond the time that was at first assigned for them. The King is disinclined to damage the city. The officers of the army have been relying for success on the deficiency of food among the besieged; the heavy cost that transport from the termination of the railways have cut up the roads and made them almost bottomless; two hundred wagons have been used where two thousand are needed, and the construction of the batteries and collection of material have proceeded somewhat languidly. Meantime the besieged have used military skill and their great numbers to complete their defenses. The men have been organized and trained to the offices of war, and their courage and

temper have hardened, so that the attack on Paris is now attended with increased difficulty, except only that the food within the walls is constantly growing less. I am told by good authority that the bombardment, if it takes place at all, cannot begin before the 20th, and probably not so soon as that. In short, it is evident that the Germans wish to avoid a bombardment if possible, although they are preparing for it as for an eventual necessity. Mr. Thiers went on his mission to Count Bismarck without any plenipotentiary authority whatever. He was very much in earnest, and one of his interviews with the chancellor lasted seventeen hours uninterruptedly. After this he returned to Paris for powers, which were refused him. Jules Favre and Gambetta professed to have been in favor of a truce; Trochu, whose opinion prevailed, was most decidedly against it. The Germans are of opinion that Paris, under any circumstances, must fall. The French are of opinion that unless Trochu can make vigorous and successful sallies it must fall. Another month will hardly go by without manifestly approaching a solution of the question so far as Paris is concerned; but as yet I see nothing that promises a speedy establishment of peace.

The negotiations for receiving the southern states into the North German Union, which will then become the German Union, continue. It seems probable that at the approaching session of the Reichstag Baden, Würtemberg, and perhaps Hesse, will be at once received. Bavaria may hold out a little longer, but public opinion decided not to sacrifice the efficiency of the consolidated union to the scruples of a wayward recusant, and Bavaria may for a time, but not for a very long time, occupy the position of North Carolina after the organization of our Government in 1789.

Your dispatches, as far as No. 257, have been received, with the exception of No. 237, which appears to have been lost on the way.

GEO. BANCROFT.

CORRESPONDENCE BETWEEN THE DEPARTMENT OF STATE AND THE
NORTH GERMAN LEGATION AT WASHINGTON.

No. 170.

Baron Gerolt to Mr. Fish.

By order of the King, the North German government begs the United States Government to allow that the United States legation at Paris may protect Germans in France during the war.

[The above was handed to me personally, by Baron Gerolt, at my residence, Monday, July 18, about 6½ p. m.

H. F.]

No. 171.

Baron Gerolt to Mr. Fish.

LEGATION OF NORTH GERMANY,
Washington, July 19, 1870. (Received July 19.)

SIR: I have the honor to communicate to you the following cable dispatch, received this morning from the chancellor of North Germany, Count Bismarck:

Baron GEROLT, *Washington* :

BERLIN, *July 19.*

For your guidance, private property on high seas will be exempted from seizure by his Majesty's ships, without regard to reciprocity.

BISMARCK.

I will thank you for causing this communication to be officially published as early as convenient; and have the honor to be, with the highest consideration, your obedient servant,

FR. v. GEROLT.

Hon. HAMILTON FISH,

Secretary of State of the United States, Washington.

No. 172.

Mr. Fish to Baron Gerolt.

DEPARTMENT OF STATE,

Washington July 22, 1870.

SIR: I have the honor to acknowledge the receipt of your letter of the 19th instant, communicating to this Government the text of a dispatch from Count Bismarck, to the effect that private property on the high seas will be exempt from seizure by the ships of his Majesty the King of Prussia, without regard to reciprocity.

In compliance with the request further contained in your note, that communication has been officially made public from this Department.

It is now nearly a century since the United States, through Thomas Jefferson, Benjamin Franklin, and John Adams, their plenipotentiaries, and Prussia, under the guidance of the great Frederick, entered into a treaty of amity and commerce, to be in force for ten years from its date, whereby it was agreed that if war should unhappily arise between the two contracting parties, "all merchant and trading vessels employed in exchanging the products of different places, and thereby rendering the necessaries, conveniences, and comforts of human life more easy to be obtained, and more general, should be allowed to pass free and unmolested; and that neither of the contracting powers should grant or issue any commission to any private armed vessels, empowering them to take or destroy such trading vessels, or interrupt such commerce."

The Government of the United States receives with great pleasure the renewed adherence of a great and enlightened German government to the principle temporarily established by the treaty of 1785, and since then advocated by this Government whenever opportunity has offered. In 1854, President Pierce, in his annual message to Congress, said: "Should the leading powers of Europe concur in proposing, as a rule of international law, to exempt private property upon the ocean from seizure by public armed cruisers, as well as by privateers, the United States will readily meet them on that broad ground." In 1856, this Government was invited to give its adhesion to the declaration of Paris. Mr. Marey, the then Secretary of State, replied: "The President proposes to add to the first proposition in the declaration of the Congress at Paris the following words: 'And that the private property of the subjects or citizens of a belligerent on the high seas shall be exempted from seizure by public armed vessels of the other belligerent, unless it be contraband. Thus amended, the Government of the United States will adopt it, together with the other three principles contained in that

declaration?" And again, in 1861, Mr. Seward renewed the offer to give the adhesion of the United States to the declaration of the congress of Paris, and expressed a preference that the same amendment should be retained.

Count Bismarck's dispatch, communicated in your letter of the 19th instant, shows that North Germany is willing to recognize this principle (even without reciprocity) in the war which has now unhappily broken out between that country and France. This gives reason to hope that the Government and the people of the United States may soon be gratified by seeing it universally recognized as another restraining and harmonizing influence imposed by modern civilization upon the art of war.

Accept, sir, the renewed assurance of my very high consideration,
HAMILTON FISH.

No. 173.

Mr. Davis to Baron Gerolt.

DEPARTMENT OF STATE,
Washington, July 25, 1870.

MY DEAR BARON: For your information and use, I inclose a copy of a cable dispatch from Mr. Washburne of this date, stating the position of France as to the declaration of Paris.

Very truly yours,

J. C. B. DAVIS.

Mr. Washburne to Mr. Fish.

[Telegram.]

PARIS, July 25, 1870.

Official notice that France, in present war, adheres to the declaration of Paris, as well in regard to United States as other powers, especially Prussian property in American bottoms, respected unless contraband, and American property respected in Prussian bottoms.

WASHBURNE.

No. 174.

Baron Gerolt to Mr. Fish.

LEGATION OF THE NORTH GERMAN UNION,
Washington, July 25, 1870. (Received July 26.)

SIR: I have the honor to acknowledge the receipt of your note of the 21st instant, communicating to me the cable dispatch of the American minister at Paris, in relation to the refusal of the French government to exempt North German steamers from capture after the state of war was known to them when they sailed.

I have the honor to be, with the highest consideration, your obedient servant,

FR. V. GEROLT.

Hon. HAMILTON FISH,
Secretary of State of the United States, Washington.

No. 175.

Baron Gerolt to Mr. Fish.

[Translation.]

LEGATION OF THE NORTH GERMAN UNION,
Washington, August 11, 1870. (Received August 12.)

The undersigned, envoy extraordinary and minister plenipotentiary of the North German Union, has the honor, by order of his government, to present to the Hon. Hamilton Fish, Secretary of State of the United States, the documents hereunto annexed, which are calculated to throw a clearer light upon the causes and motives of the war that has broken out between Germany and France.

The first, No. 1, is a literally correct statement of the proceedings at Ems, made by order of the King, and with his immediate approbation.

The second, No. 2, contains the official report of his Majesty's aide-de-camp, on the execution of his order.

The inclosure No. 3 is the duplicate of the dispatch of Count Bismarck to the subscriber, dated July 19 of this year, containing the declaration of the same relative to the declaration of war by France against Prussia, presented to him by the French chargé d'affaires.

No. 4. Declaration of war by France.

The undersigned has the honor to avail himself of this opportunity to renew to the honorable Secretary of State the assurances of his distinguished consideration.

FR. V. GEROLT.

Hon. HAMILTON FISH, &c., &c., &c.

 No. 1.

STATEMENT OF THE PROCEEDINGS AT EMS.

Count Benedetti at Ems, on the 19th instant, asked an audience from the King, which was granted to him at once. At this interview he demanded that the King should give orders to the Prince of Hohenzollern to withdraw his acceptance of the Spanish crown. The King replied that as he had been addressed on this whole affair only as head of the family, and never as King of Prussia, and hence had given no order for the acceptance of the crown candidacy, he just as little could command the withdrawal of the same. On the 11th the French ambassador requested and was granted a second audience, in which he endeavored to exert a pressure upon the King, to the end that he urge the prince to renounce the crown. The King replied that the prince was perfectly at liberty as regarded his determination; moreover, he himself did not know where the prince, who intended to make a tour to the Alps, was at the present time. On the promenade at the springs, in the morning of the 13th, the King handed to the ambassador an extra sheet of the Cologne Gazette, which had just reached him, with a private telegram from Sigmaringen, relative to the renunciation of the prince, remarking at the same time, that he himself had not received as yet a letter from Sigmaringen, but might expect one this day. Count Benedetti observed that he had received the news of the renunciation already yesterday evening from Paris; and as the King by this considered the matter as settled, the ambassador now demanded, quite unexpectedly, from the King, that he should give definite assurance that he would never again give his assent, in case the said crown candidacy should be revived. The King definitely declined such a demand and adhered to this avowal, when Count Benedetti returned repeatedly and more urgently to his proposition. Nevertheless, Count Benedetti, after a few hours, demanded a third audience. Upon inquiry what subject was to be discussed, he replied that he wanted to renew the subject of that morning. The King for this reason declined a new audience, as he had no answer than the previous one to make, and besides, from this time all transactions were to be made through the departments. The King complied with the wish of Count Benedetti to take leave of him, and on the morning of the 14th granted him at the depot on his way to Coblenz. It is shown, then, that the ambassador had three interviews with the King, which bore the character of private conversations, as Count Benedetti never acted as negotiator or commissioner.

No. 2.

REPORT OF THE KING'S AIDE-DE-CAMP.

His Majesty the King, in consequence of a conversation had with Count Benedetti on the morning of the 13th of July, on the promenade of the springs, graciously sent me about 2 o'clock in the afternoon to the count with the following commission:

That his Majesty an hour ago had received in writing from the Prince of Hohenzollern, at Sigmaringen, the full confirmation of what the count had this morning communicated to him, as heard directly from Paris, relative to the renunciation of Prince Leopold to the Spanish crown candidacy. That hence his Majesty considered this affair settled.

Having delivered myself of my commission to Count Benedetti, he said that since his conversation with the King he had received a new dispatch of Monsieur de Gramont, in which he was charged to request an audience from his Majesty and again to lay before his Majesty the request of the French government, viz.:

1. To approve the renunciation of the Prince of Hohenzollern.
2. To give assurance that this candidacy should not be resumed in the future.

Whereupon his Majesty replied to the count, through me, that he approved of the renunciation of Prince Leopold in the same sense and to the same extent in which his Majesty had done this before, in regard to the acceptance of this candidacy. That his Majesty had received the written renunciation from Prince Anton of Hohenzollern, who had been authorized thereto by Prince Leopold. In regard to the second point, the assurance for the future, his Majesty could but refer to his own reply given to the count this morning; Count Benedetti received this reply of his Majesty thankfully, and said he would report the same to his government.

As regarded the second point, however, he should maintain his request for another interview with his Majesty, because he was expressly ordered to do so by the last dispatch of Monsieur de Gramont, and if it was only in order to hear the same words again from his Majesty, the more so as this last dispatch contained new arguments which he had to lay before his Majesty. Whereupon his Majesty replied, through me, to Count Benedetti for the third time, at about half past five o'clock, after dinner, that his Majesty must decline definitively relative to this last point (obligatory assurance for the future) to enter into further discussions. What he had said this morning was his last word in this matter, and he could do nothing but refer to it.

When assured that Count Bismarck's arrival at Ems could not be relied on, even for the next day, with certainty, Count Benedetti declared himself satisfied on his part with this declaration of his Majesty the King.

 No. 3.
Count Bismarck to Baron Gerolt. [Of July 19, 1870.]

The French imperial government has caused its chargé d'affaires to present the annexed document containing its declaration of war. This is the first and only official communication which we have received from the French imperial government in this whole affair which has occupied the attention of the world for the last fourteen days.

As motives of the war in which the imperial government involves us, it adduces the following:

The refusal of his Majesty the King to give assurance that the elevation of a Prussian prince upon the Spanish throne should not be realized with his assent, and the alleged notification to the cabinets of the refusal to receive the French ambassador, and to transact further business with him.

We have briefly to reply as follows:

His Majesty the King, fully respecting the independence of the Spanish nation, and the freedom of the princes of the house of Hohenzollern to form their own resolutions, has never entertained the idea to elevate the hereditary prince upon the Spanish throne. The demands imposed upon his Majesty to give assurances for the future were uncalled for and arrogant. It is an arbitrary invention to ascribe to him a mental reservation or a hostile intention against France.

The alleged notification to the cabinets has never taken place, neither has a refusal to transact business with the ambassador of the Emperor of the French. On the contrary, the ambassador has never endeavored to transact official business with the royal government, but has discussed the questions only personally and privately at Ems with his Majesty the King.

It is apparent to the German nation, inside and outside of the North German Union, that the demands of the French government were intended as a humiliation which the nation will not bear, and that the war, never intended by Prussia, is forced upon us by France.

The whole civilized world will perceive that the causes which France adduces do not exist, but are pretexts invented.

The North German Union, and its confederate governments of South Germany, protest against the unprovoked surprise of the German Union, and shall ward off the same with all the means which God has granted them.

Your excellency is requested to present a copy of this dispatch, and its inclosures, to the government to which you are accredited.

V. BISMARCK.

His Excellency BARON GEROLT,
Washington, D. C.

Count Bismarck to Baron Gerolt.

After the news of the renunciation of the hereditary Prince of Hohenzollern had been officially communicated to the French imperial government by the royal Spanish government, the French ambassador at Ems demanded from his Majesty the King authorization to telegraph to Paris that his Majesty the King would bind himself for all future time not to give his assent in case the Hohenzollern should return to their candidacy. His Majesty the King thereupon declined again to receive the French ambassador, and replied to him, through his aide-de-camp, that he had no further communication to make to him.

No. 4.

M. Le Sourd to Count Bismarck.

DECLARATION OF WAR BY FRANCE.

The undersigned, chargé d'affaires of France, in carrying out the orders which he has received from his government, has the honor to bring to the notice of his excellency the minister of foreign affairs of his Majesty the King of Prussia the following communication:

The government of his Majesty the Emperor of France cannot regard the project to elevate a Prussian prince upon the Spanish throne otherwise than as an enterprise directed against the territorial security of France, and found itself under the necessity to ask from his Majesty the King of Prussia the assurance that such an event would not transpire with his assent. His Majesty the King of Prussia having refused to give this assurance, but, on the contrary, having informed the ambassador of his Majesty the French Emperor that he intended to reserve on this occasion, as on all others, freedom to consult the circumstances, the imperial government cannot but see in this declaration of the King a mental reservation, threatening to France as well as to the general balance of power in Europe. This declaration was aggravated still more by the notification made to the cabinets, of the refusal to receive the ambassador of the Emperor and to enter upon any new explanation with him.

Consequently the government of his Imperial Majesty feels itself under the necessity immediately to see to the defense of its honor and of its interests, and, having resolved for this purpose to take all measures necessary under the situation forced upon it, considers itself from this moment in a state of war with Prussia.

The undersigned has the honor to offer to his excellency, &c., &c., the assurance of his high consideration.

LE SOURD.

BERLIN, *July 19, 1870.*

No. 176.

Baron Gerolt to Mr. Fish.

LEGATION OF THE NORTH GERMAN UNION,
Washington, August 26, 1870. (Received August 26.)

SIR: I have the honor to present to you the inclosed copy of a telegram just received from the secretary of state at Berlin, referring to a

former telegram, a copy of which is also inclosed, and which has been published in the American newspapers.

I have the honor to be, with the highest consideration, your obedient servant,

FR. v. GEROLT.

Hon. HAMILTON FISH,
Secretary of State of the United States, Washington, D. C.

Mr. Von Thiele to Baron Gerolt.

[Telegram.—Received at Washington 1.40 p. m., August 26, 1870.]

MINISTER OF NORTH GERMAN UNION, *Washington, D. C.:*

The incident mentioned in telegram of 22d has recurred twice since. Captain Rochow, sent by General Alvensleben to Toul with a flag of truce, has been received with shots, and a trumpeter accompanying another flag of truce has been killed. You will lodge a protest with the United States Government against these repeated violations of international law, and declare that we shall be henceforth in the impossibility of sending flags of truce to a nation whose soldiers have lost in Africa, China, and Mexico all recollections of usages of civilized warfare.

VON THIELE.

Mr. Von Thiele to Baron Gerolt.

[Telegram.—Received at Washington August 22, 1870.]

NORTH GERMAN LEGATION AT WASHINGTON:

The bearer of a flag of truce, carrying a white flag, accompanied by a trumpeter sounding his trumpet, who, at a slow pace, approached the French outposts, to deliver messages from French surgeons in behalf of wounded Frenchmen, on the 19th of this month, has been fired at by all the French patrols he met, so that he was obliged to return after his trumpeter had been severely wounded. We solemnly protest against this breach of international law.

VON THIELE.

No. 177.

Baron Gerolt to Mr. Fish.

WASHINGTON, *August 29, 1870.*

The undersigned, envoy and minister plenipotentiary of the North German Union, has the honor, by order of the chancellor of the Union, to deliver to the Hon. Hamilton Fish, Secretary of State of the United States, a copy of a dispatch of the 10th instant, received from said chancellor, together with the two dispatches therein mentioned, which documents give information concerning the alleged secret treaty between Count Bismarck and the French envoy, Count Benedetti, which was brought up for discussion by Earl Granville in the British House of Lords, in its session of the 28th of July last.

The undersigned has the honor, at the same time, to furnish to the Hon. Hamilton Fish a copy, sent to him by the chancellor of the Union, of the correspondence between his Holiness Pope Pius IX and his Majesty the King of Prussia.

Not doubting that these documents will be read with interest by the honorable Secretary of State, the undersigned avails himself of this occasion to renew to him the assurances of his most distinguished consideration.

FR. v. GEROLT.

Hon. HAMILTON FISH,
Secretary of State of the United States.

Mr. Von Thiele to Baron Gerolt.

BERLIN, *August 10, 1870.*

My telegram addressed to the envoy of the North German Union in London, (communicated by Earl Granville in the session of the House of Lords of the 28th ultimo,) in relation to the draught of a treaty published in the Times of the 25th, has led Count Benedetti to give an account of the origin of said draught, in the *Journal Officiel de l'Empire* of July 30; and after I had spoken more at length, in my written dispatch of the 29th of the same month, with regard to the draught and its connection with the policy of the empire, the circular dispatch of the Duke de Gramont, of the 3d instant, was published. While alluding to these two publications, I have no intention to make any reply thereto. The abundant material which they furnish for criticism has already been used by the press of all countries, France not excepted. The object of this most respectful communication is rather to furnish some additional evidence to your*

and to have the same brought to the knowledge of the high government to which you are accredited.

I have not made use of this sooner because I did not wish, even in a state of war, to bring the person of the monarch into a discussion of official acts of his representatives and ministers, and because, during the existence of the system of government which, as is understood, existed in France previously to the 2d of January of the present year, I could not be prepared for the assertion that an act like the submitting of that draught of a treaty to me, and the other propositions mentioned in my dispatch of the 29th, had taken place without the previous knowledge of the Emperor Napoleon. The assurance of the French minister of foreign affairs that the Emperor Napoleon never proposed to Prussia a treaty to take possession of Belgium, and the statements of Count Benedetti that the proposition for the treaty came from me; that he, in order to obtain a clear idea of my combinations, consented to put them on paper in a manner under my dictation, and that the Emperor Napoleon did not receive information of this draught of a treaty until afterward; these assertions force me to make use of a means which is at my command in order still further to confirm my supposition concerning the business relations between the Emperor and his ministers, envoys, and agents, and my statement of the French policy. Among the papers of the Foreign Office is found the note (a copy of which is annexed) from Count Benedetti to me, dated August 5, 1866, (A, 4,867,) and a draught of a treaty sent with the same, (Ad. A, 4,867.) The originals, from the hand of Count Benedetti, I submit to the inspection of the representatives of neutral powers. I shall have the honor to send a photographic fac-simile of the same to your . I would remind you of the fact that, according to the statement of the *Moniteur*, the Emperor spent the days from July 28 to August 7, 1866, in Vichy. In the official interview which I had with Count Benedetti in consequence of his communication, he backed the demands therein contained by a threat of war in case of refusal. The refusal which I nevertheless expressed was followed by a demand for Luxemburg, and the failure to gain this was followed by the greater proposition, embracing Belgium, which is given in Count Benedetti's draught of a treaty, published by the Times.

I most respectfully request your to read this dispatch to the minister of foreign affairs and to hand him a copy or translation of it, together with a copy of the annexes; also to show him the fac-simile of the latter which will hereafter be sent.

For the chancellor of the Union,

THIELE.

(A, 4,867.—Private.)

MY DEAR PRESIDENT: In reply to the communications which I transmitted from Nikolsburg to Paris after our interview of the 26th ultimo, I receive from Vichy the plan of a secret convention, a copy of which you will find annexed. I hasten to inform you of this, in order that you may examine it at your leisure. I am, moreover, at your service, to confer with you whenever you may think that the proper time has arrived.

Truly yours,

BENEDETTI.

SUNDAY, *August 5, 1866.*

*Blank space left to be filled with the word Highness, or Excellency, or whatever the case may require.

(Ad. A, 4,867.)

H. M., &c., &c., and H. M., &c., &c.

ARTICLE I. The French empire reënters into possession of those portions of territory which, now belonging to Prussia, were comprised within the boundaries of France by the settlement thereof in 1814.*

ARTICLE II. Prussia agrees to obtain from the King of Bavaria and from the Grand Duke of Hesse, by making an indemnity to these princes if necessary, the cession of those portions of territory which they possess on the left bank of the Rhine, and to transfer the possession thereof to France.

ARTICLE III. All arrangements are annulled which attach to the Germanic Confederation the territories placed under the sovereignty of the King of the Netherlands, as well as those relative to the right of garrison in the fortress of Luxemburg.

The Pope to the King of Prussia.

YOUR MAJESTY: It will perhaps seem strange to your Majesty to receive a communication in my own handwriting at this important juncture, but as the vicar on earth of the God of peace, I cannot avoid offering my mediation, desirous of seeing the array of war disappear, and to prevent the evils which are its inevitable consequence. My mediation is that of a sovereign who cannot awaken jealousy in his quality of king by reason of the very limited extent of his territory, but it may well merit confidence by reason of its moral and religious character. May God grant my prayers, especially those which relate to your Majesty, with whom I desire to be united by the bonds of love and charity.

AT THE VATICAN, July 22, 1870.

PIUS P. P. IX.

P. S.—I have written at the same time to his Majesty the Emperor of the French.

(A, 3313.)

The King of Prussia to the Pope.

BERLIN, July 30, 1870.

MOST AUGUST PONTIFF: I was not surprised, but profoundly moved, on reading the touching words written by your hand in order to cause the voice of the God of peace to be heard. How could my heart avoid listening to so powerful an appeal? God is my witness that neither I nor my people have desired or provoked war. Obeying the sacred duties which God imposes on sovereigns and nations, we take up the sword in order to defend the honor and the independence of our country; and we shall be ready to lay it down as soon as these blessings can be secured. If your Holiness could offer me, on behalf of him who has so unexpectedly declared war, the assurance of sincerely pacific inclinations and guarantees against the repetition of such disturbance of the peace and tranquillity of Europe, I should certainly not refuse to receive them from the venerable hands of your Holiness, united as I am to you by the bonds of Christian charity and sincere friendship.

WILLIAM.

No. 178.

*Mr. Davis to Baron Gerolt.*DEPARTMENT OF STATE,
Washington, September 8, 1870.

SIR: I have the honor to acknowledge the receipt of your note of the 29th of August last, inclosing for the information of this Government a

*Or, which were comprised within the boundaries of France previously to the settlement thereof in 1814. Meaning seems ambiguous.

copy of a dispatch of that month from the chancellor of North Germany, with the accompanying papers, relating to the alleged secret treaty between Count Bismarck and the French envoy, Count Benedetti; and also a copy of the correspondence which has taken place between his Holiness Pope Pius IX and his Majesty the King of Prussia.

Thanking you for the opportunity thus presented of perusing these interesting papers, I avail myself of this occasion to renew to you the assurances of my very high consideration.

J. C. B. DAVIS.

No. 179.

Mr. Fish to Baron Gerolt.

DEPARTMENT OF STATE,
Washington, September 16, 1870.

SIR: I have the honor to inclose, for your information and that of your government, a copy of a dispatch of the 22d ultimo, No. 266, and of the papers which accompanied it, from E. B. Washburne, esq., the minister of the United States at Paris, and who is charged with the protection of subjects of North Germany in France, in relation to the expulsion of such subjects from that country.

I have the honor to be, with the highest consideration, sir, your obedient servant,

HAMILTON FISH.

[This inclosure will be found in Mr. Washburne's No. 266, dated 22d August, 1870, *ante*, "France."]

No. 180.

Baron Alvensleben to Mr. Fish.

LEGATION OF THE NORTH GERMAN UNION,
Washington, September 16, 1870. (Received September 16.)

The undersigned has the honor very respectfully to express his most grateful acknowledgments to the Hon. Hamilton Fish for the copy of the dispatch of Mr. Washburne of the 22d ultimo, concerning the expulsion of the Germans from France, which copy was kindly sent with his esteemed note of the 13th instant. The undersigned has hastened to transmit this interesting communication to his most high government, which will certainly thereby gratefully see with what earnestness and zeal the representative of the United States interests himself in behalf of the distressed Germans.

The undersigned gladly avails himself of this occasion to reiterate to the honorable Secretary of State the assurances of his most distinguished consideration.

For the envoy.

H. v. ALVENSLEBEN.

Hon. HAMILTON FISH,
Secretary of State of the United States, Washington, D. C.

No. 181.

Baron Gerolt to Mr. Fish.

[Translation.]

LEGATION OF THE NORTH GERMAN UNION,
Washington, October 12, 1870. (Received October 13.)

The undersigned, envoy and minister plenipotentiary of the North German Union, has the honor in behalf of his government to transmit to the honorable Secretary of State of the United States a copy of a dispatch from the chancellor of the North German Union, in which a formal protest is made to the Government of the United States against the violation of international law by the French troops.

The undersigned avails himself of this occasion to renew to the Hon. Hamilton Fish the assurances of his most distinguished consideration.
 FR. v. GEROLT.

Hon. HAMILTON FISH,

Secretary of State of the United States, Washington, D. C.

Chancellor Thile to Baron Gerolt.

[Translation.]

BERLIN, *September 27, 1870.*

By my telegrams of the 22d and 26th of last month your excellency was requested to protest to the government to which you are accredited against the violation of international law of which the French troops have been guilty, by attacking the bearers of our flags of truce. The constantly increasing remoteness of the theatre of war from Berlin, the slowness of communication, and the necessity under which the various divisions of troops are of limiting intercourse with headquarters only to the most urgent cases, these circumstances have hitherto rendered it impossible for me to procure with satisfactory completeness official information with regard to the occurrences in question. I shall, however, delay no longer to communicate to your excellency what has thus far been proved concerning these occurrences.

On the morning of the 19th of August Lieutenant Colonel von Verdi, and Captain von Winterfeld, both staff officers of his Majesty the King, were sent to Metz as bearers of flags of truce. Letters were to be delivered there from French physicians in high positions, who had remained on the field of battle, and arrangements were to be made to alleviate the sufferings of the wounded French soldiers, by procuring medical aid from that town.

As soon as aforesaid staff officers had passed our outposts, they rode, on a walk, a dragoon going before them waving a white flag, and likewise a trumpeter, who blew signals at short intervals.

A patrol of the enemy's hussars very soon approached from the left, and, moving along at some distance from our flag-bearers, kept watching them. When they (the hussars) were about one hundred paces distant they fired. The lieutenant colonel (Von Verdi) at once ordered a halt and ordered the white flag to be waved and signals to be sounded. The patrol then galloped away in the direction of Metz.

The flag-bearers again rode forward, on a walk, and strictly observing the formalities above indicated. A French infantry post on a farm near Longeau, on the road to Metz, had doubtless been informed of their appearance by the aforesaid cavalry patrol. This post, from which the approach of the Prussians could be seen for a long time before their arrival, could not have been in any doubt concerning the peaceable intentions of the slowly-advancing riders. On this side this post was only seen at a distance of eighty paces.

Lieutenant Colonel von Verdi at once ordered a halt, and ordered the proper signal to be sounded and the flag to be waved. The French answered these peaceable signs by several shots. When at length a division rushed out and commenced firing, the order was given to retreat. The Prussian trumpeter, Berlin first squadron, eleventh dragoon regiment, was wounded and fell from his horse, but finally escaped in safety from the fire of the enemy. In this manner it was rendered impossible to fulfill the mission, which was intended to benefit the wounded French soldiers.

The circumstances of this case are such that the plea of a misunderstanding cannot be raised, and only the presumption remains that the French military men in question

either intentionally violated the usages which exist among all civilized nations, and which now form a part of international law, or that they were entirely unacquainted with said usages. The first case would indicate a strange want of discipline, the second a singular neglect of duty on the part of the government. In either case, however, there is good reason to protest to all governments which recognize international law against so flagrant a violation of the same.

I reserve to myself the preparation of a detailed account of the cases mentioned in my telegram of the 26th ultimo, and most respectfully request your excellency to be pleased to transmit a copy of this dispatch to his excellency the minister of foreign affairs.

The chancellor of the North German Union, by his representative,

THIELE.

No. 182.

Baron Gerolt to Mr. Fish.

[Translation.]

LEGATION OF THE NORTH GERMAN UNION,
Washington, October 15, 1870. (Received October 17.)

The undersigned, envoy extraordinary and minister plenipotentiary of the North German Union, has the honor most respectfully herewith to transmit to the Hon. Hamilton Fish, Secretary of State of the United States, a copy of a dispatch from his most high government, of the 27th ultimo, in which the two circulars read by the late minister of foreign affairs, the Prince de la Tour d'Auvergne, in the session of the 1st of September last, of the Corps Législatif, wherein the German troops are accused of various violations of the law of nations at large, as well as of treaties, are categorically contradicted, and in which also the manner is shown in which the Geneva convention has been observed by the French government.

The undersigned gladly avails himself of this occasion to reiterate to the Hon. Hamilton Fish the expression of his most distinguished consideration.

FR. v. GEROLT.

Hon. HAMILTON FISH,

Secretary of State of the United States, Washington, D. C.

Chancellor Thiele to Baron Gerolt.

[Translation.]

BERLIN, *September 27, 1870.*

In the session of the Corps Législatif of September 1, the then minister of foreign affairs, the Prince de la Tour d'Auvergne, read two circulars in which the German troops were accused of various violations of the law of nations in general as well as of that portion of it which is regulated by treaty. German troops are therein stated to have committed acts of hostility against French ambulances to have taken Baron de Bussiére prisoner in the midst of an ambulance corps organized by him, to have used explosive bullets, to have compelled peasants living in the vicinity of Strasburg to work in the trenches were they were exposed to the fire of the fortress, to have sought to cover trains conveying provisions and munitions of war, and also wagons containing money, with the distinctive sign provided for in the Geneva convention; finally, it is asserted that a French surgeon was killed by a Prussian soldier, while dressing the latter's wounds. Although I was perfectly well convinced *a priori* of the incorrectness of all these statements, I was not willing, in consideration of the name whose sanction they bore, to confine myself to assurances that such occurrences were impossible, but caused inquiry to be made whether anything had happened which could have been distorted by unreliable or malicious reporters to monstrous deeds of the kind mentioned. These inquiries were, it is true, attended with all the more difficulty

in view of the fact that the statements of the French minister are made in an unusually vague manner, for official declarations of so serious a nature, both in regard to particulars and to the mention of the authority on which they are made. Satisfactory statements of names, time, and manner are everywhere wanting. Notoriety is in most cases appealed to as proof, which is equivalent to a reference of the French journals, whose veracity I certainly do not need to characterize. In both cases, where reference is made to witnesses or testimony, with regard to explosive bullets or the compulsory employment of Alsatian peasants in the trenches, neither the purport of the testimony nor the names of the witnesses or informants are given. The inquiries which I have caused to be made have only shown a foundation for one of the accusations made against the German troops, and in this accusation the facts are shown to have been greatly distorted. It is true that the Baron de Bussi re was arrested, and that he had something to do with the care of the wounded; the arrest, however, did not take place in the midst of an ambulance corps; it was caused by the suspicion that said baron was in secret communication with the garrison of Strasburg, and it took place with all the respect due to his position and his honorable reputation, as did likewise his removal to his place of detention, which soon after followed. With regard to the duration of the detention, military considerations alone could decide. All the other statements of the two circulars I must characterize as entirely fictitious, and it remains to be seen whether the French government will endeavor to fulfill the obligation which rests upon it of proving the assertions in question, in a manner, which after the numerous evidences which we have had of the credibility of French official assurances, can have any claim to respect. Out of regard to the other powers who were parties to the Geneva convention, and the Petersburg declaration of November 24, (December 11,) 1868, I add the positive assurance that that convention has been observed in the most careful manner by the German troops, and that explosive balls for portable arms, or of less than 400 grams weight, are not to be found in the entire German army.

On the other hand, abundantly authenticated facts of the most astonishing character exist to show how the French government has fulfilled, or rather not fulfilled the Geneva agreement, for the conclusion of which it exerted itself, as the Prince de la Tour d'Auvergne correctly says, with extraordinary zeal: The German surgeons who had to attend to wounded French soldiers after the battle of Wissembourg, in the hospitals under the charge of Surgeons General B gor and Wilms, became convinced that said soldiers, with few exceptions, were entirely unaware of the meaning of the white band with the red cross. The French military surgeons in high position, who soon after visited the same hospitals for the purpose of looking after their countrymen, were forced to make the protective badge as best they could from the first material that they could find, and positively assured Prince Putbus, delegate of the Knights of St. John, that the French ministry of war had neither furnished the Geneva band to the surgeons nor directed them to wear it. Captured French officers have since unanimously asserted that the Geneva convention and the precepts of the same, with regard to the treatment of ambulances, surgeons, and wounded men, are entirely unknown in the French army. And how desirable would peculiarly careful instructions be for this very army, since the French government has found it compatible with the humanity which the circular of the 30th of August mentions, as the reason of its zeal for the observance of the Geneva convention, to bring the Turcos unto the field against us, men enlisted from the offscourings of the population of the cities of North Africa.

I intend to show by official documents what have been the consequences of the failure to issue such instructions.

In the two circulars of August 30, nothing can therefore be seen, save an attempt momentarily to blunt, by counter-accusations taken from the newspapers, the edge of our protest of August 26, made on account of flagrant violation of the privileges of the flag of truce, and of the further protest which there was good reason to expect.

I most respectfully request your excellency to be pleased to furnish the minister of foreign affairs with a copy or translation of this dispatch.

The Chancellor of the North German Union, by his representative,

THIELE.

No. 183.

Baron Gerolt to Mr. Fish.

LEGATION OF THE NORTH GERMAN UNION,
Washington, October 17, 1870. (Received October 18.)

SIR: The undersigned, envoy and minister plenipotentiary of the North German Union, has the honor, in accordance with instructions

received, most respectfully herewith to transmit to the Hon. Hamilton Fish, Secretary of State of the United States, a copy of a dispatch from the chancellor of the North German Union, of the 27th of last month, in which Count von Bismarck gives a *résumé* of the negotiations which took place between him and Mr. Favre.

The undersigned gladly avails himself of this fresh occasion to renew to the Hon. Hamilton Fish the assurances of his most distinguished consideration.

FR. v. GEROLT.

Hon. HAMILTON FISH,
Secretary of State of the United States, Washington.

Count Bismarck to Baron Gerolt.

FERRIÈRES, September 27, 1870.

SIR: The report made by Mr. Jules Favre to his colleagues of his conversation with me on the 21st instant, induces me to send your excellency a communication in reference to the negotiations which took place between us, which will enable you to form a correct idea of the same. It cannot be denied that Mr. J. Favre has taken pains to give a generally true statement of the matter. If he has not everywhere succeeded in doing so, this is probably due to the length of our interviews and the circumstances under which they took place. I must, however, point to the fact, in opposition to the general purport of his statement, that the question of the conclusion of peace did not occupy the foreground in our conversation, but that of a truce, which was to precede the conclusion of a peace. With regard to our demands for the subsequent conclusion of a peace I expressly stated to Mr. J. Favre that I would not express myself in relation to the boundary claimed by us until the general principle of the cession of territory should be recognized by France. In connection with this the formation of a new department of the Moselle was mentioned by me, as an organization according with our views, with the arrondissements of Saarburg, Château Salins, Saargemund, Metz, and Thionville. In no wise, however, did I state that no further conditions would be demanded by us, should such seem to be necessary in consequence of the sacrifices imposed upon us by the continuation of the war.

Strasburg, which Mr. Favre makes me describe as the key of the house, thus leaving it uncertain whether France is thereby meant, was expressly designated by me as the key of our house, the possession of which we were therefore unwilling to leave in foreign hands.

Our first conference in the castle of Haute-Maison was generally kept within the limits of an academical review of the past and present, the real pith of which was confined to the declaration of Mr. J. Favre that any sum of money possible (*tout l'argent que nous avons*) would be paid, but that no cession of territory could be made. After I had declared the latter to be indispensable, he said that no negotiations for peace were possible, his view being that cessions of territory would be degrading, nay, even disgraceful to France. I did not succeed in convincing him that conditions whose fulfillment France had obtained from Italy, and had demanded of Germany, without having been at war with either of the two countries—conditions which France, without the slightest doubt, would have imposed upon us if we had been conquered, and which had been the result of almost every war, even of modern times—could be in no wise disgraceful to a country conquered after a brave resistance, and that the honor of France was not of a character different from that of other countries. Nor could I bring Mr. Favre to see that the restoration of Strasburg, so far as the point of honor was concerned, could be of any more consequence than that of Landau or Saarlouis, or that the violent conquests of Louis XIV were no more closely bound up with the honor of France than those of the first republic or of the first empire.

It was not until we met in Ferrières that our conversations took a more practical turn, when they were on the subject of a truce, and the fact of this having been their exclusive subject, refutes the assertion that I declared that I desired a truce under no circumstances. The manner in which Mr. Favre does me the honor, in respect to this and other questions, to introduce me as saying, "*Il faudrait un armistice, et je n'en veux à aucun prix.*" together with other things of the same import, forces me to make this correction, viz: That in such conversations I never have expressed, and never do express myself, to the effect that I, personally, desire, refuse, or grant anything, but always speak only of the views and requirements of the governments whose business I have to transact. As a preliminary to the conclusion of a truce, the necessity was

admitted in this conversation, on both sides, of granting the French nation time to choose representatives who should alone be able to establish the legitimacy of the present government so far that the conclusion of a peace with it, in accordance with the law of nations, might become possible. I pointed to the fact that a truce is always attended with military disadvantages for a victoriously advancing army, but in this case would afford an excellent opportunity for the defense of France and for the reorganization of its army, and that we, therefore, could not grant a truce without a military equivalent. I designated, as such, the surrender of the fortresses which hampered our communication with Germany, because, in view of the prolongation of the period for which we should have to subsist our troops, in consequence of an intervening truce, a facilitation of this subsistence must be made a preliminary condition. The fortresses alluded to were Strasburg, Toul, and a few smaller places. In relation to Strasburg, I remarked that its capture must soon take place, since the crowning of the glacis was complete, and we, therefore, thought the surrender of the garrison required by the military situation, while those of the other fortresses would be at liberty to march out unmolested. Another difficult question was with regard to Paris. Since we had completely shut in this city, we could only permit its communications to be reopened if the reprovisioning of the place, which would thus be rendered possible, would not weaken our own military position, and lengthen the time required for the reduction of the place by hunger. After a consultation with the military authorities, I finally presented the following alternative, by the most high command of his Majesty the King, with regard to the city of Paris:

Either the position of Paris is to be given up to us by the surrender of a controlling part of the fortifications; at this price, we are ready to allow communication with Paris to be carried on without hinderance, and to allow any provisioning of the city.

Or the position of Paris is not to be given up to us. In this case we cannot consent to the raising of the blockade, but must let the *maintenance of the military status quo* be the basis of a truce, since otherwise the consequence of the latter would only be that, after the expiration of the truce, Paris, newly provisioned and equipped, would be all the better prepared to oppose us.

Mr. Favre rejected the first alternative, containing the surrender of a part of the fortifications, as positively as the condition that the garrison of Strasburg should be prisoners of war. He promised, however, to ask the opinion of his colleagues with regard to the second alternative, which was to maintain the *military status quo* before Paris. The programme which Mr. Favre took to Paris as the result of our conversations, and which was there rejected, contained, therefore, nothing at all with regard to future terms of peace, but did contain an assent to a truce of from fourteen days to three weeks, in order to allow the election of a national assembly, on the following conditions:

1st. At and before Paris the maintenance of the *military status quo*.

2d. At and before Metz, continuation of hostilities within a circle around Metz, to be more particularly defined.

3d. Surrender of Strasburg, together with the garrison as prisoners of war; of Toul and Bitsch, their garrisons to be allowed to depart unmolested. I think that our opinion that we made a very favorable offer will be shared by all neutral cabinets. The French government, by its unwillingness to take advantage of the opportunity offered it for the choice of a national assembly, even within the portions of France occupied by us, proclaims its determination to keep up the difficulties in which it now is, with regard to the conclusion of a peace, in accordance with the law of nations, and not to listen to the voice of the French people. That general and free elections would have resulted in favor of peace is an impression which forces itself upon us here, and which has, in all probability, been felt by the authorities in Paris.

I very respectfully request your excellency to be pleased to bring the present dispatch to the notice of the government to which you are accredited.

BISMARCK.

No. 184.

Mr. Fish to Baron Gerolt.

DEPARTMENT OF STATE,
Washington, October 19, 1870.

The undersigned, Secretary of State of the United States, has the honor to acknowledge the receipt of the communication of the 12th instant, addressed to him by the envoy extraordinary and minister plen-

ipotentiary of the North German Union, relating to violations of international law alleged to have been perpetrated by French troops.

The undersigned avails himself of the occasion to renew to Baron Gerolt the assurance of his highest consideration.

HAMILTON FISH.

No. 185.

Mr. Fish to Baron Gerolt.

DEPARTMENT OF STATE,
Washington, October 22, 1870.

The undersigned, Secretary of State of the United States, has the honor to acknowledge the receipt of the communication addressed to him on the 15th instant by Baron Gerolt, the envoy extraordinary and minister plenipotentiary of the North German Union, relating to the complaints made by the governments of North Germany and France as to alleged violations of international law in their respective military operations.

The undersigned avails himself of this opportunity to renew to Baron Gerolt the assurance of his highest consideration.

HAMILTON FISH.

No. 186.

Mr. Fish to Baron Gerolt.

DEPARTMENT OF STATE,
Washington, October 22, 1870.

The undersigned, Secretary of State of the United States, has the honor to acknowledge the receipt of the note of the 17th instant addressed to him by the Baron Gerolt, the envoy extraordinary and minister plenipotentiary of the North German Union, inclosing a copy of a dispatch from the chancellor of his government of the 27th ultimo, giving a statement of the negotiations which took place between himself and Mr. Jules Favre.

The undersigned begs the Baron Gerolt to accept a renewed assurance of his highest consideration.

HAMILTON FISH.

No. 187.

Baron Gerolt to Mr. Fish.

LEGATION OF THE NORTH GERMAN UNION,
Washington, October 29, 1870. (Received October 29.)

SIR: In obedience to a dispatch from Count Bismarck, of the 4th instant, received yesterday, I have the honor to submit to you the inclosed copy, with translation, of a memorial in regard to the fatal consequences which unavoidably must follow if the inhabitants of Paris, or rather those who exercise the power in that city, should continue in their re-

sistance to the moment when the want of provisions will compel them to surrender.

Count Bismarck expresses the deep regret of the belligerent German governments that these consequences cannot be avoided by them, feeling obliged to declare that they are not responsible for the unavoidable misery to come, and that they must leave such responsibility to those who, by continual instigation and false reports, excite the population of Paris to a useless resistance, when a moment of cool reflection could save them.

FR. V. GEROLT.

[Translation.]

The conditions of an armistice offered to M. Jules Favre, intended as the basis for the reëstablishment of order in France, have been rejected by him and his colleagues. They thereby decree the continuation of a struggle which, according to the course of late events, appears without any chance of success for the French people. Since then the prospects of France in this war, so full of sacrifices, have still further declined. Toul and Strasburg have fallen; Paris is closely surrounded, and German troops are advancing along the Loire. The large forces before engaged near the above fortresses are now at the free disposal of the German commanders.

The country has to bear the consequences of a war, "à outrance," decreed by the French authorities in Paris. Its sacrifices will be unnecessarily increased, and its social condition suffer a more and more dangerous decomposition.

The command of the German armies does not find itself in a situation to counteract this, but it perceives clearly the consequences of the resistance chosen by the powers in France, and feels compelled to call general attention to one point, namely, the special condition of Paris.

The heaviest attacks heretofore made from this capital, (on the 19th and 30th of last month,) in which the elite of the armies collected in that city have not been able to throw back the first line of the besieging force, lead to the conviction that the capital will fall sooner or later. If the time of surrender is postponed by the "provisional government for the national defense" until the threatening want of provisions necessitates a capitulation, the most terrible results must follow.

The unwise destruction of railways, bridges, and canals at a certain distance around Paris by the French has not been able to stop for one moment the advance of the German armies. All communications by land or water needed for military operations have been reëstablished in a very short time. These repairs naturally regard military interests exclusively, while the other destructions, even after a capitulation, will prevent for a long time the communication of the capital with the provinces.

It will be an absolute impossibility for the German commanders, when that case occurs, to provide one single day's rations for a population of nearly two millions. The environs of Paris, to the distance of several days' journey, since all stores there are necessarily required for the use of the German troops, will then offer no resources, and will not permit the inhabitants of Paris to evacuate by the roads into the country. The inevitable result would be the starvation of hundreds of thousands. The persons in power in France cannot fail to discern these consequences as clearly as the German commanders, and since to the latter nothing is left but to carry on the war proffered, the rulers of France are responsible for forcing such extremes.

No. 188.

Mr. Fish to Baron Gerolt.

DEPARTMENT OF STATE,
Washington, November 1, 1870.

SIR: I have the honor to acknowledge the receipt of your note of the 29th ultimo, submitting, in compliance with instructions from Count Bismarck, a copy and translation of a memorial in regard to the consequences which are anticipated in the event of continued resistance of

the siege of Paris, and disclaiming, on behalf of the belligerent German governments, responsibility therefor.

I have the honor to be, with the highest consideration, sir, your obedient servant,

HAMILTON FISH.

P E R U .

No. 189.

Mr. Brent to Mr. Fish.

No. 241.] LEGATION OF THE UNITED STATES,
Lima, Peru, October 27, 1870. (Received November 28, 1870.)

SIR: I have the honor to inform you that on the 24th instant his excellency President Balta issued a proclamation declaring the neutrality of Peru in the existing war between France and Prussia.

R U S S I A .

No. 190.

Mr. Schuyler to Mr. Fish.

No. 64.] LEGATION OF THE UNITED STATES,
St. Petersburg, August 17, 1870. (Received September 7.)

SIR: Great exertions are being made here to induce the government to abandon its neutrality and to declare itself on one side or the other. It seems to be the general opinion that if the country were prepared for war it would declare it, and try to draw from it certain political advantages, such as a revision of the treaty of Paris, and territorial extensions on the Black or Baltic Seas. The feeling in favor of France is perhaps stronger since the recent successes of Prussia, and the leading journals have every day articles showing how unfortunate for Europe and for free government would be the increase and consolidation of a great military power like North Germany. Only one paper, the *Novoe Vremya*, (New Time,) the organ of the old conservative party, with a very limited circulation, demands that Russia take up arms, and that to assist the French. The *Legal Messenger* regards it as certain that Russia will eventually fight, but on the Prussian side. This seems to be the fear of everybody, judging from the numerous articles which condemn such a course. The officers of the army are said to be nearly unanimous in favor of France and of a war with Prussia, and I know of several occasions when toasts have been drunk to the ruin of the Germans and of "Fritz."

It is difficult to see how Russia would gain any advantage by taking part in a war of this kind, even if Austria were engaged. Meanwhile the government is using every effort to prepare for eventualities. It is impossible not to notice that the vicinities of all the barracks show a great stir. Hospital wagons and camp equipage are being repaired and

put in order. The cartridge factories are running constantly day and night, turning out about 500,000 metallic shells daily. These are now being filled and sent to the frontier in large quantities. An additional order for 100 Gatling guns has been sent to America in the last few days, making 210 in all.

Fears are being expressed lest Russia should lose even the advantages of neutrality, and lest England should succeed in getting the upper hand in diplomacy and negotiation.

The Moscow Gazette, while confident that Russia will occupy a position worthy of herself after this crisis is over, says that neutrality must not be inaction, but a preparation for events, and covertly accuses England of trying to overreach and get the better of Russia in the recent negotiations about Belgium.

The late successes of the German army have directed attention to the vulnerable points of Russia in case of the complete victory of Prussia. There are two, Poland and the Baltic provinces.

Polish intrigues are more active than ever, but the Polish question, if raised at all, will be raised by Austria, which is thought here to be falling completely into Polish hands, and not by Prussia, who has a somewhat unquiet Polish population of her own.

Circulars have been lately sent from abroad to the Catholic priests in Poland and the northwestern provinces, recommending preparation, and urging them to extend, by all means, their influence among the people. In fact, the northwestern provinces seem to disquiet Russia more than Poland proper. In them the government counted on the orthodox clergy, the peasantry, and the few Russian proprietors; but the liberals hold that the administration of General Potapof has, by deferring too much to the Catholic priesthood, lowered the status and influence of the orthodox clergy, and has, by not rightly carrying out the orders of emancipation, alienated the peasantry, 100,000 of whom were Russian dissenters, animated by the most patriotic feelings for the country, and were a valuable support.

At the same time the proprietors are no nearer being conciliated. It is, therefore, considered by many that the situation is dangerous, and should Russia form any alliance this point will be carefully safeguarded.

In the Baltic provinces all the political power is possessed by some 200,000 German nobles and merchants, who still keep the privileges granted them by Peter the Great, on the conquest of the country, to the exclusion of the 2,000,000 of natives and Russians who do not speak German. Any attempt of the imperial government to introduce the Russian language, instead of the German, as the official language, or to make liberal reforms in the judicial proceedings or in the city government, is vigorously resisted by the Germans, who immediately cry out that they are oppressed and persecuted. Their leaders have more than once pointed to Prussia as their natural defender and protector, and there is a party in Prussia which has espoused their cause, and threatens difficulties with the Russian government. These questions, indeed, in the North German Reichstag, have always been evaded and opposed by the Prussian government; but people here think that, should Prussia be successful and Germany become united, a strong effort will be made to make the Baltic question an international one, to claim the Baltic provinces as part of Germany, and to detach them from Russia. Dislike to, and suspicion of, these Baltic Germans is one cause of the feeling against Prussia.

No. 191.

Mr. Schuyler to Mr. Fish.

No. 65.]

LEGATION OF THE UNITED STATES,
St. Petersburg, August 26, 1870. (Received September 20.)

SIR: There are no new developments here with regard to the war. Russia still preserves her neutrality unbroken. The visit of Count Cholsk, the Austrian minister, to Vienna caused a good deal of talk in the Austrian papers, but, whatever may have been its reasons, there are no evident results.

The armaments have been pushed on fast, and it is said the government is now in condition to put 500,000 men into the field at a moment's notice.

The *Golos* says that Russia is completely armed and ready for war; the *St. Petersburg Gazette* thinks not. The journals are calculating the chances of intervention or of war, and showing that its possibility increases every day. The *Gazette of the Bourse* says that Russia has done more for neutrality than any other nation; it has kept Austria quiet by its threats, and has succeeded, through the influence of the Emperor and of the crown prince, in preventing Denmark from taking the side of France. The stay of the crown prince and his wife at Copenhagen has been greatly prolonged, but they are expected back now in about a fortnight. The *Golos* has had several articles on the position of Russia as a neutral power, and shows that she is the only one which cannot readily acquiesce in the aggrandizement and conquests of Prussia. If the treaty of Paris is to be considered binding on Russia, while other powers have broken it and seek better conditions of development, Russia is then defenseless in the south, and at the mercy of Germany and England. The last article ends thus: "Russia ought to keep her neutrality so long as her interests are untouched. But they may be touched if, in a coming congress, or on the conclusion of peace, the treaty of Paris remains unchanged. Russia has not hindered the forcible unification of Germany, and, in its turn, does not think of a forcible unification of the Slavonians. But it has the right to demand that its position on the Black Sea and on the banks of the Danube be lightened. We may hope that these *lawful demands* will be respected in the general European congress which will probably follow the present war."

It is generally thought that now is the time for recovering the rights which were lost by the issue of the Crimean war.

SWITZERLAND.

No. 192.

Mr. Horace Rublee to Mr. Fish.

No. 21.]

LEGATION OF THE UNITED STATES,
Berne, July 25, 1870. (Received August 16, 1870.)

SIR: The Federal Assembly of Switzerland concluded its regular summer session on Saturday, the 24th instant. Much of the time of the session was occupied in considering and adopting measures for the ef-

fective maintenance of the neutrality in the war which has broken out so unexpectedly between France and the North German Confederation.

* * * * *

There is a noticeable clause in the message of the Federal Council affirming the right of Switzerland under the treaties of 1815 to take military occupation, in case of war, of North Savoy, of the district known as the Chablais, notwithstanding the fact that it has since become a part of French territory. Such right of occupation was conceded as essential to the maintenance of the neutrality of Switzerland at the date of those treaties. Intimations have appeared in the European press that Switzerland has been encouraged by some great power to put forward this pretension at the present time with a view to embarrassing France, since nothing was heard of it during the late Italian war. There is, however, every reason to believe that Switzerland intends to act in good faith in maintaining her neutrality, and that as far as possible she will avoid giving any reasonable pretext for complaint to either of the belligerent powers. At the same time there is little doubt but, at the present time, the sympathies of a large part of her people are strongly with the North German Confederation.

Prior to the adjournment the legislative body conferred the amplest powers upon the Federal Council in calling out troops, borrowing money, and doing whatever in its discretion may be necessary for the defense of the country. The general-in-chief of the army, General Hans Herzog, was elected by ballot by the Federal Assembly, and an army of 37,500 has already been put in the field for the protection of the frontiers.

No definite action was taken upon the report of the Federal Council respecting a revision of the federal constitution; but the whole subject was referred to a committee which will sit during the autumn months, and will submit a report to the Federal Assembly at its session in December next.

I learn that recently the government of Great Britain has given an order for the manufacture of 40,000 Martini rifles in Switzerland, finding that they can be made more cheaply here than in England. The order, however, cannot be filled at present, since the manufactories are now engaged in completing a supply for Switzerland.

HORACE RUBLEE.

SPAIN.

No. 193.

Mr. Sickles to Mr. Fish.

No. 161.]

LEGATION OF THE UNITED STATES,
San Ildefonso, September 16, 1870. (Received October 5.)

SIR: Immediately after the announcement of the new provisional government in France, the republican members of the committee asked that the Cortes be assembled at an early day. Although they were supported by the partisans of the Duke of Montpensier, the friends of the administration in the committee, led by Mr. Sagasta, the secretary of state, opposed the proposition as inopportune, and it was defeated.

I was not unprepared for this action, General Prim having intimated to me the day before the committee met, that, in his opinion, the irregular and exceptional manner in which the new government in France had

been inaugurated seriously impaired its influence, and that the unfortunate circumstances under which it assumed power were unfavorable to its duration. It was evident that the president of the council did not regard the republican movement in Paris as having attained proportions which would seriously disturb the situation in Spain. Meetings have been held in several of the principal towns, expressing sympathy with the popular reaction in France. The radical press of Madrid and the provinces is loud in its appeals to the government to seize this opportunity to complete the programme of the Spanish revolution by abolishing the monarchy. The republican deputies, some sixty or more in number, propose to issue an address to the nation, in which they will decline any further responsibility for the attitude of the people in view of the refusal of the government to convene the Cortes.

Yesterday the journals published the correspondence between the Spanish ambassador in Paris and the French minister of foreign affairs, in which Mr. Olozaga states that he has been directed to enter into official relations with the provisional government. The reply of M. Jules Favre treats this communication as an acknowledgment of the republic on the part of Spain, and appeals to her Latin sympathies to join France in asserting the principle of self-government. This action of the Spanish cabinet was as gratifying to the republicans as it was unpalatable to the monarchical party, until it transpired that by some inadvertence the Spanish ambassador must have exceeded his instructions, as the ministerial organs affirm that he was expressly directed to hold no other than unofficial relations with the present de facto government in France, and it is now said that Mr. Olozaga has been summoned to Madrid for explanations.

* * * * *

A profound impression has been made in all political circles by the reported action of the president in tendering his good offices to the belligerents in opening negotiations for peace. And it is not too much to say that the expression of our interest in the welfare of France, now that she has unfurled the republican flag, has rebuked the suggestions that the republic would find itself more isolated than the empire, and has, at least, checked the disposition that was at once evinced in some quarters to turn the reverses France must yet suffer to the detriment of popular institutions.

TURKEY.

No. 194.

Mr. E. Joy Morris to Mr. Fish.

No. 374.]

LEGATION OF THE UNITED STATES,
Constantinople, September 2, 1870. (Received Sept. 22.)

SIR: The Turkish government, however favorably it may have been disposed toward its ancient ally, France, in the beginning of the present war between Prussia and France, has been constrained by the character of the contest and the attitude of other powers to observe the strictest neutrality. It has been obliged, however, to largely increase its armaments, in order to be prepared for future contingencies. The impaired military power and prestige of France is a source of serious apprehension to the Porte. Upon that power it has always relied when

the integrity of the empire was assailed, and it has ever found it ready to respond to appeal for aid. Outside of France, England is the only other power which may be regarded as a permanent ally of Turkey. Austria aims at her spoliation on the Adriatic and Danube. Italy is regarded as the instrument of greater powers, and as likely to take any course which her ambition and interests may dictate. Prussia is regarded as the secret ally of Russia in oriental matters, and as disposed to directly or indirectly further the views of the latter in the East. Russia, whatever may be her professions of good will, is rightfully looked upon as a neutral enemy to Turkey, and as constantly intriguing for the dismemberment of the empire. If Prussia shall succeed in yet further enfeebling France, the position of the Porte will become very critical, and the more so as Russia has preserved her military resources intact. The system of railways in Russia, interlocking, as it does, all points of the empire, and converging on the Austrian and Turkish frontiers, enables Russia to throw her whole army on any given point at any moment, and to attack Turkey with an overwhelming might, while keeping open her lines of communication.

Russia, with the consummate diplomatic sagacity and craft that distinguishes her, will try to take advantage of the crisis and provoke a revision of the treaties of 1856, by which the Black Sea was neutralized, and the Bosphorus and Dardanelles were closed to the passage of her vessels of war. It will be strange if she does not succeed, aiming, as she will, to obtain honorable conditions of peace for France, and exercising, as she will, a dominating influence in settling the terms of peace. The Black Sea opened to the fleets of Russia, Sebastopol again a naval dock-yard and harbor, and the Bosphorus and Dardanelles free for the passage of Russian men-of-war, Constantinople would be in constant danger, and could be attacked and taken before it could be relieved by outside aid.

It will thus be seen that the oriental question is likely soon to be reopened, and under very unfavorable auspices to the security of Turkey.

The Viceroy of Egypt, although nominally now in good relations with the Porte, is really intriguing again for independence. He is in secret relations with Russia, and will take advantage of circumstances to realize his ambitious aspirations. It is not altogether improbable that he might become sovereign of an Arabic kingdom, including Syria, the pashalic of Tripoli, Arabia, Egypt, and possibly Abyssinia also.

Roumania is in a state of agitation, fomented by foreign influences, and a revolution there, ending in the expulsion of Prince Charles, is not improbable. Should such a revolution occur, it may lead to a tripartite occupation of the country by Russia, Austria, and Turkey, and its eventual absorption by Austria and Russia. A revolution in Roumania is desired by certain parties, in order to increase the necessity of another European congress. Above all these contingencies looms the specter of a great republican confederation, composed of republics in France, Spain, Italy and Switzerland, and probably Greece. Should a republic be declared in France, it will sooner or later be followed by republics in Spain, Italy, and Greece, and the beginning of the end of monarchy in Europe will be apparent. The institution of such governments would naturally lead to a confederation between them, and one-half of Europe would thus become republican. The policy of such a confederation would be a peaceful one; it would lead to the suppression of standing armies, to the cessation of war, perhaps of ambition, and to the elevation and improvement of the moral and intellectual condition of the masses, who have heretofore too often been considered only as the blind instruments of the mad ambition of kings. Such a confederation would be a natural ally of the United

States, increasing our moral and political power and rendering us yet more secure against the intrigues, jealousies, and hostility of those governments which desire our downfall and the dissolution of the American Union. Although we cannot promote the creation of such political combinations, we can have no reason to regret the rise of governmental forms which will deliver Europe from the scourge of constantly renewing wars, and which will put an end to the abuses and evils against which outraged humanity has for centuries protested in vain. Past experience will teach the necessity of establishing future European republics on a firm basis that will guarantee their induring existence, and we shall not again see the short-lived and disastrous experiments at republican government which we have hitherto witnessed in Europe.

Although we cannot safely predict the political future of Europe for any long period ahead from the standpoint of view I occupy here, I am however persuaded that we are on the eve of great changes, and tending in the drift above suggested, and having an inevitable tendency to vastly increase the authority of the United States over governments of a kindred form, and with like political sympathies.

E. JOY MORRIS.

II—CORRESPONDENCE RELATING TO THE PROPOSED INTERNATIONAL GOLD COINAGE.

No. 195.

Circular instructions sent to the legations of the United States at London, Paris, Berlin, Vienna, Madrid, Brussels, Copenhagen, Florence, The Hague, Lisbon, Stockholm, and Berne.

DEPARTMENT OF STATE,
Washington, June 11, 1870.

SIR: The Senate has requested the President "to invite a correspondence with Great Britain and other foreign powers, with a view to promote the adoption, by the legislatures of the several powers, of a common unit and standard of an international gold coinage."

I presume that it will not be necessary to present to the enlightened governments with which this correspondence is invited any considerations in favor of the adoption of such a common unit and standard. That it will simplify the daily business transactions of the world, and that it will bring into closer communion the nations that adopt it, is manifest. The Government of the United States, therefore, in opening this correspondence, at the request of the Senate, limits itself to the presentation of the objections that have been hitherto raised against such unification, in the hope that some plan may be devised which will obviate them. In doing this we must necessarily regard the subject, primarily, as it effects our own commerce and trade.

The principal part of the trade and commerce of the United States is carried on with four groups of countries:

First. Those in which the accounts are rendered and settled in sterling currency.

Second. Those in which they are rendered and settled in francs.

Third. Those in which they are rendered and settled in the North German unit of account.

Fourth. Those in which they are rendered and settled in dollars.

In commenting upon the commerce with these several countries, I shall adopt for convenience the returns for the year 1867, and I shall make the statements in round numbers.

The first of these groups comprises the United Kingdom of Great Britain and Ireland, the various British colonies and dependencies, India, China, and Japan. I add the last two countries to the list, because I understand that most of the settlements are made in sterling bills, although the accounts are kept in Chinese taels or Mexican dollars. Our aggregate annual domestic exports to these countries are about \$275,000,000, and our aggregate annual imports from the same countries are about \$220,000,000.

With the countries in which the franc is the unit of account, viz., France, Italy, Switzerland, and Belgium, the dealings of the United States are less extensive. The domestic exports to these countries are about \$57,000,000, and the imports from them are less than \$50,000,000.

It is to be remembered, however, in this connection, that Austria, Greece, and Sweden have adopted, or propose to adopt, a unit of gold coinage which can be expressed in a given number of francs. I do not understand, however, that they propose to adopt the French system of money.

The exports to the third group of countries amount to \$27,000,000, and the imports from them to \$26,500,000.

When it is remembered that the entire imports of the United States are about \$418,000,000, and the entire exports are about \$440,000,000, it will be seen that the commerce with the countries comprised in these three groups amounts to more than three-fourths of the whole foreign trade of the country, and that the commerce with the first group only is more than one-half the aggregate foreign commerce of the United States.

The fourth group includes the United States and their Territories, with all their domestic commerce, and also such neighboring dominions of other powers as have practically adopted the dollar standard. In magnitude this trade far surpasses all the others combined. Its results are expressed in the permanent capital of the country. A change in the value of the unit of account affects not only all this commerce, but also all the contracts for the payment of money in the United States, including the national debt, and the value of all the permanent capital of the country. Any material change in the unit would render necessary a series of computations, which would occasion an amount of inconvenience to the population of the United States for which the benefits they would receive from the change would scarcely compensate.

The same may be said of the effect of a material change in the value of its unit of account upon the domestic trade and property of each of the other groups of countries.

If, therefore, the idea of "a common unit and standard of an international coinage" is to be carried to the extent of an absolute identity in the coins, it will be necessary to seek for a basis of unification which complies with the following requisites, so far as it may affect the coinage of the United States, and, probably, the same may be said, *mutatis mutandis*, as to Great Britain and France:

First. It must be one that does not materially vary from the existing coinage.

Second. It must be one that will be acquiesced in by the government of the United Kingdom, and by the countries which express their values in francs.

It would also be extremely desirable, though not absolutely essential, so far as the interests of the United States are concerned, (whose commerce is mainly with the powers whose values are expressed in sterling or francs,) that it should be acceptable to the other leading powers.

It is also indispensable that gold should be made the sole standard. France still adheres to the double standard; but, in the opinion of the Government of the United States, it will not be practicable to unify the coinage of the world on the basis of a double standard. The resolution of the Senate aims at a correspondence for the unification of gold coinage only.

Several attempts have been already made to secure the desired uniformity.

The coinage of Belgium, Switzerland, and Italy was assimilated by convention in 1865 to that of France, and the issues of each country regulated thereby; and it has been assumed that the uniformity, so easily secured in these territories, may be extended with equal ease. But it

is to be observed that the formation of the kingdom of Italy out of a number of independent sovereignties, with a heterogeneous medley of coinages, afforded an occasion and an opportunity for remodeling the coinage of that country which does not exist with the United States or with the United Kingdom. No reasoning, therefore, can be drawn from the example of Italy.

In the International Monetary Conference held at Paris in 1867, on the invitation of the French government, this subject was elaborately considered. The government of Great Britain was represented by Mr. Graham, the director of the royal mint, and by Mr. Rivers Wilson, attached to the treasury. The Government of the United States was represented by Mr. Samuel B. Ruggles, one of its most eminent statisticians.

That conference determined unanimously (voting by states) "against the creation of an entirely new system, independent of existing systems," and in favor of the mutual coördination of existing systems, taking into account the scientific advantages of certain types, and the numbers of the population that have already adopted them."

It was also determined, with like unanimity, that the monetary system established by the convention of 1865 should be the one to be principally considered by the conference.

It was decided to recommend gold for the standard, with silver as a transitory companion, and to adopt as the common denominator, for the basis of the desired assimilation, the weight of five francs in gold of nine-tenths fineness. On the last question the vote of England was recorded in the negative, and the vote of the United States in the affirmative.

It was unanimously determined to adopt the twenty-five-franc piece, with which it was supposed that the American half-eagle and the British sovereign could be made identical in form, size, weight, and fineness, so that, in the language of Mr. Ruggles, they "would readily circulate side by side with the French twenty-five-franc piece on conditions of perfect equality." The values of the dollar and the cent, of the shilling and the penny, were, under this scheme, to be all changed and made to conform to the new measures.

I inclose a copy of the report of the proceedings of the conference, prepared by a French delegate, M. de Parieu, vice-president of the council of state, member of the institute, and vice-president of the conference.

It is understood in Washington that the British government has not yet shown a willingness to give its adhesion to the plan proposed by the conference, notwithstanding the favor with which it was received by the delegates of Great Britain in Paris. We are informed that that government is not disposed to adopt the proposition while a double standard is maintained in France. Nor has the Congress of the United States shown a disposition to authorize the Executive Department of this Government to reduce the values of the coins of the United States to the proposed measures.

The plan of the conference would, if adopted, make a greater change necessary in the coinage of the United States than in the coinage of the United Kingdom. The reduction in the value of the gold dollar would be about $3\frac{1}{2}$ per cent., which would put the people of this country to great inconvenience in their business.

The Senate, having before it a bill aiming at the adoption of the recommendations of the monetary conference of Paris in the coinage of this country, after full consideration, disposed of the subject by refer-

ring it to this Department in the manner I have already indicated. This was done on the motion of the distinguished chairman of the Committee on Finance, whose letter to Mr. Ruggles in Paris had more, perhaps, than any other cause, given vitality to the scheme proposed by the conference.

The House of Representatives has before it two bills. One of these, introduced and advocated by Mr. Kelley, of the Committee on Coinage, Weights, and Measures, proposes to substitute for the present system of coinage what is known here as the dollar system, to which I shall soon allude. The other, introduced by Mr. Hooper, of Massachusetts, aims to carry into effect the recommendations of the Paris conference. But, in a speech in the House after the introduction of this bill, Mr. Hooper said, "Any change of coinage, so great as to be accounted for, involves an inconvenience in the payment of prior contracts, and particularly in the payment of the interest and principal of public and corporate debts, which inconvenience is thought by some to be very much greater than the international convenience arising from conformity of coinage. The whole question appears to demand that an attempt should be made to arrive at some agreement with Great Britain for an international coinage, in which the nations of continental Europe could be reasonably expected to join at no distant period."

Both bills were referred by the House to the committee; and it would appear reasonable to conclude that the House, as well as the Senate, is not disposed to adopt the suggestions of the Paris conference without further communication with the British government.

Without expressing on behalf of the Executive Department of this Government a decided opinion upon the merits of the franc system, I may say that, if there is to be unification, the Government of the United States would prefer a scale assimilating nearer to its present system. In any event, the extent of the dealings between this country and Great Britain makes it proper that, before the President can consent to recommend Congress to subject the citizens of the United States to the annoyance, inconvenience, and loss which may be caused by a large depreciation in the national measure of values, he shall have assurance that the assent of her Majesty's government can be relied upon.

Another scheme for unification which has been presented to the consideration of this Government has been already referred to as the dollar scheme. This scheme proposes a reduction in the value of the dollar of three-tenths of 1 per cent., in order to make the coin of metrical weight, so that three dollars coined of nine-tenths fineness shall weigh five grams, while two dollars shall contain three grams of fine gold. It also contemplates that the British penny shall be equivalent to two metric cents, and that the sovereign and a new French coin of twenty-five francs shall each be brought to the weight, fineness, size, and value of the half-eagle as reduced.

This plan is one very favorable to the United States. The change is within the mint tolerance, and need not be accounted for. It would also adapt itself without change to the new German system of coinage, two eagles being equal to three vereinskrone.

Should the governments of Great Britain and France be disposed to join the Government of the United States in recommending the adoption of this system, the President is prepared to advise Congress to adapt the coinage of the United States to it.

But we cannot shut our eyes to the fact that it may not meet with favor in Great Britain, when it calls for an increase in the value of the

gold coins of about $2\frac{1}{2}$ per cent.; nor in France, where it requires an increase of $3\frac{1}{4}$ per cent.

Should it be found that neither of these schemes can be made acceptable to all the powers, and that no other plan can be proposed which is likely to be adopted, perhaps a way may be found for securing "a common unit and standard" by an *assimilation* without an absolute *unification* in the coinage.

The schemes which I have been considering contemplate absolute identity of coinage in some common coin. It must be conceded that this is theoretically to be desired. But as it may be impracticable for the moment, this Government suggests a basis which, though theoretically less perfect than an absolute unification of coinage, may practically secure some of its benefits, and lead to more important advantages.

It is to be observed that an identity in the measures of values in the different countries will not completely attain the beneficent results which are sought, unless there be also an identity in weights and measures.

The comparatively few persons of each country who travel into the dominions of the other powers, and spend there the money which sometimes had better be spent at home, might and probably would find their means slightly increased, and their annoyances decidedly decreased; but in commercial transactions an identity in the measures of values would be of comparatively little use, if unaccompanied by an identity in the measures of the quantities to which those values are applied. There would still be a necessity for the intervention of an expert to shift the expressions of the measures of quantity from the terms used in the one country to those in use in the other. The resolution of the Senate does not contemplate the extension of this correspondence to these points, nor, in my judgment, would it be desirable to do so.

It would probably not be difficult to induce the people of different countries to adopt a common standard of weights and measures, so far as perishable property is concerned. At first the adoption of unaccustomed systems might cause inconvenience and discontent; but if they should prove to be better than the old ones, and if they should have the further advantage of being common to several countries which possess a common standard of values, and which have extended commercial relations, it is probable that the inconveniences would be patiently submitted to, in view of the greater benefits to be derived from the change.

But it seems to the Government of the United States that a forced change in the measures of distance, as applied to imperishable property and to permanent investments of capital, may be attended with more serious inconvenience. Thus, while it may be practicable to establish a new standard of length measure for articles of international commerce, such as textile fabrics which are consumed and do not remain, it may be more difficult to make the same change in the standard for permanent values. A few examples will demonstrate the difficulties that would probably attend a change in such measures in this country, and it is supposed that similar if not equal inconveniences would happen elsewhere.

It is the custom in the United States to lay out all the towns and cities in regular quadrangles, and to divide each quadrangle into an even number of lots, with an even number of feet. This has been found a convenient mode of dealing in town and city lots and in town and city houses. To make an arbitrary change which should abolish these measures and substitute different ones in their places, involving the use of fractional numbers, would occasion great inconvenience, and might check

the dealings in this species of property, and thus cause a loss to those who happen to be holders at the time of change.

Again, the whole system of titles in those States which have been created out of the public domain rests upon Government surveys, whose results are expressed in the English mile and its subdivisions of rods, feet, and inches. To substitute a different expression for these measurements would be a work of serious magnitude.

Again, the manufactories of the country are filled with machinery, whose delicately adjusted parts, measured by feet, inches, and component parts of the inch, work together in one grand whole, which is in its turn combined in the same system of measures. To produce this machinery, thousands of shops are filled with costly plans, adjusted upon the same scale, whose delicate operations often require a nicer determination of measurement than can be obtained without mechanical aid. To transmute these measurements, so delicate and so accurate, from their present system into a new one, would appear to be an almost endless labor, if indeed it be a possibility.

Examples might be multiplied, and will probably occur to the enlightened government of ——. They serve to show that, while in theory much to be desired, it is possible that the different powers will not succeed so easily in assimilating their several standards of length for permanent values as in securing uniformity in their systems of weights and of lineal measures, as applied to articles of commerce.

Accepting this possible result with reluctance, and drawing from it the conclusion that unification of coinage, or even identity in the value of a unit, may not be so easily attained, and will, if attained, have a proportionately less importance, the Government of the United States invites the ——— government to consider whether, without seriously disturbing the coinage of the leading commercial nations, and without changing the nomenclature and relative values in the domestic coins to which the several peoples have become accustomed, it may not be possible to arrive at an assimilation of coinage which will secure many of the advantages that can be obtained without a uniform system of weights and measures, and which may lead hereafter to complete unification.

It must be borne in mind in this discussion that, so long as exchanges of commodities exist, the system of payments therefor in bills of exchange (which ordinarily represent values of commodities of the one country transferred to the other) must also continue to exist. It is not probable that even an absolute identity of coinage throughout the world would do away with this medium of payments. The hope that such would be the case would probably prove illusory.

The object we seek to attain is a common measure, which can be expressed in the existing coinages of the leading commercial nations without materially affecting the actual values of the several coins.

Different rules prevail at the different mints in many respects. In some there is a mint charge; in others, none. In some the coin is of nine-tenths fineness; in others, of eleven-twelfths. Were we now seeking uniformity in the weight, appearance, and value of the coins, it would be necessary to adopt common rules in these respects. But it is supposed that the several powers may be averse to surrender their respective systems unless complete uniformity can be secured.

The Government of the United States suggests, for the consideration of the several powers, whether all that is herein contemplated may not be attained without an abandonment of the different mint systems. It suggests (for consideration only, and not as the best theoretical solution

of the question) that the international value of the coins of the nations that may become parties to any monetary convention, or who may in any other way arrange this question between themselves, shall be determined by the quantity of pure gold which it contains, which measure shall be expressed in a common standard of weight upon its face; and that, unless absolute unification can be obtained, all other questions of coinage be left to local law and experience. The French decigram is suggested as the most convenient common measure by which to determine this quantity, and that it is desirable, if possible, to avoid running this expression into a fraction.

The Government of the United States suggests (also for consideration only) the following as a practicable table:

Country.	Denominations of coin.	Present weight in decigrammes and decimal fractions of pure gold contained in coin.	Proposed weight of same.	Percentage of change.
United States	Half-eagle	75.232	75	-3-10
Great Britain	Sovereign	73.224	73	-1-12
France	Napoleon	58.065	58	-1-12
Prussia	Frederick d'or prior to 1858	60.302	60	-1-12
Austria	Double ducat	68.838	69	+
Münzverein	Crown	100.00	100	+
Russia	Half-imperial	59.987	60	+1-30
Spain	Doubleon of 10 escudos, since 1864	75.483	75	-1-12

These suggested changes are slight, and need scarcely be accounted for. If adopted, they afford in the decigramme an international unit which will be easily convertible from one expression into another, and fine gold is made the standard, without reference to the quantity of alloy.

I inclose a copy of the resolution of the Senate requesting the President to invite a correspondence on this subject, and also a memorandum of the population of the four groups of countries hereinbefore referred to.

You are instructed to leave a copy of this paper with the minister for foreign affairs, and you will say that the Government of the United States, at the request of the Senate, invites the government of —— to express its views upon the subject of a common unit and standard of an international gold coinage, with a view to promote its adoption. You will also say that the President will deem it his duty, under the resolution of the Senate, to transmit to that body any communication which that government shall be pleased to make on these subjects.

I am, sir, very respectfully, your obedient servant,

HAMILTON FISH.

[Inclosures.]

1. Copy of a resolution of the Senate of the United States, passed February 8, 1870.

2. Translation of the official report of the proceedings at the international monetary conference in Paris in 1867.

3. Memorandum of the populations of the four groups of countries referred to in this paper.

I.

Copy of a resolution of the Senate of the United States, passed February 8, 1870.

IN THE SENATE OF THE UNITED STATES,
February 8, 1870.

Resolved, That the President be requested, if not incompatible with the public interests, to invite a correspondence with Great Britain and other foreign powers, with a view to promote the adoption, by the legislatures of the several powers, of a common unit and standard of an international gold coinage, and that such correspondence be submitted to Congress for its information and action.

Attest:

GEO. C. GORHAM, *Secretary*.

II.

Translation of the official report of the proceedings at the international monetary conference in Paris in 1867.

INTERNATIONAL MONETARY CONFERENCE—EIGHTH AND LAST SITTING.

SATURDAY, July 6, 1867.

Prince Napoleon presiding. The sitting opened at 1 o'clock. Present, the delegates that attended the last meeting, and M. Delyannis, with the exception of Messrs. Kern, Vrolik, Viscount Villa-Mañor, Meinecke, and Graham.

His excellency Mihran-Bey-Duz, member of the grand council of justice, director of the mint of Constantinople, delegate from the Ottoman government, whose arrival in France was delayed, and who had been temporarily represented by Colonel Essad-Bey, took his place among the members of the conference.

The minutes of the seventh sitting having been adopted, on invitation from his Imperial Highness, M. de Pariet read the following report, which he had been instructed to prepare at the last sitting:

MONSEIGNEUR AND GENTLEMEN: In the month of December last, when the French government communicated the international convention of the 23d December, 1865, to the states here represented, and called their attention to the grand idea of monetary uniformity, those communications were at first received with a certain hesitation in some particulars. We have been, perhaps, too long accustomed to consign many generous ideas, sustained only by common sense, to the region of dreams, leaving them to be buried by prejudice and the blind consideration of the immutability of existing facts. We all know that every enterprise of general interest requires a spirit of unity in its aims and principal means of accomplishment.

There were many points in the monetary question so difficult that they caused divisions in the doctrines and the views of the past.

The idea of monetary uniformity long languished in the aspirations of poets and economists. The members of the convention of the 23d of December, 1865, encouraged by the success of their labors, warmly welcomed the practical idea of their extension; and on witnessing the success of the monetary union concluded between France, Belgium, Switzerland, and Italy, notwithstanding the false situation caused by the forced circulation of paper in one of the states, it was hard for the government that had presided over the conference of 1865 to refrain from asking the support of the world for a more extended monetary uniformity.

The minister of foreign affairs has told you how much the imperial government was pleased at the eagerness of all the sovereign states of Europe, and of the government at Washington, in sending delegates to the conference proposed to them. In giving to the assembly a president whose great name, exalted position, manifest impartiality, and decided sympathy for monetary uniformity, have given our discussions a brilliancy and importance that we could not expect from our own resources, it has complimented you more highly than could be done by words, and has thanked you all, men distinguished for diplomatic merits, economical science, or technical experience in the monetary art, for the earnest welcome you have given to the ideas you were called together to examine.

What was the precise object of your conference—the nature of the questions it was to expound?

This, gentlemen, was the first object of your reflections, and upon it the success of your meeting depended. The government of the Emperor might prepare the studies, but it could not fix the terms.

Monetary science is vast; many of its problems are debated by philosophers. Not one could be avoided; appeals were to be made to reality, the only solvent of such

problems, and the one of particular importance in the subject now before us for consideration.

At the trade conference of 1864, in Frankfort, it was truly said, "Monetary questions are more practical than all others."

The chief question for examination was the monetary standard.

On this subject you are aware that the world is divided between three different systems—the gold standard, the silver standard, and the double standard. It was indispensable to know which of these forms would furnish the most desirable and permanent basis for a monetary unity.

Governed by these considerations, you have agreed upon a series of questions as the basis of your labors, on the report of a committee of seven members, in the formation of which all the systems had been equitably represented.

This "questionnaire," to adopt a neologism of our administrative language, you unanimously adopted in the following terms:

"1st. What is the best way to realize monetary unity—by the creation of an entirely new system independent of existing systems, and in that case what should be the basis of that system; or, by the combination of present systems, taking into consideration the scientific advantages of certain types, and the number of nations that have already adopted them? In the latter case, what monetary system ought to be chiefly considered, with the reserve of any improvement that might be made in it?"

"2d. Can identities or partial assimilations of monetary types be now constituted on a large scale by adopting the silver standard exclusively?"

"3d. On the other hand, can that result be reached by adopting a gold standard exclusively?"

"4th. Could a similar result be attained by adopting the double standard, and fixing in all the nations the relative value of gold and silver?"

"5th. In case of a negative response to the preceding questions, is it possible or expedient to establish identity or partial assimilation of monetary types on a large scale with a silver standard, leaving each state the liberty of preserving its gold standard?"

"6th. Is it possible and useful to establish identity or partial assimilation of monetary types on a gold basis, leaving each state the liberty of preserving its silver standard?"

"7th. In case of affirming one of the two preceding questions, would the internationality of the coin adopted as a common standard be a sufficient assurance of its continued circulation in each state; or would it be necessary to stipulate a certain limit in the relation between the value of gold and silver, or to provide for the case in which international coins would run the risk of being expelled from circulation in any of the contracting states?"

"8th. For the success of monetary unity is it necessary to constitute an identical unity of metallic composition everywhere with similarity of weight and denomination, and what basis is to be adopted; or is it enough to constitute common types of a common denominator as high as multiples of five francs for gold?"

"9th. In case gold is adopted as an international metal, would it be useful for the types of that coin adopted by the monetary convention of the 23d of December, 1865, to be completed by new types of fifteen and twenty-five francs for the sake of unity and in the spirit of reciprocity? In this case, what should be their dimensions?"

"10th. In case of affirmative to questions three or six, would it be useful to regulate silver or copper coins by common obligations as to their composition or standard, their limit in payment, or the amount of their issue?"

"11th. Would it be proper to fix certain means of control to insure the exact coinage of the common types of the international money?"

"12th. Besides the immediate practical possibilities already discussed, would further discussions of general principles be desirable to spread over Europe the assimilations already effected or hereafter to be realized in respect to money?"

Although no idea of exclusion has entered into this "questionnaire," it is remarkable that its discussion during five sittings has suggested no serious addition; on the contrary, the tenth and eleventh questions you have put off, although the principle of measures of control has been judged indispensable to the success of the monetary conventions, and the twelfth question was left undecided.

The decisions of the conference, as a whole, have been regulated by the dominant desire that any future monetary legislation shall result, as far as practicable, in diplomatic conventions between different states, to secure them against their own inconsistency. It is the evident interest of the states to secure the political advantages of the assimilation of their monetary types by the reciprocal circulation of their coins.

You did not think the reciprocal circulation in public banks, as resolved upon in 1865, completely answered the aspirations for a monetary uniformity; and, contrary to some reserves found in your minutes, you thought legal currency ought to be considered the last word in the tendencies to unity.

The first nine questions of your sittings are comprised in three formulas too abstract to be discussed, and I will reduce them to their simplest form of expression.

The whole world agreeing upon the benefits to be derived from monetary unity, but the difficulties and delays of effecting it being very apparent, the question is, How can it be effected? By the creation of a new monetary system established *a priori*, or by strict adhesion to existing systems, or simply by bending them, so to speak, and perfecting them hereafter.

Such was the triple problem proposed for your solution.

All of your states, except Belgium, have agreed not to propose a new system, lest such an undertaking might indefinitely delay the desired monetary assimilation.

A new system would have probably been founded upon the adoption of a decimal gold piece of a certain weight as a unity. You do not say that such a regularity could be attained without difficulty, however beautiful it might be in theory, and without disturbing inveterate habits found in the attachment to the silver franc, almost a copy of the old French *livre tournois*.

Instead of seeking a system new in all its parts, you have preferred to adopt that of the monetary convention signed at Paris on the 23d of December, 1865, and which being now adopted by Rome and Athens, seems by a fortunate coincidence to reunite the greater portion of the countries in which, at the close of ancient history, civilization by various modes had marked out the perimeter of its first empire.

The close union of this system, in its silver coins, with the metrical weights, whether the coins be considered as a distinct standard or as small change, and the 72,000,000 of people that use it and are attached to it, have made you regard it as a center of assimilation around which the efforts of other nations might cluster with probabilities of success. But you did not look upon the system as fixed and perfect.

You rightly thought it capable of contraction or extension; that, though the unit was called a *franc* here, a *lira* there, and a *drachma* elsewhere, still a greater latitude was possible, particularly in regard to the unit value.

Most of the civilized nations have a monetary unity above a franc in value. The piastre, the thaler, the ruble, and the dollar, four pieces similar in origin and name, are nearly the quadruple or quintuple of the unit adopted in the convention of 1865.

If the German and Dutch florins and the Spanish crowns differ less from the franc, on the other hand the wealthy British civilization places its monetary unit much higher in value.

Though the small Roman state has converted its *scudo*, similar to the piastre and dollar, into francs, we can hardly hope that larger and more populous states will immediately adopt all the monetary unities we have reported in the convention of the 23d of December, 1865. You have therefore, thought proper to suggest a single unit as a common denominator, borrowed from the system of the convention, around which the other unities should circulate.

If silver had been adopted for the unitary basis, all other systems might have been assimilated to the franc as a common denominator. But could the silver franc have been the pivot of equations, commensurabilities and coincidences desired in the monetary systems we would like to make universal for the benefit of exchange, trade, travel, financial, statistical, and scientific operations? To a certain extent, this was the chief question for your deliberations.

Here the laws that brought the precious metals into contact with the wealth of communities, and which have twice given a monetary system to the universe, came into consideration. The rule of these laws was broken by the great historic catastrophe that separated ancient from modern civilization by an intermediate period of poverty and barbarism, but how strikingly reproduced after a lapse of nearly eighteen centuries!

In the time of Augustus, when gold had gained the ascendancy in money circulation, the Roman poet exclaimed:

*Era dabant olim; melius nunc omen in auro est,
Victaque concedit prisca moneta novæ.*

From the Middle Ages to our day, the revolution that Ovid mentions incompletely, for he omits silver, has lain quiet, till it breaks out now with renewed strength and peculiar mineralogical, industrial, and commercial circumstances. No new invasion of barbarism can reverse its course in Europe, where silver first took the place of iron and copper, and where silver is now displaced by gold.

In most of the civilized nations of Europe and America, the latter metal has become the principal instrument of circulation, because its portability and density particularly recommend it as the material for monetary unity. When the convention of the 23d September, 1865, closed, three of the associate states wished gold to be the choice of the convention. Even in the last century, a learned man of Germany, where so many grand ideas originate, declared that gold was destined to become the bond of the monetary systems of the universe.

By a most singular coincidence, when only two out of twenty states had gold for a standard, your conference decided upon it for the standard, with silver as a transitory

companion; and this was done because the double standard was necessary in certain states that were used to it, or where silver was the exclusive standard.

This valuable unanimity on a question so important, tending to perfect the monetary system of the convention of 1865, will certainly influence public opinion, and certain men in the interior of states who may have retained any doubt on the question.

In thus adopting gold as a basis for the desired union, it was only in a common denominator above the franc that it was possible to realize the useful equations and frequent coincidences in the systems to be brought together; for, in gold coins, the very minute differences could not be distinguished with precision by the process of coinage, and already the mere distance of five francs may be sometimes difficult to express sufficiently in the external form of the monetary disks.

The weight of five francs in gold of nine-tenths fineness, the standard which was unanimously approved, and also one of the conditions of the convention of 1865, then appeared to be the proper denominator for the basis of the desired assimilation between the monetary systems of the twenty states represented.

You are aware that the coins of the union of 1865 are already grouped around this denominator.

For example, it was shown how near the type of twenty-five francs came to the pound sterling, the half-eagle of five dollars, and a piece adopted by the Vienna conference to represent the value of ten florins. This type of twenty-five francs, especially recommended in the conference by the representatives of Austria and of the United States, has been unanimously accepted by the states that voted in the discussion of question nine, but on optional conditions.

Your opinions were more divided, in fact equally, in regard to the utility of recommending at present a gold piece of fifteen francs, the approximate equation of seven florins of the Netherlands and South Germany, and of four thalers of North Germany. But, without recommending this type, as you did that of twenty-five francs, you nevertheless agreed that, if circumstances rendered it proper, it would be open to no serious objection in itself, unless it might be in the delicacy of the process for coining it distinctly.

The eventual extension of the types of gold coins would necessitate, *a fortiori*, for the states that desired it, correlative latitude in the forms of their silver coins, the internationality of which is of less importance.

Such, gentlemen, are the simple but instructive and plain bases that you have thought proper to accept as a sort of siege to the citadel of monetary diversity, the fall of which you would like to behold, or, at least, to gradually destroy its walls, for the benefit of the daily increasing commerce and exchanges of every description among the different members of the human family.

The desire of not detaining you longer, gentlemen, after a session of three weeks, is my apology for the imperfection of this hastily written digest, which is made in the hope that some decision may be reached by the middle of February, 1868, or at least some instructive steps taken by the governments that have sent you to this conference.

If the germs of our collective, enlightened, and benevolent aspirations, freed from the unpleasant compensations that sometimes attend the most seductive reforms, in which we are all animated by the true spirit of civilization and modern progress, shall come to fructify around you, I hope, gentlemen, you will pleasurably recall the honorable memories of the part you have taken in these delicate scientific discussions, with the satisfaction of their joint pursuit, under a presidency so memorable, and with a facility and harmony as perfect as that of delegates from a single nation in its ordinary deliberations.

E. DE PARIEU,

Vice-President of the International Monetary Conference.

After the interchange of a few observations, the terms of M. Parieu's report were unanimously approved by the conference.

III.

Memorandum of the populations of the four groups of countries referred to in this paper.

GROUP 1.—STERLING.

United Kingdom	30,157,473
Dependencies, including India	159,269,858
Treaty provinces of China	270,000,000
Japan	35,000,000
Total	494,427,331

GROUP 2.—FRANCS.

France	38,067,094
Belgium	5,000,000
Switzerland	2,510,494
Italy	24,500,000
Total	70,077,588

GROUP 3.—GERMAN.

North Germany	29,653,038
South Germany	8,869,328
Austria	34,706,460
Total	73,228,826

GROUP 4.—DOLLAR.

United States	40,000,000
Canada	3,879,812
China, treaty provinces	270,000,000
Japan	35,000,000
Mexico	8,000,000
Spain	16,500,000
Total	373,379,812

No. 196.

Mr. Bancroft to Mr. Fish.

No. 108.]

AMERICAN LEGATION,

Berlin, July 2, 1870. (Received July 21, 1870.)

SIR: Your No. 199, on the reform of the coinage of the world, was received on the 28th of June, and was immediately communicated to the governments of Prussia and of North Germany. I have received in reply the communication which I inclose. The Diet of North Germany, at its last session, directed inquiries to be made to establish a uniformity of coinage and currency for North Germany. The customs parliament went further and requested that the inquiry might extend to all the States included in the customs union. Good results may be hoped for from these inquiries, because the policy of North Germany requires uniformity in the coinage for all the States; and if the States of South Germany join in the inquiry, it must lead either to no action or to a most thorough reform. The tendency here is strong toward the adoption of the five and twenty-franc gold piece, with decimal divisions; but nothing is decided.

Your dispatches to No. 202 have been received.

GEO. BANCROFT.

The efforts to reform the coinage in Germany are designed: 1. To introduce a uniform national system of coinage with decimal divisions. 2. To introduce circuleable gold coins, and that either (a) by the adoption of a simple gold coinage, in such a manner that silver money shall be coined *above* its value; or (b) by the introduction of a so-called double coinage, with an unchanging ratio of value between gold and silver, such as exists in France; or (c) by adopting the double coinage only as a transition to a pure gold coinage, with a ratio of value either of $15\frac{1}{2}$ to 1, or of 15.55 to 1, or of $15\frac{1}{2}$ to 1, between gold and silver. 3. To bring the coinage unit of Germany into a simple ratio or relation to the coinage unit of other countries, and that either (a) by a simple adoption of the French franc system; or (b) by the introduction of a gold coin of the

value of 25 francs as a basis, with decimal divisions, so that a unit of reckoning may be reached, viz., (a) the gold thaler, at 5 francs; or (β) the gold florin, at two-thirds of a thaler; or (γ) the mark, at one-third of a thaler; (ε) by the introduction of the gold crown, as being a coin which is akin to the metrical system of weights, and therefore suited to be the basis of an international system; also, by a decimal division of the same, so that the gold thaler = one-tenth of a crown = about 28 silver-groschen, may form the unit of reckoning, and one one-hundredth of a gold thaler may form, as a kreutzer, the smallest unit belonging to the decimal system.

The following questions now arise:

I. In arranging the system of coinage, shall the silver coinage alone be retained?

An affirmative answer to this question would greatly facilitate the establishment of a uniform coinage in Germany, but would necessitate a renunciation (1) of the introduction of a legal gold currency; (2) of the establishment of a simple relation between the German system of coinage and that of those nations which have a gold coinage or the so-called double coinage.

It must, therefore, be determined (1) whether the retention of the simple silver coinage would be attended with such great advantages that the introduction of a legal gold currency would be advisable; (2) whether the establishment of a simple relation of the German standard to that of the countries having a gold or double coinage would be attended with such advantages that, in the arrangement of the system of coinage, the establishment of such a relation would be indispensable.

But these advantages and disadvantages must be considered from the standpoint of internal and international trade.

II. Should a simple gold coinage be at once introduced?

In relation to this question two things must be considered: 1. The advantages of a gold coinage over a simple silver coinage, (already considered under I,) and over the so-called double coinage. 2. The difficulties and expense of the change.

With regard to 1, the following questions arise: (a.) Which offers greater guarantees, a gold coinage or a double coinage, that the price of the circulating media will not be liable to sudden and great fluctuations? (b.) Which will give rise to greater confusion, a simple gold currency or the double currency, when the relation of the respective market values of the two precious metals becomes changed? (c.) Which offers greater convenience, a simple gold coinage or a double coinage, for internal and international payments?

With regard to 2, the following questions arise: (a.) What would probably be the price of gold if the gold necessary for this change had to be purchased? (b.) At what price would the silver money now in circulation have to be purchased, payment being made in the new gold currency, in order to avoid the disastrous consequences of a sudden diminution in the value of the circulating medium? (c.) What relation of value between gold and silver would it be proper to place as the basis for a change of existing obligations payable in silver to obligations payable in gold? Or (d) would it be better to make no such legal change, and to leave the conversion simply to private agreement? (e.) What precautions ought the state to take, in the event of a legal conversion of existing obligations, in order to obviate the danger of a general repudiation of existing obligations? (f.) To what extent could the exchanged silver currency be used in making new silver coins, and how high a coinage tax might be laid thereupon? (Here it should be considered for how high amounts payment in gold should be made obligatory.) (g.) At what price would the silver that could not be used probably have to be sold? (h.) How great would the expense of the change be to the state?

III. Is a change to a double coinage advisable?

With regard to this question, there is no need to consider whether a double coinage is to be regarded as the ultimate object of a reform in the coinage, since, even if it should now be regarded as the ultimate object, a change to a simple gold coinage would still remain feasible.

As reasons for a double coinage, the following are adduced: 1. The possibility of going on gradually with the preparation of the necessary gold coins, and of thereby diminishing the expense of the reform. 2. The possibility of using the silver coins hitherto in use in the new system. 3. The possibility of an accurate conversion of existing obligations into obligations according to the new system, since such conversion would not be so far removed from the silver values, in which the obligations are payable. 4. The possibility of such an assimilation to the French system that, by a retention of the two systems of double coinage contemporaneously, a revolution in the market price of the precious metals would be avoided.

With regard to these points, it has been proposed to adopt the unchanging ratio now existing in France between gold and silver, taking the florin as a standard.

According to this, 1 florin = $\frac{2}{3}$ of the thalers hitherto in use = $2\frac{1}{2}$ francs, the unit of reckoning. One 25-franc piece = 10 florins = $6\frac{2}{3}$ of the thalers now in use, the chief gold coin. The florin being divided into 100 kreutzers, the $\frac{1}{3}$ -thaler piece = 25 kreutzers,

the $\frac{1}{2}$ -thaler piece = $12\frac{1}{2}$ kreutzers, the $\frac{1}{3}$ -thaler piece = 5 kreutzers. The 25-franc piece would have to contain 7.25 grammes of fine gold.

According to the French relation of value of 1: 15 $\frac{1}{2}$, 10 florins, which = 6 $\frac{2}{3}$ thalers, would have to contain $15\frac{1}{2} \times 7.25$ grammes = 112.375 grammes of fine silver. But 6 $\frac{2}{3}$ thalers contain only 111.111 grammes of fine silver, and therefore 1.264 grammes less.

If, therefore, in the conversion of obligations, 1 thaler of the present coinage shall be converted into $1\frac{1}{2}$ florin of the new, the debtors would become indebted $1\frac{1}{2}$ per cent. more in silver, while the creditors would gain $1\frac{1}{2}$ per cent. in silver. It must therefore be asked: Is it allowable to ignore this difference, and that (a) in all claims for debt, (including state taxes, salaries, &c.) or (b) in claims for debt to a certain amount, and to what amount?

If this question is answered in the negative, it is to be asked: Is a system to be recommended whose unit of reckoning in the conversion of existing obligations stands to the analogous unit of the present system (1 Austrian florin) as $101\frac{1}{2}$ to 100?

Precisely the same questions would arise if, instead of the florin, we should undertake to make the franc, or a multiple thereof, (5 francs,) the unit of reckoning. With regard to these propositions, the advantages of the franc or florin system would have to be considered (a) with respect to the value of the *Rechnungsmünze* or money of account, [*i. e.*, imaginary coin, such as the pound sterling of England;] (b) with respect to the advantages or disadvantages of conformity of the small gold, silver, and copper coins, as well as of the various denominations of banknotes and paper money with those of the nations using the franc system.

A second system has for its basis the gold crown, which would be divisible into 100 thalers, at 100 kreutzers each.

According to the relation of gold to silver = 15.5 : 1, this new thaler would contain $\frac{10 \times 15.5}{10} = 15.5$ grammes of silver, and therefore, since the thaler now in use contains

$\frac{500}{30} = 16.666$ grammes of fine silver, it (*i. e.*, the new thaler) would be equal to $\frac{15.5}{16.666} = 0.93$ thaler = 27.9 silver-groschen.

As this ratio is an inconvenient one, it is proposed to let the ratio between gold and silver be as 15.55 is to 1, according to which the new thaler would equal 0.933 of the thaler now in use, or 28 silver-groschen; the kreutzer would = 3.36 pence = $\frac{9.8}{100}$ South German kreutzers.

It is a question whether, in making a change, the ratio of 14 to 15 is a favorable one, and whether this system is calculated, through the coöperation of other nations, to become an international one, and whether, through this establishment of the reciprocal value of the precious metals, sufficient remittances of gold would be made to our market, or whether it would be more advisable to let the ratio between the two be as 15.75 is to 1.

Finally, it is proposed to take but one step, *viz.*, to give the gold crown a fixed value of 9 thalers 10 silver-groschen, and to leave further developments to the future.

It may be questioned whether a satisfactory gold coinage may be thus reached, and a sufficient gold currency created, and whether, for the sake of this convenience, it would be well to renounce the other advantages to be obtained by a reform in the coinage.

III.—CORRESPONDENCE IN RELATION TO THE CONDITION OF THE COMMERCIAL RELATIONS BETWEEN THE UNITED STATES AND THE SPANISH AMERICAN STATES AND BRAZIL.

CIRCULAR—DEPARTMENT OF STATE TO MINISTERS AND CONSULS IN
SPANISH-AMERICAN STATES AND BRAZIL.

DEPARTMENT OF STATE,
Washington, August 19, 1870.

SIR: Copies of a report of this Department to the President, of the 14th, ultimo in answer to a resolution of the Senate, touching the commercial relations between the United States and Spanish-American countries, are herewith transmitted. With a view to enable the President more fully to comply with the request for information upon that subject; and to make recommendations with a view to the improvement of those relations, you will, without unnecessary delay, communicate to this Department any facts, and will make any suggestions which you may deem useful.

I am, sir, your obedient servant,

HAMILTON FISH.

Report from the Department of State in relation to the condition of the commercial relations between the United States and the Spanish-American states; transmitted to the Senate in obedience to a resolution.

DEPARTMENT OF STATE,
Washington, July 14, 1870.

The Secretary of State, to whom was referred the resolution of the Senate requesting the President "to institute an inquiry, by such means as in his judgment shall be deemed proper, into the present condition of the commercial relations between the United States and the Spanish-American states on this continent, and between those countries and other nations, and to communicate to the Senate full and complete statements regarding the same, together with such recommendations as he may think necessary to promote the development and increase of our commerce with those regions, and to secure to the United States that proportionate share of the trade of this continent to which their close relations of geographical contiguity and political friendship with all the states of America justly entitle them," has the honor to report:

The resolution justly regards the commercial and the political relations of the United States with the American states of Spanish origin as necessarily dependent upon each other. If the commerce of those countries has been diverted from its natural connection with the United States, the fact may probably be partly traced to political causes, which have been swept away by the great civil convulsion in this country.

For the just comprehension of the position of this Government in the American political system, and for the causes which have failed to give it hitherto the influence to which it is properly entitled, by reason of its democratic system, and of the moderation and sense of justice which have distinguished its foreign policy through successive administrations from the birth of the nation until now, it is necessary to make a brief notice of such measures as affect our present relations to the other parts of this continent.

The United States were the first of the European colonies in America to arrive at maturity as a people, and assume the position of an independent republic. Since then important changes have taken place in various nations and in every part of the world. Our own growth in power has been not the least remarkable of all the great events of modern history.

When, at the conclusion of the revolutionary war, having conquered by arms our right to exist as a sovereign state, that right was at length recognized by treaties, we occupied only a narrow belt of land along the Atlantic coast, hemmed in at the north, the west, and the south by the possessions of European governments, or by uncultivated wastes beyond the Alleghanies, inhabited only by the aborigines. But, in the very infancy of the United States, far-sighted statesmen saw and predicted that, weak in population and apparently restricted in available territory as the new republic then was, it had within it the germs of colossal grandeur, and would, at no remote day, occupy the continent of America with its institutions, its authority, and its peaceful influence.

That expectation has been thus far signally verified. The United States entered at once into the occupation of their rightful possessions westward to the banks of the Mississippi. Next, by the spontaneous proffer of France, they acquired Louisiana and its territorial extension, or right of extension, north to the line of the treaty demarcation between France and Great Britain, and west to the Pacific Ocean. Next, by amicable arrangement with Spain, they acquired the Floridas, and complete southern maritime frontiers upon the Gulf of Mexico. Then came the union with the independent State of Texas, followed by the acquisitions of California and New Mexico, and then of Arizona. Finally, Russia has ceded to us Alaska, and the continent of North America has become independent of Europe, except so much of it as continues to maintain political relations with Great Britain.

Meanwhile, partly by natural increase, and partly by voluntary immigration from Europe, our population has risen from three millions to nearly forty millions; the number of States and Territories united under the Constitution has been augmented from thirteen to forty-seven; the development of internal wealth and power has kept pace with political expansion; we have occupied in part and peopled the vast interior of the continent; we have bound the Pacific to the Atlantic by a chain of intervening States and organized Territories; we have delivered the republic from the anomaly and the ignominy of domestic servitude; we have constitutionally fixed the equality of all races and of all men before the law; and we have established, at the cost of a great civil war—a cost, however, not beyond the value of such a result—the indissoluble national unity of the United States.

In all these marked stages of national progress, from the Declaration of Independence to the recent amendments of the Constitution, it is impossible not to perceive a providential series and succession of events, intimately attached, one to the other, and possessed of definite character as a whole, whatever incidental departures from such uniformity may have marked or seemed to mark our foreign policy under the influence of temporary causes, or of the conflicting opinions of statesmen.

In the time of Washington, of the first Adams, of Jefferson, and of Madison, the condition of Europe, engaged in the gigantic wars of the French revolution and of the empire, produced its series of public questions, and gave tone and color to our foreign policy. In the time of Monroe, of the second Adams, and of Jackson, and subsequently thereto, the independence of the Spanish and Portuguese colonies of America produced its series of questions and its apparent modification of our public policy. Domestic questions of territorial organization, of social emancipation, and of national unity have also largely occupied the minds and the attention of the later administrations.

The treaties of alliance and guarantee with France which contributed so much to our independence, were one source of solicitude to the early administrations, which were endeavoring to protect our commerce from the depredations and wrongs to which the maritime policy of England and the reaction of that policy on France subjected it. For twenty years we struggled in vain to accomplish this, and at last drifted into war.

The avoidance of entangling alliances, the characteristic feature of the foreign policy of Washington, sprang from this condition of things. But the entangling alliances which then existed were engagements made with France as a part of the general contract under which aid was furnished to us for the achievement of our independence. France was willing to waive the letter of the obligation as to her West India possessions, but demanded, in its stead, privileges in our ports which the administration was unwilling to concede. To make its refusal acceptable to a public which sympathized with France, the cabinet of General Washington exaggerated the principle into a theory tending to national isolation.

The public measures designed to maintain unimpaired the domestic sovereignty and the international neutrality of the United States were independent of this policy, though apparently incidental to it. The municipal laws enacted by Congress then and since have been but declarations of the law of nations. They are essential to the preservation of our national dignity and honor; they have for their object to repress and punish all enterprises of private war, one of the last relics of mediæval barbarism; and they have descended to us from the fathers of the republic, supported and enforced by every succeeding President of the United States.

The foreign policy of these early days was not a narrow one. During this period we secured the evacuation by Great Britain of the country wrongfully occupied by her

on the lakes; we acquired Louisiana; we measured forces on the sea with France, and on the land and sea with England; we set the example of resisting and chastising the piracies of the Barbary States; we initiated in negotiations with Prussia the long line of treaties for the liberalization of war and the promotion of international intercourse; and we steadily demanded, and at length obtained, indemnification from various governments for the losses we had suffered by foreign spoliations in the wars of Europe.

To this point in our foreign policy we had arrived when the revolutionary movements in Spanish and Portuguese America compelled a modification of our relations with Europe, in consequence of the rise of new and independent States in America.

The revolution which commenced in 1810, and extended through all the Spanish American continental colonies, after vain efforts of repression on the part of Spain, protracted through twenty years, terminated in the establishment of the independent States of Mexico, Guatemala, San Salvador, Honduras, Nicaragua, Costa Rica, Venezuela, Colombia, Ecuador, Peru, Chili, Bolivia, the Argentine Republic, Uruguay, and Paraguay, to which the empire of Brazil came in time to be added. These events necessarily enlarged the sphere of action of the United States, and essentially modified our relations with Europe, and our attitude to the rest of this continent.

The new States were, like ourselves, revolted colonies. They continued the precedent we had set, of separating from Europe. Their assumption of independence was stimulated by our example. They professedly imitated us, and copied our national Constitution, sometimes even to their inconvenience.

The Spanish-American colonies had not the same preparation for independence that we had. Each of the British colonies possessed complete local autonomy. Its formal transition from dependence to independence consisted chiefly in expelling the British governor of the colony, and electing a governor of the State, from which to the organized Union was but a step. All these conditions of success were wanting in Spanish America, and hence many of the difficulties in their career as independent States; and, further, while the revolution in British America was the exclusive result of the march of opinion in the British colonies, the simultaneous action of the separate Spanish colonies, though showing a desire for independence, was principally produced by the accident of the invasion of Spain by France.

The formation of these new sovereignties in America was important to us, not only because of the cessation of colonial monopolies to that extent, but because of the geographical relations to us, held by so many new nations, all, like ourselves, created from European stock, and interested in excluding European politics, dynastic questions, and balances of power from further influence in the New World.

Thus the United States were forced into new lines of action, which, though apparently in some respects conflicting, were really in harmony with the line marked out by Washington. The avoidance of entangling political alliances, and the maintenance of our own independent neutrality became doubly important from the fact that they became applicable to the new republics as well as to the mother country. The duty of non-interference had been admitted by every President. The question came up in the time of the first Adams, on the occasion of the enlistment projects of Miranda. It appeared again under Jefferson (anterior to the revolt of the Spanish colonies) in the schemes of Aaron Burr. It was an ever-present question in the administrations of Madison, Monroe, and the younger Adams, in reference to the questions of foreign enlistment or equipment in the United States, and when these new republics entered the family of nations, many of them very feeble, and all too much subject to internal revolution and civil war, a strict adherence to our previous policy and a strict enforcement of our laws became essential to the preservation of friendly relations with them; for, since that time, it has been one of the principal cares of those intrusted with the administration of the Government, to prevent piratical expeditions against these sister republics from leaving our ports. And thus the changed condition of the New World made no change in the traditional and peaceful policy of the United States in this respect.

In one respect, however, the advent of these new States in America did compel an apparent change of foreign policy on our part. It devolved upon us the determination of the great international question, at what time, and under what circumstances, to recognize a new power as entitled to a place among the family of nations. There was but little of precedent to guide us, except our own case. Something, indeed, could be inferred from the historical origin of the Netherlands and Switzerland. But our own case, carefully and conscientiously considered, was sufficient to guide us to right conclusions. We maintained our position of international friendship and of treaty obligations toward Spain, but we did not consider that we were bound to wait for its recognition of the new republics before admitting them into treaty relations with us as sovereign States. We held that it was for us to judge whether or not they had attained to the condition of actual independence, and the consequent right of recognition by us. We considered this question of fact deliberately and coolly. We sent commissioners to Spanish America to ascertain and report for our information concerning their actual circumstances, and in the fullness of time we acknowledged their independence;

we exchanged diplomatic ministers, and made treaties of amity with them, the earliest of which, negotiated by Mr. John Quincy Adams, served as the model for the subsequent treaties with the Spanish-American republics. We also, simultaneously therewith, exerted our good offices with Spain, to induce her to submit to the inevitable result, and herself to accept and acknowledge the independence of her late colonies. We endeavored to induce Russia to join us in these representations. In all this our action was positive, in the direction of promoting the complete political separation of America from Europe.

A vast field was thus opened to the statesmen of the United States for the peaceful introduction, the spread, and the permanent establishment of the American ideas of republican government, of modification of the laws of war, of liberalization of commerce, of religious freedom and toleration, and of the emancipation of the New World from the dynastic and balance of power controversies of Europe.

Mr. John Quincy Adams, beyond any other statesmen of the time in this country, had the knowledge and experience, both European and American, the comprehension of thought and purpose, and the moral convictions which peculiarly fitted him to introduce our country into this new field, and to lay the foundation of an American policy. The declaration known as the Monroe doctrine, and the objects and purposes of the congress of Panama, both supposed to have been largely inspired by Mr. Adams, have influenced public events from that day to this, as a principle of government for this continent and its adjacent islands.

It was at the period of the congress of Aix-la-Chapelle and of Laybach, when the "holy alliance" was combined to arrest all political changes in Europe in the sense of liberty, when they were intervening in Southern Europe for the reestablishment of absolutism, and when they were meditating interference to check the progress of free government in America, that Mr. Monroe, in his annual message in December 1823, declared that the United States would consider any attempt to extend the European system to any portion of this hemisphere as dangerous to our peace and safety. "With the existing colonies or dependencies of any European power," he said, "we have not interfered and shall not interfere. But with the governments who have declared their independence, and maintained it, and whose independence we have on great consideration and on just principles acknowledged, we could not view any interposition for the purpose of oppressing them, or controlling, in any other manner, their destiny, by any European power, in any other light than as the manifestation of an unfriendly feeling toward the United States."

This declaration resolved the solution of the immediate question of the independence of the Spanish-American colonies, and is supposed to have exercised some influence upon the course of the British cabinet in regard to the absolutist schemes in Europe as well as in America.

It has also exercised a permanent influence on this continent. It was at once invoked in consequence of the supposed peril of Cuba on the side of Europe; it was applied to a similar danger threatened Yucatan; it was embodied in the treaty of the United States and Great Britain as to Central America; it produced the successful opposition of the United States to the attempt of Great Britain to exercise dominion in Nicaragua under the cover of the Mosquito Indians; and it operated in like manner to prevent the establishment of a European dynasty in Mexico.

The United States stand solemnly committed by repeated declarations and repeated acts to this doctrine, and its application to the affairs of this continent. In his message to the two Houses of Congress at the commencement of the present session, the President, following the teachings of all our history, said that the existing "dependencies are no longer regarded as subject to transfer from one European power to another. When the present relation of colonies ceases, they are to become independent powers, exercising the right of choice and of self-control in the determination of their future condition and relations with other powers."

This policy is not a policy of aggression; but it opposes the creation of European dominion on American soil, or its transfer to other European powers, and it looks hopefully to the time when, by the voluntary departure of European governments from this continent and the adjacent islands, America shall be wholly American.

It does not contemplate forcible intervention in any legitimate contest; but it protests against permitting such a contest to result in the increase of European power or influence; and it ever impels this Government, as in the late contest between the South American republics and Spain, to interpose its good offices to secure an honorable peace.

The congress of Panama was planned by Bolivar to secure the union of Spanish America against Spain. It had originally military as well as political purposes. In the military objects the United States could take no part; and indeed the necessity for such objects ceased when the full effects of Mr. Monroe's declarations were felt. But the pacific objects of the congress, the establishment of close and cordial relations of amity, the creation of commercial intercourse, of interchange of political thought, and of habits of good understanding between the new republics and the United States and

their respective citizens, might perhaps have been attained had the administration of that day received the united support of the country. Unhappily they were lost; the new states were removed from the sympathetic and protecting influence of our example, and their commerce, which we might then have secured, passed into other hands, unfriendly to the United States.

In looking back upon the Panama congress from this length of time, it is easy to understand why the earnest and patriotic men who endeavored to crystallize an American system for this continent failed.

Mr. Clay and Mr. Adams were far-sighted statesmen, but unfortunately they struck against the rock of African slavery. One of the questions proposed for discussion in the conference was, "The consideration of the means to be adopted for the entire abolition of the African slave trade," to which proposition the committee of the United States Senate of that day replied, "The United States have not certainly the right, and ought never to feel the inclination, to dictate to others who may differ with them upon this subject, nor do the committee see the expediency of insulting other states with whom we are maintaining relations of perfect amity, by ascending the moral chair, and proclaiming from thence mere abstract principles, of the rectitude of which each nation enjoys the perfect right of deciding for itself." The same committee also alluded to the possibility that the condition of the islands of Cuba and Porto Rico, still the possessions of Spain, and still slaveholding, might be made the subject of discussion and of contemplated action by the Panama congress. "If ever the United States [they said] permit themselves to be associated with these nations in any general congress assembled for the discussion of common plans in any way affecting European interests, they will, by such act, not only deprive themselves of the ability they now possess of rendering useful assistance to the other American states, but also produce other effects prejudicial to their own interests."

Thus the necessity at that day of preserving the great interest of the Southern States in African slavery, and of preventing a change in the character of labor in the islands of Cuba and Porto Rico, lost to the United States the opportunity of giving a permanent direction to the political and commercial connections of the newly enfranchised Spanish-American states, and their trade passed into hands unfriendly to the United States, and has remained there ever since.

Events, subsequent to that date, have tended to place us in a position to retrieve our mistakes; among which events may be particularly named the suppression of the rebellion, the manifestation of our undeveloped and unexpected military power, the retirement of the French from Mexico, and the abolition of slavery in the United States.

There is good reason to believe that the latter fact has had an important influence in our favor in Spanish America. It has caused us to be regarded there with more sympathetic as well as more respectful consideration; it has relieved those republics from the fear of filibusterism, which had been formerly incited against Central America and Mexico in the interest of slave extension; and it has produced an impression of the stability of our institutions and of our public strength sufficient to dissipate the fears of our friends or the hopes of those who wish us ill.

Thus there exists in the Spanish-American republics confidence toward the United States. On our side they find a feeling of cordial amity and friendship, and a desire to cultivate and develop our common interests on this continent. With some of these states our relations are more intimate than with others, either by reason of closer similarity of constitutional forms, of greater commercial intercourse, of proximity in fact, or of the construction or contemplated construction of lines of transit for our trade and commerce between the Atlantic and the Pacific. With several of them we have peculiar treaty relations. The treaty of 1846 between the United States and New Granada contains stipulations of guarantee for the neutrality of that part of the Isthmus within the present territory of Colombia, and for the protection of the rights of sovereignty and property therein belonging to Colombia. Similar stipulations appear in the treaty of 1867 with Nicaragua, and of July 1864 with Honduras. Those treaties (like the treaty of alliance made with France in 1778 by Dr. Franklin, Silas Deane, and Arthur Lee) constitute *pro tanto* a true protective alliance between the United States and each of those republics. Provisions of like effect appear in the treaty of April 19, 1850, between Great Britain and the United States.

Brazil, with her imperial semblance and constitutional reality, has always held relations of amity with us, which have been fortified by the opening of her great rivers to commerce. It needs only that, in emulation of Russia and the United States, she should emancipate her slaves to place her in more complete sympathy with the rest of America.

It will not be presumptuous after the foregoing sketch to say, with entire consideration for the sovereignty and national pride of the Spanish-American republics, that the United States, by the priority of their independence, by the stability of their institutions, by the regard of their people for the forms of law, by their resources as a government, by their naval power, by their commercial enterprise, by the attractions

which they offer to European immigration, by the prodigious internal development of their resources and wealth, and by the intellectual life of their population, occupy of necessity a prominent position on this continent, which they neither can nor should abdicate, which entitles them to a leading voice, and which imposes upon them duties of right and of honor regarding American questions, whether those questions affect emancipated colonies, or colonies still subject to European dominion.

The public questions which existed as to all European colonies, prior to and during the revolutions in the continental colonies of Spain and Portugal, still exist with reference to the European colonies which remain, and they now return upon us in full force as we watch events in Cuba and Porto Rico.

Whatever may be the result of the pending contest in Cuba, it appears to be the belief of some of the leading statesmen of Spain, that the relations which now exist between the island and the mother country cannot be long continued. It is understood that the resources for carrying on the struggle have been supplied mainly from Cuba, by the aid of that portion of the population which does not desire to see its political destinies intrusted to the persons who direct the movements of the insurgents; but it does not follow that its political relations with Spain are to remain unchanged, or that even the party which is now dominant in the island will wish to forever continue colonists.

These facts give reason to think that, when the contest shall close, Cuba, with her resources strained, but unexhausted, (whatever may be her political relations,) will resume and continue her old commercial relations with the United States; and it is not impossible that, at some day not far distant when measured by the course of history, she will be called upon to elect her position in the family of nations.

Although the resolution of the Senate does not in terms apply to the Islands of the Antilles, it is impossible to answer it without speaking of them. They outlie the southern coast of the United States, and guard the approaches to the ports of Mexico, Venezuela, and the Isthmus, by which we reach from the east the western coasts of Mexico and of the Spanish states. The people of the Spanish islands speak the language and share the traditions, customs, ideas, and religion of the Spanish-American states of the continent, and will probably, like them, become, at some time, independent of the mother country. It would, therefore, be unwise, while shaping a commercial policy for the continent, to disregard the islands which lie so much nearer to our seaports.

With the Spanish islands of Cuba and Porto Rico we maintain, in spite of their adverse legislation, a large commerce by reason of our necessities and of their proximity. In the year ending June 30, 1869, we imported from them merchandise valued at \$65,609,274. During the same time we sent them goods to the value only of \$15,313,919.

The prohibitory duties forced upon them by the policy of Spain shut out much that we might supply. Their tropical productions, for instance, are too valuable to allow their lands to be given up to the growth of breadstuffs; yet, instead of taking these articles from the superabundant fields of their nearest neighbors, they are forced to go to the distant plains of Spain. It will be for the interest of the United States to shape its general policy so that this relation of imports and exports shall be altered in Cuba when peace is restored and its political condition is satisfactorily established.

With none of the other Spanish-American states in North and South America are our commercial relations what they should be. Our total imports in the year ending June 30, 1869, from these countries were less than \$25,000,000, (or not one-half the amount from Cuba alone,) and our exports for the same time to them were only \$17,850,313; and yet these countries have an aggregate population nearly or quite as great as that of the United States; they have republican forms of government, and they profess to be, and probably really are, in political sympathy with us.

This Department is not able to give with entire accuracy the imports and exports of Great Britain with the same countries during the corresponding period. It is believed, however, the following figures will be found to be not far from correct:

Imports to Great Britain, \$42,820,942; exports from Great Britain, \$40,682,102.

It thus appears that notwithstanding the greater distance which the commerce has to travel in coming to and from Great Britain, notwithstanding the political sympathy which ought naturally to exist between republics, notwithstanding the American idea which has been so prominently and so constantly put forward by the Government of the United States, notwithstanding the acknowledged skill of American manufactures, notwithstanding the ready markets which the great cities of the United States afford for the consumption of tropical productions, the inhabitants of the Spanish-American continent consume of the products of Great Britain more than twice the quantity they take of the products of the United States, and that they sell to us only three-fifths of the amount they sell to Great Britain.

The Secretary of State appends to this report the tables on which these statements are founded. That their commerce with the United States is not large, may be partially explained by the fact that these states have been subject to many successive revolutions since the failure of the congress of Panama. These revolutions not only exhaust their resources and burden them with debt, but they check emigration, prevent

the flow of foreign capital into the country, and stop the enterprise which needs a stable government for its development.

These suggestions are, however, applicable to the British commerce as well as to our own, and they do not explain why we, with the natural advantages in our favor, fall so far behind. The Isthmus of Panama is the common point where the commerce of the western coasts of Mexico and South America meets. When it arrives there, why should it seek Liverpool and London rather than New York?

The political causes which have operated to divert this commerce from us the Secretary of State has endeavored to explain. A favorable time has now come for removing them—for laying the foundation of an American policy which shall bind in closer union the American republics. Let them understand that the United States do not covet their territories; that our only desire is to see them peaceful, with free and stable governments, increasing in wealth and population, and developing in the lines in which their own traditions, customs, habits, laws, and modes of thought will naturally take them. Let them feel that, as in 1826 so now, this government is ready to aid them to the full extent of its constitutional power in any steps which they may take for their better protection against anarchy. Let them be convinced that the United States are prepared, in good faith and without ulterior purposes, to join them in the development of a peaceful American commercial policy, that may in time include this continent and the West Indian Islands. Let this be comprehended, and there will be no political reason why we may not "secure to the United States that proportionate share of the trade of this continent to which their close relations of geographical contiguity and political friendship with all the states of America justly entitle them."

It may not be enough to remove the political obstacles only. The financial policy which the war made necessary may have operated injuriously upon our commerce with these states. The resolution of the Senate calls, on these points, for detailed information which is not within the control of the Secretary of State, and for recommendations for the future which he is not prepared to give without that information. To fully answer the Senate's call, it would probably be necessary to employ some competent agent, familiar with the Spanish-American states, to collate and arrange the information asked for; for this there is no appropriation by Congress.

Respectfully submitted.

HAMILTON FISH.

Commerce of the United States with the countries on this continent and adjacent islands for the year ended June 30, 1863.

[Compiled from the Annual Report on Commerce and Navigation.]

Countries.	Imports.	Exports.	Reexports.	Total exports.	Total commerce.
Dominion of Canada.....	\$30,353,010	\$18,188,613	\$2,858,782	\$21,047,395	\$51,400,405
All other British possessions in North America.....	1,737,304	2,703,173	446,664	3,149,837	4,887,141
British West Indies.....	6,682,391	9,142,344	101,760	9,244,104	15,926,495
Total.....	38,772,705	30,034,130	3,407,206	33,441,336	72,214,041
Cuba.....	58,201,374	12,643,955	7,064,787	19,708,742	77,910,116
Porto Rico.....	7,407,900	2,669,964	114,037	2,784,001	10,191,901
Total.....	65,609,274	15,313,919	7,178,824	22,492,743	88,102,017
French possessions in America....	696,952	1,174,056	45,514	1,219,570	1,916,522
Danish West Indies.....	638,550	1,500,000	39,121	1,539,121	2,177,671
Dutch West Indies and Guiana....	999,099	926,051	29,595	955,646	1,954,745
Hayti and San Domingo.....	729,632	1,349,438	129,462	1,478,900	2,208,532
Sandwich Islands.....	1,298,065	700,962	86,665	787,627	2,085,712
Total.....	4,362,318	5,650,507	330,357	5,980,864	10,343,182
Mexico.....	7,232,006	3,836,699	1,047,408	4,884,107	12,116,113
Central American States.....	733,296	1,324,336	52,146	1,376,482	2,109,778
Colombia.....	5,291,706	4,900,075	180,267	5,080,342	10,372,048
Peru.....	1,386,310	1,556,434	116,911	1,673,445	3,059,755
Chili.....	1,186,982	1,969,580	115,905	2,085,485	3,272,467
Argentine Republic.....	5,162,966	2,235,089	272,425	2,575,514	7,738,480
Uruguay.....	1,472,608	835,112	58,270	894,382	2,366,990
Brazil.....	24,912,450	5,910,565	158,514	6,069,079	30,981,529
Venezuela.....	2,431,760	1,191,888	29,176	1,221,064	3,652,824
Total.....	49,810,084	23,760,878	2,031,022	25,791,900	75,601,984
Grand total.....	158,554,381	74,759,434	12,947,409	87,706,843	246,261,224
Total commerce of United States	437,314,255	413,954,615	25,173,414	439,128,029	876,442,284

Imports and exports of Great Britain with Spanish America and some of the West India Islands for parts of the years 1868 and 1869.

Countries.	Year.	Imports.	Exports.
Cuba and Porto Rico	1869	£3, 288, 292	£1, 374, 242
French possessions in America	1868	4, 252	3, 002
Danish West Indies	1868	295, 102	9, 211
Dutch West Indies and Guiana	1868	148, 882	4, 444
Hayti and San Domingo	1868	220, 806	6, 043
Sandwich Islands	1868	33, 336	917
Mexico	1868	350, 064	92, 077
Central American states	1868	939, 827	173, 611
Colombia	1869	971, 396	2, 500, 039
Peru	1869	2, 734, 784	1, 180, 931
Chili	1869	3, 211, 174	1, 576, 905
Argentine Republic	1869	1, 034, 445	1, 841, 953
Uruguay	1869	535, 015	1, 009, 425
Brazil	1869	7, 754, 526	5, 477, 439
Venezuela	1868	69, 997	10, 452

No. 198.

Mr. Long to Mr. Fish.

No. 71.]

UNITED STATES CONSULATE, PANAMA,
September 12, 1870. (Received September 28, 1870.)

SIR: In reply to your circular dated Washington, August 19, 1870, I would most respectfully ask leave to make the following remarks:

Long before and ever since the independence of the Spanish-American states, till by the acquisition of California by the United States, most of the capital invested in the commerce of this country was of European origin. This source of capital would naturally cause the streams of commerce to flow in the direction of its supply. This trade was unusually rich to its early founders and their successors. Our commerce in those days was struggling for an existence, and sought the old and well-beaten tracks with the Old World, content with sure but small profits with all engaged in such trade. In the earlier days of the existence of the Spanish-American republics, this country was almost a *terra incognita* to our merchant marine, and the old established European houses were permitted but with little competition to hold the control of this commerce in their own hands. Although the people of this country have always expressed an ardent admiration for our political institutions, and have imitated us in constructing their fundamental laws, yet it cannot be denied that the feeling of hatred and rivalry existing long ago between the Latin and Saxon races still holds sway in the minds of the masses of the present populations of the Spanish-American states, the descendants of the old Latin stock of the south of Europe. In our recent contest this old leaven would crop out on all convenient occasions, and it is now easily discernible in the great contest raging in Europe. This animus, no doubt, has had a great deal to do in checking the growth of such feelings on the part of those people as would promote a more cordial and closer sympathy between us. I have no doubt of the truth of this singular feature of the Spanish character as exhibited on this continent. Even now, within my limited knowledge of the capitalists of this country, at least a majority of all engaged in business in this country are Europeans, or are intimately connected with European houses. Of course, the products of this capital would seek their fountain-head for consumption in manufactures, or in the needs and wants of consumers at home. The exports from Colombia and the

Central American states are as yet in their infancy. The capacity of production at present is very limited, owing to the great want of labor.

Emigration has never yet brought to these shores the brawny arm of the stalwart laborer to take his place as an artisan or as the tiller of the soil. The few that have come are lured by the brilliant and fascinating *ignis fatuus* of the gold and silver mines. In this search after the hidden treasure hope soon becomes exhausted, and they retire discouraged and disgusted with everything pertaining to this country. Uncertain as the dependence upon native labor is, it is as yet the only source of supply to those engaged in either agricultural or manufacturing pursuits.

Nature has done so much for the inhabitants of the tropics as to preclude all necessity for much effort on their part to enjoy a comfortable existence. How long this state of things will exist can only be told in the future. Agriculturists of this country are now looking to the densely populated regions of China, and before long the experiment of an importation of coolies will be tested.

The aggregate amount of the products of the countries bordering on the Pacific Ocean, and which are now diverted from the United States, is very great, and they must soon be vastly augmented if this Chinese problem is successfully solved.

Intelligent minds agree, with wonderful unanimity, that the construction of an interoceanic canal by and under the influence and control of the United States will, more than all other causes combined, tend to bring directly to our own harbors and docks the rich products which are now taken from us in foreign bottoms. The bulk of the trade of most of the products of the states south of Panama is now transported in foreign bottoms through the Straits of Magellan to the markets of Europe. The high tariff of tolls over the Panama Railroad, with the great resources of the Pacific Steam Navigation Company, (a British company of unlimited means,) has conduced to this state of things. A project is now entertained, I believe, by this same company to extend their lines up the coast as far as Guatemala, so as to reach the cotton, the coffee, indigo, sugar, and other rich productions of that region. In connection with this subject, I will mention a conversation I recently had with a very intelligent person doing business in this isthmus; he said he had it from undoubted authority that a secret arrangement had been made and entered into between the Panama Railroad Company and the British Royal Mail Packet Company, by which the railroad company agreed to withdraw their line of brigs between New York and Aspinwall, and to place a fourth boat on their Central American line. By this line from Guatemala to Southampton and London, they hope to be able to ship all products from Central America directly to England, thus despoiling us of what we are now receiving. The great fall in Panama Railroad stock is said to have been caused by this new arrangement. Fourteen per cent. of their usual annual dividend, with the sales of their lines of brigs, with their new steamer Winchester, was said to be the amount invested as their share in this new company.

When the sails of our merchant marine can pass from our ports unobstructed on this isthmus, then may we expect our commerce with the South American states, and also with those of Central America, to be vastly increased; and then we will have the advantage of all other nations in contending for the rich trade which will then float upon the broad surface of the Pacific Ocean, even to its most western borders.

The citizens of the United States residing and doing business on this coast have witnessed with much approbation the patriotic and national

proposition of our worthy and popular Chief Magistrate to the Congress of the nation, in regard to the survey and early completion, if practicable, of a canal that will bring them immediately into the marts of the world. The proposed subsidy of a line of American steamers running from Panama to Valparaiso and back is also a measure full of incentives to a revival of our trade, and the withdrawing of it from foreign bottoms. This, in conjunction with a revised and lessened railroad tariff, is a consummation devoutly wished for, and much and great disappointment was felt by all American citizens when its failure to meet the approval of Congress was announced to us. For the statistical details of our imports and exports through this isthmus, I respectfully refer you to the annual report accompanying my report for the quarter ending September 30, 1870.

O. M. LONG.

No. 199.

Mr. Raphael M. Columbus to Mr. Fish.

No. 7.]

UNITED STATES CONSULATE,

Paita, Peru, September 24, 1870. (Received October 14, 1870.)

SIR: In answer to a circular I received from the Department of State, dated 19th August last, requesting me to communicate any information and to make any suggestions that may tend to increase the commerce between the United States and the Spanish-American countries, I beg to submit the following remarks: The exports of Peru are cotton, wool, bark, orchilla, hides, goat-skins, sugar, silver, and guano. The most important, and by far the most wealth producing of these articles is guano, yielding an enormous revenue to the government, with very little expense. This is shipped chiefly to Europe for manuring the worn-out and exhausted lands of the old countries, while the new lands of the United States do not require that stimulant. Hides and goat-skins are nearly all sent to New York, where they are skillfully and rapidly converted into manufactured articles. Sugar is shipped to San Francisco, the vessels bringing back a return freight of lumber and flour. Cotton and wool are sent principally to England and France. The reason is very obvious; the United States produce more cotton than is required for their own manufactures, and they consequently export the balance to Europe, while England produces no cotton, but she imports and manufactures large quantities of it. Orchilla is also shipped to England, where it is in great demand on account of her cotton manufactories. Bark is sent exclusively to England, there being no demand for it in the United States. The cargo traffic from here to England, via the Isthmus, consists mainly of cotton, orchilla, and bark; and the reasons I have already adduced above may partly explain why it should seek Liverpool and London rather than New York.

England produces very little raw material, but she imports it in great quantities to be sent abroad again in manufactured goods. The United States is not only a manufacturing country, but also produces raw material in great abundance, so much so that she has a surplus to export to Europe.

The reasons why a greater quantity of European than American goods is imported into this country are various. First, an English line of steamers was early established on the coast, which had the effect of drawing to these countries numbers of English, French, and German

merchants who directed the commerce to Europe, rather than to the United States, and who imported into these countries European wares to supply the wants of the inhabitants, thus cultivating by degrees a taste and a necessity for European manufactures. Second, the low prices of European goods, as compared with American, is another recommendation in their favor. The perfection of machinery and cheapness of labor enable European manufacturers to successfully compete with the United States, where labor is so much higher than in Europe. Third, European merchants are more thrifty, and are content with smaller profits than American merchants, which also enables them to sell their goods at lower rates. If the Isthmus Canal be constructed, the great influx of Americans in this country will tend to alter this state of things. The establishment of American commercial houses would naturally open up and widen the commercial relations between these countries and the United States.

In defect of the ship-canal I would suggest that an American line of steamers be established from San Francisco to Valparaiso, which would increase the investment of American capital on this coast, and in proportion as American firms would augment in number, and the resources of the country be developed, so would the commerce of the United States begin to preponderate, and at last to supersede that of Europe.

RAPHAEL M. COLUMBUS,

United States Consul.

No. 200.

Mr. Moureau to Mr. Hunter.

[Extract.]

UNITED STATES COMMERCIAL AGENCY,

San Louis Potosi, September 25, 1870. (Received November 4, 1870.)

SIR: In compliance with your circular of August 19, I beg to state the following:

The commercial relations of the United States and this country are very insignificant, and I shall try to explain the reasons thereof to the best of my knowledge.

Under the Spanish rule of Mexico commerce was monopolized entirely by Spain, with total exclusion of all other nations, and those monopolies went even so far as to prohibit the raising or manufacturing of a great many articles in this country, in order to oblige Mexico to import such things from Spain.

After a while, when Mexico made itself independent, still by far the largest part of its commerce, as well as its mines and agriculture, remained in the possession of Spaniards, and, so far as agriculture is concerned, remains so still, although mining interests have passed into the hands of the English, and a good share of the commerce is done by German houses as well as French houses. American commerce is hardly represented at all. This fact I think is the result of different coincidences, namely: First. That at the time Mexico declared its independence the United States had so much to attend to at home, and capital there found fully enough good investment, that people did not look abroad for commercial relations; while Europe, where capital was superfluous, eagerly caught the opportunity offered to establish new business relations, and succeeded in this so well that, up to the present

day, by far the greatest part of all importations are made by European houses. Therefore, it would require the establishment of large American houses in this country, who, by giving extraordinary inducements, might change the present current of business, and bring it home into its natural course, although it would also require that our manufacturers should condescend to manufacture the particular styles of goods generally used in the country. Whether all those exertions would be compensated, I rather doubt, at least as long as the present state of misery and lack of confidence prevail; and thus far there are not even the most remote signs of a change for the better.

The second reason is, that the state of affairs, politically as well as financially, of this country is too well known and understood in the United States as to induce our commerce to invest capital on a large scale here; and business men there would a great deal rather trust their goods to China than to this country; and I know of a good many instances where merchants in this country, whose credit is good to any amount in Europe, were refused it in the States.

There does not appear to be any wish nor willingness on the part of our commerce in the United States to improve relations with this country at all, and, the way things are here at present, this is but prudent.

If our government does wish to induce American commerce to come to this country, then the principal and first thing to be done would be to take the necessary steps to give the necessary security and protection to such property, and the certainty to get full and immediate redress in a case where this property is unlawfully taken from them.

* * * * *

JULIUS MOUREAU.

No. 201.

Mr. Moye to Mr. Fish.

[Extract.]

No. 70.]

UNITED STATES CONSULATE.

Chihuahua, Mexico, September 30, 1870. (Received October 28, 1870.)

SIR: In accordance with Consular Regulations No. 720, I have the honor to report that this consulate comprises nearly the entire State of Chihuahua, and part of the States of Durango, Coahuila, and Sonora, consequently being the largest consular district in the Mexican republic. Being an inland post and such a remote place, void of regular communications, this district is generally very little known to the outer world; but the time is arriving when this northern part of Mexico will become important.

The State of Chihuahua, center of my consular district, since the end of the civil strife, made many steps in the line of progress not inferior to the other States of the republic. The Indian war, carried bravely by the inhabitants, has allowed the cultivation of lands formerly abandoned, diminishing the perils that formerly prevented the opening of communications. Owing to the pacific character of its inhabitants, order prevails always in this State, and no obstacles are opposed to the present administration, under which the State has decidedly gained in population, wealth, instruction, and also in commodities of private life.

The completion of the projected railroad, extending from the United States to the Rio Grande, will raise this part of the country to a level

with its sister States, and perhaps excel them in matter of importance. Considering the immense resources which it can furnish in its different branches of industry, mining, commerce, and agriculture, when this city will be the center of deposit of all the products raised in the northern and middle States of this republic.

The resources of mining are inexhaustible; gold, silver, copper, tin, lead, are found in abundance, and rich ores are discovered continually, but not the millionth part of it is explored, owing to scarcity of capital, lack of energy, and the careless character of its inhabitants, which is noticed in all their business transactions; and to this circumstance is attributed that most foreigners make their fortune in this country, taking advantage of the nonchalance of the Mexicans.

The commerce of this State has been dull for many years, owing to the prostrated condition of the country, and has lately received a severe shock by enforcing the collection on merchandise imported to the full extent of the tariff; formerly only one-third of the duties was exacted. Few goods, which had arrived at the time the full duties were enforced, have since passed the river at Presidio del Norte, the importers having agreed with the customs to pay the former duties of the tariff, and to subject themselves to the decision of the president of the republic, to whom the matter has been referred. Under this arrangement two wagon-trains, mostly loaded with debenture goods, have arrived, being circumstantially obligated to accept of this proposition. Others have not passed with their goods, having no confidence in this arrangement.

It is almost impossible to arrive at any exact conclusion as to the amount of importation of goods, owing to the arbitrary collection of customs, who shape their entries accordingly. It is supposed to amount to about one million and a half of dollars. Likewise, only a defective information can be obtained as to the real exportation of silver dollars and bullion. The mint in this city shows a coinage of about half a million of dollars annually, but it is estimated that twice that amount is smuggled out of the country.

The exports are confined to silver dollars and bullion; other products cannot be exported for lack of cheap transportation, the distance to the first railroad line or the nearest water communication being about twelve hundred miles.

The external commerce is carried on by wagon-trains, drawn by mules and oxen, which have to traverse the great deserts between here and the Gulf of Mexico, or to the nearest point of the Northern Pacific Railroad. The interior commerce is also carried on by wagons, where the roads permit, and by pack mules and jacks in the mountainous part of the country. The average freight by wagon-trains on import from Lavaca, Texas, or Sheridan, Colorado, is generally eight cents gold per pound, and on export or return freight from four to six cents on produce, and two per cent. on specie and bullion.

The climate of this northern part of Mexico, lying 4,850 feet above the level of the sea, is mild, and not subject to either extreme heat nor severe cold. The summer heat does not exceed 80° Fahrenheit in the shade, and does not reach zero in winter. But little rain falls, and only during the months of July, August, and September, the rest of the year being dry. This city has become the refuge for consumptive persons, even from the United States.

The cultivation of the arable land with the aid of irrigation, and the quantity of productive land, is more than sufficient to support a population ten times as large as the present one, which numbers about 160,000 souls. The American population of this State is shorter than

that of any other nationality except the English, although many Germans established here are citizens of the United States. The capital is invested in commercial business and mining, and only two factories of woolen and cotton goods are in American hands, the produce of which are only sufficient for the consumption in this State. The yield of corn is 200 per cent.; that of wheat 80 per cent., and the crops never fail entirely, on account of the irrigation. As to fruits, peaches, grapes, apricots, and quinces, grow abundantly, and are of the finest quality; also apples and pears, but have not the fine flavor and plentiful juice as those grown in the North. The crop of cereals has been so very abundant this year that the price of corn is reduced to 50 cents the fanega, ($2\frac{3}{4}$ bushels,) and first rate wheat to \$2.

This State is well adapted for cattle and sheep raising. The grazing lands embrace more than one-half of the State, and the finest gramma grass is found in the plains and the accessible mountain ranges throughout the year, springing up like magic after the first showers of rain have refreshed the land. Farming and grazing are profitable in the vicinity of mining places, and in the neighborhood of cities, and in that region bordering on our lines for exportation to our frontier forts and the consumption of our soldiers.

Having shown by this short statement that the productions of mining are inexhaustible; that the products of agricultural industry and cattle-raising are innumerable; and considering this city to become a center point of deposit, the commerce could be expanded to a fabulous extent, and be of the greatest future importance, naturally the question arises how this immense wealth could be turned to benefit the commerce of the United States. The medium to effect this desired object is railroad communication and establishment of telegraph lines, and to make an advantageous commercial treaty with this republic.

As is already known to the Department, referring to my dispatch No. 68, of the 16th instant, an exceedingly favorable concession has been granted by the Mexican government to an American company for the construction of a railroad and telegraph line from a point on the Rio Grande to Guaymas, on the Gulf of California. This projected railroad proposes to connect on the Rio Grande with a line now being constructed from Marshall, Texas, or another being built from Preston, Texas, to the Rio Grande. This road, if built over the road lately surveyed, would pass through the northern part of this State and the State of Sonora, and apart from considerably shortening the distance from New York to the Pacific, as per northern route, it would naturally increase very materially the commercial relations between the United States and this part of Mexico, particularly in regard to exportation; facilitating the exportation to the United States of dollars and bullion, of ores of different metals that now go to Europe, mostly smuggled from the Pacific to vessels ever laying off that coast for that express purpose. It would throw into the United States the immense trade not only of the productions of all the northern States of this republic, but also the productions of the States of Zacatecas, Aguas Calientes, Durango, Coahuila, and San Luis Potosi, after railroad connections are formed with those States; which in return would import from the United States large quantities of foreign merchandise for consumption, since very little manufacturing is done in all these States.

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No. 202.

Mr. C. S. Rand to Mr. Fish.

No. 14.]

CONSULATE OF THE UNITED STATES,
La Paz, Bolivia, September 30, 1870. (Received Nov. 14, 1870.)

SIR: In obedience to paragraph 720 *et sequitur*, of consular instructions, I herewith transmit a report on the trade of the consular district under my charge.

There being no official publication of commercial statistics, no official record, even no periodical publication of imports or exports, prices current, or trade circulars, I have been compelled to rely upon the statements of prominent merchants of La Paz for the facts herein submitted to the Department, and must necessarily generalize where I would be explicit. Wherever the word *peso* occurs in this report it refers to the "feeble" dollar of 80 cents; the word *boliviano* to the hard dollar of 100 cents.

La Paz is not a producing center, and derives its commercial importance wholly from being the point whence are distributed the goods imported via Arica for the eastern and northern districts of Bolivia. The principal productions of Bolivia are the so-called Peruvian bark, cotton, sugar, rice, tobacco, chocolate, India-rubber, coca leaf, vanilla, cinnamon, copaiba, sarsaparilla, jalap, ipecacuanha, and numerous medicinal products unknown beyond her own borders. Gold, silver, platina, copper, tin, lead, and cobalt are mined very successfully.

Peruvian bark, coca leaf, and the metals are the staple articles of production.

Peruvian Bark.—This extremely valuable product of the variety known as calisaya, the richest in the salts of quinine, is almost the exclusive product of Bolivian forests, growing on the slopes of the Andes. That produced upon the plains, although identical in appearance, is notably deficient in the percentage of quinine, and, consequently, in commercial value. It is, I regret to say, gathered in the most reckless and wasteful manner by the professional bark-cutters, who, careless of future crops, look only to present gain. The trees are felled and the tabla or trunk bark stripped from the accessible portions, leaving perhaps one-third of the bark—that which rests upon the ground and that of the branches—to perish by decay. It seems incredible that a material readily salable in La Paz at from 50 to 70 cents per pound should be permitted to go to waste from gross carelessness; yet every effort made for the protection of the tree, or prevention of waste, has proven ineffectual. The inevitable consequence is the yearly diminution of the crop and gradual rise in price.

The present year about 10,000 quintals of 100 pounds each have arrived in La Paz—a diminution of nearly 8 per cent. over the yield of last year; while the price has risen from 52 pesos (of 80 cents gold value) to 68 pesos.

The bark is sorted in La Paz, generally by actual chemical analysis, and packed for exportation in ceroons of raw hide of 150 pounds each, two of which form a mule load. These are sent to Arica, Peru, the nearest seaport, and thence shipped, generally via Cape Horn, to the American and European markets. The expense of reaching these markets, including land carriage, freight, and waste, averages 28 pesos per quintal.

The export duties are upon tabla or trunk bark 5 pesos per quintal; upon canuto or hauch bark, 2.80 pesos. The date of the extermination

of this extremely valuable plant is not far distant, a calamity whose importance it were difficult to estimate.

Coca.—This curious plant, which must not be confounded with the nut-producing chocolate, or that of the cocoa palm, is almost unknown beyond the confines of Bolivia and Peru. It is grown on terraces on the mountain slopes of warmer regions, principally in the province of Yungas. The plant is a shrub of rapid growth, producing three crops annually, in March, June, and November. The annual product is about 300,000 cestos, or baskets, of 25 pounds each, whose market value in La Paz ranges from 8 to 12 pesos per basket. The collection of the government tax of 90 cents per basket is sold annually by sealed tender. This year it produces 240,000 pesos. This leaf, when consumed by those addicted to its use, in which may be included the entire Indian population of both sexes, is made into a little ball, containing in the center a small pill of the ashes of a plant rich in potash salts, and is then chewed until all its peculiar properties are exhausted. It gives great vigor and freedom from fatigue, and the Indian foot mail, or the soldier heavily accoutered, will march cheerfully twenty-five leagues per day, sustained by this wonderful leaf. The want of food seems little felt, but the coca is a necessity. It has attracted the attention of physicians as a nervous stimulant, and preparations of it are prescribed with excellent results. In the southern portion of the United States I believe it could be cultivated with success, and might form a valuable addition to our *materia medica*.

Copper.—The copper mines of Corocoro, a town fifteen leagues southwest of La Paz, yield abundantly, although without machinery for drainage or working, the water infiltrating being removed in the most primitive manner, on the backs of Indians. The ore is extremely rich, containing from 70 per cent. up to pure crystals of native copper. It occurs in a gangue of indurated clay, in the form of minute metallic grains, is separated by a simple system of washing, and sent to the coast on llamas, bearing 100 pounds each. The copper product of these mines last year was from 65,000 to 68,000 quintals. Its value is estimated at $8\frac{1}{2}$ pesos per quintal of 70 per cent. fine, or in that proportion for higher grades. It is commercially known as *banilla*. The trade is controlled by English and French houses, no American capital being invested in it.

Gold and silver.—The precious metals are produced in abundance in Bolivia. The sands of the mountain streams yield gold in dust, seed-gold and nuggets, while quartz mining is pursued with varying success. By the law of October 12, 1869, referring to coinage, which formed the subject of my dispatch No. 6, of February 16, last, the exportation of uncoined bullion, whether of gold or silver, is prohibited, the mint authorities offering to purchase the entire yield at the following prices: Gold at 612 bolivianos or hard dollars; silver at $38\frac{50}{100}$ bolivianos per killogram of $\frac{1000}{1000}$ fine. An export duty of five per cent. is levied upon the new coinage. The effect of these provisions has been to unsettle exchanges, diminish transactions, encourage contraband remittances to the coast, and to utterly defeat the obtaining of any approximate idea of the real production of the precious metals.

During the year 1868 the national mint of Potosi purchased, of silver, 228,152 marks, 3 ounces, 4 drachms, 1 tomin, and 9 grains, at a cost of 8.38 bolivianos per mark, or 1,933,133.57 bolivianos. During the same year it issued coin to the amount of 2,610,730 bolivianos.

In 1869 it purchased of silver 159,362 marks, 2 ounces, 6 drachms, 3

tomins, costing 1,358,969 30 bolivianos, and coined 1,903,685 66 bolivianos.

No gold was purchased or coined, and none exists in circulation, save of foreign coinage, even this being rapidly absorbed for hoarding—a common practice in this country of frequent revolutions and consequent insecurity.

The coin issued during the two years mentioned consisted of a species of medal, of which I inclose two samples. An official analysis of the same, made at the mint of Santiago, (Chili,) gives the value of silver contained therein as 28 per cent. in Chilian currency. As the Chilian gold dollar is equal to 91.275 cents, estimated in American gold, it follows that this coin is worth intrinsically 25.557. Yet it is the circulating medium of Bolivia to-day at 40 cents, or half a peso, or about .65. This will account at once for the discrepancy in the amount paid by the mint for bullion in 1868 and 1869, 3,292,102.87 bolivianos or hard dollars, and the nominal value of the issue for the same period, 4,514,415.66 bolivianos. In the official report to Congress of the secretary of the treasury, now before me, the government acknowledges a net revenue, after paying all expenses of coinage, &c., from this source, of 979,211.02 bolivianos.

The mint machinery at Potosi, built in Philadelphia at a cost of 200,000 bolivianos, is now coining, in obedience to the law quoted, hard dollars of full weight and fineness; but so slowly that the few issued readily command a premium of from 10 to 12 per cent., irrespective of the export duty of 5 per cent., which is probably evaded.

No country in the world is so flooded with counterfeit coin as Bolivia, often only to be distinguished from the genuine by its superior workmanship.

Coffee.—The coffee of the Yungas region is unsurpassed in delicacy of flavor, even by the famed Mocha. Its production is, however, extremely limited, probably not exceeding twenty or thirty tons annually, and I doubt whether any, save a few samples as presents, has ever reached the United States. Were transportation easy, it would, doubtless, form a notable article of export, and its cultivation increase tenfold. At present it is almost exclusively cultivated for home consumption, and is obtainable in La Paz at from 20 to 25 cents per pound. The same may be said of the other products of Bolivia—sugar, cotton, breadstuffs, cochineal, vanilla, cinnamon, tobacco, rice, cocoa, Indian-rubber, and a host of valuable medicinal and other vegetable productions, all of which are bountifully afforded by the almost uncultivated soil, yet never find their way, to any extent, to the markets of the world, from dearth of transportation.

Imports.—Frequent and direct mail and steam communication with France and England, from the coast, affect our commercial relations with Bolivia as seriously as with Chili and Peru, where the lion's share of all commercial and industrial enterprises is in English hands. The heavy freights from the coast render our trade insignificant. In American cotton fabrics, La Paz receives yearly about 500 bales. It costs nearly 1 cent per yard to bring such fabrics from Arica, the port of landing, to La Paz, eighty leagues.

Kerosene oil is largely used here. It costs \$1 50, gold, per gallon, at retail, (five gallons.) American tools are preferred, but there is no direct trade, the few in the market having been purchased in Lima. Our stationery, blank books, inks, pens, presses, agricultural machinery, and the thousand useful articles generally classed as American notions, are utterly unknown in Bolivia. Our fire-arms obtain the prefer-

ence, however, the troops being principally armed with the Remington and Sharpe rifle.

American capital invested in Bolivia.—Several important industrial enterprises owe their establishment in Bolivia to American capital, most of them to one man, Mr. Henry Meiggs, formerly of Catskill, New York, and now engaged in railroad contracts in Peru, amounting to \$70,000,000. Mr. Meiggs, in October last, entered into a contract with the Bolivian government, by which he purchased, irrevocably, all the guano of the deposits between 23° and 25° south latitude, belonging to Bolivia, agreeing to pay \$6 per ton (of 2,240 pounds) for the first million tons, and thereafter to pay to Bolivia for all that he might extract the same price as paid Chili, the joint owner of the deposits, less 50 cents per ton, the extraction to be at his own expense.

In return for this concession, he agreed to loan the government four millions of bolivianos, (five millions of pesos,) one million of which has already been paid, the payment of the other three being conditional upon the decision by the Chilian courts of the case of the former contractor, Arman, of Paris, who failed to comply with his obligations.

Mr. Meiggs has contracted with Chili for working of her portion of the guano beds. The territory alluded to was disputed ground, both Chili and Bolivia claiming it, but finally agreeing to work the deposits jointly. He has already expended half a million of dollars in buildings, machinery, railroads, &c., without having exported a single ton.

The Mejillones guano, as it is called, from the name of the bay where found, is phosphatic, containing but a small percentage of ammonia, and brings about £3 sterling per ton in the European markets. Some few thousand tons having been offered for sale in the Chilian market by the government, brought about \$14 gold per ton, exclusive of \$2 50 per ton for extraction. The present Bolivian congress, now sitting at Oruro, passed a law on the 10th instant approving the contract made with Mr. Meiggs, in so far as regarded the loan, but materially modifying the terms of the contract, declaring that instead of paying \$6 per ton, as covenanted in October last, he should pay the same price as paid to Chili, less 50 cents per ton. In the event of his refusal to accept these modifications in his contract, the president is authorized to annul it and call for fresh proposals. This modification implies a loss to Mr. Meiggs of over \$5,000,000, and may result in very serious complications. The purpose of this dispatch will, however, only permit me to allude to the subject briefly at present.

Banco Boliviano.—Another important investment of American capital in Bolivia is the Banco Boliviano, established by decree of the government in October, 1868. It has an exclusive privilege within the territory of the republic for fifteen years, is granted the same right of summary process as possessed by the government itself in collections, is exempt from taxation or the use of stamped paper, and made the depository of all legal consignments. It is a bank of discount and deposit. Its capital (nominal) is two millions of hard dollars, of which 300,000 have been paid in. Its sole stockholder is Henry Meiggs, before alluded to. On the 1st of January last it declared a dividend of 15 per cent., or \$45,000, and on the 1st of July another of 22 per cent., or \$66,000, being together 37 per cent., or \$111,000 in eighteen months. Since its establishment it has not lost one dollar from bills discounted or money loaned. It is managed with distinguished prudence and ability by Don Lorenzo Claro, an experienced Chilian merchant and financier. The average circulation (in bills of 5, 10, 20, 50, and 100 hard dollars) is \$180,000.

The benefits conferred upon the commercial community by the establishment of this institution may be inferred from the fact that when founded the customary rate of interest, even upon the best securities, was from 18 to 30 per cent. per annum. It now rules at from 8 to 12, and at short dates, with approved securities, as low as 6 per cent. per annum. Hitherto, in the contributions demanded by the government of the business community, (one in July last and one now being imposed,) the bank has been respected. Whether this immunity is due to its being the depository of the people in general, to its being established upon foreign capital, or to its frequent favors to the government, I cannot say.

Crédito Hipotecario.—Another institution, established partly upon American capital, but admitting Bolivian stockholders, was opened on the 1st day of January, 1870. It is entitled the “Crédito Hipotecario de Bolivia,” or Bolivian Mortgage Bank, and is modeled after the *crédit forcier* of France. Its capital consists of 1,000 shares of 1,000 bolivianos each, of which 10 per cent. is paid up. Its object is to loan upon real estate, bonds bearing the same interest (now 10 per cent.) as paid to the society by the borrower. The latter pays an invariable semi annual sum to the society, consisting of 5 per cent. interest, $\frac{1}{2}$ per cent. for administrative expenses, and a further sum, applicable to the sinking fund, of $\frac{1}{2}$, 1, 2, or $2\frac{1}{2}$ per cent., according to the series to which his loan has been referred by the board. The sinking fund increases with each payment, and the original debt, diminishing in like proportion, is gradually extinguished, the longest term being in twenty-four years, the shortest eleven. This institution has enabled many, groaning under the unbearable pressure of mortgages, at 24 or 30 per cent. per annum, to avail themselves of its advantages, and to borrow at rates from 12 to 16 per cent., with the knowledge that each semi-annual payment diminished the obligation. Some fifty-seven loans have been made since the organization of the society, ranging from 500 to 3,200 bolivianos each, and the coupon bonds issued in exchange are quoted steadily at 90 per cent. and accrued interest.

These two institutions, simplifying the relations of debtor and creditor, rendering, from their privileges and from their careful management, litigation almost impossible, lowering enormously the former oppressive rates of interest, have met with fierce but ineffectual opposition from those whose interests they wounded, but have been warmly supported by the community at large. Mr. Meiggs holds 300 shares in the latter institution. Two hundred more are held in Chili, the balance here.

A fourth enterprise, involving American capital, is that of Henry Meiggs & Co. for draining three large lakes at the head of the Valley of Clisa, near Cochabamba, for the purpose of irrigating the valley and of rendering fertile an immense extent of territory now unproductive. Three of the partners are Americans, the fourth a Chilian. The capital to be invested will be about \$300,000, of which one-tenth has already been expended in preliminary operations. The ownership of the lakes has been, by the government decree, perpetually invested in the company. The lands of the valley will be enhanced in value millions of dollars upon the completion of the requisite canals and locks. The lakes are 75 feet above the upper end of the valley, and, being fed by springs, are deemed inexhaustible.

A fifth American enterprise in Bolivia, of importance perhaps greater than all the rest, is that of the National Bolivian Navigation Company, chartered by the United States during the recent session of Congress, possessing several valuable grants from this government, which were rati-

fied by the Bolivian congress on the 11th instant, and fully empowered by the government of Brazil to carry out its aims and objects, which are briefly to connect immense regions of Bolivia, lying on the eastern water-shed of the Andes, with the rest of the world, by means of steam navigation. I look upon this enterprise as of the deepest importance to our commercial and industrial interests. Bolivia is as yet a *terra incognita*, walled in from her sister nations by natural barriers, only to be overcome by the steamer on the east and the locomotive on the west. Navigation once established on the sources of the Amazon and its tributaries, and a vast region of unrivaled fertility and capacity of production will be opened up to the enterprise of our people; a region whose products are all of great intrinsic value. A market will be opened in return for our agricultural implements, tools, and textile fabrics, and a new field of industry for such as deem our own too narrow. The eastern sections of Bolivia, at the headwaters of navigation, are sparsely populated for the want of outlet. A few Indians load their rude balsas, made of logs, with Peruvian bark, sarsaparilla, gold, and gums, and undertake the journey of two months' weary and dangerous navigation, exposed to all sorts of discomfort, and reaching the mouth of the Amazon, or the stations of the Brazilian steamers, purchase a year's supply of clothing and necessaries, and slowly regain their homes, well satisfied with the results of the voyage. What commercial results may we not look for when steam and intelligence penetrate these solitudes! It is almost incredible that the products of the eastern slope of the Andes should be packed on mules over the steep and dangerous mountain paths at an altitude of 15,000 feet, thence to descend to the coast to be shipped for Europe or the United States, upon vessels which, six months before, had passed the mouths of rivers whose waters are navigable to the very centers of production. Yet such is the case. The rapids of the Madera, the only important obstacle, will be surmounted either by railroad or canalization. The requisite steamers are now being built in the United States, and within a few months I hope to announce the arrival of the American flag in Bolivian waters.

On the western slope of the Andes the Peruvian government has contracted for a railroad from Arequipa (already connected with the Pacific by rail at Yslay) to Pimo, on the borders of Lake Fibiaco. From La Paz to the hither border of the lake is but twelve leagues, nearly level, and quite unobstructed by steamers of importance. A direct railroad from La Paz to Tacna has been also put under contract.

General observations.—A large numerical majority of the population of Bolivia is composed of aboriginal Indians, of the Aymara and Quchua races, the former in La Paz and its vicinity, the latter in the rest of the republic. They retain their native dress and language, and are the serfs of the higher races. Centuries of oppression have taught them to hate and fear their conquerors, but physical inferiority and hereditary timidity render them harmless. Their general expression is sad in the extreme; even their music is all in the minor key, and they weep at the slightest pretext. An amount of feudal service is still exacted from them. Those residing on estates must serve a week about as house servants in the city residence of the proprietors, and bring a weekly contingent of tagua or llama-dung, the universal fuel of La Paz, where wood as fuel is unknown.

There being literally no roads throughout the country, all traffic between the great centers and the outer world is perforce conducted by mules and llamas.

The usual cost of bringing a cargo of 300 pounds from Tacna, the ter-

minus of the Arica railroad from the coast, or *vice versa*, is from 18 to 25 pesos.

Mules of great strength are required to bring exceptional articles, pianos, sofas, &c., from the coast, at a cost of 100 pesos each, and at very great risk to the load. The writer recently received an iron fire-proof safe, of New York manufacture, by this means. When received it was broken into four pieces, and consequently useless.

To illustrate the cost of articles brought from abroad, I may mention a small printing press recently sent from New York for a gentleman in Cochabamba. Its original cost was \$117 80 in currency; upon arriving at La Paz it had cost \$231 66 in gold, about 120 per cent. having been added to the original invoice. It has still an inland journey of 85 leagues to undergo. It is not surprising, therefore, to find common white ware plates selling at 50 cents each. Ink costing 30 cents in Paris brings \$1 25 here. Kerosene oil, quoted at 30 to 40 cents in New York, costs the consumer over \$1 50 in La Paz, and in like proportion for all imported goods.

Until railroads, or even good ordinary roads, are built from the coast to the interior, it will be idle to expect the trade of Bolivia with the outer world to show activity or progress. Her cinchona and copper are at present her chief and almost only exports, the former becoming daily scarcer and poorer in quality, the latter exposed to all the vicissitudes of a mining interest.

The commercial future of Bolivia is, however, full of happy presage. If she curb the revolutionary spirit so chronic among her people, and only kept under by the iron hand of her present president, who, for the past six years, has averted every attempt at his overthrow; if she resolutely determine to devote her energies and resources to the intellectual and material progress of her people, she has a grander future than Chili or Peru. Her resources are greater than those of either of her sister republics; but they need development and an outlet. Her productions could be increased tenfold, but they require scientific working and reasonable proximity to water carriage.

CHARLES S. RAND.

No. 203.

Mr. S. T. Trowbridge to Mr. William Hunter.

No. 71.]

UNITED STATES CONSULATE,
Vera Cruz, October 3, 1870. (Received October 26, 1870.)

SIR: Your circular from the Department of State, bearing date August 19, 1870, came to hand by the last steamer. In reply to the order to communicate facts and make suggestions touching the improvement of relations between the United States and Spanish American countries, I have the honor to report as follows:

It should be stated, probably, as a prefatory remark, that the amount of produce which this country furnishes, in either raw or manufactured articles, to be shipped from this particular department of said Spanish American dominion, is, in comparison to *any* portion of the United States reclaimed from territorial primitiveness, but a meager part. And the main portion of the commodities shipped from this port is gathered from the forests, from animals, and through other sources in which the want of commendable enterprise and industry are sadly, though palpably, plain to be seen. The political economist and historian will, in the

domestic troubles of Mexico, readily recognize the cause of all this. Yet there are other causes, patent to the recognition of commercial observers, which tend largely to subtract from the United States the carrying trade and add it to other nations. One of the articles most extensively exported from this coast is the mahogany and other fine-grained woods used in the manufacture of furniture. Although they are in demand in the United States, with fair and acceptable prices advertised, yet the realizing price the shipper obtains is but a part of his honest expectations; for on landing his cargo in the United States ports he is subjected to two and very different measurements, on one of which he pays freight and the forest laborers who furnish the wood, and the other measurement is that by which his commodity is sold, whereby, in one instance furnished me, the discount in measurement amounted to forty per centum, on that for which the shipping party paid freight and original purchase; whereas in the European ports the custom of the purchaser is to pay for all the wood received, being governed by the same absolute measurement in purchasing as the customs and carriage departments do in establishing tariffs and freights. A knowledge of this unequal measurement being in the possession of shippers, gives the fine woods of the east of Mexico to Europe. Few articles other than this one instance, and probably none other in the short list of those exported from this country, are subject to the same objectional embarrassments as the fine woods. But even this is a great drawback to the interests of American shipping and manufacture; for there is a majority of the sailing vessels which come well laden, but are compelled to return in ballast; and those which do not are principally European vessels bound for home ports and laden with those fine woods, which, but for them and our American tradesmen's refinement in financiering, would have been compelled to have gone too in ballast, or, at least, to have divided the shipments to our own country. The Mexican and Vera Cruz Railroad Company have contributed and will continue to contribute largely to the shipping interests of England to and from this country. Said railroad is owned by English capitalists, and English vessels bring iron, ties, bridges, machinery, cars, &c., from England, and return with mahogany, making an active and lucrative business with Mexico, while our ships too often come with light freights and return in ballast. Yet American machinery is more popular here than English. As a proof of this, American cars and engines are more sought and prized by this same English railroad company than their own. Further, and with other classes of machinery, I had the great pleasure of visiting, in company with the Hon. Thomas H. Nelson, his most estimable and accomplished lady, and several citizens, the extensive cotton manufactories near Puebla, and it was observed by all the visitors, and the truth affirmed by the employés, that more work was accomplished, and equally well, by less hands and less propelling power, by the American machinery in use, than by the English. Both kinds were worked by adjoining interests, and the contrasts were very perceptible; while the English machinery is much more heavy and expensive, doubtless more durable, but once out of order requires transshipment to England to be repaired, which the American does not. This railroad company receives a subsidy of \$800,000 per annum from the Mexican government, promptly paid, to assist in this laudable enterprise of developing their country. I learn this company extends, probably, no more than the amount of this subvention and the net earnings of those portions of the road now completed and in successful operation, in each year. It is twenty-five years since the road was commenced, and of the 300 miles of

the road primarily to be constructed, 50 miles of the Vera Cruz and 120 of the Mexico end are completed. The intermediate distance of 130 miles is incomplete. Five miles have been completed in the past year of very unfavorable surface for railroad. I give these particulars because the remark has been made to me by officers now engaged in the construction of this road, that the company now owning it would dispose of it to an American company on advantageous terms. I am creditably informed that the finished portions are jointly clearing to the company over \$700 per day, and have been doing so for the past year. This country holds no diplomatic intercourse or relations whatever with England, and hence the insecurity which the company feel surrounds them, induces them to dispose of what, under other and better circumstances, would be considered a capital investment. It is therefore presumed that an American company would be more profitable both to themselves and the Mexican nation than as the contract now stands. These facts advertised in the United States may induce capitalists to investigate and consult their own interests in this enterprise; and should the road be transferred to American capital, and some abuses of our mahogany merchants be corrected, doubtless the commercial and shipping interests, by said acts, will become much improved in the United States. There are other railroad enterprises in and through Mexico which should receive the commendatory indorsement at least of the American Government, and probably of American capital, pointing in the same direction and to the same end as that to which allusion has just been made.

No company or parties, however, would be wise in any investments of Mexican enterprise or speculations without *thorough and competent* legal investigations, as the under-current of financial deceptions in Mexico is so strong and popular that few foreigners managing the schemes of public improvements are sharp-sighted enough to steer clear of destructive breakers. I believe a war vessel stationed close upon our southwestern coast, with occasional cruising to the Gulf ports of Mexico, would contribute to our commerce by diverting a very suspicious trade into legitimate channels, and into heavier-tonnaged vessels not now owned by the shipping interests of this country, and by those larger vessels landed in the chief ports of the United States. Whereas now, Zona Libra, or free-belt district of country, whose headquarters are at Matamoras, now receives large consignments of what I think is intended to be consumed in the United States markets, and should go to New Orleans. There was at one shipment from this port \$20,637 37 worth of coffee, cocoa, and Campeachy thread sent to Matamoras, nearly five times as much as was shipped to any port from Vera Cruz, of which I am aware, at one time, for the past year. This shipment occurred August 20th last, on board the schooner Zona Libra, which was but a month before purchased from American owners, and then called Annawan. The invoice was 527 sacks coffee, 10 sacks cocoa, and 3 bales Campeachy thread. The shipment was made from this port by J. Galainena & Co., very respectable merchants of Vera Cruz, and consigned or sold in Matamoras. My office was simply to authenticate a signature, which I did without further inquiry. I do not know that illegitimate traffic was exercised by any parties interested in said cargo, nor can I fully aver that a war vessel would be able to correct the transactions, even though it were a certainty that smuggling did prevail, for that transaction referred to was one between two Mexican ports, over which a vessel of war belonging to the United States could exercise no legitimate control.

The shipping docket of this port presents one very serious obstacle

to the encouragement of maritime intercourse with Mexico, and that is the number of sailing crafts which leave it in ballast. The enterprise of this country should, with its natural productiveness in a multiplied diversity of ways, furnish ample freight to all out-going vessels; whereas the true condition is the reverse. Here, too, we fail to have control, although American example is a precept much preached about in Mexico. I can see no promising prospect of things being much better, because the laws, admitting them to be good enough, (which I am loth to do,) are so often viciously and treacherously administered, that enterprise is thoroughly intimidated and stultified. The rapacity of revolutionists levying contributions and extortions upon crops, farms, trades, capital, and stocks, confiscates all ambition and honesty of purpose in the acquisition of anything which may be subjected to their mendacity. It has nearly completed an exodus of all the foreign element of Mexican society, who could, even by heavy losses, leave the country.

We have, however, four lines of steamships, which, by the aid they receive from either their own governments or the Mexican, are doing a better business, so far as creating trade is concerned, than the sailing vessels. They succeed in obtaining more or less freight each way. But these could not make whole their yearly losses, if left without subsidized assistance. The American line is patronized by a subvention from Mexico, and receives no assistance from the home government whatever. There is no doubt in my mind but that Mexico has practically tested her own interests in thus patronizing foreign-built steamers, inasmuch as she had comparatively none of her own upon which to bestow her munificence. The governments of England and France have manifested wisdom in the support they render their maritime powers. Their industrial pursuits and manufactories go hand in hand with their marine; one branch being protected by such partial legislation that it consumes another. Our country produces most of the raw material which feed our manufactories. Hence their independence of the shipping interests as importing agents of foreign produce for their support. Yet the productions of the tropics, if consumed or manufactured in the United States, must of course be transported thence in ships, and hence to reduce import duties on such as cannot be produced within the limits of our Government, and to encourage vessels in doubtful lines of traffic, will evidently draw to our shores much that now, under other flags and in other bottoms than those of our own nationality, go to other and more distant ports. If we draw the trade from them we will, sooner or later, draw their tradesmen, their capital, and flags back to ships never owned but by American capitalists, who but for a better profit sailed under foreign colors. The family partiality should never be so exercised as to drive any of its well-meaning or even erring members from home.

I hold that our Government should show its liberality largely to those branches of enterprises which redound so benignantly to its aggrandizement and prosperity; and thereby believe that the national obligations will the more easily and rapidly be met. Our high protection has already built up colossal capitals of wealth and influence. Some large fortunes, in the estimation of poor laborers who work them, are realized in even a single day by some of our highly protected and highly patronized manufacturing establishments. I am glad to see their success, as it is glory to American genius; but I do not like to see it at the expense of our crippled and enfeebled commerce, now dwindling into an almost fatal marasmus, and which has paid and is paying, both directly and more largely indirectly, so large a proportion of our national indebtedness. Then why not return the compliment?

If commerce contribute so bountifully to the delinquent wants of the Government, why should our noble and just Government be so tardy and coy in response recompense? Doubtless, if Congress will seek the profundity of this casket for a solution of the hidden mystery, touching the source and fountain of commercial success in the United States, it will be found. But evidently these crude views from Vera Cruz is but "carrying very inferior coals to Newcastle," where larger and finer ones are mined. It is said, however, in adage, that we should go from home to learn domestic secrets. Hence, perchance, I hear that the lobby for high protection in Washington during the last revision of the tariff was of prodigious proportions, a fact (if it is one) within itself sufficient to have made the bill too low rather than too high by all just and considerate legislators. The histories of lobbies are immensely uniform in their expressions; that a weak and languishing cause cannot afford a heavy and expensive lobby. Also, that a just and palpable series of facts intrusted to the integrity of what should be the best men in the nation require no lobby. And further, if a lobby advocate a just cause it is because a neglect has been perpetrated and popular feelings fear a further continuance.

These problems, justly solved, will do more for the acquisition of Spanish-American commerce than all else of which I can comprehend.

Feeling that you want but an index, as it were, of facts as they impress me in this port, I submit them with renewed assurances of my most faithful consideration and esteem.

S. T. TROWBRIDGE.

No. 204.

Mr. Stevens to Mr. Fish.

No. 8.]

UNITED STATES LEGATION,

Montevideo, October 5, 1870. (Received November 3, 1870.)

SIR: I have the honor to acknowledge the receipt, September 27, of the report from the Department of State in relation to the condition of the commercial relations between the United States and the Spanish American States, accompanied by an official circular giving me instruction, without "unnecessary delay," to communicate to the Department of State any suggestions which I may deem useful in aiding the President more "fully to comply with the request contained in the Senate resolution" for information on the subject specially considered in said report. Presuming that you desire the response to your request may reach your Department prior to the opening of the approaching session of Congress, in view of the uncertainty of the mails between this country and the United States, I improve the earliest opportunity, somewhat hastily, to prepare my communication in season to go in the next steamer which leaves Rio de Janeiro for New York.

I regard the resolution of the Senate, and your able and suggestive report, highly opportune. The exigencies of the commercial and maritime interests of the United States demand that a prompt exercise should be made of all the legitimate agencies of the Government, with the view to bring South America into closer relations with our country. The causes which have deprived the United States of their due proportion of the trade of the Spanish American states are lucidly presented by you and need not be repeated in this connection. What I have to

state in respect to the commercial interests of the countries of the Rio de la Plata can be considered, with sufficient definiteness for all practical purposes, under two heads. What is there here to attract the commercial and maritime efforts of the citizens of the United States? What important step is immediately necessary in order that the United States may secure a larger proportion of the commerce of the Rio de la Plata countries?

In respect to the first inquiry, it would be just to say that the natural resources of these countries and the present aggregate of their productions and trade are too imperfectly understood in the United States. True, the unsettled civil and political condition of these countries for many years has greatly lessened the bulk of their productions and commerce, and these unfavorable influences are still operative. But in these regards there has been an obvious improvement, comparing decade with decade. It is fair to presume that a much better future is not distant for the increase of South American population, products, and commerce. The Rio de la Plata countries are beginning to feel the impulse of the railroad and the organized capital and industries which this powerful agency of modern civilization always creates in its path. Already in the Argentine Republic more than a thousand miles are in operation, or will soon be completed. Already Buenos Ayres has a population of 200,000, and is a city of rapidly growing importance as the commercial center of a vast and fertile territory. Uruguay has a soil and climate unsurpassed. Montevideo, so often the theater of political revolution, has made rapid progress within the past few years, and is to-day a city of large wealth and nearly 100,000 people. Its location, so near the mouth of this vast system of rivers, which drains a country capacious and productive enough to feed two hundred millions of people, is one of the best for commerce on the South American continent. Though still in the midst of a political convulsion, Uruguay has caught the railroad impulse from her Argentine neighbors. An important concession has just been made to a wealthy English company for the building of a railroad through nearly the entire length of the republic, striking the Uruguay River at the best point, which, when completed, cannot fail largely to increase the trade, wealth, and population of Montevideo. Unmistakable railroad logic, by its shorter lines, tends to bring the products and exchanges of the entire country of Uruguay, Southern Brazil, Paraguay, and the Argentine States of Entre Rios and Corrientes to Montevideo. The entire amount of the commerce of the Rio de la Plata and its tributaries is far from being inconsiderable at present. In 1869 the aggregate exports and imports were nearly \$100,000,000 by the gold standard of the United States. The railroads already in operation and those building, the steamboat lines now engaged in the interior navigation, and others soon to be organized, necessarily must largely increase the business of Buenos Ayres, and make the commercial points of augmented importance to the maritime and commercial interests of foreign nations. England, France, Belgium, and Italy have evinced their watchful foresight by establishing their lines of steamships, placing the Rio de la Plata countries comparatively near Europe. These steamships arrive weekly at Montevideo and Buenos Ayres, laden with the fabrics of European industry, and depart as often, freighted with the products of these countries. These steamers afford the European merchants admirable mail accommodations, and prompt and regular delivery of freight. Thus the nations which operate these lines of steamers have secured the principal part of the trade of this portion of South America. These English, French, Belgian, and Italian

companies have now running to Montevideo about *forty iron steamers, ranging in size from nine hundred to three thousand tons each*. Thus European merchants and manufacturers reach these countries ten or fifteen days ahead of the manufacturers and merchants of the United States. Trade in these days *will not wait*. Ten days behind-hand is fatal. There has been made as decisive a revolution in trade by steam and iron, as in the methods of war. A few hours and days are everything. Celerity, promptness, and regularity are absolute masters of commercial opportunities and enterprises. Who better capable of appreciating these truths than the business men of the United States? But to win what legitimately belongs to us, Government must help.

Not a single American steamer plying to the Rio de la Plata. No mail accommodations worthy of the name. All persons here dealing, or attempting to deal with the United States, say the most reliable way they have of sending and receiving their letters is via Europe. The American monthly steamer from New York to Rio stops 1,030 miles short of Montevideo, and 1,160 miles short of Buenos Ayres. The Brazilian post office at Rio de Janeiro is a "dead box." Why should not the commercial center of Brazil be the southern limit to American trade in the opinion of the Rio officials? Yet why should Rio de Janeiro be made an exchange depot of the Rio de la Plata trade at the expense of the commercial interests of the United States? England, France, Belgium, and Italy have provided against this "obstruction" at Rio. The European steamers make through transit to Montevideo and Buenos Ayres; their pursers all mail agents and carriers of samples of European fabrics and machinery, and the European consuls serve as postmasters. My suggestion, then, is for Congress to immediately grant aid to establish direct steamship and mail connection with Montevideo and Buenos Ayres. Until the present contract with the New York and Rio company shall have expired, it may be expedient to subsidize a line to run from Buenos Ayres to Rio de Janeiro in connection with the New York line. As soon as the United States contract with the New York and Rio de Janeiro company shall have terminated, there should be a continuous line from the United States to Montevideo and Buenos Ayres. Experience and financial figures conclusively prove that with the latest improved steamboat machinery, swift steamers can be run the 6,200 miles from New York to Montevideo at less expense than a line of the same tonnage, driven by the machinery and with the models of 1860, can be run the 5,200 miles from New York to Rio de Janeiro. The extreme unwisdom of the Rio de Janeiro obstruction is therefore obvious.

Shall the manufacturers, merchants, mechanics, and ship-owners of the United States be excluded from the markets of the Rio de la Plata? Or shall they at once be put in possession of the latest improved methods of transit?

JOHN L. STEVENS.

No. 205.

Mr. A. T. A. Torbert to Mr Fish.

No. 21.]

UNITED STATES LEGATION,
San Salvador, October 6, 1870. (Received November 14.)

SIR: I have the honor to acknowledge the receipt of State Department circular dated August 19, also copies of a report of the Department to the President in answer to a resolution of the United States

Senate in regard to the commercial relations between the United States and Spanish American countries. It is a lamentable fact that, notwithstanding the geographical contiguity and political friendship existing between all of these countries and the United States, their commercial relations are not what they should be; and while we may regret the political cause which, in past years, caused the commerce of these countries to be diverted to other markets than ours, it is a consolation to know that, with the close of our rebellion, that cause has been forever removed. And under the present circumstances it would seem that the true commercial policy of the United States is to do all in her power, consonant with the public interest, to turn this commerce toward our markets. The commercial relations of Salvador with the United States are very small compared to those with Europe. But I am pleased to say that they are on the increase, and the above is true in regard to all of Central America. One way to increase these relations with the west coast of these republics, is to have them put in direct communication with San Francisco, which is the natural market for much of the produce of these states. And this object is specially desired by these states, as shown by their concessions to a company recently started in Guatemala to put on a line of steamers between the Central American ports and San Francisco, viz: Guatemala gives fifteen thousand dollars per year; Salvador, about eighteen thousand; and the other states, eight or ten each. The above-mentioned line has failed, and the same subsidies can be obtained by any company who will put the line in operation. At present it appears to me that the Pacific Mail Steamship Company is the proper one to take the matter in hand, and as it is as much to our interest as that of these states, it seems nothing more than just that we should meet them with a liberal subsidy to an American company to carry out this object. There can be no doubt that the secret of the number and success of the English steamship lines is due in a great measure to the liberal aid they receive from their government, and in the present state of our commercial relations I do not think the United States can pursue a cheaper policy to increase them. With a direct line to San Francisco it would not take long to build up a good trade with coffee, sugar, tobacco, fruits, &c., &c., and in return will be sent flour, potatoes, wines, soap, &c., &c. In 1869 there were imported from San Francisco to Central America in small sailing vessels forty-five thousand barrels of flour. When the commerce of the Pacific coast arrives on the Isthmus why should it seek the European markets rather than New York? We may say, in the first place, that a large majority of the foreign commercial interest of the west coast is at present in the hands of Europeans, who, naturally, all things being equal, send to their own markets. And, again, the European markets are higher than New York; moreover the commissions and guarantees are higher in New York than in Europe. And, again, by steamship the freights are about the same from here to England as New York. It only costs about five dollars more per ton to send indigo to England than New York, nor more than two dollars more per ton to send coffee to England than New York, and I believe sugar is little cheaper to England. Outward-bound freights from Europe and New York to the west coast, via Isthmus are about the same. It would seem that our being much the nearest market, there should be a greater difference in the freights. Sailing-vessels can be chartered in England, with freight out and back, at twelve to fifteen dollars per ton; of course it takes a long time for a trip, yet much business is done in this way. The same voyage from New York would not be undertaken for anything like the above rate. Again, merchandise can be bought much cheaper

in Europe than in the United States, and the cheapest and most inferior articles are brought to this market with which we cannot compete in price. But I am glad to say that the people are gradually getting their eyes open to the superiority of our manufactures, and are beginning to prefer them notwithstanding the difference in price. It appears now that the interoceanic railroad in Honduras will be pushed forward to completion, and that will give us another means of increasing our commercial relations with these countries. But the grandest enterprise of all to increase these relations is the construction of an interoceanic canal, and I believe the route across Nicaragua will, in the end, be found to be the most desirable. The State of Salvador exported during the year 1869 \$3,768,357 23, and only \$361,688 47 of this amount went to the United States.

For the same year Salvador imported \$3,728,995 62, and not \$200,000 of this amount came from the United States. At present we have comparatively little commercial relation with the South Pacific, and it is not likely to improve till an opposition line is put on between Chili and Panama, and an equitable arrangement in regard to freights made with the Panama Railroad. The present line of steamers from Panama to England, via Peru, Chili, and the Straits of Magellan, is owned by one company, and one cause of their extending their line from Chili, via the Straits of Magellan, to Europe, was the high tariff across the Isthmus, and their rate to and from Chili and Peru is ten per cent. cheaper than the Isthmus route, and they have made their tariff so high between Chili and Panama that little freight finds its way to the Isthmus, and thus is entirely diverted from the United States.

It would be pleasing to see the United States sufficiently encourage the establishment of an American line on this route with a lower rate of tariff to New York, so that our market could be put more on a level with those of Europe.

ALFRED T. A. TORBERT.

No. 206.

Mr. Smith to Mr. Fish.

No. 4.]

CONSULATE OF THE UNITED STATES,
Tumbez, October 9, 1870. (Received November 28, 1870.)

SIR: In compliance with your request in circular of August 19, 1870, for me to give my opinion why the commercial relations between the United States and the Spanish-American republics are so limited, and how an extension thereof could be obtained, I answer you as follows: In the first place, Europe is so densely populated that she lacks the means to give occupation whereby her subjects can gain even a frugal subsistence, and therefore throws a greater number of adventurers and speculators in these countries, who settle in them, than ours. As they have been reared in the straightest economy, they are content with small profits in commercial pursuits, which our people are not, and therefore cannot compete with them; hence the majority of foreign merchants in these countries are Europeans. In the next place, everything imported to these countries are manufactured articles. And again, the cheapness of labor in Europe enables her to manufacture cheaper than we can; and as the majority of importers are from there they naturally look to the fatherland for it. Further, an English company, some years ago,

established a line of steamers on the west coast of South America, to ply between Panama and Valparaiso, where by a liberal subsidy from its government enabled it to get in a short time so thoroughly established that it became so strong that an American company without the same advantages could not compete with it. The business of this line is so profitable that they have from four vessels, with which they commenced, increased their number to about thirty-six, completed and running, and several in state of construction; beside factories, warehouses, hulks, &c., &c., in all of the principal ports on the coast. About six of their steamers form a semi-monthly line through the Magellan Straits direct to Europe, which also is becoming very lucrative. All of these steamers being English, they, of course, make direct connections with the English steamers of the Atlantic that ply between different ports in Europe and the Isthmus of Panama. All of aforesaid advantages tend to direct the principal part of commerce from this coast to Europe. And again, the principal part of the products of these countries are raw material, which consists of the following: Medical barks, roots, herbs, &c., &c., cauteho, or chilla, indigo, cochineal, cotton, wool, ivory nuts, nitrate of soda, and ores, which go to European manufactories on account of so much facility in transportation and close business connections. Sugar, in considerable quantities, finds a market in California, and goat skins go to New York. Guano goes to Europe to manure their worn-out lands, which we do not need yet, as our grounds are new and abundant. I think there are three remedies to change this state of things, viz: 1st, to protect home manufacture; 2d, protect ship-building and navigation, (which, I am sorry to say, is daily on the decrease,) so as to enable us to compete with Europe; and, 3d, if practicable, (to bring the trade from the republics of the Pacific coast,) the construction of a ship canal at the Isthmus of Panama to connect the two oceans, which would enable craft of all sizes and classes to trade direct from our shores to ports in the different west-coast republics, and *vice versa*, where all classed vessels could not cross the Atlantic to Europe.

We have already one decided advantage over Europe in these countries, *i. e.*, being founders and setting the example of independence and governing ourselves by the best precepts the world ever knew, in America; their sympathies are decidedly ours, and they look upon us as the head of the family, and have rather complained that they have, they think, not received that natural protection of late due them, but at the same time are reasonable, and consider the circumstances why it has not been fully tendered them; but they still cling to us and look to us to assist them to future prosperity. I think they have a better feeling in these countries for our people, resident and transient, than they have for foreigners of any other countries.

HENRY C. SMITH.

No. 207.

Mr. Blow to Mr. Fish.

No. 139.]

LEGATION OF THE UNITED STATES,
Petropolis, October 20, 1870. (Received Nov. 22, 1870.)

SIR: Your dispatch of August, (circular,) though received by the September steamer, owing to its being in pamphlet covering, was not opened

until the beginning of this month. I have read the same with great interest, and in connection with it the information communicated to the United States Senate on the condition of trade with the "South American countries."

Very early after my arrival in Brazil, stimulated by the views and wishes of the President, and in accord with the progressive trade movements of the United States, I commenced a thorough investigation into the existing trade with Brazil. In my dispatches on this subject I have endeavored to show that while we were by far the largest consumers of Brazilian products, our exports had not kept pace with our imports, and that owing principally to the outrages perpetrated on our merchant vessels during the war, we were left almost without the means of transporting these imports and exports, and thus compelled to rely on other nations to replace a merchant marine which had been the pride of our country and the admiration of the world. In addition to a result so disastrous to our agricultural, manufacturing, and commercial interests, we had to confess that other nations, and especially England and France, had made rapid strides in the construction of sea-going vessels, and had ultimately occupied the position we were forced to abandon, and before the close of the war had their bankers, merchants, products, and manufactured goods firmly established not only in Brazil but in all portions of the world. We may thus add to the cost of our war, indirectly, a loss which may be estimated by hundreds of millions, and which it will require the best statesmanship of the age and years of enterprise to overcome. In complying with the request contained in your circular, I will ask, therefore, that my Nos. 30, 79, 84, 93, 96, 104, 114, and 119 may form a portion of this reply, and that you will excuse, in this general review, those defects which must necessarily occur when a subject of such vast import has to be considered in the few remaining days left before my departure for the United States.

Brazil, in its people and form of government, is entirely unlike the Spanish-American states. Discovered, settled, and always held by the Portuguese and their descendants, with but little addition to its population, except by natural increase, continued emigration from Portugal, and importations from Africa, the Brazilian of to-day is in his character and impulses the most quiet and perhaps the least enterprising of South Americans, while his condition, strange as the proposition may appear, is quite equal to that of the people who formed the adjoining Spanish republics. It must be understood, however, that at this moment Chili, the Argentine Confederation, and Peru are all thoroughly occupied in progressive movements, by which they will rapidly outstrip Brazil in the race for material development, unless the recent awakening in the empire is followed by a similar spirit and consequent advances.

It cannot be denied that this substantial condition is the result of government. Whatever other nations or the United States may say of the empire, the fact is constantly before us that Don Pedro II has been a mild, honest, and enlightened ruler, nay, more, successful in inspiring and retaining confidence at home and abroad. If the form of government administered was not progressive, it was at least stable. The people were taught frugality and economy, and thus, while the strongest and most enlightened nations of the earth have been convulsed by wars or civil commotions, Brazil has kept on the even tenor of her way, and after thirty years on the throne the Emperor, even with his prodigality in destroying General Lopez, by which a heavy burden has been imposed upon his subjects, rules to-day as quietly, and, to all appearances as securely, as at any time before. I mention these facts, Mr.

Secretary, that you may understand what can be accomplished by others not so favored by race, soil, climate, or form of government as the people of the United States, and who are remote from that vast belt which holds in its embrace the wealth and enterprise of the world. This becomes the more interesting as we have to contemplate trade relations with Brazil, which at present are anything but satisfactory to us. Permit me to make an approximate estimate of this trade with South America, and thus show this fact more distinctly:

Our imports from Spanish South American republics and the empire of Brazil in 1869 were, in round numbers..	\$41,600,000
Exports to same.....	18,600,000
	<hr/>
Balance against us.....	23,000,000
	<hr/> <hr/>

Of this trade Brazil alone furnished twenty-five millions of her products, or over sixty-one per cent. of the whole, and received from us six millions produce, or not quite fifteen per cent. of the whole, and not one-fourth of what we bought of her, or, reduced to actual figures, the result was this:

Imports from Brazil in 1869, \$25,000,000; exports, \$6,000,000; balance against us and for which gold was remitted, \$19,000,000.

While this immense balance stares us in the face, let us see what Brazil is doing with our nineteen millions of gold. Why, simply investing it in iron, cotton, and woolen goods, building her roads, cultivating her fields, and encouraging the manufactories of England, Belgium, and Germany. This is clearly the result, while at the same time, from her additional exports she keeps nearly square with France, Portugal, Italy, Austria, and Spain, for all that is imported from them.

I have had many conversations with Baron de Cotegipe and Mr. do Amaral on this subject, and finally addressed the baron a note on the 1st of July last, a copy of which was sent to the Department, and I beg may also form a portion of this reply. Up to this time this note has not received the attention which the baron acknowledged was due so important a matter, which will be explained in a separate dispatch.

The condition is one for which we cannot blame Brazil; this would be weakness. We really are not much at fault ourselves, for it is mainly the result of misfortunes and outrages, which we did not have the power to prevent; but it is nevertheless one which the President and the two Houses desire to have changed, and to the manner of doing this we must now address ourselves, not failing in anything on our part, and relying on the good feeling and sagacity of Brazil to perform her part. Our portion of the work is to prepare for selling Brazil everything she requires from abroad as cheap or cheaper than other nations, and especially those articles which we are so well fitted to produce.

Before, however, any suggestions are made, as requested by you, permit me to state what has been accomplished by other nations, so that you may understand the magnitude of any undertaking which contemplates the restoration of our ocean prestige, and especially an extended trade with South America. This becomes the more important from the favorable position of Brazil, and the value to us of her coffee and sugar; for this extended trade with South America means largely extended trade with Brazil. These people are in a great measure familiar with those of England, France, Germany, Italy, Portugal, and Spain, through a long commercial intercourse, conducted in person. The splendid steamers which have reduced the time between Rio and Lisbon to four-

teen days, between Rio and Bordeaux to eighteen days, and between Rio and Liverpool to twenty-one days, have for years carried thousands of Brazilians to Europe, and brought back thousands of European traders and travelers to Brazil.

England and France have been liberal in their subsidies to these great steamers, and during the five years when we were driven from the ocean they strained every nerve to establish those relations to which I have referred, and which have resulted so well for them and so unfortunately for us. To-day England's exports to South America are probably greater than her imports, and while our total imports and exports may be fairly estimated for the year 1870 at not exceeding sixty million gold dollars, those of England will probably reach, if not exceed, one hundred and fifty million of gold dollars; and yet the bulk of the exports are articles which we should supply. We must, therefore, become familiar with the fact that the Spanish South American countries and the empire of Brazil have established relations with these countries for their supplies, are familiar with the form and quality of their goods, know their value, and in every way are settled customers, by the power of mutual material interests. In this connection, however, it is well to state at once, as my opinion, founded on close observation, that there is no sympathy in these countries for Brazil, nor on the part of Brazil toward them, growing out of similar institutions, the old dynasties regarding the empire as an upstart, and Brazilians, on their part, regarding them as declining despotisms, and having really more feeling in common with us than with them. The respect for the generous and honest character of our Government is, I believe, common to all, from the throne to the beggar; for governments are a study with the educated people, and while the general feeling is one of confidence in their own, the wonderful prosperity of all classes in the United States is a fact which is absorbing the profound attention of the best Brazilians. I may state, therefore, that our political system and general prosperity are well understood in Brazil, while the people do not appreciate our commercial and manufacturing advantages, as they cannot comprehend the ability of a country which, though buying the bulk of their coffee, has but few steam or sailing vessels in their ports, no banks and but few merchants in their great commercial cities, and which is content to pour a steady stream of gold into their coffers through foreign channels.

There is only one point hitherto insisted on by Brazil which, it seems to me, is extremely unwise for them and unjust to us; that is the export duty of thirteen per cent. on coffee. The nine per cent. export duty on sugar is a heavy burden to the planters of cane, but thirteen per cent. on coffee will eventually bankrupt a majority of the coffee raisers. This thirteen per cent., in the past, may be defended by the pressing financial wants of the empire, especially during the Paraguayan war; but at this time, when duties on imports are being reduced, and the policy is announced that further reductions will be made as the revenues increase, no excuse or argument for its continuance can be sustained. One of the difficulties is that a part of the thirteen per cent. is provincial, but it is only made a difficulty because the Government finds the tax can be so economically and easily collected. In considering this tax, with the baron and others, its excessive and disproportioned, if not unwise character was not denied. Perhaps before I sail the Emperor, or the new minister of foreign affairs, Viscount de S. Vicente, may give me some cheering assurances in regard to its reduction. I have not failed to impress upon this government as well as I could the value of the two cents per pound reduction on coffee made by our last Congress, and the

fact that in the past, as well as at the present moment, foreign exchanges and domestic trade in Rio were almost entirely sustained by the coin and credits we furnished, and I am not without hope that our claims for reciprocity will be promptly and fairly considered.

I now proceed directly to place before you the conclusions and suggestions which I think legitimately flow from my dispatches :

1. Our policy for the development of our foreign trade must be as liberal and comprehensive in proportion as our domestic policy, and founded upon justice to all portions of our country.

2. That we must have the best and fleetest mail steamers that this age can produce, and as private enterprise cannot build and run such steamers in competition with those subsidized by other nations, we, too, must grant liberal subsidies, under proper restrictions, for ten years.

3. That our national policy for sustaining our machine shops and ship-yards must be as liberal as that of England.

4. That tariffs must be adjusted so as to encourage imports to and exports from the United States, thereby affording freights both ways to our new merchant vessels.

5. That while no private enterprise can compete with the subsidized vessels of other countries, our own steamers, if subsidized, should be required to protect our trade in the same manner as those, especially of the English and French steamship companies; which means simply low rates of passage and freights to and from the United States.

6. That as a policy founded on justice would place all the commercial cities of the United States in direct communication by steam with those portions of the world with which they can most profitably exchange products, no legislation should occur until notice had been given to each to present their claims for such consideration. The justice of this proposition will not be denied, for no nation can expect the sympathetic support of all its people which favors one portion at the expense of another.

7. The earliest possible return to a specie basis. I am firmly of the opinion, Mr. Secretary, that the losses of our people, growing out of an inflated and baseless currency, are submitted to at home only because they are not understood. But with a system so entirely opposed to all the principles of an enlightened economy and a sound morality, we have no right to expect that we can divide trade with nations whose financial systems are based on gold and silver. Our legislators have no longer the excuse or plea of necessity, and their first act should be to give us back the economy and morality of a sound currency. This done, with consequent reforms, we are ready to enter the great race for commercial supremacy.

We have learned by sad experience in the United States the value of regular and rapid transportation, until the great natural arteries of trade have been dwarfed by the genius and progress which have created fifty thousand miles of railroad, over which passengers and freight are carried with the speed of a racer and the regularity of a clock. The same qualities are absolutely necessary to success abroad.

Our institutions, our vast area and prolific soil, our gigantic internal improvement system, all demand that the progress of the past shall mark our future. If we meet this demand with that wisdom and sagacity which have so distinguished us among the nations of the earth, the products of our soil, the treasures of our mines, the industry of our people, will soon be welcomed in every portion of the world, and the fact forever established that the height of human attainments can only be reached by a free people.

HENRY T. BLOW.

No. 208.

Mr. Hoyt to Mr. Hunter.

CONSULATE OF THE UNITED STATES OF AMERICA,
Minatitlan, Mexico, October 21, 1870. (Received November 18.)

SIR: In reply to your circular letter of August 19, I have the honor to inform you that in my opinion the diminution of commerce between the United States and Mexico is not traceable to political causes, past or present, between the two countries, but finds its source in the extravagant tariff on importations, the consumers having become aware that they pay the principal part of the revenue; hence the limited consumption of articles of commerce that formerly were imported from the United States.

The entire system of taxation is indirect, and consequently falls on the consumer; therefore the general revenue from importations depends upon his will and pleasure.

Formerly the principal importation into this consular district from the United States was flour, but has now decreased to almost nothing, occasioned by the decree of President Juarez, dated October 31, 1867. That this decree refers directly to flour produced in the United States is evident from the fact that the duties on flour are regulated by the cost of the article in the United States, as the decree sets forth, and it has been the wonder of merchants why this decree was promulgated so soon after the fall of the empire, considering the measures of sympathy for the republic adopted by the Government and people of the United States.

Dry goods, wines, liquors, and ales can be produced in England and other countries and imported into this country at a lower cost than in the United States, and exchange made in the productions of the country, some of which are Brazil wood, indigo, and mahogany, for which better prices are obtained and a larger quantity consumed than in the United States.

Another cause of the decrease of the commerce with the United States and Mexico is the heavy taxation on agricultural pursuits, which discourages the producer; consequently he only cares to produce sufficient for his actual wants. The tax on rum and sugar was recently abolished, and a tax of six dollars put upon one hundred square yards of sugar-cane.

The absence of any bonded warehouse and drawback system, and the requirement of payment of duties the moment goods are landed, is another impediment to legitimate commerce, the duties on a general cargo averaging eighty-five per cent. on the original cost, which excludes any surplus, the importer only keeping on hand enough to supply the immediate wants of his customers. This enormous tariff entirely excludes the legitimate commission merchant from the market, he requiring as much capital to do business as the shipper.

The present depressed condition of the finances of this government obliges it to raise a revenue from any source within its reach and control, and to the Mexican congress commerce seems to them the only available source from which to derive it, direct taxation being strongly opposed by the majority of that body, notwithstanding the estimation of about seven millions deficiency to defray the current expenses of the coming year, without public credit to meet the demand, either at home or abroad. Permit me to make a few suggestions with a view to increase the American dry-goods trade with this country. It is a well-

defined law with the merchant of any country that he makes his purchases where he can buy lowest and procure goods best adapted and most salable in his locality. My experience informs me that dry goods salable in one part of this country, of a particular fabric, prints in particular, are unsalable in another locality, the tastes of the people being entirely different. If the American manufacturer can furnish as good an article as the British manufacturer can, at as low a price, and at the recommendation of the importers of the different parts of this country to print their cottons in such figures and colors as will suit the people, I am convinced a fair proportion of this branch of commerce would be diverted to the United States.

R. C. M. HOYT.

No. 209.

Mr. Bragdon to Mr. Fish.

UNITED STATES CONSULATE,
Guayaquil, October 25, 1870. (Received November 14, 1870.)

SIR: I have the honor to acknowledge receipt of your circular of August 19, inclosing "Report from the Department in relation to the condition of the commercial relations between the United States and Spanish American Republics."

In reply to your desire that I should communicate any facts that would promote said commercial relations, I beg to suggest that a reduction on the freights per American steamers between New York and Aspinwall would greatly augment the exportations from New York. The very exorbitant freights, as per inclosure No. 1, induce merchants to import goods from Europe. It is likewise to be noticed that English merchants give longer credit than the American ones, consequently there is in favor of Europe longer credits and cheaper freights.

I also beg to call the attention of the Department to the fact that the English line of steamers on this coast, the Pacific Steam Navigation Company; do not regularly connect with the American steamers at the Isthmus of Panama; it often being the case that merchandise from New York is kept waiting for weeks on the Isthmus, while the preference is always given to European goods.

The establishment of an American line of steamers on this coast in connection with the Pacific Mail Steamship Company would place the principal commercial transactions in hands of the United States, as the arrival of goods in these ports could be fixed at certain and sure dates.

There is sufficient business on this coast to support at least two lines of steamers well organized.

GEO. P. BRAGDON.

Statement of freights per steamers and via Panama from Guayaquil to New York:

Bark, per pound, American gold	\$0 03
Cocoa, per pound, American gold.....	1½
Cochineal, per pound, American gold.....	3½
Copper and tin in bars, per pound, American gold.....	1½
Cotton, raw, per cubic foot, American gold.....	56
Hats, Panama, per cubic foot, American gold.....	2 00
India-rubber, pressed, per pound, American gold	2½
Merchandise not specified, per cubic foot, American gold.....	1 50

Nitrate of soda, per pound, American gold.....	\$0 01 $\frac{1}{2}$
Orchilla weed, pressed, per pound, American gold.....	2 $\frac{1}{2}$
Skins, goat and deer, per pound, American gold.....	2 $\frac{3}{4}$
Sugar, per pound, American gold.....	1 $\frac{1}{2}$
Tobacco, per pound, American gold.....	3
Whale oil, per gallon, American gold.....	14
Whalebone, per pound, American gold.....	2 $\frac{1}{4}$
Wool, alpaca, per pound, American gold.....	2 $\frac{1}{2}$
Wool, all other classes, per pound, American gold.....	2 $\frac{3}{8}$
Specie, gold, American gold.....	1 $\frac{3}{4}$ pc.
Specie, silver, American gold.....	1 $\frac{7}{8}$ pc.
Silver mineral in bags, per pound, American gold.....	1 $\frac{1}{2}$

United States Consulate, Guayaquil, September 30, 1870.
 GEO. P. BRAGDON,
United States Vice Consul.

No. 210.

Mr. Thomas H. Nelson to Mr. Fish.

No. 308.]

LEGATION OF THE UNITED STATES,
 Mexico, October 28, 1870. (Received November 14.)

SIR: I have the honor to transmit herewith a copy of the very interesting and valuable response of our acting consul at Aguas Calientes to the circular of the Department of State of the 18th of August, in regard to the commercial relations between the United States and Mexico.

THOMAS H. NELSON.

Mr. Martin R. Pilon to Mr. Thomas H. Nelson.

No. 308.]

CONSULATE OF THE UNITED STATES OF AMERICA,
 Aguas Calientes, October 7, 1870.

SIR: In obedience to the request contained in the circular of the State Department of the 19th of August last, I have the honor to make some remarks upon the commercial relations of the United States and the Spanish-American countries.

I can say that in Mexico the importing and exporting trade, and also the dealings in bills of exchange, are in the hands of foreign houses, principally German, English, and French, and I am told that in the rest of Spanish America it is also the case. It must then be assumed that the Spanish Americans have not the power to control and direct their trade neither here nor there, unless it be by a treaty favoring one or some. As to the above-named foreign commercial houses, they are guided in their operations more by the precepts or laws of trade than by preferences for the productions of their respective nations; because it is seen that the Germans bring for sale more English and French merchandise than goods produced by German countries; the French do the same, mixing English goods with their French stocks; the English also take some goods from the continent, and all, merchant-like, strive to bring what may give quick and good results.

By tradition I know that in times past nearly all Mexico drew supplies from the ports of the United States and Cuba, and there sent specie, &c., for investments in bills of exchange or purchases of cotton, &c., for remittances to Europe. It appears that then we had a larger trade than now, but in reality it was, perhaps, not so. Foreign goods, bought purposely for the trade by New Orleans or New York houses, or foreign bonded goods, were brought here in larger quantities than those of our production.

My assertion that European houses in Spanish America deal in goods that are in demand, whether produced by their own country or not, can be verified by inquiries made of our various consulates. English manufacturers first, French next, and the commercial houses of Hamburg, Bremen, &c., derive the greatest benefit from the trade with Spanish America.

A solid support possessed by the European houses in Spanish America is the low

rate of interest they pay to their home constituents, being only from 4 to 6 per cent.; goods not quickly realized can bear this burden; but an American merchant, to his home constituents must pay from 6 to 9 per cent., and this is an obstacle to ordering home goods, because all sales run the risk of some demurrage. Another advantage to Europeans is that wool, gum, dyes, drugs, &c., shipped to Europe give better returns, on account of the low custom-house duties.

Regarding the shipments of specie directly to the banks of England and of France, at all times, it should not be looked upon as proofs of the proceeds of exclusive European commerce. Americans might find it beneficial to give the same direction to their bullion. In times of broils the chieftains of Spanish America have the reputation of being depredators, so merchants have commonly their specie insured against land and sea risks. Policies of insurance for such risks are emitted in Europe only, up to this time.

When specie is placed in a port for shipment it costs about the same to place it in Europe as in the United States, and for the sake of exchange operations it is disposed of with a higher profit when stored in London or Paris.

The commercial inferiority of our own country in Spanish America may be owing also to our present inaptitude to furnish the goods or wares that are suitable to Spanish America; the preference which is given to European fabrics is because these take their fancy better. Europeans in times past as well as now have made it an object to get up and gather samples of what is desired in silk, linen, cotton, and woolen goods, and other wares. This course insures ready return at paying prices, and a continued increase of trade.

It has been observed frequently that American dry-goods imported into Mexico give bad results; the dull colors and patterns of the goods are not relished by Hispano-American tastes, which call for what is gaudy even if flimsy. Cotton prints are of vast consumption, and ours, as far as class and solidity go, are superior to the European, but are inferior in designs and bright colors.

Our inland or domestic trade is fairly prosperous, so that our manufacturers of dry-goods and other wares have not been compelled as yet to seek buyers abroad like the English, French, and Belgians; but it will be wise perhaps to see how we can enlarge our foreign trade willingly and gradually, before we are absolutely forced to it by not knowing how to dispose of our future over-productions. Mexico is to us differently situated than the rest of Spanish America, especially if some day the ship canal to the Pacific be cut through it, or even through Central America. If with Mexico we could have a treaty for mutual free trade, it would benefit her and ourselves. At present her wool, for instance, cannot go to our country on account of the heavy customs dues, and many other articles are in the same predicament. Our cotton fabrics of the present could compete with the European ones only if they were admitted with a differential duty in their favor.

With the many waterfalls and steam-power of the United States, joined to the home production of raw cotton, we have the elements for becoming sooner or later like England, another workshop of the world; we could be particularly prominent and excel in cotton fabrics. Europeans have to go far to obtain the raw material, carry it to their spindles and looms, and go out with it afterward to seek a market, making carrying operations that are unnecessary for us.

It seems that it would be money well spent if Congress could make a steady yearly appropriation to employ competent agents to collate information and samples for the benefit of the manufacturers of our country.

MARTIN REGUL PILON.

No. 211.

Mr. James B. Bond to Mr. Fish.

No. 27.]

UNITED STATES CONSULATE,
Para, November 3, 1870. (Received November 22.)

SIR: I have the honor to acknowledge receipt of circular from the Department, under date of August 19, calling for information "touching the commercial relations between the United States and Spanish American countries," and of the report, dated July 14, made by the Secretary of State on the subject.

The exports from this country consist of India-rubber, cacao, Brazil nuts, balsam copaiba, and annatto, (urucie;) of these by far the most important is India-rubber. I hand a tabular statement of its export

which shows that shipments of this article to us have given from 52,848 *a*, (32 lbs.)=1,691,136 lbs., in 1851, to 182,939 *a*, (32 lbs.)=5,854,048 lbs., in 1869.

The cost of India-rubber has increased in proportion to the demand in consuming countries, and is still now double what it was at the beginning of the term named. Exports to England show a nearly equal increase, being 975,520 pounds in 1851, against, in 1869, 5,069,824 pounds; and the whole amount exported stands as 2,949,600 pounds in 1851, 11,631,584 in 1869.

It must be remembered that the surplus stock is constantly overflowing from one to the other country, so that the above statement must not be considered the exact measure of consumption in England or the United States.

I hand also a table of general exports from this port during 1869, showing shipments to United States, \$3,275,363; Great Britain, \$2,731,551; other countries, \$2,138,616. Making the whole export from this port about \$8,000,000.

The next in importance to rubber is cacao. This goes almost exclusively to France. The value of our exports to the United States greatly exceeds that of our imports. The balance of funds for purchase is provided by drafts on England, based upon letters of credit granted by banking houses in New York.

India-rubber is not a product of cultivation; it is extracted from a forest tree, and no restriction is placed by government on those who resort to the public domain to obtain it. It is said that the forests nearest to purchasing markets are being exhausted, the trees being killed, or yielding less milk from too frequent tapping, but the producing area is so vast, and means of access to remote points are so rapidly increasing, that we do not look for any immediate falling off in the supply; on the contrary, the production will probably steadily increase for years to come. Cacao is cultivated, though carelessly; it is not a sure crop, and has partially failed for the last two seasons. The other articles named are all natural products, only annotto requiring considerable labor to prepare it after gathering the seed. The statement of exports may be relied on as nearly accurate, but such I am sorry to say is not the case with the official table of value of imports, to which I next call your attention. It must, at best, be regarded as a not very close approximation to accuracy. I hand it in because it is official, and its errors may in some degree be corrected by table No. 2 of packages imported, which I obtain from private sources, but which also, in some respects, is erroneous. Leaving to each the considerations it may deserve, I would offer my own estimate, derived from various sources. Thus, whole value of imports, 1869, \$6,000,000. Of which, from England, not less than half, and probably \$4,000,000. The remaining \$2,000,000 from France, Germany, Portugal, and the United States, our portion not exceeding \$500,000. The principal article that comes to us from the United States is flour. Of this we import about 2,000 barrels per month, or say, 25,000 to 26,000 barrels yearly; the consumption of our market is rated at 2,000 barrels per month. Trieste sends us, one year with another, about 2,000 to 2,500 barrels of superior quality, equal to the formerly high character of the Richmond brands, Ballego, and Haxale, but the cost is too high to compete seriously with ordinary American qualities.

Lard, kerosene, soda crackers, axes, and machetes, a few pine boards, some chairs, Florida water, and patent medicines close the short list of American importations. The first four articles only are important in value, and have heretofore withstood European competition. Collins's

axes, machetes, and other steel manufactures still hold the high place which their superiority over European work of the same class long since gained for them, but their sale is limited by cheap imitations, particularly of machetes, imported from Germany, and sometimes even bearing the American name and trade-mark. Recently, however, an article of German manufacture has been produced, which is said to be fully equal to that made in America and of somewhat less cost. American axes, machetes, and other steel goods have so long maintained a superiority over all others that we have regarded them as a national specialty; but I fear we are about to meet serious competition from continental manufacturers. In heavy cottons, our supply of which was, up to 1861, chiefly derived from the United States, we can no longer compete with England. Unbleached goods, (drills, ducks, plain cottons,) stripes, and blue goods are no longer looked upon by American importers as forming part of their cargoes; a few bales only are received for sale to those who may require a superior article for some particular use, but the amount is unimportant. Even previous to our war flimsy imitations of American goods were appearing in the market at low cost. Our internal troubles enabled England to obtain possession of the market, which she still holds, by cheapness of productions and cheapness of transport.

As regards cheapness of production it is unnecessary for me to make any suggestions; the subject has been fully discussed for years; it opens many collateral issues, and I could not hope to throw any further light upon it. It is sufficient for me to say that England does produce cheaper goods than we produce, and that she has driven us from this and other foreign markets by doing so.

The question of cheapness of transport is an important one, with which as regards foreign trade the Department may not be so familiar, and I proceed to state certain facts.

Up to about one year ago the direct trade between England and this country was conducted through sailing vessels. At that time two steam lines, unsubsidized, and intended chiefly for freight, were started from England, say Liverpool, to this country, touching at Lisbon, and at Maranhao and Ceara, ports on the Brazil coast. Their measurement is about 1,000 tons; capacity of freight, 1,400 to 1,600 tons, weight and measurement; cost, £30,000 each; and they make the voyage from Liverpool to Para in about twenty-one days. They placed their rate of outward freight at the same price as that of sailing-vessels, 40s. per ton; and though this rate has since been raised to 50s., sailing-vessels cannot compete with them, and, in fact, so far as relates to general cargo, have abandoned the trade.

The great variety of cargo, coming not only from England but from the continent, much of which is of small bulk compared with its value, furnishes abundance of freight and makes the percentage of transport charges very small. Not only has the original enterprise increased its tonnage, but a third line is already contemplated.

On goods of small value compared with their bulk the rate is even as low as 25s. to 30s. per cubic foot. This applies particularly to barrels of ale and porter, &c. Even taking the highest rate charged, say 50s. per ton, it amounts to only about 30 cents per foot.

We have a steam line running monthly from New York, touching first at Para, thence to Pernambuco, Bahia, and Rio de Janeiro. It is subsidized by both governments, but as American exports consist of bulky goods of comparatively small value, they cannot bear the freight of steam carriage, and these steamers have not affected the business of sailing-ships, by which the imports to this port are yet brought.

The duty charged on many American imports is very heavy, and diminishes amount by lessening consumption. I annex tabular statement of duty on imports and exports.

The imperial government has recently declared that its financial condition is sufficiently favorable to allow of a diminution of import duties. Any influences which our Government may be able to exert in this sense will of course be favorable to general trade, and it is thus only, so far as I can see, that the action of our government can benefit commercial relations between the two countries. The duty on many articles of foreign manufacture amounts to a prohibition in the northern provinces; the object of the system being "to encourage national industry," a most mistaken policy, in this country at least, when in all the provinces agriculture suffers from want of labor, and in the Amazonian provinces the population is not sufficient to gather the natural products of the country.

A few unimportant manufactures are, by the system of high duties, protected in Rio de Janeiro, and all the northern provinces suffer in consequence. The civilizing agency of cheap comforts is thus denied, specially to the provinces of the Amazon, containing a population of perhaps 300,000, scattered through a country reaching from the mouth of the river Amazon to the eastern borders of Peru and Bolivia. Of this population perhaps 30,000 are slaves.

A considerable business is done with Peru and Bolivia in merchandise partly brought here, and partly imported with special destination by merchants established in those countries.

Difficulty of access makes the trade of Bolivia small as yet, but that with Peru is already important, and is increasing in value. No duties are charged in the eastern riverine ports of either country. By an early opportunity I will forward some statistics in regard to this trade.

I have thus furnished such information as I believe meets the views expressed in your circular. Brazil is, however, scarcely within the terms of that circular, or of the Senate's resolution. It is not a "Spanish-American State," nor is it "in close relations of geographical contiguity" with the United States, nor would its form of government suggest any special "political friendship" with a republic. Yet will the same means which the Government may find effective to increase our commerce with other countries be equally applicable to Brazil. In none of the Spanish-American States is the feeling toward our country more kindly than it is in Brazil, and this is particularly the case as relates to the Amazonian province; the apprehension of territorial encroachment, which sometimes causes great uneasiness in States that are nearer to us, does not exist in Brazil, and the impolitic centralization of authority in Rio, under which these remote provinces suffer serious inconvenience, is often contrasted with the government of a country which is in fact as near to them as their own capital, to which they are forced to appeal in matters involving daily interests. Commercial relations do not, however, depend upon, indeed are scarcely influenced by, political sympathies. It is not to any sentiment of friendship in this or other countries that we must look for the development of commerce. Trade has but one law, which is invariable, viz., to buy in the cheapest market. We shall not be able to meet the competition of rivals until we can produce as cheaply as they can produce, and carry as cheaply as they can carry; whether the advantages of cheap labor are profitably bought, by the aggregation of a large population in a limited area, is another question, and one which it would not become me to discuss. But in answer to your permission "to make such suggestions as I may deem

useful." I will briefly add that the commercial relations between the United States and this country will be promoted—first, by any means through which the cost of our home productions may be lessened; next, by such efforts as may reduce the duties of import and export in this country; and, finally, by inducing the government of this country to abandon the idea of protective tariffs in order to devote its whole strength to agricultural development, in which its true interest lies. Whatever may be the benefit of a protective system elsewhere, it is certainly an error here; nor, indeed, is it within the range of human intelligence to administer such a system in a country of vast extent and varied production without injuring one portion for the benefit of another.

Until recently all the steamers plying on the Amazon River were of British build, and this was due entirely to the fact of certain American builders having, years ago, accepted a cheap contract from the Peruvian government for boats to ply on the upper river. They soon decayed, and the result of this short-sighted policy was to exclude for many years all American-built boats from Amazonian waters.

During the last two years, however, a company, subsidized by the provincial government, has placed four American boats on the river. The novelty of their build at first caused considerable surprise, but I am happy to say they have given great satisfaction on account of their small consumption of coal and general adaptation to river navigation, in which they are far superior to boats built in Great Britain. The long-enduring prejudice is at last removed, and no doubt the example of this company will be followed by others in this and neighboring provinces. The boats are of iron, and all were built by Messrs. Pusey, Jones & Co., of Wilmington, Delaware.

JAMES B. BOND,
United States Consul.

No. 212.

Mr. Nelson to Mr. Fish.

No. 311.]

LEGATION OF THE UNITED STATES,
Mexico, November 4, 1870. (Received November 25.)

SIR: In compliance with the instructions contained in the circular from the Department of State, dated the 19th of August last, I have the honor to submit the following facts and considerations respecting the present state of commercial intercourse between the United States and Mexico; the causes of the present prostrate condition of American interest here, and means which might probably be efficaciously employed by our Government to bring about a more prosperous state of affairs.

On the 1st of August, 1869, I addressed a confidential circular to all the American consuls and consular agents residing in the republic of Mexico, requesting them to furnish me with data concerning the political and material condition of the States in which they respectively reside. Replies were received from most of these officers, and copies of several interesting and valuable communications were transmitted by this legation to the State Department in the closing months of 1869, and the earlier portion of the present year. I respectfully suggest that a collation of these documents will furnish data upon many of the points covered by the Senate resolution.

As the chief practical inference from so many communications, and

from my own observation, experience, and inquiries, I may state that the present commercial intercourse between the United States and Mexico is in a state of the utmost prostration and decadence. The reports of our consuls are unanimous upon this point. In this city, which is one of the largest in Spanish America, the number of American mercantile houses does not exceed two or three, and the total number of American residents is but a score or two. The same is the case in Vera Cruz, and in the principal ports of the Pacific, as well as, with greater reason, in the large cities of the interior.

The commerce of importation into this republic is almost exclusively in the hands of European merchants, chiefly English, French, and German. The large number of citizens of the Southern States of the Union who came to Mexico immediately after the rebellion, have almost all returned to the United States. The agricultural colony near Cordova, from which so much was expected, has been completely broken up and dispersed, and there is not at this moment in Mexico a single notability remaining out of the many confederate refugees. Of the few American commercial houses in Mexico, the greater part import more foreign than American goods, there being, I believe, but one house which deals exclusively in articles of American manufacture—that is to say, in arms and ammunition. On the Pacific coast our commerce via San Francisco is almost limited to the vessels of the Pacific Mail Steamship Company, which complains of a loss of trade, and is even said to be running at a loss. The importations by this line are chiefly confined to arms, and agricultural and mining implements, with small quantities of hardware and Chinese goods. The causes of this low state of American commerce in Mexico are but too easily explained. They may be summed up as follows:

1st. The force of habit; the Europeans having preceded us in establishing commercial relations here.

2d. The low rate of interest which European houses pay for their borrowed capital, contrasting with that of the United States in the proportion of from five to ten per centum.

3d. The fact that European manufacturers of cotton and fancy goods invariably consult the Mexican taste, thus enabling them to make little account of durability of material, and successfully to compete with American articles of stronger texture, but of subdued colors.

4th. The chronic insecurity of life and property, which has exerted and still exerts a fatal influence upon all foreign capital in the country, and whose effect on Americans has been absolutely to preclude its introduction.

5th. The entire want of railroad and telegraphic communication between the two countries along our 1,500 miles of frontier.

In respect to the proper remedies which might be employed by the Government of the United States to enable Americans gradually to assume that commercial importance in Mexico to which our proximity and political sympathies entitle us, they may be summed up, in general, as being those measures which will most effectually operate for the removal or neutralization of these five causes.

Undoubtedly, under favorable circumstances, something may be accomplished diplomatically to place the commerce of the United States upon a more favorable footing as toward the Mexican revenue system. By the continuance of the wise policy of giving moral aid and countenance to the present liberal and patriotic government of Mexico, we shall also contribute to the rapid development of that energetic protection to life and property which is of such urgent necessity, and which this gov-

ernment is doing all in its power to establish. In the line of active promotion of American interests in Mexico, I know of nothing more important to be consulted than the facility and rapidity of intercommunication by means of railway and steamship lines and telegraphs, both as between the two countries, and as within the extensive Mexican territories where the almost total absence of good means of communication is proverbial. However desirable American colonization may be to Mexico and to our interests, it cannot be effectually promoted in any other way. The construction of railways, then, through the State of Texas and the Territories of New Mexico and Arizona, to the Mexican frontier, is an object of the first importance for the interests to which this inquiry is directed. When such roads once exist to the frontier the Mexican government will undoubtedly make great efforts to promote their extension through the vast States, fabulously rich in mines and in agricultural wealth, of her northern zone. The unfriendly legislation which, under the name of the *zona libre*, and other burdensome clogs upon our commerce, would then naturally disappear. The growing prosperity of our Southern States, and especially the gratifying progress of the port of New Orleans, is destined to exert a speedy and beneficial influence upon our commerce with Mexico. It is worthy of inquiry whether our Government might not properly do something in aid of the reëstablishment of lines of steamships from New Orleans to the Mexican ports of the Gulf.

Finally, everything which promotes a knowledge in detail of the vast but undeveloped resources of the several States of Mexico will inevitably exert a powerful influence for good in the desired direction. The speedy construction of the Tehuantepec Railway will be an inestimable boon to the increasing community of interests between the two republics. The survey about to be made of that Isthmus by an expedition under the auspices of the American Navy Department, will, if successful in its object of establishing the feasibility of interoceanic navigation, do more than anything else that could be suggested to excite in our commercial houses that interest and curiosity which are the precursors of enterprise. Beside giving the widest publicity to the results of that survey, if favorable, might not our Government usefully undertake the scientific survey of other portions of Mexican territory contiguous to our own, with a view to other international public works?

The suggestion made in the closing paragraphs of the able preliminary report on this subject of the Department of State, concerning a congressional appropriation to employ statisticians of ability to collect and collate information upon this subject, seems to me eminently conducive to the attainment of important results, and, in case of its adoption, I would suggest that one or more persons be detailed to the special study of the subject upon Mexican soil. I have addressed a note to Mr. Romero, the secretary of the treasury, requesting him to furnish me certain information and statistics upon several of the matters involved in this inquiry, which I hope to be able to communicate to the State Department by the next steamer.

THOMAS H. NELSON.

IV.—MISCELLANEOUS CORRESPONDENCE RELATING TO FOREIGN AFFAIRS.

A U S T R I A .

No. 213.

Mr. Jay to Mr. Fish.

No. 139½.]

UNITED STATES LEGATION,
Vienna, August 3, 1870. (Received September 14.)

SIR: I have the honor to acknowledge the Department dispatch No. 51, dated the 5th of July, from Mr. Davis, Assistant Secretary, and your dispatch No. 53, dated the 11th of July, both in reference to the cable messages sent by me on the subject of Mr. Bancroft's dispatch on the internal affairs of Austria.

* * * * *

After the treaty of Prague, in 1866, Austria, thenceforth excluded from Germany, accepted the situation adopted under de Beust, a policy of free constitutional government, and devoted herself to the work of reconstruction. Hungary was first reconciled, and the recent bitter feuds were replaced by warm devotion, and Andrapy, proscribed in 1849, is to-day its chief minister. In Cisleitha the work is still progressing under difficulties of which the Department has been steadily advised, and the rivalry between Prussia and Austria * * *

* * * * * had not ceased with Sadowa.

The non-execution of the fourth and fifth articles of the treaty of Prague had not tended to establish perfect confidence; the memory of the Count de Bismarck's declaration to the Austrian ambassador that Austria was an eastern and not a western power, and that her capital was Pesth, and not Vienna, was not forgotten; the disclosure, by General la Marmora in the Italian Chambers, of the letter of the Prussian ambassador, in June 1866, declaring that it was necessary to "strike the Austrian power to the heart," had made a profound impression as coming from their ancient ally, and reminders were constantly supplied by the German press of the intent, still cherished under color of German nationality, to strip Austria of her provinces wherever Germans might be found, however few in number, from her northern border to the Adriatic Sea. When Mr. Bancroft's dispatch appeared, dated at Berlin, with a reference to its colored map to prove Pesth "the exact central point of the totality of the whole empire," with hints of the coming superiority of Pesth over Vienna, and with its intimation that, unless the Austrian cabinet should be governed by the wishes of its German subjects, it might lose its German-Austrian provinces, as it lost Venice and Milan, it is not difficult to understand that such a document, at a critical moment, appearing with a color of American authority, was calculated to surprise rather than to charm the cabinet at Vienna. I say a critical moment, for you will remember that, at the date of Mr. Bancroft's dispatch, when, to give an idea of the existing state of Austria,

he says that it was for the Germans to reconstruct a constitution, they were oppressed with a mournful feeling of regret and discontent increasing their difficulty in this work, while Cisleitha was tending to decomposition, owing to the refusal of the Austrian government to promote the union of Germany, and that any new policy to be adopted after the fall of the Giskra ministry must arise out of a sort of chaos; at this time, the actual state of things * * * * * was, in its essential features, materially different.

Before the date of that dispatch, (April 18,) I had advised the Department that Count Potocki, a Polish gentleman of high character and large wealth, of moderate views and great respectability, had been placed at the head of the ministry, and charged with the scheme of reconstruction; and my dispatches No. 106 (of April 8,) No. 108, (of April 16,) No. 109, (April 18,) No. 116, (April 27,) while advising you minutely and exactly of the progress of things, showed that the policy of the chancellor and of the Count Potocki, instead of being chaotic, was clearly defined. Indeed, in my dispatch on the 8th of April, ten days before Mr. Bancroft wrote, I advised you that the chancellor feared no reaction against the liberal policy he had inaugurated, for, as you are aware, the work of constructing a constitution for Austria, which Mr. Bancroft says the Germans in their grief are going at with so little heart, has been for four years steadily advancing. On this point especially, at which Mr. Bancroft, by his remark that "they began well," seems to leave it to be inferred that only the beginning was well, I prefer, instead of placing my own opinion in opposition to those of my distinguished colleague, to quote some facts cited in the North British Review for October 1869, in an article on the "Constitutional Development of Austria:"

Austria at the close of 1867 was already one of the freest constitutional monarchies on the continent, * * and now were added the equality of all subjects before the law, the admission to public office of any capable subject, the free enjoyment of property, domestic and personal liberty, the liberty of the press, the inviolability of letters in the post office, liberty of creeds, conscience, and science, the separation of judicial from administrative functions, the independence of the judge, the oath to the constitution required from all officials and their responsibility for all unconstitutional measures, the right of the representation of the people on all matters of taxation and military conscription, the creation of an imperial parliamentary tribunal, and, lastly, the enumeration in the delegation law of all the public and common concerns of the different provinces and the method of their treatment. * * * Austria, though far from her ideal, has, since Sadowa, accomplished wonders. The regeneration of the empire, upon the bold scheme of Beust, is progressing with ample strides. And it must not be forgotten that it proceeds upon the natural, historical, and traditional condition of the empire, verified by the modern spirit of the age. No other political body of the continent keeps pace with Austria in the development of its public life; she is rapidly making compensation for the errors and negligences of centuries, and in her progress are to be found the germs of the political revival of the nations of Central Europe.

In the same letter of the 10th of May, I said that Count de Beust hoped to satisfy the nationalities whose opposing demands had created so much trouble, by constitutional amendments in the direction of a federative system, which, while increasing the extent of self-government in the provinces, and recognizing to a greater extent the autonomy of Galicia and Bohemia, will attach them more closely to the empire and increase the national strength of the imperial government.

On the 16th of April, still before the date of Mr. Bancroft's dispatch, you were advised of the unavailing character of the efforts which had been made to induce the German federalists to enter the ministry, headed by the Count Potocki; that Hungary had protested against a continuance of ministerial crises as detrimental to the dual empire; and

that the Emperor had resolved to devote himself to the work of conciliation, and remain in Vienna until the autumn. I then described the situation of the new ministry as one unusually complicated, delicate, and difficult, and remarked: "It now looks as if the coming election will be perhaps the most important that has ever occurred in the empire, as exercising a decisive influence upon constitutional questions of first-class importance. All parties, according to the Viennese journals, appreciate the significance of the situation, and are preparing to open the electoral campaign with manifestation and reunions, and thus the empire seems to take an onward step in the progress of constitutional and popular government."

That dispatch referred at its close to the idea, which had been thrown out, that the federal programme would result in the overthrow of German civilization, and stated that the idea of such danger from the extension of political rights and means of education in their own language to other races, was ridiculed by some of the Viennese papers, including the *Press* and the *Wanderer*.

The next Vienna dispatch (107) on the political situation was dated curiously enough on the very same day, April 18, with that from Berlin; and the difference in their advice is sufficiently startling. It advised the government that the Polish head of the ministry, Count Potocki, a warm admirer of our republic, of its schools and its finances, had declared that the principal changes which he proposed to introduce were borrowed from the American Constitution.

The Vienna dispatch announced a programme of reconstruction, based upon the American Constitution, to be submitted by a Polish minister to a Reichsrath to be elected for the purpose by the people, and to the importance of whose election the people were alive.

The Berlin dispatch announced that the Germans had to do the work of reconstruction; that they were to do it with sad hearts; that any new policy that might be adopted "must arise out of a sort of chaos;" that "the distraction seemed hopeless," and that unless the government adopted the policy recommended in the dispatch, as approved at Berlin, it might expect to lose the Austro-German provinces. * * *

When Mr. Bancroft charges the government of Cisleytha with seeking to impede the union of the rest of Germany, he ignores three important facts: 1st. That, by the treaty of Prague, Prussia had consented with Austria that there should be formed a South German Confederation, so that by the law of the situation Prussia had no right to demand a unification of the whole of Germany. 2d. That Count de Beust had distinctly, in his dispatch to the Austrian ministers at Munich and Stuttgart, disavowed all interference with the question, whatever their wishes on the subject. 3d. That it was the government at Berlin and not that at Vienna which presented obstacles to the union. Würtemberg, for instance, having declared her conviction in 1867 that "the North German Confederation does not offer the necessary guarantees for the enjoyment of civil rights and the progress of liberty;" yet notwithstanding treaty stipulations, notwithstanding Austria's non-interference, however strong her interests or her rights; notwithstanding the substantial reasons assigned by the southern states themselves, Mr. Bancroft declares that unless Austria reconciles herself to the idea of an united Germany, she may expect to be deprived of her German provinces. It is quite true that there is nothing in the least degree novel in the suggestions themselves.

Similar threats of spoliation had been already hinted at in diplomacy and openly uttered by the press. Take, for example, a pamphlet entitled

“Der Zerfall Oesterreichs,” von einem Deutsch-Oesterreicher, “The Decay of Austria,” by a German-Austrian, published at Leipsic in 1867. This writer, whose views and language in the following passage are not in discord with that of Mr. Bancroft, and who uses the same illustration of Venetia, says: “The unified German state (Einheitsstaat) can only then be consolidated when it shall include all the German provinces of Austria, like as the consolidation of the Italian unified state required the possession of Venetia.” Among these German provinces that are to be thus snatched from Austria, this writer includes Bohemia and Moravia. He declares that the Germans will never consent to give up these countries; and he declares further that it is imperatively necessary that the German empire should extend to the Adriatic, and include *Trieste and Istria!*

Another German writer, Von Wolfgang Menzel, the author of “Der deutsche Krieg im Jahr 1866, (“The German war in 1866,”) says quite as distinctly: “A mere glance at the map will show that Bohemia is German land, which the great German nation, at no price, can part with. Its inhabitants are partly Germans and partly Germanized slaves. And merely to gratify a small remnant of Czechisch barbarians,* who have not yet learned German and are wanting in every element of culture, this important country will never be given up;” and he proceeds to show, with the same blending of fondness for the Hungarians with displeasure at the Austrians, which is also conspicuous in Mr. Bancroft’s dispatch, that in this spoliation of Austria there is “for Germans and Hungarians but one and the same interest.” * * * What is to be the fate of this ancient monarchy, whether it is to be dominated by Panslavism under the lead of Russia on the one hand, or whether it is to be absorbed in great part by the military power of an united Germany on the other, or whether, escaping these dangers, it will be able to succeed in the difficult task “of satisfying its various nationalities and consolidating them,

* Of this “small remnant of Czechish barbarians” in Bohemia, the proportion being 3,200,000 Czechs to 2,000,000 Germans, while of the entire area 64 per cent. belongs to the Czechs and 36 to the Germans, some interesting particulars are given in the Westminster Review for July 1870. Ninety-seven per cent. of the children in Bohemia attend school. The Czechs in Bohemia and Moravia have twenty-two political newspapers, two-thirds being daily, three illustrated weekly papers, seven journals and reviews on educational subjects, five on scientific subjects, one on jurisprudence, two on agriculture, two industrial, two commercial, one on pomology, one on chemistry, one medical gazette, two journals of fashion, twelve theological journals, (seven Catholic, and five Protestant,) bringing the Czechish periodical publications to a total of seventy-one. The same review mentions, as not devoid of interest, that four newspapers in the Czechish language are published in the United States.

The investigations of Dr. A. Weisbach on “the weight of the brains of the different peoples in Austria” show the Czechs to have larger and heavier brains, particularly in the upper and frontal regions, than the Germans or any other of the Austrian nations.

Mr. Bancroft says, (on page 5 of his dispatch,) after discussing the reconstruction of Hungary in regard to Cisleythian Austria, (the other duality of the Austro-Hungarian dominions,) “here the Germans were to play the same part as the Magyars in Hungary,” and it is upon this assumption that his argument proceeds, although he admits that they constitute “but about one-third of the whole population of Cisleytha.”

The able and thoroughly advised author of the paper in the North British Review for July 1870, entitled “The Cisleythan Constitutional Crisis,” (pp. 493 and 494,) remarks, in a passage that directly answers the assertion:

“In Hungary this problem (that of determining the exact limits between the autonomy of the provinces and the prerogatives of the ruling powers) has not been solved, it is only less prominent. The constitution of 1848 grants the Magyars a predominance, and the annexed provinces are weak in proportion to the energy and recklessness with which the dominant nation enforces its privileges. *But in the Cisleythan part of the empire there is no such predominance of a single nationality*, and not only the constitution of December 1867, but also the previous one of February, is based on the principle of equality, and the largest possible autonomy of the single provinces.”

with all their differences of race, language, and religion, into a harmonious empire," no man can foresee. The effect of the war now commencing upon the destinies of Europe is equally unknown, and no one can say if Austria will be able to rest in her present position of neutrality, or whether she will be called upon to ally herself with France to protect her Austro-Germanic provinces from the German absorption, which Mr. Bancroft intimates is all but inevitable, unless the cabinet of Vienna will consent to be guided by Berlin.

But whatever the future may bring to light, the Austrian government is now developing a system of constitutional government and popular freedom which, while it encounters sneers and dislikes on the part of the military despotisms of Europe, entitles it certainly to the respectful consideration of the Government at Washington, especially at a moment when it proposes to base the empire on federative principles, akin to those embodied in the American Constitution, and when, in its extension of popular freedom, it borrows its inspiration from the American people.

* * * * *
JOHN JAY.

CHILI.

No. 214.

General Kilpatrick to Mr. Fish.

No. 175.]

LEGATION OF THE UNITED STATES,
Santiago de Chili, April 9, 1870. (Received May 11.)

SIR: Mr. Amunáteque, minister of foreign relations of this republic, has explained to me to-day why a minister has not been sent to Washington. He informs me that the elections alone have prevented the departure of the minister; that it was impossible to spare a single man of importance, as this election, which has been for senators and congressmen, will decide the next presidential election. The contest is now over, and the next steamer will no doubt take out the new minister.

The opposition to the government in the late election has been most determined and successful, and although the government party will be largely in the majority, yet the opposition or radical party has gained over twenty members, and among them the most talented men of the republic. The church party has elected but nine in the house and five in the senate.

In view of the fact that questions of reform in the imperfect constitution of Chili are to be decided, this triumph of the progressive and radically liberal party of the country will result, I have no doubt, in much good; and from the fact that decisions of the Catholic council now in Rome will also be discussed before this congress, as the church in all the Spanish-American republics has ever been considered equal to the state, I also rejoice at the defeat that the church party has sustained.

The only great drawback to the onward progress of this spiritual little republic is the upas-like influence and power of the church, and I have reasons to hope that the late elections will have for their result not only a lessening of the clerical power, but a complete and final separation of church and state.

I would not have you infer from what I have said that the govern-

ment of President Pérez is tyrannical or even illiberal; upon the contrary, I believe that the most perfect liberty now exists in Chili under the existing laws, but the laws are bad; also, so far as I can learn, the elections have been fair and the government has lost, when it could have gained everywhere had the president and his cabinet but taken those measures that the illiberal, bad elective laws of the land permit. To the honor of this just president and the members of his honorable cabinet be it said they have not done so. It is not because I love the party now in power (which is conservative) less, but because I love the principles of the triumphant party (which is radical) more, that I am pleased with the result of the recent elections in this country.

I have the honor to remain, very respectfully, your obedient servant,
J. KILPATRICK.

CHINA.

No. 215.

Mr. Fish to Mr. Frederick F. Low.

No. 2.]

DEPARTMENT OF STATE,

Washington, December 3, 1869.

SIR: It was deemed advisable last summer to acquaint Mr. Bancroft, in anticipation of the arrival of the Chinese mission at Berlin, with the views of the present administration concerning the policy to be pursued toward China. As these instructions contain the substance of most that it is necessary to say to you before you sail to your post, I inclose a copy of them herewith and invite your special attention to them.

You will observe that the President adheres to the policy adopted in 1868, when the articles additional to the treaty of 1858 (commonly known as the Burlingame treaty) were concluded. You will, therefore, so shape your private as well as your official conversation as to demonstrate to Prince Kung the sincerity of the United States in its wishes for the maintenance of the authority of the central government and for the peaceful spread of its influence. You will make clear to the government to which you are accredited the settled purpose of the President to observe with fidelity all the treaty obligations of the United States and to respect the prejudices and traditions of the people of China when they do not interfere with rights which have been acquired to the United States by treaty. On the other hand you will not fail to make it distinctly understood that he will claim the full performance, by the Chinese government, of all the promises and obligations which it has assumed by treaties or conventions with the United States. On this point, and in the maintenance of our existing rights to their full extent, you will be always firm and decisive. While you will put forward these claims where occasion requires, with prudence and moderation, you will be unyielding in demanding the extreme protection to American citizens, commerce, and property which is conceded by the treaties, and in requiring the full recognition of your own official position to which you are entitled.

The instructions to Mr. Bancroft set forth so fully the policy of the United States toward China, the ends to be accomplished there, and the peaceful spirit which is to animate your mission, that I content myself with again referring you to them for your guidance in those respects.

HAMILTON FISH.

Mr. Fish to Mr. Bancroft.

No. 148.]

DEPARTMENT OF STATE,
Washington, August 31, 1869.

SIR: Referring again to your dispatch No. 8, of the 4th of May last, I propose to give briefly the views of the Department as to the policy to be pursued toward China.

I am induced to do this mainly because the *chargé d'affaires* of North Germany has, under instructions from his government, inquired of me whether the President still adheres to the principles established by the additional articles to the treaty of June 18, 1858, which were concluded July 28, 1868. That government has, on several occasions, manifested a desire to harmonize its policy with ours in the Pacific. While I have freely communicated to Mr. Krause the views which we entertain, and have gone so far as to read to him copious extracts from the communications of Mr. Browne and Mr. George Seward from China, I thought as you are soon to meet Mr. Burlingame and his colleagues, it may be well to give you a little more in detail the views of the President on this question. The great principle which underlies the articles of July 1868 is the recognition of the sovereign authority of the imperial government at Peking over the people of the Chinese empire and over their social, commercial, and political relations with the western powers. Although it is true that many of the Christian governments, including the United States, had before then concluded treaties with the imperial government, yet it is scarcely exaggeration to say that their relations at that time were rather those of force than of amity.

The commercial foothold along the coast had been gained by conflict or by demonstrations of force, and were held in the same way. The occupation which, originally hostile, had become commercial—and so far friendly as the relations of commerce demanded a show of amity—aimed in the commencement, with some European settlers, at territorial acquisition; but this tendency had been checked by the rivalry of different nationalities, until the foreign jurisdiction, more by the tacit consent of the foreigners than from any active power exercised by the Chinese, had become limited to the essential matters of the municipal government of the communities of Europeans and the exercise of jurisdiction over their persons and properties. The communication between China and the outside world was merely confined to the trading points. With the intellects that rule that nation of four hundred and fifty millions of people, with the men who gave it its ideas and directed its policy, with its vast internal industries, with its great agricultural population, the traders, consuls, and functionaries of the ports rarely came in contact except in the contact of war. The European-Chinese policy was one of isolation, inasmuch as it only sought the development of a foreign trade at certain particular ports, and of disintegration, as it practically ignored the central government and made war upon the provinces to redress its grievances and to enforce its demands.

It is true, indeed, that by the treaty of Tien-tsin, in 1858, the privilege was secured to the United States and the European powers to maintain legations at Peking, and that for the ten years that followed diplomatic representatives resided there. It is also true that from that residence and the contact with the higher Chinese officials there has come a better knowledge of the Chinese nation, and of the relation between its people and its government; but it is none the less true that those treaties closed a war which resulted disastrously to China; that before their ratifications could be exchanged another war became necessary to enforce them; that the concessions they contained were forced from the imperial government; that the new policy was not favored by the Chinese statesmen; that it did not measurably increase the personal intercourse between the natives and the Europeans; and that many of the wisest of the Chinese rulers honestly dreaded any increase in such intercourse, as tending to the introduction in China of the labor-saving machines of the west, which, in their judgment, would throw multitudes of people in their thickly-settled country out of employment, reduce them to beggary and starvation, and inflict irreparable woes on China. For an able and temperate statement of these views by a person who is described by Mr. Browne as a man "of acknowledged ability and commanding influence," "who is regarded as the most enlightened statesman of the empire," I refer you to the remarkable inclosure, marked No. 1, which I shall subsequently allude to further. To say that such views are fallacious and obsolete; that they are confuted by the experience of western nations like England and Belgium, which have as great a population to the square mile as China; that they are opposed to all sound theories of political economy, does not meet the case. The facts remain that they did at one time control the policy of China, and that they are still adhered to by many of her leading statesmen; and in dealing with this question these facts must not be lost sight of.

The treaty negotiated by Mr. Burlingame and his colleagues was a long step in another direction. It came voluntarily from China, and placed that power in theory on the same diplomatic footing with the nations of the western world. It recognizes the imperial government as the power to withhold or to grant further commercial

privileges, and also as the power whose duty it is to enforce the peaceful enjoyment of the rights already conferred.

While it confirms the interterritorial jurisdiction conferred by former treaties upon European and American functionaries over the persons and properties of their countrymen, it recognizes at the same time the territorial integrity of China, and prevents such a jurisdiction from being stretched beyond its original purpose. While it leaves in China the sovereign power of granting to foreigners hereafter the right to construct lines of railroads and telegraphs, of opening mines, of navigating the rivers of the empire with steamers, and of otherwise increasing the outlets for its wealth, by the use of the appliances of western civilization, it contemplates that China shall avail herself of these appliances by reasonable concessions, to be made as public necessities and the power of the government to influence public opinion will permit. This treaty has not yet been ratified by the imperial government, and I am informed by Mr. Browne that Prince Kung "deems it advisable to defer the exchange of ratifications till the return of the Chinese plenipotentiaries." Mr. Browne does not "infer any slight to our government from this delay, or any want of appreciation of its friendship," and he thinks that "the true cause of the delay may be found in the peculiar attitude of China toward all the treaty powers." "When the government of China," he adds, "is satisfied that it will not be injurious to its interests to accept these articles, it will do so."

The President has been disposed to view this matter in the same light, and, therefore, has not pressed for a ratification, feeling confident that, as the treaty is so much in the interest of China, the statesmen of that empire must inevitably see the propriety of authorizing the ratification to be exchanged. Rumors reach us by telegraph from Hong-Kong, by way of London, that the imperial government have decided not to ratify this treaty, but we are not inclined to credit them, as they are opposed to the general tenor of our information. Some things have taken place, however, which, regarded by themselves, tend to lead us to the conclusion that it is possible that China may reverse her policy; and in order that you may have full information on this subject, it is proper that I should briefly state them.

Not long after the treaties of Tien-tsin, what is known as the coöperative policy of the great powers in China began; I think this dates from about the year 1863, but it is immaterial for my present purpose whether it began earlier or later. Under this policy, favored by the fact that most or all of the treaties with the western powers contained the most favored-nation clause, the Christian communities of all nationalities in China have been regarded as having a common political as well as commercial interest, to be pursued under joint counsels, and it has followed from this, that in important matters the Chinese officials have been made to see, sometimes even with a show of ostentation, that there was a substantial unity of design among all the powers. The apprehension has been expressed lest the operation of the eighth article of the treaty of July should put a stop to this coöperative policy; and I am bound to say, that so far as that policy was aggressive and attempted to force upon China measures which could not be enforced upon a European or American state by the rules of the equitable code which regulates the intercourse of civilized nations, in my judgement, that article may, when ratifications are exchanged, prevent the United States from participating in such a policy.

The question becomes a practical one from the fact that the revision of the British treaty of 1858 is under consideration. The twenty-seventh article of that treaty provided that either party might "demand a further revision of the tariff and of the commercial articles of the treaty at the end of ten years; but if no demand be made on either side within six months after the end of the first ten years, then the tariff shall remain in force for ten years more, reckoned from the end of the preceding ten years."

The thirtieth article of the treaty between China and the United States, of 1858, provides that "should at any time the Ta-Tsing empire grant to any nation, or the merchants or citizens of any nation, any right, privilege, or favor connected either with navigation, commerce, political and other intercourse, which is not conferred by this treaty, such right, privilege, or favor shall at once inure to the benefit of the United States, its public officers, merchants, and citizens." Thus the United States became directly interested in the revision of the British concessions.

It being well understood that Great Britain would, when the time came, demand, among other things, the right to navigate the interior waters of the empire with steam, the right to construct and to hire warehouses in the interior for the storage of goods, and the right to work coal mines, the government at Pekin, on the 12th of October, 1867, took steps to get information from the different parts of the empire upon the subject of the revision. Among others, Tsang-Kwohfan, acting governor of the provinces of Kiangru, Nganhoui, and Kiangri, "a man over 70 years of age and of distinguished reputation throughout the empire," received these instructions, and made, in answer to them, the able report, to the copy of which, herewith inclosed, marked No. 1, I have already called your attention.

Though the work of a conservative mind that clings to the traditions of the past,

and sees few good results in change, it is moderate and temperate, and must be conceded to be, from the Chinese standpoint, a not unwise view of the subject. With all its conservatism it is easy to trace in it the enlarging and modifying influences of contact with the west.

In substance, however, it recommends the Emperor's advisers not to grant the important new concessions asked for by the government of Great Britain.

In November last the expected demands were made on the part of Great Britain by Sir Rutherford Alcock, in a personal interview with Prince Kung and some of the other ministers. They were made in strong language, as necessary to the proper enjoyment of the rights conceded by the treaty of 1858, and the Chinese government was warned in advance of the probable course Great Britain would pursue in case of refusal. The American minister gave Sir Rutherford Alcock the support of his presence at the interview, and afterward received from Sir Rutherford full copies of an account of it, which was drawn up in the British legation and transmitted to Prince Kung. I inclose, marked No. 2 and No. 3, copies of these documents.

Prince Kung, on his part, soon replied in a dignified and moderate way to the peremptory demands of Sir Rutherford Alcock. He admitted the substantial accuracy of Sir Rutherford's account of the interview. He said that China and Great Britain could not be coerced into a similarity, neither could either wholly adopt the usages of the other. He deprecated the entire submission of China to the demands of the foreign merchants. He denied that there had been willful violations of the treaty. He stated, in detail, many points in which China is prepared to make concessions, which will, he thinks, give to the foreign merchants all they ought to ask. But to admit steamers on the interior lakes and rivers, to establish honges, and to carry on mining operations in the interior, will, in the judgment of the prince, be so distasteful to the people that it will be impracticable for the government to attempt to carry out the terms of such a concession should it be made; and Great Britain, in that case, would have just cause to upbraid China for bad faith.

To the representation that these concessions would be beneficial to China, the prince replies that a good physician ascertains the condition of his patient before deciding on the remedies, and intimates that he knows the condition of China better than Sir Rutherford Alcock does; and he closes by furnishing the British envoy with a memorandum of the basis for a revision which will be acceptable to the Chinese government. I inclose copies of these papers, marked No. 4 and No. 6.

As Mr. Browne had, in pursuance of the cooperative policy, interfered personally and in writing (see inclosure No. 5) on behalf of the British claim for a revision, Prince Kung, about the same time, addressed a note to him, of which I inclose a copy, (No. 7.)

The basis for a revision, which was proposed by the Chinese government, conceded the opening of landing stages on the Yangtse at points to be agreed upon; the working of mines in the vicinity of one or more of the treaty ports; the right of inland navigation by vessels not propelled by steam, this restriction to cease when Chinese use vessels propelled by steam; a steam-tug on the Poyang Lake; and the free right to travel throughout the land, and to hire lodgings and accommodations for produce or goods.

Mr. Ross Browne, who sympathized and cooperated with the British minister throughout the negotiations, appears to think that the points gained may become of importance as a starting point for negotiations hereafter. I inclose you a copy of his letter to Sir Rutherford Alcock on the subject, (No. 8.)

The British minister at Washington, on the 9th day of June last, notified the United States of the decision of her Majesty's government on this subject, by which it would appear that they have decided to accept the situation and wait quietly the operation of the causes which are working in the Chinese mind. I inclose (marked No. 9) a copy of an extract from a letter from the board of trade, which has been sent to Sir Rutherford Alcock for his guidance. Such course strikes me as wiser than the more vigorous policy which Sir Rutherford Alcock seems to have contemplated. The points gained may not be as important as could be desired, yet they have been gained peaceably, by negotiation, and are yielded by China as a right flowing legitimately and necessarily from former treaties.

It certainly looks, on the face of this correspondence, as if the conduct of the Emperor's ministers had been inspired from the first by a sense of duty, by a desire to observe good faith toward the western powers, and by a willingness to extend commercial relations with those powers, when they felt that they could do so without prejudice to their own position and without injury to the people whose government was intrusted to them.

I will not dwell upon the obvious difficulty of inoculating new ideas upon such a people, nor upon the evident fact that intelligent statesmen like Prince Kung and his associates, measure those difficulties quite up to their full value.

Every consideration, from whatever point of view, leads me to believe that it is neither wise nor just to force the Emperor's advisers into a position of hostility so long as we have cause to think that they are willing to accept the present situation, and to

march forward, although with the prudence taught them by a Chinese education. You will undoubtedly meet Mr. Burlingame and his associates in Berlin. You will, if you please, ascertain from him whether he has definite information as to the intentions of the ministry at Peking. Unless it shall appear that they have already decided not to ratify the treaty of 1868, or unless you shall be satisfied that such will be their decision, and that the policy inaugurated by Mr. Burlingame is to be reversed, you will render him and his associates whatever assistance you can, in securing the coöperation of North Germany in the new Chinese policy. You will also doubtless have an opportunity to impress upon Mr. Burlingame the importance to China of an early ratification of the treaties. I have stated already that the President has no solicitude as to the purpose of the Emperor's advisers in that respect. But he thinks it would be well to have defined in a permanent law, as soon as possible, the relations that are hereafter to exist between the United States and China.

Many considerations call for this beside those which may be deduced from what has gone before in this instruction. Every month brings thousands of Chinese emigrants to the Pacific coast. Already they have crossed the great mountains, and are beginning to be found in the interior of the continent. By their assiduity, patience, and fidelity, and by their intelligence, they earn the good will and confidence of those who employ them. We have good reason to think that this thing will continue and increase. On the other hand, in China there will be an increase in the resident American and European population, not by any means commensurate with the growth of the Chinese emigration to this country, but corresponding with the growth of our country, with the development of its resources on the Pacific slope, and with the new position in the commerce of the world which it takes with the completion of the Pacific Railroad. These foreigners settling in China, occupying the various quarters assigned to them, exercising municipal rights over these quarters by virtue of land regulations, either made by them or for them, by their home governments, cease to be an aggressive element in China, when once the principles of the treaty of July 1868 are promulgated, as the law hereafter to regulate the relations between Christendom and that ancient empire. You will also say to Mr. Burlingame that, while the President cordially gives his adhesion to the principles of the treaty of 1868, and while he will, should that instrument be ratified by China, cause it to be faithfully observed by the United States, yet he earnestly hopes that the advisers of his Majesty the Emperor may soon see their way clear to counsel the granting of some concessions similar to those asked for by Sir Rutherford Alcock and Mr. Ross Browne. He will not assume to judge whether the temper of the people of China will or will not at present justify their rulers in doing so; but he thinks that he may, without impropriety, say, that when it can be done without disturbing the good order of the empire, the results must be eminently favorable to the welfare and well-being of the Chinese people. And he trusts that the statesmen of China, enlightened by the experience of other nations, will hasten at the earliest moment, when in their judgment it can safely be done, to respond to the friendly feeling and good wishes of the United States by moderating the restrictions which fetter the commerce of the great empire over whose destinies they preside. He relies upon Mr. Burlingame and his associates to impress upon their chiefs at home that the views of such men as Tsang Kevohfan, however honest, are delusive; that experience, patent before them in every country through which they travel, has shown them that the evils which seem to be dreaded by the oriental rulers do not follow the free use of steam and of the telegraph; but that, while these inventions improve the condition of all ranks in the community which uses them, their greatest meliorating influence is felt among the laboring classes.

I am, sir, your obedient servant,

HAMILTON FISH.

N. B.—Since writing the foregoing instructions, I have received from Mr. Burlingame a telegraphic dispatch dated August 31, 1869, in which he says: "I have received a dispatch from the Chinese government expressing strongly their satisfaction with, and acceptance of, the treaty negotiated at Washington."

[Inclosures.]

No. 1.—Report of Tsang, acting governor general, &c., of Kiangsu, &c., &c., relating to proposed revision of the treaties.

No. 2.—Sir Rutherford Alcock to Prince Kung, November 9, 1868.

No. 3.—Heads of a communication from Sir Rutherford Alcock to the Yamèn, November 9, 1868.

No. 4.—Prince Kung to the British minister, December 5, 1868.

No. 5.—Mr. Browne to Prince Kung, November 23, 1868.

No. 6.—Chinese basis for revision of British treaty, December 8, 1868.

No. 7.—Prince Kung to Mr. Ross Browne, December 17, 1867.

No. 8.—Mr. Browne to Sir Rutherford Alcock, December 17, 1868.

No. 9.—Secretary of the board of trade to Mr. Hammond, May 19, 1869.

No. 1.

Report of Tsang, Acting Governor General, &c., of Kiangsu, relating to proposed revision of the treaties

Tsang, the acting governor general of the provinces of Kiangsu, Nganhwui, and Kiangsi, reports to the throne that, in obedience to the imperial will requiring previous consultations as to the points to be attended to in revising the treaties, he now reverently incloses a secret statement, upon which he humbly begs the sacred glance.

On the 20th of October last, I was honored by a secret dispatch from the general council, stating that on the 12th of that month the following decree had been received by the board:

"The Foreign Office has memorialized the throne respecting the desirableness of previous consultations upon revising the treaties, and requested that orders might be sent to the high military and civil officers, in whose jurisdiction are situated the coast and river ports open to foreign trade, requiring each of them to send in his views, [upon the points specified.]

"The period of ten years, at the end of which the treaties are to be revised, being near its close, the Foreign Office sent up a request that orders might be sent to the two superintendents of trade for the northern and southern ports, to select from among their ablest and experienced officers two persons to bring these several reports to Peking in November. We accordingly gave orders at the time to the proper officers to carry it into effect. But that memorial proposed that when these deputed messengers had brought up all the plans and careful suggestions, [of the provincial officers,] their deliberation must await our decision in view of the exigencies of the whole question.

"The month of January 1868, being six months before the expiration of the British treaty, is the time when notice must be given of its revision; and the reports of all the civil and military provincial functionaries ought without fail to reach Peking by December 1867. Then, when the several confidential orders from the Foreign Office respecting the articles to be discussed have reached their addresses, let the officers all examine this matter, in view of what the times require and our resources allow, so that everything be completely arranged, and a careful memorial be reported in reply. We shall thus be assisted in meeting the difficulties of the occasion, and they will fulfill the purpose of their offices. Respect this."

From this I am led to look up to his Majesty's far-reaching plans, by which he thus obtains the views and conclusions of the experienced and talented among his officers, and I have endeavored in the sincerest manner to carry out the design. The first dispatch and the secret letter from the Foreign Office have both been carefully considered in every point. The design is to firmly maintain our own views, without hazarding the safety of the present situation, connected with the desire to wipe out our shame and redress our wrongs without giving those parties reason to suspect our plans. A scheme like this is really doing what the times require and our resources allow, and I have most painfully labored to carry out the duties committed to me.

In order to aid in the consultations respecting the revision of the treaties, as soon as I received the confidential letter from the foreign office, in May, I sent directions to the collectors of each custom-house to make careful inquiries, arranging their reports under various heads. I myself most carefully examined them, and added notes as needed, and then forwarded them from Shanghai on the 18th of September, by the expectant intendant, Sun Sz'tah, and another deputy, to be thoroughly sifted and collated at Peking.

In respect to the various points touched upon in the decree which I have now received, I humbly beg to suggest that in all our intercourse with foreign nations the most important things to be regarded are *good faith* and what is *right*, and perhaps even above these should be placed *decision*. Those things which we cannot yield should, from first to last, be firmly declared, and not retracted under any circumstances; but those privileges which we can liberally yield might be made known to them in direct and plain terms. Let our words be maintained when once spoken, and let no alternate concession and refusal be exhibited, which by its aspect of indcision and weakness will only open the door for the wily propositions and arguments of the other party.

It may be said in general that, during many centuries past, the inhabitants in western lands have been striving to encroach on each other's kingdoms; and in every case one has tried to possess itself of the profits of the other's trade, as a preliminary to getting hold of its territory. They have established places of business throughout China, and trafficked or become carriers in all kinds of produce, simply that they may carry out their unscrupulous schemes of injury, which will end in depriving our merchants of their means of livelihood.

Since the time when we raised troops against them, our people have long suffered every grievous calamity. If we now open three or five more ports to their trade, and the entire length of the Yangtse River, it will daily add to the distress and indigence of our poor people, who, alas! are now nearly quite driven to the wall.

If we listen to the proposal of the foreigners to open the trade in salt, our own trade in and transportation of the article will presently be brought to nought. If we consent to their scheme of building warehouses, [in the country,] the occupation of those who now keep the inns and depots will likewise suffer. Their demand to have their small steamers allowed access to our rivers will involve the ruin of our large and small boats, and the beggary of sailors and supercargoes. So, also, if we allow them to construct railroads and set up telegraph lines, the livelihood of our cartmen, muleteers, innkeepers, and porters will be taken from them.

Among all the various demands which they make, however, that of opening coal mines should be excepted; for by working mines in the foreign way, and employing machinery, our own country would be permanently benefited, and it appears to me, therefore, worthy of a trial. The suggestions of Ying Pau-Shi (now intendant at Shanghai) upon this point, in his minutes, seem to be feasible, and I have marked some notes upon it in approval.

In regard to the two proposals of steamers going up all our rivers, and of building railroads, if foreigners are allowed to carry them on, the profits and advantages of our own country will gradually be carried off to other lands; and even if our own subjects join such enterprises, and get foreigners to conduct them, the rich and the strong will then engross the labor of the poor. Neither of them, therefore, are admissible.

In explanation of these points I have already forwarded my own observations, in the dispatches sent in care of Sun Sz'tah and his colleague, in which I have discussed each clearly in the interest of the thrift and livelihood of our own people, fortifying my positions with such arguments as cannot be gainsaid. If, however, the foreigners press for their adoption unceasingly, it will be desirable to let them know that even if they should be able to force the authorities at Pekin to consent, the provincial rulers, like myself and others, would still resist their introduction with all our strength; and if, by some means, we, too, should be compelled to give our consent, there would still remain the myriads of common people, who, in the extremity of their poverty, would see how they could better themselves, and rise to oppose the foreigners in a manner that all the authorities in China could not curb or repress. The princes and magnates of the middle kingdom need have no lack of argument in pleading for the lives of their people; and even if our course should bring about a rupture, and we resort to force to preserve the rights and employments of our people, the struggle would not be owing to a mere empty discussion on things of no importance. On the one hand, we could appeal to Heaven, earth, and our sainted emperors, and on the other to the inhabitants dwelling within every sea, [for the justice of our cause.] We, in fact, between these parties ought to fear nothing as to the result, as after it we would have nothing to repent of.

Upon the questions of granting an audience, sending ministers to foreign courts and permitting the propagation of religion, I did not make any observations in the dispatch forwarded to Pekin.

I have humbly ascertained, however, that in the year 1676* our canonized sovereign, the Emperor Humane (Kanghi) admitted the Russian Nicholas and others to the presence, but the offerings given and ceremonies then practiced cannot now be fully ascertained. Though it is certain that the Russians were then discussing the frontier between our two countries, and the conditions of trade between us and them, they were still treated as an empire of equal position, and in a manner totally different from the usages practiced toward the Coreans and other outside tribes. The same treatment that Kanghi extended toward the Russians has since, during the reigns of Tau Kwang and Hien Fung, been shown towards the British, French, and Americans, *i. e.*, regarding them all as equal nations. Our sacred dynasty, in its love of virtue and kindness to those from afar, has no desire to arrogate to itself the sway over the lands within the boundless oceans, or require that their ministers should render homage; and it will be suitable if, when your Majesty yourself takes the reins of government, they request an audience to grant it. The suitable presents and ceremonies can be settled at the time; for, as the envoys represent nations of equal rank, they need not be forced to do what is difficult. This course, on the whole, befits best the equality admitted, and exhibits our courtesy and dignity at the same time.

In regard to sending embassies abroad, the constant intercourse between us and other countries with whom we have amicable relations will constantly cause questions to arise. The risk of our envoys disgracing those who sent them, and the fear of involving ourselves in vast expenses, are both subjects of anxiety. It may be found best for the high officers of both our own and foreign nations, to carefully consider the condition of affairs, and when necessary recommend those whom they would send; the ability of these men being ascertained, they could await the time for employ. Their official rank, [in our service,] and the period of sending them, are not required

*No embassy from Russia is recorded in Du Halde as having come to Pekin this year: that of Ysbrandt Ides was in 1689, but an envoy also came into Pekin the year before. Who is here referred to by *Nicholas* is not clear, but the date in the text is probably wrong.—*Translator.*

† This word is not found in one copy.

to be fixed beforehand. If suitable men can be found, send them; but not, if none are ready, keeping the power of doing so always in our own hands; nor should other powers, if we are unwilling to send envoys, regard it as a cause for hostilities.

I have just received the dispatch from the foreign office respecting the appointment, by his Majesty's order, of Chi Kang and Sun as our envoys to western countries. Henceforth there will be a perpetual interchange of civilities; the affairs of diplomacy will gradually increase; and though it may be found that one or two of our agents may prove unfit for their posts, who can tell whether such envoys as Su Wu, Pan Chau, Fu Peh, and Hung Hau* may not again arise?

Seeing, therefore, that this point has for its objects the honor and prosperity of his Majesty, and the smoothing over difficulties, it seems best, on the whole, to accede to it.

In respect to affording facilities for the propagation of religion, I may be allowed to observe that the Roman Catholics began their work by tempting men to join them from mercenary motives; but latterly most foreign missionaries have been poor, and as they could not hold out so many advantages, their doctrines have not been believed. From the days of the Tsin and Han dynasties, the doctrines of Confucius and the sages have been rather obscured, so that Buddhism has got gradually the ascendant; yet Buddhism has been very greatly supplanted in India, its original country, by Mohammedanism. So, too, Romanism, which arose in the Roman empire, and obtained the supremacy; but subsequently Protestantism has vigorously opposed it. From these facts it is evidently plain that all these different religions fluctuate, having their rise and fall; while the doctrines of Duke Chau and of Confucius suffer no attrition during the lapse of ages, but still suffice to regulate the government of China, correct the manners of its people, and exalt the dignity and institutions of the land. If, therefore, the adherents of these other doctrines take every method to promulgate them, they will after all get but few supporters and converts. As there are many churches in the districts and prefectures in every province already erected, there can be no want for allowing them to erect any more. Should the foreigners, then, at the coming revision of the treaty, persistently press their demands on this head, it will be enough to promise them that, whenever occasion requires, protective orders will be issued in regard to this faith. It will not be necessary to add an additional article, and I think they will not ask further, or often urge it.

These latter points, whose results are not likely to be very disastrous, need not be debated so as to cause bitterness, though they ought not to be instantly granted when asked for. But the other demands for railroads, steamers going up the rivers, opening the salt trade, and building warehouses in the interior, are so disastrous to the occupations of our people that they ought to be strenuously resisted. Bitter disputes need not arise about them, nor harsh language be used, but the points can be discussed good-humoredly, and fair, truthful arguments employed to convince them, at the same time, that we are decided not to grant them. Let them fully know that a regard for the welfare of the people as the means of preserving the state has been the constant principle of our ancient rulers through all ages, and also the law of all the sovereigns of our reigning family. Many affairs now demand our attention, while the foreigners are afraid of nothing; yet we cannot assent to everything they ask without any reference to its propriety, and disregard the necessities of our own people.

Should the day come when China gets the ascendant, and foreign nations decay and grow weak, we then should only seek to protect our own black-haired people, and have no wish to get military glory beyond the seas. Although they are crooked and deceitful, they yet know that reason and right cannot be gainsaid, and that the wrath of a people cannot be resisted. By employing a frank sincerity on our part we can no doubt move them to good ways, and then everything will be easily arranged to satisfaction.

These humble views are submitted, crude and immethodical as they are, for examination, that those which are deemed proper may be carefully considered.

A respectful memorial, drawn up in accordance with the decree concerning the revision of the treaty, and now sent by courier at the rate of 400 li (125 miles) a day, [to Peking,] and upon which I humbly beg their Majesties the Empress Regents and the Emperor to bestow a sacred glance, and command their instructions on it.

*These are four distinguished envoys. Su Wu was sent, in the year B. C. 100, to a tribe of the Scythians; Pan Chau, in A. D. 87, attacked an army beyond the great wall, with whom he made a favorable peace; Fu Peh, in A. D. 1042, was sent to resist the Kitans, who had occupied districts south of the wall, and made them retire; and Hung Hau, in A. D. 1143, returned to Hangow from an embassy to Mongolia.

No. 2.

Sir Rutherford Alcock to Prince Kung.

PEKIN, November 9, 1868.

SIR: As arranged in our interview this afternoon, I have the honor to forward the Chinese text of the communication which I made verbally to your imperial highness and the ministers of the Yamèn.

The object for which I sought a personal interview is so important, and the interests dependent on the decision that may ultimately be taken in reference to the measures proposed are of such magnitude, that I deem it essential the exact tenor of the observations and statements exchanged to-day on both sides should be on record. It will further serve to prevent any uncertainty or misapprehension by giving your imperial highness an opportunity of correcting any erroneous impressions I may have carried away from what passed in conversation.

Mr. Adkins, acting as interpreter, gave as closely as possible the purport of the inclosed memorandum, and various observations were made upon the several subjects referred to in the nineteen paragraphs, both during the interpretation and subsequently by your imperial highness and other members of the board.

As I understood these, the general purport was to the following effect: the Yamèn expressed a desire for progress in so far as it might be in their opinion practicable and safe, keeping in view the present state of the country, but they claimed to be the sole judges both as to the measures to be adopted, the mode of execution, and the time for their introduction. It was contended that there were very serious difficulties to be encountered in the path of progress, and in any measures involving change from old established customs and principles, and nothing sudden could be ventured upon. China had national interests at stake which must be fully considered before any innovations could be made, and foreign powers must see the necessity of this, and consent to wait until the time should arrive when the way could be more clearly seen to a good end. The object of the Chinese mission was to represent these things to the treaty powers, and as for any articles of a treaty Mr. Burlingame may have signed they had not yet received the Chinese text, but as plenipotentiary he had no authority to bind the Chinese government by anything he might do without the ratification of the Emperor.

In answer to this, I observed such was the well-understood rule in all the relations of foreign powers. No minister could bind his government by any act not subsequently ratified by the government. But as to the necessity for waiting indefinitely until the Chinese government saw their way more clearly, I called attention to the fact that it was fast approaching ten years since the treaty of Tien-tsin was signed; that during the whole of this period there had been a manifest want of execution in many of the most important clauses, and her Majesty's government thought the time had arrived for removing the causes of this all but total failure; and more especially the obstructions created by the provincial officials, and fatal to the development of commerce in the interior, for which object mainly the treaty was entered into by Great Britain. These obstructions could not be removed without greater facilities for inland navigation and residence than had heretofore been allowed, and the effective working of coal mines under foreign supervision, with all the arts and appliances of European science. Hence my insistence on these points. For if the Chinese government claimed the right to take their own way and choose their own time as to any correction of abuses, progress, or material improvements, foreign powers had a still more undoubted right to insist upon the faithful execution of treaties without any delay whatever, and that from the first day. And the time had now arrived in my opinion when no more delay ought to be suffered to take place.

Your imperial highness I think interposed to say it was not part of the obligations of treaties for the Chinese government to take any one of these steps I had urged, to which I replied that these particular measures were not specified in any of the treaties, but in all it was expressly stipulated that trade should be allowed in the interior, exempt from obstructions from the authorities, and illegal exactions. It was enough, therefore, to show by the experience of the last eight years that there had been a failure of execution in these particulars, and that nothing short of the measures indicated could lead to any better result to give a right to any foreign power, seriously damaged in its commercial interests, to insist upon their adoption, not because they were enumerated in the treaties, but as the essential condition of the more faithful observance of treaty rights and stipulations. The right to trade in the interior, like all other rights, carries with it whatever may be necessary to its fair and full enjoyment. The first of these necessary conditions is ready access to the interior; the second, freedom from vexatious interference, and taxation contrary to treaty; and the third, such accommodation for persons and goods as may render trade in any large sense possible. To deny these is to nullify the treaty, and to defeat its most important object.

In improvement and progress, so far as those were in the interest of China alone, the Emperor might claim an exclusive voice, but in measures needful to the execution

of treaties, China no longer stood alone, and must of necessity adopt them, if disposed to act in good faith, and avert reclamation.

The American minister, having been present at this conference, took part also in the discussion, and no doubt will himself place on record the observations he offered for the consideration of the Yamèn.

I will merely recall to your imperial highness's memory one or two leading points as bearing more especially on the preceding. Having been appealed to on the subject of the Chinese mission and the declaration made by Mr. Burlingame, as the chief, when in the United States, he bore distinct testimony to the general accuracy of the statement contained in the fourteenth paragraph, and further added that great disappointment would be felt by the Government and people of the United States if nothing decidedly progressive were to result from the negotiations on the approaching revision of the British treaty. He reminded your imperial highness that some 60,000 Chinese subjects were residing in California, with full liberty to work and to trade wherever they pleased, whether in mines or towns, and that they had all the privileges the most-favored-nations clause could give, and equality of rights and treatment demanded reciprocity in China. Your imperial highness remarked in reply, that those Chinese were no doubt subject to given laws and jurisdiction, and if American citizens were equally subject in China to Chinese laws, they might have all the privileges of Chinese subjects also.

The American minister observed in answer that the difficulty here lay in the fact that there was no code of laws in China which could be accepted by western states, but as soon as a written code should be in existence, based on the same general principles as those constituting the law with minor modifications of the western world, the difficulty would cease. In the mean time the right to travel, to trade, and to reside as the consequence of the former, existed by treaties, though under different conditions in the two countries, and could not be refused.

Some further observations followed on my part, but as these were interrupted and left incomplete from the sudden indisposition of one of the ministers, I beg leave to state here in a more complete and connected form the remarks with which I intended to conclude.

Your imperial highness had remarked that careful consideration was needful; for, of many demands made, some were disadvantageous to Chinese interests, and could not on that account be accepted; others again would be a benefit to neither if acceded to, and for that reason ought not to be granted.

I wished, in answer to this general argument, to lay before your imperial highness strong reasons that existed for concluding that in matters of commerce the interests of China and foreign nations are identical, and what was really beneficial to the one could not be injurious to the other. Moreover, that Great Britain had not only preponderating interest in asking nothing which could inflict injury on China, but had, by deeds during the last eight years better than by words, shown unmistakably the earnest desire of her Majesty's government to uphold the present rulers of China, and preserve the nation from falling into anarchy. Nearly all the treaty ports had, at some time or other, either been saved from falling into the hands of insurgents or recovered from them, chiefly by the aid of British forces. That, if it is said, in freely spending blood and treasure in the work, we were at the same time but protecting our own interests or the interests of trade in general, it may be quite true, but the argument only goes to prove the truth of my previous statement, that British and Chinese interests, where trade is concerned, are mutually dependent, and, to a great degree, identical. What permanently injures the one is a no less certain injury to the other. The British nation would, therefore, in their own interest, be the last to claim of the Chinese government concessions calculated to inflict an injury on the native population and trade, or even to weaken the power of the present government to maintain order and peace throughout the empire. It would be enough to show that either of these results must inevitably follow the measures now proposed to deter the British government from insisting upon their adoption. On the other hand, if this has not and cannot be shown, while it is easy to demonstrate that, without increased facilities of transport into the interior and for the storage of goods than has hitherto been conceded, no extension of foreign trade into the interior is practicable; and without effective measures for the removal of obstructions and exactions, persistently insisted upon by the provincial and local authorities, no free development of that trade is possible, as the experience of the last eight years has shown what can the refusal to adopt such measures be held to indicate but a determination to persevere in a course which amounts to a nullification of the treaty in its most important object, which, it cannot be too often repeated, was the protection and extension of trade throughout the empire. No foreign power, with large interests at stake, can be expected to submit patiently or indefinitely to so flagrant a wrong in violation of a treaty which was the last result of a costly war. If a nation incur all the expense in life and money of a great war 14,000 miles from their own coast to defend their interests and protect their commerce, it is impossible to suppose it will see that object entirely defeated by failure of execution in

the treaty stipulations, which were the price of peace. If, as your imperial highness would seem to contend, the treaty of Tien-tsin does not stipulate for such measures as these now proposed, seeing that no trade in the interior can prosper without them, all that can be said in reply is, that were this to be admitted by her Majesty's government it would only afford an additional reason for claiming such revision as should supply the deficiency.

But I still hope your imperial highness and the ministers of the Yamèn, collectively, will see that the time has arrived for removing all just cause of complaint and placing the trading relations of British subjects in the interior on the footing of security and immunity from illegal taxation and obstruction, without which the treaty itself becomes a dead letter.

This day eight years ago Lord Elgin and the army that accompanied him left the gates of Pekin after having secured the ratification of the treaty of Tien-tsin, and, in negotiation with your imperial highness, a further convention, that, in the terms of your proclamation then issued, "Hereafter the weapons of war may forever be laid aside, and all should join together in the work of promoting peace." In that work of peace, and by peaceable means alone, we are now engaged in such revision as may tend to remove abuses and restrictions on trade clearly contrary to the spirit of the treaty then ratified and confirmed at Pekin, and I will not allow myself to think that there can be any ultimate failure, whatever difficulties may have been experienced hitherto in coming to a mutual understanding on the important subjects under discussion.

RUTHERFORD ALCOCK.

His Imperial Highness the PRINCE OF KUNG, &c.

No. 3.

Heads of a communication made by Sir Rutherford Alcock to the Yamèn, November 9, 1868.

The British minister has asked for this interview to assure himself that the prince and ministers of the foreign board clearly comprehend the present position of affairs as regards the proposed measures for the better execution of the treaty and the approaching period for a revision.

1. All the measures hitherto proposed by the British minister have been measures essential to correct well ascertained abuses and insure the execution of existing treaties.

2. These measures, if not according to the letter, are entirely in the spirit of the treaties, and, if refused, it will impose upon her Majesty's government the necessity of determining, without delay, what further steps may be fitting to arrest their indisputable right to a full and perfect execution of all the treaty stipulations. For ten years past there has been a total failure in respect to many essential articles. Whether singly or in concert with other treaty powers, all of which have the same grounds for action, the Yamèn may rest assured action will be taken. Her Majesty's government will not accept such a decision as a final solution of the questions now under discussion, or submit to a continuance of wrong from a persistent failure of execution of the treaty for so many years.

3. It was to avoid this necessity and to conciliate all interests that the British minister suggested a Chinese commission to investigate and discuss the proper steps to be taken. To give effect to these deliberations he has subsequently entered into direct negotiations with the Yamèn, hoping to convince them that he had demanded nothing which could be rightly refused; nothing that was not both reasonable and practicable, as well as consistent with the best interests of China.

4. So far it appears he has but partially succeeded, and he has determined, therefore, on this last effort, face to face, to demonstrate the necessity as well as the advantage of concession, and the danger of breaking off all further negotiations with an unsatisfactory result.

5. On many questions, and some very important ones, they have happily come to an agreement. Measures have been devised to remedy the great abuses in the levy of transit and other dues upon foreign trade; and the Yamèn have equally agreed to take steps for the formation of a code of written laws and fixed rules of procedure preparatory to the establishment of mixed courts for the trial of all cases between foreigners and natives.

6. These measures are calculated to effect two great objects: The removal of grievous injuries continually inflicted on foreign trade, and the subject of complaint and demands for redress which are a constant source of danger to the government that permits them; and justice to foreigners and Chinese alike when they are at variance, thus preparing a way for the modification of ex-territorial rights and free intercourse in the interior on equal terms.

7. But in order to give these measures full effect, and to carry them out in any com-

pleteness and good faith, certain other conditions are essential. The foreign merchant must be able to follow his goods; carry them, if he will, in his own boats, and hire depots for their safe storage wherever great trading centers make it desirable. Hence the British minister proposed facilities for inland navigation, and the right of renting houses or godowns in the interior, under such rules and restrictions as might be found expedient.

8. The Yamèn have so far admitted the necessity for these facilities that they consent to the merchants using their own boats, if propelled by oars or sails, and to their residing temporarily in the inns; but they refuse any right to rent houses or depots, and will not consent to a few steam-tugs navigating the Poyang Lake, exclusively to facilitate the foreign trade with the tea districts.

9. The British minister has now to state distinctly that, without both these points be conceded, nothing effective will have been done to carry out the treaty in its integrity or to obtain its principal object, which was to enable foreign merchants to carry their trade into the interior, free from illegal imposts or vexatious distinctions and delays. To relieve them of these and other impediments, due to the bad faith and corruption of the provincial officers at the various stations, is not possible if such facilities are refused.

10. The merchant must follow his goods to secure them from spoliation and his agents from the extremity of ill treatment, such as has quite recently occurred at Chen-chiang-pu, when the shroffs and others in the employment of British merchants have been beaten and tortured until they consented to a false declaration, to the prejudice of their employers.

11. Finally, the working of mines—those of coal more especially—by foreign engineering science and machinery has been waged as essential to facilitate the steamer traffic, both on the coast and on the Yangtse, but no less advantageous to the Chinese people and the government, which both employ or possess a large number of steamers. To this conditional assent has been given, but, as in the matter of inland residence and navigation, it has been so framed as to deprive it of all practical value.

12. These are vital points. On the favorable or adverse decision respecting them entirely depends the result of the present negotiations. If the Yamèn persist in refusal, the British minister must repeat, as his final rejoinder, that effective remedy will have been provided for the abuses and violations of treaties, both in their letter and spirit, which have been too long permitted to harass the foreign merchant and prevent all free development of trade.

13. Before coming to this conclusion, the British minister trusts very earnestly that the Yamèn will take the following certain results into consideration, in addition to all that has been already set forth:

14. The Chinese government has sent a mission to all the treaty powers. Their envoy has declared in the United States that this mission meant progress. It was on this understanding that the mission met with so cordial a reception in America, from both Government and people. It was on the faith of this promise of progress that the United States Government appears to have entered into an additional convention, declaring their desire to respect the independence and integrity of the Chinese empire, and to abstain from all undue pressure for sudden and great innovations. If there be any doubt in the minds of the ministers as to the correctness of these statements, let them ask the newly arrived representative of the United States, who was still in his own country when Mr. Burlingame arrived and the additional articles were signed.

15. No clearer evidence could be afforded to the Government and people of the United States that they have been misled and altogether deceived by the declaration that the mission meant progress, than the present action of the Yamèn supplies. A refusal now on the part of the Yamèn to grant these facilities, without which the treaties cannot be made effective, or carried into execution in their most important stipulations, cannot fail to bring the mission of the government into disrepute. Not progress, but a resolute denial of all that constitutes either progress or improvement, in furtherance of a stationary or retrograde policy, will be plainly seen to be the end contemplated.

16. That the Yamèn considered what would be the natural and inevitable result of such a conviction once it is entertained by the cabinets of Europe. A refusal to listen to their envoy who attaches any faith to his representation will be the first of these. They will see that while he has been sent forth to talk in the name of the Emperor of progress to the several treaty powers of the western world, the government here have determined to resist all efforts to vindicate them, to move even within the narrowest limits, or to advance a step, and declared, by acts more significant than words, their resolution to stand fast in the old way of passive resistance to every argument in favor of progress, whether rapid or slow, improvements however gradual. They will see that nothing more is to be hoped from negotiations dictated by a spirit of peace and good will toward China; and that if execution is to be obtained for existing treaties, it must be secured by other means and arguments than those hitherto resorted to by their representatives.

17. Finally it will remain for the British minister to show that, so far from any undue pressure having been resorted to, a whole year has been devoted to the patient consideration of the whole subject. So far from any demands for sudden and great changes before the government and country could be prepared having been made, many which might be desired have been altogether ignored, because they were of this character, such as railroads and telegraphs, although even in these a very gradual beginning might obviously be made, and as an experiment which could entail no serious prejudice to any national interests.

18. Even in matters of prescriptive right and undoubted expediency, such as the privileges and position of the diplomatic corps at Peking and admission to the palace, among the principal of these, no word has been said by the British minister, not because he did not deem them important, but because he knew these were subjects of discussion likely to create serious trouble and embarrassment to the Yamèn at the present time, whereas a year or two hence, when the minority of the Emperor ceases, they must of necessity receive a satisfactory solution.

19. Thus, whatever was calculated to embarrass the progress of negotiations, and a satisfactory issue, if not essential to the attainment of the main object, has been carefully excluded with a thoughtful regard to the present state of affairs and the position of the ministers; and even some things in the highest degree desirable in the interests of foreign trade, such as the importation of foreign salt, have been kept out of sight, simply because they either necessarily did or might be supposed to involve more sudden and undesirable changes than would at the present moment be safely sanctioned. On the part of the British minister nothing has been left undone to secure a satisfactory solution of all difficulties. The final result of such effort now rests with the Yamèn alone.

No. 4.

Prince Kung to the British minister.

The Prince of Kung, &c., &c., makes a communication in reply :

The Prince has received and read with attention the dispatch of his excellency the British minister of the 14th of November, with its inclosure.

What passed at the recent conference having been carefully embodied in that dispatch, will be on record; there need be no further reference made to it.

What the Prince has said has already been spoken after careful consideration of the general situation.

China and foreign countries have national interests to care for alike. They cannot be coerced into similarity, for neither cannot wholly adopt the usages of the other. Is only one party to be consulted when dangerous and impracticable schemes are pressed for adoption? Foreign nations treat it as a crime on China's part when she withholds her consent to them, though were China to moot such to foreign nations, (England,) his excellency the British minister would probably not agree to them. The same rule should hold good for both sides.

England and China alike wish to be benefited by the revision of the treaty, and to secure permanent advantages in the interests of true progress. Both sides should consider existing emergencies, be mutually conciliatory, and treat the matter exhaustively.

If the behests of the foreign merchants were absolutely fulfilled, without consideration for her difficulties, China, while seeking "progress" for the foreign merchant, would, contrary to all rights, be working her own retrogression. The Prince is very sensible of this, and on his part, therefore, though native merchants have interested his action on several points, he has declined to bring them before his excellency the British minister, fearing to cause difficulties with his excellency in dealing with *ex parte* statements, (on the Chinese side.) Since the signing of the treaties, indeed, China has never prevented any of their provisions from taking effect. Breaches of regulations and mistakes have been once and again committed by the local authorities. These the Yamèn have at once set right. The foreign merchants cannot all have suffered damage and losses, nor is there any actual decadence in trade.

Ten points have been conceded by the Prince, viz.: Reduction in duty on certain articles; free import of stores by dock companies; the trial of the bonded warehouse system; the substitution of a bond for each payment of the half duty deposit; payment of drawbacks in cash, when the goods are exported within three months; the adoption of one uniform touch for sycee at the various custom-houses; the selection of an additional port, either at Ta-tung, Au-ching, or Wu-hu; and the substitution of Wen-chow for the hitherto unopened port of Chiung-Chow, (Haiman.) A new set of rules has also been discussed, which will put the native trader on the same footing as the foreign merchant, when trading in foreign produce in the interior; while another set of rules places the foreign merchant, who buys native produce inland for reëxport or

ale at the next port, on the same footing as the native trader. Two proclamations have been framed. One, addressed to (the officials in charge of) the various custom-houses, will put a stop to unauthorized levies, and will compel restitution when its provisions have been disobeyed. The other, which enjoins the people generally not to molest the foreign merchant who proceeds to the interior, will promote the extension of trade.

All the concessions made will enable the foreign merchant to obtain the advantages of inland commerce, secured to him by treaty, and will prevent him from suffering loss and injury. The reimport of native produce; its sale, when duties on it have been paid, at the first port; the [establishment of] bonded warehouses, the arrangements for drawbacks, the opening of ports, (literally custom-houses,) are all new advantages, conceded extra treaty, and give proof of China's "progress," where treaties are concerned, while the tender care for foreign merchants evinced thereby cannot but be considered complete and satisfactory.

Every course of action should be anxiously considered in regard to its permanent result. Promises are readily made—their fulfillment is not so easy. It often happens that he who undertakes a matter finds it impracticable when called upon to put it in action, and has to regret his want of caution in the first instance. Just so is it with the proposal of his excellency the British minister to admit steamers on the lakes and rivers, to establish hong, and carry on mining operations in the interior. He, the British minister, desires to give the foreign merchants residing in the interior all the privileges of a native, without his being subject to any Chinese code. This would cripple the executive authority of China, and in practice be alike difficult and dangerous. Were the Prince constrained to concede these points, and they were found to be as prejudicial to the government and people of China as to be absolutely impracticable, it would be open to the British minister to upbraid China for her bad faith and incapacity. In declining to accede to them, therefore, the Prince has in view the preservation of harmony and good faith.

The expression of his excellency that the things proposed would be of benefit to China is evidence of friendly interest in her welfare. But it seems to the Prince that during his administration he has not failed to adopt any measure which was of advantage to China and which would leave her independent, and be without prejudice to her sovereign power; as, for instance, in the establishment everywhere of schools for languages, and arsenals, and the building of steamers, she has made use of foreign appliances to her own advantage, and that without any pressure from foreign ministers. But the above points differ from steam traffic on the lakes and rivers, the establishment of warehouses and mining, where the advantage to be gained is problematical, and injury to China's sovereign power inevitable.

The physician who has to administer medicine to an invalid must, if his treatment is to be effective, first ascertain the constitutional conditions of his patient. These conditions vary, and it may be that the drug, which is a specific in one case, will be valueless or even hurtful in another. Thus it is that the Prince declares to be impracticable that which his excellency urges to be beneficial, though still recognizing the good intentions of the British minister.

The Prince thinks that his excellency will fully appreciate these arguments. The treaties were concluded from a desire on the part of China to increase her friendly relations with foreign powers, and the present revision is now being conducted by the Prince in a like spirit.

The inclosure, (in the dispatch under acknowledgment,) in nineteen paragraphs, is fairly identical in meaning with memoranda previously received, and a categorical answer is embodied in the accompanying memoranda, (No. 1.) The points in the other separate memoranda (No. 2) will be for discussion by the Prince and his excellency the British minister. The Prince begs his excellency to consider it carefully, and to favor him with a reply upon it, and upon the two memoranda sent in on the 27th of June.

The Prince has received a dispatch from his excellency the American minister, to which he need not here allude, as he is about to reply to it.

A necessary communication, &c., &c., &c.

DECEMBER 5, 1868.

No. 5.

Mr. Browne to Prince Kung.

LEGATION OF THE UNITED STATES,
Pekin, November 23, 1868.

SIR: On Monday last, at the joint interview of the British minister and myself with your highness and members of the Tsung-li Yamên, I took occasion to submit a few considerations in connection with the growing intercourse between the citizens of the

United States and China, upon a clear understanding of which I think important results depend.

It was scarcely practicable in a desultory conversation, and with the difficulties of verbal interpretation, to make every point as intelligible as the gravity of the subject demands; and I now, agreeably to promise, submit my views in writing.

The present seems an opportune occasion for a candid interchange of opinion, since some of the changes proposed in the British treaty, now under consideration, cannot fail to affect the interests of the United States.

The policy of my Government is doubtless well understood by your highness. It is the policy of peace, based upon reason, justice, and humanity, seeking no advantage inconsistent with the general welfare, its cherished object is to promote fraternal intercourse between nations.

Influenced by a natural interest in the oldest of living nations, hitherto deemed the most exclusive, it was with extreme gratification the Government and people of my country learned, near the close of the last year, that the government of China had determined upon sending an embassy to the western powers.

The reception of this embassy in the United States may be regarded as an epoch in the history of diplomatic intercourse. From the day of its arrival at San Francisco, to the day of its departure for Europe, demonstrations of respect and honor were lavished upon its members. Its approach was heralded by the press of the country as a great advance in the march of modern civilization; and its arrival was the signal for generous expressions of welcome from the statesmen and orators of our land.

The President of the United States received the embassy with marked cordiality, and expressed his appreciation of the sagacity with which the enlightened Chinese government had responded to the amicable policy adopted by Christian nations.

Both Houses of Congress gave your ambassadors an enthusiastic official reception. The Speaker of the House of Representatives availed himself of the occasion to say that this embassy, which had attracted such universal attention, had been hailed throughout our land, not only as marking an onward step in the world's history, but as being of peculiar interest to the republic.

These friendly sentiments, officially expressed, may be regarded as the unanimous voice of the nation.

Considering the growth of American commerce with China, the rapid extension of our Pacific steam navigation, the approaching completion of our great transcontinental railroad, and the enterprising character of our people, this gratifying movement on the part of a great nation with which we have such important relations could have but one interpretation. Everywhere and by all classes, with singular unanimity, it was understood to mean the abandonment by China of its former exclusive policy, and the substitution of one more in accordance with the progressive spirit of the age.

Reference is made to these facts to indicate some of the grounds upon which a liberal policy in the future may reasonably be anticipated.

Upon a perusal of the correspondence and minutes of proceedings in connection with the proposed revision of the British treaty, I find every point upon which differences of opinion exist fully considered.

It is extremely gratifying to observe the courtesy, intelligence, and ability with which the propositions of the British minister are discussed by the members of the Tsung-li Yamén. Before a final decision, however, is rendered upon the questions still at issue, it is earnestly to be hoped that the government of China will not permit so favorable an opportunity to pass without placing upon record a substantial guarantee of its disposition to make a forward movement. Future misunderstanding may be prevented by a distinct declaration of policy at this time.

So far, the few points conceded are of minor importance, and can scarcely result in any practical good, either to natives or foreigners, without those substantial concessions upon which the prosperity of commerce and all mutual advantages of intercourse depend.

The abolition of interior transit passes and institution of an increased import duty will not, I apprehend, prevent those abuses which now form so serious an impediment to trade. The course of proceeding necessary to secure indemnity for illegal taxation is liable to give rise to vexatious delays by opening new fields for litigation.

Undoubtedly, the true solution of this problem lies in the removal of unnecessary restrictions upon foreign merchants. If permitted to reside in the interior, rent or purchase warehouses, and carry on their business without unnecessary checks and hinderances, they would soon come to a good understanding with the mandarins and people; mutual prejudices would gradually be removed, and confidence established. If the trade continues, it must come to this sooner or later; and the question for the consideration of your highness is, whether it is well to prolong indefinitely existing causes of dissension.

There can be no equality among nations without mutual advantages of intercourse. At this time there are sixty thousand Chinese on the Pacific coast, who are engaged in almost every branch of industry open to our own citizens. They are permitted to

travel or trade, rent or purchase houses, wherever their inclination may lead them. Local prejudices, which, from want of knowledge of their true character, formerly existed against them, are rapidly disappearing; and they are now regarded by intelligent classes of the community as an orderly, industrious, and valuable part of our population. Might not similar good results attend the extension of increased facilities for intercourse to the few foreigners in this country? Those who seek to trade and purchase, or rent property in the interior, are generally men of responsible character, who have large pecuniary interest at stake. No better guarantee could be given against lawless and disorderly proceedings.

On this point it was understood to be remarked by several members of the Yamèn, at the interview of Monday, that the Chinese in the United States are under American law, and that if Americans would consent to subject themselves to China law in this country, they might reasonably expect equal privileges.

This question has been discussed for many years, and it is unnecessary now to repeat the argument advanced. When the government of China shall deem it expedient to establish a code of laws based upon principles of justice, recognized and accepted by the comity of western nations, and to which the Government of the United States can safely give its assent, then this cause of complaint will doubtless be removed.

An important question, upon which no agreement has yet been reached, is the proposed extension of steam navigation on the inland waters. All experience has demonstrated in Europe, America, and India, and to some extent in the waters of China, that without the use of vessels and machinery propelled by steam, no extensive systems of trade can now be carried on, in any country, with profit. In Mexico, Central and South America, and other countries through which railroads have been constructed only to a limited extent, steam navigation on the coast and inland waters is now making considerable progress. These countries, however, are still very far behind the times, and the consequence is they are poor, and their trade is small compared with their capacity for production.

The use of small steamers, or even steam-tugs on the upper waters of the Yangtse-kiang, on the Poyang Lake, and on the Pei-ho River, from Tien-tsin to Tungchow, would greatly facilitate the transportation of merchandise and domestic products, and would dispense with unnecessary and unprofitable labor, which could well be devoted to the opening of coal mines, building of roads and other works of internal improvement. This need not be done so rapidly as to produce distress among the laboring classes, who now earn a subsistence in the old way; but if any change is contemplated, what advantage is gained by indefinite postponement? Why should not a beginning be made now as well as a half a century hence? The people cannot adapt themselves to a new condition of things before anything new is attempted. If they were now undergoing a course of preparation, some definite results might be anticipated; but merely to hold back when all the rest of the world is advancing, is to invite that foreign interference which is so much deprecated.

If the employment of a large number of men, where a few only are necessary to do the work, could be regarded as advantageous, then there would be good reason why the freight boats, now hauled by hand up many of the rivers, might be dispensed with, and the cargoes carried by coolies. But such a course, although it would furnish employment to many who probably need it, would not increase the means of subsistence. It cannot be denied that freight boats have already dispensed with much unprofitable labor, and small steamers or steam-tugs would only be another step in the same direction.

A similar argument may be used in reference to railroads. Nearly all the land transportation is now carried on by means of coolies, camels, wheelbarrows, and small wagons. No system more difficult, tedious, and expensive could be devised. It is a draft upon labor without adequate result. Nevertheless, it could not be expected, much less desired, by a friendly power, that sudden and extraordinary changes should be made. An experiment on a small scheme, say from Taco, Tien-tsin, or even Tungchow to Pekin would test the advantages of railroads, where the work could be directly under control of the government. There are private capitalists who would be willing to take all the pecuniary risk, and receive their compensation upon any equitable basis that might be agreed upon as not injurious to the interests of China. Even a tramway from the coal mines in the vicinity of Pekin to the city walls, or to the river, would be a reasonable beginning. The supply of coal now depends upon the growth of grass, for in bad seasons the camels starve, and coal becomes scarce and dear. This is a very uncertain dependence for so indispensable an article.

It is earnestly to be hoped that this great empire, abounding in so many natural resources, and with a people so industrious, so skillful in mechanics, so peculiarly qualified in all respects to avail themselves of modern inventions, will not oppose all experiments in this direction. Already ample proof has been furnished that the laboring classes of China, constituting so large a proportion of the population, are not inimical to these new contrivances for saving time and making labor profitable. Ten thousand Chinese have aided in building the great central railroad across the continent of North

America; and there is not an instance in which they have refused to work for fair compensation, because of any prejudice or superstition. The arsenal at Shanghai, in which seven hundred native workmen are employed, presents conclusive evidence of their readiness and ability to perform any kind of mechanical labor, even to the manufacture of engines and building of steamers, which they have already done with complete success.

The commerce of the vast interior might be greatly increased by these new methods of communication. Agriculture has been carried to great perfection, and now yields very nearly its maximum. But so dense a population cannot derive a subsistence from this source after an enlarged foreign intercourse has once commenced. New demands are made, new wants are created; and a greater diversity of pursuits becomes necessary. Mining, manufactures, and various internal improvements furnish additional and profitable occupation; and nations become rich and prosperous as they adopt the use of steam and improved methods of labor, while all countries in which these have not been introduced, find it difficult to maintain an existence.

The question of opening the coal mines has been considered without any satisfactory result. No real concession has been made. There is a great demand for coal at the principal commercial marts on the coast. It is well known that coal seams of great extent and richness exist near the banks of the Yank-tze-kiang and in the province of Shantung, also in the vicinity of Pekin. Mr. Raphael Pumpelly has fully demonstrated this in his report recently published. By the use of proper machinery for working the mines, and suitable improvements for transportation, there can be no doubt this indispensable article could be delivered at the ports for less than half its present cost. This would be a source of large revenue to the Chinese government, and a great advantage to commerce; yet objections are made to the only means by which either natives or foreigners can avail themselves of this natural resource. A willingness is expressed to try the experiment of working certain mines by means of foreign machinery, under official direction and on government account. It will be of very little avail to get the coal out of the mines unless some cheaper methods of transportation are adopted. The cost of carrying it to the place of consumption is now the principal item of expense. Besides, no mining enterprise has ever been known to succeed in this way; and failure now would be very discouraging to all parties. Governments cannot, from the precarious nature of the pursuit, work mines successfully. It is for individual enterprise to make them profitable. In all countries where mining of any kind is carried on extensively it has been found expedient to allow the mines to be worked by private companies or individuals, who either purchase them in fee simple, as in the United States, or pay a share of the proceeds to the government. This has been done to promote individual effort without subjecting the public revenues to unnecessary risks; and it has always been found most conducive to the development of the natural resources of the country.

To lease the coal mines, or a few of them, by way of experiment to whomsoever may offer the best terms for the privilege of working them, would seem to be a very reasonable way of making a beginning, and avoiding all risk by leaving the matter of success or failure to those individually concerned. It would not throw any of the laboring classes out of employment, or introduce a large foreign population. The work would be done by Chinese under proper direction; and thus a new field for native industry would be opened, while commerce would be greatly benefited.

At the interview of Monday, it was understood to be argued in response to some of these suggestions, that the government of China sees quite clearly the advantages to be derived from the introduction of foreign improvements, but that the country is not yet prepared for such changes as those recommended; that different interpretations may be given to the word "progress;" what is thought "progress" in our country, might be something very different in another; that here there are great difficulties in the way of changes; they must be gradual and based upon a sure foundation; and all progress which is not voluntary, or which comes from others, is spurious and must fail to be beneficial. In short, it was contended that China is willing to advance, but must do so in her own way, and at her own discretion.

Nothing can be more reasonable than this, as a fundamental principle. No friendly power can desire to impair the self-respect or detract from the independence of another. The government of the United States simply adheres to its established policy, in disclaiming any right or intention to interfere in the administration of the domestic affairs of China. The best possible proof of the soundness of that policy, and of its thorough appreciation by the Chinese government, can now be given to the world. In entering into the family of nations, it is impossible that China can postpone, indefinitely, all responsive movements upon which equality and friendly intercourse depend, without disregarding an essential element in the compact. Modern enterprise has penetrated the exclusiveness of this ancient empire, and it now becomes a question for the consideration of your highness, whether progress, as understood by western nations, can be arrested by arguments, however specious, or by governments, however pacific in their intentions.

There can be no question as to the object of the commercial world. It desires an extension of trade; but no trade with any nation can be profitable or enduring which is not of mutual advantage. It is a fallacy, therefore, to suppose that because foreigners may be governed by motives of self-interest, all the facilities and concessions they ask must be injurious to China.

I have thus frankly and in a spirit of true friendship stated my views. Results of inestimable magnitude and of profound interest to the welfare of this empire depend upon the action taken at this time. It is manifest to my mind that steam on the navigable waters, the proper working of coal mines, residence and all the rights of trade in the interior, and the gradual establishment of telegraphs and railroad systems, are essential measures of modern intercourse, and that some earnest of beginning, without unnecessary delay, would avert much future misunderstanding. An irresistible spirit of progression is effecting great changes everywhere. Modern nations under the general impulse move rapidly, and will not be likely to leave the work of the present generation to posterity.

I have the honor to be, sir, with consideration and respect, your imperial highness's obedient servant,

J. ROSS BROWNE.

His Imperial Highness PRINCE KUNG,
Chief Secretary of State for Foreign Affairs.

No. 6.

Bases of revision of the treaty of Tien-tsin, accepted by the Chinese government.

PEKIN, December 8, 1868.

I. In respect to tariff and trade, or customs regulations:

1. To adopt a system of transit for articles entering into the export and import trade, which shall exempt them from all charges under whatever denomination of taxes, and whether in foreign or Chinese hands, the payment of a transit due of 2½ per cent. on all imports being secured at the port of entry by payment to the maritime customs, and by this means relieving them of all liability to the payment of Leking taxes, either at the ports or elsewhere, and to make the same known by imperial edict or proclamation.

2. To free all ship and dock stores, and any others for personal use, or exclusively foreign consumption, under certain rules calculated to attain the end.

3. To repay drawbacks in money during any current quarter.

4. To establish bonded warehouses at the ports where desired.

5. To reduce the tariff on same twelve articles enumerated in the memorial.

6. To this the Yamén are still anxious to attach a condition of general revision, so as to equalize all duties to an average of 5 per cent., if her Majesty's government declines to consent to the duties being doubled on tea, silk, and opium.

7. To abolish coast trade tea-bonds at the revenue ports.

8. To facilitate and equalize the payment of duties by fixing, as far as practicable, the touch of sycee at each port, as suggested in some of the memorials.

II. In greater facilities for trading operation and transport of goods in the interior:

8. To erect landing stages at certain points, to be determined upon on the Tangtsze.

9. To open one or more new ports on the coast, as may be hereafter determined.

10. To work in the vicinity of one or more of the treaty ports coal mines, with the aid of foreign skill and machinery, and all the necessary facilities for cheap transport to the points of shipment.

11. To give the right of navigation on the inland waters to foreign vessels and boats not propelled by steam, the restriction to hold only so long as the Chinese merchants themselves do not employ steamers on the same.

12. To place a steamer tug on the Poyang Lake, to aid the rapid transport of foreign-owned goods or produce.

13. To adopt a written code of commercial law, and fixed rules of procedure and practice, and a better constitution of mixed courts for its administration in all mixed cases of civil suit between foreigners and natives.

14. To issue a proclamation recognizing the right of foreigners to travel freely in the interior for purposes of trade, and to hire lodgings and accommodations for their produce or goods.

No. 7.

Prince Kung to Mr. Browne.

TUNGCHI, 7TH YEAR, 11TH MOON, 4TH DAY.

(December 17, 1868.)

Prince Kung, chief secretary of state for foreign affairs, herewith makes a reply :

I have had the honor to receive your excellency's dispatch of the 27th ultimo, in which you inform me that when the three high ministers sent from this government as envoys to the treaty powers reached the United States, they were received by the President with great consideration and gratification, and that both Houses of Congress greeted them with marks of respect, that had not before been accorded to other ministers, while the people at large likewise showed them the utmost cordiality and regard.

From all this it is evident that the officers and people of the United States, without regard to rank or station, alike cherish a sincere friendliness toward the middle kingdom, and this assurance gives me, on learning what you have now informed me, the most gratifying pleasure, for which I now desire to express my thanks.

The various points which you have, in the dispatch under reply, urged this government to consider, in connection with the revision of the British treaty, likewise prove the earnest wishes which animate your excellency in aiding those consultations, and your suggestions and reasonings are every way good and reasonable. But in the conduct of its affairs it behooves every kingdom carefully to watch the times and their tendencies, in order that its own power suffer no detriment, neither in the prerogatives of the throne, nor in the power exerted over the people; but if these conditions be maintained, improvements (or new things) can be adopted. This principle is no more applicable to China than to every other country.

The advantages which your dispatch sets forth as certain to attend the adoption of those improvements, have constantly been brought forward by the foreign ministers who have lived in Pekin, in their frequent interviews. Some of their suggestions were such that we saw no insuperable difficulty in adopting them; but there were others which could not be adopted, and some which could not yet be accepted. We must carefully watch the times, and see whether to accept or refuse to do a thing now, or defer it to a subsequent day.

The former British minister, Sir Frederick Bruce, and indeed all the resident ministers in Pekin, were and have been well aware of these principles of action; but among them all no one better appreciated their force than the former minister from the United States, whom his Majesty has now sent as his envoy extraordinary to the treaty powers. Nor have I the least doubt but that, in succeeding to the post formerly held by Mr. Burlingame, your friendly feelings and clear comprehension of the situation are similar, for both are shown in the present dispatch in all the matured plans and excellent suggestions with which you have favored this government. I beg to thank you for the interest you have thus shown in whatever will benefit us.

I suppose that you are already aware of the present position of the negotiations with the British minister, and know all the arguments which have been used in discussing the various points; and I therefore deem it unnecessary to repeat them here, but content myself with these general remarks upon the whole question, and this expression of my sincerest thanks for the trouble you have taken.

No. 8.

*Mr. Browne to Sir Rutherford Alcock.*LEGATION OF THE UNITED STATES,
Pekin, December 17, 1868.

MY DEAR SIR: I have received, through the hands of Mr. Vlangaly, the Russian minister, your letter of the 7th instant, transmitted to him for communication to myself and colleagues, containing the basis of a revision of the treaty between Great Britain and China.

Allow me to congratulate you upon the prospect of an early termination of your labors. You have had an exceedingly arduous duty to perform. The diversity of interests involved on the one hand, and the prejudices to be overcome on the other, must render negotiations of this kind more difficult in China than in any other country. As one of the foreign representatives, I beg to tender you my thanks for the frankness and courtesy with which, so far as the common interests are concerned, you have conducted these negotiations.

While I cannot see in the result any positive evidence of a disposition on the part of the Chinese government to recede from its policy of exclusiveness, I nevertheless be-

lieve that great good must grow out of your labors, more, in fact, than appears from the few and comparatively unimportant concessions made.

Since these negotiations commenced the ruling authorities of China have been placed in possession of a large amount of practical information respecting the necessities of the commercial world and the objects of the treaty powers. At no period since the beginning of foreign intercourse has there been so thorough an investigation of all subjects upon which differences exist, or such an amicable interchange of opinion. Questions of mutual interest have been considered in a candid and equitable spirit, and although the arguments advanced by you and your colleagues have failed to carry conviction to the Chinese mind, yet such is the power of truth that it must eventually penetrate the understanding of this peculiar people, and achieve its own triumphs over their prejudices.

I think there is more reason to hope for a change when they find it unavoidable, than to look for it in any voluntary movement. If the Chinese government can be brought to the conviction that there is no alternative but to advance; that procrastination will not avail to ward off threatened evils; that the time for mere argument is passing away; I have no doubt the means of progress indicated during your protracted discussions will be found entirely feasible. At all events, the more consideration given to them, the less formidable they will appear.

It seems to me that the dangers of any direct and positive movement, or radical change, are greatly overrated, not only by Chinese statesmen, but by many foreigners long resident in the country.

No such evils as those anticipated have ever resulted from the introduction of steam and improved systems of labor in other parts of the world; and the reasons given to show that the experience of mankind elsewhere is inapplicable here, strike me as utterly unfounded. If such a line of argument as this were to prevail, it would forever exclude any advance. Urged in the apparent interest of the Chinese, it really sustains their prejudices and strengthens them in a course of resistance to innovation, which, if continued, must inevitably result in their ruin. Besides, it conveys a reflection upon their common sense, mechanical ingenuity and capacity for improvement not warranted by facts. It is a timid policy which hazards all in attempting to hazard nothing. That you do not share in these opinions is sufficiently manifested in your earnest and persistent appeals to the Yamèn to make a practical beginning in the introduction of steam and other foreign improvements throughout the interior. I am, therefore, free to say that I consider all arguments having such a tendency as unworthy the age in which we live. For my part, I see more danger in protracted delay than even in the most sudden and radical of innovations. An acquiescence in the Chinese view would lead to retrogression; and in that there are elements of far greater disaster to China than any contained in the proposed changes. In concentrating the attention upon the difficulties of an advance movement, the accumulating dangers of delay are too apt to be forgotten.

Having already, in my letter to his imperial highness Prince Kung, dated November 23, (of which you have a copy,) expressed my views on most of the points referred to in your summary of results, it is unnecessary now to recapitulate them. I shall therefore confine my remarks, in this connection, to a few important considerations suggested by your communication.

I. As to right of residence, with the privilege of renting or purchasing warehouses in the interior.

This, I think, is absolutely an essential step toward any thorough or practical reform. Without it we remain on the outer edge, and never touch the reason or intelligence of the great mass of the people. What is done at the ports comes to them diluted or perverted through hostile channels.

It is quite hopeless to expect, in the absence of a newspaper press, that they will ever get at the truth or form a correct estimate of foreign character without direct personal intercourse with foreigners; nor is it easy to conceive how the greatest of all impediments to free intercourse, ignorance of a common language for intercommunication, can be diminished by restricting foreign merchants in their right of residence to the ports. Few of them thus restricted ever learn to speak Chinese, and their servants and coolies, who acquire a smattering of foreign languages, form a distinctive class who rarely intermingle with the natives of the interior.

The main objection urged by the Chinese government against foreign residence in the interior is, that the treaty powers are not willing to relinquish exterritorial privileges. The humiliating spectacle, they contend, would, if this were permitted, be presented to their own people of a foreign population, in the heart of their own country, exempt from the operation of its laws. Such a state of things, they conceive, would bring their authority into contempt, and sooner or later subvert their sovereign power, and result in their denationalization. This argument is natural enough from the Chinese standpoint, but if we accept it as conclusive, why make any further effort to force our civilization upon them? It all has the same tendency unless they rise to our standard. The exact line of distinction between the amount of injury already in-

flicted upon their *amore propre* and that which may be necessary in order to advance them to a higher civilization, and a more enlightened estimate of the destiny within their reach, is doubtless very difficult to define, but surely the necessity for exterritoriality will not be lessened by limiting foreign intercourse to the ports. There must be a fixed code of laws and a radical change in the system of administering justice in this country before exterritorial protection can find a substitute in native courts, and the only way to bring that about is by increased intercourse. Hence, to expect a change for the better, where the means are rejected, is to look for an effect without a cause.

The establishment of a mixed court at Shanghai for the trial of petty offenses is a movement in the right direction, but even in that there is a manifest determination to adhere to Chinese usages. Instruments of torture are insisted upon as essential to the administration of justice. It is a beginning to be sure, but not at a point likely to effect marked or beneficial changes in the interior. A partial concession may, by diverting attention from material measures of progress, tend rather to retard than advance those substantial and comprehensive reforms so earnestly pressed upon this government. Nevertheless I sincerely entertain the hope that the mixed court may lead to something better.

2. The opening of coal mines, by leasing them to foreigners, or allowing them to be worked in accordance with the general mining laws of other countries.

This is rejected, and it is agreed that some mines shall be worked by foreign machinery under official direction. However much the government may desire the experiment to succeed, I fear this principle of working mines can never prove successful. It has not succeeded in other countries where surrounding circumstances were much more favorable. Something, however, will be gained by such an experiment. If unsuccessful, the means of success will be practically demonstrated. If successful, the government will have proved beyond controversy the beneficial effects of innovations which it now so strenuously deprecates.

3. Navigation of the interior waters by foreign steamers beyond the points now permitted.

On this subject it is useless to multiply arguments. All has been said that could have been expected to remove existing prejudices, without any effect so far, except the promise to place a steam-tug on the Po-yang Lake. An enterprise of this kind, conducted by native authorities, hostile to the objects contemplated and ignorant of the means by which it may be profitably conducted, must after all depend for its success upon foreign skill and energy. How far existing scruples on that point may be overcome remains of course to be seen. The good that may be expected from this concession, limited as it is, lies chiefly in the fact that such a beginning, however it may be designed to operate, has in it a forward tendency. As remarked in reference to coal mines, even its failure under Chinese auspices will bring into consideration the causes and the means of success. It will at least accustom the people to the appearance of a steamer in an unfrequented locality.

On these three points I have thus frankly given you my views. With respect to the minor concessions made, I am unable to form a very accurate estimate of their value. Much will depend on the good faith in which they are carried into effect, and something upon inherent difficulties arising from what has been rejected.

I am clearly of opinion, however, that you have accomplished all that can possibly be achieved at present by diplomatic means. While I cannot but regret that the government of China adheres so persistently to its policy of exclusion, I have great confidence in the results that must accrue from your labors, and feel assured that there is promise in the future.

J. ROSS BROWNE,
United States Minister.

No. 9.

The Secretary to the Board of Trade to Mr. Hammond.

[Extract.]

OFFICE OF COMMITTEE OF PRIVY COUNCIL FOR TRADE,
May 19, 1869. (Received May 20.)

In reply to your letter of the 4th March, I am directed by the Lords of the Committee of Privy Council for Trade to request that you will inform the Earl of Clarendon that they have carefully considered the various questions raised in the correspondence transmitted to them by his lordship on the subject of the commercial relations between this country and China, more especially in connection with the proposed revision of the treaty of Tien-tsin.

Two distinct and conflicting lines of policy are presented for the consideration of

her Majesty's government on the occasion of a revision of our treaty relations with China:

1. To insist not only upon the effectual execution of existing engagements, but also upon new and important concessions with a view to what is called "opening up" China to foreign trade, and introducing western civilization into the empire.

2. To confine the present negotiations to the assertion of admitted treaty rights essential to the gradual progress of foreign trade, to the removal of such defects in the Chinese administration affecting foreign trade as the Chinese government is willing and able to undertake to remedy, and to the acceptance of some spontaneous concessions.

It appears to my lords, after reading this correspondence, that if any doubt at any time existed as to the impossibility of obtaining at the present time, except by force, the larger concessions which are called for by the mercantile body in China, such as the right of residence in the interior and of working mines, the introduction of railroads and telegraphs and inland steam navigation, such doubts can no longer be entertained.

Sir R. Alcock, who at some stages of the transactions under review, especially at the date of his dispatch No. 70, of 10th November, 1868, seems to have been to a certain extent under the influence of his more sanguine and less responsible diplomatic colleagues, and of the order of ideas inspired by the display of force at Yang-tehoo, arrives, at the close of the correspondence, at the conclusion that the results of the labors of the mixed commission, reported in his dispatch No. 72, of 6th December, 1868, are all that can be obtained by negotiation at the present time; and that unless her Majesty's government is prepared to resort to other means than those which he has felt authorized to employ, and with a clear contingency of war for the attainment of the main points insisted on by the merchants and by his colleagues generally, as alone important and essential to all effective progress, they must be content with much less, and with the somewhat vague hope of gradual progress.

This view is expressed even more emphatically by Mr. Hart in his very able letter to Sir R. Alcock of December 4, 1868: "Of course, force will wrest anything from China; but wherever there is action there is reaction; and as sure as natural laws continue to act, so sure it is that appeals to force in one age will give to the men of a later day a heritage of vengeance—the Europeans of some future day may wish that their forefathers had not sown the seeds of hatred in the bayonet-ploughed soil of Cathay."

My lords believe that this view is moreover shared by Mr. Wade, with whom, in accordance with Lord Clarendon's suggestion, they have conferred upon this subject, and by many other persons whose opinion is deserving of great consideration.

It is true that the memorials which have been addressed to her Majesty's government and to Sir R. Alcock by the British mercantile body in China are generally in favor of what is termed a more vigorous policy, and that the language of the foreign representatives at the court of Peking, and especially that of the United States minister, Mr. Ross Browne, (although even that gentleman himself admits in his letter to Sir R. Alcock of 17th December, 1868, that "all has been accomplished which can at present be achieved by diplomatic means,") lead to the inference that they incline to the same view.

It is unnecessary for my lords to observe that they have every disposition to give due weight to the representations of those who are more directly interested than any other class of her Majesty's subjects in the question under discussion, but they cannot forget (as is stated in Sir R. Alcock's dispatch No. 76, of 23d December last) that "our position in China has been created by force—naked physical force; that any intelligent attempt to improve or maintain that position must still look to force in some form, latent or expressed, for the results;" and the responsibilities and sacrifices involved in the exercise of force must fall upon the British nation, and not upon that section of its people which is engaged in the trade with China.

The same remark applies with scarcely less weight to the case of the representatives of other countries at Peking. Any policy which led to the interruption of peaceful relations with China would be attended with far greater danger to British interests than to those of other nations, and in advocating a course liable to such contingencies both merchants and ministers are urging on a policy in the fruits of which, if successful, they would largely share, and in which the consequences of failure would fall chiefly upon other interests than those which they represent.

The course, therefore, which my lords would recommend for the consideration of her Majesty's government under existing circumstances is as follows:

1. To endeavor to arrive at an understanding with the government of China by which the formal revision of the treaty of Tien-tsin may be deferred until the majority of the Emperor, which Sir R. Alcock states will take place in 1872 or 1873. Such a postponement of the revision is, in my lords' opinion, desirable for three reasons:

(a.) There will then be a "personal and tangible" power with whom to deal.

(b.) It may be hoped that in five years there may exist a greater disposition to extend foreign trade and relations than at present.

(c.) The claim for revision will then coincide in point of time with that of the last

reaty power entitled to prefer it, and it may be hoped that the simultaneous action and coöperation of all those powers may then be secured.

2. That in the mean time, and pending such general revision, Sir R. Alcock should be instructed to obtain, if possible, the consent of the Chinese government to such arrangements as they have already expressed their readiness to adopt in view of an immediate revision, such arrangements to be effected either by a short convention, if this be necessary, or by independent action.

These arrangements are stated at page 172 of the printed correspondence in Sir R. Alcock's dispatch No. 72, of the 6th December, and are the result of the negotiations conducted by the mixed commission which was appointed at his request to arrive at a preliminary understanding as to the bases of revision.

My lords will enumerate them in order, and whenever necessary make such remarks upon them as occur to them in connection with the questions to which they respectively refer:

1. TRANSIT DUES.

This proposal is nothing more than the literal fulfillment of existing stipulations in the treaty of Tien-tsin, and involves no new concessions whatever.

The question of transit dues is stated by all the authorities on this subject to be the next important point in connection with the present negotiations. A considerable difference of opinion exists in different quarters as to the precise nature of the claims which, in virtue of the seventh supplementary treaty rule, in execution of Article XXVIII of the treaty of Tien-tsin, her Majesty's government is equitably entitled to assert.

My lords entertain no doubt that the view expressed in some of the memorials, and even at one time by Sir R. Alcock himself in his correspondence with Mr. Hart, viz.: that the payment of the transit dues ought to be held to exempt the goods upon which it has been paid from all subsequent internal taxation, and to insure the sale of the goods to their ultimate consumer with no enhancement of cost derived from taxation, save that represented by the import and transit duties, is a view which cannot be entertained by her Majesty's government. There is nothing in the terms of the treaty which appears to my lords to justify such a sweeping demand, and in view of the internal taxation to which native goods are subject in China, it would be in their opinion both unjust and inexpedient to enforce such a demand, even if it were warranted by the terms of treaty stipulations.

All that her Majesty's government can claim in this respect appears to my lords to be that in the treaty ports the importer shall have the right to sell his goods in the market, after payment of the customs duties stipulated, and that he shall have the right to send goods to any internal market which he may select, free from any other charge than the customs duty on importation, and the stipulated transit duty; but that, both at the port and at the internal market, when once the goods have passed out of his hands, they must take their chance in common with native goods, and bear whatever impositions the rapacity or necessities of Chinese administration may inflict.

It must also be remembered that the imperfect execution of the treaty of Tien-tsin in this particular is due not alone to the weakness or inaction of the Chinese government, but also to the fraudulent evasion by British merchants of the obligations and conditions which it imposed.

My lords refer to the sale of transit certificates to the Chinese, by which malpractice the difficulties in the way of a just administration were greatly increased. A stricter execution of the stipulation on the English side should be, if possible, enforced, as well as on the part of China.

Under these circumstances my lords are of opinion that the arrangement which, after much discussion and correspondence, appears to have been considered satisfactory by Sir R. Alcock, may be approved by her Majesty's government. The terms accepted by the Yamèn seem in themselves perfectly equitable, and entirely in accordance with what my lords believe to have been the intention of the stipulation to which it relates. It is to be hoped that the renewed adhesion of the Chinese government to the principle therein asserted, and the measures which they propose to take with a view of making known and enforcing the provisions of the stipulation, will operate in diminishing and restraining, if not in removing, the obstructions caused to the circulation of foreign-owned goods in the interior by the exactions of the provincial governments.

The general character and principles of this arrangement are summed up by Mr. Hart, in his letter to Sir R. Alcock of 25th July, 1868, as follows:

"1. To allow all foreign goods to circulate freely on payment of import duty and transit due together.

"2. To enable all Chinese produce to get to foreign markets, after payment of transit due and export duty simply.

"3. To place native produce, with the exception of government monopolies, such as

salt, to be traded in, in China, on the same footing as it is when traded in, in China, by Chinese."

These general principles appear to my lords to have been observed in the arrangements ultimately proposed by the Chinese government, and they think they should receive the approval of her Majesty's government, subject to any modifications of the details which further experience may have led Sir R. Alcock to deem desirable.

2. FREE ADMISSION OF SHIP AND DOCK STORES, ETC.

By the second rule of the agreement of Shanghai of the 8th November, 1858, under the head of "duty-free goods," foreign clothing, household stores, ship stores, personal baggage, &c., are exempted already. It is proposed to extend this exemption to dock stores and to all articles destined for foreign consumption exclusively, and not for sale to Chinese. This is a very liberal concession.

3. THE REPAYMENT OF DRAWBACKS IN MONEY DURING ANY CURRENT QUARTER.

Sir R. Alcock appears to have done his best to obtain a longer term for the repayment of drawbacks in specie, but the Chinese government decline such extension on grounds which are plausible, and as the concession is proposed without any limitation of the time during which certificates of drawback may be received in payment of import duty, it is a new facility accorded to foreign trade, and is so far satisfactory.

4. THE ESTABLISHMENT OF BONDED WAREHOUSES AT THE PORTS WHERE THEY ARE DESIRED.

This measure will greatly diminish any inconveniences resulting from the regulations with respect to drawbacks, and afford, it is hoped, valuable facilities to trade. Sir R. Alcock is fully alive to the importance of establishing such warehouses on a proper system, and with the coöperation of Mr. Hart my lords have much confidence in the probable results.

5. THE REDUCTION OF TARIFF ON CERTAIN ARTICLES.

My lords gather from the correspondence, and especially from the "memorandum on tariff revision for communication to Tsungli Yamèn of the 5th of September, 1868," by Sir R. Alcock, that he is of opinion that a general revision of the tariff is at the present time undesirable, and that as the Chinese government will not consent to a reduction of duty on the twelve articles enumerated in the memorials, except on this condition, that it will be better to leave this question of tariff revision at rest for the present.

My lords are much disposed to concur in this view; but they would have been glad of more information as to the incidence of the export duty on tea.

The Foo-chow memorial declares the average amount of the tax to be 10 per cent., and the Amoy memorial estimates it on common kinds at 35 per cent.

On the other hand it has been made a subject of discussion between Sir R. Alcock and Mr. Hart, whether the export duties on tea and silk might not be equitably raised in the interest of the Chinese revenue; and as this is a question of very great importance, as affecting in a vital manner our commercial relations with China, it is essential that there should be no hesitation as to the language which should be held on the subject by her Majesty's representative in China.

The price of China tea in bond in the United Kingdom has arisen from 1s. 2½*d.* in 1856 to 1s. 7¾*d.* per pound in 1866; owing, no doubt, in a great degree, to the stimulus given to consumption by the reduction of the British import duty.

If any attempt were made by the Chinese government to impose heavier export duties on this article it would entirely neutralize the policy of her Majesty's government in their endeavor to relieve the English consumer from taxation in an article of primary necessity, and transfer a profitable revenue from the British to the Chinese treasury.

On the other hand, the position of her Majesty's government on this question is one which cannot be defended on any ground of reason or equity. To insist on the Chinese government confining their tax on tea to 5 per cent., in order that the British government may be enabled to impose 30 per cent. on its importation into the United Kingdom, is a course which could only be taken with a government which yields to force and not to argument.

But, nevertheless, an increased export duty on tea in China would be equally injurious both to our fiscal and commercial interests; for as tea constitutes the most important of the two only articles of trade largely exported by China to this country, and as the value of the goods exported from the United Kingdom and from British India to China exceeds already the value of the goods exported by China to the

United Kingdom and to British India, a still greater character of inequality and uncertainty would be imparted to the China trade than that which even now exists.

Any discussion, therefore, at present, which is calculated to raise such a question, should, in my lords' opinion, be deprecated.

An increase in the export duty on silk, though not involving the same fiscal difficulty, would, on commercial grounds, be scarcely less unfavorable; and as this is a question in which France and other countries are equally interested, her Majesty's government stands in a less invidious position with respect to it.

It is to be regretted that the Chinese government persist in their refusal to liberate the trade in salt; but as no effort has been spared on the part of Sir R. Alcock in urging it upon them, nothing more can be said.

6. THE ABOLITION OF COAST-TRADE TEA BONDS AT THE RIVERAIN PORTS.

This appears to have been urged by the Hankow chamber of commerce, and will, it is presumed, be regarded with satisfaction by the commercial interest which it concerns.

7. THE EQUALIZATION, AS FAR AS POSSIBLE, OF THE PAYMENT OF DUTIES BY FIXING THE TOUCH OF SYCEE AT EACH PORT.

The advantage of this measure is evident.

8. THE ERECTION OF LANDING-STAGES ON THE YANG-TSE.

The object and utility of this concession is fully set forth in the correspondence. My lords observe, however, that the Yamèn are only willing to make provision for three additional landing-stages between Ching-kiang and Hankow, and evade the concession of them at points above Hankow. It may be hoped that if the general revision of treaties takes place a few years hence this system may be extended higher up the river, as there would appear to be no direction in which trade can be extended with less risk than by steam communication along the Yang-tsze and other great rivers.

9. THE OPENING OF ONE OR MORE NEW PORTS.

The policy of urging on the Chinese government this measure is one upon which very different opinions are entertained. The mercantile body in China, as represented in the memorials are, on the whole, rather unfavorable to any great extension of the number of treaty ports; but as such a measure would have for its object rather the creation of new openings for trade and the introduction of new competitors into the field of enterprise than the benefit of existing interests, my lords are not surprised at the attitude of the memorialists on this question.

This opinion is, however, shared by Mr. Winchester and Mr. Robertson, and other persons of experience in China, and is supported by many arguments which appear to my lords to possess much weight, both on political and commercial grounds, to which they will advert further on.

Mr. Hart, on the other hand, as representing the interests of the Chinese revenue, as well as on other grounds, expresses the strongest opinion in favor of a considerable extension of the treaty-port system. Mr. Wade, whose opinion is entitled to even greater weight, has expressed the same view, and attaches very great importance to this measure, which he evidently regards as the soundest and most legitimate method of increasing and consolidating our commercial relations with China.

Sir R. Alcock holds a middle course between these opposite views, and evidently thinks that much may be said on both sides.

My lords are of opinion that if it were held to be desirable to endeavor at the present time to extend materially our treaty relations with China, it is in this direction that such efforts should be made; and they think it probable that by the creation of well-selected new ports a certain expansion of foreign trade would be produced.

Such a policy, however, appears to my lords to be attended with so much doubt at the present moment, and the interest of the Chinese government is so clearly in the direction of taking the initiative in its adoption, that they are indisposed to recommend that any pressure should be placed on the government at Pekin by her Majesty's government on this question, so that the responsibilities attendant upon such a measure should thus be made to rest upon the Chinese themselves.

If new ports are opened to foreign trade at the instance of her Majesty's government it will probably be found necessary to create consular establishments at them, whether these are really essential in the interests of British trade or not; and although it may be desirable under the present conditions of foreign trade in China that, as a general rule, consuls should be stationed at all open ports, this may not always be the case, and will probably become less and less important as the function of distributing foreign goods in China passes more and more into the hands of native merchants.

On every ground it will be better that the hands of her Majesty's government should be kept perfectly free in this respect, so that in the extension of the consular system in China they may be guided by the proved, and not by the anticipated, requirements of British trade and shipping.

It is beyond the province of government to determine beforehand the places which the future course of trade may enable to assert a claim for consular establishments, and the only safe and just principle to be observed in providing new consulates is to create them only in places at which experience has shown that the trade both demands and justifies them.

10. THE WORKING, IN THE VICINITY OF ONE OR MORE OF THE TREATY PORTS, OF COAL MINES, WITH THE AID OF FOREIGN SKILL AND MACHINERY, AND ALL THE NECESSARY FACILITIES FOR CHEAP TRANSPORT TO THE PLACE OF SHIPMENT.

This proposal is a very judicious one in every way, and its adoption is one of the few matters which can be urged on the Chinese government without any fear of other than beneficial results, but it seems to be hardly of a kind to be made the subject of an international agreement.

11. THE CONCESSION OF THE RIGHT OF NAVIGATION IN INLAND WATERS TO FOREIGN VESSELS NOT STEAMERS. THIS RESTRICTION TO CEASE WHEN THE CHINESE MERCHANTS EMPLOY THE LATTER THEMSELVES.

My lords are inclined to think that the immediate necessities of foreign commerce in this direction will be adequately met by this concession, and they are even disposed to believe that it would have been safer not to accept it. It will, in their opinion, be necessary that any British vessels which may engage in this trade should be placed under strict guarantees for good behavior, and subjected to penalties for any breach of the law. A system of licenses will probably be the best method of securing this result. They would strongly deprecate the introduction of steam navigation in inland waters by foreigners under treaty rights, until the Chinese are more familiar with these modern agencies, and the native merchants are themselves prepared to adopt them.

My lords are quite unable to share the views of the memorialists and the foreign representatives, and even of Sir R. Alcock, on this subject. They believe that the unrestrained introduction of foreign steamers into inland waters, in the present condition of China, is a measure which would be attended with considerable risk, and when it is recollected that the coast trade of the United Kingdom was only opened to foreign ships in 1849, and that in one of the most civilized countries in Europe, and in the United States of America, foreign ships, both sail and steam, are excluded even from the coasting trade, they think the language held on this question toward the Chinese government quite unreasonable, and they are disposed to regret the pressure which has been placed upon them by her Majesty's minister.

12. THE INTRODUCTION OF A STEAM-TUG ON THE PO-YANG LAKE.

There appears some divergency of opinion as to the value of this concession, but as the beginning of a system of inland steam navigation it may be useful.

13. THE ADOPTION OF A WRITTEN CODE OF COMMERCIAL LAW, AND FIXED RULES OF PROCEDURE AND PRACTICE, AND A BETTER CONSTITUTION OF MIXED COURTS FOR ITS ADMINISTRATION IN ALL CASES OF CIVIL SUIT BETWEEN FOREIGNERS AND NATIVES.

This is a matter of very great importance. A written code of law, to which both nations can appeal as a guide in disputes, will remove a fruitful source of misunderstanding and difficulty; while this and mixed courts of justice in civil actions cannot fail to be productive of unqualified good in placing our commercial relations on a sounder footing, and raising the standard of commercial morality.

The Chinese government appear to have intimated their intention to depute a competent officer to confer on this subject with Sir E. Hornby at Shanghai, and my lords would suggest that Sir R. Alcock should be instructed to call upon that gentleman to submit to her Majesty's government, with as little delay as possible, a statement of his views as to the best method of giving effect to these arrangements.

14. THE ISSUE OF PROCLAMATIONS RECOGNIZING THE RIGHT OF FOREIGNERS TO TRAVEL FREELY IN THE INTERIOR FOR THE PURPOSES OF TRADE, AND TO HIRE LODGING AND ACCOMMODATION FOR THEIR PRODUCE AND GOODS.

This is an act of Chinese administration, with a view of enforcing the observance of engagements under existing treaties, and calls for no observation from my lords beyond the expression of their belief that, if effectual, the rights herein recognized are

quite sufficient for present purposes in the interest of peaceful and permanent relations with China.

Having thus commented on the various points upon which the Yamén have expressed their readiness to entertain proposals, my lords will offer a few observations on the principal questions raised in this correspondence, upon which it has been found impossible to induce the Chinese government to yield to the British representations.

These are—

1. The right of residence by foreigners in the interior, with that of renting stores and godowns at great internal centers.

2. The introduction by foreigners of railroads and telegraphs, and of steam navigation on lakes and inland waters.

3. The right to work mines in the vicinity of ports.

While giving full credit to Sir R. Alcock for the general moderation of tone, and for the great patience, care, and ability which he has displayed throughout these difficult negotiations, and bearing in mind the strong pressure which has been placed upon him by his colleagues and countrymen in China, my lords are unable to regret his failure in obtaining concessions from the Chinese government on these points.

They believe that the first of these, viz., right of residence in the interior of China, accompanied, as it must at present be, by "exterritoriality," would be attended with grave political danger and very doubtful commercial advantage, even if the former did not ensue.

The case might be more easily dealt with if China were treating with only one foreign power, although even here my lords would have advised that efforts in this direction should have received no assistance from her Majesty's government; but with England, Russia, the United States of America, France, Germany, and other countries all in the field and all claiming exterritorial privileges, and all with their own ideas of policy and administration, it appears to them that nothing could be more directly calculated to bring about anarchy and confusion.

Even at the ports where foreigners are under the immediate control of their own officials, their "exterritoriality," as Mr. Hart justly observes, exercises, in some respects, a harmful, because disintegrating, influence; and my lords think that there is much force expressed in the opinion of that gentleman that, "if China consents to this demand she will have sown the seeds of a wrong principle, which must grow in strength, and that strength and the new life thus given to the exterritorial idea in the interior will bring weakness for the nation and death for its government, and must eventuate in greater anarchy than has yet been seen."

My lords cannot believe in the expediency of the introduction of railroads and telegraphs by foreigners under treaty right. All that could, as they think, be properly attempted in these respects would be to obtain permission, under very strict limitations and conditions, to make experiments of this nature in particular districts, in such a manner as to afford a reasonable belief that they would lead to their adoption by the Chinese.

But in these matters, as well as in the case of steam navigation in inland waters, to which they have already referred, my lords believe that any general scheme of such improvements and innovations should be, at all events nominally, conducted by the Chinese themselves.

Similar objections apply, with more or less force, to the right of working mines by foreigners, and my lords would not recommend that any renewed attempt should be made at present to obtain privileges of this description.

Baron Gerolt to Mr. Fish.

LEGATION OF THE NORTH GERMAN UNION,
Washington, February 19, 1870. (Received February 19.)

The undersigned, envoy and minister plenipotentiary of the North German Union, has the honor to transmit to the Hon. Hamilton Fish, Secretary of State of the United States, the contents of a confidential dispatch from the chancellor of the North German Union, Count Bismarck, wherein he urges the importance of combined measures on the part of the maritime powers for the extermination of piracy in the Chinese waters.

The undersigned begs the Hon. Hamilton Fish to be pleased to inform him whether the executive power of the United States would be inclined to take part with the government of the North German Union, and with

other maritime powers, in carrying out combined measures for the purpose aforesaid.

The undersigned begs the Hon. Hamilton Fish to accept the renewed assurances of his most distinguished consideration.

BARON VON GEROLT.

Hon. HAMILTON FISH,

Secretary of State of the United States, Washington, D. C.

Count Bismarck to Baron Gerolt.

[Inclosure.]

BERLIN, January 29, 1870.

The dangers to which maritime commerce with China is exposed by reason of the piracy which is so boldly and adroitly carried on in the Chinese waters, years ago induced the maritime powers, as your excellency is aware, to send war vessels to cruise in those waters, whose task it was to protect commerce against pirates, and to exterminate piracy. The two corvettes cruising in those waters which belong to the war navy of the Union have, moreover, been furnished with the necessary instructions for an active participation in enterprises directed against piracy. They will be reinforced by several vessels of light draught, peculiarly adapted to the pursuit of piratical junks, which will probably be able, at no very distant day, to sail for their place of destination.

These matters have led to the consideration of the question whether it would not be for the common interest of the powers engaged in the China trade to inaugurate a plan of combined action, to be settled by previous arrangement between the various governments, or between the commanders of the several squadrons. The representative of Great Britain in China proposed such a plan in 1868, and the unsatisfactory results of the system hitherto followed seem to speak in favor of this plan. It has, however, not been put into execution.

I therefore most respectfully request your excellency to make inquiry, confidentially, with regard to the inclination of the government of the United States of America to participate in the realization of this idea, and to be pleased to communicate the result to me.

The chancellor of the North German Union.

VON BISMARCK.

His Excellency the BARON VON GEROLT,

Envoy of the North German Union, Washington, D. C.

No. 217.

Baron Gerolt to Mr. Fish.

LEGATION OF THE NORTH GERMAN UNION,
Washington, February 25, 1870. (Received February 26.)

SIR: In answer to the inquiry made in your note of yesterday, "whether I could give you information in relation to the plan referred to in Count Bismarck's note of January 29th last as having been proposed in 1868 by the representative of Great Britain in China for the adoption of combined measures on the part of the maritime powers for the extermination of piracy in Chinese waters," I have the honor to state that I have got no information of the particulars of the proposed plan, nor could I learn anything from the British legation on the subject.

FR. GEROLT.

No. 218.

Baron Gerolt to Mr. Fish.

LEGATION OF THE NORTH GERMAN UNION,
Washington, March 28, 1870. (Received March 29.)

SIR: With reference to my notes of the 19th and 25th of February last, in relation to the proposition of my government for a combined action of the naval forces of the United States and North Germany for the suppression of piracy in the Chinese waters, I have the honor to inform you now that her Britannic Majesty's representative, Mr. Thornton, has been notified by his government that the British admiralty will give, or has given, orders to the British naval commander in China to coöperate with the commanders of the naval forces of North Germany and of other maritime powers in China on combined measures for the object before mentioned.

I would feel much obliged to you, therefore, if you would inform me whether the President is disposed to accede to Count Bismarck's suggestions in my note of the 19th of February last.

FR. GEROLT.

No. 219.

Mr. Fish to Baron Gerolt.

DEPARTMENT OF STATE,
Washington, March 31, 1870.

SIR: Referring to your notes of the 19th and 25th of February last, and of the 28th of March current, concerning a proposed combined action of the naval forces of the United States and of North Germany for the suppression of piracy in the Chinese waters, I have now the honor to inform you that the President has taken great pleasure in complying with the request of Count Bismarck, by directing instructions to be issued from the Navy Department to Admiral Rogers, to coöperate for that purpose with the naval forces of the North Germany and such other powers as shall receive similar instructions.

The coöperation of Admiral Rogers and of the forces under his command will, however, be limited to cases of recognized piracy. He will be instructed to proceed in such a way as not to wound the sensibilities of the Chinese government, or to interfere with the lawful commerce of the Chinese subjects, or to conflict with the peaceful policy toward China in which the government of North Germany and the United States so happily agree.

I avail myself of this opportunity to renew the assurances of my distinguished consideration.

HAMILTON FISH.

No. 220.

Mr. Fish to the Secretary of the Navy.

DEPARTMENT OF STATE,
Washington, April 4, 1870.

SIR: Count von Bismarck, chancellor of the North German Union, has, through Baron von Gerolt, requested this Government to participate in a combined action of the powers engaged in the China trade

against the pirates in the Chinese waters, to be settled either by previous arrangements between the governments, or between the commanders of the several squadrons.

Baron von Gerolt has further informed this Department that her Britannic Majesty's representative at Washington has been notified by his government that the British admiralty will give, or has given, orders to the British naval commander in China to coöperate with the commanders of the naval forces of North Germany, and of other maritime powers in China, in combined measures for this object.

Baron von Gerolt has been informed by this Department that the President will take great pleasure in complying with the request of Count Bismarek, by directing instructions to be issued from the Navy Department to Admiral Rogers to coöperate for such purpose with the naval forces of North Germany, and with the representatives of such other powers as shall receive similar instructions. He has also been informed that the coöperation of Admiral Rogers, and of the forces under his command, will be limited to cases of recognized piracy; that the admiral will be instructed to proceed in such a way as not to wound the sensibilities of the Chinese government, or to interfere with the lawful commerce of Chinese subjects, or to conflict with the peaceful policy toward China in which the governments of North Germany and the United States so happily agree.

In asking you to so instruct Admiral Rogers, I beg to add a few suggestions.

The present relations between the United States and China are unusually amicable. The policy inaugurated by Mr. Burlingame and Mr. Seward at Washington, whereby the Chinese Empire was placed on the footing of the civilized states of the west, and recognized as an organized central power, was essentially an American policy in its inception, and is so regarded in the Chinese mind. From the best information which this Department can obtain, this policy is one calculated to increase American influence and interests in China. It meets with the opposition of the British merchants and traders in China, who look upon it as a restraint upon their commerce and legitimate influence. The late revision of the British treaty, which has been made in the spirit of the new policy, is also opposed by the British resident merchants, with almost unanimity. Strong memorials have been sent from Hong Kong and Shanghai to Lord Clarendon to prevent its ratification.

On the other hand, this Department is informed by Mr. Seward, the consul general at Shanghai, that the ratification of that revision will benefit American interests in China. It is therefore desirable to do nothing which can imperil either the continuance of what is known as the Burlingame policy or the substantial ratification of the British revision.

It is not impossible that the British merchants in China, who, with the other foreign merchants on that coast, constitute the only society to which British officers in port have access, may, unconsciously to themselves, impress upon the British naval officers their views of the Chinese character and government, and of the policy to be pursued toward the latter. I can conceive that the judgment of a British officer under such circumstances may be warped, and that he may be induced to commit acts which are not in harmony with the policy which the United States desire to observe.

Admiral Rogers, when asked to coöperate with the British forces in the suppression of piracy, should, therefore, be satisfied that the supposed pirates are not innocent native traders or sailors; that they are

not part of a native government force; that they are, in fact, what they are said to be—recognized pirates. He should especially be careful to do nothing to weaken the influence which the United States has justly acquired through its peaceful policy. He should not allow himself to be drawn into precipitating an armed collision between China and any of the western powers. And whenever he has reason to suppose that his desired coöperative action may affect our political relations with China, he should seek the advice of the diplomatic representative of the United States at Peking, who will be at all times possessed with the views of this Department.

Thus forewarned and prevented from becoming the unconscious instrument for carrying out purposes in conflict with the views of this Government, it is to be hoped that it may be the good fortune of Admiral Rogers, and of those under his command, to eradicate from the Chinese waters the pirates who have been so long a scourge upon the commerce of the world. I may add that the North German government is in full accord with this Government in its oriental policy, and has at all times expressed to Mr. Bancroft its wish to harmonize the instructions to its diplomatic and naval representatives with those emanating from the United States authorities.

As to Admiral Rogers's suggestion that some instructions be given for opening negotiations with Corea, for a treaty to regulate the treatment of shipwrecked seamen, I have to say that that subject has occupied the attention of this Department for some months. In April, 1868, it was first brought to the favorable notice of my predecessor, Mr. Seward, by Mr. George F. Seward, the consul general at Shanghai, and has been from time to time since then the subject of correspondence. It would appear from the dispatches of the consul general that about that time the Shenandoah made an expedition to the Corea. It is possible that the dispatches of the commander of that vessel in the archives of the Navy Department may throw some light upon the subject.

This Department is prepared to instruct the minister of the United States at Peking to open negotiations with the government of Corea for the conclusion of such a treaty. It is thought best to intrust this duty to the diplomatic representative of the United States instead of the admiral of the fleet, because the political relations between China and Corea are such as to make it desirable to first obtain the good will and possibly the good offices of the Chinese government. Full instructions will be forwarded to Mr. Low by an early post. Mr. Seward may also be directed to accompany the expedition should he return to his post in time to do so.

This Department asks that instructions may be given to Admiral Rogers to place himself in communication with Mr. Low, soon after his arrival in Chinese waters, and to agree with him upon a time when he shall transport that gentleman to Corea. It is hoped that the expedition will be sufficiently formidable to make an impression upon the native authorities, and that Admiral Rogers will accompany it in person. Mr. Low will be instructed to counsel and advise with him with the utmost frankness and confidence in every stage of the negotiation.

Should, unhappily, any cause for hostilities occur during this mission, it is hoped that the Navy Department will instruct Admiral Rogers in such case to advise with Mr. Low, and to leave with this Department the responsibility of war or peace.

HAMILTON FISH.

Hon. GEO. M. ROBESON,
Secretary of the Navy.

No. 221.

Mr. Fish to Mr. Frederick F. Low.

No. 8.]

DEPARTMENT OF STATE,
Washington, April 20, 1870.

SIR: Count von Bismarck, chancellor of the North German Union, has, through Baron von Gerolt, requested this Government to participate in a combined action of the powers engaged in the China trade against the pirates in the Chinese waters, to be settled either by previous arrangements between the governments or between the commanders of the several squadrons.

Baron von Gerolt has further informed this Department that her Britannic Majesty's representative at Washington has been notified by his government that the British admiralty will give, or have given, orders to the British naval commander in China to cooperate with the commanders of the several forces of North Germany, and of other maritime powers in China, in combined measures for this object.

Baron von Gerolt has been informed by this Department that the President will take great pleasure in complying with the request of Count Bismarck, by directing instructions to be issued from the Navy Department to Admiral Rogers to cooperate for such purpose with the naval forces of North Germany, and with the representatives of such other powers as shall receive similar instructions. This Department has, accordingly, requested the Navy Department to issue such instructions to Admiral Rogers and instructions have gone out in accordance with that request.

I inclose for your information and guidance copies of the whole correspondence with this Department on the subject.

HAMILTON FISH.

[For these several inclosures see *ante*, 216 to 220.]

No. 222.

Mr. Fish to Mr. Frederick F. Low.

No. 9.]

DEPARTMENT OF STATE,
Washington, April 20, 1870.

SIR: It has been decided to authorize negotiations to be had with the authorities of Corea, for the purpose of securing a treaty for the protection of shipwrecked mariners, and to intrust the conduct of the negotiations to you. Should the opportunity seem favorable for obtaining commercial advantages in Corea, the proposed treaty should include provisions to that effect; but the President principally aims in this mission to secure protection and good treatment to such seamen of the United States as may unhappily be wrecked upon those shores.

The inclosed copies of the treaties concluded with Japan at Kana-gawa in 1854, and at Yedo in 1858, will serve to point out the kind of protection which you will seek to secure as well as the commercial articles which it may be desirable to enter into. These copies, together with the copies of dispatches from Consul General Seward, which are inclosed, indicate fully what you are to endeavor to obtain.

Little is known of the shores or internal waters of Corea, or of the

people who inhabit that country. Before leaving to carry out these instructions, you will endeavor to gather all the information on these subjects that can be obtained in Peking. Some political connection exists between China and Corea, which may make it advisable for you to secure, in advance, the good will and, possibly, the good offices of the Peking government. You will, of course, do whatever can be done in that way.

Admiral Rogers will receive instructions, a copy of which has been forwarded you in my No. 8 from the Navy Department, to place at your disposal accommodation upon the flag-ship, and to accompany you himself upon this mission, with a display of force adequate to support the dignity of this Government. You will maintain entire frankness and unreserve with Admiral Rogers, conferring freely with him in every stage of the negotiations.

In arranging the time for carrying out these instructions, it is also desirable, if possible, to secure the presence and coöperation of Consul General Seward, who has had great experience in oriental character, and who has also made a study of this question. Admiral Rogers has instructions to take that officer with him in case he returns to China before you go. It is not supposed here that you will be able to comply with these instructions before next year, in which case Mr. Seward will probably be at his post.

It will also be necessary in making your arrangements to consult the convenience of Admiral Rogers, and to defer to his superior knowledge of the best season for navigating those waters.

The Department relies upon you, in fulfilling these instructions, to exercise prudence and discretion, to maintain firmly the right of the United States to have their seamen protected, to avoid a conflict by force unless it cannot be avoided without dishonor, and to seek in all proper ways the harmonious and friendly assistance of the Chinese government.

You will keep an account of your necessary expenses in carrying out these instructions, and draw upon Messrs. Baring Brothers & Co., of London, for the amount thus expended, and furnish the necessary vouchers therefor.

HAMILTON FISH.

INCLOSURES.

1. Treaty between the United States and China, concluded July 3, 1844.
2. Same between same and same, concluded June 18, 1858.
3. Mr. George F. Seward to Mr. W. H. Seward, No. 281, April 24, 1868.
4. Same to same, No. 282, April 24, 1868.
5. Same to same, No. 292, May 25, 1868.
6. Same to same, No. 294, July 3, 1868.
7. Same to same, No. 317, October 14, 1868.

[Inclosure No. 1 will be found in the United States Statutes at Large, vol. 8, page 592.]

[Inclosure No. 2 will be found in the Statutes at Large, vol. 12, page 1023.]

Mr. George F. Seward to Mr. William H. Seward.

No. 281.]

UNITED STATES CONSULATE GENERAL,
Shanghai, April 24, 1868. (Received June 24, 1868.)

SIR: Mr. Frederick Jenkins, a citizen of the United States, formerly interpreter to this office, gives me the following information:

There are now in Shanghai four Coreans and a bishop for Corea, of the Romish Church. These persons have been sent here by the Corean government. The purpose is to make inquiries concerning the state of feeling existing toward Corea in regard to the alleged murder of French priests and of the crew of the American schooner General Sherman, with a view to determine whether it will be wise for the Corean government to send an embassy to America and Europe to explain those occurrences, and to make desired treaties of amity and commerce. Mr. Jenkins expects to sail with these persons for the Corea in a few days, and believes that the result of the report of the commissioners and of his visit will be the sending of an embassy, as proposed. He expects to return to Shanghai in about a month, and that ambassadors, as indicated, will come with him.

Mr. Jenkins further informs me he is told the priests were executed in punishment for schemes of theirs at the court.

The General Sherman trouble is explained as follows: That vessel had reached a point in the interior on a river, of which he does not know the name. Several of the crew went ashore and became embroiled in a row growing out of the wrongful treatment of some women, and were arrested. A force was then sent from the Sherman, which rescued the men and took them on board, together with two native officers, who, it is supposed, the master intended to hold as hostages. This excited the people, and they attacked the vessel, killing eight persons and capturing the others, who are still held.

Mr. Jenkins says that this information is known only to the ambassadors and himself, to a Jewish merchant who has visited the Corea several times, and by whom the commissioners were brought to him, and to one other person who has necessarily been spoken to in order to arrange for the charter of a steamer to proceed to Corea. He assigns as reasons why he has been approached, the belief of the Corean government that the proposed embassy would be more favorably received in America than elsewhere, and should be sent there first; and the fact that he is familiar with the Chinese language, which is the written language of Corea. He is unable to explain how it happens that the Corean government is now employing confidentially the Romish bishop, one of a class they have so severely treated. He expects to bring back with him those of the crew of the General Sherman who are still living.

The Shenandoah has lately sailed from Cheefoo for the Corea to make inquiry regarding the crew of the General Sherman, information having been previously received which indicated that some of the number are living.

It is difficult to say whether anything will be accomplished by her commander. Mr. Jenkins says that the Coreans now here declare that the visit will be useless.

GEO. F. SEWARD.

Mr. George F. Seward to Mr. William H. Seward.

No. 282.]

UNITED STATES CONSULATE GENERAL,
Shanghai, April 24, 1868. (Received June 24, 1868.)

SIR: My dispatch No. 281, herewith, offers information touching the General Sherman case, which has heretofore engaged your attention. It is a subject for congratulation that it is likely to be satisfactorily explained and any necessity for hostile action averted. It is also satisfactory, if true, that the Corean government is anxious to enter into treaties with the western powers. The empire is independent, although it sends complimentary tribute to Peking. The population is said to be about six millions, or one-third that of Japan. The climate is mild for the latitude. The people are described as peaceful and industrious. In my opinion there is no sufficient object attainable to render it advisable to use force, or even the show of force, to procure a commercial treaty with the Coreans. It may be considered, however, that the interests of our shipping require that at least a treaty providing for the kind treatment of shipwrecked people should be entered into. But if the Coreans are prepared to go to the extent of opening up their country to our merchants, this opportunity is not one that should be lost.

I respectfully propose, therefore, in case the proposed embassy be not concluded on, and it shall still seem desirable, on the receipt of your instructions, that authority be given me to request of Admiral Rowan the use of two vessels of war, (one like the Shenandoah or Iroquois, the other smaller,) to employ one or more interpreters, and to proceed to the Corea in order to ask an official explanation of the Sherman affair, and

to negotiate, if possible, a treaty of amity and of commerce similar to those now existing with China and Japan, or such other lesser treaty as may be expedient and attainable without the exercise or show of force.

If unsuccessful—and I am inclined to believe that the exercise of a degree of discretion and patience would insure a more or less complete success—the undertaking could do us no harm.

GEO. F. SEWARD.

Mr. George F. Seward to Mr. William H. Seward.

No. 292.]

Shanghai, May 25, 1868. (Received July 13, 1868.)

SIR: I have the honor to advise you that the United States steamer Shenandoah, which left this port for Corea on the 18th of March last, has returned to Chefoo. The commander had intercourse with officers at different points on the coast, but learned nothing to corroborate the reports which have been prevalent here that some of the crew of the General Sherman are still living, and that the government is disposed to send an embassy to western states. Mr. Jenkins has also returned. He had frequent communication with the Corean officers, and virtually confirms the information brought by the Shenandoah. Whatever causes may be at work in Corea, I am now led to believe that no negotiations, not supported by a considerable show of force, would be likely to be successful.

GEO. F. SEWARD.

Mr. George F. Seward to Mr. William H. Seward.

No. 294.]

UNITED STATES CONSULATE GENERAL,
Shanghai, July 3, 1868. (Received September 8, 1868.)

SIR: On the 24th April I had the honor to advise you, in my dispatch No. 281, that I had received information from Mr. F. Jenkins which indicated that some of the crew of the schooner General Sherman were still living and held in custody in Corea, and that the Corean government was anxious to enter into negotiations for treaties of amity and commerce with the several western powers: and on the 25th May I had again the honor to inform you, in my dispatch No. 292, of the visit of the Shenandoah to Corea, and of the return of Mr. Jenkins, and that their further information indicated that there was no reason to believe that any of the crew of the Sherman were still surviving, or that the Coreans were desirous of entering into relations with western states as alleged.

At the date of writing the latter dispatch I had become aware that the party with which Mr. Jenkins proceeded to Corea had been engaged in an attempt to take from their tombs the remains of one or more sovereigns of that country for the purpose, it would seem, of holding them for ransom. I therefore entered upon an investigation of the facts with a view to determine the nature of Mr. Jenkins's connection with the expedition, and whether I ought to prosecute him. I regret to inform you that the information gathered by me has convinced me that it is my duty to do so. The indictment which I have caused to be prepared I inclose herewith. The trial will proceed in a few days, and I shall transmit to you a full copy of the minutes. The consuls of other powers concerned await the result of my action before determining whether to proceed against their nationals.

GEO. F. SEWARD.

Mr. George F. Seward to Mr. William H. Seward.

No. 317.]

SHANGHAI, October 14, 1868. (Received December 7, 1868.)

SIR: I wrote to you on the 28th ultimo, giving a general statement of my impressions touching the Corean question. Having now had the benefit of consultations with Messrs. Browne and Van Valkenburgh and with Admiral Rowan, I propose to offer some brief remarks bearing on the propriety of our sending a mission to Corea, and its form. They will doubtless touch considerations which you have already duly weighed, but perhaps something may be added which will prove of interest to you.

The first object of a mission would be to procure information of the loss or destruction of the American schooner General Sherman, and in case the reports of the wrongful treatment of the crew prove correct, indemnity or satisfaction therefor. I shall not dwell on this point further than to say, that it cannot be well to let pass uninvestigated a matter which there is reason to believe may have been a very grave outrage on a vessel and persons sailing under our flag; that all our efforts to procure information

have hitherto resulted not altogether satisfactorily, and that there seems no way to procure perfect information except by direct communication with the Corean government.

On the other hand, there is something due from us to the Coreans. We should assure them of our appreciation of their kindness to the wrecked crew of the *Surprise* in 1866, and disposed as we are not only to assert our dignity, but as well our intent to deal justly, we cannot be indifferent to the propriety of offering to Corea an explanation of our views and conduct in regard to the recent expedition of an armed force for the purpose of exhuming and holding for ransom the remains of one or more sovereigns of that country, in which one of our citizens has been charged as a leader. It is satisfactory to know that we have only to ask from Corea proof that she has dealt as honorably with us in the Sherman case as we have with her in the latter matter.

The second object is to obtain a treaty. I have hesitated to say that there is one adequate object to render it perfectly desirable to procure a general commercial treaty. Commercial intercourse with states where we take on ourselves the responsibility of protecting and altogether controlling our nationals, and where the result of intercourse is the introduction of ideas and forces calculated to work changes that may not be gradual and benign, but may upturn in a revolutionary way the existing order of government and even of society, is not to be inconsiderately sought. But all my reflection leads me to believe that it will be well for us to make the attempt. We have three ports of China in the Gulf Pechili much frequented by our vessels. There are three of Japan on the west coast similarly available to us. Right down between these juts the Corean peninsula. The steamers of the northern branch of the Pacific mail line run for a distance almost within sight of the coast of the peninsula. To the north of Corea stretch away possessions of Russia, having the river Amoor as a natural channel and guide of their commerce to the Pacific. Here are regions of China, Japan, and Siberia, which have already a considerable trade. Within a year or two coal will be extensively worked in each, and it will soon be no longer necessary to bring this indispensable article in the navigation of the present day around the Cape of Good Hope. Thereupon will follow a development of trade here, which will, I think, surprise the most sanguine.

Centrally situated, midway in the long stretch of the eastern Asiatic coast, with foreign vessels already skirting her shores in very considerable numbers, Corea cannot hope to exclude foreigners much longer, nor can it be possible that, with a mild climate and a large and industrious population, commerce would not, under favorable auspices, flourish in her cities.

France has been unfortunate in Corea. Great Britain has hardly a greater interest at stake than we, and no grievances to redress. North Germany, with her increasing commerce and great fleet of coasting crafts, has yet no determined policy in the East. We are favorably known, and all the circumstances indicate that an attempt to open the country may best be made by us.

But whether a general treaty is desirable or not there can, in my opinion, be no question of the need of one that shall provide for the safety of seamen and others wrecked or driven on the Corean coast. Indeed we can hardly consent that it shall remain peculiarly dangerous to our navigation.

I remarked in the dispatch referred to in the outset, that the settlement of the Sherman matter, and a treaty of the latter sort, may, it seems to me, be obtained without great difficulty, but that a considerable show of force would probably be needed to secure a general treaty.

If the Coreans were excited by grossly wrong conduct on the part of the Sherman crew to engage in a struggle with them, we may perhaps be saved great trouble in this branch of the negotiation, and there is enough in the general conduct of the Coreans to indicate that they would not be greatly averse to giving us formal guarantees to care for persons wrecked, and to arrange measures by which they could be speedily returned to some hospitable district.

Touching the broader negotiations it may be assumed, generally, that eastern states have a settled policy toward western powers which is dictated by fear that intercourse will result disastrously; they find occasion for this fear in the harsh lessons of the past, and in the actual condition of a considerable portion of their continent. And, indeed, China is only just emerging from an internal struggle which has threatened most severely the controlling power of the empire, while Japan is, at this moment, in the throes of revolution—troubles which it would not be difficult to connect with the introduction of foreigners.

There are arguments which may be advanced to show the Coreans that a juster consideration of eastern states is prevailing in the west; that China would not have encountered the rebellion had the government been at all a wise one, while from the stranger constitution of Japan the result of war was almost inevitable; that foreign intercourse is in many ways desirable, and that it is surely becoming unavoidable. It is indeed doubtful, however, whether there can be found in Corea men able to weigh

justly the position of the state, and to bring about, in face of all preconceptions and of conflicting interests, the radical changes contemplated.

But it is to be said that these eastern peoples are not unalterably wedded to old practices and institutions. Japan accepted Comodore Perry's peaceful but formidable mission without great opposition, and of late all parties in that state have vied among themselves in availing of foreign knowledge and material. China, naturally less mobile by reason of her continental position, vast territory and population, has been more consistent in all her history than Japan; but she has not failed to acknowledge, from time to time, the force of new ideas and circumstances, and, even with her, sweeping reforms have been effected by peaceful means working from within. It may not be altogether visionary, therefore, to hope that such a condition of affairs may be found in Corea as will render it possible to attain success without the exercise of force.

But, as intimated, I am disposed to think it desirable, if a mission is to be sent to Corea, that it should be provided with a number of vessels. Reasons are so obvious that I will not dwell to review them. But of course I contemplate only the display of force, not its use, and not even intimations that it may be used. I know well there should be no irregular action; and that it will be time enough for the United States to determine on the exercise of force when peaceful efforts shall have been exhausted, and all the circumstances broadly considered.

A mission, then, such as the one I have indicated, will require a cordial coöperation with the navy. Fortunately this is perfectly within reach. Admiral Rowan has himself proposed to me that authority and instructions in our joint names to prosecute the mission shall be applied for. He has a not large fleet, but one perhaps sufficient, since Corea is so near at hand, to enable him to look out for the general interest of the station, and at the same time to spare a few vessels for the particular purpose. I have favored this proposition and have now to ask for it your consideration. While I have indicated one advantage only that would be secured by this course, I do not wish to say that the expedition might not be well left in the admiral's hands. There are numerous precedents for deputing such authority to a naval commander-in-chief, and the instances are not few in which that course has resulted most satisfactorily. Yet I think the admiral would prefer to be associated with me. And looking to the facts that such work naturally belongs to my own branch of the public service, that I have the advantage of a not inconsiderable experience in matters of eastern politics and trade, and that the negotiation may cover over a considerable period, it seems well that we should be associated, and this would be more satisfactory to me. But should the President prefer to confer the authority upon the admiral alone I shall, remembering that the general objects, and not individual preferences or ambitions, are to be consulted, render to him any assistance within my power that he may wish.

GEO. F. SEWARD.

No. 223.

Mr. George F. Seward to Mr. Fish.

WASHINGTON, April 22, 1870. (Received April 30.)

SIR: It is well known that the principles on which our intercourse with China has for many years been conducted have been clearly defined by the mission of Mr. Burlingame, and that this demonstration of them has drawn forth grave remonstrances from the mass of foreigners on the spot. The principles referred to appear authoritatively in the Seward-Burlingame treaty and the Clarendon-Burlingame correspondence; the views of the merchants in the addresses which they presented to Mr. Ross Browne.

I may state the former as follows: The United States and Great Britain desire to acknowledge the perfect independence and general sovereignty of China within her own borders, and to conform their intercourse with her to the usual courses,* that is to say, they will respect

* I have not chosen to dwell here on the fact that the existing treaties do impair the sovereignty of China; they have been made and accepted, and until China complains of them, or they are otherwise shown to be unnecessary, impolitic, or wrong, we need not greatly discuss them. The proposition as stated touches only matters not dealt with in the treaties or affected by them.

her territory and they will not use force or threats of force to urge her on in the path of progress, nor will they allow force to be used in the settlement of disputes and claims, excepting as they would when dealing with a western state.

To these fundamental principles the merchants take exception at length. The sum of these objections is founded in the following sentences, which I extract from the documents mentioned:

We believe that not only is there a right on the part of western states to insist on steps that will further the cause of civilization in China, but a clear duty in that direction; and that the advancement of China without anarchy and rebellion cannot be had by waiting until her own government is content to move. Lord Clarendon has laid down rules of action for our ministers and consuls and our community, which would prove entirely inadequate if any crisis occurred demanding extraordinary measures.

The questions thus stated may be defined as follows:

1st. How may western states best promote the cause of civilization and good government in China?

2d. How may they best protect the legitimate interests of their peoples in that empire?

The one may be concisely termed the question of progress, the other that of dealing with the central government. I shall treat them separately and in the order above given.

When the merchants say that western states have the right, and add that it is their duty, "to insist on steps that will further the cause of civilization in China," they seem to go a long way. If it is their right they may support that right by force of arms. If it is their duty it may be their duty to use arms. There was a time when European potentates defended the claims of discoveries to and over great districts, and the peoples inhabiting them. Discovery was enough to vest the title to sovereignty, and lest the two greatest defenders of the faith should thus come into collision the outside world was divided between them.

To Spain was awarded the regions of eternal youth, which the fancy of the age believed to exist in the golden West. The East, scarcely inferior to Europe in wealth and civilization, was awarded to the mariners of Portugal. France and England as well adopted the theory, and contentions arose out of it which led even to acts of war and woe. To this day the nations of Europe would not hesitate to assume jurisdiction over islands of the sea, or of districts not already taken possession of by western states or advanced in power and civilization. It is only a few years since one of the greatest men of France, M. Guizot, then secretary for foreign affairs, in explaining the circumstances under which the French mission to China of 1844, a peaceful one, was being sent out, declared that if the interests of France should demand it the government would not hesitate to seize an island on the coast of China. At a later date France has pushed conquests in Cochin China. Russia is at this moment extending her domains in Asia. England never fails for an excuse when it is desirable to assume authority over the outlying states of her Indian territory. Even America, when it suited her purpose, asked for access to the ports of Japan. She used soft words, but a great fleet gave emphasis to them.

In fact moderation has ever been observed when there has been the ability to command respect. When this has not existed the interests, or supposed interests, of greater states have never halted. Conquest and aggrandizement have been the rule, and the observers of the rule have not yet disappeared.

It is true that generally the purposes of western states are at the present time more or less cloaked and covered over. When it was the

aim of Napoleon to extend the Latin power, he waited until Mexico seemed to ask for a foreign ruler. When Great Britain wished to open several of the ports of China in 1839, the seizure of a quantity of opium was made the excuse for a war which accomplished the result. No concealment was made, however, when, in 1857, it was concluded that to sustain friendly relations with China access to the capital was indispensable. Townsend Harris argued with the Japanese for privileges broader than those granted to Commodore Perry, urging that what he asked as a favor would soon be demanded from behind the hostile armaments of England and France. Nor are the advocates of the use of force destitute of arguments. It is not well to attribute the movements of the mercantile classes in China, for instance in the direction of progress, to self-interest alone. The merchants know full well that they are likely to be benefited by the extension of steam navigation, to opening of coal and other mines, the construction of railroads and telegraphs. But it is when they come to consider that these measures are desirable chiefly in the native interests, and are persistently rejected by the government, that their belief rises to the height of strong political conviction, and they lose no opportunity to impress their ideas upon the world.

I have lived for many years among foreigners in China. I believe that no higher-minded, more honorable merchants than those engaged there can be found in any land. I doubt whether the members of any mercantile class in the world are superior to them in origin and education. You will have noticed the ability and earnestness with which they discuss the great problems working out on the Asiatic coast. The views held may often be mistaken ones; but this occurs through no lack of good disposition. It is rather due to the special circumstances by which they are affected and the intensity of their convictions.

It has not been my fortune to agree always in their views. I have no hesitation, however, in paying them the tribute which I do. I conceive that I am acting wisely when I review my own in deference to their opinions. And highly as I respected the speaker, and much as I sympathize with the generous views which he has enforced in America and Europe, I deprecate Mr. Burlingame's words when he calls them "opium dealers." In truth, foreign merchants in China are not opium dealers. The opium traffic is confined to a small number of mercantile houses and to Asiatic traders. From it the mass of merchants are as free as they are from participation in the coolie trade or in the African slave trade. So far as the acquaintance with the soberly-held ideas of the leaders of commerce is concerned, I esteem my residence at Shanghai more favorable than life at the isolated capital of China. I attribute not a few of Mr. Burlingame's disparaging remarks to the fact that he lived at the capital, and only at rare intervals came in contact with his countrymen at the ports.

I confess that I should think less of western civilization and of western manhood if it were not pushing and aggressive in China. Take the average American or Englishman used to well-kept roads and streets, to well-policed towns, to the comforts, conveniences, and advantages of steamships, telegraphs, and railroads, to all the benefits of lands where private rights are perfectly respected, education is diffused and the blessings of a high civilization are found, and put him down in China, where there is not one carriage road; where there are no sewers nor lamps in the towns; where telegraphs and railroads are unknown, and steamers only where foreigners have forced them, a country which seems to possess the fewest possible elements of accord with the enterprising West, and he would be unworthy of the Anglo-Saxon blood which runs

in his veins if he should teach himself the Chinese habit of thought, and sit down to believe with the immobile mass around him, that whatever is is best. I can use no stronger language than that of Mr. Browne, when he says:

Whatever errors may be committed through misconception of facts or excess of zeal, the cause of progress is one which appeals to the highest sentiments of the Christian world. I look upon the movements, therefore, as abounding in promises for the future. The best friends of China will undoubtedly be those who can induce her to strengthen her organization, and render herself able and worthy to maintain her position.

If it is asked, then, what are the arguments of this pressing mercantile class in favor of the use or the demonstration of force, the answer is ready: "The advancement of China without anarchy and rebellion," they say, "cannot be had by waiting until her government is ready to move." "The presence of foreigners is a protection and blessing to the people; this presence is their only chance of improvement save through desolating wars. It is in all probability the chief cause of the existence of the present government, and perhaps of any government in the country."

This idea was expressed by me, more guardedly, however, six months before the date of the memorial, (*vide* my dispatch No. 345):

It is manifest that the growing intercourse between Chinese and foreigners in this and in other countries is bringing new forces into action in this empire. We have already seen Japan revolutionized in consequence of similar intercourse. The effect on the immensely greater mass of Chinese society is slower but very certain. The people are moving, and unless the government keeps with them, or in advance, new forms of administration or variations of existing forms will be sought in a revolutionary way.

I confess that when I wrote the above, I entertained the idea that the government would keep in advance, or, at least, with the movements of its people. This belief had been shared by leading foreigners in China. Mr. Hart, inspector general of maritime customs, who lives at the capital, and whose relations with the government are more intimate than those of any other foreigner, shared it. Mr. Burlingame was full of it. Sir Rutherford Alcock entertained it so far that he supported the mission which was to go out expressly to gain the assurances of western powers that they would bide China's time and not force progress on her. We hear now from Mr. Hart, from Sir Rutherford, from the other ministers, from the merchants, and from Mr. Browne, that this was a mistake.

Mr. Hart says:

Some forty officials in the provinces, and perhaps ten at Peking, have a glimmering notion of what the foreigner means when he speaks of progress; but of those ten, not one is prepared to enter boldly on a career of progress or to take the consequences of even a feeble initiative.

Sir R. Alcock says:

There is no evidence here of a desire for progress. If any hopes are built upon its existence, therefore, I fear there is nothing but disappointment in store for those who indulge in them. Projectors of telegraphic lines, railroads, and other plans for the sudden development of the resources of this country are but losing their time, while the government have shown no disposition to entertain their projects. I think it is in the interest of all who are so occupied, that they should know the truth, and not be deluded by false hopes and expectations of changes which are still in the dim distance.

Mr. Browne says:

All that the rulers of this empire desire is to be left free to work out their own destiny in their own way, and that is simply retrogression and relapse into barbarism. They make small concessions to avert greater ones; the whole struggle is against making any at all. I state this not in the way of deprecation, but as an incontrovertible fact which we are bound to confront. It is a subject for sympathy rather than

complaint. A vast empire with an industrious and inoffensive population is in many respects worthy of esteem, in maintaining an unequal struggle to preserve its ancient systems against the combined powers of the world.

This is unmistakable language. And it is not different from the declarations which reach us from other sources. From the merchants, the professional men, and the officials at the ports, even from the highly intelligent class of foreigners who are managing the maritime customs department of the empire, we hear the same language, "China never has, and never will progress except under pressure."

A distinction is to be held in view here. Mr. Burlingame asserts with emphasis that China does progress. He recites as evidence that foreign trade increases from year to year. He quotes the fact that the Chinese are building several arsenals. He calls attention to the existence of the customs establishments. The so-called Pekin University points his moral. In glowing language he declares that China invites Christendom "to plant the shining cross on every hill and in every valley of her broad domain." I hold with him that China is progressing. But the case is not such as persons not acquainted with the circumstances would understand from his language.

There is, in truth, progress in China. It is, however, that which has been forced on the empire and does not come from a spontaneous desire for improved methods. Trade develops there as it will in any land where scope for effort is given. We have forced China to give us her teas and silks, subject to certain defined rates of duty. We have forced her to accept opium, cotton goods, &c., subject to similar duties. The law of supply and demand has been strong enough to work out the development which we have seen. The government has done nothing, excepting, of necessity, to foster trade. It is not many years since the governor of the province of Kiang-see was dismissed from office because he said: "I conceive it my duty to weigh well the advantage and disadvantage of this or that order of proceeding, and if any measure be beneficial to China and practicable, and does not violate law, I will assuredly not abide in the smallest degree by standing prejudices." But these are the only works of progress which they are undertaking, and one object they have in view is to strengthen existing institutions for a possible conflict with foreigners. The customs establishment is one of the most promising features of the progress of China. This was, however, urged on China by France and England, to protect the lien which they had acquired upon the revenues of the state, and China, finding that she derived a better result from the aid of foreigners than she could when only natives were employed, and perhaps considering that she might pit foreigners against foreigners, has retained the service and extended it. The Pekin University can only be said to have an existence. Missionaries may, in virtue of treaty stipulations, travel and reside in any part of the empire. These stipulations were, however, wrung from the Chinese by war, and they are deterred from discrediting them by the fear of war. Unoffending missionaries are frequently driven from places where they have attempted to locate themselves, and the record of murdered ones is a long one.

Instead of a picture of hopefulness, the merchants there draw of China one of despair: "We claim," they say, "that China as she stands is as low in civilization as she is in wealth and power; that her history teaches us little worth knowing, except maxims of morality, long reduced by western nations to actual practice, but by China neglected and forgotten; that her present state, so far from being an example, is a warning of the results of a false system and a vicious policy." And

again they say: "It is almost impossible for us to convey to our fellow-countrymen at home a just idea of the utter inability of the Chinese to comprehend any motives for forbearance other than our own powerlessness or a fear of their growing strength. It is our candid opinion that if the British and American governments were in a position to estimate all the dangers that are involved in their new policy, they would abandon it at once, in a state of alarm at its probable consequences."

If we grant that the merchants and the others quoted are right in their estimate of the Chinese disposition and character, and if we acknowledge the force of the descriptions which we continually read of the imperfection of Chinese systems of thought, of religion, and of government, it will be difficult to refrain from giving unqualified sympathy to their ideas. If China is weak and worthless and perverse, we must say, with the American moralist, "that while western governments are bound to act a friendly, just, and generous part toward China, they cannot forego the advantage of the moral influence of their greater material powers;" and, with the British memorialist, "It is our earnest wish that when you (Mr. Browne) return to the United States you may endeavor to enlighten the public mind upon the real issues that are raised by the existence of foreign intercourse with China, and upon the most efficient means of introducing western civilization into this vast empire;" and, with Mr. Browne, "Instead of attributing to the Chinese either capacities or motives irreconciled with their whole history, and with their present condition and limited intelligence, it is our duty to enlighten and elevate them. But it is not by pandering to their superstitions and their weaknesses that this is to be done. The strong hand of pressure may be more humane in the end than flattering."

I cannot regard the condition of China so hopeless as do the high authorities I have quoted. What are the facts?

In the year 1840 there was no contact between China and the people of the west, excepting the very limited intercourse carried on by a few merchants at Canton. The empire was self-contained. To the northward were great deserts; to the westward, impassable mountains; to the southward, vast stretches of tropical jungles; and to the eastward, the Pacific. Within these boundaries dwelled a people whose numbers were estimated at 400,000,000. The neighboring states and districts—Corea, Loochoo, Assam, Siam, Burmah, Thibet, Mantchooria, Mongolia—paid voluntary tribute to her. The Emperor was surrounded with the halo of deity. What wonder can we have that the state, prosperous beyond any of her neighbors, should be called "The Central Flowery Kingdom," and that the Emperor should assume to have received the "commands of Heaven to sway, with paternal care, the peoples of all lands."

The troubles of the merchants at Canton in that year brought on the war of 1842, which led to the opening of four other ports to trade, viz., Amoy, Foochoo, Ningpo, and Shanghai. But the access of foreigners to the empire was confined to those ports. There were given no rights to reside or even to travel in the interior. Diplomatic representatives were forbidden to go to the capital. Matters went on thus for fifteen years, when at last the treaties of Tien-tsin, exacted by arms, gave foreigners rights which were broad in comparison with those they had previously held, but were still far short of the privileges which are extended in any western state. Practically those treaties confine the foreign merchant to a dozen or so ports, and beyond these the intercourse of foreigners with natives is occasional and inconsiderable. The treaties of Tien-tsin have existed twelve years. They take away from China a part of

her natural sovereignty. They give, in some directions, greater privileges to the foreigner than the native has possessed. They introduce into the land an alien race, bent on trade and on proselyting plans. They introduce, or seem to do so, an obnoxious drug, which destroys the stamina of the people; introduce it in such quantities that the state can barely produce tea and silk enough—valuable commodities—to pay for it.

I assume, and the candid observer at a distance will not be likely to dispute the point, that if China, during these twelve years, has even passably well discharged her duties under the treaties; if she has even passably well accommodated herself to her new, very strange, and very irksome relations, she has done much. And if she has not egregiously failed in the performance of her new obligations, and has only partially accommodated herself to her new relations, I consider it reasonable to hope that she will soon begin to appreciate the benefits which free intercourse with western states is sure to bring to her, and to expect that at no very distant day we shall see telegraphs and railroads stretching everywhere across the land, steam vessels plying on all her waters, coal and other mines yielding forth desired riches, and the whole land rousing itself from a lethargy which has seemed that of ultimate decay.

I am prepared to say that I believe now, as I did two years ago, and as did the most prominent men in China at that time, that she will attain peaceably these results. I believe that it will be so, but more than this I cannot say. We cannot unravel the future and learn what is mingled in its web. We can only exercise our judgment as to what is the tendency and direction of existing forces, and the character of results to be worked out under novel conditions.

If China were a state now as she was formerly, self-contained and self-poised, if no forces were at work within her borders excepting those originated by her own character and disposition, nor any outside interference or intercourse were to be expected, I should say that she might go on in the future much as she has in the past. Dynasty might succeed dynasty, periods of misrule and anarchy might give place to those of good government and order, to be succeeded again by eras of pain and difficulty. The great pendulum of time might continue to swing backward and forward, bringing with it, as heretofore, prosperity and prostration. That has been the course of events in China for many centuries, and so might continue indefinitely.

But there are other forces at work in China than those original with her people. These forces are of the strongest, and they are so defended and supported that they are left very free to work out normal results. The bad dispositions of rulers may retard but they cannot stay them, the natural qualities of the people may hinder but they cannot bar their course. They are forces which will accommodate themselves greatly to existing systems if not opposed, but if blind efforts are made to check them they will sweep away whatever opposes. Institutions of government, nay, whole races of men, will go down before them hereafter, as they have heretofore, whenever the inevitable is not recognized but blindly combated.

Let us consider the advantage these forces have in China.

The treaties as they stand give the people of western nations the following privileges:

1. To approach with their ships, to land or lade merchandise, to reside, &c., &c., &c., at twelve ports on the coast.
2. To navigate the Yang-tse River so far as Hankow, six hundred miles, and to reside, &c., &c., &c., at that and at three other cities on the river.

3. To travel under a system of passports in the vessels or other conveyances of the country, for purposes of business or of pleasure, to all parts of the empire.

4. To send or take foreign goods into or bring foreign-owned produce from the interior under a system of transit passes. The utility of this is that they are thus enabled to pay a certain definite commutation, fixed at one-half of the external tariff charge, in lieu of the taxes which are levied, under the peculiar economy of the empire, on merchandise in transit, at barriers established along the rivers, canals, and highways.

Under these treaties, communities of foreigners have grown up at all the places where they are allowed to live, and the trade of the empire centers chiefly at these points. The carrying trade between the ports and cities opened has been transferred to foreign bottoms. The Chinese in their most distant marts have come to know, and more or less to use, foreign fabrics, and these are so much esteemed that in some districts, at least, whatever is best is known not as "superfine" but as "foreign." They are continually witnessing the voyages along their coast or on their rivers of the sailing craft of the west, with which their own vessels compare so unfavorably, and of great steamers which cannot but be regarded by them as marvels of human ingenuity. They see at the ports that foreigners live in houses of imposing size and appearance, in circumstances of ease, convenience, and luxury unknown in their own modest dwellings. They observe that these foreign communities are well ordered, and must mark with astonishment the perfected arrangements of the streets, and of the wharves and docks. They have occasion to go into the foreign courts of law and learn that the maxims of morality and of fair-dealing taught by their own sages, but nowhere in their land greatly observed, are therein enforced. They witness great vessels of war, any one of which would be able to combat an army, lying quietly in their ports, a spectacle, elsewhere unknown to them, of power held in check by perfect moderation. They see the forces of foreign states leagued with their own to suppress internal disorders. They see an important branch of the national revenues honestly administered by foreign employés. They find that, when taught, they can themselves manage ships, steamers, and machinery, and can even construct them.

The forces which have been thus fostered and defended, and have accomplished so much, are, then, those which, proceeding out of high stages of civilization, have effected amelioration in the condition of the human race in Europe and America, and are destined yet to arouse from their lethargy or overthrow the Asiatic and African races. There is no staying them. Whatever may be the manner in which results will be worked out in the various lands of the globe, that those results will be accomplished no one in whose veins courses the quicker blood of the west entertains a doubt.

The Chinaman is noted, moreover, for his sobriety, his industry, and his peaceableness. No people, excepting one which needs the least control, could present to the world the spectacle which China has for centuries. In the west, until now, the existence of greatly extended states has been impossible. China, without other than the simplest means of communication, and unbled by a good government, has been one and undivided. Without extraordinary branches of industry, and no external commerce, she has given her people the means of sustenance. A more quiet peasantry does not exist. And while the people are thus docile, careful, and thrifty, the theory of government is in many respects admirable, and men of intelligence and breadth of views, according to

their lights, exercise, or do from time to time exercise, the sovereign control.

It would require much time to offer an explanation of the Chinese governmental system. It is certainly, in theory, despotic. Practically, however, it is liberal. The Emperor represents all authority and power. The viceroys are his lieutenants; they are sent to their respective districts, instructed to collect the revenues and to administer the laws; they are given no imposing military support. The task assigned them is to govern so that the ancient systems may be supported and the people made content. Their conduct is not greatly scrutinized so long as no murmurs come up. But when the people complain, the unsuccessful ruler must make way for another. The result is a system which is democratic in its working, if not in its salient features, and one well calculated to bring good men to the management of affairs.

As to the ability of the leading men in the state, I need only to allude to what has been said of late by such men as Cushing, Bruce, and Burlingame, to refer to the history and literature of China, and to recall the names of Confucius and Meng-Tse, Gengis-Khan and Keeblai, Kung-hi and Kien Lung. Of a state thus constituted, it is premature to declare that she possesses no capacity to assimilate herself to new conditions.

But however bad may be the condition of China, however necessary for her own salvation it is that she should move forward in a career of progress, and however little hope there may be that she will move without pressure, that is to say, without the use of threats or force, fulfilling all the conditions of the arguments which are advanced by the merchants and by Mr. Browne, I assume that neither the United States nor England, nor any other state, will use force or threats.

It is our disposition to deal with China as a sister and sovereign empire. We have made treaties of amity and commerce with her. We send to her diplomatic representatives and receive hers. We have come to consider that the rules on which we conduct intercourse with the states of Christendom shall be those which shall guide us in our intercourse with China. We are led up to this conclusion by the simplest reasoning. The states of the west have learned nothing of China since they gained access to the Tartar capital which has been of sufficient significance to shake their sense of duty and their preference in this regard. It is easy to deride the advanced liberalism of the age, and to stigmatize the policy which acknowledges broadly the right of any people to work out its destiny freely and independently, as a deliberate sinking of practical ideas and methods, and there may be great truth in the criticisms. But the fact remains that one of the doctrines of the political faith of the age is that all intervention is harmful and should be avoided.* We may advise respectfully and discreetly, or we may

* It is no part of my purpose to discuss the merits of this doctrine, but I cannot refrain from quoting here words of Guizot, in his book, "Meditations on the Essence of the Christian Religion:"

"All attacks upon the liberty of conscience, all employment of force to extirpate or to impose religious beliefs, are and ever have been iniquitous and tyrannical. All powers, all parties, all churches, have held such acts to be not only permissible, but enjoined by the divine law. All have deemed it not only their right but their duty to prevent and to punish by law and human force errors in matters of religion. They may all allege in excuse the sincerity of their belief in the legitimacy of this usurpation. The usurpation is not the less enormous and fatal, and perhaps, indeed, it is of all human usurpations the one which has inflicted on men the most odious torments and the grossest errors. It will constitute the glory of our time to have discarded this pretension; nevertheless it yet exists with persistency in certain states, in certain laws, in certain recesses of the human soul and of Christian society, and there is and ever will be need to watch and to combat it, to render its banishment unconditional

warn earnestly, but we must confine ourselves to representation, unless our rights are touched. Nor can I imagine that if this is so, and the use of power is forbidden us by the spirit of the age, we can satisfy ourselves or retain our dignity if we use threats, direct or implied.

Indeed, I consider that such pressure as the merchants and Mr. Browne advocate is virtually impossible. A British minister using it would be discountenanced by the executive, or, should the executive by any chance support him, Parliament would not be unlikely to expel the executive. The same result cannot happen in America, but no administration careful to respect the sentiments of the people, as wise administrations ever are, would consent to support a representative pursuing such a course.

This feature of the case has received apparently no consideration in China. Men there have seemed to devote themselves to the elucidation of the problem: What policy on the part of western states would most surely, rapidly, and safely build up the prosperity of the empire? They have forgotten the essential requirements of any policy, viz., that it shall conform to the spirit of the age and the requirements and limitations of representative government.

The question seems a broad one, until we reach this point. It narrows at once here. The western statesman will do all that he can touching China when he sets before her rulers, discreetly and with tact, the arguments which are so ready to his hands in favor of material progress and of liberal institutions, and points out the dangers which will be incurred by the government in holding rigidly to old ideas and practices, while the people are being educated by contact with foreigners to more liberal and advanced views.

I have so far kept in view the ideas of the merchants as to progress in China; shown what those ideas are; indicated that they are, or may not be, altogether in accordance with the facts; and that, whether so or not, they are not likely to receive support.

My treatment of the matter which remains to be considered will not be different, and my conclusions will not be less positive, although in this, as in the question of progress, I shall endeavor to do as full justice to the arguments advanced on the mercantile side as I can, having reasonable regard to brevity.

The policy of dealing with the central government is the one supported by those who believe that, having treaties with the government of China, executed on a basis of equality, and having representatives at the capital, and having ourselves received her representatives, we are bound to discuss and settle disputes which cannot be disposed of by consular negotiations only at the capital, and in conference with the imperial authorities. That such is the desirable course, I presume no one will be found hardy enough to deny. The divergence arises on the question whether the policy is a practicable one.

The British memorialists say, "Lord Clarendon has laid down rules

and without appeal. Subdued, however, it is. Civil freedom in matters of faith and religious life has become a fundamental principle of civilization and of law. All powers, all parties, all churches have held such acts to be not only permissible, but enjoined by the divine law."

In what striking analogy are the assumptions of our merchants when they claim that it is not only the right but the duty of Christian states "to insist on steps that will further the cause of civilization in China." The merchants, too, are sincere and earnest in their belief in the legitimacy of the usurpation proposed. But this is no more perfect defense with them than with the advocates of the propagation of Christianity by force. The assumption has long since disappeared as between Christian states. It ought soon to be discarded in our dealings with those others.

of action for our minister, our consuls, and our community, which would prove utterly inadequate if any crisis occurred demanding extraordinary measures," and "we cannot but admire the unanswerable vindication by Sir Rutherford Alcock of his and our views, which is contained in his dispatch to Lord Clarendon of the 5th February last."

Sir Rutherford, then, may be considered the speaker for the merchants as well as for himself. Before quoting, however, from his dispatch of February, referred to, I will briefly state the circumstances which called it forth.

On the 22d and 23d of August, 1868, a British missionary named Taylor, and a number of others, men and women, also missionaries, who had settled at Yang-tchoo, near Chin-kiang, were attacked by a mob, who had for several days threatened them. The houses in which they lived were somewhat damaged, and some injuries, fortunately none of a grave character, were inflicted on members of the mission. The animus of the mob will be seen when I state that a house, in the upper rooms of which some ladies of the party had taken refuge, was set fire to and they were forced to jump from the windows to save themselves from the danger of death by burning. The missionaries had been but a few weeks in the city. It would appear that they had conducted themselves with discretion, and when the indications of danger became manifest they were careful to inform the authorities and to request protection.

On hearing of the difficulty, Mr. Medhurst, British consul at Shanghai, within whose district Yang-tchoo lies, an officer of deservedly high reputation and of the longest experience, proceeded to the spot and made efforts to secure the punishment of the offenders, and reparation for the damages done and injuries inflicted. He was unsuccessful, and reported the case to his superior at Peking. Sir R. Alcock, with his accustomed vigor and rapidity, laid the matter before the Foreign Office; with what success may be seen from his own statement, as follows:

The result has been so far satisfactory that it has been determined to institute a searching and honest inquiry, on the spot, into all the circumstances, and I am assured the punishment of those responsible for any wrong done shall surely follow, together with compensation to the missionaries and their restoration to the places from which they have been ejected.

Sir Rutherford, for reasons which he afterward states, did not credit the professions of the Foreign Office, and, instead of waiting to learn what the result would be, he called upon Admiral Keppel "to give such effective support to Mr. Consul Medhurst in the demands he will be instructed to make, as may, I think, avert the necessity for any more active measures of coercion. Should this hope unfortunately not be realized, I am satisfied there is no alternative consistent with a due regard for British interests in China but to direct the consul to place the matter in your hands, in order that you may take such further measures as shall be found necessary to compel the local authorities to meet our demands and do full justice in accordance with the instructions I am assured they will receive from the central government."

In accordance with his instructions, Mr. Medhurst, in due season, proceeded to Nankin, the residence of the viceroy of the district, with the men-of-war Rodney, Rinaldo, Slaney, Bebra, Dove, and Icarus. The first act of this fleet was to inform the commander of a Chinese corvette, the Tien-chi, found at anchor near Nankin, that "he must not weigh without permission, on pain of having a prize crew placed in charge." This was followed by a demand for the temporary transfer of the Tien-chi. Mr. Medhurst adds: "I need scarcely say that the required order was granted without delay," although he tells us that the Chinese opposed the demand with "much vehemence."

Having completed some preliminary negotiations with the viceroy, the fleet dropped down the river to Chin-kiang, near Yang-tchoo, and from there two of the smaller vessels, with three hundred marines, proceeded up the Grand Canal to the city of Yang-tchoo itself. The marines were landed there and quartered in the city. The negotiations went forward, the demands were all substantially complied with, and Mr. Medhurst and the flotilla returned to Shanghai with *éclat*.

The British government, however, conceived that the course taken was unsatisfactory, and thus instructed their envoy:

Mr. Medhurst very properly reported to you from the first what had happened to the missionaries, and the course which he proposed to pursue; and afterward, when he failed in overcoming the reluctance of the viceroy to afford redress, he, as in duty bound, placed the matter in your hands.

You, on your part, very properly called upon the central government to afford redress, and her Majesty's government are glad to recognize in Prince Kung's letters, and your own comments on them, the fullest admission on the part of the central government of their responsibility, and the readiness with which they took measures that proved effectual for bringing the local authorities, as well as the viceroy of Nankin, to a proper sense of their respective duties, the result being that full satisfaction was made for the outrage complained of.

Thus far the matters followed their proper course. The central government was appealed to for redress against the provincial government, and proved its willingness and ability to obtain it.

But I will not conceal from you that her Majesty's government would have much preferred that the matter should have been left to the action of the central government, subject, of course, to the view which her Majesty's government might take of it, if that action were withheld or proved unavailing, than that the aid of her Majesty's naval forces should have been invoked in order to bring pressure or to inflict punishment on the provincial authorities irrespective of the demand which you had made on the central government for redress.

And afterward sums up as follows:

* * * * The active interference of her Majesty's naval forces should only be had recourse to in cases of sudden emergency and of immediate danger to lives and property; but when once the matter is removed for diplomatic discussion at Peking, her Majesty's government should be left free to determine, if occasion should arise for doing so, what is best to be done to enforce upon the central government the obligations not only to observe treaties, but to compel the provincial authorities also to observe them.

This brings me to Sir Rutherford's "unanswerable vindication" of his action, and of his views and those of the merchants. Sir Rutherford says:

Some shorter and less disastrous mode of settling wrongs and disputes at distant ports is as much to be desired in the interest of the Chinese nation and government as in that of foreigners, even though it should be less strictly accordant with international law and usage. Against the disadvantages that attach to local actions, even after appeal shall have been made in vain to the government at Peking, and the objections in principle to which all such extreme courses must be open, both Chinese and foreign powers may wisely, perhaps, set as a counterbalance the avoidance of cumulative wrong leading to the necessity of a war, and entailing costly expenditure on the one side and a perilous loss of authority and prestige on the other.

We need not look to Vattel or Grotius for any sanction to such exceptional action, for the simple reason that they and all other writers on international law deal with principles in their application to civilized states, recognizing a mutual obligation, and governed by similar, or at least analogous, systems of jurisprudence and polity; but when dealing with oriental races and states, ignorant of all the conditions and principles of European polity, a special adaptation of those principles is required to meet the wholly exceptional character of the situation caused by a forced intercourse between races holding totally different views of moral obligation and national policy. The broad principles of justice, of right and wrong, which underlie the international code of nations, must be respected everywhere by civilized states, but an over-scrupulous pedantry in adherence to the rules deduced from these, and forming the system known in Europe as the law of nations, in dealing with an Asiatic race like the Chinese, is only calculated to do mischief, and bring on the very evils it is intended to avert.

Some special modification of rules and principles of international law, as this is understood and recognized by European states, is required in the interest of peace and justice. Local authorities must not be allowed, by persistent misrule and violation of

treaties, to bring on their country the horrors of war as the sole means of redressing the wrong, and the only effective means of preventing this, in default of a central government, with adequate power, is to make them feel a personal responsibility for their acts such as their own government ought, but, under present conditions, seems quite unable to enforce. The knowledge that, sooner or later, if justice is denied and instructions from Peking disregarded, to the injury of foreigners, they will have themselves to deal with a foreign power they can neither defy nor resist, will soon lead to a radical reform in the course of action, and teach them to respect treaty obligations for their own sake if they care nothing either for treaties or the orders of their own government. Such a policy, if carried out with judgment and moderation by the treaty powers, will act beneficially at both ends of the line. The Peking government will be disposed to take more stringent measures than they otherwise would with their provincial officers to enforce respect for the rights and interests of foreigners, while the officials themselves will become more circumspect not to provoke the inevitable issue of conflict with a foreign power, and all parties will gain largely thereby.

Hitherto the course of affairs has been only too truly described by the memorialists from the ports.

When any wrong or injustice is suffered by a foreigner for which there is no appeal to a public court of justice and a written code of laws, if the Chinese local authorities are not moved, as is too often the case, by the consul's representations, the only recourse is a reference to the minister at Peking; and then commences an interminable series of references backward and forward—a see-saw of correspondence on both sides between the ports and the capital—and no final solution is ever arrived at. It may be safely affirmed that such is the experience of all the foreign representatives. I am assured there is no one of these who cannot point to numerous cases which have been so treated for a number of years, despite their best efforts to secure a better result.

Such experience leads infallibly to a conviction that when treaties have been imposed by force upon an unwilling government, as all with China have been, they can only be upheld by the same means. The diplomatic instrument has no binding power with Chinese rulers when its stipulations can be evaded with impunity, or whenever it is believed that the force that imposed them is no longer extant or available. Diplomacy in such circumstances means armed reason. As Carlyle, in his quaint style, remarks, "Diplomacy is clouds, beating your enemies on sea and land," and the only evidence of power or title to respect, a true oriental freely recognizes. And in order that foreign powers may not have to resort to such rude instruments for proving their title, it behooves them to find means of preventing cumulative violations of treaty, since continued impunity brings with it a conviction of weakness; for, as I have said on a former occasion, it is weakness, or the suspicion of it, which invariably provokes aggression, and with eastern races is a far more fruitful cause of bad faith and danger than either force or the abuse of it. The desire to avoid complications and wars in the far east should suggest, not an unreasoning recoil from the assertion of treaty rights from fear of the troubles it may bring, but a steadfast adherence to such conditions of intercourse as experience has proved to be best adapted to insure respect for engagements.

Sir Rutherford then states his belief—

That well-combined measures of pressure, showing, by unmistakable signs, both the will and the immediate power to enforce, if needs be, demands for redress, persistently denied after reference to Peking, and promises of action from the government, will never fail if brought to bear judiciously against the local authorities, however high their position.

But in order that this pressure may be irresistible, Sir Rutherford condemns unauthorized action, that is to say, the independent action of consuls and commanders of vessels of war, and insists that the power to exercise pressure should be given only to the diplomatic representative of the government. "Thus guarded," he says, "there is little to fear from any abuse of power, and much to hope from its discretionary exercise being intrusted to the representative at Peking, should necessity arise."

During the time that the Yang-tchoo matter was going forward I could not but feel that a mistaken policy was being carried out, and I took the liberty, which perhaps was justified by my long experience in China, to express my views to Mr. Browne; the substance of my argument was that our relations with China are of such character as to bind us to appeal for the settlement of difficulties to the government at Peking; that there was no good reason to doubt the ability of the government

to give redress in that and all similar cases; that the policy of appealing to the government did indeed stand discredited, many appeals for justice having been unsuccessful, but that it was perhaps true that the appeals had been faint or otherwise not forcible. I then recited the circumstances of the empire when the foreign minister went to the capital and for several years thereafter, pointed out the straits and difficulties into which the administration was placed by reason of the rebellions existing in various districts, and the novel character of its relations with western states, and showed how the whole situation had called for a policy of generous forbearance and support from the ministers. I urged that this forbearance had, perhaps, in the best spirit, but unfortunately been carried so far as to engender a feeling of irresponsibility on the part of the government, and of irritation on the part of the merchants, who, finding their grievances always unredressed, came to believe that justice could not be procured from the government. I showed also that the ministers, more acutely alive to the difficulties of China, came to look with annoyance on the exacting character of the views of their compatriots at the ports, and to set them down, as Mr. Burlingame since has, as opium dealers and smugglers, with whom self-interest was everything. I urged that at length the time had come when a more strenuous tone should be adopted toward China; a time when justice should be exacted as well as given.

The central feature of Sir Rutherford's argument is, that there is no sufficient centralization in China. My argument on this head was the one which would naturally be based on the peculiar constitution of the Chinese government, as explained in an earlier part of this dispatch. I pointed out that to the viceroys is left the control of their respective districts, and that these are appointed and removed from the capital. I urged that this power of appointment and removal was perfectly exercised, and that while there were doubtless many ways in which the government could effect the settlement of disputes, this power of removal was of itself sufficient.

I note in Sir Rutherford's letter a more or less perfect admission of my statement that the policy which the ministers had pursued at Peking was not a strenuous one. He says:

It is in truth clear that the central government must find means to compel a greater respect for their own orders on the part of their local authorities throughout the provinces wherever foreigners are found, or foreign powers will be driven to one of two alternatives in self-defense; they must either devise such local means of pressure as shall control and coerce maleficient and corrupt officials into good behaviour, or hold the imperial government responsible for unredressed wrongs at the ports and elsewhere in a much more direct and stringent manner than has yet been the practice as a general rule.

He adds:

The last alternative is no doubt more consonant with treaty relations and international law than the first.

In these sentences Sir Rutherford admits enough to condemn his theory. We are clearly bound to give the regular proceeding at least a trial. According to his statement it has not been the practice as a general rule to push that procedure to its extreme point. My own opinion is, that that procedure has very seldom been pushed to its extreme, and that the Chinese government, weak as it is, with everything to lose and nothing to gain by a foreign war, will never fail to find a way to do justice when the demand is made with the statement, "Do this or we shall find a way to right ourselves."

The centralization policy will, however, be adhered to until it is proved utterly inadequate. When this can no longer be a matter of doubt, for-

eign states will begin to discuss the policy which can be pursued in China, and not till then. Meanwhile all arguments such as this of Sir Rutherford, that the war power of Great Britain should be placed in his hands, will avail little. It is, indeed, difficult for me to conceive that any one can believe that Great Britain or America would consent deliberately to grant such powers to their envoys, not in respect of certain definite issues, but in respect of any and all matters wherein those envoys should consider the use of force desirable. I doubt whether the constitution of either state would admit of the bestowal of such authority. As a citizen of a state which is interested in China, not so much for the value of existing trade as for the possibilities of her future, a state which has no unreasonable ambition in the east, but is intent on preserving there a free field for the enterprise of her citizens, I should hope that no such authority would be granted to any envoy. If it should be the desire of China to stir up hostile feeling against foreigners, how could it be more perfectly effected than by encouraging a disposition on their part to wage petty wars in various parts of the empire. If it should be the wish of any state to effect a conquest, how easy to bring about a general war with China by such fashion of procedure, or to find an excuse for holding this or that district as a "material guarantee" for the fulfillment of treaties.

But although I support the centralization policy, I trust that I recognize its difficulties and dangers. I see clearly that while the subordination of viceroys and other provincial officers is theoretically perfect, they are still greatly independent—the very fact that broad powers are committed to them renders it desirable for the government to treat them with consideration. It is seldom that an officer is degraded unless for cause. If he is an able and ambitious civilian he is sent to a disorderly district, and if there he brings about a better state of things it is well, but if he fails he pays the penalty. If he is an able and ambitious general he is perhaps given civil duties, or he is sent to quell a distant insurrection. If he succeeds the advantage rests with the state, and if he fails it is easy for the government to rid itself of him. When all other courses fail the man of too great prominence is brought to the capital itself and given promotion to one or the other of the great boards of the state, where he has no direct power and is hampered by his associates.

While the leading provincial officer has a degree of independence, he has also an advantage in the fact that no representation can readily reach the capital from his district unless it passes through his hands. There are no newspapers. The subordinate officers can only send their addresses to the throne through him. He can, therefore, suppress, alter, or add to the facts of a case and make upon them any special plea which suits him.

To this time a large majority of the leading men of China are hostile to foreigners. The provincial authorities know this, and perhaps feel that their careers depend somewhat on their success in outwitting or circumventing the foreigner. The man too favorable to them is likely to have it brought up as a charge against him at the capital. It is manifest that so long as this spirit pervades the official classes in China, the evasion with which foreign officers seeking to enforce justice for their people will be met, will be constant and disheartening. Those at the capital will often promise redress, trusting to the ability of those in the provinces to misinterpret instructions, or to introduce vexatious delays. Those in the provinces will make references to the capital, knowing that they will receive back vague and uncertain directions, capable of being

twisted to suit their purposes, or at least to justify procrastination. The celebrated saying of Philip II of Spain: "Time and I are two," may be considered as ever in the minds of Chinese statesmen. Time is nothing with them, or rather time is everything. I have known Chinese officers to make promises, for no purpose, apparently, but to gain time to manufacture excuses. The lessons to be learned are obvious.

When there is a dispute brought before a consul by one of his compatriots, he must spare no pains to make a complete investigation of the matter. If possible, he should get a Chinese officer to make with him a joint investigation and record. Failing to procure justice he should refer the case and all the evidence to the capital. The minister will then be in a position to speak positively to the government, and if he has occasion to refer home for instructions, his government will be able to form an opinion as to the merits of the case and to give instructions. And lastly, the home government must not hesitate to authorize demands when there is reasonable occasion therefor. As I have said, such demands, with the alternative of the use of force, will not fail to procure redress of grievances.

There is likely to arise a class of cases where to delay is to yield up property and life, perhaps, to wanton destruction. I have not yet considered these.

One can imagine the individual citizen guiding his life with the most perfect control and moderation. Such moderation, even in well-ordered countries, does not always insure safety. There is no guilt imputed to the man who in self-defense strikes back vigorously. The person who assaults is to be condemned abstractly, but when an emergency arises he may do so without infringing law or right.

Much more is it true that in eastern countries, where prejudices of race and religion exist, the most perfect moderation on the part of foreigners will not secure safety, and that it may be necessary in the interests of humanity to deliver sharp blows. Blood is thicker than water. It is not to be expected that the foreigner or his civil or military representative will stand still in such cases.

I presume there is no government unwilling to recognize the necessities which so arise. They will put their recognition of it as little on paper as possible. They will ever impress the necessity of careful procedure. They will indicate that force may only be used at the peril of the official. They will scrutinize closely the use of it. But they will defend the officer who, in moderation and discretion, and with recognition of his responsibility, has acted with vigor. The representative who cannot so act, when it may be necessary, would indeed be unfit for his post. If I do not dwell further on this proposition the reason is manifest. When discretionary powers are granted, the fact implies the difficulty of making rules.

This dispatch has already exceeded reasonable bounds, and I here leave the subject dealt with in your hands. In doing so I feel conscious that many considerations remain untouched. What I have said, however, will indicate my conception of our true policy in China. Circumstances and fuller information must modify whatever policy is adopted.

And lest I may leave wrong impressions, I shall add that while I have spoken as if there is but one mind among our merchants in the east, practically there are many and divergent views held. The address to Mr. Browne cannot be considered conclusive on this head, though, as evidence, they may seem unimpeachable.

Sir R. Alcock and Mr. Browne, I may say, differ between themselves, and each more or less from the merchants. They are, however, equally

earnest in their advocacy of truth and of the interests of China, as they see them.

Of some of the expressions of Mr. Burlingame I have spoken without reserve. My advocacy of the principles which formed the basis of his policy is the best testimony I can bear to my high estimate of his disposition and services.

GEO. F. SEWARD.

No. 224.

Mr. Frederick F. Low to Mr. Fish.

No. 12.]

LEGATION OF THE UNITED STATES,
Pekin, June 27, 1870. (Received August 20.)

SIR: It becomes my painful duty to inform you that on the 21st instant a terrible riot occurred at Tien-tsin, which resulted in the death of sixteen French subjects, three Russians, and the destruction of the French consulate, Roman Catholic cathedral, and the establishment of the Sisters of Charity. In addition to the foreigners killed, several native Christians, as well as the servants employed in and about the mission establishment and consulate, were put to death. The exact number of these unfortunate Chinese it is, as yet, impossible to ascertain. This tragedy was enacted on the afternoon of the 21st instant, news of which reached Peking on the evening of the 22d. The scene of the riot was in the Chinese city, some two miles distant from the "Concession," where most of the foreigners reside. Notwithstanding this, the excitement and alarm among all foreigners living on the "Concession" at Tien-tsin have been great, fearing an attack upon the foreign settlement, without regard to nationality. As no foreigner has, as yet, dared to venture into the Chinese city, where the outrages were committed, our information in regard to the origin of this sad affair is meager, and much of it contradictory. Most of the information comes through Chinese channels, and it is necessary to hear all sides in order to come to any reasonable conclusion as to the truth of the matter. Even now I am only able to give you my *opinion* as to the *facts*, which may be modified or changed entirely by future evidence.

In order that you may be able to see and understand the whole case clearly, it is important that you should have before you the history of these Catholic establishments and their management in China, which appear to have been the sole cause of the riot.

At many of the principal places in China open to foreign residence the Sisters of Charity have established institutions, each of which appears to combine in itself a foundling hospital and orphan asylum. Finding that the Chinese were averse to placing children in their charge, the managers of these institutions offered a certain sum per head for all the children placed under their control given to them, it being understood that a child once in their asylum no parent, relative, or guardian could claim or exercise any control over it. It has been for some time asserted by the Chinese, and believed by most of the non-Catholic foreign population residing here, that the system of paying bounties induced the kidnapping of children for these institutions for the sake of the reward. It is also asserted, and I believe it to be true, that the priests or Sisters, or both, have been in the habit of holding out inducements to have children brought to them in the last stages of

illness, for the purpose of being baptized *in articulo mortis*. In this way many children have been taken to these establishments in the last stages of disease, baptized there, and soon after taken away dead. All these acts, together with the secrecy and seclusion which appear to be a part and parcel of the regulations which govern institutions of this character everywhere, have created suspicions in the minds of the Chinese, and these suspicions have engendered an intense hatred against the Sisters on the part of all the common people who live anywhere near a mission; and any rumor concerning the Sisters or their acts, however improbable and absurd, found thousands of willing and honest believers among the ignorant and superstitious people. Some time about the end of May or beginning of June an epidemic prevailed at the Sisters' institution at Tien-tsin, and a considerable number of the children died. In some way the report got abroad that the Sisters were killing the children to get their eyes and hearts for the purpose of manufacturing some sort of a medical specific, much sought after in Europe, and commanding a fabulous price. This report spread from one to another, and soon the belief became general among the common people, not only in Tien-tsin, but for many miles around. I heard of the excitement as early as the 5th of June. Crowds of people assembled from time to time near the mission buildings, indulged in excited and angry conversation, and on more than one occasion demanded of the Sisters that the children should be liberated. It is said that one day the crowd became so noisy and violent that the Sisters, fearing violence from the mob, consented that an examination should be made by a committee of five. The consul, hearing of the disturbance, made his appearance about this time, and, although the committee had been selected and were then in the building, he stopped the whole proceeding and drove the committee from the building with angry words; and some say he used his cane in expelling them. Subsequently the district magistrate took a man who had been industriously spreading the reports, who said he could point out the persons that were guilty of acts of sorcery and other crimes, to question him in the presence of the Sisters, and when confronted by them admitted that all his stories were without foundation and false. This appeared to quiet matters for a few days, but the excitement soon revived again, apparently more intense than before, the populace now demanding the release of the children as a *sine qua non*. The day prior to the outbreak the district magistrate, who is about on a par, in point of rank and authority, with the mayor of one of our cities, called upon the French consul and stated that unless permission be given for a thorough examination of the Sisters' establishment, it was difficult to foretell the result. The consul, construing this language into a threat, replied that, the magistrate being inferior in rank to the consul, no negotiation could take place between them for the purpose indicated, or any other. On the afternoon of the 21st the mob assembled in front of the consulate, making a great noise and throwing stones and other missiles at the building. Seeing the impracticability of dispersing the mob unaided, the consul started for the yamun (office) of Chang-how, the highest officer living in Tien-tsin, for the purpose of asking assistance to quell the riotous proceedings. Notwithstanding Chang-how's statement, that the consul fired a pistol at him in his yamun, I don't believe it. The consul undoubtedly reached the yamun of Chang-how in a state of excitement bordering upon insanity, told his business, and started out again, accompanied by some mandarins. When he reached the street he met the mob, noisy and turbulent, and in the excitement he, I doubt not, shot two or three shots from his revolver at the crowd.

This appears to have been the signal for the bloody work of the mob. The consul and his clerk were immediately killed; and as all accounts agree substantially with the report of Mr. Meadows, as to the subsequent action of the mob, I beg to refer you to Mr. Meadows's letters, which accompany this dispatch. As an evidence of the widespread knowledge of what was going on at Tien-tsin, and the evident determination of the people generally that no information should reach Peking until their fancied wrongs had been avenged, I would refer to the fact that the courier that was intrusted with Mr. Meadows's letter was intercepted some distance this side of Tien-tsin, seized, beaten terribly, and carried back to Tien-tsin *vi et armis*. Several couriers dispatched to the other legations received similar treatment; so that for two or three days the foreign residents of Peking were considerably excited, fearing that the contagion might spread to this city. The news, being known among the natives here quite as soon as it was by legations, caused considerable commotion for a while. The native workmen engaged in the erection of a building for the Sisters in this city quit their work, and the servants at the Catholic establishments and some at the French legation took "French leave."

The reported atrocities connected with the assassination of the Sisters seem too horrible and fiendish for belief. If true, it goes to show to what a pitch of frenzy the ignorant and superstitious can be wrought by rumors too absurd for belief by any educated and Christian people. The report now is that these poor creatures were taken out of the building; put to death by means of spears, knives, and swords; their eyes and hearts taken out; and their bodies thrown into the flames of the burning buildings. The fury of the mob seems to have been directed toward the teachers of the Catholic religion, in which the Chinese appear to have included *all Frenchmen*. This opinion must have originated in the fact that all the Roman Catholic missions in China are under the care and special protection of the French minister at Peking, and the French consuls at the several open ports. In addition, all or nearly all French subjects residing in China are Catholics in faith, and worship at the various Catholic churches scattered through the empire. It is supposed that the killing of the three Russians was done by mistake, the mob supposing them to be Frenchmen. The truth of this theory appears to be established by the fact that there were a few English, Germans, and Swiss living in the city, not far from the scene of the riot, who were not harmed or molested, and by the additional fact that the Protestant chapels in the city were not injured beyond the carrying off of the movable furniture, books, &c. I hope, and am inclined to believe, that the fury of the mob is spent, and that all real danger to the foreign residents on the "Concession" is over, although the history of mobs, the world over, goes to prove this fact: that the motive which incites riots is, during their progress, often lost sight of, and their subsequent acts are controlled by persons who join them for purposes of robbery and plunder alone. It is only in this view of the case that there is danger in the future; and I shall not feel sure of quiet and order until a gunboat arrives at Tien-tsin. The British gunboat *Opossum* is said to be at Chefoo. If so, she will be likely to make her appearance at Tien-tsin in two or three days at furthest. I have no idea where any of the United States fleet are; but it is fair to presume they are all on the coast of Japan, where the climate is more agreeable than on the Chinese coast in summer.

* * * * *

When the news of the massacre—for it can be called by no other name—reached Peking, a meeting was called of all the representatives

of the treaty powers residing here, to consult upon the measures necessary to adopt for the mutual protection of our countrymen. Although the information we had received was meager, disjointed, and much of it evidently unreliable, it was thought best, without waiting for details, to address a joint note to the government here, as being the best step to awaken the chief officials to a due sense of their responsibility, and induce them to adopt measures promptly to restore order and quiet; for prompt action on their part seemed necessary, not only for the safety of foreign residents in Tien-tsin, but in Peking also. A copy of this note accompanies this. It is but just to say that the government here shows every disposition to do all in its power, but it is weak and effeminate, and requires the constant advice and aid of the foreign representatives to point out the proper steps to take. I inclose a copy of the note from Prince Kung, received on the 25th instant, stating what had been done toward quieting things at Tien-tsin. In addition to this, all the available troops in this vicinity have been brought into the city and posted in the neighborhood of the Catholic establishments for their protection. I also send herewith translations of all the decrees that have appeared up to this date. In the foregoing I have endeavored to give you the substance of the best information that has reached me up to this day. Until further intelligence is received I forbear criticising the causes which led to this terrible affair, or speculating upon the probable or possible effects of it, upon the future intercourse of China with the western nations. Enough, however, is known to establish clearly three facts:

1st. That the action of the Sisters of Charity, or of those who controlled their institution, in the purchase of children, was the cause of the rumors which incited the mob.

2d. That the action of the mob was not directed against foreigners because *they were foreigners*. It appears, rather, to have been a religious crusade against Catholics; not particularly for the reason that Catholics were teaching the Christian religion, but because of their action in filling the asylums with children against the wishes of the Chinese, and in a manner calculated to arouse prejudices and engender hatred. All French subjects were included in the category of those who committed these crimes, because the French government appeared to be the guardian and protector of the Catholic missions.

3d. That the action of the French consul was unwise, in not giving his consent for the use of any reasonable means to disabuse the minds of the people and allay the excitement; and also in firing his pistol into the crowd of people, which precipitated a bloody collision between natives and foreigners, thereby sacrificing his own life and the lives of others who had placed themselves under his protection.

I think I hazard nothing in saying that the representations of Great Britain, Russia, and North Germany agree with me in these opinions.

In thus expressing my opinions as to the causes of the riot, I do not desire to be understood as excusing or palliating this terrible crime, or the action of the officials; who, by their inertness, if not by direct complicity in the plot, failed to take any resolute action to quell the disturbance and protect the lives and property of those who were residing upon Chinese soil, in pursuance of treaty rights, and engaged in lawful undertakings, in accordance with the strict letter of treaty stipulations.

FREDERICK F. LOW.

[Inclosures.]

A.—Dispatch signed by all the representatives of treaty powers residing in Peking, June 24, 1870, to Prince Kung.

B.—Prince Kung to Frederick F. Low, giving details of action taken.

C.—Translation of imperial decree.

D.—Letter from Jno. A. T. Meadows to Frederick F. Low, June 22, 1870.

E.—Letter from Jno. A. T. Meadows to Frederick F. Low, June 24, 1870.

A.

Representatives of Treaty Powers to Prince Kung.

PEKIN, June 24, 1870.

SIR: It is with the deepest grief and indignation that the undersigned, who represent the foreign governments accredited to China, have learned the news of the atrocious crime which has been committed at Tien-tsin, as it were at one of the gates of the capital of the empire. The consul of France, the missionaries, and Sisters of Charity and other Frenchmen residing at Tien-tsin, have been massacred and their establishments burned. From the particulars which have yet reached Peking, not very exact, it is true, there is reason to fear that the fanatical populace will not refrain from further excesses toward the foreign residents at Tien-tsin.

The undersigned do not doubt that the government of his Majesty the Emperor of China in its wisdom sympathizes in the general indignation felt in consequence of these atrocities, and is fully sensible of the grave responsibility which rests upon it, as well as its duty to take the necessary measures to prevent the repetition of such acts; which, wherever they may occur, cannot fail to seriously compromise the position of the imperial government in the eyes of all the world.

The occurrences at Tien-tsin prove, in fact, that foreigners are not everywhere sufficiently protected by these Chinese local authorities. It is therefore for the interest of the imperial government itself to demonstrate, by the clearest acts, its firm intention to assure the safety of all foreigners who have trusted themselves to its fidelity, wherever they may be within the confines of the empire. If such a catastrophe as this could happen only eighty miles from the capital, the undersigned cannot but fear that, unless the guilty persons are promptly punished, new attempts will be made at places further from the capital, where the authority of the central power has less efficiency. It is indispensable that, as other countries hear the tidings of this crime, they should at the same time be informed that justice is being done: and thus each of them will be reassured as to the condition of its citizens who have trusted themselves to the protection of China.

The undersigned gladly avail themselves of this occasion to renew to his imperial highness the assurance of their respectful consideration.

REFUGES,

North German Confederation.

FREDERICK F. LOW,

United States of America.

AUG. T'KINT VON ROODENBECK, *Belgium.*

ADOLFO PATXOT, *Spain.*

ROCHECHOUART, *France.*

EUG. BUETZOW, *Russia.*

T. F. WADE, *Great Britain.*

His Imperial Highness PRINCE KUNG, &c., &c.

B.

JUNE 25, 1870. (*Fungchi, 9th year, 5th moon, 27th day.*)

Prince Kung, chief secretary of state for foreign affairs, herewith has the honor to state, in respect to the riot which has occurred at Tien-tsin, that he has already been honored with a decree from the throne, ordering Tsang Kwofan, governor general of this province, to go there and attend to its suppression.

The Foreign Office has also sent a letter to Tsunghow, at Tien-tsin, ordering him to

take measures to arrest the lawless men who had stirred up this *émeute*, and execute upon them the severest penalties of the laws, in order to vindicate the justice of government, and restrain all further outbreak. He was also directed to take the utmost precaution in protecting the foreign consulate and residences, so that no further molestation need be apprehended.

A dispatch has also been received from him, in which he states that at an early hour on the 22d instant he went to the office of the commissioner of customs, where he met all the foreign consuls, and assured them that there was no cause for further alarm. He had also sent officers to the foreign hongts at the city, who had ascertained that no damage had been done to them, and had taken letters from them down to the foreign settlement at Tszchuhtin, in order to relieve the anxiety of the friends of those living there. He had further detailed officers to go to various points to repress any disturbance and afford all possible protection, which had still further quieted the apprehensions of all classes, as he was assured by the replies already received from the consuls.

Having received these particulars, I have the honor to make them known for your excellency's information.

His Excellency F. F. Low,
United States Minister.

C.

[From the Peking Gazette of June 26th.]

AN IMPERIAL DECREE.

Tsunghow has memorialized us respecting a riot among the people at Tien-tsin, and fighting with the religionists, requesting that his guilt [in the affair] may be investigated, and the local officers be severally examined with severity in reference to their degradation. It seems that some children were kidnapped, and some reckless villains implicated the Roman Catholic establishments in the practice, which led the people of Tien-tsin to suspect evil and excite strife; and further, Mr. Fontanier, the French consul, fired his pistol when at the office of Tsunghow, and at the district magistrate of Tien-tsin, which had irritated the crowd to such a degree that they killed Mr. Fontanier and burned the Roman Catholic establishments. Tsunghow is in charge of commercial affairs, and he therefore is not the one to keep the place quiet; but Chow, the intendant, is responsible for taking the lead, and yet adopted no precautionary measures in the matter; nor did the prefect, Chang, or the district magistrate, Lin, at Tien-tsin, either of them act right at all in reference to it, whereby this very serious matter has attained such a pass. Their delinquencies admit of no palliation.

Let Tsunghow and all the other officers be handed over to the board that their proper punishment may be decided. Let Tsang Kwoh-fan, as soon as he reaches Tien-tsin, investigate the whole thing most thoroughly, and report in a memorial. Let those lawless people who have kidnapped children, and the leaders in this riot, be all seized and dealt with severely, according to law. And lastly, let him and Tsunghow jointly search into the causes of this whole affair to the very bottom, and manage it equitably, without the least partiality. Respect this.

D.

Mr. John A. T. Meadows to Mr. Fred. F. Low.

UNITED STATES CONSULATE,

Tien-tsin; June 22—1 a. m.

SIR: I have the honor to make the following report to your excellency on events which have taken place at this place for your information:

For some days past great excitement has existed in Tien-tsin among all classes of the Chinese inhabitants against the foreign (French) and Chinese Roman Catholics, in consequence, it is said, of the priests and Sisters of Charity, through their employés, having kidnapped numbers of Chinese children for some months back, and when any of them died, caused their eyes and hearts to be extracted for medicinal purposes. An intense hatred has been lately created through these reports on the part of the people against the French Roman Catholics, and I felt certain there would be an outbreak on the part of the people if the French residents did not take measures to do away with the impression existing among the people. To-day Mr. Fontanier and the assistant of the consulate proceeded armed to the Yamèn of his excellency Chungchow, and on their way back to the consulate, accompanied by Chungchow, and when they met the district magistrate, who stopped Chungchow to speak to him, Mr. Fontanier fired on Chungchow and the magistrate three shots from his revolver, beside striking Chungchow slightly with the butt of his pistol on the head. The Chinese people who surrounded them

rushed on Mr. Fontanier and the assistant and killed them. The excitement now became intense among the people, who in a large body proceeded to the Tien-chu-tang, killed the three priests there, two French people *en route* for Peking, and all the Roman Catholic Chinese, after which they burned down the building. The crowd now became greater, and the authorities could not control it. The people now proceeded to the Jin-tsz-tang, where the Sisters of Charity resided, killed five sisters and all the Chinese Roman Catholics in the building. Three more Roman Catholics, met in the street, were also killed about this time. This building was also burned down. The whole of the mandarins of the city had now reached the spot, and persuaded the people to disperse. These latter found the bones of children in the Jin-tsz-tang, which roused their fury exceedingly. No injury has been done to the persons or property of the people of other nationalities. The ladies of the American and British Protestant missions went to the British consulate to stay this night with Mrs. Lay, the wife of the British consul.

JOHN A. T. MEADOWS,
United States Vice-Consul.

E.

Mr. John A. T. Meadows to Mr. Fred. F. Low.

UNITED STATES CONSULATE,
Tien-tsin, June 24, 1870.

SIR: At 2 a. m., on the 22d instant, I had the honor to address your excellency regarding serious matters which had occurred here during the 21st instant. My dispatch I handed to Mr. Arendt, vice-consul of the North German Confederation, who was sending a dispatch by special courier to Peking at that time. This morning I was astonished to receive back my dispatch from Mr. Arendt. It appears, from Mr. Arendt's note, that the messenger had been unable to proceed on to Peking. As I am desirous of at once sending you all information up to this moment, I once again address you. My first dispatch, which I inclose, will convey to you the first accounts we received of the terrible events of the day previous. I am now able to correct some of my report, having since received more correct information. After the Jin-tse-tang people were killed, it appears there were nine Sisters of Charity and a number of Chinese. There were over thirty female children found in the place, who were sent to the mandarins. At the Tien-chu-tang there was one foreigner (French) killed and one native priest: also Mr. Tomassen and wife of the French legation, who arrived per Manchu from Shanghai, and a number of Chinese servants. At the French consulate, situated within the Tien-chu-tang premises, there were killed Mr. Fontanier, the consul; Mr. Simon, the vice-consul, and a number of Chinese. Mr. Chalmaison and his wife, store-keepers, were killed in their store near the south gate. They were Roman Catholics. Two Russian-Siberians, and the wife of one of them, were killed as they were coming down in sedans from town, at the time the people were burning the Jin-tsz-tang, being evidently mistaken for French Roman Catholics, as none of the Swiss, German, and English people, all Protestants, were molested, although living separately in town. There appear to have been altogether nineteen foreigners, French and Russians, killed on the 21st instant. The people in the settlement have naturally been in considerable alarm, but the moment I learned, at 5 p. m. on the 21st, that the Chinese people had dispersed after destroying the Tien-chu-tang and Jin-tsz-tang, Roman Catholics, without molesting the Protestant residents in town, I felt sure we would not be disturbed in the "settlement," and such has been the case up to this moment. At 10 a. m., on the 22d instant, Chungchow met all the consuls at the residence of the commissioner of customs. He detailed how Count Fontanier had acted like a madman, and that he attributed the destruction of all the people to his firing his revolver at himself (Chungchow) and the magistrate. He expressed great regret at what had occurred, and owned that owing to the unexpectedness of the outbreak, the people were masters of the position for that day. Mrs. Stanley and family are living on board the Manchu, where other missionary ladies are living, as well as Mrs. Forbes and Mrs. Stamman, merchants' wives. There are now no foreigners living in town. Chungchow saved the life of one Frenchman named Contris, who was able to reach his yamun, where he was cared for till he could be sent down to the British settlement. I write this dispatch in great haste, as I am anxious to dispatch it without delay. I am very much grieved that my first letter has been returned.

Beside the Manchu, we have the British steamer Appin in port. The Dragon had left, but some letters would reach her at Takoo, and we will early see a gunboat here. There are no vessels of war here at present.

The bodies of the consul, vice-consul, Tomassen and wife, the priest Chevrier, and those of the Russians have all been got possession of, and the latter buried.

JOHN A. T. MEADOWS,
United States Vice-Consul.

Note to accompany Mr. Meadows's letters.

Mr. Meadows, the United States vice-consul at Tien-tsin, is in the employ of Chunghow as superintendent of the arsenal at Tien-tsin, and, as a consequence, their acquaintance and intercourse are intimate. Without imputing to Mr. Meadows any desire to misrepresent facts, it is undoubtedly true that his personal friendship toward Chunghow would cause him to believe the statements made by the latter in preference to basing his opinion on the information which comes through other sources. Mr. Meadows's statements about what took place at the yamun of Chunghow is substantially disproved by all the testimony we get from other sources.

It is but natural that the Chinese officials should try to relieve themselves of the grave responsibility, and they will be likely to do so by every possible means. Hence their statements in regard to the occurrences of the 21st should be accepted with caution unless supported by other evidence.

It would appear to be an improbable story that the French consul should attempt to take the lives of Chunghow and the district magistrate, the men on whom he was obliged to rely for protection, and whose aid it was the object of his visit to obtain.

FREDERICK F. LOW.

No. 225.

Mr. F. F. Low to Mr. Fish.

No. 15.]

LEGATION OF THE UNITED STATES,
Pekin, July 16, 1870. (Received September 21.)

SIR: I have the honor to acknowledge the receipt of your No. 9, with inclosures, instructing me to proceed, at such time as it may be convenient to the admiral commanding the Asiatic squadron, to Corea, for the purpose of negotiating a treaty for the protection of shipwrecked mariners, and, if practicable, to secure commercial advantages also. Since my arrival in China I have endeavored to obtain all the information possible about Corea, but I regret to say that my efforts have met with little success.

The Chinese government will, I doubt not, lend its good offices in aid of our efforts in that direction, but it is questionable whether they will prove of much practical utility.

Corea is substantially an independent nation. To be sure, it sends tribute to China annually, but from the best information I am able to obtain, the tribute is sent rather as a *quid pro quo* for the privilege of trading with the Chinese than as a governmental tribute. It is brought annually by land, and is accompanied by a large train of camels laden with Corean products, paper, ginseng, &c., for private trade and traffic. These trading expeditions are allowed to remain in Peking three months in each year.

Beyond these arrangements, which have been in existence many years, there seems to be no connection between China and Corea. China claims or exercises no control in any way over Corea, nor do the Coreans regard the Chinese as having any right to interfere or exercise any control over their governmental polity.

The object aimed at, in connection with the proposed expedition, is well worth the effort, and I shall use all available means to make the

negotiations a success; although candor compels me to say I am not sanguine. I shall be glad to avail myself of Mr. Seward's experience and assistance in this matter; hence no preparations will be made for the expedition until next year, when he will be able to accompany me.

In the mean time the Department will be kept fully acquainted with all the information I am able to obtain.

FREDERICK F. LOW.

No. 226.

Mr. F. F. Low to Mr. Fish.

No. 18.]

LEGATION OF THE UNITED STATES,
Pekin, July 27, 1870. (Received September 21.)

SIR: Referring to my No. 12, of 27th ultimo, concerning the late riot at Tien-tsin, I have now the honor to lay before you sundry documents in further explanation of that painful affair.

Since the riot occurred I have tried to gather all the information possible in regard to it, its causes, and details; to ascertain where the responsibility rests for this massacre, and the measures being taken to punish the guilty, and afford redress for the outrages committed.

The opinions expressed in my No. 12, as to the cause of the riot, are in some degree modified, but they are in no essential particular changed.

* * * * *

The exact facts in regard to the killing of the consul and the other people, and the destruction of the buildings, are involved somewhat in doubt. The testimony in regard to these particulars is conflicting and contradictory, and probably the precise truth never will be known. I see no reason to alter or modify the opinions already expressed. Most if not all the bodies of the foreigners killed have been recovered. Many of them were horribly mutilated, indicating that the fury and fiendishness of a mob composed of Chinese may be equaled, but cannot be excelled, by the wild savages of the American continent.

The complicity of the local officials in this affair seems more certain, the more it is investigated. When they saw the storm gathering they failed to take any effective steps to prevent it, and the opinion is general in Tien-tsin that the mob received direct aid and countenance from the local officers and soldiers.

The belief is general among all classes that children are kidnapped and sold by the natives for base purposes, and that this is true there seems to be no doubt. The practice is reprobated by all classes, and the guilty persons are punished without mercy when detected. When such a practice exists it is not strange that foreigners should be liable to suspicion also. The secrecy with which all matters connected with the Sisters' establishments are conducted renders them peculiarly liable to suspicion in the eyes of ignorant people. To this may be added the natural repugnance and hatred of the literati and gentry, who are ever ready to take advantage of any rumor to arouse the prejudices of the common people against foreigners, and impress upon them the belief that "barbarians" are capable of atrocity too absurd for belief, except by the ignorant and superstitious.

An excitement of a similar character occurred about the same time at Nankin, several hundred miles distant, which seems to be a remarkable coincidence. This could hardly be accounted as accidental, and

affords grounds for the belief which generally prevails among foreigners, that the riot at Tien-tsin was not a sudden local excitement, but rather a part of a general plot to arouse the prejudices and passions of the people, with a view to the total extermination of the foreign residents. I am not prepared to accept this view of the case, and shall not, until evidence can be produced stronger than any that has come yet.

The particulars of the Nankin troubles are detailed with greater clearness in the report of the governor general of that province to the Foreign Office, a translation of which I inclose, (inclosure B.) It appears from this that the excitement was as great, the same stories were current in regard to the doings of the Catholics, and the danger as imminent, as at Tien-tsin; and that violence was prevented by the vigorous action of the local officials, coupled with the prudence of the Catholic missionaries, who permitted a thorough inspection to be made of their institution. This latter, it appears, went far to quiet the apprehensions of the people, and prevent a popular outbreak.

I inclose several edicts and proclamations going to show what measures are being taken by the government to punish the guilty parties and afford redress for the outrages committed.

Tsang-kwohfan, who is deputed to investigate the whole affair, and is now at Tien-tsin engaged in that business, is governor general of this province, and one of the ablest officers in the empire. His name is familiar to those who read our diplomatic correspondence as being the author of a somewhat celebrated paper—a report to the Foreign Office in 1867 giving his opinions upon the different points of the British treaty, which was then up for discussion and revision. This report, although private and confidential to his own government, was surreptitiously obtained in some way by the foreign legations, and translated. It appears in *Diplomatic Correspondence, 1868, Part I, pages 519, 520, and 521.* He is a man of mature years, great experience in official affairs, and generally regarded as anti-foreign in his views and feelings. But, whatever his private feelings toward foreigners may be, and however much he may desire that the empire should be restored to its ancient exclusiveness, he has seen enough to satisfy himself that this cannot be, and that all attempts to resist by force the peaceful residence of foreigners in China, in accordance with treaty stipulations, are acts of folly and madness. As an officer he will, I am persuaded, duly appreciate the obligations imposed upon him to search out and punish the guilty, and, in good faith, try to devise measures to prevent a recurrence of such outrages in the future. But, whatever may be done in the way of punishment and indemnity for the past, absolute security in the future cannot be expected until the minds of the people are divested of their absurd and wicked prejudices concerning foreigners. This can only be accomplished by time, aided by the influence of the governing class. The necessity of this education the high officials are beginning to realize, and the importance of their taking immediate action for this purpose is being constantly urged by the diplomatic representatives residing here.

The decree appointing Tsunghow, or Chunghow, as his name is generally rendered by foreigners, as imperial envoy to proceed to France to endeavor to arrange this difficulty, appears to be a step in the right direction. It evinces a disposition to conform their international intercourse to the forms and usages of western nations.

As yet all is doubt and uncertainty about the demands for indemnity which France will make. Telegraphic instructions via Russia are expected by the French *chargé d'affaires* in a few days. He is now in

Tien-tsin, where he has gone to meet his admiral. A large fleet of foreign vessels of war is now in the vicinity of Tien-tsin. Six gunboats—three French and three English—are in the river; a French corvette lies outside the bar at the mouth of the Pei-ho, and the flag-ships of the English and French squadrons, and some other vessels, are at Che-foo. In addition to all these, two North German corvets and a portion of the North Pacific Russian squadron are daily expected at Che-foo.

I have written to the admiral commanding the United States Asiatic squadron, informing him of the importance of having some force in the North China waters, but it is doubted if any favorable response can be made until the arrival of Admiral Rogers.

The present aspect of affairs certainly looks troubled; but I hope a satisfactory settlement may be brought about without resort to hostilities.

Speculations as to the future answer no useful purpose, as you will undoubtedly learn the progress of events, and possibly the final result, before this can reach you.

My action will be controlled in a great measure by events as they occur. It will be my first duty to see that citizens of the United States are allowed to participate in all the rights and privileges granted to other nations. Beyond this I shall not consider it my duty to interfere, except in a general way, for benefit and future security.

FREDERICK F. LOW.

[Inclosures.]

A.—Copy of letter from M. Fontainer to M. le Comte Rochechouart.

B.—Letter from Ma-Sin-i, governor general of Nankin, to foreign office.

C.—Letter from Prince Kung to the representatives of foreign powers.

D.—Imperial decrees appointing Tsunghow imperial envoy and Ching-lin superintendent of trade.

E.—Letter of Frederick F. Low to Prince Kung, approving appointment of Tsunghow.

F.—Letter of Prince Kung, transmitting imperial decree ordering all the local officers to be examined and punished for not repressing Tien-tsin riot.

G.—Proclamation of Tsang-Kwoh-fan with reference to Tien-tsin riots.

H.—Report of Tsang-Kwoh-fan, giving the result of his investigations into the details of the Tien-tsin riot, and the causes which led to it.

A.

M. Fontainer to M. le Comte Rochechouart.

[Translation.]

TIEN-TSIN, June 21, 1870.

M. LE COMTE: Our little city of Tien-tsin, usually so quiet, has for some days been disturbed by the cries of noisy mobs in the neighborhood of the establishment of the Sisters of Charity and this consulate. The Sisters are accused of taking out the eyes of children, and some of the boldest have dug up the bodies of those taken from their hospital. Lately the intendant (taotai) of this circuit wished to show me the deposition of many witnesses who declared that they had been victims of the persons employed by our missionaries to recruit young children for them. I had no difficulty in proving to him that all these rumors were the result of ill-will; but as he had presented the matter officially, I promised, on his repeated demand, to see to it that our Sisters of Charity should employ only persons of tried character.

Some hours after this meeting on the 19th, the district magistrate (chihien) came to the consulate, accompanied by a deputy from Chungchow, with the design of provoking forthwith an official investigation of the houses of the Sisters and Lazarett missionaries. But as he committed the impropriety of getting into a passion, and even of threatening me with the resentment of the people, apparently determined to exact from me that which his superiors only a few hours before had left entirely to my judgment, I took advantage of it to break off the interview by recalling to his notice that it was only with the superintendent of the three northern ports that I intended to continue this affair; but that I should none the less hold him responsible for the consequences of the troubles he seemed to be so willing to threaten me with, and of which I was persuaded he was the sole instigator.

I requested the deputy from Chungchow to inform his excellency of the result of my interview with the district magistrate until I could go myself to complain to him personally of the unbecoming conduct of this official. I had the pleasure yesterday morning to receive a visit from Chungchow. He spoke in strong terms of reprobation of this magistrate, though meanwhile trying to excuse him. I complained to him how little value the local authorities had given to his remarks when he had tried to contradict the false rumors circulated against our missionaries, the final cause of which must be found in the obligation to let them adopt a course in which he had refused to join, which had attached to him anew the epithet of "The Right Arm of Europeans."

This little incident, which would perhaps have taken a bad turn, unless Chungchow had interfered, now seems to me to-day to be pretty much finished. He has, moreover, promised me that in a few days he will issue a short proclamation to quiet the minds of the people.

B.

Ma-Sin-i, governor general of Nankin, to the Foreign Office.

I have received the dispatch [from the Foreign Office] stating that M. de Rochechouart had announced his intention of starting for Kiangsu and Chehkiang provinces from Tien-tsin, for the purpose of ascertaining, by secret inquiry, whether it was true or not that the Roman Catholic establishments have been criminated by persons, [charged with kidnapping;] when the startling news was received that there had been a tumult at Tien-tsin in consequence of these establishments having been criminated by kidnapers, in which the French consul, M. Fontainer, had been killed by the mob. I was accordingly directed to issue confidential instructions to the local authorities that whenever a case of kidnapping occurred, which in any way implicated the Roman Catholics, they should investigate the matter to the bottom, and be careful not to give ready credence to idle rumors, lest they might by so doing give rise to disturbance.

About the last of May and the first part of June, cases were constantly reported of children being missing, both within and without the city of Nankin, and those arrested, on being narrowly examined, did make statements that implicated the Roman Catholics, but none of them being supported by any satisfactory proofs it was not thought expedient to follow up the charges by inquiring of them. But although these cases were disposed of, the people incessantly complained of children being beguiled and carried off, and the excitement increased. One kidnapper was taken almost in the act, and when before the authorities, he stated that a man named Choo Teh-shing, belonging to the Roman Catholic establishment, was his principal. This increased the difficulty of disarming popular suspicion. As the rumors circulated, they changed their character, and became so truculent that people shuddered when they heard them, and the citizens were so exasperated that it was almost impossible to restrain them.

I gave orders accordingly to the provincial commissions and intendants who direct the committee of reorganization,* that as soon as they had convicted the kidnapers now in custody to punish the whole by martial law, that the wrath of the people might be appeased. At the same time I put forth a proclamation stating all the particulars, and charging the people not to listen to these unfounded rumors; and further directed an officer of the committee charged with foreign business to inform the resident Roman Catholic priest, in writing, of the rumors that were in circulation. He replied, defending himself, and begged that measures might be taken to prevent any trouble. This took place just after the dragon-boat festival on June 3, and it was brought to my notice that the population had not abandoned their suspicions. It was also ascertained that vagrant people and lovers of mischief were exciting them to such a pitch that a day had actually been fixed on which all the able-bodied men in the city were engaged to meet and go together to the Roman Catholic establishment. This project, and many others being talked of, I at once sent orders to the heads of the vari-

* Office of supplementation, a body of magistrates and others which have been supposed to be bringing the affairs of the province into order since its recovery from the Taiping rebels.

ous wards, and subordinate officers among the gentry, explicitly directing them to arrest any person found spreading these stories for mischievous purposes. The prefect and district magistrates, attended by a number of the gentry and literati, also went at the same time to the Roman Catholic establishment. The missionary took them all over the rooms, and into every corner of the building, but they found nothing whatever out of the common way, and consequently, as soon as it was proved that there was no evidence there for these stories current, popular suspicion began to subside.

Both in the city and suburbs, however, people still continued in a state of alarm and unrest, which led me to issue fresh proclamations on this head, and secretly to detail soldiers to patrol by day and night all the roads and streets most carefully, with a view to relieve the apprehensions of the people. By these means after the middle of June men's minds were calmed and the Roman Catholics and people were as friendly as ever. This is a full account of the measures taken in Nankin during the last month with reference to kidnapping.

I have received nothing in writing from Chehkiang province to show whether anything of this sort has happened there or not, but I have heard that some cases of beguiling and kidnapping did occur in May in the province of Nganheoni. The excitement in Tien-tsin began in that month, but it is beyond my comprehension how there should have been movements in several provinces north and south, so identical in time and purpose.

The space within the walls of Nankin is large and disconnected. Its inhabitants are ordinarily from all parts of the empire, not one-half of them being natives of the place. This is examination year, too, and great numbers of students and traders will assemble, which makes strict surveillance throughout the quarters difficult. As a precautionary measure, however, I am erecting guard-houses at all the important points in the several wards and about the market places, in which the guards can mutually help and observe each other in their watching. The committee of reorganization are to see that in every ward registry door-tickets are made for each dwelling house, and will take precautions that the registry of the people be done so as not to distress them. They will merely enjoin on every tithing that its inhabitants exercise such mutual vigilance within its limits that bad characters will have no refuge for themselves.

I have also directed an officer from the committee of foreign trade to go to the English and French missionaries here, and civilly urge them to move out of the way while the examinations are going on, so that causes of collisions with the students may be avoided. The Protestant missionaries occupy a rented house and chapel near the examination hall, and they agree to move away while the examination is held, but the new church of the Roman Catholics in one street overlooks the prefectural college in another, and they declared that they had nowhere to go, but were willing to shut their gates and keep indoors till it was over. But lest the students should go to the place and get into dispute with the inmates, I have enjoined upon every one of the literary chancellors and those in charge to urge on the students to avoid whatever will produce disturbance. Thus it is to be hoped that all parties will keep peace; and I now give this detail of the precautionary measures which I have adopted for your information.

C.

Prince Kung to the representatives of foreign powers.

JUNE 26, 1870. (*Tungchi, 9th year, 5th moon, 28th day.*)

Prince Kung, chief secretary of state for foreign affairs, herewith sends a reply:

I yesterday had the honor to receive the collective note of your excellencies, in which you refer to the murder of the French consul, priests, missionaries, and others at Tien-tsin, and inquire whether the officers and people of other countries residing at that port can be protected from violence. You also suggest whether the means for assuring the safety of foreigners in other provinces are adequate for the purpose, and advise that firm measures for this end be speedily taken, so that their persons and property may be secure; and, lastly, urge the condign punishment of those who have been guilty in the riot at Tien-tsin, &c.

In relation to the circumstances of this riot at Tien-tsin, and what has been done to repress it and punish the actors, I have already stated to your excellencies the steps which have been taken. Since then Tsunghow has received dispatches from the consuls, and such measures have been adopted that there is, apparently, not the least probability of further disturbance.

With regard to the necessity of taking precautionary measures in the other provinces, I may state, further, that the most stringent orders have been sent to the several governors-general and governors to enjoin upon their subordinates to exert the utmost diligence in protecting foreigners of every class residing within their jurisdictions. Should lawless vagabonds stir up strife and seek occasion against them, such are to be

instantly seized and punished with the utmost rigor that the law requires, so that the two, foreigners and natives, may dwell together in enduring peace.

It is for the purpose of making known what has been done in this matter, that I now send this communication for the information of your excellencies.

To EUG. BUETZOW,
Chargé d'Affaires for Russia.
ADOLFO PATXOT,
Spanish Minister.
FREDERICK F. LOW,
United States Minister.
BARON DE REHFUES,
Minister for the North German Confederation.
AUG. T'KINT VON ROODENBECK,
Belgian Minister.
COUNT ROCHECHOUART,
Chargé d'Affaires for France.
THOMAS F. WADE,
Chargé d'Affaires for Great Britain.

D.

Prince Kung to Mr. F. F. Low.

JUNE 29, 1870. (*Tungchi, 9th year, 6th moon, 1st day.*)

Prince Kung, chief secretary of state for foreign affairs, herewith sends a communication:

I was yesterday honored by receiving the following imperial decree:

"Let Tsunghow, a vice-president of the board of war and superintendent of trade for the three northern ports, be invested with full powers to go to France as our imperial envoy. Respect this."

On the same day I also received the following imperial decree:

"Tsunghow having been sent abroad as our envoy, let Chinglin temporarily fill the post of superintendent of trade for the three northern ports. Respect this."

I have caused these decrees to be carefully copied, and now send them for your excellency's information.

His Excellency FREDERICK F. LOW,
United States Minister to China.

E.

Mr. F. F. Low to Prince Kung.

LEGATION OF THE UNITED STATES,
Pekin, June 30, 1870.

SIR: I have the honor to acknowledge the receipt of your highness's dispatch of yesterday, containing copies of two imperial decrees respecting the appointment of Tsunghow as imperial envoy to France, and of Chinglin to fill the post of superintendent of the three northern ports for the time, &c.

His excellency Tsunghow has so long been in charge of the trade at Tien-tsin that he has become thoroughly conversant with it; and of all the details connected with the recent riot at that city, the killing of the French consul, and what followed, he was an eye-witness. In respect, therefore, to the causes of this excitement and the subsequent attack, he will, in his position of imperial envoy to France, be able to fully explain all that took place on that occasion, and remove the apprehensions of the French people as to what may grow out of this very serious affair. The origin and progress of the agitation up to the final outbreak are all well known to him, so that his appointment at this juncture as a special envoy seems to me to be a wise step.

The high officer Chinglin, who has already filled the post of intendant and collector at Neuchwang, has been well spoken of by the American consul at that port as well versed in the details of trade, and an officer who executes the duties devolving on him with equity and consideration. His appointment to temporarily fill the post of superintendent of trade for the three northern ports is, therefore, likely to prove satisfactory to all, and is very agreeable to me.

I have the honor to be, sir, your imperial highness's obedient servant,
FREDERICK F. LOW.

His Imperial Highness PRINCE KUNG, &c.

F.

Prince Kung to Mr. F. F. Low.

JUNE 29, 1870. (*Tungchi, 9th year, 6th moon, 1st day.*)

Prince Kung, chief secretary of state for foreign affairs, herewith makes a communication:

On the 28th instant I was honored by receiving the following imperial decree:

"In consequence of wicked men having kidnapped young children in the prefecture of Tien-tsin, and implicated therein the establishment of the [Roman Catholic] religionists, the people of the city had their suspicions aroused, and raised a riot in which the French consul was killed by the mob, the churches burned, and many other persons lost their lives, together with some Russian merchants, who were unintentionally killed. The whole affair and all the acts committed are much to be deplored.

"We have already ordered that Tsunghow and all the local officers who have managed matters so badly in this affair be delivered over to the board [of civil office] to decide upon their punishment, and also directed that Tsang Kwoh-fan go there and inquire what are the real facts of the case, and send up a report, and also seize the miscreants who carried off human beings and the ringleaders of this riot, and execute the penalties of the law upon the guilty.

"The provisions of the treaties now in force have hitherto proved to be adequate for everything connected with the trade and intercourse with other countries, and under them natives and foreigners have now for a long time got along amicably, our government regarding them both with the same kindness. But in discriminating between the good and the evil no one should ask whether a man belongs to a sect or not, for wherever unscrupulous fellows are found sheltering themselves under the name of Catholics to act traitorously, and violate the laws, they must be arrested immediately and strict examination made that just punishment may be inflicted. It is impossible to permit men to circulate unfounded rumors and recklessly stir up strife and riot.

"It is to be feared that owing to this conflict and ill-will between the people and the Catholics at Tien-tsin the inhabitants of other provinces will have their suspicions aroused, and excite strife against them, and, therefore, let all the chief provincial authorities give the strictest orders to all their subordinates throughout their jurisdiction to publish explicit proclamations upon this matter, and take proper measures to repress all attempts at rising. Wherever merchants and missionaries are found let them have adequate protection whenever they require it, and by no means let the ignorant people be excited to disorder by rumors or other causes. Respect this."

I now send your excellency a carefully prepared copy of the decree for your information.

His Excellency F. F. Low,
United States Minister to China.

G.

Proclamation of Tsang-kwoh-fan with reference to Tien-tsin riots.

JULY 10, 1870.

Tsang, a cabinet minister, governor general of the province of Chihli, &c., &c., hereby issues the following proclamation:

I have been honored with repeated orders from the throne in reference to the occurrences of the 21st ultimo, directing me to examine into and settle them in the strictest justice, without calling on the troops. All classes, both official and unofficial, ought, therefore, to endeavor earnestly to carry out his Majesty's intentions, so that this affair may be settled and the minds of people quieted.

To this end I now issue this proclamation, ordering the inhabitants of this place to quietly attend to their own affairs as usual, and strictly forbidding them to gather in crowds, or wander through the streets and markets in crowds of ten or a hundred, circulating wild rumors designed to alarm and stir up the people. You are also forbidden to assemble about the foreign houses and shipping to stir up strife and rancor.

In all my examination into the causes, and inquiry as to who is implicated in this affair, I shall exercise strict equity while carrying on the examination; in no case will I show any partiality, but do justly by all. Let every one carefully obey this special proclamation.

H.

Report of Tsang-Kwoh-fan respecting the Tien-tsin riot and its causes.

Extract from a dispatch of Tsunghow to the United States vice-consul at Tien-tsin, dated July 14, 1870, containing copy of a letter to him from Tsang-Kwoh-fan, governor general of the province.

* * * * *

I have received his Majesty's orders to come to Tien-tsin and, in concert with your excellency, to make a thorough investigation into the riot here on the 21st of June, and learn the causes for the animosity which led to it. It appears that villainous men have been bewitching and carrying off children, in which they have implicated the Roman Catholic establishments, and assert that these people extract the eyes and open the hearts of the children to put into certain medicines. Not only have the ignorant and vulgar been carried away by these idle rumors, but even the educated gentry and officials have confirmed them by their assent. These causes have been operating till suspicion has produced hatred, and angry passions have been stirred up, until this serious catastrophe has come to pass. It is imperatively necessary, therefore, to learn the real facts about these things, so that the true may be distinguished from the false, the guileless from the malicious, and everybody enabled to understand the rights of the case. These exciting rumors are not alone prevalent at Tien-tsin, but were rife in former years in the provinces of Hunan and Kiangsi; and last year extraordinary placards were posted up anonymously in the cities of Yangchau, in Kiangsu, and Tienman; in Hupeh, and in those of Kwangping and Ta-ming, in this province. Some of the charges brought forward were that the Roman Catholics beguiled and kidnapped children; others said that they took out their eyes and opened their hearts; and lastly, that they deceived women into their quarters to defile them. But although the occurrences at these towns were all judicially inquired into and settled, no attempt was ever made to search into their causes, to learn the truth of the statements made in the placards and exciting rumors, and clear up the whole matter.

Since I reached Tien-tsin I have most carefully inquired into the charges brought against the Roman Catholics of bewitching and kidnapping children. While the man Wangsan acknowledged in his examination that he had done so, yet he has since denied that he confessed, and his statement does not at all agree with the original testimony of Wu Lanchin respecting their complicity, nor is there the least proof that any one at the mission ever employed him for such a purpose.

Furthermore, the one hundred and fifty boys and girls brought from the hospital of the Sisters of Charity have all been questioned, one after another, and agree in saying that they have been there under instruction a long time, and that their relatives brought them to the institution to be reared and taught. Not one of them had been kidnapped, or in any way cajoled to come there.

The stories about their taking out eyes and opening hearts are also mere unfounded rumors, without a shadow of evidence to uphold them. There were many deaths at the hospital in the months of May and June, and sometimes two or three bodies were put into the same coffin, which gave rise to great suspicions among the people. They remarked, too, that its doors were constantly kept closed and everything carried on with such secrecy that no one could tell what was done inside, which of course gave rise to increased suspicion and dread. Rumors arose on every side, spreading these accusations by myriads of tongues, but to get at their truth would have been like trying to clutch the wind or seize a shadow.

When I first got here, the people came around me by hundreds, handing in their petitions about this affair. I have personally examined many of them and asked for the proof of what they allege about taking out eyes and hearts; but not one can point to a single case within his knowledge. Nor is there any evidence to show that any family in the city or suburbs of Tien-tsin has lost young children; for if such a case had come before the courts, it would have furnished a means of thoroughly investigating the matter. On the whole, therefore, my inquiries have convinced me that there is no foundation for the rumors, nor can I ascertain how they have arisen; and it seems advisable for your excellency and myself to immediately report these circumstances to the throne, in order to put a stop to these unfounded rumors and suspicions.

As to the charges that they (the Roman Catholic missionaries) kill children and mutilate their bodies for the purpose of concocting medicine out of their organs, it may be replied that even wild savages and fierce barbarians refuse to act thus; how much less, then, the English and French, those mighty nations, beyond the sea? Can it be supposed that they do such cruel and detestable deeds? It stands to reason that there has been nothing of the kind.

If persons belonging to the Roman Catholic sect commit crimes, rob, or try to kidnap people, and think to screen themselves from punishment by alleging that they are members of it, it will not do to release them; they must suffer the penalty of the law; nor can any criminal be discharged because he is one of the sects. The Roman Catholic faith

teaches people to do good, and his sacred Majesty the Emperor Humane (Kanhi) long ago permitted missionaries to exercise and teach their faith. The hospitals of the Sisters of Charity are like our foundling hospitals or old men's asylums, having for their chief object to relieve the wretched and help the poor, in doing which they lay out large sums annually. Their name itself, jin-tsz, means *humane* and *kind*, and should be sufficient to disarm the slander which accuses their managers of such horrid cruelties. It will be hard to appease the wrath of foreigners for this.

It will be proper for us to memorialize the Emperor, requesting that orders be sent to all the provincial rulers, advising them that all irritating anonymous placards formerly circulated about the Roman Catholics killing and cutting up human beings are all malicious and unfounded assertions, and ordering them to take measures to redress the wrongs of foreigners and completely dissipate the misapprehensions of the people. These things should be proclaimed over the empire, so that every one shall hear and understand them; and mayhap the fears and suspicions of all, both natives and foreigners, will be removed, and the mutual ill-will of the people and the Roman Catholics gradually cease, and peace be restored.

If you agree with these views, it will be proper to make them known at once to the merchants; and I should like a reply showing that it has been done.

No. 227.

Mr. F. F. Low to Mr. Fish.

No. 22.]

LEGATION OF THE UNITED STATES,
Pekin, August 18, 1870. (Received October 24.)

SIR: The alarm which the Tien-tsin tragedy produced does not subside. On the contrary, the feeling of insecurity and peril among foreigners seems to increase.

The Protestant missionaries in Tien-tsin have been gathering the testimony of native Christians, and upon this they base opinions and publish them, which, though honest, are far from being true, judged by the testimony, direct and corroborative, that comes to me from all sources.

As a sample of the letters which are given to the public through the newspapers, I send herewith (inclosure A) one from Rev. Mr. Stanley, of Tien-tsin, to me, which he thought of sufficient importance to publish in Shanghai papers. In it, you will observe, he gives it as his opinion that the riot at Tien-tsin was a part of a grand plot to massacre or drive out all foreigners residing in China, and not a local uprising against one nationality and one religious creed. With the original of this letter Mr. Stanley sent me the affidavits or statements of a number of native Christians.

* * * * *

One of the witnesses deposed that he was arrested by the mob as a "Christian," taken to a building or a prison, and detained until evening; when examined he was able to prove that he was a Protestant and a member of an American church, when he was immediately released and safely conducted to the foreign settlement. If this statement be true (and it is corroborated by the other testimony) it goes to show that Mr. Stanley's opinions are erroneous, and that the fury of the mob was directed against the Roman Catholics alone.

Rumors of threatened attack are almost daily put in circulation, which, upon investigation, usually prove to be without foundation other than the belief of some native Christian. These stories always increase in size and intensity in the relating, and are finally embodied in communications to the Shanghai newspapers for publication, and by this means gain a large circulation. From the newspapers the stories are translated and told to the Chinese, and by them related to one another in the

remote parts of the empire. All this is calculated to excite alarm among foreigners, and this alarm leads the ignorant natives to believe that they are really powerful enough to expel all foreigners.

* * * * *

To-day I received a copy of a letter written by Mr. Stanley to Commander Taylor, of the United States steamer Ashuelot, now lying at Tien-tsin, which I inclose, (inclosure B.) This you will observe is based on the opinions of "native Christians" alone. A copy of the letter was sent by Mr. Stanley to Peking and circulated among the missionaries, which, as a matter of course, created much alarm. A portion of the statement I know to be incorrect, and I hope the balance has no foundation in fact. This paper is sent merely as a sample of the reports that gain currency almost daily, in which foreigners place more or less reliance, and serve to keep up excitement and create alarm as to their personal safety.

An inspection of the Protestant chapels discloses the fact that the damage is much greater than I was led to believe was the case by the first reports. The local officials at Tien-tsin appear to be desirous of affording reparation promptly—either to rebuild the chapels or pay equitable damages; and I instructed the vice-consul to see the missionaries, ascertain the cost of the buildings and the damages sustained, to the end that prompt reparation might be made by the Chinese.

A large amount of correspondence ensued between the missionaries, the consul, and myself, copies of which are hardly necessary to send you; nor is it possible, were it desirable, with the inadequate clerical force attached to this legation. I inclose, however a printed slip, from a newspaper, (inclosure C,) which contains the reply of the English missionaries to her Majesty's consul, upon the same subject. The ideas embodied in the letters of the American missionaries are about the same as the English, but the duties of foreign nations and their representatives in China are elaborated and defined with greater particularity by the former. They close their communication to me by saying that until it is known what reparation France will demand they are not prepared to agree upon a settlement.

Both the American and English missionaries appear to be impressed with the belief that they are somehow specially charged with diplomatic functions by their governments, in addition to their self-imposed task of taking care of the spiritual welfare of the Chinese; and, according to their diplomatic judgment, a war between France and China must first take place before it is proper to adjust any claims for property destroyed in the late riot at Tien-tsin. I have notified them that when they are ready for a settlement I shall be prepared to present and urge the payment of a just claim for damages, but until they signify their willingness to act I shall take no further steps in the matter.

FREDERICK F. LOW.

A.

From Shanghai Courier, July 22, 1870.

TIEN-TSIN, July 9, 1870.

SIR: As strenuous efforts are being made by the Chinese authorities and some others to invest the recent occurrences at Tien-tsin with the nature of a popular outbreak and as directed against the Catholics alone, I desire to lay before you some evidence indicating that such is not the case.

It is well known that the rumors at first pointed more especially to the Catholics, particularly to the Sisters of Charity.

It is equally well known that these rumors soon referred to the entire foreign population of Tien-tsin, and that a day was fixed and arrangements made for an attack on the French consulate, Tien-chu-tang,* Jên-tsz-tang, and other places in and near the city, viz., the 21st of June, (23d of the 5th moon,) and that the following Friday, June 24, was fixed as the day for attacking the foreign settlement.

Being absent on a mission tour at the time, I found indefinite rumors of an intended attack on the foreign residents of Tien-tsin in circulation about the 25th ultimo at Têh Chow, a city 500 li distant from Tien-tsin. Mr. Hodge, of the English Methodist mission, heard the same at Lau-ling, about 400 li distant, and that the 21st and 24th of June were the days fixed on for the attack. In both cases the event was spoken of as future, and no distinction in the nationality of foreigners was made.

On the morning of the tragic day the Taotai, Futai, and Chih-hsien visited the Tien-chu-tang, and were shown over the entire premises. They made no effort to disperse the great crowd that had followed them and collected in front of the place nor to assure the people that they found no evidence of the foul deeds charged upon the Romanists. It is certain that very soon after their departure the fire-gongs sounded and the attack commenced; that the military officer, Chên-ta-swai, (or Kwo-kui,) arrived with some soldiers and closed the bridge of boats, (which had been opened by order of Chung-ta-jên, to prevent the mob from crossing,) and aided the rabble in its work.

At the sound of the gongs—the usual fire signal—all the fire guilds rushed to arms, instead of seizing their buckets, as ordinarily, and hastened toward the French consulate and Tien-chu-tang. From first to last the members of these fire guilds were among the most active in the work of destruction and death.

The first attack was made on the French consulate, and had actually commenced before the consul went to Chung's Yamên. Some or all of its inmates—including Mr. Thommasin, secretary of French legation, and wife, just arrived—were murdered before he left the Yamên, and he was murdered on his way back to the consulate in charge of Chung's escort.

No sooner had the destruction of the French consulate and the Tien-chu-tang been completed than the crowd rushed off to the Jên-tsz-tang, where ten Sisters of Charity were subjected to the most horrible death, and their premises burned.

A portion of the mob then made for the Protestant chapels, all of which, eight in number, were despoiled of everything valuable and their walls, in many cases, torn down. A portion of the mob, yelling with rage, started for the foreign settlement, with the avowed purpose of killing all foreigners and sacking the place. We know not what prevented their coming, unless it be that their numbers seemed too few and they would violate the original plan. Three Russians, fleeing from the city, were killed while begging for mercy on the plea, "We are not French!" "No matter, we will kill all foreigners!" was the reply.

An attempt was also made to fire the steeple of the settlement church—a signal, doubtless, for the descent of the mob.

From the first the ruffians have asserted their expectation of aid from the governor general's army, and it is positively known that soldiers from the Chên-tai Yamên were among the most active in the destruction of the French consulate, Tien-chu-tang, and one of the chapels of the American board; and, as above indicated, that the mob was encouraged, if not directly led, in the attack on the former places, by a military mandarin named Chên. His language, on passing the bridge, was, "Go on, my boys, and burn" (them.)

There is no evidence that the rumor concerning the employment of men by the Sisters to kidnap children for unholy purposes, viz., to get their eyes, hearts, and brains for medicine, is true; nor is there evidence that the consul fired a gun or revolver in Chung's Yamên. Circumstantial evidence is against both rumors. Probably the exact truth cannot now be ascertained.

I would call attention to the testimony of Yong ü, concerning a visit paid to the burial-place of coffins said to have been brought from the Jên-tsz-tang. Others visited the place, and bear a similar testimony. Only one or two were new coffins. They saw, at most, only bones and a little hair, and utterly repudiate the idea of their being recent interments.

Also to the testimony of Yü-chü-lei, concerning the effect on the crowd, as witnessed by himself, when the bugle sounded in the Chen-tai Yamên. Taken in connection (and only when so taken) with the fact that the soldiers took an active part in pulling down and plundering my chapel, as seen by him and Yang-sien-sêng, and their reported activity in the destruction and murders at other places, this is a significant fact.

I would also direct attention to the incendiary nature of the proclamation, a copy of which I inclose.†

1. The names "swan," to bind, and "kwai," to kidnap, are such as no Chinaman would be likely to select as a cognomen, and give an apocryphal look to the persons.

* Tien-chu-tang, (Catholic cathedral. Jên-tsz-tang, (Sisters of Charity establishment.)
† Not inclosed.

2. The phrase "commissioned by persons" is exceedingly objectionable, and unbecoming an official in its indefiniteness. The people at once said he referred to the Catholics. He could have hardly put it more ingeniously, considering the state of feeling among the people, in order to excite the populace.

It should be remembered that each fire guild has a head or chief, who is a literary man, and whose name is enrolled in the Yamèn. The members of these guilds dare not arm, or participate in any uprising, as in this case, without the knowledge and consent of their chief. Would they dare countenance any such demonstration as this, contrary to the known wishes of the mandarin, or without his knowledge?

The volunteer force "twan lien," organized years ago, in rebel times, has also a literary man for its chief, whose name is in the Yamèn roll. The same may be asked concerning him. Yet the "twan lien" were engaged in the horrid affair.

Little companies of firemen and Yamèn retainers had been observed frequently, during the few previous days, collecting here and there, and unpleasant demonstrations made toward native Christians and foreigners. I may instance the case of Mrs. Stanley, the peering into her face, jostling of the crowd against her, and the insulting language used, as early as June 5, Sabbath. Also the case of Mr. and Mrs. Turnock, on Sabbath, 19th June, on their way to one of the chapels. In passing such a group, collected on the steps of a temple, insulting language was used, a thing formerly very rare here, and brickbats picked up, though none were thrown.

Do not these gatherings explain the universality and speed with which the firemen flew to arms when the fire signal sounded, and from all quarters proceeded to the French consulate?

If those connected with the Tün-chu-chian—especially the Sisters of Charity—were the only objects of popular hatred, why was the consulate the first object of attack? Why was a French merchant and wife, living a mile away from the Tien-chu-t'ang, among the first victims? Or if the feeling extended to their coreligionists and fellow-countrymen only, why were the Russians brutally cut down while begging for mercy, and known not to be French, with the cry, "Death to all foreigners?"

Why was diligent search made for the Protestant missionaries in their chapels, for the purpose (avowed) of killing them, and all (8) their chapels destroyed? Why were our converts beaten, robbed, driven from their homes, dragged before the magistrates, and why still subjected to a bitter malice? Why did the mob start for the settlement with purposes of blood and plunder?

If simply a popular movement, why, in the already excited state of feeling, did the magistrates issue those incendiary proclamations? Why did they not seek of the consuls a thorough investigation of the matter, and take all necessary means to allay the excitement?

Why did they not issue counter-proclamations, as desired by Mr. Lees of the London Mission Society? Why did they allow a large crowd to follow them and collect at the French consulate, and go away without an effort to disperse it, or correct the erroneous charges and views of the people? Why have the people from the first claimed the officials as siding with them, if they had no reason for so doing?

Why did the soldiers and firemen render such efficient aid in the work of destruction, if their chiefs, the officials, were opposed to it?

At a place 50 li from this, where I spent the night of July 1, the frequent remark in the street was, "All the foreigners at Tien-tsin are dead—we might as well kill this one and end them." The impression if not the expression is significant.

Notwithstanding proclamations forbidding to carry or manufacture arms, both have been done openly to the present time; and at the five quarters, and other places, arms are exposed ready for use.

Until the present time no attempt has been made, so far as we can hear, to apprehend any of the rioters. Some of them are as loud as ever in their threats of an attack on the settlement.

In conclusion, I would enter my solemn protest against the efforts of some to show—1st. That the feeling was and is only against the Catholics. Evidence to the contrary is too strong. Even admitting it, humanity cries out against such heartless and unchristian assumptions as that they brought upon themselves a deserved fate. Justice even to bitterest enemies. 2d. That the mob partook of the nature of a public excitement merely. Evidence is abundant that, but for official encouragement, such a tragedy could not have been enacted. The history of these mobs against foreigners, within the last few years, would be full of interest.

And may I express the hope that such a settlement of this affair will be made as to render the repetition of such barbarous deeds all but impossible? I am no advocate of cruel or retaliative measures. But justice and humanity alike demand a firm and decided action in the fear of God.

Let the conduct of these officials be thoroughly investigated and their actions sifted. Let them know that where evidence is so strong they cannot cast the blame on an innocent people, or pay a few dollars and wipe out the stain of bloodshed and cruelties too horrible and heartrending to mention.

America has lost no children; but others have, and we should stand by them in demanding a full investigation, impartial justice, and determined punishment of the guilty.

Let this be done; then let them make good the losses of their own people, contrary to treaty stipulations, simply for being followers of the Saviour; let them replace our chapels with their own hands, or pay their full value, as we may prefer, which I believe to be but just in the circumstances, and I think the ends of peace and safety will be gained, and the way opened for the more speedy extension of the truth.

I have the honor to be, sir, yours, obediently,

C. A. STANLEY,
Missionary American Board, Tien-tsin.

Hon. F. F. LOW, *United States Minister, Peking.*

B.

AMERICAN BOARDS' MISSION,
Tien-tsin, August 12, 1870.

DEAR SIR: Among the many reports now in circulation, one came to my knowledge, a day or two ago, which seems to me worthy of attention. My informant, I may say, is an intelligent person, who formerly occupied the position of city magistrate in Spansi. For some months back he has been attending my chapels in the city, and expressed a conviction of the truth of what we teach some time previous to the recent outbreak. He is in no way connected with us, however, and still visits, as before, among his former official friends, and may be supposed to know something of their views and feelings. His manner impressed me from the first as being that of an honest Chinaman, and I have reason to believe he expressed his honest convictions, and desires our welfare. Time will show whether his views are just. He confirms a statement I heard, a few days since, that Li-Hung-Chang is on his way here with some 13,000 troops; the van of this army has arrived already. Li is simply a military mandarin, and his presence is only wanted where there is, or is to be, fighting. So say others. He says, further, that the government does not wish to go to war; that it is willing to execute any number of the "roughs," and banish the officials whose heads have been demanded by his excellency Count Rochehouart; but they cannot be executed according to Chinese law; hence, as a last resort, in view of this demand, war is determined on. The people demand it, without a thought of the final result. They think they can easily expel or kill the few foreigners in China, especially in the north, and their work is done. Hence, an imperial decree has gone forth for preparations for a general rising against foreigners. He firmly believes it will take place; at any rate, he knows of extensive preparations making here, which will burst upon us as suddenly as the events of the 21st of June. No reference is made to the French, *as such*, but to foreigners. He is earnest in pressing his advice that the missionaries leave *at once*, as the danger is increasing daily, and the crisis is near at hand, *viz.*, August 21 and 22. He expresses great surprise at the apparent indifference of foreigners, when such a crisis is on us, in not collecting a large force of troops here. He says the Chinese force numbers some 40,000 or 50,000 troops, and that the preparations are very extensive; these complete, and the attack begins without warning.

All the above is confirmed by a school teacher, who came to see me last evening, to give warning and offer any assistance in his power. He has been a frequent attendant at my chapel for months. He also speaks of one Ting I (or Jim) Chang, brother of the present Tantai of Tien-tsin, who is on his way here, with a large body of men, from Kiang Su. This is confirmed by a native Christian, just in from the country, who reported the same to me this morning. He also urges us to leave. As regards preparations, the suddenness of the attack, the time, and the universality as regards foreigners, all accounts agree.

Remembering the skepticism with which all reports were received previous to the massacre, reports even less definite than we are now receiving, and the final result, I would suggest, if I may be so bold, the propriety of a constant watch being kept at points exposed and good for observation. Precautionary measures are never out of place, and may save foreigners' lives.

I have the honor, &c., &c.,

C. A. STANLEY.

Captain B. B. TAYLOR,
Commanding United States Steamer Ashuelot.

C.

From Shanghai Courier, July 29, 1870.

THE TIEN-TSIN MASSACRE.

The following correspondence has passed between her Britannic Majesty's consul and Messrs. Lees and Hall, regarding the damage done to Protestant mission property during the recent outbreak:

HER BRITANNIC MAJESTY'S CONSULATE,
Tien-tsin, 20th July, 1870.

SIR: I have been requested by her Britannic Majesty's chargé d'affaires to ascertain the amount of damage sustained by British subjects during the late unfortunate troubles.

As I am aware that many of your chapels were destroyed, and much valuable property lost, I have to request you, if you see fit, to have estimates made of the losses, and send them to me, in order that they may be forwarded to the Chinese authorities.

Your obedient servant,

W. H. LAY, *Acting Consul.*

Tien-tsin, 21st July, 1870.

SIR: We have the honor to acknowledge the receipt of your official letter to us, dated the 20th instant, touching the losses sustained by missions we represent during the recent outrages.

We cannot but express our surprise, not only that, at this early stage, we should be required to state the amount of those losses, but that, prior to the settlement of the more important questions which are still pending, the subject of monetary compensation should be entertained at all.

Apart altogether from the fact that we are yet uncertain as to the action which will be taken at the present crisis—almost certainly by the French, and, possibly, even by our own government—action which it might be as useless as it would be impolitic for us to forestall, by consenting to any unsatisfactory condonation of the crimes which have been committed; it can hardly be necessary to remind you that, until peace has been definitely secured, there are various items of loss for which we should feel it to be our duty to claim compensation, the limits of which can hardly yet have been reached. Such is the utter disorganization of this city and neighborhood that all mission work must, in all likelihood, be suspended for months to come. Our respective staffs are thus thrown upon our hands. Our country converts, both in this province and in Shantung, are everywhere expecting new outbreaks in their various districts. Native Christians in the city continue to be daily exposed to spoliation and personal injury, while there is every reason to fear that our own appearance in the streets would still be fraught with danger.

With respect to our chapels, we fear that, however willing we might be to meet the wishes of his excellency, it is not possible for us to do so. Our converts hardly dare linger in the neighborhood of the ruins; what hope can there be, then, that we can visit them in safety, or procure builders' estimates as to the cost of reërection, not to speak of any actual attempt at restoration? Our deliberate conviction is that such an attempt would only end in their renewed destruction, even if workmen could be found brave enough to undertake the task.

Will you forgive our expressing an anxious desire not to be separated from our suffering French brethren in any settlement of these unhappy troubles? This is not a mere question of sentiment. We cannot but feel that the interests of our country are involved in what has occurred. We are British subjects, resident here under the protection of treaties, and engaged in the prudent prosecution of our lawful calling. Our lives have been sought, our property has been destroyed, our converts grievously injured, and our characters assailed. Moreover, there seems good reason to believe that, at least, one of the murdered Sisters was a British subject. There cannot be the slightest doubt upon the mind of any one who has been brought much into converse with the people during the last few weeks, that the original design was to treat all nationalities alike. It is easy to understand why the mandarins are now anxious to produce a different impression. But just as the excuses, which unhappily served them so well in regard to the outrages at Formosa, Yang-chow, and elsewhere, fail them now, so should the evident falsity of their present professions of special friendship with ourselves fail to separate us from those allies with whose interests our own are so evidently bound up.

We beg you will not mistake us. We are not crying for war and vengeance, but we do claim justice, and we hold most firmly to the belief that the path of safety and of honor, no less for individual Englishmen than for our government, is to stand by our fellow-sufferers in the hour of trial. Nay, more, we believe this, for obvious reasons, to be the most merciful line of action in reference to the Chinese themselves.

We scarcely know whether we ought to apologize for venturing to express such

views, for we hope that they find an echo in your own and every other heart. We have only, therefore, respectfully to assure you that we shall strive to meet, as soon as possible, the wishes of her Britannic Majesty's chargé d'affaires, and to request you to represent to him our difficulties in the matter.

We are, sir, your most obedient servants,

JONATHAN LEES,
London Mission Society.
WILLIAM N. HALL,
Methodist Mission Society.

W. H. LAY, Esq.,
Her Britannic Majesty's Consul.

No. 228.

Mr. F. F. Low to Mr. Fish.

[Confidential.]

No. 24.]

LEGATION OF THE UNITED STATES,
Pekin, August 22, 1870. (Received October 24.)

SIR: In my dispatch, No. 18, I reported to you that the French chargé d'affaires was in Tien-tsin, where he had gone to attend to the interment of the unfortunate victims of the late riot; that a large naval force had collected at Tien-tsin and its vicinity; that the French admiral was expected to meet the chargé at that place; and that affairs generally looked troubled; I also stated that instructions were daily expected from France by telegraph, via Russia, indicating the reparation which would be demanded for the outrages of the 21st June; and that until such instructions should arrive, no specific demands would be made on the Chinese, and consequently all speculation would be at fault in forecasting the result.

A few days after the arrival of Count Rochechouart at Tien-tsin, the legations here were surprised to learn through the Chinese officials that he had demanded the punishment (decapitation) of the two local officials who were suspected of complicity in the riot, for he had investigated the matter and satisfied himself of their guilt, and that if condign punishment was not meted out, without delay, he should feel himself at liberty to withdraw his legation and the French subjects from Peking, turning the whole matter over to the admiral, who would take such action as he deemed necessary to enforce the demand and maintain the honor of France.

The government notified the other foreign ministers of this demand, and intimated that it would not be complied with; but said that the officials referred to had been deprived of office, degraded from their rank, and handed over to the board of punishments for trial, and if found guilty would be punished with extreme rigor. Further than this they could not and would not go, and if war was the alternative, it must be accepted as the inevitable result. I presume that this answer was communicated officially to M. Rochechouart, but am not sure. It is believed that Admiral Dupré refused, in the absence of specific instructions from his government, to enforce the demand, and perhaps the news that hostilities were imminent between France and North Germany caused the French naval officers to be more cautious than they otherwise would. The French chargé denies having received any instructions; and it is likely that the preparations for war in Europe have absorbed the entire attention of the French government, so that this affair is lost sight of for the moment; consequently, thus far, nothing

has been done. M. Rochechouart has returned to Peking, and the whole matter is in abeyance.

The situation is much less satisfactory than it was a month ago. The Chinese government then appeared willing to accede to any reasonable demands for redress; now they seem indisposed to adopt any active measures. Undoubtedly the news of hostilities in Europe leads them to believe that there is small probability of France being able to commence offensive operations this autumn, and the rigors of a northern winter will delay all action until next summer.

* * * * *

No more favorable opportunity could have occurred to carry out the principles of the coöperative policy than the present, and by a united movement, by which I think all other foreign representatives would have strengthened the hands of the French chargé, this vacillating and weak government would probably have been brought to take a decided course of action toward their own subjects, and made the stronger for feeling that they had the moral aid and sanction of all treaty powers in dealing with a most difficult and serious matter. Whether the result would have been acceptable to all, or equal to my wishes in avoiding a war, may be doubted; but the prospect of keeping that influence with Prince Kung and his associates, which this united action would have brought about, has been very greatly weakened.

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FREDERICK F. LOW.

No. 229.

Mr. F. F. Low to Mr. Fish.

No. 25.]

LEGATION OF THE UNITED STATES,
Peking, August 24, 1870. (Received October 24.)

SIR: Since the late riot at Tien-tsin much speculation has been indulged in as to the causes, and much pains have been taken to ascertain the fact whether it was local in its origin or whether it was a part of a wide-spread conspiracy.

Most foreigners at the ports were quite willing to accept the latter view, and the newspapers, so far as I have seen, adopted the same theory. The columns of the press during the past two months have teemed with editorials and correspondence which, if true, would justify every foreigner in departing the country instantler, without standing upon the order of his going.

The measures of redress advocated by the people and the press have been extravagant, unreasonable, and in most cases impracticable. All sorts of measures of retaliation have been proposed; scarcely any proposing anything less than the opening up, by force, of the whole empire to foreign intercourse; and from that up to the decapitation of all the government officials, the overthrow of the present government, and placing the country under a foreign protectorate.

My opinion from the first has been that the disturbance was local, confined to Tien-tsin and its vicinity. I do not believe there was any knowledge of the intended riot among the natives in this city, eighty miles distant. All the testimony that comes to me from reliable sources only confirms the opinion I had formed. The danger that I apprehended was the effect the news of the riot would have upon the inhabitants at

points distant from the scene of the disaster. It seemed altogether likely that the Chinese would, as a matter of course, believe the tales of their own countrymen as to the moving causes, and justify the retribution which had befallen the Catholics for their alleged evil practices. To counteract the effect elsewhere it seemed to me important that an official denial, emanating from the highest authority, should be given to the truth of the stories that had been circulated in regard to kidnapping and its attendant cruelties, and that the authors of, and the aiders and abettors in, the riots should be promptly and severely punished.

I have received very interesting and instructive letters from the vice-consul at Swatow, bearing upon this subject, a copy of which I beg to inclose, (inclosure A.) From this statement it is apparent that nothing was known there of the riot prior to its occurrence. A similar statement comes to me from the consul at Neuchwang, a port much nearer to Tien-tsin than Swatow. In both places, however, the effect of the news was to create excitement among the people. Full faith and credit were given to the reports of kidnapping, and but little disguise was apparent among the people generally, in expressing their approval of the retaliatory measures.

The consul at Swatow, you will observe, expresses the opinion that punishment of the guilty, without an official denial of the truth of the reports that incited the mob, would be of little avail in quieting the people. Unless this was done the people would still believe that punishment had been inflicted in obedience to the demands of foreigners, and not to satisfy offended justice. The language of the Chinaman, "It will be hard to be right and have to suffer also," expresses the whole idea.

In view of this popular feeling the imperial decree, a translation of which I inclose, (inclosure B,) is an important document, and will, I trust, be productive of good. It is not as clear and explicit as I could have wished, but it is all that can reasonably be expected from officials trained as they have been, and harboring superstitions that would have been considered radical in the days of Salem witchcraft.

Inclosure C is a translation of the offensive proclamation which the prefect of Tien-tsin put forth about the 10th of June, which it is believed was mainly instrumental in stirring up the people. It is certainly a very offensive document, and well calculated to produce the terrible result which followed.

Inclosure D is a translation of a decree ordering the two suspended magistrates back to Tien-tsin for the convenience of examination. These are the two officials whose summary punishment the French chargé demanded.

I regret to be compelled to say that the delay of the officials in this whole matter argues ill for the future. At first they appeared to be greatly alarmed, and anxious to get advice from the foreign diplomatic representatives as to their proper course, in order to do justice and avoid a hostile demonstration on the part of the French. Latterly this feeling has given way to one of coolness bordering upon indifference. This change is attributable partly to the action of the French chargé as detailed in my No. 24, and the knowledge that France is engaged in hostilities at home, and partly to the practical difficulties in the way of ascertaining and bringing to justice the criminals in Tien-tsin, against the public opinion of the entire population of the city. These causes are likely to defeat the well-intentioned plans and purposes of the officials, formed in the beginning; and things will be likely to drift along until France gets ready to apply force to compel a settlement.

Fans are now being manufactured and sold in Tien-tsin, having coarsely engraved views of the burning buildings and the murdering of the people in the streets upon them. Fans to the Chinese are what illustrated papers are to the people of the United States. They are made to suit the tastes of the people, and the fact that such engravings will cause a better sale for the fans is a conclusive argument that there is no sentiment of regret or sorrow among the people over the result of the riot. There is undoubtedly greater unanimity of opinion there in favor of the rioters than there is in Ireland among the peasantry in favor of one of their number who shoots his landlord. If this feeling in Ireland is strong enough to baffle all attempts of the English government to bring to justice, by the ordinary forms of law, a peasant accused of injuring the person or property of his landlord, is it surprising that this feeble central government should find it difficult to ascertain and punish the rioters in a city of 400,000 inhabitants, all of whom either aided in the massacre or sympathize with the criminals?

It is this spirit among the people that portends evil; and I shall not be surprised to hear of similar outbreaks elsewhere, unless a change in feeling of the populace soon takes place. All the foreign representatives here are doing what they can to secure action by the government which will change the current of public sentiment, and thereby add to the safety of their countrymen residing here. I shall continue to urge upon the Chinese officials measures calculated to promote the security and welfare of foreigners, and at the same time insure peace and benefits to the people here, and stability to their government. Further than this I do not feel at liberty to go, were I so disposed, which I am not.

FREDERICK F. LOW.

A.

Mr. W. Ashmore to Mr. F. F. Low.

CONSULATE OF THE UNITED STATES,
Swatow, July 25, 1870.

SIR: It may be of interest to your excellency to learn the effect produced upon the Chinese mind in distant ports by the news of the atrocity at Tien-tsin.

I have the honor, therefore, to communicate to you a digest of observations thus far.

It is proper to remark, in the way of preface, that my opportunities for learning speedily and correctly are full and reliable, for, in connection with my missionary work, I have assistants stationed in nearly all of the principal cities of the prefecture. In accordance with an established usage, these assistants write to me in the early part of every week. Their letters are concerned exclusively with their legitimate work. They are not encouraged to allude to the common gossip of the places where they are. It is only when something stirs up unusual commotion that information on the subject is communicated to me. The week subsequent to the dissemination of the Tien-tsin intelligence, these letters of the assistants came to me freighted with the same stories of what was being said among the Chinese. It is impossible that they could have communication with each other. The letters are therefore independent sources of information, and mutually corroborate each other. Besides the above, I have myself taken special pains to ascertain, by personal converse with persons, the movements of popular feeling, and can therefore make my statements with confidence.

After the exercise of a due discrimination between what is local and what is general, what is rumor and what is substantial, I find myself in possession of information that may be comprised in the following points:

1st. Within a week after the first receipt of the news here it was well known in all the towns and cities in this department. There have been three distinct sources of information: 1st. Intelligence contained in the Hong-Kong papers; 2d. Numerous letters received by the Chinese from Hong-Kong, from Shanghai, and from Tien-tsin; many Chinese from this region in those places in the prosecution of business; and, 3d. Verbal information given at various Yaméns to those who inquire.

2d. In every instance the Chinese version of the affair has received credence. With slight variation, the story given out has been that foreigners have been kidnapping

children for the most horrible purposes; that a mandarin went to the Roman Catholic hospital to remonstrate; that he was set upon by the priests and killed, or, as some say, fired upon; that this was more than the people could bear, and then they rose for self-protection; that in the collision which ensued, many Chinese were killed and many foreigners also.

3d. A bitter, malicious rancor toward foreigners suddenly developed itself. Some of this feeling was the natural result of faith in the stories about kidnapping. But it would be a delusion to ascribe it all to that source. It was plain that a long-cherished but suppressed ill-will was taking occasion to assert itself. Truth requires me to state that the general feeling about the massacre was gratulation, amounting in some instances to gloating. Persons connected with us have been threatened, and told that the time for the destruction of the rest of us would come by-and-by. In the first frenzy of the excitement, the soldiers under Pong-ta-yeh assaulted and partially destroyed several houses connected with the English Presbyterian mission. However, on complaint being made, the officer in charge caused some of the ringleaders to be punished, but declined the responsibility of making restitution. One of my own assistants, for expressing abhorrence of the treatment of the Sisters of Charity, was assaulted and beaten, and threatened with death by a squad of soldiers under the command of a petty officer traveling with him at the time on the same passage boat.

4th. The first imperial edict, made in reply to the memorial of Chunghow, and directing inquiry into the truth of the kidnapping story, and also after the originators of the disturbance, became known here about a week after the first news of the massacre. It produced a manifest effect in making people more cautious in expressing themselves. But, unfortunately, the effect is to confirm the mass in opinion that the enormities attributed to the Sisters of Charity were actually perpetrated, and, as the charge remains uncontradicted, the bitter feeling, though smothered a little, remains in force unabated. The extinction of the false impression is a matter of importance to us, even at this remote distance. This can be done effectually only through an imperial edict declaring the falsity of the charges, after a full investigation has been held. Any action taken by the French government which does not involve such a declaration from the throne will leave the adjustment of the difficulty incomplete. I say this for the reason that Chinese of standing and intelligence have told me the mass of the people do believe their own mandarin was assaulted while in the discharge of a legitimate, though disagreeable, duty, and "that it will be hard to bear to be in the right and have to suffer for it also." The truth should therefore be fully set forth, and then subsequent measures will have their proper moral effect. It is to be feared that a commission, composed exclusively of high Chinese officials, without any foreigners, will fail to present the truth, and we shall suffer in consequence, in the general estimation.

5th. I am told by numbers of Chinese of respectability that upon the mode of settlement of the Tien-tsin difficulty depends the security of our future relations. There has been an opinion gaining ground here for years, and I speak now from personal knowledge, that a time was coming when a different tone should be used toward foreigners, which would be sustained by force if necessary. Such a sentiment in the territory adjacent to a small port is of itself no great moment, save as the constant iteration of it prepares the mind of the people for making the trouble they predict. Now that the massacre of the north has occurred, there has been excited and intense desire to see how it will end. It is plain the Chinese in this region will be influenced by it, for good or for evil, to annoy and hamper us, or allow us the quiet enjoyment of treaty life.

W. ASHMORE,
Vice-Consul.

B.

Prince Kung to Mr. F. F. Low.

IMPERIAL DECREES RESPECTING TIEN-TSIN RIOT.

TUNGCHI, 9TH YEAR, 6TH MOON, 27TH DAY,
(July 29, 1870.)

SIR: Prince Kung, chief secretary of state for foreign affairs, herewith makes a communication.

Two days since, I was honored by receiving the following imperial decrees:

"Tsang Kwoh-fan and Tsanghow have sent up the following memorial, wherein they give the result of their inquiry into the riot at Tien-tsin and its attendant circumstances:

"We have thoroughly examined into the charges brought against the Roman Catholics of having bewitched and carried off people, and find that there is no reliable evidence that the missionaries had anything to do with it; for Wang-sun, who at first confessed that he had given drugs to Wu Lan-chiu, afterward retracted all he had

said, and their depositions did not agree; further, the boys and girls taken from the hospital of the Sisters of Charity, more than 150 altogether, all declare that they were brought to the place by their relatives and not one among them had been kidnapped.

“When Tsang Kwoh-fan first reached Tien-tsin, he personally made inquiries and fully questioned people about the accusations of taking out eyes and opening hearts, but not one of them could bring forward a single actual case; nor had any family in or around the city of Tien-tsin complained in the courts of having lost children. The incidents closely resemble those in the provinces of Kianasi and Hunan in the cities of Yang-chau and Tienmán, and in Ta-ning and Kwangping, in this province (of Chihli), all of which were caused by anonymous inflammatory placards and exciting talk by which people's minds were distracted. Although these cases were all satisfactorily settled, the truth or falsity of these rumors and placards was never fully investigated and made generally known; while the people of Tien-tsin were continually hearing of them and fully believed them to be true.

“Moreover, owing to the practice of these foreign Roman Catholic mission establishments to close their doors throughout the year; and to the existence of cellars under the mission-house and the hospital of the Sisters of Charity, dug to contain coal and prevent dampness, and to the rule that persons under medical treatment are not allowed to go out; and lastly that many of the poor homeless wretches taken in for relief were at the point of death, (and suffered great mortality,) it came to pass that the popular suspicions were all strengthened and not dissipated.

“During the months of May and June it happened that some kidnapers, who had used drugs to bewitch people, were arrested and charged the Roman Catholics with participation in their doings. [On the day] the populace saw M. Fontanier, the consul, fire his pistol at the officers, and immediately raising a great cry throughout their ranks, at once ran together, crying out, this is the one who takes out the eyes and hearts and cuts up human beings; words that were mostly wild rumors, without a shadow of evidence to support them.”

“The orders which were sent to Tsang Kwoh-fan and Tsanghow to jointly manage this affair with fairness, have now brought out this report, showing that the whole disturbance arose from unfounded rumors which excited the suspicions of the people at Tien-tsin. This is plainly to be seen. If the same rumors prevail in other provinces they will give rise to endless suspicions which should be dissipated. It is to be feared, however, that the strict laws relating to the bewitching and carrying off of children and people have gradually come to be regarded as a dead letter; and the board of punishments is therefore ordered, wherever cases of this kind are brought before it, to inflict even additional punishment on the guilty. The authorities in the provinces will follow the decisions of the board of punishments in dealing with all persons convicted of these crimes, and execute strict justice, that the wicked and cruel may be deterred from similar doings.

“Pekin itself, being the head of the empire, (*lit.*, the place of the head of goodness,) must still more be carefully cleared of such miscreants. Let the commandant of the metropolitan guard therefore institute strict search, and let all kidnapers who are taken up be immediately delivered to the board of punishments for trial and condign punishment. Respect this.”

In addition to the preceding, I have received the following decree:

“Tsang Kwoh-fan having reported that Chang Kwang-tsao, the prefect of Tien-tsin, and Liu Kieh, the district magistrate, had so acted as to excite a riot between the people and the Roman Catholics, and been very remiss in taking precautions before it occurred, and since then have been unable to arrest the criminals quickly, requests that they be degraded from their posts and handed over for trial and punishment. Let these two officers, therefore, be instantly deprived of their rank and delivered to the board of punishments to be dealt with. Respect this.”

I have now the honor to send you copies (of these two decrees) for your excellency's information.

To his Excellency FREDERICK F. LOW,
United States Minister to China.

C.

Proclamation of the prefect of Tien-tsin.

Chang, prefect of Tien-tsin, hereby issues a second proclamation respecting measures to be taken to arrest [kidnappers.]

On the 6th of June the constable of Yung-fung-tien (a village near Tien-tsin) seized and brought to this office two men named Chang and Kwoh, who had been arrested for stupefying and bewitching a lad named Li Ta-yang, in the district of Tsinghai, and carrying him off. On examination they confessed that they had used certain drugs, and recited incantations in order to bewitch children to follow them. They were ac-

cordingly ordered to be executed in that district where the crime was committed, in accordance with directions received from the higher courts.

Rumors have been circulated that these villains had carried on their practices by direction of certain persons, and had gone about the country to bewitch and kidnap children in order to take out their brains, eyes, and hearts, to be used in preparing certain medicines. Detestable in the extreme! If instant measures are not taken to visit such things with condign punishment, how can the villagers be quieted, or the laws of the land vindicated? And the magistrate of Tien tsin has sent out his policemen, and issued orders for them to arrest such men. But as Tien-tsin is a large city, containing a dense population, and the district is a wide region, it is really to be feared that these miscreants will not give up their practices, but will steal into its purlieus and hide themselves in out-of-the-way places where they cannot be pursued, thence to watch their chance to conjure away ignorant and simple children. If such fellows are not sharply followed up and seized, how can these inhuman deeds be stopped and the country quieted? Competent detectives have therefore been appointed to follow up and arrest them, to notify which is the object of this proclamation.

Issued about the 10th of June, 1870.

D.

Prince Kung to Mr. F. F. Low.

TUNGCHI, 9TH YEAR, 7TH MOON, 14TH DAY.
(August 10, 1870.)

SIR: Prince Kung, chief secretary of state for foreign affairs, herewith makes a communication.

On the 7th instant I received the following imperial decree:

"Chang Kwang-tsaο, the prefect of Tien-tsin, and Liu Kieh, the district magistrate, both of whom have been degraded, were reported by Tsang Kwoh-fan, and have been handed over to the board for trial and punishment. These degraded officers ought properly to be examined where their offense was committed; and at Tien-tsin, personal depositions can be taken, and the accused confronted with witness, which will enable the board of punishments to examine and decide their cases equitably and intelligently. Let Tsien Tung-ming immediately send them to Tien-tsin in charge of a special officer, who will wait with them till their depositions and cross-examination are finished. Respect this."

It appears to me that as the riot in which these officers are involved occurred at Tien-tsin, it will be much easier to cross-examine and get the real facts there; and I have accordingly transmitted the above decree, requiring that the degraded prefect and magistrate give their evidence and be cross-examined before witness at Tien-tsin, preparatory to their being again delivered to the board of punishments for final sentence, to his excellency Tsang, cabinet minister and governor general of Chihli, to act in conformity thereto, and the object of this dispatch is to inform your excellency of what has been done in this respect.

To his Excellency FREDERICK F. LOW,
Minister of the United States to China.

No. 230.

Mr. Low to Mr. Fish.

No. 29.]

LEGATION OF THE UNITED STATES,
Pekin, September 17, 1870. (Received November 25.)

SIR: I have the honor to inform you that, in consequence of rumors of threatened violence by the Chinese, and a general belief that an organized attack would be made upon them on the 15th of the 8th moon, (September 10,) the missionaries residing at Tungchow, about forty miles from Chefoo, in the province of Shantung, determined to remove, with their families, to Chefoo for safety. The correspondence, copies of which I beg to inclose, will give you all the information that I possess.

The only direct information is contained in the letter of the Rev. Mr. Capp; for the rest I am indebted to the courtesy of the British chargé

d'affaires, who kindly allowed me to read and take copies of the report, with its inclosures, of the British acting consul at Chefoo. Up to the present moment I have heard nothing from the United States vice-consul.

I am quite free to admit that I was exceedingly vexed and mortified on learning that the services of British vessels had been sought to remove these people, when there was a United States gunboat at Tien-tsin that could have gone to their relief in three or four days; and also in being obliged to seek information as to what had been done through the British legation, when reports from the United States vice-consul should have been made to me without delay.

Were there an American resident at Chefoo who would accept the position, I should be strongly inclined to advise the summary removal of Mr. Holmes, and the appointment of a better man. Unfortunately there are no persons resident there fitted for the position who will accept it for the emoluments, and I suppose the reputation of the United States must continue to suffer from such representatives as the vice-consul at Chefoo.

Prior to the receipt of the news of their removal, the missionaries had made no complaint, nor had I heard from them or the vice-consul at Chefoo that any trouble was apprehended. From all that I am able to learn I cannot but think the missionaries were unduly alarmed and their action precipitate; at the same time the public mind is so much excited by rumors, the truth of which is so difficult to ascertain from the Chinese, that even the coolest and most courageous among the foreigners are liable to over-estimate the danger, and adopt measures for protection which they afterward ascertain were unnecessary.

In reply to Mr. Capp's letter to me, I have advised them to return as soon as they can feel any safety in so doing; and, as it would have a good moral effect, I shall try to have them go back on one of our vessels of war. The *Monocacy* is expected at Chefoo shortly—as soon, probably, as they will be ready.

I have written a strong note to the prince, informing him of the unsettled state of affairs at Tungchow, and asking him to take measures for the protection of foreign residents; and have improved the occasion to review the Tien-tsin affair, charging the troubles elsewhere to the evil effects of the news of the riot. No answer has been received as yet. As soon as a reply comes I will send you a copy of my note and the prince's response.

The proclamations of the local officials at Tungchow are timely, strongly put, and, I hope, will do good.

Acting Consul Mayers, in his report to the British chargé d'affaires, expresses my views so well concerning this whole affair that I quote from his report:

The resident missionaries are, it may be presumed, the best judges with regard to the steps it behooved them to take in view of their feeling of insecurity and the known faithlessness of Chinese officials, but I cannot repress a feeling of regret that so much encouragement has been given to the anti-foreign party as the withdrawal from Tungchow will, I conceive, result in. I am apprehensive that their departure will not only produce a profound impression locally, but, being reported and exaggerated in distant parts of the country, may be expected to embolden the hostile spirit which appears to have grown up of late.

If the Chinese find that the missionaries can be induced to abandon their posts of duty by threats of violence, they will, very soon, constitute a repulsed army retreating in the face of the enemy.

FREDERICK F. LOW.

Hon. HAMILTON FISH,
Secretary of State.

[Inclosures.]

- A.—Letter of E. P. Capp to Frederick F. Low.
 B.—Letter of J. L. Nevins to S. A. Holmes, vice-consul.
 C.—Report of British acting consul to charg .
 D.—Vice-consul Holmes to Admiral Kellett.
 E.—Admiral Kellett to Vice-consul Holmes.
 F.—S. A. Holmes to Sir Henry Kellett.
 G.—Admiral Kellett to S. A. Holmes.
 H.—C. W. Matier to Mr. Holwill, Chefoo.
 I.—Frederick F. Low to Edward P. Capp and others.
 J.—Frederick F. Low to Thomas Francis Wade.
 K.—Proclamation of prefect of Tungchow.
 L.—Proclamation of chief military mandarin of Tungchow.

A.

CHEFOO, CHINA, *September 2, 1870.*

SIR: Permit us to submit to your consideration the following: At Tungchow, in the province of Shantung, the reports that had been circulating for months of an intended attack upon the foreigners residing there and the natives attached to them, became so definite and apparently well-founded that we could no longer ignore them.

At a meeting of the foreign community, who are all American citizens, held August 29, it was decided that we should temporarily leave the place. We accordingly addressed a note (a copy of which, marked A, we inclose) to Mr. Holmes, the American consul at Chefoo. In the absence of an American gun-boat he made application to his excellency Vice-Admiral Sir Henry Kellett, K. C. B., her Britannic Majesty's naval commander-in-chief, who, with great kindness, sent the Barossa and the Grasshopper to our assistance, and secured our safe departure on Thursday, September 1st, instant.

We have written to Sir Henry Kellett the note a copy of which, marked B, we inclose, in acknowledgment of his kindness.

Before our departure, in interviews with the local officers, we could obtain no guarantee for the safety of our lives and property.

Within twenty-four hours, however, after our arrival at Chefoo, the Chi-hien (district magistrate) of Tungchow reported the fact of our leaving to the Tao-tai at Chefoo, who, in a communication to the American consul, deprecates our departure, and cordially invites our immediate return.

We beg leave to bring these statements to your notice, and would consider it a great favor if you will kindly give us your judgment as to the course of conduct proper for us to pursue under the circumstances.

We are, sir, very respectfully, your obedient servants,

EDWARD P. CAPP,

On behalf of the American Citizens Resident at Tungchow.

His Excellency FREDERICK F. LOW,
American Minister, Peking.

B.

TUNGCHOW, *August 29, 1870.*

DEAR SIR: I am requested, by a unanimous vote of the American residents here, to write to you on their behalf to request you to obtain a steamer, a gunboat if possible, to come to Tungchow Thursday morning of this week to remove us from this place. The reason for this action I will give below.

We have credible grounds for believing that official communications were received here some time back from Tsing-quo-fan, and from the governor of the province, calling upon the authorities and the people to make arrangements for massacring foreigners generally some time this fall. It is believed here that Chi-hien, and the principal military officers who were summoned to the provincial capital some weeks ago, went for the express purpose of being instructed as to what they should do with us, and as to the preparation they should make for defending the city in case of war.

The Chi-hien came back from Chi-naw-foo last week, went on to Chefoo immediately to communicate with the Tao-tai, and has returned to Tungchow. The chief military mandarin of this city is expected here three days hence, and it is said that he is bring-

ing 2,000 soldiers with him. Some reports state that in the event [of the punishment] of the Chinese in Tient-sin, they will take their revenge on us here—others, that they will hold us as hostages.

We hear that a very large military force is being collected in Chi-naw-foo. There is a great deal of excitement here again, and since the return of the Chi-hien the principal men of the city are holding frequent conferences with the officers.

We have learned from independent sources that the people are divided—some of them opposing any movement against us, and some of them favoring it. The people generally expect that an attack will be made upon us on the 16th of the present Chinese month. We have received intelligence from our native Christians in Ping-tai and Lai-yung, confirming these reports. Chinese connected with us are urged by their friends to get away from us by all means before the 15th, and there is reason to anticipate that they may be obliged to do so in order to save their lives, if we remain here longer. It is very probable that it will be impossible to leave Tungchow if we delay long. We think that even now we would find it difficult in getting away by the ordinary modes of travel. I might refer to other rumors had I time and were it necessary.

It is with great reluctance that we have determined to send you this communication, but under the circumstances we think the risk too great to remain longer. Our plan is to leave our houses in the care of the officers. We would be glad to have you come as an official representative in communicating with them. We will be ready to leave early Thursday morning. If no gunboat or steamer can be obtained we would be greatly obliged if Mr. Mayers will fulfill the promise he has already made, to come to us in his boat. Perhaps two boats would be required. There are here five gentlemen, five ladies, and eight children, and we would like to take with us a few Chinese.

If a steamer cannot come to us on Thursday, please communicate with us at the earliest moment by special post.

I am, sir, on behalf of the American residents here, yours, truly,

J. L. NEVINS.

S. A. HOLMES, Esq., *United States Consul.*

C.

BRITISH CONSULATE,

Che Foo, September 2, 1870.

SIR: I have the honor to report to you that on the application of Mr. Holmes, the United States vice-consul at this port, the American missionaries residing at Tungchow, forty miles distant from Che Foo, were yesterday removed hither by her Majesty's ships Barossa and Grasshopper, at the urgent request of the missionaries themselves.

I received a note late in the evening of Tuesday, the 30th August, from Mr. Holmes, who inclosed to me a letter he had received from Tungchow, and intimated his intention of soliciting assistance on the following morning from Vice-Admiral Sir Henry Kellett.

Correspondence took place on the 31st between Mr. Holmes and the admiral, who subsequently furnished me with copies of the four letters mutually exchanged, transcripts of which I now inclose for your information.

Having been requested by Admiral Kellett to call on the United States vice-consul after the receipt of his first letter, I found Mr. Holmes apparently sharing my own opinion, that the apprehensions of the missionaries of official designs against them were exaggerated and based on insufficient information, although excusable, doubtless, in view of their exposed position, the prevailing popular excitement, and the anti-foreign spirit evoked by the massacre at Tien-tsin. The reasons given by the missionaries for deciding on immediate removal are set forth in the letter from Mr. Nevins, which is annexed to Mr. Holmes's first letter to the admiral, in addition to which Mr. Holmes further supplied me with a letter written at the same time by the Rev. Mr. Capp to Mr. Corbett of this place, a copy of which I also inclose herewith.

After seeing Sir Henry Kellett, I called, at his request, upon the Taotai, whom I sounded in the course of the conversation, with reference to the affairs at Tungchow. He professed surprise on hearing that the missionaries were again disturbed by rumors of hostile designs, which he treated with ridicule, and begged me to take notice that he held himself personally responsible for complete security of the missionaries. I expressed my satisfaction on hearing these assurances from his lips, coupled with the further undertaking which he volunteered, to write at once to his subordinates at Tungchow to take measures for checking the spread of idle reports, and for assuring the safety of the foreign denizens of the town. I did not think it expedient to make known to him that they contemplated immediate removal, as I was still uncertain whether this would actually take place. I communicated to Mr. Holmes the result of my interview with the Taotai. In the course of the day further letters came in from Tungchow, announcing the fixed determination of the missionaries to leave the place at once, and expressing continued alarm. I am permitted by Mr. Holwill, of the cus-

toms, to whom one of these letters is addressed, to forward a copy to you, and I inclose the same herewith.

Mr. Holmes thereupon addressed a positive application to Admiral Kellett for the immediate dispatch of a vessel of war, and the corvette Barrossa and gunboat Grass-hopper were accordingly ordered to proceed at daylight on the following morning to render assistance as requested. Sir Henry Kellett being desirous that an interpreter should accompany the commanding officer, to assist him in communication if necessary with boat people or others near the vessels, I directed Mr. Lolbe to proceed on this service, with instructions, copy of which I inclose. The two vessels reached Tungchow at about 11 a. m., and the embarkation of the missionaries and their families was completed by 3 p. m., without any difficulty or molestation on the part of the people. The number brought away consisted of three men, five women, and five children, two of the missionaries remaining behind to arrange, if possible, with the local officials respecting the safe custody of their houses and property.

The Rev. Mr. Nevins called upon me this morning, and explained to me at some length the reasons which had actuated himself and his colleagues in retiring from Tungchow. Without giving credence to the numerous reports of malignant intentions toward the missionaries and foreigners generally, which emanated, they are informed, from the governor of the province, they nevertheless thought their position so insecure as to leave them no option but to abandon it. The circumstance giving the greatest cause for alarm, among the multitude of minor incidents, was the reported approach of a reinforcement of 2,000 men to the garrison of Tungchow, who were said to be marching from the provincial capital.

It appears to have been openly stated throughout the city that the foreigners would be murdered on the 10th of this month, (the 15th of the 8th moon,) and it was thought that the constant repetition of such a prediction, unhindered by the presence of any protective force, might work its own fulfillment, through the excitement of the masses, even if no such sinister design originally existed.

The resident missionaries are, it may be presumed, the best judges with regard to the steps it behooves them to take in view of their feeling of insecurity and the known faithlessness of the Chinese officials, but I cannot repress a feeling of regret that so much encouragement should have been given to the anti-foreign party as this withdrawal from Tungchow will, I conceive, result in. I am apprehensive that their departure will not only produce a profound impression locally, but, being reported in an exaggerated form in distant parts of the country, may be expected to embolden the hostile spirit which appears to have grown up of late.

Your obedient servant,

W. F. MAYERS,
Acting Consul.

THOMAS FRANCIS WADE, Esq.,
Her Britannic Majesty's Chargé d'Affaires, Peking.

D.

UNITED STATES CONSULATE,
Che Foo, August 31, 1870.

SIR: I have the honor to hand you herewith, for your perusal, a letter just received from Rev. J. L. Nevins, D. D., residing at Tungchow, which will explain itself.

The news from there being of rather an alarming character, and the people deeming it unsafe to remain there longer in the absence of an American man-of-war, if it would not be asking too much, may I request that your excellency will be kind enough to allow a gunboat to go to their assistance, providing you consider it necessary. The residents there, eighteen in number, men, women, and children, have made arrangements, according to the letter herewith, to leave to-morrow, the 1st September.

I am, sir, &c., &c.,

S. A. HOLMES,
United States Vice-Consul.

His Excellency Vice-Admiral Sir HENRY KELLETT, &c., &c.

E.

HER BRITANNIC MAJESTY'S STEAMER SALAMIS,
Che Foo, August 31, 1870.

SIR: I have the honor to acknowledge the receipt of your dispatch of this date, inclosing a letter from the Rev. Dr. Nevins, of Tungchow, representing that in consequence of certain alarming reports the American missionaries are desirous of removing

themselves and their families to Che Foo, and requesting that if I consider it necessary, as there is no United States vessel of war present, I will send an English gunboat to bring them away.

In reply, I beg to point out to you that you, as the United States consul, are the proper person to decide as to the necessity, on the evidence before you, of removing the American citizens, but I need not assure you that if I receive any requisition from you to afford succor to them I would immediately comply with it if able.

Just at this moment, the only suitable vessel, the Grasshopper gunboat, is under repair and unfit for sea; but I have reason to believe that if, on reflection, you consider that assistance should be sent to Dr. Nevins and his colleagues, an application made to the proper authorities will result in the dispatch of the Chinese gunboat, now in harbor, to Tungchow to bring them away.

My information leads to the opinion that the apprehensions of the missionaries are greater than necessary, and it is worth bearing in mind that their withdrawal simultaneously from Tungchow, which is not a treaty port, and forsaking their houses and property, will probably give them much embarrassment in the future, as opposition will certainly be actively made to their return by the anti-foreign party.

I have, &c.,

HENRY KELLETT;

Vice-Admiral and Commander-in-chief.

S. A. HOLMES, Esq.,

United States Vice-Consul, Che Foo.

F.

UNITED STATES CONSULATE,
Che Foo, August 31, 1870.

SIR: I have the honor to acknowledge receipt of your dispatch in reply to mine of to-day, regarding the removal of the American missionaries from Tungchow, and for which I am under many obligations.

Since receiving your dispatch I have received other letters from the missionaries at Tungchow, and as they have all decided that it is dangerous to remain longer, and have decided to come away immediately, I deem it necessary, from their statements, that succor should be sent to enable them to get away; therefore, as the representative of a friendly power, and in the absence of American vessels, if it is not asking too much of your excellency, may I respectfully request that you will be kind enough to have a gunboat or other vessel sent to their relief, and on behalf of the American Government and the missionaries at Tungchow I shall consider it a very great favor.

I have, &c., &c.,

S. A. HOLMES,

United States Vice-Consul.

Vice-Admiral Sir HENRY KELLETT, K. C. B., &c., &c., &c.

G.

HER MAJESTY'S STEAMER SALAMIS,
Che Foo, August 31, 1870.

SIR: I have the honor to acknowledge your second dispatch of this date, in which you still desire I will send a vessel to bring away American missionaries from Tungchow, and in reply I beg to inform you that I find her Majesty's gunboat Grasshopper can be made ready for sea by to-morrow morning, and will proceed on this service at daylight. On arrival at Tungchow she will anchor off the town, hoist her ensign at the masthead, and be prepared to receive any American citizens and their families, and their servants, but *no other persons*. The commander of the gunboat will not land, nor send the boats on shore, and I request you will have the goodness to send a dispatch to Dr. Nevins by the Grasshopper, impressing upon him the urgent necessity of the embarkation taking place without delay.

I have, &c.,

HENRY KELLETT,

Vice-Admiral and Commander-in-chief.

S. A. HOLMES, Esq.,

United States Consul, Che Foo.

H.

Copy of a private letter from Rev. C. W. Mateer, of Tungchow, to Mr. Holwill, Che Foo.

TUNGCHOW, August 30, 1870.

DEAR HOLWILL: You will, no doubt, have learned before this reaches you that we are getting scared up in Tungchow. I have not time to write you the particulars. They have been written in full to the American consul. I am still, however, inclined to think that we are worse scared than hurt. I believe there is danger; but I doubt if it is great enough to justify us in leaving. I have expressed my views to the others, but they carry it against me, and of course I must act with the rest. I do not think I am less sensible of the danger than the rest; but I am willing to run greater risks for the sake of the interests that are at stake. I have not yet made up my mind to go with the rest; but, of course, I cannot tell till the time comes. It is possible that the knowledge of the fact that we are "mobilizing" may develop things that we are not looking for. I hope that the steamer that comes will be prepared to stay at least one day, as it will be impossible for us to settle upon affairs with the mandarins (conveying our houses to them) in less than at least one day. I have never taken a step in my life that goes so against every principle of my nature. It is certainly the greatest trial I ever met with. To know what it costs to leave here one must have lived here for seven years, and labored as I have. I am most disturbed for our school. I fear the disbanding of it will be disastrous. I can only say God's will be done. It may be wise for us to leave, and it may be a piece of folly. I wish others could have been persuaded to wait for a little more light. Pray for us that we may be guided aright and preserved from all evil.

Yours fraternally,

C. W. MATEER.

I.

LEGATION OF THE UNITED STATES,
Pekin, September 14, 1870.

SIR: I beg to acknowledge the receipt of your note of 20th instant, informing me of the withdrawal of all the Protestant missionaries from Tungchow, and inclosing a copy of Rev. Mr. Nevins's letter to the United States vice-consul at Che Foo, giving the reasons for this action. With these came also a copy of your note to Admiral Kellett, thanking him for his humane and generous action, in sending vessels to your relief.

In your note you refer to the "reports that had been circulating for months of an intended attack," and speak of interviews between the missionaries and the local officials prior to the departure of the former, in which they failed to obtain any guarantee for the safety of their lives and property. You also state that soon after your arrival in Che Foo, the United States vice-consul received a communication from the Taotai, in which he deprecated your departure and requested your immediate return to Tung-chow. You close by asking my judgment as to your future course, in view of all these considerations.

In reply, I have to say that prior to the receipt of your note, I had no intimation of apprehended trouble at Tungchow. If the reports referred to had been in circulation for months, it would seem that some information should have been given to the vice-consul at Che Foo or to me. If you did make any communication to the vice-consul upon the subject, he failed to apprise me of the fact.

I regret that your appeals to the local officers for protection were not made in writing, so I might have some tangible evidence of their culpability in not affording protection, on which to base a complaint to the authorities in Peking. As it is, I have sent a strong note to Prince Kung concerning this matter, and have improved the occasion to point out the causes which led to this unhappy state of affairs, and impressed upon him the necessity of prompt action on the part of the government in order to avoid consequences that may be disastrous. As yet no reply has been received, but I hear unofficially that stringent orders went immediately to the provincial authorities in Shan-tung, which will, I hope, have a good effect.

Without pretending to question the propriety of your course in view of the danger which appeared to surround you, and conceding that you ought to be able to judge better of the value of the reports than I possibly can at this distance, I cannot repress a feeling of keen regret that you felt compelled to abandon, even temporarily, a field that had cost such a struggle to win, and that your action will be likely to strengthen the anti-foreign feeling—not only in Tungchow but in other places, and render the residence of missionaries in China more uncomfortable than it has been hitherto.

My opinion is that the *male members* of your mission should return at the earliest moment they can get a reasonable assurance of safety, and as you were taken away in a vessel of war, I desire very much that you shall return in a *United States vessel*, when

you go. I expect one or more of the fleet will be at Che Foo shortly, and as soon as I hear of the arrival of any, I shall ask that you be returned to your post of duty under the protection of your country's flag, should you so desire.

If one of our vessels should come, and not be likely to remain long enough to communicate with me, you are at liberty to read this letter to the commanding officer, and ask, in my name, the services of his vessel for the purpose indicated above.

I hope to hear soon that active and honest measures are being taken by the officials for your protection, and that you are all safely back again in your field of labor.

Your obedient servant,

FREDERICK F. LOW.

Rev. EDWARD P. CAPP and others, *Che Foo*.

J.

LEGATION OF THE UNITED STATES,
Pekin, September 17, 1870.

SIR: I am in receipt of information to the effect that, in consequence of reports of an intended attack by the Chinese upon the American Protestant missionaries at Tungchow, in the province of Shan-tung, and the usual land communication being considered unsafe, application was made to the United States vice-consul at Che Foo for relief, to enable them to reach a place of safety. In the absence of a United States vessel of war at Chee Foo, the vice-consul made application to Sir Henry Kellett, K. C. B., commanding her Majesty's naval forces in these waters, to afford the necessary relief.

With a generosity and promptitude characteristic of her Majesty's naval officers, Admiral Kellett dispatched two vessels, the Barrossa and Grasshopper, on the 1st instant, to Tungchow, and took away the missionaries and their families, and landed them safely at Chee Foo.

In the name of the Government of the United States, and on behalf of the people who were relieved, I beg most respectfully to tender to you, and through you to Admiral Kellett, my grateful acknowledgments for this humane and generous action. I shall improve an early opportunity to lay the facts before my Government, and I would feel obliged if you would make them known to her Majesty's government also.

I have the honor to be, sir, your obedient servant,

FREDERICK F. LOW.

THOMAS FRANCIS WADE, Esq.,
Her Britannic Majesty's Chargé d'Affaires, Pekin.

K.

Proclamation by the prefect of Tungchow, in Shan-tung, to which all are to give earnest heed. Issued September 2, 1870.

It appears that in consequence of the flagitious conduct of lawless men at Tien-tsin, bewitching and carrying off children, in which they implicated the Roman Catholics there, many people have suspected that a quarrel would grow out of it, and have fomented disturbance. In consequence, every kind of wild rumor has spread from thence through the land, which has incited reckless loafers to hatch trouble and fan suspicions, particularly saying that all foreigners are to be killed. These falsehoods have disturbed foreigners, [dwelling here,] and led them to suspend their work, and rapidly move away from the place to avoid danger, their converts also laboring under the same erroneous views. Such men, like unscrupulous rascals, cannot be suffered for a single day, and it is hard to imagine what object they can have in getting up these suspicions to breed trouble. I have sent policemen here and there to secretly ascertain who they are and seize them, and I also now issue this proclamation for general information, and call on all, soldiers and people, to fully observe its orders. Hereafter, let each of you carefully attend to his own business, and neither start nor give heed to idle canards, calculated to excite trouble and bring misfortune on yourselves. If any dare disobey this, they shall be summarily seized, and the lives of themselves and families immediately pay the penalty. They will then have no place for repentance.

L.

Proclamation by Fu, brevet colonel of the middle brigade at Tungchow, &c., strictly prohibiting the circulation of rumors. Issued September 2, 1870.

It is well known that English and American missionaries have lived in this city many years, engaged day and night in disseminating and explaining the holy religion of

Jesus, and urging men to be good. Recently certain fellows among the soldiers and people have been talking wildly about the affair at Tien-tsin, blabbing this and that strange story, which is nothing less than to utter seditious rumors for the purpose of exciting suspicion and change. Such men, like reckless villains, are only on the lookout for a chance to take advantage of some trouble to rob and sack; they are all out of the pale of law, and excite everybody's indignation.

I have secretly sent out men who are ordered to inquire for and seize any one found doing these things, and I further now issue this plain proclamation for the general information of all classes of people. Hereafter let every one contentedly attend to his own affairs, and give no heed to the wild talk about affairs between natives and foreigners. Whoever is found violating this command will be tried in this court, and I shall ask the higher officers to have him executed by martial law. No leniency will be shown, and let no one, therefore, say he has not been warned, but let every one give careful heed to this special proclamation.

No. 23.

Mr. Low to Mr. Fish.

No. 31.]

LEGATION OF THE UNITED STATES,
Pekin, September 26, 1870. (Received November 25.)

SIR: Referring to my dispatch No. 29, relating to the withdrawal of the missionaries from Tungchow, I have now the honor to inclose copies of my note, called out by this affair, to Prince Kung, (inclosure A;) his reply thereto, (inclosure B,) and another note from Prince Kung transmitting a decree of the Emperor, (inclosure C.)

In view of the disturbed condition of the country, caused by rumors of intended violence, and believing that these rumors, as well as the hostile spirit exhibited by the natives, are caused mainly by the late massacre at Tien-tsin, and that the delay and uncertainty in the punishment of the guilty lead the people in other places to believe that the riot was justifiable and meets with the implied approval of the government rather than its condemnation, I deemed it entirely proper, as well as my duty, to improve the occasion to review the Tien-tsin affair, giving to the prince my opinions regarding the failure thus far of the government to do its duty, and pointing out the peril in which the lives and property of all foreign residents are placed in consequence of this dilatory, halting, and uncertain policy. I also referred to the possibility of dangerous complications growing out of this affair unless a more rigorous course be pursued. The note is strong, though entirely respectful, and will, I hope, have some effect for good. I beg, most respectfully, to refer to that document for a resumé of my opinions upon the situation.

In this connection I desire to say that, while I believe there is danger, I by no means consider the situation as perilous as the people generally do; at the same time they may be right and I wrong.

The prince's reply, while it is entirely satisfactory with regard to the immediate subject which called it forth, the Tungchow disturbance, fails entirely to meet the general question in a proper way. It is simply an apology for the delay, and affords no reasonable ground for believing that such steps will be taken as will quiet the turbulence of the people, and reestablish confidence among the foreign residents. He intimates that there have been and are still difficulties in the way of speedy action. This I am prepared to believe; but these difficulties, in my opinion, could be surmounted if the prince and his associates would exhibit a little more courage and resolution.

The hostile spirit of the people at Tien-tsin undoubtedly deterred the officials from taking prompt action in the beginning, lest the attempt at

summary punishment of the rioters should cause another uprising for their protection and deliverance; and the unwise action of the French chargé d'affaires raised such a storm of opposition in the higher official circles to prevent a compliance with the demand made by him, that Prince Kung and his associates were, for a time, powerless. These reasons are without force now, and afford no apology for delay.

It is undoubtedly true, that immediately after the receipt and rejection of what may properly be termed M. de Rochechoart's ultimatum, the government expected a hostile demonstration from France, and commenced making preparations to resist an attack. Li-Hung-Chang, an able official and a general of distinction, who was then in command of the imperial forces operating in the west against the Mohammedan rebels, was called to Tien-tsin, with all the troops that could be spared from the western armies. More recently he has been appointed governor general of this province. He has now arrived, and has, it is said, from 10,000 to 20,000 troops near him at Tien-tsin. The moving of these troops gave rise to all sorts of rumors of an intended attack upon foreigners.

My own opinion is, however, that the ordering of these troops to Tien-tsin was solely with a view to defense in case of attack by the French.

The news from Europe must have dispelled all apprehensions of any hostile movement this autumn. It has also, I am sorry to say, had the effect to make the officials more dilatory in their actions and less inclined to do their duty promptly and properly.

The latest intelligence from Europe via St. Petersburg announces the defeat and surrender of a large part of the French army, with the Emperor at its head, the overthrow of the government and the proclamation of a new one instead. In view of this startling and unexpected news, the French chargé called his colleagues together on the 24th instant, and asked their advice and assistance in the common interest of all. We have taken hold of the question and shall do what we can; but the situation now is difficult and somewhat embarrassing, and I am not sanguine as to results. The representatives of Great Britain, Russia, North Germany and the United States, joined in a note to Prince Kung, on the 24th instant, but as yet no reply has been received. I defer sending a copy or making further comments until an answer comes and I get more light.

If I appear to overburden the Department with dispatches and papers concerning affairs here, my apology must lie in the fact that it is altogether probable that correspondence and consultation will be necessary between the chief treaty powers, growing out of political questions here; and it is my desire that the Department may be in possession of all the information necessary to form intelligent and correct opinions upon all the questions involved.

I have the honor to be, sir, your obedient servant,

FREDERICK F. LOW.

A.

LEGATION OF THE UNITED STATES,
Pekin, September 13, 1870.

SIR: It becomes my duty to inform you that, in consequence of the threatening attitude of the people, and failing to obtain from the local officials any satisfactory assurances of protection, the American missionaries residing at Tungehow, near Che Foo, deemed it prudent to withdraw temporarily to the latter place. The danger to them appearing so imminent, the ordinary routes of land travel being considered un-

safe, and there being no other means of transport by water available, the admiral of her Majesty's fleet in these waters, upon the request of the United States vice-consul at Che Foo, kindly sent two vessels of war on the 1st instant and transported the missionaries with their families to Che Foo, where they now are. The number of men, women, and children attached to the mission is eighteen, all Americans. One of the missionaries, in advising me of their action and the causes which led to it, asks my advice as to the proper course for them to pursue, having in view their personal safety and the security of their property which was necessarily left behind at Tungchow. Before replying to this letter, I deem it proper to lay the facts in this case before your imperial highness, and, at the same time, offer some observations upon the unhappy state of affairs which exists at Tungchow and other places.

It is a fact, painfully apparent to all foreign residents, that, since the terrible tragedy at Tien-tsin, the attitude of the local officials and the people generally there, and at many other places, toward foreigners, has been in marked contrast to that kind and cordial relation which should exist. It is unnecessary here to inquire whether the outbreak at Tien-tsin was a sudden uprising of the people to redress, by violence, fancied wrongs, and was altogether local in its origin, or whether it was a part of a more extended and wide-spread conspiracy, fomented by designing officials and persons of the higher classes of civilians, without cause, other than a purpose of gratifying a long-cherished hatred and desire for revenge against the people of western nations; whether the wrath of the people was directed specially against the French as a nationality, and the Roman Catholics as a religious body, or whether all nationalities and religions would have suffered equally, had they resided within the territory where the mob assembled, and near the scene of its bloody deeds. Without discussing the *causes*, I desire, most respectfully, to offer to your imperial highness the result of my conclusions as to the *effects* which the news of this lamentable affair at Tien-tsin has had upon the people in other places.

The tales of horrible cruelties practiced by the Roman Catholics are now reported and believed by the people generally, notwithstanding the report, after searching investigation, of the high officer Tsing-Kwoh-fan to the contrary, and in opposition to the solemn declarations of the Emperor, that all these stories are without foundation and false. It seems scarcely possible that such opinions can be entertained by the common people against the evidence before referred to, upon any other hypothesis than that the local officials and persons of rank and distinction are bringing an influence to bear to render foreigners distasteful in the eyes of the people, and inciting hostility which will, unless checked promptly, be likely to bring on a collision.

There is no evidence of any change for the better in the feelings of the inhabitants of Tien-tsin, nor are there any signs of regret for the terrible scenes enacted on the 21st June. On the contrary, the manufacture and sale of fans (until stopped by official action upon the complaint of a foreign consul) bearing engravings of the burning buildings and the murder of their inmates, show only too plainly that the people of that city desire by illustrations of their bloody deeds to be reminded of the eventful day when innocent and helpless women were, with others, ruthlessly sacrificed. The failure to punish any of the guilty actors, although nearly three months have since elapsed, tends in no small degree to confirm the people in the belief that the riot was a justifiable retribution, in which the government sympathizes; and leads to the belief that similar attacks upon foreigners will meet with official sanction and approval, rather than condemnation and punishment. In addition to all this, the knowledge that large bodies of troops are moving from the western provinces eastward into Shan-tung and Chihli affords a basis for the evil-disposed to circulate reports that the imperial government has designs hostile to the foreign residents. This adds to the excitement and fills with alarm the missionaries and others residing in the two provinces before named.

It was currently reported in Tungchow during the last days in August, that 2,000 troops were marching from the capital of the province toward that place, preparatory to the extermination of the missionaries, and threats were freely and openly indulged in that, on the 10th of September all foreigners would be sacrificed. So general was the belief that the native servants of the missionaries were appealed to by their friends and relatives to leave their employers before the day appointed, otherwise their lives would probably be sacrificed with the rest. The missionaries, hearing these reports from distinct and separate sources, felt compelled to give heed to them, and failing to get any satisfactory refutation of the reports, or any guarantee of safety from the local officials, concluded to take the steps I have before indicated.

In the collective note of the 24th June, in which all the foreign representatives joined, the danger of dilatory action on the part of the government was pointed out, and grave apprehensions of further trouble were felt, unless the uprising at Tien-tsin was promptly and effectually put down; and in personal interviews which I have had the honor to have with your imperial highness and the other members of the Foreign Office since, I have urgently pressed upon you and them the necessity of prompt and decided action in the way of searching out and punishing the guilty. I have also

pointed out the great importance of taking every means to enlighten and instruct the people in regard to the peaceful purposes of all foreign residents, and the missionaries in particular; that no foreigner has been, or possibly can be, guilty of the practices imputed to them by the ignorant and superstitious, and that all missionaries are animated by pure and peaceful motives, engaged in no political intrigue, and seeking only the highest welfare of the people by striving to make them honest and good.

Candor compels me to say that there has been a lack of promptness, and, I believe, of earnestness, on the part of the officials deputed by the government to ascertain and bring to punishment the guilty persons at Tien-tsin.

Prior to the troubles, two persons at Tien-tsin, and a larger number at Nankin, accused of kidnapping, were arrested, tried, and punished with the extreme penalty of the law; and in the case of the latter the extreme haste of the officials in the trials and punishment of the criminals provoked much discussion, and, I am informed, called forth protests against what seemed to be indecent haste. If the law sanctioned these hasty trials and summary executions in cases where kidnapping was the crime, I fail to see why the assassins of peaceful foreign residents, including foreign officials and innocent and unoffending women, should have any greater lenity shown them; and in a place where the known participation in the riot is an honor and its leadership a notable distinction, it ought not to be difficult to ascertain who are the guilty ones deserving punishment. Hence the delay appears to be without cause, and leads many to doubt the good faith of the government. Unless a change in the status of affairs soon occurs, which will reestablish public confidence in the fidelity of the government to its treaty obligations, which will reassure the citizens and subjects of the treaty powers that their residence in China will be safe and their property protected, grave apprehensions may reasonably be entertained that the good will and cordial support of some of the most influential and powerful of the western nations will be lost to China.

The traditional policy of the United States in their intercourse with China is peace, which it is the earnest desire of the undersigned, as well as his Government, to maintain, and nothing will cause a departure from this policy, except the flagrant violation of the rights and privileges of their citizens by the people and the failure of the imperial government to apply the proper remedy promptly. In view of these considerations, I again most earnestly call your attention to the condition of affairs at Tungchow, to the end that you will cause such measures to be adopted as will assure citizens of the United States of their safety, and hasten the return of the missionaries to their homes and their posts of duty.

In the foregoing I have, with entire frankness, endeavored to place before your imperial highness a plain exposition of the situation in which all foreigners in the empire are placed, and the danger to which they are exposed, which will, unless speedily averted, lead to the most unhappy consequences.

With renewed assurances of my high consideration, I have the honor to be, your imperial highness' obedient servant.

FREDERICK F. LOW.

His Imperial Highness PRINCE KUNG.

B.

SEPTEMBER, 24, 1870, (*Tungchow, 9th year, 8th moon, 29th day.*)

Prince Kung, chief secretary of state for foreign affairs, herewith sends a reply:

I had the honor to receive your dispatch of the 16th instant, in which you inform me that Mr. Mateer and other American missionaries residing at Tungchow, in Shan-tung, had written to you, stating that rumors had been rife among the citizens there during this and last month; that in consequence of the Tien-tsin riot, a body of troops from the provincial capital Tsinan would reach it on the 10th of September, whereupon their scholars and servants left them, and they with their families had all gone aboard ship, and temporarily removed to Che Foo, from whence they had inquired of you whether they had better go back to Tungchow or not; but before replying, you concluded to bring the matter to my notice, alluding moreover to the present state of unrest between natives and foreigners, and asking that orders may be sent to the officials in Shan-tung to take measures to remove the fears of the missionaries, and assure their safe residence in Tungchow, &c., &c.

In respect to the rumors circulated at Tungchow, I have to reply that before I had received your excellency's dispatch orders had been sent from the Foreign Office to the provincial governor, and to the intendant of Tungchow, immediately to issue proclamations clearly making known to the people that the rumors were quite groundless, and they were to give no credence to them; and as they caused mutual distrust and alarm, these officers were to take measures to dissipate suspicions of this kind, so that foreigners and natives could henceforth live peaceably together.

Further orders were yesterday sent to Governor Ting (of Shan-tung) to enjoin upon

the district magistrate of Punglai (*i. e.*, Tungchow City) to adopt precautionary measures to remove all doubt and alarm, so that when Mr. Mateer and his associates return their safety can be assured. The day fixed by rumor, September 10, for bringing in soldiers, and destroying the missionaries, having long since passed over without disturbance, plainly shows that the whole was a rumor, unworthy of belief, which need have excited no alarm.

The doubt which your excellency expresses, that the delay in settling the riot of Tien-tsin, and the want of energy manifested in dealing with it, considering the serious consequences likely to result from it, are calculated to lead all western nations to doubt the faith and earnestness of the government, arouses in my mind the closest attention and shows your full knowledge of the matter. In dealing with an affair like this, that involves the relations between this and other countries, it is indeed important that the government should earnestly put forth its utmost energy, uniting safety with speed in bringing it to a close. But in dealing with the difficulties of this case we have proved the truth of the saying, "the more haste the worse speed;" having found that the two are incompatible, the wisest course for us seems to be to humor things so as to attain the end safely. Can any one doubt that government desires to speedily bring the Tien-tsin riot and all that has grown out of it to a close? Yet to arrest the murderers is not easy; to find the clue to them is hard; but the hardest of all is to reconcile the evidence obtained, for the whole affair was done on a sudden provocation and had no leader who had planned it. When a great crowd rushes together in a frenzy, the course of events cannot be closely remembered, nor who it was that killed the victims be certainly found out or known. The names of the leaders or the actual murderers are not ascertainable, and this makes the difficulty in arresting them. When robbers plunder and secrete their booty, it is comparatively easy to trace them; but here all the world ran about in commingling crowds, without order or leaders, and this is what makes it so hard for us to get any clue to the guilty. In common cases of robbery or murder the plunder is hid somewhere, or there is proof of the killing; somebody has taken the lead in the act; but in this instance there is nothing, no booty, no proof, no leader, nothing to guide to a conviction. But the most difficult part is in discriminating the evidence, for if the prisoners are verbally interrogated their testimony is not true probably, and if they are put to the question they are ready to implicate the innocent. This shows the difficulties in the way of getting evidence. Amidst these various obstacles, if the settlement of this affair be unduly hurried, not only will it be hard to satisfy the Chinese people that justice has been done, but I fear that foreigners will also be disappointed. These are the causes which have delayed the settlement of the Tien-tsin affair. Many guilty persons are already in custody, among whom ten or more have been proven to be guilty and will suffer the extreme penalty of the law. I think that their cases will be closed in a few days and will remove all doubts as to whether anything would be done. I have thus endeavored to state my difficulties in conducting this affair, both toward my own government and toward foreign nations, and I hope that your excellency and all the other foreign ministers will appreciate the contingencies of my position.

His Excellency F. F. LOW,
United States Minister to China.

C

SEPTEMBER 11, 1870. (*Tungchow, 9th year, 8th moon, 16th day.*)

Prince Kung, chief secretary of state for foreign affairs, herewith sends a communication:

I was yesterday honored by receiving the following decree.

"Li Hung-chang having been appointed governor general of the province of Chihi, let him immediately proceed to Tien-tsin, and in conjunction with Tsang kwoh-fan, Ting Jih-chang and Chinglin, inquire into and manage affairs there. Let Mao Chang-hi, the president of the board of works, return to Peking and resume his duties. Respect this."

With respect to the Tien-tsin case I may observe that during the three months which have passed, Governor General Tsang and his colleagues have searched out and arrested more than eighty of the criminals engaged in the riot, and he is now employed in examining them and taking testimony; he will, without doubt, be able to ascertain clearly who are guilty and decide their sentences.

His excellency Li having received the above order to go to Tien-tsin, he will join in the inquiry and hasten the matter, so that there seems now a strong probability that this affair may ere long be brought to a conclusion.

His Excellency FREDERICK F. LOW,
United States Minister to China.

No. 232.

Mr. Fish to Mr. Motley.

[Telegram.]

DEPARTMENT OF STATE,

*Washington, November 1, 1870.*MOTLEY, *Minister, London :*

The following telegram was sent to-day to Bancroft. Communicate its substance verbally to Lord Granville:

It appears to the President that the hostilities between France and Germany, if conducted in Chinese waters, will operate on the minds of the Chinese to put in peril the lives of Europeans and Americans in that empire. You are instructed to sound the government of North Germany to ascertain whether it is possible to obtain a suspension of hostilities and a coöperative action between the squadrons in the Chinese waters, so far as the protection of the lives and property of Americans and Europeans may require. In case the answer is favorable you will ask leave to communicate their action to Washburne, and will send him a copy of this telegram, which he will take as his authority to ask for a like action on the part of the French government.

FISH, *Secretary.*

No. 233.

Mr. Motley to Mr. Fish.

[By cable.]

LEGATION OF THE UNITED STATES,

London, November 2, 1870. (Received at 4.10 p. m., November 2.)

On communicating verbally this morning the substance of your telegram to Bancroft, Granville requested me to inform you that what you proposed had already been done. Commander of the Prussian naval forces in China had proposed to the French commander their coöperative action to protect European life and property. English government had already signified its cordial applause of the step to both belligerents, and Granville hopes that you may be inclined to the same course without preliminary formalities.

MOTLEY, *London.*

No. 234.

Mr. Motley to Mr. Fish.

[By cable.]

UNITED STATES LEGATION,

*LONDON, November 3, 1870. (Received November 3d.)*FISH, *Secretary of State, Washington :*

In correction of my telegram of yesterday, Granville learnt from French chargé d'affaires that Prussian commander in Chinese waters proposed suspension of hostilities to French commander, and latter accepted. Granville infers that French government sanctions the step, but is not sure that Prussian has done so. What you propose is begun with good prospect of success.

MOTLEY, *London.*

No. 235.

Mr. Davis to Mr. Bancroft.

No. 261.]

DEPARTMENT OF STATE,
Washington, November 8, 1870.

SIR: Referring to my No. 259, inclosing a copy of Mr. Fish's telegram of the 1st instant, instructing you to propose to the North German government a suspension of hostilities in Chinese waters, I have to say that no reply or acknowledgment has been received.

When the massacre of Tien-tsin took place, Mr. Low was of opinion that the outbreak was a local one and unpremeditated, * * * * and although the Chinese populace were still much excited, Mr. Low thought that the danger was over, that the government was sincere in its intention to prevent a repetition, and to punish the offenders, and that there was no probability of similar outbreaks elsewhere.

In his subsequent dispatches he still adheres to his original opinion that the disturbance was local and unpremeditated, and that the government at Peking sincerely desired to prevent a repetition and to preserve peace; but he appears to have decidedly modified his opinion as to the probability that they will be able to do so. His doubts are founded on the injudicious course pursued by the French chargé d'affaires in demanding the summary execution of the Tien-tsin officials as an ultimatum, and upon the hopes the populace in the large Chinese cities derive from the state of war existing between Germany and France, which they argue will neutralize the force of those two powers. He expresses the fear that the government at Peking may find itself too weak to resist the pressure of popular opinion in the masses, acting in harmony with the cherished wishes and purposes of the literati, and that it may be forced into war to prevent popular outbreaks.

It seemed to the President that these views coming from a gentleman so cautious, dispassionate, and prudent as Mr. Low, were entitled to more than the ordinary consideration. He therefore directed, after consultation with the cabinet, the telegram of the 1st instant to be sent to you, believing that any advantage which one belligerent might gain over the other in eastern waters would be of small consequence to the victor, compared with the preservation of peace in China.

The President does not intend to depart from the policy pointed out in Mr. Fish's dispatch No. 148, of August 31, 1869. He does not propose to take part, nor does he invite North Germany to take part in any controversy between France and China growing out of the massacre of Tien-tsin. He only desires that so far as the impression of the neutralization of German and French influence by the state of hostilities operated to enfeeble the central government, that impression may be removed; and that should unfortunately a general war be declared by China, or should an outbreak against foreigners take place which the government cannot prevent nor punish, the several powers may be in a position to afford the fullest measure of protection.

I inclose copies of two telegrams from Mr. Motley, which would seem to indicate that the commanders of the French and Prussian fleets have come to some understanding, but it is not clear that this has been ratified at Berlin and Paris.

I also inclose a copy of a communication of the 5th instant from Baron Gerolt bearing upon this subject.

J. C. B. DAVIS,
Acting Secretary.

No. 236.

Mr. Bancroft to Mr. Fish.

No. 157.]

BERLIN, *November 2, 1870.*

SIR: I have this day received your telegram of November 1, which runs as follows:

It appears to the President that the hostilities between France and Germany, if conducted in Chinese waters, will operate in the minds of the Chinese to put in peril the lives of Europeans and Americans in that empire. You are instructed to sound the government of North Germany to ascertain whether it is possible to obtain suspension of hostilities or a coöperative action between the squadrons in the Chinese waters so far as the protection of the lives and property of Americans and Europeans may require. In case the answer is favorable, you will ask leave to communicate their action to Washburne, and will send him a copy of this telegram, which he will take as his authority to ask for a like action on the part of French government.

This Government most fully adopts the line of policy marked out by you, and I shall, therefore, make to Mr. Washburne the communication which you direct.

GEO. BANCROFT.

No. 237.

Mr. Fish to Mr. Low.

No. 24.]

DEPARTMENT OF STATE,

Washington, November 29, 1870.

SIR: I acknowledge the receipt of your dispatch of the 26th of September last, No. 31, with three inclosures, exhibiting your correspondence with Prince Kung upon the removal of the missionaries from Tung-chow and the disturbed condition of affairs in China.

Although the general tenor of your note of the 13th September to Prince Kung is regarded as judicious and proper, your assurance toward the close, that a flagrant violation of the rights and privileges of our citizens by the people, and the failure of the imperial government to apply the proper remedy promptly, are the only circumstances which will cause a departure from the traditional policy of the United States in their intercourse with China, is considered to be too strong an assurance of forbearance, and it would be, perhaps, well that Prince Kung should understand that any violation of the rights of our citizens and any flagrant violation of treaty stipulations of other powers may cause a change.

HAMILTON FISH.

No. 238.

Rear-Admiral Rodgers to the Secretary of the Navy.

UNITED STATES STEAMER COLORADO,

FLAG-SHIP OF ASIATIC FLEET,

Wusung, below Shanghai, China, October 8, 1870.

SIR: *

I propose to send the Benicia in a few days to Che Foo, to convey the American missionaries from that place back to Teng-chow-foo, which they left in consequence of apprehensions of violence from the native population, having been brought away by an English gunboat.

From an apparently dispassionate account of the state of suspense, uncertainty, and reasonable expectation of mob violence, in which they were for a time there, I cannot see that they did otherwise than prudently and wisely in coming away. They go back at the request, I believe, of our minister to Peking, and at their own desire.

I shall give the commander of the *Benicia* carefully-considered instructions in regard to them, and as to his intercourse with the authorities. Having performed this duty, the *Benicia* will be ordered to proceed to Japan.

* * * * *

I have the honor to be, very respectfully, your obedient servant,

JOHN RODGERS,

Rear-Admiral, Commander-in-chief of Asiatic Fleet.

No. 239.

Mr. Fish to Mr. Low.

No. 26.]

DEPARTMENT OF STATE,

Washington, December 1, 1870.

SIR: With reference to your No. 29, dated 17th September, 1870, in relation to the removal of the American residents at Tung-chow to Che Foo on the British naval vessels *Borassa* and *Grasshopper* kindly placed at their disposal by Sir Henry Kellett, I have to inform you that I have instructed Mr. Benjamin Moran, the chargé d'affaires of the United States at London, to cause the grateful appreciation entertained by this government for the friendly and meritorious conduct of Sir Henry to be communicated to her Majesty's government.

It is presumed that you have called upon Mr. Holmes for an explanation of his failure promptly to report to you upon the circumstances which gave rise to the sudden exodus of the missionaries and other American residents from Tung-chow, and the manner of their departure. If not it would be well for you to do so, and it might be expedient to call the attention of other consular officers to the importance of promptly communicating with you in similar cases.

HAMILTON FISH.

GREAT BRITAIN.

No. 240.

THE NORTHWESTERN BOUNDARY.

The Secretary of War to the Secretary of State.

WAR DEPARTMENT, *November 18, 1870.*

SIR: In reply to your letter of the 17th instant, I have the honor to inclose, herewith, copies of the report of Captain D. P. Heap, United States Army, upon the location of the new military post and reservation known as Fort Pembina, Dakota Territory, together with a plot of the reservation.

WM. W. BELKNAP.

Captain Heap to Major General Hancock.

[Extract.]

HEADQUARTERS DEPARTMENT OF DAKOTA,
St. Paul, Minnesota, July 9, 1870.

SIR: * * * * *

After the completion of the survey of the reservation selected by the board General Sykes left me, and I went at once to Pembina, camping near the post set up by Major Long, which post is at present recognized as the boundary line between the United States and the British Possessions. Here, in accordance with verbal instructions received from Major General Hancock, I commenced at once taking observations for latitude, to determine the true position of the forty-ninth parallel. Both Mr. King and myself took a large number of observations, remaining five days at this camp for this purpose. From the whole number I selected six observations which I believed to be the most accurate and reliable, and which most closely agreed with each other. A mean of these six places Long's post in latitude $43^{\circ} 59' 13''$, or 4,763 feet south of the forty-ninth parallel. The result I believe to be as accurate as could be obtained with the instruments at my disposal. Observations with finer instruments may change the result somewhat.

It so happened that of the six observations selected, three were taken by Mr. King and three by myself.

Having determined the latitude, I planted a large oak post 4,763 feet north of Long's post, on the edge of the woods on the west bank of the Red River. On this post "U. S." was chiseled on the south side, "B. P." on the north side, and "49th \circ " on top. From this point I ran the parallel thirty-five miles west, nearly to the foot of Pembina Mountain, marking each mile by a stout stake driven through three sods, cut on the direction of the parallel. Each stake has "U. S." chiseled on its south side, and "B. P." on its north side.

It may be interesting to know that while running the parallel, I saw drift-wood five miles west of Red River.

The ground from the Red River to the foot of Pembina Mountain has a gradual upward slope of not much more, I should judge, than one foot to the mile.

Having completed this duty, which took me till June 3, I rested one day, and on June 5 started for Fort Wadsworth, via Fort Totten. Mr. Bellon, guide at Fort Totten, was going there at the time, and could be of service to me; and I was also enabled to measure the distance from St. Joseph to Fort Totten and make a map of the country.

I reached Fort Totten on June 8. The distance is about one hundred and eight miles; plenty of water along the route at this season; in dry weather there is scarcely any. No wood from Pembina Mountain to east end of Devil's Lake; roads generally good.

* * * * *
Very respectfully, your obedient servant,

D. P. HEAP, *Captain of Engineers.*

ASSISTANT ADJUTANT GENERAL,
Headquarters Department of Dakota.

[Indorsements.]

HEADQUARTERS DEPARTMENT OF DAKOTA,
St. Paul, Minnesota, August 3, 1870.

Respectfully forwarded to the Adjutant General of the Army, through headquarters Military Division of the Missouri.

The papers in reference to the survey of Fort Wadsworth reservation have been forwarded in another communication. Captain Heap was instructed to mark out the line in front of the position of Fort Geo. H. Thomas, for the information of the troops.

Since that country is likely to increase in importance, it would be advantageous if the 49th parallel were authoritatively established, and with a view of suggesting such a result, this communication is transmitted.

WINF'D S. HANCOCK,
Major General U. S. A., Commanding.

HEADQUARTERS MILITARY DIVISION OF THE MISSOURI,
Chicago, Illinois, August 8, 1870.

Respectfully forwarded to the Adjutant General of the Army, in the absence of the Lieutenant General.

GEO. L. HARTSUFF, *Asst. Adjt. General.*

ADJUTANT GENERAL'S OFFICE,
Washington, November 18, 1870.

Official copies.

E. D. TOWNSEND, *Adjt. General.*

No. 241.

Mr. Boutwell to Mr. Fish.

TREASURY DEPARTMENT,
 July 19, 1870. (Received July 20.)

SIR: I have the honor to inclose herewith a letter, dated the 23d ultimo, from the collector of customs at Pembina, Minnesota, relative to a change effected by a survey recently made by a United States military commission, under Major General Sykes, United States Army, in the line heretofore recognized as the proper boundary between the United States and the British Possessions in that region, fixed by treaty at the forty-ninth parallel of latitude. It is therein stated that the line now established is 4,600 feet north of that heretofore recognized, and the results of the change are, in one respect, at least, noted therein.

I will thank you for any information upon the subject you may be able to furnish; and whether said new line has been established by competent authority binding upon the two governments of Great Britain and the United States.

CUSTOM HOUSE, *Pembina, June 23, 1870.*

SIR: I have the honor to call your attention to the fact that the United States military commission, under Major General Sykes, United States Army, and Captain Heap, United States Corps of Engineers, while here this spring for the purpose of locating the new fort and military reservation, have by a series of careful solar and lunar observations, located and established the forty-ninth parallel, or international boundary line upward of 4,600 feet north of the old established post, and that from the initial point established on the west bank of the Red River, by the said military commission, a careful survey of the said boundary line was made for military purposes as far west as St. Joseph, and the same distinctly marked, and stakes driven at every mile. This change brings the Hudson's Bay Company's trading post, north of here, within our lines, on United States territory, which, in case the said last established location shall be recognized as the actual boundary line, would subject the whole of said Hudson's Bay Company's stock of goods on hand at said trading post, and all future importations thereto, to the payment of duty. I have therefore ordered a full inventory of all their goods and effects for the purpose of assessment of duty, in case the said last established line shall be recognized as the true boundary.

I would, therefore, in view of these facts, respectfully request instructions in the premises, and beg to be advised as to which of the two different lines established I am to recognize as the true boundary line for customs revenue purposes.

I am, sir, very respectfully your obedient servant,

J. C. STORER, *Collector.*

HON. SECRETARY OF THE TREASURY,
 Washington, D. C.

No. 242.

Mr. Davis to Mr. Richardson.

DEPARTMENT OF STATE,
 Washington, August 13, 1870.

SIR: I have the honor to acknowledge the letter of the 19th ultimo, from the Treasury Department, making inquiry concerning the boundary line between the possessions of the United States and Great Britain, and in reply to inform you that no joint action of the two governments has been taken for marking upon the surface of the ground that portion of the boundary along the forty-ninth parallel which extends from the

Lake of the Woods to the Rocky or Stony Mountains. I therefore beg leave to suggest that no proceedings be adopted by the custom-house authorities which will disturb the existing condition of things on the border, until the British government can be informed of the discovery which has been made by the officers of the Engineer Corps, which will be immediately done.

J. C. B. DAVIS,
Acting Secretary.

No. 243.

Mr. Davis to Mr. Motley.

DEPARTMENT OF STATE,
Washington, August 15, 1870.

SIR: I transmit a copy of a letter of the 19th ultimo from the Treasury Department, inclosing one from the collector of customs of the United States at Pembina, upon the subject of the boundary between that portion of the possessions of the United States and Great Britain, extending from the Lake of the Woods to the Rocky Mountains, together with a copy of my reply of the 13th instant.

I will thank you to inform the British government of the discovery which has been made by the engineer officers of the United States, in regard to the true location of the boundary, as ascertained by the usual scientific method of determining such matters.

I am, sir, your obedient servant,

J. C. B. DAVIS,
Acting Secretary.

[For the inclosures see *ante.*]

No. 244.

Mr. Motley to Mr. Fish.

No. 490.]

LEGATION OF THE UNITED STATES,
London, October 17, 1870. (Received November 4.)

SIR: Referring to your No. 245, of 15th August, (which dispatch I beg to note did not reach me until 28th ultimo,) I have now the honor to transmit the copy of a letter which I have this day addressed to Earl Granville, notifying him of the discovery made this spring by the United States military commission under General Sykes, as to the true location of the boundary line along the forty-ninth parallel between the British North American possessions and the United States.

Copies of the documents, transcripts of which were sent me in your above-cited dispatch, were annexed to my communication with Lord Granville.

J. L. MOTLEY.

Mr. Motley to Earl Granville.

LEGATION OF THE UNITED STATES,
London, October 17, 1870.

MY LORD: I have the honor, by direction of my Government, to call your attention to a discovery which has been made by the engineer officers of the United States, in

regard to the true location of the boundary line between the British possessions in North America and the United States, as ascertained by the usual scientific method of determining such matters.

It appears by a communication from the honorable the Secretary of the Treasury of the United States to the State Department, inclosing a letter of the 23d June last from the collector of customs at Pembina, Minnesota, that the United States military commission under Major General Sykes, United States Army, had by a series of careful solar and lunar observations located and established the forty-ninth parallel, or international boundary line, upward of 4,600 feet north of the one hitherto recognized. The result of this change in one respect at least your lordship will find noted in the above-cited letter of the collector of Pembina, copy of which I annex among other documents.

The question arising at the Treasury Department, whether the said new line has been established by competent authority binding upon the two governments of Great Britain and the United States, has been answered, as you will observe, by inclosed copy of a letter from the acting Secretary of State of the United States, that no joint action of the two governments had been taken for marking upon the surface of the ground that portion of the boundary along the forty-ninth parallel which extends from the Lake of the Woods to the Rocky or Stony Mountains.

It has therefore been suggested by the State Department that no proceedings be adopted by the custom-house authorities which will disturb the existing condition of things on the border until the British government can be informed of the discovery which has been made by the United States military commission and General Sykes.

I have accordingly the honor herewith to notify your lordship of said discovery.

I have the honor, &c.,

JOHN LOTHROP MOTLEY.

The Right Hon. the EARL GRANVILLE, &c., &c., &c.

No. 245.

Sir Edward Thornton to Mr. Davis.

WASHINGTON, *November 4, 1870.*

SIR: The Governor General of Canada has communicated to me a copy of a letter addressed to the Canadian government by the lieutenant governor of the province of Manitoba, in which he states that a small force has been sent to the Hudson's Bay fort at Pembina, for the protection of boats coming down the Red River with goods. At the time he wrote (September 29th,) the force was encamped about a half a mile to the north of the fort.

Lieutenant Governor Archibald goes on to say that it appears that about the year 1850, the present General (then Captain) Pope, under authority from the United States Government, took observations to fix the exact spot where the forty-ninth parallel of latitude crossed the Red River, and after spending several days on this service, erected a post on the bank of the river to mark the spot.

This post is about a quarter of a mile to the south of the Hudson's Bay Company's fort, and is still standing.

Some time about 1860, the people of Pembina erected another post on the river about a mile to the north of the first post.

A man from the Red River Settlement had put up a house close to the boundary line, and was carrying on a trade in whisky which was smuggled into the village of Pembina, and this post was put up and the local authorities claimed jurisdiction to it so as to drive the party away. It was known by the name of the Whisky post.

Last spring a corps of engineers were sent out by the United States Government to lay off a military reserve in the neighborhood of the boundary line, and a series of observations was made to fix the parallel. Eventually they put up a post which is about half way between the original post and the so-called "Whisky post," but at such a point as to

throw the Hudson's Bay Company's fort into the territory of the United States.

Whether the post which was erected last spring is on the forty-ninth parallel or not, can easily be verified; but, in the mean time it would be very desirable that the small force now in that neighborhood should remain there for the protection of persons and the security of the mails. The only shelter, however, which they can find is in the Hudson's Bay Company's fort. The Governor General has therefore forwarded a request from the Canadian government that I would confer with the Secretary of State as to the expediency of allowing the boundary line which was run by Captain Pope to be considered as the boundary for the present, until the real boundary is ascertained and finally settled, so that the Hudson's Bay post may be used as a shelter during the winter; for they consider that it is in the interests of the inhabitants on both sides of the line that order should be preserved on the frontier, which result can best be obtained by a body of troops of both nations being stationed in its vicinity.

I have therefore the honor to ask that this proposal may be taken into consideration, and to express a hope that the Government of the United States will view it favorably.

EDWARD THORNTON.

No. 246.

Mr. Davis to Sir Edward Thornton.

DEPARTMENT OF STATE,

Washington, November 7, 1870.

I have the honor to acknowledge the receipt of your note of the 4th instant, touching the discovery made last spring by a corps of the engineers of the army of the United States, as the result of a series of observations that the 49th parallel of latitude, when correctly run, throws the Hudson's Bay Company's fort into the territory of the United States.

Your excellency is also pleased to inform me that in the year 1850, the present General (then Captain) Pope, under authority from the United States Government, took observations to fix the exact spot where the 49th parallel of latitude crosses the Red River, and that, after spending several days on this service, he erected a post on the bank of the river to mark this spot, which post is about a quarter of a mile to the south of the Hudson's Bay Company's fort, and you propose to allow the boundary line which was run by Captain Pope to be considered as the boundary for the present until the real boundary is ascertained and finally settled, so that the Hudson's Bay post may be used as a shelter during the winter.

I am directed by the President, to whom this proposition has been submitted, to say that he has no information other than that contained in your letter, as to the observations said to have been made by Captain Pope in 1850, and as to their result. Without waiting, however, to ascertain whether those alleged acts were or were not done under instructions, he directs me to say that this Government will not for the present object to the occupation by her Majesty's subjects of the territory near Pembina, of which the sovereignty is thrown in doubt by the result of the observations of last spring.

It is, as you correctly remark, easy to verify whether the post which

was erected last spring is on the 49th parallel or not, and the interest of both countries would seem to call for an early settlement of the question by a joint survey before further emigration into that country, and by jointly fixing upon the surface of the ground monuments to mark the line of the boundary which may be established.

Until Congress shall make an appropriation for that purpose, this Government will not be in a position to propose to her Majesty's government the establishment of such a commission. This department will endeavor, at the earliest possible day, to obtain from the War Department an estimate of the probable expense to the United States of such a commission with a view of submitting the estimates to Congress at the coming session and of asking for an appropriation for the purpose indicated. It is hoped that her Majesty's government, if not already empowered, will take similar steps so that so much of the land boundary to the west of the Lake of the Woods, between the United States and the dominions of her Majesty, as has not been already fixed, may be determined and marked by permanent monuments upon the surface of the ground, beginning with the Red River country.

J. C. B. DAVIS,
Acting Secretary.

No. 247.

Mr. Davis to the Secretary of War.

DEPARTMENT OF STATE,
November 7, 1870.

SIR: Questions having arisen which render it important that the boundary line, extending from the Lake of the Woods to the Rocky Mountains, along the 49th parallel, should be surveyed and marked by suitable monuments by a joint United States and British commission, I have the honor to request that you will cause an estimate to be made by the Bureau of Engineers, of the probable expense which would be necessary for completing the work by a properly organized commission.

I have the honor to be, sir, your obedient servant,

J. C. B. DAVIS,
Acting Secretary.

Hon. WILLIAM W. BELKNAP,
Secretary of War.

No. 248.

The Secretary of War to Mr. Fish.

WAR DEPARTMENT,
Washington City, November 25, 1870.

SIR: In compliance with your request of the 7th instant, I have the honor to furnish herewith an estimate prepared by the Bureau of Engineers, of the cost of surveying and determining, by a joint commission, the boundary line between the United States and the British possessions, between the Lake of the Woods and the Rocky Mountains.

Very respectfully, your obedient servant,

WM. W. BELKNAP,
Secretary of War.

The Honorable the SECRETARY OF STATE.

OFFICE OF THE CHIEF OF ENGINEERS,
Washington, D. C., November 23, 1870.

SIR: In reply to the communication of the 7th instant, from the Department of State, asking for an estimate of the probable cost of surveying and marking the boundary between the United States and the British possessions, from the Lake of the Woods to the Rocky Mountains, I beg to reply that a properly-organized commission, with two sets of astronomical and surveying parties to expedite the work, would require, from the estimate hereunto annexed, an expenditure of about \$100,000 yearly while actually engaged upon field duties.

But it is not possible to state with certainty the length of time required to trace and mark the whole line, as the progress that would be made depends upon the nature of the country to be passed over.

The line is about eight hundred and sixty miles long. The season for working to advantage is short, and although the country is generally an open one, the number of astronomical stations to be occupied, upon which the rate of progress mainly rests, depends so much upon the distance of prominent points of elevation from each other that they cannot be estimated.

From one month to six weeks would, no doubt, making due allowance for bad weather, be required to establish, astronomically, a point on the parallel to trace its connection with a preceding one and to move the party to the next. Should these points average fifty miles apart, there would be some seventeen stations, or say eight stations for each astronomical party, to occupy which would consume from eight to twelve months actual field duty for the completion of the line.

It is not probable that the parties can be kept in the field continuously for this length of time, but that the work would have to run through two seasons at least, if not longer.

The services of the officers and the greater part of their assistants would be required for another year on office-work to complete the records of the survey, so that the probable expense which would be incurred for completing the work might be set down at \$325,000.

Officers of engineers have been frequently assigned to perform such duties as these, and if the demarcation of this boundary should be confided to them the estimate should be modified.

Very respectfully, your obedient servant,

A. A. HUMPHREYS,
Brigadier General and Chief of Engineers.

Hon. W. W. BELKNAP,
Secretary of War.

Estimate of probable cost of a commission for surveying and marking the boundaries between the United States and the British possessions.

Organization:	Per year.
1 commissioner, \$4,000	\$4,000
1 secretary, \$2,000	2,000
1 chief astronomer, \$3,000	3,000
1 surgeon, \$2,000	2,000
1 quartermaster and commissary, \$2,000	2,000

Two astronomical parties—

2 assistant astronomers, at \$2,000	4,000
4 sub-assistants, at \$1,500	6,000
12 men—2 at \$75, 10 at \$45—\$600 per month	7,200
2 cooks at \$50—\$100 per month	1,200
8 teamsters at \$45—\$360 per month	4,320
4 mess-men at \$45—\$180 per month	2,160
50 pack-mules, or 8 wagons and 36 mules.	

Two surveying parties—

2 surveyors, at \$1,800	3,600
2 assistant surveyors, at \$1,200	2,400
20 men—4 at \$75, 16 at \$45—\$1,020 per month	12,240
2 cooks at \$50—\$100 per month	1,200
4 teamsters at \$45—\$180 per month	2,160
4 mess-men at \$45—\$180 per month	2,160
30 pack-mules, or 4 wagons and 20 mules.	

Seventy-one persons; 430 rations per month, at 50 cents—\$1,065 per month; 56 to 80 animals; forage cannot be correctly estimated.

Recapitulation:	For first year.
Pay of officers and assistants	\$29,000
Pay of employés	32,640
Subsistence 71 persons, at 50 cents per day	12,000
Wagons, mules, and forage for transportation of parties in the field	9,500
Camp equipage, (25 tents, cooking utensils, axes, &c.,)	3,000
Instruments, (depends upon the number on hand,) pay	3,000
Transportation of supplies from depots, (conjectural)	9,000
Traveling expenses of individuals, (conjectural)	2,000
Miscellaneous	2,000
	102,140

THE FISHERIES.

No. 249.

Mr. Fish to Mr. Thornton.

DEPARTMENT OF STATE,
Washington, April 1, 1870.

SIR: Information has reached this Department to the effect that it was announced on behalf of the Canadian minister in the Parliament of the Dominion of Canada, on the 9th ultimo, that it was the intention of the Government to issue no more licenses to foreign fishermen, and that they were taking every step possible to protect their fisheries.

I will thank you for such information as you may be able to communicate concerning any official action having the force of law or valid regulations on the part of the Canadian authorities in the direction above indicated.

I have the honor to be, with the highest consideration,
HAMILTON FISH.

No. 250.

Mr. Thornton to Mr. Fish.

WASHINGTON, April 2, 1870.

SIR: In reply to your note of yesterday's date, I have the honor to inform you that although I am aware of the announcement recently made by the Canadian government of their intention to issue no more licenses to foreign fishermen, I have received no official information to that effect from the Governor General of Canada.

Nor am I aware of the existence of any recent law or regulations which may have been issued upon the subject of the fisheries. I will, however, without delay, make inquiries upon the subject from the Governor General, and will have the honor of communicating to you the result.

EDWARD THORNTON.

No. 251.

*Mr. Thornton to Mr. Fish.*WASHINGTON, *April 14, 1870.*

SIR: With reference to your note of the 1st instant, I have the honor to inclose copy of a dispatch which I have received from the Governor General of Canada, forwarding a memorandum from Sir John A. Macdonald, together with a copy of the fishery act of May 22, 1868.

EDWARD THORNTON.

*Sir John Young to Mr. Thornton.*OTTAWA, CANADA, *April 11, 1870.*

SIR: With reference to your dispatch of April 2, I have the honor to transmit to you herewith a memorandum from prime minister of the Dominion, together with copies of the fishery acts, (1868,) in order to supply the Secretary of State of the United States with the information he requires.

DEPARTMENT OF JUSTICE,
Ottawa, April 8, 1870.

SIR: The undersigned has the honor to acknowledge the receipt of a reference to the privy council of a dispatch from her Britannic Majesty's minister at Washington to the Governor General, transmitting copy of a note which the former had received from the Secretary of State of the United States, requesting him to transmit any information he might be able to communicate concerning any official action having force of law or valid regulations on the part of the Canadian authorities, in connection with the announcement recently made that the government of the Dominion intend to issue no more licenses to foreign fishermen, and that they are taking every step possible to protect their fisheries. Upon this dispatch the undersigned has the honor to report that, by an act passed on the 22d May, 1868, (31 Vic., c. 61,) certain provisions were made respecting fishing by foreign vessels in British waters, a copy of which act is hereunto annexed. These provisions are taken very much from enactments previously existing in the late Province of Canada, (Consol. Stat., Canada, c. 62,) in Nova Scotia, (Revised Stat., c. 94,) and in New Brunswick, (Revised Stat., c. 101.)

The undersigned has the honor further to state that his excellency the Governor General in council, on the 8th January last, was pleased to order, "That the system of granting fishing licenses to foreign vessels, under the act 31 Vic., c. 61, be discontinued, and that henceforth all foreign fishermen be prevented from fishing in the waters of Canada. Also, that six suitable sailing vessels, similar to La Canadienne, in addition to the two vessels at present employed, be chartered and equipped for the service of protecting the Canadian in-shore fisheries against illegal encroachments by foreigners; these vessels to be connected with the police force of Canada, and to form a marine branch of the same."

These police vessels will be commanded by competent officers with magisterial powers, will be stationed in Canadian waters with instructions to act with the greatest discretion, and only in cases of clear infringement of the law.

JOHN A. MACDONALD.

An act respecting fishing by foreign vessels. (Assented to May 22, 1868.)

Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

1. The governor may from time to time grant to any foreign ship, vessel, or boat, or to any ship, vessel, or boat not navigated according to the laws of the United Kingdom, or of Canada, at such rate, and for such period not exceeding one year, as he may deem expedient, a license to fish for, or take, dry, or cure, any fish of any kind whatever, in British waters, within three marine miles of any of the coasts, bays, creeks, or harbors whatever of Canada, not included within the limits specified and described in the first article of the convention between his late Majesty King George the Third and the United States of America, made and signed at London on the 20th day of October, 1818.

2. Any commissioned officer of her Majesty's navy, serving on board of any vessel

of her Majesty's navy cruising and being in the waters of Canada for purpose of affording protection to her Majesty's subjects engaged in the fisheries, or any commissioned officer of her Majesty's navy, fishery officer, or stipendiary magistrate on board of any vessel belonging to or in the service of the government of Canada, and employed in the service of protecting the fisheries, or any officer of the customs of Canada, sheriff, magistrate, or other person duly commissioned for that purpose, may go on board of any ship, vessel, or boat within any harbor in Canada or hovering (in British waters) within three marine miles of any of the coasts, bays, creeks, or harbors in Canada, and stay on board so long as she may remain within such place or distance.

3. If such ship, vessel, or boat be bound elsewhere, and shall continue within such harbor, or so hovering for twenty-four hours after the master shall have been required to depart, any one of such officers or persons as are above mentioned may bring such ship, vessel, or boat into port and search her cargo, and may also examine the master upon oath touching the cargo and voyage; and if the master or person in command shall not truly answer the questions put to him in such examination, he shall forfeit four hundred dollars; and if such ship, vessel, or boat be foreign, or not navigated according to the laws of the United Kingdom or of Canada, and have been found fishing, or preparing to fish, or to have been fishing (in British waters) within three marine miles of any of the coasts, bays, creeks, or harbors of Canada, not included within the above-mentioned limits, without a license, or after the expiration of the period named in the last license granted to such ship, vessel, or boat under the first section of this act, such ship, vessel, or boat, and the tackle, rigging, apparel, furniture, stores, and cargo thereof shall be forfeited.

4. All goods, ships, vessels, and boats, and the tackle, rigging, apparel, furniture, stores, and cargo liable to forfeiture under this act, may be seized and secured by any officers or persons mentioned in the second section of this act; and every person opposing any officer or person in the execution of his duty under this act, or aiding or abetting any other person in any opposition, shall forfeit eight hundred dollars, and shall be guilty of a misdemeanor, and, upon conviction, be liable to imprisonment for a term not exceeding two years.

5. Goods, ships, vessels, and boats, and the tackle, rigging, apparel, furniture, stores, and cargo seized as liable to forfeiture under this act, shall be forthwith delivered into the custody of the collector or other principal officer of the customs at the port nearest to the place where seized, to be secured and kept as other goods, ships, vessels, and boats, and the tackle, rigging, apparel, furniture, stores, and cargo seized are directed by the laws in force in the province in which such port is situate to be secured and kept, or into such other custody and keeping as the governor in council, or a court of vice-admiralty shall order.

6. All goods, vessels, and boats, and the tackle, rigging, apparel, furniture, stores, and cargo, condemned as forfeited under this act, shall, by direction of the collector or other principal officer of the customs at the port where the seizure has been secured, be sold at public auction, and the proceeds of such sale shall be applied as follows: The amount chargeable for the custody of the property seized shall first be deducted and paid over for that service; one-half of the remainder shall be paid, without deduction, to the officer or person seizing the same; and the other half, after first deducting therefrom all costs incurred, shall be paid to the receiver general of Canada, through the department of marine and fisheries; but the governor in council may, nevertheless, direct that any ship, vessel, boat or goods, and the tackle, rigging, apparel, furniture, stores, and cargo seized and forfeited shall be destroyed, or be reserved for the public service.

7. Any penalty or forfeiture under this act may be prosecuted and recovered in any court of vice-admiralty within Canada.

8. The judge of the court of vice-admiralty may, with the consent of the person seizing any goods, ship, vessel, or boat, and the tackle, rigging, apparel, furniture, stores, and cargo, as forfeited under this act, order the redelivery thereof, on security by bond to be given by the party, with two sureties, to the use of her Majesty; and in case any goods, ship, vessel, or boat, or the tackle, rigging, apparel, furniture, stores, and cargo so redelivered is condemned as forfeited, the value thereof shall be paid into court and distributed as above directed.

9. Her Majesty's attorney general for Canada may sue for and recover in her Majesty's name any penalty or forfeiture incurred under this act.

10. In case a dispute arises as to whether any seizure has or has not been legally made, or as to whether the person seizing was or was not authorized to seize under this act, oral evidence may be heard thereupon, and the burden of proving the illegality of the seizure shall be upon the owner or claimant.

11. No claim to anything seized under this act and returned into any court of vice-admiralty for adjudication shall be admitted unless the claim be entered under oath, with the name of the owner, his residence and occupation, and the description of the property claimed; which oath shall be made by the owner, his attorney or agent, and to the best of his knowledge and belief.

12. No person shall enter a claim to anything seized under this act until security has been given in a penalty not exceeding \$240, to answer and pay costs occasioned by such claim; and in default of such security the things seized shall be adjudged forfeited, and shall be condemned.

13. No writ shall be sued out against any officer or other person authorized to seize under this act for anything done under this act, until one month after notice in writing delivered to him or left at his usual place of abode by the person intending to sue out such writ, his attorney, or agent, in which notice shall be contained the cause of action, the name and place of abode of the person who is to bring the action, and of his attorney or agent; and no evidence of any cause of action shall be produced except such as shall be contained in such notice.

14. Every such action shall be brought within three months after the cause thereof has arisen.

15. If, on any information or suit brought to trial under this act on account of any seizure, judgment shall be given for the claimant, and the judge or court shall certify on the record that there was probable cause of seizure, the claimant shall not recover costs, nor shall the person who made the seizure be liable to any indictment or suit on account thereof; and if any suit or prosecution be brought against any person on account of any seizure under this act, and judgment be given against him, and the court or judge shall certify that there was probable cause for the seizure, then the plaintiff, besides the thing seized or its value, shall not recover more than three and a half cents damages, nor any costs of suit, nor shall the defendant be fined more than twenty cents.

16. Any officer or person who has made a seizure under this act may, within one month after notice of action received, tender amends to the party complaining, or to his attorney or agent, and may plead such tender.

17. All actions for the recovery of penalties or forfeitures imposed by this act must be commenced within three years after the offense committed.

18. No appeal shall be prosecuted from any decree or sentence of any court touching any penalty or forfeiture imposed by this act, unless the inhibition be applied for and decreed within twelve months from the decree or sentence being pronounced.

19. In cases of seizure under this act, the governor in council may, by order, direct a stay of proceedings, and in cases of condemnation, may relieve from the penalty in whole or in part, and on such terms as may be deemed right.

20. The several provisions of this act shall apply to any foreign ship, vessel, or boat, in or upon the inland waters of Canada; and the provisions hereinbefore contained in respect to any proceedings in a court of vice-admiralty shall, in the case of any foreign ship, vessel, or boat in or upon the inland waters of Canada, apply to, and any penalty or forfeiture in respect thereof shall be prosecuted and recovered in one of the superior courts of the province within which such cause of prosecution may arise.

21. Neither the ninety-fourth chapter of the Revised Statutes of Nova Scotia, (third series,) "of the coast and deep-sea fisheries," nor the act of the legislature of the province of Nova Scotia, passed in the twenty-ninth year of her Majesty's reign, chapter thirty-five, amending the same, nor the act of the legislature of the province of New Brunswick, passed in the sixteenth year of her Majesty's reign, chapter sixty-nine, entitled "An act relating to the coast fisheries, and for the prevention of illicit trade," shall apply to any case to which this act applies; and so much of the said chapter and of each of the said acts as makes provision for cases provided for by this act is hereby declared to be inapplicable to such cases.

No. 252.

Mr. Fish to Mr. Thornton.

DEPARTMENT OF STATE,
Washington, April 21, 1870.

SIR: I have the honor to acknowledge the receipt of your note of the 14th instant, inclosing a copy of a dispatch from his excellency the Governor General of the Dominion of Canada, and of the papers which accompanied it. I must invite your attention and that of her Majesty's authorities to the first paragraph of the order in council of the 8th of January last, as quoted in the memorandum of the Prime Minister of the Dominion of Canada, accompanying the dispatch of his excellency

the Governor General, which paragraph is in the following language, to wit :

That the system of granting fishing license to foreign vessels, under the act 31 Vic., cap. 61, be discontinued, and that henceforth all foreign fishermen be prevented from fishing in the waters of Canada.

The words underscored seem to contemplate an interference with rights guaranteed to the United States under the first article of the treaty of 1818, which secures to American fishermen the right of fishing in certain waters which are understood to be claimed at present as belonging to Canada.

I have the honor to be, with the highest consideration,
HAMILTON FISH.

No. 253.

Mr. Thornton to Mr. Fish.

WASHINGTON, April 22, 1870.

SIR: I have the honor to acknowledge the receipt of your note of yesterday's date, in which you call my attention to the first paragraph of the Canadian order of council of the 8th of January last, relative to the Canadian fisheries. I am forwarding a copy of your note to the Governor General of Canada; but, in the mean time, I beg you will allow me to express my conviction that there was not the slightest intention, in issuing the above-mentioned order, to abridge citizens of the United States of any of the rights to which they are entitled by the treaty of October 20, 1818, and which are tacitly acknowledged in the Canadian law of May 22, 1868, a copy of which I had the honor to forward to you in my note of the 14th instant.

EDWARD, THORNTON.

No. 254.

Circular relating to Canadian in-shore fisheries.

TREASURY DEPARTMENT,
Washington, May 16, 1870.

SIR: In compliance with the request of the Secretary of State, you are hereby authorized and directed to inform all masters of fishing vessels, at the time of clearance from your port, that the authorities of the Dominion of Canada have terminated the system of granting fishing licenses to foreign vessels, under which they have heretofore been permitted to fish within the maritime jurisdiction of the said Dominion, that is to say, within three marine miles of the shores thereof; and that all fishermen of the United States are prohibited from the use of such in-shore fisheries, except so far as stipulated in the first article of the treaty of October 20, 1818, between the United States and Great Britain, in virtue of which the fishermen of the United States have, in common with the subjects of her Britannic Majesty, the liberty to take fish of every kind on that part of the southern coast of Newfoundland which extends from Cape Ray to the Ramean Islands, on the western and northern coast of Newfoundland, from the said Cape Ray to the Quir-

pon Islands, on the shores of the Magdalen Islands, and also on the coasts, bays, harbors, and creeks, from Mount Joly, which was, when the treaty was signed, on the southern coast of Labrador, to and through the straits of Belle Isle, and thence northwardly, indefinitely along the coast, without prejudice, however, to any exclusive rights of the Hudson's Bay Company; and have also liberty forever to dry and cure fish in any of the unsettled bays, harbors, and creeks of the southern part of the coast of Newfoundland, above described, and of the coast of Labrador, unless the same or any portion thereof be settled, in which case it is not lawful for the said fishermen to dry or cure fish at such portion so settled, without previous agreement for such purpose with the inhabitants, proprietors, or possessors of the ground; and also, are admitted to enter any other bays or harbors for the purpose of shelter and of repairing damages therein, of purchasing wood, and of obtaining water, and for no other purpose whatever, subject to such restrictions as may be necessary to prevent their taking, drying, or curing fish therein, or in any other manner whatever abusing the privileges reserved to them as above expressed.

The Canadian law of the 22d of May, 1868, 31 Victoria, cap. 61, entitled "An act respecting fishing by foreign vessels," among other things, enacts that any commissioned officer of her Majesty's navy, serving on board of any vessel of her Majesty's navy, cruising and being in the waters of Canada for purpose of affording protection to her Majesty's subjects engaged in the fisheries; or any commissioned officer of her Majesty's navy, fishery officer, or stipendiary magistrate on board of any vessel belonging to or in the service of the government of Canada, and employed in the service of protecting the fisheries, or any officer of the customs of Canada, sheriff, magistrate, or other person duly commissioned for that purpose, may go on board of any ship, vessel, or boat within any harbor in Canada, or hovering (in British waters) within three marine miles of any of the coasts, bays, creeks, or harbors in Canada, and stay on board so long as she may remain within such place or distance. It also provides, that if such ship, vessel, or boat be bound elsewhere, and shall continue within such harbor or so hovering for twenty-four hours after the master shall have been required to depart, any one of such officers or persons as are above mentioned may bring such ship, vessel, or boat into port and search her cargo, and may also examine the master upon oath touching the cargo and voyage, and if the master or person in command shall not truly answer the questions put to him in such examination, he shall forfeit four hundred dollars; and if such ship, vessel, or boat be foreign, or not navigated according to the laws of the United Kingdom or of Canada, and have been found fishing, or preparing to fish, or to have been fishing (in British waters) within three marine miles of any of the coasts, bays, creeks, or harbors of Canada, not included within the above-mentioned limits, without a license, or after the expiration of the period named in the last license granted to such ship, vessel, or boat, under the first section of this act, such ship, vessel, or boat, and the tackle, rigging, apparel, furniture, stores, and cargo thereof, shall be forfeited; and that all goods, ships, vessels, and boats, and the tackle, rigging, apparel, furniture, stores, and cargo liable to forfeiture under this act, may be seized and secured by any officers or persons mentioned in the second section of this act; and every person opposing any officer or person in the execution of his duty under this act, or aiding or abetting any other person in any opposition, shall forfeit eight hundred dollars, and shall be guilty of a misdemeanor, and upon conviction be liable to imprison-

ment for a term not exceeding two years. On the 8th of January, 1870, the Governor General of the Dominion of Canada, in council, ordered that suitable sailing vessels, similar to "La Canadienne," be chartered and equipped for the service of protecting the Canadian in-shore fisheries against illegal encroachments by foreigners, these vessels to be connected with the police force of Canada, and to form a marine branch of the same. It is understood that, by a change of the boundaries between Canada and Labrador, the Canadian territory now includes Mount Joly and a portion of the shore to the east thereof, which in the treaty of 1818 was described as the southern coast of Labrador.

This municipal change of boundary does not, however, interfere with the rights of American fishermen, as defined by the treaty, on that portion of what was the southern coast of Labrador, east of Mount Joly.

Very respectfully,

GEO. S. BOUTWELL,
Secretary.

No. 255.

Mr. Thornton to Mr. Davis.

WASHINGTON, May 18, 1870.

SIR: With reference to the note dated the 21st ultimo, which I had the honor to receive from the Secretary of State, relative to the Canadian order in council of the 8th of January last, discontinuing the system of fishing licenses, I now inclose copy of a dispatch from the Governor General of Canada, forwarding copy of a minute of the privy council of the Dominion, which I trust will be satisfactory to the Secretary of State.

Sir John Young to Mr. Thornton.

OTTAWA, May 14, 1870.

SIR: With reference to your dispatch No. 13, of April 22, 1870, I have now the honor to forward herewith a copy of a minute of the privy council of the Dominion, covering a report of the minister of marine on the subject of the order in council of the 8th of January last.

These papers will place you in possession of the views of the Dominion government on the points alluded to in your dispatch.

Report of the committee of the honorable the privy council, approved by his excellency the Governor General, on the 10th day of May, 1870.

The committee of council have had before them the dispatch dated 22d April, 1870, from her Majesty's minister at Washington, inclosing copy of a note which he received from Mr. Fish, in which he invites his attention to the first paragraph of the order in council of the 8th of January last, discontinuing the system of fishing licenses, and stating that Mr. Fish also made a verbal communication to him upon the same subject, and said that the phrase "waters of Canada" might be supposed to include some of those waters in which, by the treaty of 1818, American fishermen have a right to fish, but which, by an extension of the boundaries of Canada, may now be comprised within the "waters of Canada."

Mr. Thornton states that he assured Mr. Fish of his conviction that the above-mentioned order in council has no intention of abridging any of the rights to which citizens of the United States are entitled by the treaty of 1818, and that he would call your excellency's attention to the subject.

The committee have also had under consideration the annexed report, dated 28th

April, 1870, from the honorable the minister of marine and fisheries, to whom the above dispatch was referred, and they entirely concur in the views expressed in that report, and advise that a copy thereof be transmitted by your excellency to Mr. Thornton, for the information of the United States Government.

Certified:

WILLIAM H. LEE,
Clerk Privy Council.

DEPARTMENT OF MARINE AND FISHERIES,
Ottawa, April 28, 1870.

The minister of marine and fisheries has the honor to state, with reference to Mr. Thornton's dispatch of the 22d instant, accompanied by a note from Mr. Secretary Fish, in which the latter calls attention to the first paragraph of the order in council of 8th January last, and expresses his apprehension of interference with certain fishing rights guaranteed to the United States by article one of the convention of 1818, that the wording of the minute of council referred to clearly shows, by providing for the prevention of "illegal encroachment by foreigners" on the in-shore fisheries of Canada, that the Canadian government never contemplated any interference with rights secured to United States citizens by the treaty in question between the British and American governments.

Mr. Thornton was therefore quite right in assuring Mr. Fish, in general terms, that there could be no intention to abridge any rights to which citizens of the United States are entitled by treaty.

The undersigned remarks that Mr. Fish also labors under a misapprehension in supposing that the present boundaries of the Dominion comprise any fishing grounds affected by the existing treaty stipulations to which Mr. Fish's note refers, which were not formerly within the bounds of the old province of Canada. With regard to the general effect of the first paragraph of the order in council of 8th January last, quoted at length, and underlined in Mr. Fish's note, the undersigned would further observe that the act relating to fishing, by foreign vessels, under the authority of which licenses were issued to United States fishermen, applied to all foreigners; and as the discontinuance of the license system which had existed under it applies also to other foreign vessels and fishermen frequenting our coasts, and who are not entitled to fish anywhere in the waters of Canada, the terms of such formal discontinuance were necessarily general, and in any case they could apply only to those waters within which our "in-shore fisheries" are situated, and in which neither American nor other foreign subjects have any legal right to fish.

The whole respectfully submitted.

P. MITCHELL,
Minister of Marine and Fisheries.

No. 256.

Mr. Thornton to Mr. Davis.

WASHINGTON, *May 20, 1870.*

SIR: With reference to my note of the 14th ultimo to the Secretary of State, in which I forwarded to him a copy of the Canadian act respecting fishing by foreign vessels, of the 22d of May, 1868, I have now the honor to inclose a further law of the 12th instant, repealing the third section of the above-mentioned act.

AN ACT to amend an act respecting fishing by foreign vessels. (Assented to May 12, 1870.)

Whereas it is expedient, for the more effectual protection of the in-shore fisheries of Canada against intrusion by foreigners, to amend the act intituled "An act respecting fishing by foreign vessels," passed in the thirty-first year of her Majesty's reign; therefore, her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

1. The third section of the above-cited act shall be, and is hereby, repealed, and the following section is enacted in its stead:

"3. Any one of such officers or persons as are above mentioned may bring any ship,

vessel, or boat, being within any harbor in Canada or hovering (in British waters) within three marine miles of any of the coasts, bays, creeks, or harbors in Canada, into port, and search her cargo; and may also examine the master, upon oath, touching the cargo and voyage; and if the master, or person in command, shall not truly answer the questions put to him in such examination, he shall forfeit four hundred dollars; and if such ship, vessel, or boat be foreign, or not navigated according to the laws of the United Kingdom, or of Canada, and have been found fishing, or preparing to fish, or to have been fishing (in British waters) within three marine miles of any of the coasts, bays, creeks, or harbors of Canada, not included within the above-mentioned limits, without a license, or after the expiration of the period named in the last license granted to such ship, vessel, or boat, under the first section of this act, such ship, vessel, or boat, and the tackle, rigging, apparel, furniture, stores, and cargo thereof, shall be forfeited."

2. This act shall be construed as one with the said act "respecting fishing by foreign vessels."

No. 257.

Mr. Thornton to Mr. Fish.

WASHINGTON, *May 26, 1870.* (Received May 27.)

SIR: In compliance with instructions which I have received from the Earl of Clarendon, I have the honor to inclose, for the information of the Government of the United States, copies of letters which have been addressed by the admiralty to Vice-Admiral George G. Wellesley, commanding her Majesty's naval forces on the North America and West Indies station, and of a letter from the colonial department to the foreign office, from which you will see the nature of the instructions to be given to her Majesty's and the Canadian officers, who will be employed in maintaining order at the fisheries in the neighborhood of the coasts of Canada.

EDW'D THORNTON.

Mr. Wolley to Vice-Admiral Wellesley.

ADMIRALTY, *April 9, 1870.*

SIR: I am commanded by my lords commissioners of the admiralty to transmit for your information and guidance the inclosed copies of Foreign Office letters, dated 2d, 7th, and 9th instant, referring to the resolution of the House of Representatives at Washington, in regard to the intention of the government of the Dominion of Canada to suspend the licenses to foreign vessels for the in-shore fisheries on the coasts of the Dominion. My lords desire that you will detach a sufficient force to Canadian waters to protect Canadian fishermen, and to maintain order, and you are to instruct the senior officer of such force to cooperate cordially with any United States force sent on the same service.

I am, &c.,

THOMAS WOLLEY.

P. S.—The following telegram has been sent this day to her Britannic Majesty's consul at New York:

"Please to communicate the following instructions to the senior naval officers at Halifax and Bermuda by first opportunity:

"Admiral Wellesley to make preparations at once for sending vessels to protect Canadian fisheries in concert with United States naval authorities. Instructions sent to Halifax by to-day's post."

Mr. Lushington to Mr. Hammond.

ADMIRALTY, *May 9, 1870.*

SIR: In reply to your letter of this day requesting that copies of the recent instructions given to Vice-Admiral Wellesley for the protection of the Canadian fisheries may

be sent to you for communication to the Government of the United States, I am commanded by my lords commissioners of the admiralty to transmit to you a copy of a letter addressed to the vice-admiral on the 9th of April, (of which you were informed by letter of the same date,) and of a letter addressed to him on the 5th instant, on a representation from the secretary of state for the colonies.

My lords request that you will lay the same before the Earl of Clarendon.

I am, &c.,

VERNON LUSHINGTON.

Mr. Rogers to the secretary of the admiralty.

DOWNING STREET, *April 30, 1870.*

SIR: In Mr. Secretary Cardwell's letter to the lords commissioners of the admiralty of the 12th of April, 1866, it was stated that American vessels should not be seized for violating the Canadian fishing laws, "except after willful and persevering neglect of the warnings which they may have received; and in case it should become necessary to proceed to forfeiture, cases should, if possible, be selected for that extreme step in which the offense has been committed within three miles of land."

The Canadian government has recently determined, with the concurrence of her Majesty's ministers, to increase the stringency of the existing practice of dispensing with the warnings hitherto given and seizing at once any vessel detected in violating the law.

In view of this change and of the questions to which it may give rise, I am directed by Lord Granville to request that you will move their lordships to instruct the officers of her Majesty's ships employed in the protection of the fisheries that they are not to seize any vessel unless it is evident and can be clearly proved that the offense of fishing has been committed, and the vessel itself captured within three miles of land.

I am, &c.,

F. ROGERS.

Mr. Wolley to Vice-Admiral Wellesley.

ADMIRALTY, *May 5, 1870.*

SIR: With reference to my letter of the 9th April last, in regard to the protection of Canadian fisheries, I am commanded by my lords commissioners of the admiralty to transmit to you, for your information and guidance, the inclosed copy of a letter from the under-secretary of state for the colonies, dated 30th ultimo, relative to the recent determination to increase the stringency of the existing practice by dispensing with the warnings hitherto given, and seizing at once any vessel detected in violating the law.

My lords desire me to remind you of the extreme importance of commanding officers of the ships selected to protect the fisheries exercising the utmost discretion in carrying out their instructions, paying special attention to Lord Granville's observation that no vessel should be seized unless it is evident and can be clearly proved that the offense of fishing has been committed, and that the vessel is captured within three miles of land.

I am, &c.,

THOMAS WOLLEY.

Mr. Holland to the under-secretary of state for foreign affairs.

COLONIAL OFFICE, *May 13, 1870.*

SIR: I am directed by Earl Granville to acknowledge the receipt of your letter of the 9th instant, requesting to be furnished, for communication to the Government of the United States, with copies of the instructions issued to the commanders of the Canadian vessels engaged in the protection of the fisheries.

Lord Granville desires me to state, for the information of Lord Clarendon, that the Governor General of the Dominion has been requested by telegraph to forward to this office any instructions already issued on this subject, or that may be issued in consequence of Lord Granville's dispatch to the Governor General, of which a copy is inclosed.

I am, &c.,

H. HOLLAND.

Lord Granville to Sir John Young.

COLONIAL OFFICE, *April 30, 1870.*

SIR: I have the honor to transmit to you the copy of a letter which I have caused to be addressed to the admiralty respecting the instructions to be given to the officers of her Majesty's ships employed in the protection of the Canadian fisheries.

Her Majesty's government do not doubt that your ministers will agree with them as to the propriety of these instructions, and will give corresponding instructions to the vessels employed by them.

I have, &c.,

GRANVILLE.

His excellency the Right Honorable Sir JOHN YOUNG, Baronet,
§c., §c., §c.

No. 258.

Mr. Fish to Mr. Thornton.

DEPARTMENT OF STATE,
Washington, May 31, 1870.

SIR: I have the honor to acknowledge your note of 18th instant, addressed to Mr. Davis, inclosing a dispatch from the Governor General of Canada, forwarding copy of a "minute of the privy council," and also a report of the minister of marine and fisheries, dated 28th April last.

The reiteration in this respect of the assurance which you had previously given, that there could be no intention on the part of the Dominion of Canada to abridge any rights to which the citizens of the United States are entitled by treaty, is in accordance with the confident expectation of this Government.

It had, however, attracted the notice of the Government that, by an order in council of 8th January last, it was ordered that "henceforth all foreign fishermen be prevented from fishing in the waters of Canada." The question arose, What are the waters of Canada?

At the date of the treaty of 1818 the boundary of Canada, as understood, was defined by the 27 chap. 49 George III, entitled "An act for establishing courts of jurisdiction in the island of Newfoundland and the islands adjacent, and for reannexing part of the coast of Labrador and the islands lying on said coast to the government of Newfoundland," (March 30, 1809,) by the 14th section of which it was enacted "that such parts of the coast of Labrador from the river Saint John to Hudson's Straights, and the said island of Anticosti, and all other smaller islands so annexed to the government of Newfoundland by the said proclamation of the seventh day of October, one thousand seven hundred and sixty-three, (except the said islands of Madelaine,) shall be separated from the said government of Lower Canada, and be again reannexed to the government of Newfoundland."

The mouth of the river Saint John, referred to in this act, is understood to be between the 64th and 65th meridian of longitude west from Greenwich.

We further understood that in June, 1825, by the 9th section of cap. 59, 6 George IV, entitled "An act to provide for the extinction of federal and seigniorial rights and burthens in lands held *à titre de tief* and *à titre de cens*, in the province of Lower Canada, and for the gradual conversion of those tenures into the tenure of free and common socage, and for other purposes relating to said province," it was enacted that so much of the said coast as lies to the westward of a line to be drawn due north and south from the bay or harbor of Ance Sablon, inclusive, as far as the 52d degree of north latitude, with the island of Anticosti, and all

other islands adjacent to such part as last aforesaid of the coast of Labrador, shall be, and the same are hereby, reannexed to and made a part of the said province of Lower Canada, and shall henceforward be subject to the laws of the said province, and to none other.

The bay or harbor of Ance Sablon is understood to be in the longitude of about $57^{\circ} 8'$, at or near the entrance of the Straits of Belle Isle.

The treaty of 1818 secures to the inhabitants of the United States, in common with the subjects of her Britannic Majesty, the liberty to take fish of any kind on the shores of the Magdalen Islands, and also on the coasts, bays, harbors, and creeks from Mount Joly, on the southern coast of Labrador, to and through the Straits of Belle Isle, and thence northwardly, &c.

Mount Joly, thus fixed by treaty as the westernmost limit on the coast of Labrador of the liberty of fishing for the inhabitants of the United States, is understood to be in the longitude of about $61^{\circ} 40'$. From that point eastward and northward, on the shores of what was then called Labrador, the fishermen of the United States have the liberty to take fish.

The act last above recited seems to establish the boundaries and the jurisdiction of Canada as extending to the bay of Ance Sablon, about four and a half degrees of longitude to the east of Mount Joly, and to include the Magdalen Islands.

It was under the impression that this act establishes the jurisdiction and the boundary of Canada, as extending to a line drawn due north and south from the bay or harbor of Ance Sablon, and including the Magdalen Islands, that on the 21st April last I invited your attention to the first paragraph of the order in council of the Dominion of Canada on the 8th January last, declaring "that henceforth all foreign fishermen be prevented from fishing in the waters of Canada," as contemplating a possible interference with the rights guaranteed to the United States under the treaty of 1818. The minister of the privy council and the report of the minister of marine and fisheries, of which you have given me copies, give assurance of the intent of the authorities of the Dominion government not to abridge those rights; but the order in council may be interpreted by those to whom its execution is intrusted to authorize their interference with fishermen of the United States while in the exercise of their guaranteed liberty. If our understanding that the boundary and jurisdiction of Canada extend to the bay or harbor of Ance Sablon, and include the Magdalen Islands, be correct, "the waters of Canada" embrace the coast of Labrador from Mount Joly to the bay of Ance Sablon, and include also the Magdalen Islands. Desirous to avoid the possibility of any misapprehension on the part of those who may be charged with the execution of the order in council, I beg to call your attention to the acts to which I have referred, and to request, in case I am in error with regard to the eastern boundary and the extent of jurisdiction in Canada, that you will advise me of the real boundary and jurisdiction. If I am correct in this respect, and if that part of the coast of what in 1818 was known as Labrador included between Mount Joly and the bay or harbor of Ance Sablon, or the Magdalen Islands, be in "the waters of Canada," I do not doubt that the authorities of the Dominion will recognize the necessity of such modification of the order in council of the 8th of January last, or of such additional instructions to be given as will secure the fishermen of the United States from interference while in the exercise of the liberty guaranteed to them by the treaty of 1818.

I have the honor to be, with the highest consideration,
HAMILTON FISH.

No. 259.

Mr. Thornton to Mr. Fish.

WASHINGTON, June 2, 1870.

SIR: I have the honor to acknowledge the receipt of your note of the 31st ultimo relative to the exception which you took to the wording of the Canadian order in council of the 8th of January last, relative to the fisheries in the neighborhood of Canada.

I am inclined to think that you are right in supposing that the limit of Canada extends as far east as Ance Sablon on the coast of Labrador, and that the Magdalen Islands are comprised within it, for I am not aware that any change has been made since the act of Parliament of 1825 quoted in your note.

I have, however, transmitted a copy of your note to the Governor General of Canada, and shall not fail to acquaint you with the nature of his answer.

No. 260.

Mr. Thornton to Mr. Fish.

WASHINGTON, June 3, 1870. (Received June 3.)

SIR: In compliance with instructions which I have received from the Earl of Clarendon I have the honor to transmit for your information copy of a letter addressed by the admiralty to the Foreign Office, inclosing copy of one received from Vice-Admiral Wellesley, commanding her Majesty's naval forces on this station, in which he states the names of the vessels to be employed in maintaining order at the Canadian fisheries, and forwarding a copy of the instructions which were to be issued to the commanders of those vessels.

EDW'D THORNTON.

[Only the portion of these inclosures are transmitted herewith which is necessary to the comprehension of the subsequent correspondence.]

[Inclosure No. 5.—Confidential.]

Copy of a letter from the secretary of state for the colonies to the lords of the admiralty.

DOWNING STREET, April 12, 1866.

MY LORDS: * * * * * Her Majesty's government are clearly of the opinion that by the convention of 1818 the United States have renounced the right of fishing, not only within three miles of the colonial shores, but within three miles of a line drawn across the mouth of any British bay or creek. But the question, What is a British bay or creek? is one that has been the occasion of difficulty in former times.

It is, therefore, at present, the wish of her Majesty's government neither to concede, nor, for the present, to enforce, any rights in this respect which are, in their nature, open to any serious question. Even before the conclusion of the reciprocity treaty, her Majesty's government had consented to forego the exercise of its strict right to exclude American fishermen from the Bay of Fundy, and they are of opinion that during the present season that right should not be exercised in the body of the Bay of Fundy, and that American fishermen should not be interfered with, either by notice or otherwise, unless they are found within three miles of the shore, or within three miles of a line drawn across the mouth of a bay or creek which is less than ten geographical miles in width, in conformity with the arrangement made with France in 1839.* American

* Hertslet, vol. v, p. 89, convention of August 2, 1839, articles ix and x.

vessels found within these limits should be warned that by engaging, or preparing to engage, in fishing, they will be liable to forfeiture, and should receive the notice to depart which is contemplated by the laws of Nova Scotia, New Brunswick, and Prince Edward Island, if within the waters of one of these colonies under circumstances of suspicion. But they should not be carried into port except after willful and persevering neglect of the warnings which they may have received; and in case it should become necessary to proceed to forfeiture, cases should, if possible, be selected for that extreme step in which the offense of fishing has been committed within three miles of land.

Her Majesty's government do not desire that the prohibition to enter British bays should be generally insisted on, except when there is reason to apprehend some substantial invasion of British rights. And, in particular, they do not desire American vessels to be prevented from navigating the Gut of Canso, (from which her Majesty's government are advised they may lawfully be excluded,) unless it shall appear that this permission is used to the injury of colonial fishermen, or for other improper objects.

I have it in command to make this communication to your lordships as conveying the decision of her Majesty's government on this subject.

I have, &c.,

EDWARD CARDWELL.

No. 261.

Mr. Fish to Mr. Thornton.

DEPARTMENT OF STATE,
Washington, June 8, 1870.

SIR: I have the honor to acknowledge the receipt of your note of the 3d instant, and of the papers accompanying it, giving the names of the British vessels to be employed in maintaining order at the Canadian fisheries, and the instructions proposed to be issued by Vice-Admiral Wellesley to the commanders of those vessels.

I beg leave to point out to you and to her Majesty's government an apprehended discrepancy between the terms of the instructions thus communicated and those which were given by the admiralty to the vice-admiral, a copy of which, dated the 5th ultimo, accompanied your note of the 26th ultimo, and which direct that "no vessel should be seized, (meaning fishing vessels of the United States,) unless it is evident and can be clearly proved that the offense of fishing has been committed and that the vessel is captured within three miles of land."

On the other hand, I find with the instructions issued by Vice-Admiral Wellesley, and forming a part of them, a letter marked *confidential*, from the secretary of state for the colonies to the lords of the admiralty, dated Downing street, April 2, 1866, in which is expressed the opinion of her Majesty's government, that the United States have renounced the right of fishing within three miles of a line drawn across the mouth of any British bay or creek, and also that American fishermen should not be interfered with, either by notice or otherwise, unless they are found within three miles of a line drawn across the mouth of a bay or creek which is less than ten geographical miles in width, in conformity with the arrangement made with France in 1839, and that American vessels found within these limits should be warned that by engaging or preparing to engage in fishing they will be liable to forfeiture, and should receive notice to depart.

The vice-admiral communicated a copy of these instructions, which he proposed to issue immediately to the commander of the Plover, to the secretary of the admiralty on the 27th of April last; and though it is not doubted that on receipt of the later instruction addressed to him on the 5th ultimo, by the lords commissioners of the admiralty, he will modify the directions to his subordinates so that they will be in

conformity with the views of the admiralty, and without entering into any consideration of questions which might be suggested by the letter referred to, which I understand to be superseded by later instructions, I think it best to call your attention to the inconsistencies referred to, in order to guard against misunderstandings and complications that might arise in the absence of modifications of the instructions communicated in your note of the 3d instant.

HAMILTON FISH.

No. 262.

Mr. Thornton to Mr. Fish.

WASHINGTON, June 11, 1870. (Received June 13.)

SIR: I had the honor to receive yesterday your note of the 8th instant relative to an apparent discrepancy between the instructions issued by Vice-Admiral Wellesley, inclosed in my note of the 3d instant, and those given by the admiralty to him, which accompanied my note of the 26th ultimo. You are, however, quite right in not doubting that Admiral Wellesley, on the receipt of the later instructions addressed to him on the 5th ultimo, will have modified the directions to the officers under his command so that they may be in conformity with the views of the admiralty. In confirmation of this I have since received a letter from Vice-Admiral Wellesley, dated the 30th ultimo, informing me that he had received instructions to the effect that officers of her Majesty's ships employed in the protection of the fisheries should not seize any vessel unless it were evident, and could be clearly proved, that the offense of fishing had been committed and the vessel itself captured within three miles of land.

I avail myself at the same time of the opportunity to point out to you, in compliance with an instruction which I have received from the Earl of Clarendon, that the circular of the 16th ultimo of your honorable colleague, the Secretary of the Treasury, respecting the Canadian in-shore fisheries, may lead to future misunderstanding, inasmuch as it limits the maritime jurisdiction of the Dominion of Canada to three marine miles from the shores thereof, without regard to international usage, which extends such jurisdiction over creeks and bays, or to the stipulations of the treaty of 1818, in which the United States renounce the right of fishing within three miles, not of the coast only, but of the bays, creeks, or harbors of her Britannic Majesty's dominions in America.

EDWARD THORNTON.

No. 263.

Mr. Fish to Mr. Thornton.

DEPARTMENT OF STATE,
Washington, June 30, 1870.

SIR: I have the honor to acknowledge the receipt of your note of the 11th instant, in which you confirm my impression that Admiral Wellesley will have modified the directions to the officers under his command engaged in the protection of the Canadian fisheries, so that they

shall be in conformity with the views of the admiralty, and in which you point out, under instructions from the lamented Earl of Clarendon, that the circular of the 16th ultimo, issued by the Secretary of the Treasury of the United States, respecting the Canadian in-shore fisheries, may lead to further misunderstanding, inasmuch as it limits the maritime jurisdiction of the Dominion of Canada to three marine miles from the shores thereof.

In view of the claims heretofore presented by her Majesty's government, and which, as it contends, are supported by the law of nations and the stipulations of the treaty of 1818, as to the extent of British maritime jurisdiction in the waters in which the fisheries are prosecuted on the eastern coast of North America, the President is pleased to recognize in the tenor of the dispatches and instructions which have been addressed by her Majesty's government to the Canadian authorities and to Admiral Wellesley a generous spirit of amity, which is reciprocated by the United States. Animated by that spirit, he directs that her Majesty's government be informed that the description of the limit of Canadian maritime jurisdiction contained in the circular in question, and which was adopted before this Government was made acquainted with the nature of the instructions which it was proposed by her Majesty's government to issue, was used for the sake of brevity in expressing the interpretation which has been heretofore placed upon the first article of the treaty of 1818 by this Government, and not with the expectation of renewing a controversial discussion upon the subject, which, under present circumstances, he would sincerely deprecate.

HAMILTON FISH.

No. 264.

Mr. Wm. A. Dart to Mr. Davis

No. 114.]

CONSULATE GENERAL OF THE U. S. A.
FOR THE BRITISH NORTH AMERICAN PROVINCES,
Montreal, August 25, 1870. (Received August 29.)

SIR: While at Prince Edward Island a few days since, I was informed by Mr. J. C. Hall, and other extensive fishermen on that island, that they were daily expecting an order to the commandants of her Majesty's vessels cruising along that island, forbidding American fishermen the privilege, heretofore long enjoyed by American vessels, of entering its ports to dry fish, purchase supplies, and to reship their fish for ports in the United States.

On my return yesterday I received from Mr. Hall a *letter* and a copy of "The Patriot" upon that subject, which I have the honor to inclose for the information of the Department.

The fishing interests of Prince Edward Island are mainly in American hands. Mr. Hall informs me that of the twelve or fourteen thousand barrels of mackerel annually shipped from there his firm ships eight thousand barrels.

The islanders are quite largely interested in furnishing shippers with supplies of barrels, salt, provisions, &c., who will be nearly ruined by a strict enforcement of the treaty of October 20, 1818.

One of the members of the Dominion government is freely quoted in the island as having said that the government intended, by a strict en-

forcement of colonial rights, to compel a reciprocity treaty with the United States.

I agree in opinion with the editor of "The Patriot" upon the probable effect of such a policy.

I have the honor to be, very respectfully, your obedient servant,

WILLIAM A. DART,
Consul General.

CHARLOTTE-TOWN, August 19, 1870.

DEAR SIR: Her Majesty's steamers Valorous and Plover have closed up all trade privileges of landing mackerel in the ports of this island; ordered off a Gloucester schooner this morning; would not allow her to take her bait or supplies.

Her voyage is broken up, and she goes directly to Gloucester. This Japanese policy has been sprung upon this island without a day's notice. As all ports of this gulf are now closed against our fishermen, and as late in the season they cannot prosecute the fisheries unless they can make use of the harbors at will, unless something is done, our vessels must abandon these fishing grounds. The island government would protect them had they the power. But they are helpless. That the trade commercial regulations, including the landing of mackerel, that have existed and been encouraged here for the last six years, should be terminated at once, is, to say the least of it, unfriendly to the last degree, and should receive the immediate attention of our Government. The remedy is plain; close up the shipment of goods in bond through the States to Canada. This whole business has been one of a purely commercial character, and the treaty of 1818, under which this outrage upon our fishermen is justified, has no connection with it. The restriction then was to prevent our fishermen from landing on the shores where there were no ports, to cure and dry their fish, and to prevent illicit trade. Here our fishermen enter and clear, and take out permit to land their mackerel from the collector, and as their mackerel are a free article in this island, there can be no illicit trade. I trust this will receive the prompt attention of our Government.

Yours, truly,

I. C. HALL.

WILLIAM A. DART, Esq.,

United States Consul General British Provinces, North America.

[Inclosure No. 2 is not sent.]

No. 265.

Mr. M. M. Jackson to Mr. Fish.

No. 299.] CONSULATE OF THE UNITED STATES OF AMERICA,
Halifax, N. S., August 25, 1870.

(Received September 1.)

SIR: I have the honor to inclose herewith two numbers of the Halifax Morning Chronicle—a leading newspaper published in this city—containing an editorial article, as well as extracts from other provincial papers, relative to the recent action of the Canadian and imperial authorities prohibiting the transshipment in bond from Canadian and other provincial ports of American-caught fish.

This sudden prohibition of the bonding system, which has existed for years without interruption, and which has been mutually beneficial to the traders of both countries, evinces a determination on the part of the Dominion and imperial authorities to throw every obstacle in the way of American fishing vessels visiting for any purpose a Canadian or colonial port.

It appears to me, in view of the unprecedented stringency of recent acts of the Canadian parliament in reference to the fisheries, and the still more unprecedented stringency with which those acts are attempted to be enforced against American fishermen, at a time, too, when the policy of modern nations favors a relaxation of the restrictions upon the deep-sea fisheries, that our Government would be justified, while

similar privileges are denied to our own people, in discontinuing or suspending the operation of the bonding system, so far as it relates to shipments between and to and from the British North American Provinces.

I have the honor to be, sir, your obedient servant,

M. M. JACKSON, *Consul.*

[The inclosure is not sent.]

No. 266.

Mr. Oscar Malmros to Mr. Davis.

No. 16.]

UNITED STATES CONSULATE,

Pictou, N. S., August 28, 1870.

(Received September 7, 1870.)

SIR: I am in receipt of reliable information from various parts of Cape Breton Island, that a very large majority of our fishing vessels now in the waters near that island, and on the fishing grounds north of it, are about to return to our own shores, principally, although not solely, on account of the very strict and literal construction, and not less strict enforcement, of the provisions of the treaty of 1818, and the Canadian in-shore fishery laws. The action of the Dominion government in this respect being calculated to annoy and harass our fishermen without benefiting, if not seriously injuring, the interests of the people of the maritime provinces, seems to confirm the declaration often made by members of the confederate party, referred to in my dispatch No. 9, that their government intends to retaliate for an alleged illiberal commercial policy on the part of our Government; in other words, that they mean to coerce the United States into a reduction of duties on Dominion goods.

Assuming this to be the case, it may be deserving of serious consideration, whether the interests and dignity of the United States would not be best consulted by not merely abstaining from any change of our duties, which may have been intended, in favor of the Dominion of Canada, but also by the withdrawal of such privileges as have heretofore been extended to that country by our Government. As reflecting public sentiment in this consular district on the fishery question, I beg to call the attention of the Department to an article headed "Protection of the fisheries," on page 2 of the "Easton Chronicle," of the 25th instant, a copy of which I herewith transmit.

I am, sir, very respectfully, your obedient servant.

OSCAR MALMROS, *Consul.*

[Inclosure not sent.]

No. 267.

Mr. M. M. Jackson to Mr. Fish.

No. 300.] CONSULATE OF THE UNITED STATES OF AMERICA,

Halifax, N. S., September 5, 1870.

(Received September, 10.)

SIR: I have the honor to inclose herewith copies of a correspondence with Vice-Admiral George Greville Wellesley, respecting supplies to American fishermen in colonial ports.

The contradictory reports in circulation in reference to the orders given by the vice-admiral and the frequent applications made to me by American citizens engaged in the ocean fisheries for information on the subject rendered the correspondence necessary.

It will be seen by the vice-admiral's communication that for the first time since the treaty of peace in 1815 have the imperial authorities prohibited ice, bait, or other supplies from being furnished in the colonial ports to American fishermen engaged in the deep-sea or ocean fisheries. And this prohibition, so extraordinary and unprecedented, was neither announced nor enforced, either by the imperial or Dominion authorities, until after the commencement of the fishing season, when our vessels were on their voyages to the fishing grounds.

In my judgment the grounds upon which the prohibition is sought to be justified by the vice-admiral are wholly untenable, and arise from a total misconception of the objects, purposes, and intent of the treaty of 1818. That treaty was adopted exclusively for the purpose of settling certain differences and disputes between the United States and Great Britain, respecting the "liberty claimed by the United States to take, dry, and cure fish on certain coasts, bays, harbors, and creeks of her Britannic Majesty's dominions in America." It made no reference to and did not attempt to regulate the deep-sea fisheries, which were open to all the world, and over which Great Britain had not, at the time of the adoption of the treaty, and has not now, any more control than the United States.

It is obvious that the words "and for no other purpose whatever," used in the treaty of 1818, immediately after the clause declaring that "the American fishermen shall be admitted to enter such bays or harbors for the purpose of shelter and of repairing damages therein, of purchasing wood and of obtaining water," must be construed to apply solely to such purposes as are in contravention of the treaty; namely, to purposes connected with the taking, drying, or curing fish within three marine miles of certain coasts, and not in any manner to supplies intended for the ocean fisheries, with which the treaty had no connection; supplies which ever have been and ever must be legitimate articles of trade and commerce, and which cannot, it appears to me, be prohibited in a time of peace, either by the imperial or Dominion authorities, without violating the usages of civilized and enlightened nations.

I have the honor to be, sir, your obedient servant,

M. M. JACKSON,
United States Consul.

Mr. Jackson to Vice-Admiral Wellesley.

CONSULATE OF THE UNITED STATES OF AMERICA,
Halifax, Nova Scotia, August 30, A. D. 1870.

SIR: I perceive it is stated in one of the morning papers of this city that an order has been transmitted from the Canadian authorities prohibiting American fishing vessels from obtaining any supplies in the ports of the British North American provinces. If any such order has been received by your excellency, will you be kind enough to furnish me a copy thereof?

I have the honor to be, sir, your obedient servant,

M. M. JACKSON,
United States Consul.

His Excellency Vice-Admiral WELLESLEY, C. B., &c., &c., &c.

Vice-Admiral George G. Wellesley to Mr. M. M. Jackson.

ROYAL ALFRED, AT HALIFAX,
August 31, 1870.

SIR: I have the honor to acknowledge the receipt of your letter of yesterday's date, and to inform you, in reply, that I have not seen the statement in the morning papers alluded to; and as such an order would probably have been addressed by the Dominion government to its own officers, I can only suggest that an application should be made to the Dominion government for the information required.

I have the honor to be, sir, your very obedient servant,
GEORGE G. WELLESLEY,
Vice-Admiral.

Mr. M. M. Jackson to Vice-Admiral Wellesley.

CONSULATE OF THE UNITED STATES OF AMERICA,
Halifax, Nova Scotia, September 1, A. D. 1870.

SIR: I have the honor to acknowledge the receipt of your communication of yesterday, suggesting an application to the Dominion authorities for the information which I requested.

I addressed you under the impression that the imperial and Dominion authorities were coöperating and acting under the same orders, regulations, and instructions in reference to all matters connected with the protection of the in-shore fisheries.

As American fishermen are almost daily visiting this port on their way to the fishing banks, it becomes a matter of great importance to them to know whether any orders have been issued by your excellency, as the representative of the imperial government, to prevent them from obtaining such supplies as have been customary, both before and since the treaty of 1818, in all the ports of the British North American provinces.

Since addressing you I have understood that the commanders of her Majesty's vessels, acting under the authority of your excellency, have notified American fishermen bound to the fishing banks that they would not be permitted to procure ice or other supplies in any of the colonial ports, and that any attempt to procure such supplies would subject their vessels and cargoes to seizure and confiscation.

As consul of the United States I am frequently applied to by American citizens engaged in the deep-sea fisheries for information on this subject. To enable me to give such information I have respectfully to request you to furnish me with copies of any orders issued by your excellency in relation to supplies to American fishermen.

I have the honor to be, sir, your obedient servant,
M. M. JACKSON,
United States Consul.

Vice-Admiral Wellesley to Mr. M. M. Jackson.

ROYAL ALFRED, AT HALIFAX,
September 3, 1870.

SIR: I have the honor to acknowledge the receipt of your letter of yesterday's date, in which you request me to furnish you with copies of any orders I have issued in relation to supplies to American fishermen, and, in reply, to state that copies of my instructions to the officers under my orders were transmitted to her Majesty's minister at Washington, and were by him communicated, by the orders of her Majesty's government, to the United States Secretary of State.

Although it is not within the scope of my authority to furnish you with these documents, I may state in general terms, which will probably be sufficient for the purpose you have in view, that the duty enjoined on the commanding officers of her Majesty's ships is to prevent any infringement of the arrangements agreed on between the two governments in respect of the fisheries in the treaty of 1818. That treaty expressly defines the purposes for which alone United States fishing vessels are to be allowed to enter ports within certain limits. The words used are as follows:

"Provided, however, That the American fishermen shall be admitted to enter such bays or harbors for the purpose of shelter and repairing damages therein, of purchasing wood and of obtaining water, and for no other purpose whatever. But they shall be under such restrictions as may be necessary to prevent their taking, drying, or curing fish therein, or in any other manner whatever abusing the privileges hereby reserved to them."

It appears to me that the expression "for no other purpose whatever" excludes them from procuring ice, bait, or other supplies, and the officers have, therefore, in my judgment, properly notified American fishermen against any attempt to infringe the treaty,

and, by so doing, also disobey the British and colonial laws in reference thereto, in which the very same terms are used.

I have the honor to be, sir, your very obedient servant,
 GEORGE G. WELLESLEY,
Vice-Admiral.

No. 268.

Mr. Davis to Mr. Jackson.

DEPARTMENT OF STATE,
 Washington, September 13, 1870.

SIR: It is understood that the government of the Dominion of Canada is prohibiting vessels of the United States from entering ports under its jurisdiction for the purpose of leaving fish in bond, and subsequently reshipping them. It is desirable to be informed whether the practice referred to was not permitted previous to the late reciprocity treaty; also, whether American fishing vessels were admitted to the ports of entry of the British North American provinces for that or any other purpose prior to the date of that treaty; and if any colonial law existed under which this was prohibited, whether any prosecutions for its violation have taken place, and with what result.

It is important that your report upon this subject be made as full, and be received here as soon as convenient for you.

I am, sir, your obedient servant,

J. C. B. DAVIS,
Assistant Secretary.

[Same to Mr. Malmros at Pictou, on the same date.]

No. 269.

Mr. Oscar Malmros to Mr. Davis.

No. 20.] UNITED STATES CONSULATE,
 Pictou, N. S., September 26, 1870. (Received October 3.)

SIR: I have the honor to acknowledge the receipt of your dispatch No. 20, and to state in answer that after thorough investigation I have come to the conclusion that American fishing vessels have not entered this port, prior to date of the late reciprocity treaty, for the purpose of leaving fish in bond, and afterward reshipping them, or for any other purpose but that of obtaining wood, water, or shelter, and of being repaired. I have, however, been informed that our fishing vessels were in the habit, prior to the date of that treaty, of entering the port of Charlotte Town, Prince Edward Island, in order to purchase supplies and to leave fish in bond to be subsequently reshipped.

According to general report, our fishing vessels were also in the habit at that time of buying provisions, and even lead and salt, at different points in the Strait of Canso, but could not leave their fish in bond, there being no port of entry established in the strait before the date of the reciprocity treaty.

The local laws of the province, in force at the time referred to, in regard to bonded warehouses, do not prohibit the landing of fish in

bond for reshipment. Whether the local laws, concerning in-shore fisheries prior to the date of the reciprocity treaty, contain any provisions pretending to interpret the convention of 1818, I am as yet unable to say, as the revised statutes of Nova Scotia do not enumerate obsolete or repealed laws, and as the session laws that I have so far been able to collect, going back to 1840, do not contain acts referring to the subject.

The best lawyers in the country have no knowledge of any local legislation on the subject, nor of any prosecutions against our fishing vessels, except for alleged fishing within the prohibited boundary.

I shall not remit my exertions to obtain fuller information, and to make a supplementary report at the earliest day practicable.

I have the honor to be, sir, very respectfully, your obedient servant,

OSCAR MALMROS,
Consul.

No. 270.

Mr. Mortimer M. Jackson to Hon. J. C. B. Davis.

No. 301.] CONSULATE OF THE UNITED STATES OF AMERICA,
Halifax, N. S. October 3, 1870.
(Received October 14.)

SIR: I have the honor, in answer to the inquiries contained in your dispatch No. 256, in reference to the fisheries, to submit the following report:

FISHERY LAWS.

The existing laws relating to the fisheries consist of the treaty of 1818, between the United States and Great Britain; the imperial act framed June 14, 1819, for the purpose of carrying the provisions of the treaty into effect; the British North American act framed March 29, 1867, giving authority to the Canadian government over the sea-coast and inland fisheries; and the Dominion acts framed respectively May 22, 1868, and May 12, 1870, relating to fishing by foreign vessels.

All these acts, Canadian as well as imperial, purport to be founded upon the treaty of 1818, and designed to enforce its provisions. Some of the provisions of the colonial acts respecting the fisheries are borrowed from imperial statutes relating to trade and navigation, and although enacted to protect the in-shore fisheries, are not strictly applicable to fishing vessels.

SUPPLIES.

In no act is there any prohibition against fishing vessels visiting colonial ports for supplies. The silence of all the acts upon this point, and the practice of more than half a century under imperial laws, framed expressly for the purpose of carrying into effect the provisions of the treaty, justify the conclusion that no such prohibition was contemplated by it. This view of the subject derives additional support from the fact that at the time of the adoption of the treaty the mackerel fishing; as now carried on, was comparatively unknown.

During the intervening years between 1818 and 1870, throughout all the controversies between the United States and Great Britain on the subject of the fisheries, no question until the present had arisen in reference to supplies. They were always readily procured in colonial ports, and the trade being profitable to the people of the colonies, was facilitated by the local authorities.

The controversies which preceded the adoption of the reciprocity treaty related principally to our right to fish in certain bays, and to the exact limits within which American fishermen, by the convention of 1818, were entitled to fish on the coasts of British North America.

The rights insisted upon by citizens of the United States were practically decided in their favor by the commissioners appointed under the convention of 1853, between the United States and Great Britain, in the case of the schooner *Washington*. That schooner, while fishing in the Bay of Funday in 1843, ten miles distant from the shore, was seized by the British authorities, taken into Yarmouth, Nova Scotia, and there condemned for a violation of the fishery laws.

In 1853, after the adoption of the reciprocity treaty, the case was brought before the commissioners on a claim of the owners of the schooner for damages; and after a full and careful examination was decided in favor of the claimants, to whom damages were awarded for the illegal seizure and condemnation. Since that time what is termed the "headland" interpretation of the treaty, theretofore at different times insisted upon by Great Britain, and uniformly opposed by the United States, if not actually abandoned, has been held in abeyance, and it is not probable that any questions will hereafter arise in relation to it between the two countries.

In regard to fishing supplies, the practice which has so long prevailed of procuring them in colonial ports, with the full knowledge and consent of both governments, whose citizens have mutually shared in the benefits resulting from such practice, must be regarded as a practical construction given to the treaty which concludes all parties.

TRANSSHIPMENT IN BOND.

Since the abrogation of the reciprocity treaty until within a few weeks past, it had been the practice of the colonial authorities to permit the transshipment in bond of American-caught fish. The practice was founded upon no statutory enactment, but was adopted as a commercial regulation, mutually beneficial to our fishermen and the people of the provinces. It afforded facilities to the former in the prosecution of a lawful and useful avocation, and increased the trade and contributed to the prosperity of the latter. While its discontinuance, in itself, violates no established commercial usage between friendly nations, as in the case of the prohibition of supplies to our fishermen, yet the *time* of its discontinuance, in the midst of the fishing season, without previous notice, and when much greater and more important bonding privileges were, and still are, extended by the United States to the British colonies, is a just cause of complaint.

FRESH FISH.

While fresh fish, the product of the British North American fisheries, is admitted into the United States *duty free*, our fishermen are prohibited from procuring ice for fresh fish caught while fishing side by side with British fishermen on the same banks.

PILOTAGE.

To subject fishing vessels coming into colonial ports, as is now the case, to the compulsory regulations respecting pilotage applied to merchant vessels, and at the same time to deny them when in port the ordinary privileges extended to such merchant vessels, is manifestly unjust.

BURDEN OF PROOF CHANGED.

The Dominion act framed in 1868 reverses, in violation of the principles of the common law, the ordinary modes of proof, and declares, in section ten, that "in case a dispute arises as to whether any seizure has or has not been legally made, or as to whether the person seizing was or was not authorized to seize under the act, the burden of proving the illegality of the seizure shall be upon the owner or claimant." Under this section an American fishing vessel coming into port in the exercise of a conceded and unrestricted treaty right, either for the purpose of shelter, of repairing damages therein, of purchasing wood, and obtaining water, and unlawfully seized, instead of being presumed to be in port for a lawful purpose, is presumed by the act of seizure itself, however unauthorized, to be guilty of a violation of the fishery laws. Thus the presumption of guilt, which is to subject a fishing vessel to seizure and confiscation, is made, in the first instance, to depend upon the caprice of the seizing officer, and not upon the conduct of the officers and crew of the captured vessel. It is obvious that such a rule of action must be instrumental in inflicting wrong and injury upon innocent and unoffending parties.

STRAIT OF CANSO.

It has been intimated that still further restrictions will be imposed upon our fishermen, and that an attempt will be made to exclude them from the Strait of Canso. This appears to me incredible, in view of established principles of international law and the usage which has so long prevailed.

Wheaton, in his *Elements of International Law*, says: "Straits are passages communicating from one sea to another. If the navigation of the two seas thus connected is free, the navigation of the channel by which they are connected ought also to be free. Even if such strait be bounded on both sides by the territory of the same sovereign, and is, at the same time, so narrow as to be commanded by cannon-shot from both shores, the exclusive territorial jurisdiction of that sovereign over such strait is controlled by the right of other nations to communicate with the seas thus connected." And he holds that "the principle on which the right to navigate straits depends is, that they are accessory to those seas which they unite, and the right of navigating which is not exclusive but common to all nations, the right to navigate the seas drawing after it that of passing the straits."

The Strait of Canso for more than a century has been open as a public highway to the vessels of all friendly nations. It formerly separated French from English territory, and after the restoration of Cape Breton to England by the capture of Louisburg in 1745, through the aid of troops from Massachusetts, it was kept open to the commerce of the world. Afterward, when Cape Breton, in 1820, ceased to be a separate English colony, and was united to and became a part of Nova Scotia, within whose territorial limits it then became included, the strait still remained open, as a public highway, to the vessels of every nation, and has since continued without interruption, and still continues to be used and enjoyed as a general thoroughfare by American vessels in common with vessels from other countries.

After such a dedication of this strait to maritime and commercial uses by the French, English, and colonial authorities, and after our vessels have pursued their fishing voyages through it for more than a century, our right to navigate it cannot now be questioned.

VESSELS REQUIRED TO LEAVE PORT.

The manner in which the fishery laws are now construed and attempted to be enforced by the Dominion authorities, if acquiesced in would amount to a practical exclusion of our fishing vessels from colonial ports; for, although their right to enter for the purpose of "shelter, repairing damages, purchasing wood and obtaining water," is guaranteed by solemn treaty, yet, no sooner do they now enter, than, contrary to all former practice, they are required to depart even before it is ascertained for what purpose and under what circumstances they resort thither.

While authority is given to certain officers, both imperial and Canadian, to seize any American fishing vessel "found within three marine miles of any of the coasts, bays, creeks, or harbors in Canada," which, after examination, "has been found fishing or preparing to fish, or to have been fishing in British waters," yet nothing in any of the acts respecting the fisheries warrants this summary exclusion of such vessel from port, or prohibits any vessel from entering as well for the purpose of procuring supplies, as for shelter, repairs, wood, and water. On the contrary, the fishery laws themselves, as well as the regulations respecting pilotage, recognize the right of foreign fishing vessels freely to enter the ports of the British North American provinces.

The rigorous measures now for the first time adopted, which materially affect the interests of a large class of American citizens engaged in the prosecution of an important branch of industry, while deriving no sanction from the treaty of 1818, or the usages of nations, are rendered still more objectionable from having been undertaken without notice previously given, either by the Canadian minister of marine and fisheries, by the collectors of colonial customs, or by the vice-admiral in command of her Majesty's fleet in the British North American waters. In consequence of which, American fishing vessels, on their voyages to the Grand Banks, have been seized in colonial waters, and, in subversion of every principle of right or justice, subjected to confiscation under some previously unknown order. Our fishermen can better endure hardship and peril than wrong and injustice.

Our fisheries furnish a nursery for a vigorous and energetic race of seamen in time of peace, and effectively add to our naval strength in time of war; and the enterprising and intrepid men engaged in them—whose employment is as hazardous to themselves as beneficial to the nation—should be encouraged by the liberality and protected by the power of the republic.

I have the honor to be, sir, your obedient servant,
MORTIMER M. JACKSON,
United States Consul.

No. 271.

Mr. Fish to Mr. Wm. A. Dart.

No. 126.]

DEPARTMENT OF STATE,
Washington, October 29, 1870.

SIR: Several seizures of American fishing vessels are reported by the consular officers within your consulate general, and by the parties interested. Some of the vessels thus seized upon the charge of violating

the laws of the Dominion of Canada, or the other British North American provinces, have been taken into port for adjudication by the tribunals to which that function is assigned by the laws of the respective provinces. It is to be presumed that those tribunals will decide the cases respectively with intelligence and impartiality. It is the duty of the owners of the vessels to defend their interests before the courts at their own expense and without special assistance from the Government in the present stage of affairs. It is for those tribunals to construe the statutes under which they act. If the construction they may adopt shall appear to be in contravention of our treaties with Great Britain, or to be (which cannot be anticipated) plainly erroneous in a case admitting no reasonable doubt, it will then become the duty of the Government—a duty it will not be slow to discharge—to avail itself of all necessary means for obtaining redress. The present embarrassment is, that while we have reports of several seizures upon grounds as stated by the interested parties, which seem to be in contravention of international law and special treaties relating to the fisheries, these alleged causes of seizure are regarded as pretensions of over-zealous officers of the British navy and the colonial vessels, which will, as we hope and are bound in courtesy to expect, be repudiated by the courts before which our vessels are to be brought for adjudication. It is the desire of this Government, nevertheless, that our consular officers should watch the course of proceeding in these cases, and give prompt and authentic information of any decision which may be made in them. In particular if the charge against any American fishing vessel is only that she has been preparing to fish, without actual fishing in the prohibited limits, it is to be made known to the counsel of the owners of the vessel that this Government is not disposed to regard such mere preparation as an infraction of the obligations of our citizens engaged in the outfit and employment of fishing vessels, and it is desirous of having the point distinctly presented and adjudicated, if possible, without being complicated with other questions, so that if adversely decided, a case presenting that single issue may be made for appeal to the British tribunal of last resort. It is understood that the instructions of the imperial government of Great Britain do not authorize the capture of an American vessel *found fishing* within three miles of the coasts from which they are prohibited, or of a line drawn across the mouths of bays whose mouths do not exceed six geographical miles in width. In any case of condemnation it is desirable to have it appear with precision as well whether the vessel condemned was fishing within the prohibited distance, as whether the actual capture was made within that distance or beyond it, so as to be upon the high seas, in the sense which this Government is disposed to attach to these words, for the purpose of questions arising out of the operations of our fishing vessels on the northeastern coast.

In short, without incurring any expense in the employment of counsel till further instructed, it is expected that our consular officers in the districts where trials may take place of American vessels for supposed violations of the laws of the British imperial or colonial governments will lend their countenance and aid to the parties interested, and give prompt information of any decisions which may be made. They will request, in courteous terms, of the proper officer of any court making a decision, a certified copy of the opinion which may be written in the cause, paying the proper fee therefor, which will be allowed in their quarterly accounts, and forward it with the least possible delay.

This Department has expected such information from the spontaneous activity of our consular officers, and attributes the absence of it to the

provincial courts being now in vacation. If this is the fact, I shall be glad to be informed of the dates at which the respective courts, having jurisdiction in the premises, may be expected to convene for the dispatch of business.

You will call the attention of all the consuls in your jurisdiction to the contents of this instruction, who are located at points where vessels will be likely to be taken in for adjudication.

HAMILTON FISH.

No. 272.

No. 123.]

Mr. William A. Dart to Mr. Fish.

CONSULATE GENERAL OF THE UNITED STATES OF AMERICA
FOR THE BRITISH NORTH AMERICAN PROVINCES,
Montreal, November 3, 1870. (Received November 5.)

SIR: I have the honor to acknowledge receipt of your dispatch of the 29th ultimo, in reference to the seizure of American fishing vessels off the coast of Nova Scotia and Prince Edward Island.

Upon the receipt of your telegram of the 28th ultimo, I sent a dispatch to all the consuls in the maritime provinces, calling their attention to their duty to report on cases of seizure by telegraph, and also in writing by mail.

Upon the receipt of yours of the 29th, which came to hand yesterday, I caused copies to be at once prepared, and despatched the same by mail, accompanied by a letter to each, of which the inclosed is a copy. Two, at least, of the important consuls, that at Halifax and St. John, are now absent on leave from the Department, and I fear their deputies may not be as accurate in collecting information as the consuls would have been if at home.

It seems to me that the unfriendly construction given by the Dominion government of the treaty of 1818 was intensified in its harshness by the almost covert manner in which it was sought to be enforced. It was with the greatest difficulty that our consuls could ascertain from the commanders of the various armed vessels what they would consider cause for seizure and condemnation.

No adequate or suitable notice was given to the captains of American fishing vessels, and they were seized for acts which they had been permitted to do from time immemorial, as well before as subsequently to the above-mentioned treaty.

Information has come to me from so many sources of declarations made by the various ministers of the Dominion government, that I cannot doubt, and it is openly proclaimed here and believed to be true, that the enforcement of the above-mentioned treaty, in the manner it has been enforced, has two objects, viz.: one of which is to create a Canadian sentiment in antagonism to the United States, with a view to check the spread of American sentiment here looking to ultimate annexation; the other object is, by the close control of the fishing interests to compel the United States, through her interests, to make a treaty of reciprocity of trade between the United States and the British provinces in North America.

The prevention of our vessels from purchasing supplies in Nova Scotia and Prince Edward Island is injuring the trade and commerce of those

points, while the Dominion government is deriving no corresponding advantage.

But a small fraction of the fish taken there is taken by the Canadians, and the exclusion of the people of the United States from there will not be likely, in view of the character of the inhabitants, and the duty upon fish, if maintained, to increase the number of Canadian fishermen.

I have the honor to be, very respectfully, your obedient servant,

WILLIAM A. DART,
Consul General.

CONSULATE GENERAL OF THE UNITED STATES OF AMERICA
FOR THE BRITISH NORTH AMERICAN PROVINCES,
Montreal, November 2, 1870.

SIR: I transmit herewith a copy of a communication which I have just received from the Department of State, giving its views and wishes in reference to the seizure of American vessels for alleged violation of the treaties and laws passed in pursuance to them, regulating the fishing trade between the United States and the British North American provinces. I had supposed that the consuls within whose districts seizures have been made had kept the Department fully advised of each seizure and the ground upon which they were respectively made. I fear this duty has been neglected, which is much to be regretted considering the large interests involved, and the delicate and important questions that may arise. The neglect should be remedied at once and fully.

You will please report at your earliest opportunity what vessels have been seized, the date of seizure respectively, upon what alleged grounds, and what disposition has been made of the vessel. If a libel of information has been filed in the admiralty court, obtain a copy of it and transmit it to the Department. State when the courts commenced session, or when they will hold a session at which the several cases of seizure will be tried. Consult freely with the attorneys for the claimants of the several vessels and make yourself familiar with the precise points which have arisen or will be likely to arise in each case, and with great care to accuracy, and transmit that information to the Department of State, and in cases where condemnation has already been had, procure and send to the Department the opinion of the judge condemning it; and it would be well, in case a vessel were released, to procure and send a like opinion.

You should keep the Department as freely and accurately advised of all these cases of seizure as a lawyer would his client in the progress and determination of an important suit.

Very respectfully, your obedient servant,

WILLIAM A. DART,
Consul General.

NATURALIZATION LAW.

No. 273.

Mr. Motley to Mr. Fish.

No. 333.]

LEGATION OF THE UNITED STATES,
London, May 14, 1870. (Received May 26.)

SIR: * * * I beg to refer you to * * * the naturalization bill which has just received the royal assent, and a copy of which accompanies this dispatch.

AN ACT to amend the law relating to the legal condition of aliens and British subjects, [12th May, 1870.]

Whereas it is expedient to amend the law relating to the legal condition of aliens and British subjects:

Be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, as follows:

First. This act may be cited for all purposes as "The Naturalization Act, 1870."

STATUS OF ALIENS IN THE UNITED KINGDOM.

Second. Real and personal property of every description may be taken, acquired, held, and disposed of by an alien in the same manner in all respects as by a natural-born British subject; and a title to real and personal property of every description may be derived through, from, or in succession to an alien, in the same manner in all respects as through, from, or in succession to a natural-born British subject: *Provided*, 1. That this section shall not confer any right on an alien to hold real property situate out of the united kingdom, and shall not qualify an alien for any office or for any municipal, parliamentary, or other franchise. 2. That this section shall not entitle an alien to any right or privilege as a British subject, except such rights and privileges in respect of property as are hereby expressly given to him. 3. That this section shall not affect any estate or interest in real or personal property to which any person has or may become entitled, either mediately or immediately, in possession or expectancy, in pursuance of any disposition made before the passing of this act, or in pursuance of any devolution by law on the death of any person dying before the passing of this act.

Third. Where her Majesty has entered into a convention with any foreign state to the effect that the subjects or citizens of that state who have been naturalized as British subjects may divest themselves of their status as such subjects, it shall be lawful for her Majesty, by order in council, to declare that such convention has been entered into by her Majesty; and from and after the date of such order in council, any person being originally a subject or citizen of the state referred to in such order, who has been naturalized as a British subject, may, within such limit of time as may be provided in the convention, make a declaration of alienage, and from and after the date of his so making such declaration such person shall be regarded as an alien, and as a subject of the state to which he originally belonged, as aforesaid.

A declaration of alienage may be made as follows, that is to say: If the declarant be in the United Kingdom, in the presence of any justice of the peace; if elsewhere in her Majesty's dominions, in the presence of any judge of any court of civil or criminal jurisdiction, of any justice of the peace, or of any other officer for the time being authorized by law in the place in which the declarant is to administer an oath for any judicial or other legal purpose. If out of her Majesty's dominions, in the presence of any officer in the diplomatic or consular service of her Majesty.

Fourth. Any person who by reason of his having been born within the dominions of her Majesty is a natural-born subject, but who also at the time of his birth became, under the law of any foreign state, a subject of such state, and is still such subject, may, if of full age and not under any disability, make a declaration of alienage in manner aforesaid, and from and after the making of such declaration of alienage such person shall cease to be a British subject. Any person who is born out of her Majesty's dominions of a father being a British subject may, if of full age, and not under any disability, make a declaration of alienage in manner aforesaid, and from and after the making of such declaration shall cease to be a British subject.

Fifth. From and after the passing of this act, an alien shall not be entitled to be tried by a jury *de medietate lingue*, but shall be triable in the same manner as if he were a natural-born subject.

EXPATRIATION.

Sixth. Any British subject who has at any time before, or may at any time after the passing of this act, when in any foreign state and not under any disability voluntarily become naturalized in such state, shall from and after the time of his so having become naturalized in such foreign state, be deemed to have ceased to be a British subject and be regarded as an alien: *Provided*, 1. That where any British subject has, before the passing of this act, voluntarily become naturalized in a foreign state, and yet is desirous of remaining a British subject, he may, at any time within two years after the passing of this act, make a declaration that he is desirous of remaining a British subject, and upon such declaration hereinafter referred to as a declaration of British nationality being made, and upon his taking the oath of allegiance, the declarant shall be deemed to be and to have been continually a British subject; with this qualification, that he shall not, when within the limits of the foreign state in which he has been naturalized, be deemed to be a British subject, unless he has ceased to be a subject of that state in pursuance of the laws thereof, or in pursuance of a treaty to that effect. 2. A declaration of British nationality may be made, and the oath of allegiance be taken as follows, that is to say, if the declarant be in the United Kingdom in the presence of a justice of the peace; if elsewhere in her Majesty's dominions, in the presence of any judge of any court of civil or criminal jurisdiction, of any justice of the peace, or of any other officer for the time being authorized by law in the place in which the declarant is to administer an oath for any judicial or other legal purpose. If out of her Majesty's dominions, in the presence of any officer in the diplomatic or consular service of her Majesty.

NATURALIZATION AND RESUMPTION OF BRITISH NATIONALITY.

Seventh. An alien who, within such limited time before making the application hereinafter mentioned as may be allowed by one of her Majesty's principal secretaries of state, either by general order or on any special occasion, has resided in the United Kingdom for a term of not less than five years, or has been in the service of the Crown for a term of not less than five years, and intends, when naturalized, either to reside in the United Kingdom, or to serve under the crown, may apply to one of her Majesty's principal secretaries of state for a certificate of naturalization.

The applicant shall adduce in support of his application such evidence of his residence or service, and intention to reside or serve, as such secretary of state may require. The said secretary of state, if satisfied with the evidence adduced, shall take the case of the applicant into consideration, and may, with or without assigning any reason, give or withhold a certificate as he thinks most conducive to the public good, and no appeal shall lie from his decision, but such certificate shall not take effect until the applicant has taken the oath of allegiance.

An alien to whom a certificate of naturalization is granted shall, in the United Kingdom, be entitled to all political and other rights, powers, and privileges, and be subject to all obligations to which a natural-born British subject is entitled or subject in the United Kingdom, with this qualification, that he shall not, when within the limits of the foreign state of which he was a subject previously to obtaining his certificate of naturalization, be deemed to be a British subject unless he has ceased to be a subject of that state in pursuance of the laws thereof, or in pursuance of a treaty to that effect.

The said secretary of state may, in manner aforesaid, grant a special certificate of naturalization to any person with respect to whose nationality as a British subject a doubt exists, and he may specify in such certificate that the grant thereof is made for the purpose of quieting doubts as to the right of such person to be a British subject, and the grant of such special certificate shall not be deemed to be any admission that the person to whom it was granted was not previously a British subject.

An alien who has been naturalized previously to the passing of this act may apply to the secretary of state for a certificate of naturalization under this act, and it shall be lawful for the said secretary of state to grant such certificate to such naturalized alien upon the same terms and subject to the same conditions in and upon which such certificate might have been granted if such alien had not been previously naturalized in the United Kingdom.

Eighth. A natural-born British subject who has become an alien in pursuance of this act, and is in this act referred to as a statutory alien may, on performing the same conditions and adducing the same evidence as is required in the case of an alien applying for a certificate of nationality, apply to one of her Majesty's principal secretaries of state for a certificate hereinafter referred to as a certificate of readmission to British nationality, readmitting him to the status of a British subject. The said secretary of state shall have the same discretion as to the giving or withholding of the certificate as in the case of a certificate of naturalization, and an oath of allegiance shall in like manner be required previously to the issuing of the certificate.

A statutory alien to whom a certificate of readmission to British nationality has been granted shall, from the date of the certificate of readmission, but not in respect of any previous transaction, resume his position as a British subject; with this qualification, that within the limits of the foreign state of which he became a subject, he shall not be deemed to be a British subject, unless he has ceased to be a subject of that foreign state according to the laws thereof, or in pursuance of a treaty to that effect.

The jurisdiction by this act conferred on the secretary of state in the United Kingdom in respect of the grant of a certificate of readmission to British nationality, in the case of any statutory alien being in any British possession, may be exercised by the governor of such possession; and residence in such possession shall, in the case of such person, be deemed equivalent to residence in the United Kingdom.

Ninth. The oath in this act referred to as the oath of allegiance shall be in the form following, that is to say:

"I, ———, do swear that I will be faithful and bear true allegiance to her Majesty Queen Victoria, her heirs, and successors, according to law. So help me God."

NATIONAL STATUS OF MARRIED WOMEN AND INFANT CHILDREN.

Tenth. The following enactments shall be made with respect to the national status of women and children: 1. A married woman shall be deemed to be a subject of the state of which her husband is for the time being a subject. 2. A widow being a natural-born British subject, who has become an alien by or in consequence of her marriage, shall be deemed to be a statutory alien, and may as such at any time during widowhood obtain a certificate of readmission to British nationality in manner provided by this act. 3. Where the father being a British subject, or the mother being a British subject and a widow, becomes an alien in pursuance of this act, every child of

such father or mother who, during infancy, has become resident in the country where the father or mother is naturalized, and has, according to the laws of such country, become naturalized therein, shall be deemed to be a subject of the state of which the father or mother has become a subject, and not a British subject. 4. Where the father, or the mother being a widow, has obtained a certificate of readmission to British nationality, every child of such father or mother who, during infancy, has become resident in the British dominions with such father or mother, shall be deemed to have resumed the position of a British subject to all intents. 5. Where the father, or the mother being a widow, has obtained a certificate of naturalization in the United Kingdom, every child of such father or mother who, during infancy, has become resident with such father or mother in any part of the United Kingdom, shall be deemed to be a naturalized British subject.

SUPPLEMENTAL PROVISIONS.

Eleventh. One of her Majesty's principal secretaries of state may, by regulation, provide for the following matters: 1. The form and registration of declarations of British nationality. 2. The form and registration of certificates of naturalization in the United Kingdom. 3. The form and registration of certificates of readmission to British nationality. 4. The form and registration of declarations of alienage. 5. The registration by officers in the diplomatic or consular service of her Majesty of the births and deaths of British subjects who may be born or die out of her Majesty's dominions, and of the marriages of persons married at any of her Majesty's embassies or legations. 6. The transmission to the United Kingdom for the purpose of registration or safe-keeping, or of being produced as evidence, of any declarations or certificates made in pursuance of this act out of the United Kingdom, or of any copies of such declarations or certificates, also of copies of entries contained in any register kept out of the United Kingdom in pursuance of or for the purpose of carrying into effect the provisions of this act. 7. With the consent of the treasury the imposition and application of fees in respect of any registration authorized to be made by this act, and in respect of the making any declaration or the grant of any certificate authorized to be made or granted by this act.

The said secretary of state, by a further regulation, may repeal, alter, or add to any regulation previously made by him in pursuance of this section.

Any regulation made by the said secretary of state in pursuance of this section shall be deemed to be within the powers conferred by this act, and shall be of the same force as if it had been enacted in this act, but shall not, so far as respects the imposition of fees, be in force in any British possession, and shall not, so far as respects any other matter, be in force in any British possession in which any act or ordinance to the contrary of or inconsistent with any such direction may for the time being be in force.

Twelfth. The following regulations shall be made with respect to evidence under this act: 1. Any declaration authorized to be made under this act may be proved in any legal proceeding by the production of the original declaration, or of any copy thereof certified to be a true copy by one of her Majesty's principal secretaries of state, or by any person authorized by regulations of one of her Majesty's principal secretaries of state to give certified copies of such declaration, and the production of such declaration or copy shall be evidence of the person therein named as declarant having made the same at the date in the said declaration mentioned. 2. A certificate of naturalization may be proved in any legal proceeding by the production of the original certificate, or of any copy thereof certified to be a true copy by one of her Majesty's principal secretaries of State, or by any person authorized by regulations of one of her Majesty's principal secretaries of state to give certified copies of such certificate. 3. A certificate of readmission to British nationality may be proved in any legal proceeding by the production of the original certificate, or of any copy thereof certified to be a true copy by one of her Majesty's principal secretaries of state, or by any person authorized by regulations of one of her Majesty's principal secretaries of state to give certified copies of such certificate. 4. Entries in any register authorized to be made in pursuance of this act shall be proved by such copies, and certified in such manner as may be directed by one of her Majesty's principal secretaries of state, and the copies of such entries shall be evidence of any matters by this act or by any regulation of the said secretary of state authorized to be inserted in the register. 5. The documentary evidence act, 1868, shall apply to any regulation made by a secretary of state, in pursuance of, or for the purpose of carrying into effect any of the provisions of this act.

MISCELLANEOUS.

Thirteenth. Nothing in this act contained shall affect the grant of letters of denization by her Majesty.

Fourteenth. Nothing in this act contained shall qualify an alien to be the owner of a British ship.

Fifteenth. Where any British subject has in pursuance of this act become an alien, he shall not thereby be discharged from any liability in respect of any acts done before the date of his so becoming an alien.

Sixteenth. All laws, statutes, and ordinances which may be duly made by the legislature of any British possession for imparting to any person the privileges, or any of the privileges, of naturalization, to be enjoyed by such person within the limits of such possession, shall within such limits have the authority of law, but shall be subject to be confirmed or disallowed by her Majesty in the same manner, and subject to the same rules in and subject to which her Majesty has power to confirm or disallow any other laws, statutes, or ordinances in that possession.

Seventeenth. In this act, if not inconsistent with the context or subject-matter thereof, "disability" shall mean the status of being an infant, lunatic, idiot, or married woman. "British possession" shall mean any colony, plantation, island, territory, or settlement within her Majesty's dominions, and not within the United Kingdom, and all territories and places under one legislature are deemed to be one British possession for the purposes of this act. "The governor of any British possession" shall include any person exercising the chief authority in such possession. "Officer in the diplomatic service of her Majesty" shall mean any ambassador, minister, or chargé d'affaires, or secretary of legation, or any person appointed by such ambassador, minister, chargé d'affaires, or secretary of legation to execute any duties imposed by this act on an officer in the diplomatic service of her Majesty. "Officer in the consular service of her Majesty" shall mean and include consul-general, consul, vice-consul, and consular agent, and any person for the time being discharging the duties of consul-general, consul, vice-consul, and consular agent.

REPEAL OF ACTS MENTIONED IN SCHEDULE.

Eighteenth. The several acts set forth in the first and second parts of the schedule annexed hereto shall be wholly repealed, and the acts set forth in the third part of the said schedule shall be repealed to the extent therein mentioned: *Provided*, That the repeal enacted in this act shall not affect, 1. Any right acquired or thing done before the passing of this act. 2. Any liability accruing before the passing of this act. 3. Any penalty, forfeiture, or other punishment incurred or to be incurred in respect of any offense committed before the passing of this act. 4. The institution of any investigation or legal proceeding, or any other remedy for ascertaining or enforcing any such liability, penalty, forfeiture, or punishment as aforesaid.

SCHEDULE.

NOTE.—Reference is made to the repeal of the "whole act" where portions have been repealed before, in order to preclude henceforth the necessity of looking back to previous acts.

This schedule, so far as respects acts prior to the reign of George the Second, other than acts of the Irish Parliament, refers to the edition prepared under the direction of the record commission, intitled "The Statutes of the Realm; printed by command of his Majesty King George the Third, in pursuance of an address of the House of Commons of Great Britain. From original records and authentic manuscripts."

PART I.

ACTS WHOLLY REPEALED, OTHER THAN ACTS OF THE IRISH PARLIAMENT.

An act that all such as are to be naturalized or restored in blood shall first receive the sacrament of the Lord's Supper, and the oath of allegiance, and the oath of supremacy. (7 Jas. 1, c. 2.)

An act to enable his Majesty's native-born subjects to inherit the estate of their ancestors, either lineal or collateral, notwithstanding their father or mother were aliens. (11 Will. 3, c. 6.)*

An act for naturalizing such foreign Protestants and others therein mentioned, as are settled or shall settle in any of his Majesty's colonies in America. (13 Geo. 2, c. 7.)

An act to extend the provisions of an act made in the thirteenth year of his present Majesty's reign, intitled "An act for naturalizing foreign Protestants and others therein mentioned, as are settled or shall settle in any of his Majesty's colonies in America, to other foreign Protestants who conscientiously scruple the taking of an oath." (20 Geo. 2, c. 44.)

An act to explain two acts of Parliament; one of the thirteenth year of the reign of his late Majesty, "for naturalizing such foreign Protestants and others as are settled or shall settle in any of his Majesty's colonies in America; and the other of the second

year of the reign of his present Majesty, "for naturalizing such foreign Protestants as have served or shall serve as officers or soldiers in his Majesty's royal American regiment, or as engineers in America." (13 Geo. 3, c. 25.)

An act to prevent certain inconveniences that may happen by bills of naturalization. (14 Geo. 3, c. 84.)

An act to declare his Majesty's natural-born subjects inheritable to the estates of their ancestors, whether lineal or collateral, in that part of Great Britain called Scotland, notwithstanding their father or mother were aliens. (16 Geo. 3, c. 52.)

An act to alter and amend an act passed in the seventh year of the reign of his Majesty King James the First, intituled "An act that all such as are to be naturalized or restored in blood shall first receive the sacrament of the Lord's Supper, and the oath of allegiance, and the oath of supremacy." (6 Geo. 4, c. 67.)

An act to amend the laws relating to aliens. (7 and 8 Vict., c. 66.)

An act for the naturalization of aliens. (10 and 11 Vict., c. 83.)

PART II.

ACTS OF THE IRISH PARLIAMENT WHOLLY REPEALED.

An act for encouraging Protestant strangers and others to inhabit and plant in the kingdom of Ireland. (14 and 15 Chas. 2, c. 13.)

An act for naturalizing of all Protestant strangers in this kingdom. (2 Anne, c. 14.)

An act for naturalizing such foreign merchants, traders, artificers, artisans, manufacturers, workmen, seamen, farmers, and others as shall settle in this kingdom. (19 and 20 Geo. 3, c. 29.)

An act for extending the provisions of an act passed in this kingdom in the nineteenth and twentieth years of his Majesty's reign, intituled "An act for naturalizing such foreign merchants, traders, artificers, artisans, manufacturers, workmen, seamen, farmers, and others as shall settle in this kingdom." (23 and 24 Geo. 3, c. 38.)

An act to explain and amend an act intituled "An act for naturalizing such foreign merchants, traders, artificers, artisans, manufacturers, workmen, seamen, farmers, and others who shall settle in this kingdom." (36 Geo. 3, c. 48.)

PART III.

ACTS PARTIALLY REPEALED.

An act for reviving, continuing, and amending several statutes made in this kingdom heretofore temporary. (4 Geo. I, c. 9; act of Irish Parliament.) Extent of repeal: So far as it makes perpetual the act of 2 Anne, c. 14.

An act for consolidating and amending the laws relative to jurors and juries. (6 Geo. IV, c. 50.) Extent of repeal: The whole of section 47.

An act consolidating and amending the laws relating to jurors and juries in Ireland. (3 and 4 Will. IV, c. 91.) Extent of repeal: The whole of section 37.

GREECE.

No. 274.

Mr. Tuckerman to Mr. Fish.

LEGATION OF THE UNITED STATES,
Athens, May 14, 1870. (Received June 16.)

SIR: I avail myself of a private opportunity to forward a paper which I have prepared on brigandage in Greece, a subject to which recent events have attracted public attention at home and abroad. This must be my excuse for asking your kind perusal of the facts presented.

I have the honor to be, sir, yours, very respectfully,

CHAS. K. TUCKERMAN.

SOME REMARKS ON THE CAUSES AND CONDITION OF BRIGANDAGE IN GREECE.

The exceptional and trying position in which Greece stands with regard to brigandage is not ameliorated by the diversity of views expressed by foreign governments and foreign journals as to its character and the means for its eradication. These is but one point of perfect unanimity, namely, that brigandage is an unmitigated evil, and in this opinion Greece agrees with all the world. There is no public man, scholar, shopkeeper, or artisan in the kingdom who will deny that his country is disgraced and her interests injured by this plague spot in their midst. Every ministry, in turn, whatever amount of opprobrium is justly or unjustly cast upon it for inefficiency or corruption, honestly laments the existence of brigandage, and would heartily rejoice at its termination. It is not, therefore, because Greece does not feel that it is an infliction that the evil is not removed. Only those who are the greatest sufferers by it comprehend the exact position of the case, and the difficulties which surround it. Some of these difficulties may be briefly stated.

Brigandage in Greece is not the child of to-day; it was born of Turkish oppression, when restless men fled to the mountains to secure the only independence vouchsafed them. Although the outlaw who now takes advantage of impenetrable defiles of the mountains to evade pursuit is without that nobility of character which the ancient Kleft possessed, he has the same strategy and cunning, and from the same mountain fastnesses can defy the pursuit of any soldiers but those accustomed to the configuration of the land. Hence the absurdity of the proposition sometimes made by foreign writers that marines from the ships of war stationed at the Piræus, or detachments of French or English soldiers, should be sent into the mountains of the Morea and of Attica to exterminate brigandage. An army might scour the kingdom and find not a single brigand. Even if it effected a surprise and brought on a conflict, more soldiers than brigands would probably fall, and the nucleus of the band would escape to reappear in an unsuspected locality, reinforced and more formidable than if they had never been interfered with. The brigands are wandering bands; to-day in the Taygettes, to-morrow in the Parnes; now alarming the peaceful farmers in Acaruania; again threatening the excursionist in the public roads of Attica. From place to place they move with a rapidity acquired only by years of experience in a life which finds stimulus and excitement in the dangers which surround them.

It is true that many of the bands are, so to speak, "localized" in well-known spots. They are known, not only to the government, in name and person, but mingle at times freely with the people of the villages in this vicinity. They give money to the peasants, and from the latter receive warning and even protection in case of pursuit.

Herein lies one of the chief elements of difficulty in the question of brigandage. The peasants of a distant village, or the wandering shepherds of Wallachia, who feed their flocks in Northern Greece, any who may be at any time intruded upon by these mountain outlaws, have no other choice but submission to their authority. Certainly, to oppose it would be their worst policy; revenge in some shape would be certain to follow. They therefore treat them as friends; supply them, if required, with food; and, to secure their own safety, never betray them. Thus a sort of forced fellowship exists between these two classes, and the brigand becomes the patron of the harmless and industrious agricultural community. Oftentimes it happens that the brigand has relatives among the villagers, and then the tie becomes indissoluble. But the most serious complication is found in the undeniable fact that certain politicians court the favor of brigand chiefs to further their own ambitious ends. The leaders of bands inhabiting country districts and friendly to the people around them, and with whom, as has been explained, there exists a sort of mutual dependence, are found extremely useful in seasons of political excitement. The candidate for election to the chamber of deputies finds it for his interest to keep on good terms with one who can with such facility do him good or do him injury. He knows that if he denounces the outlaw without the ability to crush him, he, his family, or his property, will some time or other pay the penalty of this courageous step. He finds that he has nothing to gain and everything to lose by stirring in such a matter, and if he contents himself with simple neutrality, his political opponent, who is less scrupulous, will secure the brigand's services and win the day. Few men in a community so recently emerged from foreign oppression and the worst condition of oriental corruption are sufficiently independent and patriotic to shake off these contaminating influences. Thus it happens that the brigand, who, in spite of his bad name, is practically known only in the community around him as a reckless and good-natured adventurer, mingles in the crowd at the polls, and influences his acquaintances and friends to vote for his patron. Nothing could be more demoralizing, nothing more humiliating to a free and self-governing people. But until older and more enlightened nations are free from the disgrace of employing corrupt means to further political ends, the stone should be thrown lightly at the heads of the Greek people because some among them feed their personal ambition with such unlawful sustenance.

If the politician and the peasant of the mountain districts finds it for his interest or

safety to bear with the outlaw, the landholder finds it equally the part of policy to conciliate him. The proprietor of an estate would be unworldly wise to expose his people to capture and his property to robbery by refusing to give bread and meat to a wandering band of suspicious characters who are reported by his servants to be concealed in his grounds. Still wiser is he if, by giving a few thousand drachmes per year to the leaders of bands who haunt the vicinity, he can secure permanent immunity from danger. If he could rid himself and the country from this pest by betraying the brigands to the Government, he would surely do it; but as it is by no means certain that the soldiers sent against them would be even partially successful, he prefers the alternative of discretion. This is why men known for their respectability and moral worth, in Athens and elsewhere, find themselves forced to do that which is nothing more nor less than an encouragement to one of the vilest of public crimes. The police annals of most cities will show that this system of black mail is not confined to brigandage in Greece. There are those who propose that, as a preliminary step to the rooting out of the evil of brigandage, all those who, in any way, directly or indirectly, contribute to the support of the outlaw, shall be prosecuted and punished. In the most important instances it would be extremely difficult, if not impossible, to prove the fact. From the very character of the transactions they are necessarily conducted with the greatest privacy. The party who paid the tribute would not betray himself, and the last man to violate the secret would be the brigand, whose code of "honor" is stronger than the written law.

It might be found, too, that the largest sums which find their way into the pockets of outlaws from such sources are paid, not by Greeks, but by foreigners, whose pecuniary interest in Greece induce them to pay this easy premium on life and property assurance. The more closely that this matter is examined the more intricate is found to be the web of its solution. It is entwined about the political, social, and commercial structure, and although repeatedly swept away, the creative cause continues to exist in spite of judicial action and the ceaseless complaint of public opinion.

The Greeks assert that brigandage has more than once been exterminated, and that nothing but the inefficiency of this ministry or the complicity of that one causes the reappearance of the scourge. Experience has shown, however, that political circumstances are more at fault than individuals in this matter. The brigand is a restless character, and danger and adventure have charms for him. A revolution at home or the prospect of a war with the Turks finds him on hand ready to join the mob in the city or the army in the field; and in case of conflict he will be found among the bravest of his fellows. So it happened that many of these men enlisted as soldiers to assist in the Cretan insurrection, and others came down from the mountains during the late imbroglio between Greece and Turkey in the hope of finding profitable, or at least lawful employment. With the disappearance of the war-cloud the brigand either returns to his mountain haunt or for months hangs about the country with that mischievous indefiniteness of purpose which forbodes evil; for his person is unsafe from arrest, and if he would, he could not with impunity take up any industrial pursuit. Such epochs are sure to be followed by open acts of brigandage in different parts of the kingdom. When the presence of bands is reported, the government dispatches troops in pursuit, with more or less success. Reports come in from time to time of a certain number of outlaws captured or killed at the expense of the lives of more or less of the soldiers. The prisoners are lodged in jail, and in the course of time judgment is pronounced; but it not infrequently happens that "extenuating circumstances" are found to mitigate the punishment of death. Executions occur at rare intervals, and then but few in number. There is a sentiment of pity to which justice at the last moment seems to defer, and in the popular mind an undefined halo of heroism surrounds the "mountain chieftain," which makes it an ignoble act to take his life away in this summary manner. The glory of the ancient Kleft, the brave defender of his country, the "generous and courageous child of fortune," casts a pale reflection upon the mere mountain robber of to-day, and serves his turn when nothing else would. It is but just, in the consideration of this subject, to remove the erroneous idea which prevails in many minds, that the brigand is a blood-thirsty monster, reckless of human life, a wild wretch swooping like a bird of prey upon the defenseless traveler, to rob or to kill as many best suit the interests of the moment. A large proportion of the Greek outlaws were forced, or thought themselves forced by circumstances, to take to the mountains to escape worse trials at home. A family quarrel, a homicide, the result of a drinking-house brawl, escape from arrest for some petty offense, desertion from the army, and similar causes have induced men, otherwise peaceable and well-disposed, to become brigands. The lust for gold, the temptation to obtain even a moderate fortune without the labor of toiling for it, and the mere love of adventure, have induced others, who enjoyed good reputations in their village homes, to join their fortunes with those of some wandering band of outlaws. The disposition to shed blood is foreign to their purpose; but their *prestige* is only preserved by taking the life of the captive if the ransom or an equivalent to it is not forthcoming. They bind themselves so to do by an acknowledged law, and so well is this understood that the ransom is always paid

by the friends of the captive, the amount being decided by negotiation, which, in some cases, requires many months. The exception to this course is most rare, and never in Greece was there such an exception so unforseen and so bloody in its consequences as that which has so lately transpired. In this case, the brigands believed that they were "betrayed," and under a sense of disappointment and anger resolved that their prisoners should not be forced from them. The latter were warned that their lives depended upon their physical ability to keep pace with them in their flight, and had it been possible for them to have done so they would have been alive to-day. This is the first instance in which the life of a foreigner has been taken by Greek brigands. As has been said, it is not for their interest, and it is contrary to their nature to shed blood uselessly. It is equally for their interest to treat their captives well, to look to the condition of their health, and to create a favorable impression by contributing, so far as their mountain habits permit, to the comfort of the unfortunate individuals who fall into their hands. All travelers who have had personal adventures of this kind to relate speak of the rough kindness, if not deference, which they experienced during their captivity. In this and in other respects the Greek brigand is not to be placed in the same category with the desperadoes of southern Italy, Sicily, Spain, and Hungary. Bad as is the actual evil, there is more to fear in the way of personal danger from a solitary tour in Ireland, a journey across the plains of Arizona, or even a nocturnal promenade in the outskirts of London, than there is in any portion of the kingdom of Greece.

It is much easier to describe an evil than to suggest practicable remedies for its removal. That Greece will in the course of time rid herself or be rid of the infliction of brigandage is highly probable. To do it speedily and efficiently, requires an organization of power, the beginning of which can hardly be said to have commenced. The murder by brigands of the four foreigners at ———, including two secretaries of legation, produced a shock which was felt wherever the name of Greece is known, and the people of this kingdom are humiliated and saddened to a degree which has raised public attention to the absolute necessity of making the question of brigandage a vital necessity. This sacrifice of precious lives was immediately met by the slaughter of eight of the outlaws, and the capture of four others of the band, and it is not unreasonable to expect that for some time to come a vigorous pursuit of other bands known to exist in Attica will be kept up. But even the greatest success in this way will not rid Greece of brigandage while the adjacent provinces, dependencies of Turkey, are known to swarm with these lawless rascals, whose character for ferocity is not to be compared with those of Greek nationality, and who enjoy a freedom of action denied to the brigand in Greece.

There is an occasional movement of Albanian troops directed against brigandage, but it bears no proportion to even the feeble efforts of the Greek government to suppress the evil. Mr. Rangabéz, now the minister for Greece at Constantinople, was the minister for foreign affairs at Athens in 1856, and was at that time influential in suppressing brigandage on the Turkish side of the border, by obtaining the substitution in Thessaly of regular troops in the place of those of the *deuagogs*, "who used to dispense with the use of soldiers to the end that they themselves might pocket the soldiers' fee." After that arrangement Greece was comparatively free from brigandage until the revolution of 1861, when the old state of things appears to have returned, for Mr. Rangabéz has informed us that so far from fighting them, "the Turks permit the brigands to enter Greece without disturbance, and on their return afford them protection, or what is the same thing, permit them to enter the ranks. The Greek government has for many years exhausted itself with vain representations to the Porte as well as to the protectionary powers against this condition of things." A correspondent of the *Levant Herald*, an English journal published in Constantinople, wrote on the 19th of April last, that "at that moment, in Thessaly, brigands held no less than twenty captured persons as hostages for ransom." This far worse condition of the evil in the Turkish provinces explains one of the grand difficulties which the Greeks have to contend with, but it does not excuse successive governments in Greece for the apathy which exists on this subject when it is not forcibly brought to their notice by outrages committed almost before their very eyes. It is one of those questions which being not easy of management, they hope will, in time, correct itself. It is brought to the surface by party warfare, and is laid aside when its further agitation is unprofitable.

It is manifest, that to utterly exterminate brigandage in Greece, the work must begin in Turkey. Greece is the youngest of all the free nations, and has not yet thoroughly learned the elementary branches of political economy. Perhaps if she had fewer teachers she would advance more rapidly. Like all poor and struggling nations, she attracts attention by those defects in her political and social character which other nations conceal beneath an external prosperity. Thus, brigandage is prominent in Greece, while the same evil, in a far more offensive form, has for ages existed in Calabria and the Apennines. It is but lately that Count Gideon Buday, in an official report to the government of Vienna, states that the disclosures of brigands arrested in Cevatia, in Hungary, "compromise more than one thousand persons, but all the suspected

could not be arrested, as sufficient room was not to be found in the prisons, and fears are entertained that further investigation will gravely compromise an incredible number of influential persons, and lead to the discovery of facts of a nature to irritate public opinion."

With a strong and independent government; with a national guard to relieve the regular soldiers; with a thicker population, and with the facility of roads into the interior, brigandage, so far as it is confined to Greece proper, could be utterly exterminated. At present, there are long deserted places, which, to protect properly, would require more soldiers than there are in the kingdom. But even with these disadvantages, if there existed that potent voice of public opinion which is felt only where power is *diffused* among a people, no villainous hands of outlaws would dare to practice their enormities in Greece any more than did the ruffians in California, after the people, in self-defense, took the law into their own hands.

The Greeks are eminently a peaceful and law-abiding people, and with the gradual introduction of administrative reforms, and less external pressure, will rid themselves of the burdens which now impede their progress.

CHAS. K. TUCKERMAN.

ATHENS, May 11, 1870.

GUATEMALA.

No. 275.

Mr. Silas A. Hudson to Mr. Fish.

No. 18.]

LEGATION OF THE UNITED STATES,
Guatemala, May 18, 1870. (Received June 29.)

SIR: I have the honor to acknowledge the receipt of your dispatch, dated April 19, in reply to my No. 15, and in which you are pleased to say that "In the absence of the correspondence with the British minister, to which you (I) refer, the Department withholds an expression of opinion."

Perhaps in my brief dispatch I failed to convey a correct understanding of my intended meaning. I was not a party to that correspondence and had I been, I should have promptly transmitted the correspondence to you. The changed feeling ascribed to the government in my dispatch was produced by the general unfriendly conduct of the British minister, and that correspondence convinced the government the minister was playing a studied part. It was known to the government that the British minister had called at this legation on behalf of Señor Granados, and that I had refused his request to grant that rebel asylum. It was known too that Mr. Corbett approved my reasons for that refusal, and had agreed with me upon a common line of action, that was to govern the conduct of each toward the insurgents against whom the government had issued orders for their arrest, should they apply for asylum, and that I had held to the understanding, and that he had not.

It was known that after the British minister had failed to secure asylum for Granados at this legation, he secreted him in his own house. * * * * It was also known to the government that the French and Italian ministers had absented themselves from this city at this particular time. * * * * These and many similar acts were made known to the President and ministry through their secret agents, and convinced them that Mr. Corbett was false to his professions of friendship for them, and that he was seeking to compromise me with the government from selfish motives.

That Mr. Corbett has reaped the severest displeasure of this govern-

ment by his conduct toward it is well known here, and that by bringing my conduct to the knowledge of the President and ministry, he has caused them to make known in the most public and marked manner their approval of it, is also true. Mr. Corbett desired and believed that the insurgents would, under the lead of Mandez Cruz, the successor of Serapio, succeed in displacing the present state officials, and his conduct was shaped to secure favor in the event of such success.

I believed it to be my duty to sustain the constitutional government in all its just efforts to preserve its authority, and have done so. But I advised firmly against harsh and extreme treatment of these political offenders, and for the mild punishment meted out to them much is due to my advisement and the favorable opinion the government entertained of my conduct during the struggle for supremacy.

I have made a careful translation of the correspondence exchanged between the parties, and herewith transmit you copies thereof and copies of the official paper in which it was published.

I have the honor to be, with great respect, your obedient servant,
 SILAS A. HUDSON.

[From the Gaceta de Guatemala of February 26, 1870.]

MINISTRY OF FOREIGN RELATIONS.

[Editorial.]

As there has been circulating in public different versions of what occurred between this government and the British legation, provoked by the conduct of that legation in granting asylum to Don Miguel Garcia Granados, the President has ordered the publication of that correspondence. We also publish the communication of the British chargé d'affaires, in which he informs us he has obtained permission from his government to return to England, and with it the reply of our minister of foreign relations.

Mr. Aycinena to Mr. Corbett.

GUATEMALA, February 14, 1870.

SIR: Having given notice to the major general of the army that Don Miguel Garcia Granados is now staying at the house of your excellency, for whose arrest an order has been given, for his complicity with the rebellion of Don Serapio Cruz, the President has directed me to inform you that this government wishes to know if it be really true, as is reported, that Don Miguel Garcia Granados is staying in the house of her Britannic Majesty's legation?

Approving, &c., &c., &c.

P. DE AYCINENA.

Hon. EDWIN CORBETT, *ſc.*, *ſc.*, *ſc.*

Mr. Corbett to Mr. Aycinena.

GUATEMALA, February 15, 1870.

SIR: I have the honor to acknowledge the receipt of your note, dated yesterday, informing me that the President had directed you to inquire of me "If it was true, as was reported, that Don Miguel Garcia Granados was actually staying at my house, and against whom an order for his arrest had been given."

Considering that what occurs within the house of her Britannic Majesty's representative, and the demand of whom may live there, to be matters about which, according to international usages, no one has a right to ask me to make any explanation, I regret I am obliged to decline giving any answer whatever to the mentioned communication of your excellency.

At the same time, permit me to express my sentiments (or regrets) that it is not possible for me to reply to the request of your excellency, with whom formerly has existed relations friendly and satisfactory.

Approving, &c., &c., &c.

EDWIN CORBETT.

Mr. Aycinena to Mr. Corbett.

GUATEMALA, *February 17, 1870.*

SIR: I had the honor to receive, at half-past nine o'clock last night, the communication which your excellency directed to me, dated the 15th instant, and which is in reply to mine of the 14th instant. Your excellency states that you do not consider yourself obliged to answer the demand which I, by order of the President, directed to you, asking "if it was really true that Don Miguel Garcia Granados was actually in the house of her Britannic Majesty's legation, against whom an order for his arrest had been delivered, for complicity with the seditious party that have disturbed the public order."

I consider it to be my duty not to admit in all its latitude the principle claimed by your excellency, that international usages authorize your unlimited right to deny to the local authorities all information that they might be directed to ask of matters transpiring in your house.

The admission of such a principle would be equivalent, under many circumstances that could present themselves, to annulling completely the action of justice, and to establish the most complete immunity for abuses committed within the habitation of a foreign agent. The government of Guatemala admits and respects the doctrine of immunity, as the same has been taught by the practice of enlightened nations, and will always consider it a strict duty to respect such right.

With regard to the disagreeable incident which has provoked this correspondence, I have received orders from the President to inform your excellency that the President has truthful information that Don Miguel Garcia Granados is really in the house of her Britannic Majesty's legation, and that it is with sentiments of sincere regret that the President finds himself obliged to make this affirmation, leaving the consequences of a proceeding so strange to the agreeable relations existing between this government and the representative of her Britannic Majesty with him, who, without cause, has sought to alter them.

In complying with the order of the President, &c., &c., &c.

P. DE AYCINENA.

Hon. EDWIN CORBETT, *Secy.*

[Editorial.]

During the time this correspondence was being exchanged, a body of soldiers was stationed opposite the house of the British legation, and sentinels placed on the corners and around the whole square of the legation building, with orders to prevent the escape and to arrest Señor Granados, should he make such attempt.

Afterwards Señor Granados accepted the conditions heretofore published, and obtained permission to leave the country, when the guard was withdrawn.

[From the Gaceta de Guatemala of March 5, 1870.]

Mr. Corbett to Mr. Aycinena.

GUATEMALA, *February 28, 1870.*

SIR: Having observed in the Gaceta de Guatemala, which I have just received, that the President has ordered the publication of the correspondence between your excellency and this legation, relative to the presence in my house of Don Miguel Garcia Granados, and that the paragraph which heads the correspondence also alludes to my note informing your excellency of my intended departure for England, with leave of absence, I fear it may appear from this that my absentsing myself from my post at this time might seem to have some connection with what has happened relative to Señor Granados. Therefore I wish to inform your excellency that since November last I applied for leave of absence from my post this spring, and received from Lord Clarendon last month the desired permission. Therefore there is no connection, whatever, between my projected journey and the incident to which I have referred, as your excellency is well aware. But, in order to prevent all misunderstanding on this subject by the public, I would be much obliged if your excellency would give the same publicity to this communication which has been given to the before-mentioned correspondence.

I avail, &c., &c., &c.

EDWIN CORBETT.

SEÑOR DON PEDRO DE AYCINENA, *Secy.*

Mr. Aycinena to Mr. Corbett.

GUATEMALA, *March 1, 1870.*

SIR: I have the honor to acknowledge the receipt of your excellency's dispatch, dated yesterday, in which you refer to the paragraph that precedes the correspondence, published in the last Gaceta, between her Britannic Majesty's legation and this ministry, and which you suspect may convey an impression that your projected voyage might have some connection with the referred-to correspondence.

Your excellency desires to inform me that, since November last, you had solicited leave of absence and had received the desired permission last month; and that as there is no connection between that correspondence and your departure, you wish your communication to be published to prevent a wrong impression obtaining with the public on that subject.

In reply I have the honor to manifest to your excellency, that, really, there does not exist any connection whatever between your next voyage and the incident which gave birth to the correspondence published in the Gaceta. For, I am aware that your excellency had solicited leave of absence long before that incident took place, and therefore we have no objection whatever to the publication of your dispatch, and it will be inserted in the next number of the Gaceta, together with my reply to it.

I take, &c., &c., &c.

P. DE AYCINENA.

Hon. EDWIN CORBETT, *Sec., Sec., Sec.*

No. 276.

Mr. Silas A. Hudson to Mr. Fish.

No. 24.]

LEGATION OF THE UNITED STATES,
Guatemala, Aug. 31, 1870. (Received Sept. 26, 1870.)

SIR: I have the honor to acknowledge the receipt, by the steamer of the 18th instant, of your dispatch No. 17, dated July 7, ultimo.

I have just been informed by an American gentleman, who came direct from that town, that Don Miguel Garcia Granados and Mendez Cruz are at Comitán, just across the border, and that they have recruited about 500 men, are daily expecting arms from Vera Cruz, and that when received they propose to invade the territory of and revolutionize this government.

The government have received the same information through departmental officers, and there now remains not a doubt as to the presence there and the purposes of these arch-rebels.

Granados is the party to whom the British minister granted asylum, and afterward surrendered his person upon demand made by this government. The ministry here believed that Granados has purchased the coöperation of the principal departmental officials of Chiapas and Soconusco, and the late reported invasion of Mexican territory by Guatemalians was started by these Mexican officials in the interest of Granados, and the government have sent a strong force to the border to engage the insurgents should they cross the boundary line. The Mexican State of Chiapas has allowed Guatemalian insurgents to recruit their forces on its frontier again and again since my residence here, and, in many ways, has given evidence of a most implacable enmity toward this government, as personally constituted.

With a purpose to end these unfriendly acts, and to come to a good understanding with Mexico, the minister of state of this republic has addressed two notes to that of Mexico bringing these matters to his attention. He called at this legation and made a personal request that I inclose them to our minister at Mexico for safe delivery, and that we jointly urge their favorable consideration.

Regarding it to be for our own better interests that peace should be preserved between these two republics, I have addressed a note to Mr. Nelson, as requested by him, and herewith inclose a copy marked A. I also inclose a copy of a memorandum, furnished by the state department, for the private information of Mr. Nelson, and which is marked B.

The allegations contained in the memorandum are undoubtedly true, known to me to be so, and just as related by parties to me, who came seeking the influence of this legation for Granados, and by that consummate villian and arch-traitor himself.

I have the honor to be, with great respect, your obedient servant,
 SILAS A. HUDSON.

A.

LEGATION OF THE UNITED STATES,
Guatemala, August 31, 1870.

SIR: Herewith I inclose a dispatch from the minister of foreign affairs of this republic to the minister of foreign affairs of Mexico on the subject of border difficulties, and which I have been requested to transmit to you for delivery.

I also inclose a statement of the particular acts complained of by this government, made out and furnished by the state department, and from which it will be seen the Mexican officials of the departments of Chiapas and Soconusco are mainly responsible for the unfriendly conduct and hostile acts recited.

I regret to state that my information sustains each allegation as is charged by this government.

The object sought by the Guatemalian government in thus addressing the Mexican government is, to ascertain if their differences cannot be settled by peaceful negotiations, and our friendly offices in that behalf are solicited by this government.

I believe it to be her true policy, and I am fully convinced this government earnestly desires amity with Mexico.

Señor Don Pedro de Aycinena, the secretary for foreign affairs of this republic, assures me his government is entirely willing to submit to friendly arbitration all questions of disagreement, or to settle them by friendly discussion, as Mexico may prefer.

If, then, the Mexican government be equally inclined to peace and friendly disposed, a speedy adjustment can be reached, and, as it is equally important to our Government as to these that their controversy finds a peaceful solution, we should aid in that behalf.

Therefore I beg you to call upon the President of Mexico and his secretary of state, and to urge them to an acceptance of the proposals of this government.

That is certainly the first duty of the Mexican government, and the most politic and certain way to secure undisturbed possession of her own border territory, and the friendship of Guatemala when needed; and, in the constantly changing condition of her own domestic relations, it is not difficult to foresee that the occurrences of a single day may make the friendship of Guatemala of the first importance to Mexico.

But your larger experience in dealing with these questions will suggest the correct line of conduct, and the arguments most fitting to be urged to gain a favorable hearing and result; therefore I intrust to your better judgment the management of our joint commission.

I have the honor to be, with great respect, your obedient servant.

SILAS A. HUDSON.

Hon. THOMAS H. NELSON,
United States Minister, &c., &c., &c.

MEMORANDUM.

The authorities of the State of Chiapas, near neighbor of Guatemala, have shown during the last few years, and especially since 1867, very little benevolence toward this republic. Giving asylum in its territory, indiscriminately, not only to fugitives for political causes, but also to criminals who have fled on account of common crimes; thus, it has been formed in the frontier towns of Chiapas and Soconusco a center of hostilities against Guatemala, from which expeditionary parties of armed men have come to molest and disturb the peace of our tranquil populations.

The revolution headed by General Cruz, which did so much mischief to the country,

came from Chiapas; and if that disorder lasted so long, it was due to the fact that as many times as the rebels were beaten by the regular forces of the government they went to seek refuge in the neighboring territory, where they recruited themselves and prepared to repeat their aggressions. That rebellion had not in reality any political character, and its principal means of action was to encourage the hatred of the Indian race against the other races inhabiting the country. It was, in fact, a regular war of *castes*.

This very day, a new invasion of Guatemala is being organized publicly in Chiapas, promoted by Don Miguel Garcia Granados, a Guatemalian citizen who left the country in March last, under the compromise backed by a bail, of not trying to disturb public order, and not to return without special permission of the government. This individual is now busy enlisting soldiers in Comitán, a frontier town, in making other preparations, and it is said that he is expecting some arms from the United States, by way of Vera Cruz and Tabasco. These facts have been officially denounced to the governor of Chiapas, but he has given no answer to these remonstrances.

For a long time there has existed in Guatemala a number of emigrants or exiles from Chiapas, larger perhaps than the number of Guatemalians who are there; and not only they are not allowed to commit hostilities against the authorities of that State to which they seem always disposed, but they are obliged to reside peacefully in the interior of the country.

This government does not pretend to expect that the authorities of Chiapas should deny the asylum to the emigrants, nor asks for the delivery of the criminals, although it could do so in virtue of an ancient treaty of extradition; it has only demanded of them to do with the Guatemala emigrants who have taken asylum in Chiapas as it is done here with the Chiapans residing in Guatemala—that is, not to permit them to live in the frontier places nor hostilely this republic.

There is no motive whatever of discord between Guatemala and Mexico, nor contrary interests between the two people; it being entirely false the report of aggressive intentions on the part of this republic, with the object of occupying the territory of Soconusco. The prefect of that department is the person who has authorized the occupation of a part of Guatemala, arbitrarily altering the recognized limits from time immemorial, and intimating to the inhabitants of those places that they must recognize the Mexican authorities or abandon the localities where they have always lived. To give to this so irregular and arbitrary proceeding a semblance of legitimacy, the prefect has supposed an invasion of Guatemalians, and has given upon this incident a false report to the federal government of Mexico. The minister of foreign affairs of Guatemala has addressed two notes to that of Mexico, stating the truth of these facts, giving the most ample assurances that on the part of Guatemala there has not taken place any act of hostility, and demanding that orders be given to the authorities of Chiapas to fulfil the duties imposed on them by the international law in the relations between two neighboring states who are at peace.

GUATEMALA, August 26, 1870.

ITALY.

No. 277.

Mr. George P. Marsh to Mr. Fish.

No. 300.]

LEGATION OF THE UNITED STATES,
Florence, Sept. 6, 1870. (Received Sept. 22, 1870.)

SIR: The intelligence of the overthrow of the Napoleonic dynasty, and of the proclamation of the republic in France, has thus far produced no general excitement in Italy. These events have been expected for weeks, and of course do not come in the form of a surprise. They will, however, exert a powerful influence on Italian politics, and their effects are not the less likely to be great and lasting, because they do not immediately manifest themselves in popular agitation.

The news put an immediate end to the hesitation of the cabinet on the Roman question, and it was decided yesterday evening, in a minis-

terial council, to proceed immediately to the occupation of the Pontifical territory. Negotiations with foreign powers, and informally with the Papacy on this subject are understood to have been in progress for some days, and though the Pope has not yet given his consent to the entrance of the Italian troops, it does not seem probable that an armed resistance to so overwhelming a superiority of force will be attempted.

All minds are now occupied with the solution of the difficult question of the future relations between the kingdom and the Papacy; and the fate not only of the present administration, but of interests far more important than the continuance or the retirement of a cabinet will depend much on the terms which the government shall offer to the Church.

I have the honor to be, sir, your obedient servant,

GEORGE P. MARSH.

No. 278.

Mr. George P. Marsh to Mr. Fish.

No. 301.]

LEGATION OF THE UNITED STATES,
Florence, September 9, 1870. (Received September 28.)

SIR: The announcement in my dispatch, No. 300, that the Italian government had decided upon the occupation of the Pontifical territory was made upon the authority of the *Opinione*, a journal which, though not technically an official gazette, is generally better informed respecting the policy of the ministry than any other political paper published at Florence, but it proves erroneous.

The government is, however, sending a very large force to the frontier, and there is much reason to believe that the ministry intends to take immediate and decisive action, and thereby anticipate, if not prevent, popular movements which will otherwise inevitably very soon break out in both the Italian and the Papal territory, and that, too, in a form possibly more difficult to deal with than the Roman question itself.

It is announced this morning that Count Ponza di San Martino, a conspicuous member of the Piedmontese opposition party, is on his way to Rome on a special mission from the Italian government to the Pope. This gentleman's known opinions are in favor of the immediate political, as well as military, occupation of Rome, and of the removal of the national capital from Florence to that city. It has not transpired what the exact nature of his instructions is, but it is not in the least likely that he would have accepted the appointment unless they are in accordance with his political views.

So far as I can learn, no political party in Italy has any clear and settled views as to the future relations between the kingdom and the Papacy, and there is nothing in any of the declarations of the present ministry which indicates that it sees its way a whit more clearly than the people.

By the first article of the constitution of 1848, the state is pledged to the exclusive maintenance of the Catholic religion; by repeated ministerial and royal declarations, it is pledged to the absolute separation of church and state, and the recognition of absolute equality of rights in different religious sects; and by the disastrous convention of 1864, it has admitted the right of foreign intervention between Italy and the Papacy, and has pledged itself to defend the Pontifical territory against any assertion of right by the Italian people.

In short Italy has unwisely placed herself in a position which cannot be long endured, but from which she cannot be extricated without either concessions from Rome and the Catholic powers, which she has no reason to expect, or a violation of pledges, some of which were very indiscreetly given.

One policy suggested, but I hope not approved by the ministry, is to take immediate military possession of the states of the Church, leaving the civil government in the hands of the Papal authorities until the final relations between the kingdom and Rome are settled by the European congress, of which so many continental statesmen are now dreaming.

This is equivalent to a surrender of the whole claim of Italy to the territory in question. The Italian kingdom has no friends among the governments of Europe, nor could it count on a single voice in a general congress upon any of the issues between itself and Rome.

I have the honor to be, sir, your obedient servant,

GEORGE P. MARSH.

No. 279.

Mr. George P. Marsh to Mr. Fish.

No. 303.]

LEGATION OF THE UNITED STATES,
Florence, Sept. 12, 1870. (Received Oct. 4, 1870.)

SIR: The erroneous announcement of the determination of the Italian government to occupy the Pontifical States, to which I referred in my dispatches Nos. 300 and 301, proves to have been but premature.

The order for crossing the frontier was given to the commanding general of the army of observation yesterday morning, and a considerable detachment entered the Papal territory near Orvieto at 8 o'clock last evening.

I inclose herewith printed slips containing the instructions given to Count Ponza di San Martino, special envoy to Rome, and two circulars of the minister of foreign affairs to the diplomatic representatives of Italy at foreign courts, in reference to the intended occupation.

Count Ponza di San Martino's report of his reception at Rome is not yet made public, but I shall probably be able to send a copy of it in a day or two. It is not known at this hour whether forcible resistance will be made by the papal government, but it is not expected.

The Italian government has long hesitated in the adoption of a decided policy, and in fact it has been so constantly in the habit of blindly following the dictation of the Emperor of France in the conduct of all its foreign relations, without attempting to mark out a policy for itself, that since the downfall of the empire silenced its oracle the ministry has been completely bewildered and quite unable to arrive at a conclusion upon any subject until forced by the fear of popular violence to decide upon the military occupation of the Papal territory.

Its future course in this matter, unless controlled by external forces, will be characterized by vacillation, tergiversation and duplicity, as it has always been since 1864, and I see no reason to hope that any measures originated by this or any probable future cabinet will tend to settle the question upon any terms which ought to be acceptable to the Italian people.

I have the honor to be, sir, your obedient servant,

GEO. P. MARSH.

No. 280.

Mr. George P. Marsh to Mr. Fish.

[Confidential.]

No. 304.]

LEGATION OF THE UNITED STATES,
Florence, Sept. 21, 1870. (Received Oct. 12, 1870.)

SIR: The Italian troops entered Rome yesterday, after a short resistance, and are now in full possession of the entire Roman territory. It is worth noticing that on the approach of the Italian forces the Baron von Arnim, Prussian minister at Rome, came out to the headquarters of the commanding general, at the instance of the Papal government, and informed him that the Pope did not wish resistance to be made, but that "the militia were masters of the situation and would not lay down their arms as long as they could hold the city."

The Italian government believed that this was merely an evasion of the Papal government to throw the responsibility of shedding blood upon other shoulders than its own, and the fact now known that the garrison ceased firing and surrendered, when ordered by the Pope, shows that the soldiers were throughout under the authority of the Vatican.

The Italian government, which in this matter appears to have acted from the beginning in obedience to popular dictation and the pressure from Piedmont, proposes a plebiscite on the question of annexation, but whether it will submit, at the same time, that of the transfer of the capital, I am unable to say. In any case, the Parliament will be convoked as soon as possible, and the policy of the ministry will then be accommodated to what is believed to be the will of the nation, the cabinet having no longer a policy of its own on any subject.

Indeed, the purposes, or at least professions, of the ministry have changed very suddenly, although it pledged itself to carry out the "national programme" at the session of the senate three weeks ago; the president of the council solemnly assured the senate that the government would in no case resort to force, and the minister of foreign affairs, only last week, declared, in the most explicit manner, to eminent statesmen opposed to the movement, that the Italian troops could never enter Rome, and that they would simply occupy strategic points, none of which would probably be within twenty miles of the city.

The terms proposed by the government to the Papacy have not been authoritatively promulgated, but one of them is believed to be the offer of the independent sovereignty of the Città Leonina, or right bank of the Tiber, and of all the ecclesiastical establishments in the city on the left bank. I do not think it improbable that such a proposal has been made, but I cannot believe that the ministry really supposes such a *modus vivendi* could possibly be carried out. Thus far the Pope refuses to treat at all, and his obstinacy may seriously embarrass both the King and the Parliament, but so far as I can now judge it seems altogether probable that the removal of the seat of government to Rome at an early day will be voted by a large majority. This will be a hard measure for Florence, which has incurred a debt of forty millions of francs in city improvements not yet half finished, to fit it for a national capital, and it will involve in ruin hundreds, if not thousands, of capitalists who have invested largely in city funds, and still more largely in building houses for the accommodation of a rapidly augmenting population, which will now as rapidly diminish.

The restoration of the French empire is still hoped for by the French party in Italy, and I was told yesterday, on excellent authority, that the Italian minister believed that in that event Austria will cooperate with Italy in compelling the people of France to accept the fallen dynasty.

The force sent to the Roman territory, instead of forty thousand men, is now stated to have amounted to not less than seventy or eighty thousand. The probable object of this accumulation of troops in that region is to disarm suspicion as to the real motives of the government in calling out so large levies, by avoiding, for the moment, the concentration of a considerable army near the French frontier.

The action of the ministry toward Rome has, for the time, completely disarmed the opposition, and the tranquillity of the kingdom—leaving out of view the probable effect of the successful establishment of a republic in France—will depend much on the form which shall be given to the relations between the Italian Crown and the Papacy.

I have the honor to be, sir, your obedient servant,

GEORGE P. MARSH.

No. 281.

Mr. Marsh to Mr. Fish.

No. 319.]

LEGATION OF THE UNITED STATES,
Florence, Nov. 3, 1870. (Received Nov. 25, 1870.)

SIR: The Italian government has at length decided to dissolve the present and elect a new Chamber of Deputies, and I inclose herewith a journal containing the royal proclamation for the dissolution and new elections, as well as for the convocation of Parliament on the 5th of December next.

The same journal contains the report of the council to the King on the Papal question, and you will perceive that the guarantees now offered to the Papacy are more limited than those which had been proposed on some former occasions.

Public opinion has pronounced itself on this point, as well as on the removal of the capital to Rome, in a way which can be neither misinterpreted nor resisted, and in reference to this latter measure, conspicuous political men have gone so far as to declare, in numerous attended public meetings, that the refusal or long delay of the government to fulfill the national aspirations would very seriously endanger the monarchy.

These declarations, which the ministers very well know were not empty chimeras, have been warmly applauded, and they, and other energetic expressions of the popular will, have, no doubt, had their influence in bringing the ministry to a decision.

The assertion of the ministry in the report that "The removal of the seat of government to Florence, and the convention of the 15th of September, *devised with a view of facilitating the solution of this arduous question, by affirming anew the right of the Romans to vindicate their own liberties,* rekindled the national aspirations for Rome," is, to say the least, noteworthy, and will not, taken in all its parts, be received with universal assent by persons well informed in regard to the history of the convention, and its influence on the public sentiment of Italy.

GEORGE P. MARSH.

JAPAN.

No. 282.

Mr. Van Valkenburgh to Mr. Fish.

[No. 37.] LEGATION OF THE UNITED STATES IN JAPAN,
Yokohama, May 21, 1869. (Received June 28.)

SIR: I have the honor to transmit herewith (inclosure No. 1) translation of an "account of persecutions of native Christians" in the Soto Islands, which was kindly furnished me by the French minister, who received it from the hands of the French Roman Catholic bishop for Japan.

While I do not doubt that the humbler classes of Japanese are frequently subject to ill-treatment, and occasionally to torture, by their sworded officials, at places at some distance from any seat of government, I still incline to the opinion expressed in my dispatch No. 30, of the 27th ultimo, and also believe that such persecutions, as far as alleged to be owing to conversions to Christianity, are often exaggerated, if not entirely unfounded.

The Soto Islands, as far as I have been able to ascertain, have never been visited yet by any foreign missionary, and it is difficult to see how the inhabitants, few of whom ever leave their homes, could ever have become converted to the Roman Catholic faith.

I transmit inclosure No. 2. copy of an identical letter addressed by the foreign representative on the subject to the Japanese ministers for foreign affairs, and as soon as their reply shall have been received, a translation will be at once submitted to you.

R. B. VAN VALKENBURGH.

Account of persecution of native Christians in the islands of Soto.

At the date of the 16th April the places where Christians were subjected to the worst treatment were: 1, Matsugahama; 2, Urakashira; 3, Mitsunoura; and, 4, Kusubari.

1. Matsugahama is a village in the island of Fusakajima. It was in this little island that the persecution commenced on the 12th November, 1868.

In the first instance 22 Christians were seized, imprisoned at Fukai, the capital of Soto, and then put to the torture. A little while later these prisoners, together with all the Christians of the island, men, women, and children, nearly 200 persons in all, were taken to Matsugahama, where they must still be, with the exception of those who are dead. Torture, hunger, and cold have already killed numerous persons.

1. Paul Sakeichi, aged 79 years, arrested the 12th November, was beaten with an iron rod, and thrown in prison, where he died toward the middle of December, of hunger, cold, and the blows he had received.

2. Francis Rikiso, aged 55, son of the above Sakeichi, arrested the same day as his father, was, after being beaten almost to death, submitted to the torture named *sang-tshino seine*, during which he fainted. On recovering consciousness, he was, on the following day, tortured again; the executioners beat him with iron bars, putting live coals into his mouth. Again it was thought he was dead. Thrown into a prison where he had scarcely room to rest his bruised body, he was soon nothing but one living sore, and died, after three months of agony, on the 17th February, 1869. His body was left unburied for four days and nights in the midst of the prisoners.

3. John Iokichi, child at the breast, died of starvation on the 8th December.

4. Jane Shimo, aged less than a year, died of starvation on the 29th January.

5. Catherine Soichi, aged less than a year, died of starvation on the 22d February.

6. Peter Sango, aged 4 years, died of cold and starvation on the 12th March.

7. Marie Mam, aged 59 years, arrested in November, and beaten almost to death at the time, died of her wounds on the 18th March.

8. Elizabeth Somo, aged 42 years, tortured as in the preceding case, and died of her wounds on the 14th March.

9. Paul Rekimaten, aged two years, died of starvation on the 29th March.

10. Madeline Noyo, aged 21 years, died of starvation and cold on the 1st April.

11. Teela Yomo, aged 4 years, died of hunger and cold on the 1st April.

12. Thomas Macajino, aged 4 years, died of hunger and cold.

13. Maria Sercio, aged 4 years, died of hunger and cold.

14. Julia Toichi, aged 4 years, died of hunger and cold.

15. Dominica Fumi, aged 11 years, died of hunger and cold.

16. Domenci Hansuke, aged 6 years, died of hunger and cold.

17. Another child, name unknown, died of hunger and cold.

II. At Urashira 59 men were locked up on the 16th December, 1868. Since then their women and children have been added to this number. This addition took place in the middle of March.

III. The Christians of Mitsunoura, and those of Furejima, are shut up in the same prison. Their number was at first 60; it is now doubled by the imprisonment of their women and children.

IV. At Kusubari, on the 3d January, there were only 31 prisoners; now the women and children share the fate of their brothers and fathers, as in the prisons above mentioned.

The Christians of these four prisons are almost piled up one upon the other to such a degree that seventeen persons have only a mat 6 feet long and 3 broad. They have suffered terribly from hunger. All have not been tortured. Those who have been so have undergone the torture known to the Japanese as *ichome mitshame sangshimo seine*. Certain women have been exposed naked to the gaze of the executioners and of the crowd.

The tortures named above have not been applied with full rigor, doubtless for fear of causing violent death. Of the tortured prisoners who have succeeded in escaping from prison, two have been received in one family, and in spite of assiduous care have not yet been healed of the wounds inflicted by the *sangshimo seine*. (They were tortured toward the end of January.) One had his left leg, and the other his right arm, in an almost hopeless state.

At Kakuehigarasima and Dainoura the Christians are actually kept under surveillance in their villages until the return from Simonosiki of a daikoran, who has gone thither to receive orders respecting them.

LEGATION OF THE UNITED STATES IN JAPAN,
Yokohama, May 18, 1869.

I have the honor to acknowledge the receipt of your excellencies' letter of May 1, stating that Yamaguchi Hanzo, the officer who had been sent to inquire into the alleged persecutions of native Christians in the islands of Soto, had returned and reported that no such persecutions had occurred. And in a further dispatch, dated the 15th instant, your excellencies also state that the same unreserved denial had been made by Clan Soto, who had been examined by your excellencies at Yeddo.

I think it therefore my duty to place in the hands of your excellencies the accompanying detailed statement of information received by me on this painful subject. From the particulars therein given, it would appear that as many as four hundred Christians of both sexes, and all ages, have been arrested; that many of them have been tortured; and that two men, three women, and twelve children have died under the treatment they received, or from the effects of cold and hunger.

Your excellencies cannot fail to be struck with the wide variance which is observable between the reports they have received and the statement furnished the foreign representatives, and you will doubtless see the necessity of carefully prosecuting your inquiries until the truth shall have been ascertained. I would desire that this investigation should be effected solely by the Mikado government without interference on the part of the foreign representatives. And I, together with my colleagues, will therefore anxiously await the receipt of the further communication which your excellencies are so good as to promise in your dispatch of the 15th instant.

With respect and consideration,

R. B. VAN VALKENBURGH,
Minister Resident of the United States in Japan.

To their Excellencies

DATE CHIEINAGONG, HIGASHI KUSE CHINIO,
OKUMA SHII,

Ministers for Foreign Affairs.

No. 283.

Mr. De Long to Mr. Fish.

No. 10.] LEGATION OF THE UNITED STATES IN JAPAN,
Yokohama, January 17, 1870. (Received February 24.)

SIR: I transmit herewith (inclosure No. 1) translation of a letter received from the Japanese minister for foreign affairs, on the 3d instant, in reply to one from the legation on the 18th of May last, communicating the result of an investigation into the treatment of native Christians on the Soto Islands.

On the 10th instant I received another letter from the Japanese minister, announcing that the native Christians remaining at Urakami, near Nagasaki, would be placed under sentence of labor, in charge of several daimios, and deported accordingly. (Translation herewith, inclosure No. 2.) On the same day, I received from our consul at Nagasaki (inclosure No. 3.) copy of a joint protest of the consuls of the treaty powers at that port against the contemplated banishment or deportation of seven hundred of those native Christians to parts unknown.

I at once addressed a letter on this important subject to the Japanese minister for foreign affairs, copy of which I herewith transmit, (inclosure No. 4,) urging a reconsideration of the measure, and calling their attention to the disastrous influence which persecution of Christians would not fail to exercise on their relations with the United States and other treaty powers.

I also transmit (inclosures Nos. 5 and 6) copies of the letters addressed to the Japanese minister for foreign affairs on this subject by the ministers of France and Great Britain respectively; the latter dated from Hiogo.

The British minister having since returned to this port, a conference was at once held, at which it was unanimously determined to address a joint note to the government of the Tenno, asking for an interview with all the heads of departments on the subject at Yeddo. I transmit (inclosure No. 7) copy of that joint note.

I have this day received (translation herewith, inclosure No. 8) a letter from the Japanese minister in reply to mine of the 11th instant, stating their reasons for the instructions issued by the Tenno for the deportation of those unfortunate Christians, but holding out no promise of amendment of their fate.

It is to be hoped that an interview with all the principal members of the government may be had at an early day, and in time for transmission of the result by this mail.

C. E. DE LONG.

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TOKIO, *the 30th of the 11th Month, (January 1, 1870.)*

In reply to the letter received in the 5th month of last year, we now beg to inform your excellency that we duly inquired into the alleged ill treatment of Christians, from the officers in charge of the Soto Islands; and, as their statement did not appear to us sufficiently explicit, we directed some officers from Nagasaki to visit those islands and investigate the matter on the spot.

Altogether, there were more than one thousand persons on those islands who professed Christianity. Out of those, three hundred and thirty-five were reconverted to their own country's religion, after having been gradually advised and disciplined. Five hundred and ninety-three were kept in prison, where they continued to receive advice, and one hundred and forty of those persons escaped from their prison.

It having been reported that some of those had formed a conspiracy to rise against authority, they were caught and tried, and those who did not confess were coerced in

the usual way, in order to extort confession from them; but they have not been struck with iron rods, nor has fire been put into their mouths, as mentioned in your letter. Moreover, the prison, so-called, was simply a dwelling-house arranged in such a way that the persons kept in it could not go out during the night. During the daytime they were permitted to work on their farms. Of this large number some have died from natural causes, but not from any cruel treatment administered. Those persons received a much gentler treatment than usually accorded to criminals under the laws; and since special orders were issued during the last (sixth) month relative to Christianity, ill treatment of native Christians has been forbidden, and we believe, therefore, that the cruelties reported to have been practiced are simply the result of rumors without foundation. These rumors, however, having again been heard, we have sent other officers to those islands, under instructions to make a still fuller investigation.

In the mean time we address you the foregoing for your information in reply.
The 30th day of the 11th month.

SAWA JUSAUNEI KIYOWARA NOBU YOSKI,
And TERASCHIMA JŪSKII FIYIWARA MUNENORI,
Ministers for Foreign Affairs.

TOKEI, 6th of the 12th Month, 2 year, Meije, (7th January, 1870.)

We have the honor to inform you that the native Christians in Urakami, near Nagasaki, were last year distributed among several princes, under sentence of labor. After inquiring, it appeared that several had remained, but, owing to the disturbances at the time, we were unable then to dispose of them.

Tranquillity now having been restored, we intend to deliver those who remained to the several princes, to be under their control, and to perform the same labor as their own people; our reasons for this measure being, that if those Christians remain undisturbed, from the unfriendly feelings of which they are the objects, difficulties will inevitably arise between them and their neighbors, and in this manner it will become troublesome to govern those country-people.

In conclusion, we beg to state that, all rumors that may be circulated notwithstanding, those people will not be subject to any severe labor.

With respect and consideration,

SAWA JUSAUNEI KIYOWARA NOBU YOSKI,
And TERASCHIMA JŪSKII FIYIWARA MUNENORI,
Ministers for Foreign Affairs.

NAGASAKI, Sunday, January 2, 1870.

SIR: We, the undersigned, consuls of the treaty powers, resident at Nagasaki, have the honor to address you on the subject of the native Christians living at Urakami.

It has been reported to us that seven hundred of these Christians are on the point of being compelled to embark on board of two steamers and banished to a distant part of Japan, thereby separating them from their homes and families, and from no other motive than because they are Christians. We do not address to you this letter with any wish to interfere with the jurisdiction which you possess over your people, but simply, in the name of humanity, to beg you not to adopt any measures of persecution toward the people at Urakami for the sole reason that they are Christians, for we can assure you that such inhuman measures will be regarded with indignation by the civilized world.

With compliments,

ALL THE CONSULS.

LEGATION OF THE UNITED STATES IN JAPAN,
Yokohama, January 10, 1870.

I have the honor to acknowledge the receipt of your excellencies' letter of the 30th of the 11th month, and of the 6th of this your 12th month, (7th January,) the latter on yesterday, both relating to the treatment of native Christians in Japan.

In this connection I beg to tender you late intelligence from Nagasaki by inclosing copy of a joint letter dated on Sunday, the 2d instant, addressed by the consuls of the treaty powers to the governor of that port. According to two days' later intelligence, (namely, the 4th instant,) her Britannic Majesty's minister then at Nagasaki requested the governor to delay for fifteen days the deportation of not less than the seven hundred of those unfortunate people, (referred to in inclosure,) but in reply was informed by the governor that his orders were peremptory, and that he had no alternative but to send them in steamers to distant parts of Japan.

I cannot find terms sufficiently expressive of my profound regret at this occurrence, and can only believe that you are imperfectly aware of the disastrous influence which this measure, if carried out, will not fail to exercise on the relation between Japan and all the treaty powers.

From the introduction of foreign science and of useful improvements for the benefit of the people, modern civilization is now deeply interested in witnessing the effects of Japan under the government of his Majesty the Tenno, to take rank among the foremost powers of the world, and painful will be the impression abroad, and subversive of all feeling of good-will now being created, when it becomes known that Japanese are being punished by deportation or banishment, or in any manner whatever, for professing or pretending to profess religious opinions, in no respect interfering with the duties as citizens or subjects.

The absolute freedom in all matters of religious belief has been and is still a leading element of the ever-increasing power and prosperity of the United States, and nations may be said to prosper in proportion as their governments abstain from interference in matters of conscience.

There can be no friendship without respect; and if the government of Japan now forfeits the latter by inconsiderate steps, its relations with other powers will be considered unsound and untrustworthy. The punishment or coercion of Japanese for religious belief will be deemed to furnish the measure of Japanese civilization, and will be so regarded by all the nations in treaty with Japan.

The loss of respect, I need not point out to your excellencies, will necessarily involve a loss of confidence. It will turn the friendship that now exists into suspicion of the ulterior designs of your government, and may, in the opinion of foreign governments, suggest the expediency of being prepared to guard against contingencies in future dealings with Japan.

While thus submitting in general terms the effects which any ill-considered action of your government in this important matter will produce, I may be permitted to express the hope that the Japanese government will take it into reconsideration, and thus enable my colleagues and myself to officially contradict the impressions which the knowledge of the contemplated treatment of native Christians, as thus far announced, will not fail to create.

With respect and esteem.

C. E. DE LONG,

Minister Resident of the United States in Japan.

Their Excellencies SAWA JUSAUNEI KIYOWARA NOBU YOSKI,

And TERASCHIMA JŪSKII FIYIWARA MUNENORI,

Ministers for Foreign Affairs.

HIOGO, January 7, 1870.

On arriving at Nagasaki on the 3d instant, the undersigned learned with deep concern that the local government had issued orders for the immediate removal of nearly the whole of the male population of the village of Urakami, amounting to about seven hundred men, for the sole reason that they continue, as they have done for a long time past, to make professions of the Christian faith. These orders had been issued in the most sudden and peremptory manner; the first notice was given on the evening of the 1st instant, when the men in question were summoned to appear in the government office at Nagasaki, on the following day, in order to be put aboard two steamers, then waiting to receive them, and to convey them away from their homes and families to the places selected for their exile.

They had committed no offense, but, on the contrary, had industriously followed their agricultural pursuits; and only twenty days before the issue of the above order they had paid in the taxes due on the harvest which they had just husbanded. On hearing that they were to be torn from their homes, many of these poor people fled in dismay to the adjoining hills, while about one hundred and fifty presented themselves at the government office. Thus their families were suddenly deprived of means of support, and a peaceful village was converted into a scene of general distress.

Immediately on receiving this painful intelligence, the undersigned sought an interview with the chikongi of Nagasaki, Nomura Gio, who visited him on the afternoon of the 3d instant, accompanied by Watanabe Daichie, of the censorate. The undersigned regretted to find that these officers confirmed the correctness of the above statement.

They were acting, they said, upon orders received from Yeddo, and Watanabe had been specially sent from the capital to see to the execution of these orders, which were to the effect that the remainder of the Christians within the jurisdiction of Nagasaki, numbering, according to their estimate, between one and two thousand souls, were all to be sent into exile.

The undersigned explained with much earnestness to these officers the assurance

which he and the ministers of the treaty powers had received on the subject a year ago from the government of his Majesty the Tenno, and pointed out that the steps they were now taking were wholly opposed to those assurances. The Tenno's government had promised the foreign representatives, in a letter written in January last, that their treatment of the native Christians would be marked by the progressive spirit of the age; that they were sensible that it would be an offense to all those Christian nations with whom Japan wished to cultivate friendly relations to persecute Japanese subjects simply because they professed the religion of those nations, and that the government of the Tenno had determined to maintain no longer the old severe laws against Christianity, but would adopt in place of them a mild and lenient course of action. Although the undersigned was not called on to discuss with local officers a subject which had already been so fully considered with the Japanese government, he did not fail to point out to them that the persecution of native Christians would bring discredit upon their country, and might gravely prejudice the relations of Japan with foreign states, as the latter could scarcely fail to regard such proceedings as unfriendly to themselves.

Nomura Goi and Watanabe retired to consider the remonstrances of the undersigned, but on visiting him again on the morning of the 4th they informed him that no other course was open to them but to carry out their orders.

The undersigned repeated his conviction that their action must be founded upon some misconception of the orders of the supreme government. He, therefore, urged that further proceedings should be delayed, and that Watanabe should accompany the undersigned to Yeddo, to confer with the supreme government, but, unfortunately, Nomura Goi and Watanabe declined to entertain this proposal.

It only remains, therefore, for the undersigned to forward this protest against the proceedings of these officers to their excellencies the Japanese ministers for foreign affairs, in order that it may be laid without delay before the government of his Majesty the Tenno. He expects to return to Yokohama in a few days, and he will then join his colleagues, the representatives of the other treaty powers, in such further steps as they and he may think it advisable to adopt. But in the mean time he trusts that the Tenno's government will at once see the necessity of disavowing and putting a stop to the proceeding of the Nagasaki officers. He abstains from offering comment upon the dangerous consequences which a revival of the persecution of native Christians is calculated to occasion, until he is informed whether the Japanese government is really responsible for so ill-advised a measure. He cannot suppose it possible that after treating this important question with such commendable moderation during the past year, the government of his Majesty the Tenno should have suddenly entered on a contrary course, opposed alike to the assurances they had given to the foreign representatives and to the spirit of enlightenment and of progress by which they have declared themselves to be guided. By such a course Japan could not fail to forfeit the good opinion of all western states, and to throw doubt upon the earnestness of her professed desire to cultivate friendly relations with those states.

Their excellencies cannot suppose that the undersigned, in presenting this remonstrance to the government of the Tenno, seeks for a moment to interfere in the internal affairs of Japan; but the unfortunate proceedings of the Nagasaki officers above detailed justify him in pointing out to his Majesty's government that they should be prepared, as he trusts is the case, to abstain from acts by which the feelings of all the treaty powers will be outraged, if they really seek to maintain with those powers the cordial understanding which the undersigned hoped had been established.

The undersigned avails, &c.

HARRY S. PARKES,

Her Britannic Majesty's Envoy Extraordinary, Minister Plenipotentiary.

Their Excellencies the *Foreign Ministers,*

SAWA JUSAUNEI KIYOWARA NOBU YOSKI,

And TERASCHIMA JÜSKII FIYIWARA MUNENORI.

YOKOHAMA, January 11, 1870.

The minister of France to their excellencies the ministers for foreign affairs of the Mikado :

I received the letter in which your excellencies inform me that the government has decided to remove the Christians of Urakami from their homes, for the purpose of distributing them among various daimios, under sentence of labor. According to the statement of your excellencies, the arbitrary measure is in final execution of the one carried out last year, the motive being to prevent quarrels between those Christians and their neighbors interfering with the established authority.

On the other hand, I learned from the intelligence received by me from Nagasaki, that in compliance with instructions sent from Yeddo since the 1st instant, the local authorities had already taken steps to deport seven hundred of those unfortunate Christians, and that all efforts to procure a delay had failed.

I intend to join my colleagues in examining a situation which, to me, appears serious

in every respect, but as several of them are absent from Yokohama I hasten to earnestly protest against a cruel and unjust measure against innocent people, whose only offense is the profession of the Christian religion.

I shall not inquire to-day in how far the quarrels among the people of Urakami, alleged as motive for their deportation, are justified by facts; but I am enabled to state that no mention of any such cause is made in his report by the vice-consul of France, who, on the contrary, states that those Christians have invariably conducted themselves as obedient subjects.

In conclusion, I must state that the course now adopted by the Mikado is in direct opposition with declaration made to us in the beginning of last year by the minister for foreign affairs.

I have, &c.,

MAXIME OUTREY.

YOKOHAMA, *January 17, 1870.*

SIR: The undersigned have already addressed to their excellencies separate communications protesting against the course which the government of his Majesty the Tenno are adopting toward the native Christians of Urakami.

Before proceeding to report to their respective governments the determination conveyed to them in their excellencies' dispatch of the 7th instant, which, if unfortunately persisted in, will be received, they are convinced, by their respective governments with deep regret, the undersigned think it wise to request a conference with the general government, in order that they may urge on the earnest attention of the latter the views which are likely to be taken by all the treaty powers of the fresh persecution of native Christians in Japan. They have therefore to propose that his excellency the Hocho, and such other members of the government as are authorized to deal with this question, should meet the undersigned at Yeddo at one o'clock on the 19th instant, at such place as their excellencies may find it convenient to indicate. They have also to request that the government of his Majesty the Tenno will, in the mean time, be so good as to instruct the local authorities at Nagasaki, by the United States mail steamer leaving Yokohama on the 20th instant, to suspend all proceedings against the native Christians until the general government shall have maturely considered the representations which the undersigned, animated by the most friendly feeling toward Japan, conceive it to be their duty to make to the government of his Majesty on this important subject.

The undersigned, &c., &c.

HARRY S. PARKES,
Her Britannic Majesty Envoy Extraordinary and Minister Plenipotentiary.
MAXIME OUTREY,
Minister Plenipotentiary of France.
CHARLES E. DE LONG,
Minister Resident of the United States.
M. VON BRANDT,
Chargé d'Affaires de la Confédération de l'Allemagne du Nord.

Their Excellencies the MINISTERS of FOREIGN AFFAIRS, &c., &c., &c.

TOKEI, *the 15th of the 12th Month, Meije, (January 16, 1870.)*

SIRS: We have received your dispatch of the 11th January relative to the measures taken by the authorities of Nagasaki with regard to native Christians, under instructions from our government.

As you are aware, the profession of Christianity has been prohibited in our country from ancient times; but in consequence of the promise we made last year, that those Christians should be treated leniently, they have been left undisturbed at their homes. Every possible advice to change their Christian belief was given them. In return they insulted the deities, thrones, and temples, quarreled with the other inhabitants, and committed various lawless acts.

Should such acts be left unrestrained, the local administration would be embarrassed; and our government, having no other means, sent those people to various other places to be educated. Orders were therefore issued to Nagasaki to simply remove them and to inflict no punishment whatever; and after careful consideration it was deemed by our government that this is the most lenient measure that would be adopted.

The particular circumstances, of which we believe you are not well informed, will be communicated at our next interview. In the mean time, we hasten to send the foregoing in reply to your dispatch.

With respect and consideration,

SAWA JUSAUNEI KIYOWARA NOBU YOSKI,
And TERASCHIMA JŪSKII FIYIWARA MUNENORI,
Ministers for Foreign Affairs.

Mr. De Long to Mr. Fish.

No. 13.]

UNITED STATES LEGATION, YOKOHAMA,
Japan, January 22, 1870. (Received February 24.)

SIR: On the 18th instant a reply was received from the Japanese minister of foreign affairs to the joint note of the foreign representatives of the 17th instant, appointing the following day, the 19th instant, for an interview at Yeddo with the highest officers of state on the Christian question.

I accordingly proceeded thither in company with my colleagues, and I now have the honor to submit herewith (inclosure No. 1) copy of a memorandum of the interesting conference held on that occasion.

From this memorandum (your perusal of which I beg especially to invite) you will perceive that the high officers of this empire engaged themselves to reconsider this question, and that pending the reconsideration the deportation of the native Christians from Urakami should be suspended, and that no further persecutions of any kind against them would in the mean time be entered into.

The apparent frankness with which this matter had been treated at the conference by these high officers, and this apparent desire to conciliate the good-will of the civilized world, was very encouraging and reassuring to all of us foreign representatives, and we returned that evening to Yokohama pleasantly impressed with the idea that through coöperation and energy we had succeeded in this highly delicate and difficult matter, in averting some evil, and in laying a broad foundation for future success by continued coöperation and remonstrances.

You may judge, then, of our surprise and chagrin when, on the day before yesterday, the Pacific Mail Steamship Company's steamer New York arrived at this port bearing the unwelcome intelligence that the governor of Nagasaki, acting under peremptory orders from the Mikado's government, had forestalled the reconsideration of this question by deporting three thousand one hundred and seventy of these unfortunate people—in fact all, or nearly all, of the native Christians at Urakami.

From some cause unexplained and most annoying, no report of this subsequent action was forwarded to me by this mail by our consul at Nagasaki, but I am enabled, through the kindness of my colleague, Mr. de Brandt, to send you the report received by him from his consul at that port, a copy of which he most kindly furnished me, and which I herewith transmit, marked inclosure No. 2.

I have further learned, both from the minister of France and the German chargé d'affaires, that some fears are entertained for the safety of the Christian missionaries at Nagasaki, and the danger is considered so urgent that the French minister has seen proper to immediately send to that port the French gunboat Flamme.

From evidence received by me from unofficial sources and deemed reliable, I am led to believe that in this deportation families were separated with perfect ruthlessness, the men being sent to different provinces as convicts to literally fulfill the original decree of the Mikado against them, to wit, "that they should labor in the mines and live in forests;" that the women, whether married or single, were sent to houses of public resort, and the children so distributed as to secure their being strictly educated in the Sintoo faith; and the most unpardonable feature of the affair, that these high officers of the Mikado government must have known that this was already done, or being done, when they accepted our proposition for a conference, and while at that conference

they were engaged in allaying our anxieties by promises that further proceedings should be stayed.

I must also state that I consider the evasion of the Mikado's high officers at the conference to inform us as to where these unfortunates were to be sent as deliberate dissimulation upon their parts, and I now do not doubt but that their argument for holding the conference at a time when they knew that this deportation was taking place was, instead of being, as we most fondly hoped, for the honest purpose of trying to arrive with us at some understanding for a satisfactory settlement of this matter, merely a device to gain time to have these orders fully executed before any resistance to their execution could be offered.

It may also be safely assumed that their assertions at the conference that houses and lands are provided for these exiles is as baseless as their assertions, made to us in that conference, to the effect that the families of these Christians were not to be separated.

That these people have not been guilty of any other or further offense against the government than that of becoming Christians is doubtless true, and the statements of the Mikado's officers at the conference so often repeated, to the effect that these men were not being punished on account of being Christians, but solely on account of their seditious and rebellious practices, is proved to be unfounded by the admissions made in the conference, that those of them who had been formerly deported and who had recanted had been returned, and also by the decree of the Mikado himself, which is directed against Christians as such in express terms. The difficulties of obtaining authentic information on all of these points, when dealing with such authorities and in a country where we have no means of obtaining any information from the interior where those people are sent, will be apparent to you.

One advantage, however, as I consider it, has arisen from the holding of that conference.

We there obtained from these high officers the distinct and positive avowal that the Mikado's government is based upon the Sintoo creed, and for its perpetuity depends upon the maintenance of that faith at all hazards. That they foresee in the propagation of Christianity the overthrow of this faith and the consequent fall of the Mikado's dynasty, which *pro confesso* has no other hold upon the people or the princess than that engendered by the idolatrous belief in the divinity of his origin; that they fear the advance of Christianity more than they do the consequences of wounding the sensibilities of the Christian powers, and, entrenching themselves behind the legal shield of an abstract right on their part to manage their own internal affairs without foreign interposition, they intend by such practices as these to maintain this faith and the government based upon it until forced to abandon them.

That remonstrances on the part of the treaty powers' representatives will cause them to change this policy I do not for a moment believe.

That it was the liberal foreign policy of the Tycoon's government that led to the rebellion and his overthrow is a well-established fact. That the rebellion against his authority was incited by an appeal to the anti-foreign sentiments of the daimios and others is certain, and that the Mikado's party succeeded by this appeal in seizing upon this government is an undoubted fact.

Hence, we have in this government one impliedly and expressly pledged to hostility to foreigners and the Christian faith; and from such a government, so intended and so committed, I can see no hopes of effecting aught for important or general good relative to this subject by simple remonstrances. Thus, then, the issue stands framed; and thus

simplified, the Christian powers may now know the exact spirit and disposition of this government relative to this question.

What further is to be done in the premises by me is a question I now beg leave to submit to your superior judgment for determination.

In dealing with this question so far I have carefully governed myself by the instructions given to my predecessor on this subject, and which I was instructed by you to consider as applicable and binding upon myself; but I feel that those instructions now stand exhausted, and I most earnestly solicit other and further instructions upon this matter, so full and complete that I may know the full extent to which I may proceed should exigences of a very grave nature arise, which is not improbable, as I fear that these authorities will become much emboldened by the success of this movement, if they find that for any considerable length of time it is allowed to pass unmet by aught else than remonstrances and vague warnings.

I deeply regret this occurrence, which I am sure will shock the civilized world.

I do not urge or recommend further action than already taken; but that the struggle will continue between the attempted advances of Christianity and idolatrous resistance is plainly to be foreseen, and what serious results may soon follow again none can tell.

It is in the light of this apprehension that I ask for full and explicit instructions.

In the mean time I shall content myself with following the course which I have already pursued in concert with my colleagues, although keenly conscious of its perfect inefficiency, as proved by the circumstances now related.

For a more full understanding of the bearing of this question upon the political affairs of Japan, so far as understood by me, I beg leave to refer you to my dispatch No. 14, which is a political summary.

C. E. DE LONG.

PROTOCOL.

Proceedings of a conference held at the foreign office January 19, A. D. 1870, on the subject of the persecution of the native Christians by the Japanese authorities.

Present: Sir Harry Parkes, her Britannic Majesty's envoy extraordinary and minister plenipotentiary; M. M. Outrey, minister plenipotentiary of France; Charles E. De Long, minister resident of the United States; Mr. de Brandt, chargé d'affaires of the North German Confederation; Messrs. von Sieboldt, Dieborgues, Kemperman, interpreters; Sanjo, prime minister of Japan; Ewankura, former prime minister; Sava Terashima, minister of foreign affairs; eight members of the state council, secretaries, and censors.

At one o'clock p. m. the prime minister Sanjo opened the conference.

SANJO: We have received and replied to the notes of you gentlemen representatives of the foreign powers, and now hold this personal interview to explain more fully the reasons that have governed us in proceeding as we have done with regard to the native Christians of Ukuwaura. Our government has always borne in mind the promises it made at Osacca* that it would not be severe in its treatment of these people, and I now propose to explain how I have fulfilled that promise. Since last year the government have had a full opportunity of discovering and understanding the character of the Japanese people who profess Christianity, and it has learned that they have become troublesome, and if allowed to proceed unchecked will subvert all governmental authority, interfere with trade, and seriously affect the relations of this government with foreign nations.

This government does not move these people on account of their religious professions' but on account of their having been for a long time ungovernable and insubordinate and on this account the government has determined to change their residence.

The government heretofore removed some of them, and have treated them with kind-

* Sanjo is mistaken, the promise was made at Yokohama.

ness, and those now being removed are being treated in the same manner, and consequently we do not think that we have destroyed or violated the promises made by this government last year to the foreign representatives.

This government, in allotting to these people new residences, has not been persecuting them. We have sent orders to Nagasaki that until further orders are received, no more are to be removed. This has not been done at the instance of the foreign representatives but on account of our own conclusions arrived at in our own councils. Two officers will leave on to-morrow bearing these orders.

These are the instructions of this government, and if the foreign representatives now have any observations to make we would be pleased to hear them.

SIR HARRY PARKES: I have had every reason for supposing that the decree of banishment of the native Christians of Okuwaura had been reconsidered and was to remain inoperative. To my great disappointment, I found, when at Nagasaki a few days since, that that decree was being carried out and some seven hundred men were to be banished. My own judgment of this, and I am sure it will be of my government, is that this was a most cruel proceeding, and the only reason assigned being that these people professed the Christian religion, and that is the religion of my countrymen.

Such an act when known in England will produce a bad effect and be looked upon as a most unfriendly act. It is my hope and trust that my country may continue to have and hold the same friendly relations with Japan that it has ever heretofore had; but such acts as this are calculated to disturb these friendly relations, and for my own part I cannot understand how you make out that there is no departure on your part from the previous promises made to the foreign representatives.

If a few of these people commit wrongs, punish them; but to visit this punishment on families, and on thousands, is contrary to our view of right. To my sense, this act is not in conformity with the promises made by the Japanese government to us; and hence we have sought this interview, hoping to arrive at some understanding that will harmonize the acts of this government with its promises.

M. OUTREY. In my opinion there is a misunderstanding about a word. You said you would act "mildly" toward native Christians. I suppose the greatest punishment you consider that you could inflict is death, and I suppose what you mean by "mild treatment" is, that you will not *kill* them. This is not our understanding of "mild treatment." In our country it is regarded that a man taken from his family and banished is most cruelly treated. According to the way we understand those words, we reported that you would treat them mildly: and now we have to report that they have been deported, that is, banished and separated from their families. That cannot be understood as "mild treatment" by our countrymen. My government has most certainly a strong desire to cultivate kind relations with Japan, but I fear that when these reports reach it a great excitement will ensue.

For my own sake I do assure you that my every feeling is of the kindest nature for this government and people, and my every desire is to promote in every way the kind relations between our governments now existing.

EWANKURA. There is a misunderstanding; we consider that we have acted mildly, and as we promised. These persons recently deported have had their families sent with them, and this cannot be called severe punishment. They have lands assigned them and an opportunity given them to make a living as they had before. Heretofore the punishment for this offense was crucifixion; this we had moderated at the request of the foreign representatives, but you know that in Japan, where all the people believe in one religion, that a sudden change or the sudden introduction of a new religion would produce great and constant political disturbances. Our object now is to converse on this subject. If in the future we understand and believe it to be necessary we will still execute this order. If it was only for those people at Urakami believing in Christianity, this government would never have thought of moving them. Whether it is on account of their religious belief, or because bad persons seek refuge there, we do not know; but trouble ensues, and the only way we know of correcting it was dividing them up and sending them away. This is done solely on account of their acts of insubordination.

M. OUTREY. This is not in accordance with the letter you wrote us. I will ask what are those things in which they are disobedient? Is it because they profess Christianity or not?

SAWA. I was myself for a long time governor of Nagasaki, and I know all about these people. What I now say is that it is not owing to the influence of missionaries that criminals from neighboring daimios' clans take refuge in these Christian villages, are there received; they then profess Christianity, are baptized, &c., and when the government officers seek to apprehend them collisions ensue between these Christians and the forces sent to apprehend them, while, in fact, these men are robbers.

M. OUTREY. I wonder that you have the power to punish a whole village, and not a few persons in it. There is contradiction here.

SAWA. I did not mean to say that we could not arrest them, but that the whole people of the village would resist our officers, pretending that the man was being ar-

rested on account of his religious faith, when really it was for some crime he had committed.

TERASCHIMA. The villagers among themselves are extremely hostile toward those in the same village not of the same religious faith; that is, among our people it is quite usual for one to help another in necessity by making little loans of salt or provisions. When asked such favors these Christians would not grant them unless the others would profess Christianity; and many have thus been starved or driven into professing Christianity. Their conduct has been constantly overbearing. They have not come to open hostilities, but they have pursued a system of vexation and intimidation so oppressive that it has led many to leave. They also find ways of spreading reports about their treatment by which sometimes foreign representatives are deceived.

M. OUTREY. I have not received such reports.

TERASCHIMA. The only thing we intend to do is to get them where we can control them and correct them.

SAWA. The upshot of this matter is that we do not move these people on account of their profession of the Christian faith, but on account of their actions, and this government would have pursued the same course with any other people; and unless we do this we do not know how we will govern them.

M. OUTREY. How many people?

SAWA. About five thousand.

M. OUTREY. How many Christians?

SAWA. About three thousand.

M. OUTREY. Three thousand are troubling two thousand, and you remove the three thousand.

SAWA. Yes.

M. OUTREY. I thought there was four thousand, according to this decree.

SAWA. This included native Christians in neighboring villages.

Mr. DE LONG. Has the decree of deportation which was published last year been repealed or amended?

SAWA. It was left in abeyance for awhile on account of our internal troubles. It has not been repealed or amended.

TERASCHIMA. We were prevented from carrying it out, also, on account of the expenses we would have had to incur, these Christians not being treated as criminals, but they were provided with houses and lands, besides their number being very large. We have hoped the respite given them would induce them to amend their ways. In this we were mistaken.

Mr. DE LONG. Then the decree now being enforced is the original decree?

SAWA. Yes, but in a milder form; and we shall explain the difference to you.

TERASCHIMA. Formerly only the men were to be deported; now they are not separated from their families, and will even be furnished lands and houses.

Mr. DE LONG. When was this last decree issued?

SAWA. On the 19th of last month.

Mr. DE LONG. But you never reported the decree to us.

SAWA. I wrote you a dispatch on the subject.

Mr. DE LONG. But you informed me in that dispatch that you were executing the former decree. I should like an answer to my question, which is, Is the former decree being executed, or has a new one been issued?

SAWA. We shall explain the matter; orders were sent formerly—

TERASCHIMA. Orders were formerly sent to Nagasaki. Their execution was prevented from internal reasons, and also on account of the representations of the foreign ministers. Now milder orders have been sent.

Mr. DE LONG. Why then did you declare in your letter to me that you were but enforcing the original decree; and why did you not give me notice of these modifications you *now* speak of?

SAWA. The fault is mine. I expressed myself badly, but now I have given you the explanations.

Mr. DE LONG. In what respect are the new orders different from the old?

SAWA. Formerly only the men were deported; now they are left together with their families. There is a marked difference between these two decrees of punishment—the former much the most severe.

Mr. DE LONG. How many people have been sent away under these last orders?

SAWA. Up to the 6th day of this month five hundred men were sent. The women and children were to be sent the next day.

Mr. DE LONG. Where were they sent to?

TERASCHIMA. We do not exactly know; we only know they had left.

Mr. DE LONG. How then can you know that they are provided with houses and lands?

TERASCHIMA. From one of the *sinjo* (counsellor) we have reports on these subjects, but do not know the details by heart.

Mr. DE LONG. Where were they sent?

TERASCHIMA. I cannot exactly tell; some to other parts of Kiu Siu, some to Chosin. SAWA. You can rest assured that we will not separate the women and children from the men.

Mr. DE LONG. Am I right in understanding that you will at once take steps to suspend any further proceedings under this order?

SAWA. Orders have been issued to that effect.

Mr. DE LONG. I wish to state to you, as I have often done before, that my Government feels a most lively interest in the affairs and prosperity of this empire. It wishes to aid you in every possible way, and has no single intent or feeling to serve, but will find fulfillments in your increasing prosperity; but such action as this on the part of your government will send a thrill of horror throughout the United States, where freedom of religious belief is granted to all, and yet where the Christian religion is almost universally professed.

It is not too much for me to say that this action may chill the warm tide of governmental good-will that is now flowing to you from the United States, and by proceeding further in this course you may change that mighty nation, your nearest treaty neighbor, into a hostile power. I warn you to pause, for I doubt that the Christian world will quietly submit to seeing people thus banished into slavery for no other offense than that of having become convinced of the truths of Christianity and professing their convictions; and from what you have here stated I concur with my colleagues in assuring you of my convictions that this people that you are punishing, you are proceeding against for no other reason than the simple one that they have become converts to Christianity.

SAWA. I am ready to withdraw my former letter to you, and address you and them, giving you fuller explanations.

Mr. DE LONG. I would be much pleased to hear any further explanations you may have to offer of your action, and especially do I desire that you will inform me of the exact nature of this decree that you are executing, if it differs from the former one; but as your former letter has been placed on file in my legation, and now constitutes a portion of its archives, I must respectfully decline to allow you to recall it.

EWANKURA. To enable us to maintain friendly relations with foreign powers it is absolutely necessary for us to be able to govern our own people, and we are therefore obliged to carry out these measures against the Urakami people. The foreign minister misconstrued our acts, and in order to give them a proof of our good will we acted as we have done, and sent contrary orders to Nagasaki, but we should like very much to be enabled to carry out our former orders, and it is a bad thing for a government to recall orders once given.

VON BRANDT. I have but little to add to what has been said by my colleagues. We wish to continue friendly relations. This action will appear to the people of Germany like a proceeding against Christians. We recognize the right of this government to manage its own internal affairs, and to that end to arrest and punish malefactors; but I cannot avoid the impression that this proceeding is a proceeding against Christians as such, for their professions of that faith. This impression is much strengthened by the manifestoes and proclamations of this government being directed against Christians. No government more readily than Germany will recognize the right of this government to preserve order, and none will object or interfere more reluctantly than the German with the exercise of that right.

EWANKURA. If this government has prohibited the Christian religion in Japan, it is not because it is opposed to it, but because we foresee great troubles to ensue from it, as, for instance, if one man in a hundred becomes converted to that faith it would lead to a splitting up and dividing of the people. Formerly the laws against this were very strict; now they are three or four degrees milder than formerly, but we cannot allow it to be professed generally.

VON BRANDT. We do not ask you to allow the free exercise of it, but we do ask that men who do profess it shall not be punished for professing it; in this there is a great distinction. I ask no change of laws, but simply to allow those who do profess Christianity to remain without being tortured for their faith.

EWANKURA. You must consider the motives of our government, as, for instance, the native Christians formerly sent from this village to Chosin are all to be returned now, as they have recanted their professing of Christianity.

M. OUTREY. This is a contradiction. This proves that it was because they professed Christianity that they were punished, as now that they have recanted their punishment ceases. If all would now publicly recant their professions of Christianity would they all be allowed to remain?

EWANKURA. Yes; if they follow the religion of their emperor, and obey the authority of the government, no reason for their punishment exists.

M. OUTREY. Then it is plain they are being punished because they are Christians.

VON BRANDT. We appeal to you as you would to us, in behalf of any number of our countrymen in our own country, who might profess the religion of Japan, (a religion which we respect,) if our government should seek to punish these men for so doing,

and we ask you to consider this appeal as you would wish such an one of your own considered.

M. OUTREY. We respect your religion.

TERASCHIMA. If I said that this was being done on account of the religion of these men, it was only true in one sense, but the main reason is that in consequence of their professing the Christian religion, they despise their own. According to the Sintoo religion, the Mikado is the direct descendant of the spirit; thus he rules by divine right, and on account of his divine origin. Christianity teaches our people to despise and disbelieve this feature of our faith, and thus it brings this sacred thing into contempt. As, for instance, these Christians, instead of going to the Sintoo temple in Owakara, sacred to the Mikado, and worshipping, they refuse to do it, and thus treat the Mikado contemptuously, and lead others to disrespect him.

M. OUTREY. How comes it, if this is the reason of your opposition to Christians and Christianity, that you do not punish the Buddhists? The Mikado is the chief of the Sintoo faith, and he cannot be the chief of more than one religion.

TERASCHIMA. The Buddhists show their respect to the Sintoo faith by agreeing to this principle.

M. OUTREY. Yes; but they have their own temples and priests. Do they compel them to go to the Sintoo temples and pay their respect?

EWANKURA. In Japan, whether Buddhists or not, they have respect for, and adore the Tensio Daisen, the ancestor of the Mikado, as such, but Christians do not. They insult and ridicule her, and of course thereby insult and ridicule the Mikado.

VON BRANDT. How do they insult her?

TERASCHIMA. In Owakura, at this temple of Tensio Daisen, they have a peculiar gate sacred to the Mikado ancestor. These Christians never will go through this gate, but go around it, and thus show all the people how they despise the goddess, and teach others to despise her also. Then, in all Sintoo houses, the people have idols, family gods, and also sacred writings; they insult these idols, and put the sacred writings in indecent and filthy places, to show the people how they despise them.

M. OUTREY. Was this done in their own houses?

TERASCHIMA. There is a place there called Shima Carn, with several little red gates, and inside grass grows, which people gather, and they will throw this grass through these gates and go around after it, rather than pass through them. This action itself may be small, but the feeling exhibited is great, and shows disrespect to the Mikado and his ancestor. The systems of government here and in Europe, you must bear in mind, are different. There the people have more or less to do with the government; here, they have nothing to do with it; and to maintain this government it is absolutely necessary for us to compel all the people to believe in the divine origin of the Mikado, and respect and reverence him and his ancestors. Thus the Tycoon's government ceased to answer the purpose, as many of the daimios refused obedience to the Shogoon, saying he had no authority to govern them, and hence it became necessary for the Mikado to assume charge of the government, being the one they all acknowledged has the divine right to rule. To carry out this idea it is necessary for us to maintain this religion, and to put down all that oppose it, or we would have no government.

Sir HARRY PARKES. (After consulting with all of his colleagues, and in their name made the subsequent declaration.) We have listened to all that has been said, and I must state very plainly that our impressions are that this proceeding, against this people at Owakura, is on account of their being Christians. Now I must again repeat that to persecute this people on that account must be offensive to all the treaty powers. You are oppressing them because they profess the faith that we do, and this must be offensive to us. We do not doubt your intentions, nor do we doubt your desire, and that of the government, to maintain friendly relations with all the treaty powers, and I come with my colleagues because I foresee, in your persistence in this cause, great trouble in the future. We beg you to reconsider your action; we do not come desiring to add one particle to your embarrassments, but to urge upon you our views, that this course will disturb our friendly relations; and having these views, it is our duty to come to you and point out the danger. You have told us that you will suspend these proceedings. For this we thank you, and we now beg you to examine this question, and we hope you will see that it will be unnecessary to remove the residue of these people, as Mr. Ewankura just now intimated.

Mr. OUTREY. You must remember that these questions will severely affect our people, and in Europe, where the people have much to do with the government, they will affect the government in time; you must recognize the state of European government.

DE LONG. More particularly is this the case in the United States of America, which is a government of the people, where all men are permitted to entertain and practice any religion they may believe; and they profess the same faith (Christian) for embracing which you so severely punish this people.

VON BRANDT. I most heartily concur with my colleagues in asking a suspension of the execution of this order, and your most earnest reconsideration of the whole matter.

EWANKURA. It comes quite under the reasons that we give that the influence of the

people in Europe in the government is great; so it is here in Japan, and here the people are not in favor of the introduction of the Christian religion. This government is absolute, and if they allow this to be discharged the government cannot be carried on, because the government is based on this religion. By it the Mikado assumed control and now reigns, and by this reason we are obliged to repress Christianity, but do not like to do it so as to give offense. I hope this will be understood.

TERASCHIMA. In referring these religious questions to the treaties it will be seen that the engagements are mutual; that foreigners in Japan can have their own places of worship, and practice their own religions, and that neither are to disturb the other. This at least is the spirit of the treaty. Now, although we have given foreigners their own places of worship, and have never interfered with them, we have found out that missionaries have established a place of worship at Owakura, not within the limits of the foreign settlement, where they go at night and preach their faith.

M. OUTREY. They must not have this; this is the first I have heard of it.

TERASCHIMA. Although it is not, perhaps, according to the letter of the treaty that foreigners' places of worship should not be attended by Japanese, we consider that foreigners have no right to go inside of the settlement propagating their faith, as they are doing. It appears to this government that these missionaries have also led these people so to act as to implicate them seriously. That they have promised them assistance if troubled by our government is evidenced by the fact that when we attempt to control them they always rush to these priests and complain to them. That we ought sooner to come forward with our complaints against these priests we admit, and we are very sorry that we have not done it; but thinking that the shortest way would be to deal with our own subjects, we have let it go on. Now we regret this; for if we had sooner complained it would have resulted in only ten or a hundred being moved.

M. OUTREY. I regret that you have never informed us of this; but I wish to say this persecution commenced four years ago, and this shows that the more they are persecuted the more they increase; and we know that at a place in the interior where there were no priests, you have had to persecute these people for Christianity; and this we know from your own official newspaper.

TERASCHIMA. That is true. But there are Japanese who are preaching Christianity.

M. OUTREY. Do you not know that in the time of the Tycoon your government suddenly heard of four or five thousand native Christians? Were they not Christians from their fathers? And does not this prove that the more you persecute the more Christians there will be?

TERASCHIMA. It is possible that those were people who were Christians before this; if so, they kept it still. The government was not going so far as to try and find out the sentiments of a man's heart, and punish him for that; but these men are seditious, and we cannot tolerate them. We will not say the missionaries advise this; but the people do defy the government. The officers from Nagasaki inform us that they have turned one of the ten temples there into a place of worship, and there the people assemble and await the missionaries, who come in the night and perform religious worship.

M. OUTREY. Destroy the houses there, and stop it if it is not within the treaty limits.

TERASCHIMA. These missionaries employ two-sworded men, who are outcasts, as sub-instructors, who go about teaching, and it is owing to these that Christianity is propagated inland. Now, the reason we move these people is to take them from under the influence of these missionaries. To say the truth, Orokami and other such villages have become the asylum of outcasts, and there they congregate and claim that they are under the protection of foreign powers. I know well these people have been led to believe so.

M. OUTREY. We certainly have never any of us, or our consuls, given them any such assurances, and we have never heard of this before. We trust you will reconsider your actions, because it will cause great feeling in Europe and America, and may lead to serious results. We ask postponement and due reflection.

EWANKURA. I can only repeat that we desire friendly relations, but we must be allowed to govern our own people. We thank you for your evidence of friendliness, and we will send orders to postpone further actions pending this conference, and in this conference it will depend whether we go further or not. We have spoken of the wrongs of the missionaries, which you ministers cannot defend; and we hope it is in the power of you ministers to control these missionaries, whether they will behave or not.

M. OUTREY. We will do what we can to make our people in all cases do right.

DE LONG. I state, unhesitatingly, that when any complaint is made to me of a wrong done by any American citizen, I shall always be as ready and willing to restrain or punish him, as I am prompt to demand redress for my countrymen from this government when I consider them aggrieved.

EWANKURA. I am very much pleased with this frank and open expression of your opinion, and by this remark I judge that we will, no doubt, be able to come to some understanding, which will save the necessity of further deportation. We will then

leave the matter here and meet another day. The council agreed four or five days ago to stop these proceedings, and an officer will leave to-morrow to suspend them. Sawa and Taraschima will further confer with you upon this subject as you may please, and with this we adjourn this conference.

CONSULATE OF THE NETHERLANDS,
Nagasaki, January 14, 1870.

SIR: I have the honor to inform you that the persecution against the native Christians, which had been suspended in 1868, has been resumed by the Japanese authorities of this port with an energy worthy of a better cause. Already a number of 3,170 souls—men, women, and children, residing in this vicinity—have been placed on board of various vessels, which sailed from here for different provinces of Japan to be educated there.

On learning this measure, having for object the tearing asunder of all social ties among these unfortunate people, as parents are separated from their children and husbands from their wives, to be distributed and isolated, the consuls of the treaty powers at this port, moved by sympathy for the victims of such barbaric treatment, united in a letter to the governor of this port, copy of which I have the honor to transmit, inclosed herewith. No explanation of the joint note is needed.

At a conference, which all the consuls of the treaty powers attended by invitation of the governor of Nagasaki, in pursuance of their joint note, the representatives of the Japanese government verbally announced to us that in this matter of the deportation of Japanese Christians he simply carried out the instructions which had been sent him by the Mikado government, and the execution of those instructions he could on no consideration delay or suspend.

Neither the remonstrances of the consuls against this barbaric measure, though couched in friendly and courteous language, nor the reference to judgment, which the civilized world will not fail to pronounce in regard to it, had the slightest effect whatever, either in obtaining a postponement of this severe and inhuman purpose or a modification of its execution. Several vessels, foreign and native, also steamers, have sailed from this port and from the Bay of Tokitu, on board of which the Japanese Christians have been sent to places which, notwithstanding my best and repeated endeavors, I have found it impossible to ascertain. All questions in this respect the Japanese authorities answered evasively by saying that those people would be sent to different provinces.

The deportation of the Christians has taken place without creating the slightest disturbance among the remainder of the population.

The Japanese Christians chiefly resided at Urakami, a village situated at the head of this bay; at Ipongi, another village, and in the vicinity, and also the town of Nagasaki.

J. P. TOMBRINK,
The Consul of the Netherlands.

No. 285.

Mr. De Long to Mr. Fish.

No. 14.] LEGATION OF THE UNITED STATES IN JAPAN,
Yokohama, January 22, 1870. (Received February 24.)

SIR: A few days ago the Prince of Satsuma suddenly returned from Yedo to his province with a portion of his forces; the remainder are reported to be still guarding the Mikado in the castle at the capital.

As on former occasions, whenever that powerful daimio approaches the Mikado, his former confederates, the Princes of Choshu and Tosa, are known to be narrowly watching his proceedings, and all the other great daimios hold themselves aloof; and, on the other hand, as soon as Prince Satsuma returns to his province, other princes more or less show an inclination to counteract the influence which the ambitious prince is suspected of exercising. Yet the most absolute reserve continues to be generally maintained by the daimios in their intercourse with the Mikado's government.

In former times, when the law of compulsory residence at the capital for daimios was in force, the Tycoon, or Shogung, then the sovereign of Japan, was surrounded at his court by all the princes. This court was an exhibition of sovereign power, and the imperial display was deemed essential to the proper enforcement of the law and the maintenance of tranquillity in the empire.

It is not surprising, therefore, that the Mikado's advisers, even since his Majesty's accession to power by the half forced and half voluntary withdrawal of the late Tycoon, should have endeavored to bring about such a gathering of daimios around the imperial throne.

All their efforts in this respect have failed. The Mikado was considered, as heretofore, in the light of a mere political abstraction, without inherent strength of his own, and whose claim to govern was only based on an alleged divine origin, which no one hitherto thought it worth while to question.

The daimios, therefore, only reluctantly yield a nominal obedience, and persistently, under some plea or other, have excused themselves from personal attendance at the Mikado's court.

The imperial advisers, thus baffled in their attempts to compel a cordial recognition of the Mikado's sovereign claims, issued a decree abolishing all daimios, reducing them in rank to simple noblemen, and appointing them governors of their respective provinces, though removable at the Mikado's pleasure. And when this decree, as might have been expected, failed to produce the desired result, and remained unnoticed and unacknowledged, even by means of respectful remonstrances, another one was issued, appointing leading relations of daimios as Mikado's officers, to act as censors in his Majesty's behalf with and over the governments of their provinces. This second decree fared worse than the first, and even led, in some instances, to acts amounting to overt contempt of the Mikado's authority.

More immediately pressing embarrassments had, however, first to be disposed of. The rice crop had been a failure, and food had to be provided for the large population of Yedo, Kioto, and Osacca, among whom riots had to be prevented at all costs. The population of those cities are dissatisfied with the prevailing stagnation of trade; and, in addition, the people of Kioto, owing to the continued absence of the Mikado, claim to have a political grievance against Yedo, on a question of supremacy or precedence of their city as the true capital of Japan.

Rice, therefore, has been, and continues to be, largely imported from abroad, and is distributed by the government in the three cities named, in some cases gratuitously or below cost. With the rice in the government storehouse, the supply held by merchants, and that now afloat on the way to this country, it may fairly be presumed that the greatest apprehension of the government has been removed, and that this winter will pass without disturbances among the large city population.

The necessary measure being, perhaps, one of self-preservation, has involved a large expenditure on the part of the government; and that this has been in excess of the revenue is clearly shown by the necessity under which they found themselves placed of contracting a loan from foreigners, a step which they would undoubtedly have avoided if possible, for it proves that they are unable to borrow from their own people, or to enforce new taxes, and, further, that they risk to incur further unpopularity in view of the anti-foreign feeling, through the active strength of which they established their authority.

This anti-foreign feeling, though quite personal, appears to be strongest and most uncompromising with the class of independent gentry or

country squires residing in the provinces surrounding Kioto. They are estimated to number at least twenty thousand men, and appear to have their headquarters at a place named Tots Kawa, though they are known to have no political organization. At that place they even barred the Mikado's progress, on the occasion of his coming to Yedo, and they were with difficulty induced to peaceably disperse.

It is through this place that the Mikado will soon again have to pass, if he should be forced to yield to the urgent demands now being made upon him to return to Kioto, in order to assert his spiritual power and perform the customary rites at the tombs of his ancestors, in compliance with prevailing superstition. It seems to be unquestioned that in this direction the Sintoo priesthood is now applying a vigorous pressure, with the ulterior object, no doubt, of at the same time securing some more definite action, in redemption of the pledges made on the occasion of the assumption, by the Mikado, of sovereign power in secular affairs, that their creed would become the prevailing one in this empire, to the exclusion or extirpation of all others.

Although all the foregoing well-known facts have been more fully set forth in former dispatches, I deemed that this brief summary would be acceptable in view of the undoubted and intimate connection which exists between the general state of affairs in this country and the Christianity question, submitted in dispatches of this series, and then more readily enable you to appreciate that difficulty in the political bearing.

Unaccountable as it seemed at first sight, why, at this present juncture of accumulating internal complications, liable at any moment to be rendered still more embarrassing by anticipated hostilities breaking out afresh among daimios, the Mikado's government should have acted in a manner likely to place their friendly relations with foreign powers in jeopardy. I have, after a careful review of all the facts, arrived at the conclusion that there is but one way of explaining the course adopted by the Mikado's government on this occasion, and that the motives for their action, however extraordinary it appears on the surface, must be sought and can only be found in the extreme necessities of the situation, calling for extreme measures to meet and overcome them.

It is quite clear that, by the deportation of over three thousand native Christians, the Mikado's government contemplated to conciliate the Sintoo priesthood, the bigoted country squires and all those numerous daimio's retainers and others in all parts of Japan, who are only by their own quarrels and feuds with their neighbors prevented from forming and organizing themselves into a great national anti-foreign party, which, if it were possible, would be overwhelming in its strength and unanimity on that basis.

The ostentatious manner in which the deportation was consummated, including the formal reception in conference, at Yedo, of the foreign representatives, who on all occasions announced their presence in the capital by flying their flags; the conspicuous place on a great thoroughfare selected for that conference, and the minute subdivision of that large body of native Christians among the greatest possible number of daimios, are all so many reasons, showing that the greatest publicity was intended, and has probably obtained for the measure, as an exhibition of strength of the Mikado's government, of their independence of foreign opinion, thus flattering the proud anti-foreign feeling existing, and if successful in being acknowledged as evidence of real power, it is no doubt hoped that it may equally be successful in eliciting a more than nominal recognition from the daimios, without whose active sup-

port or implicit obedience a Mikado's government, or any other government, can hardly be expected to prove more than a sham.

The Mikado's government is perfectly aware, having been emphatically reminded to that effect, of the impression this act of deportation will not fail to create in the civilized world, and with the governments of the treaty powers, but having on so many occasions received official assurances of friendly feeling, they may be presumed to trust that this friendly feeling, though altered by this cruel act of persecution, will not lead beyond energetic remonstrances; and to the official existence of those now in power, the considerations which led to its adoption and execution are no doubt perfectly excusable on the plea of immediate necessity.

The Mikado's original decree prescribes that those unfortunate people shall work in mines and live in forests, and this suggests, as there is a general desire now manifested in Japan to work mines of gold, silver, and coal, and as in many provinces a strong dislike is said to exist on the part of laborers, to trust themselves in the volcanic country at any depth below the surface of the soil, that those native Christians whose superstitious scruples in any respect are not likely to meet with much consideration will be made useful as pioneers in this important branch of the development of the immense mineral resources of this country.

While thus the Mikado's government yields to the bigotry and fanaticism of the many, courts their support by flattering their superstition, and endeavors to turn it to advantage with the aid of the Sintoo priesthood, by obtaining from and through them a renewed recognition of the divine right of their chief, they at the same time combat the superstition against working in deep shafts, among their country people, who appear to be apprehensive that while digging for a vein they may strike an earthquake.

It now remains to be seen what effect this bold and unscrupulous policy of the Mikado's government will produce, and in what manner they will follow it up, to insure the continuance in office of those who now exercise authority.

It may be expected that as, with them, the end justifies the means under all circumstances, that more high-handed proceedings will flow from those so recklessly inaugurated.

Purchases of arms and munitions by daimios continue. The Oneida, Commander Williams, sails to-morrow, and there will then be no national vessel in this country, except the storeship Idaho, recently disabled in a typhoon.

C. E. DE LONG,
Minister Resident in Japan.

No. 286.

Mr. De Long to Mr. Fish.

No. 16.]

YOKOHAMA, JAPAN,
January 23, 1870. (Received February 24.)

SIR: The mail steamer is just about to sail, and I have but just time sufficient to transmit to you a couple of reports, made by the native governor of Nagasaki to the Mikado's government, relative to the number of native Christians deported by him from Urakami, their

destination, treatment, &c., and which were by the government just transmitted to me. From these you will learn their own account of the manner in which this business was transacted, and to this you can of course attach such importance and credence as you may see proper. It is probable that these statements have been prepared and furnished with a view on the part of this government of allaying, as far as possible, the feeling abroad which this deportation is likely to create, and undoubtedly it is as favorably stated as the truth will allow. These reports fail to change in the least my former views of the subject, or of the intended treatment of these exiles, as I have explained to you in my dispatch No. 13 of this series.

C. E. DE LONG,
Minister Resident.

To his Excellency CHARLES E. DE LONG,
Minister Resident of the United States :

We beg to inclose herewith copies of two reports relative to the native Christians received by us this morning from the authorities at Nagasaki.

The 20th day of the 12th month, (January 21, 1870.)

With respect and consideration,

SAWA JUSAUNEI KIYOWARA NOBU YOSKI,
And TERASCHIMA JÜSKII FIYIWARA MUNENORI,
Ministers of Foreign Affairs.

Report to the department for foreign affairs by the authorities of Nagasaki, dated January 9, 1870.

We beg to report that up to yesterday we continued sending off the native Christians to various provinces as set forth in accompanying paper, taking good care, in conformity with the instructions received, to treat them kindly and tendering them advice. Heads of families were provided with money, and the sick who applied for relief were sent into hospital. The old and infirm were furnished with sedan chairs in places where the road was rough, and sandals for travelers were given to all. Families were not separated, in accordance with instructions, but some were sent to different places at their own request. We allowed them to take whatever they required of their own goods, and such as were left behind were placed in strong warehouses to await your further orders as to its disposal. As it was exceedingly cold and snow falling at the time, we furnished all with sake (rice whisky) to use on the road as and when they pleased. Strict orders were given by us to those officers who accompanied them to provide whatever could contribute to their comfort. It was clearly explained to them that all reasonable wants they may have shall be duly supplied in the provinces whither they are sent, and they all left cheerfully and in good spirits.

GOVERNMENT OF NAGASAKI.

[Inclosure with report of the Nagasaki authorities to the department for foreign affairs.]

List of distribution of native Christians, January, 1870.

114 persons to Kotsi; 102 to Takamatsu; 87 to Matsuje; 69 to Matsu Yama; 256 to Waka Yama; 114 to Oka Yama; 88 to Hori Yamo; 179 to Nassu Ya; 100 to Tsu; 45 to Himegi; 209 to Kassoshima; 525 to Kana Sawa; 83 to Daishioge; 234 to Fukoka; 155 to Tottori; 112 to Tok Sima; 93 to Tsuana; 66 to Fuku Yama. In all 2,810 persons. One hundred and eighty-five more persons shall be sent by sea by the first opportunity. Between fifty and sixty persons ran away, and their whereabouts are unknown.

No. 287.

Mr. De Long to Mr. Fish.

No. 20.]

LEGATION OF THE UNITED STATES IN JAPAN,
Yokohama, February 10, 1870. (Received March 28.)

SIR: On the 28th ultimo the Japanese ministers for foreign affairs came to this place for the purpose of holding an interview with the foreign

representatives on the Christianity question, but previous engagements preventing a meeting on that day, the Japanese ministers returned to Yedo and then made their statement in writing.

I transmit herewith inclosure No. 1, copy of their letter, covering a memorandum on this important subject, marked "confidential," as desired. In pursuance of an agreement to that effect the Japanese ministers came again yesterday, when a joint conference was held with them. On that occasion the Japanese ministers in substance repeated what they had already stated verbally and in writing. They promised that no more native converts to Christianity would be deported from Nagasaki, but as information had been received from foreign sources that diligent search is still being made by the authorities at that port and its vicinity for such native converts who are suspected of being concealed, their promises did not appear to possess any appreciable value.

The Japanese ministers further requested that propositions for the settlement of the Christianity question be made by the foreign representatives, but in the absence of instructions that have been applied for, I did not feel justified in venturing beyond the suggestion that the native Christians already deported should be returned to their homes.

The Japanese government assert that the action and the teaching of some foreign missionaries have caused serious disturbances, and that they regard Christianity only from a political point of view. They persist in considering it an aggressive movement, and are apparently determined to put down proselytism at all hazards and with all the means at their command.

The result of the conference was finally embodied in a memorandum, copy of which I herewith transmit, (inclosure No. 2.) This memorandum will be submitted to the council of state, whose views will be communicated to us.

C. E. DE LONG,
Minister Resident in Japan.

To his Excellency C. E. DE LONG,
Minister of the United States, &c., &c., &c.:

We intended to have an interview with you to-day, but learning that you are engaged and unable to appoint another day for the purpose, we now submit the subject in writing.

We trust that the matter of the native Christians, whom the government caused to be removed, has been fully comprehended by you, as Sanjo Udarjin and ourselves made a full statement in this respect the other day; still, as we think that our explanation may not have been sufficiently clear, we transmit herewith a memorandum on the subject, which we beg to inform you is not to be notified to our people. And we therefore request you will communicate it in strict privacy to your Government.

With respect and consideration, the 27th day of the 12th month, January 28, 1870,

SAWA JUSAUNEI KIYOWARA NOBU YOSKI,
And TERASCHIMA JŪSKII TIYIWARA MŪNENORI.

[Confidential.]

MEMORANDUM.

They (the Japanese ministers) understand that the foreign ministers are dissatisfied with the measures taken by the Japanese government relative to the native Christians.

Appreciating friendly intercourse and the respect of the treaty powers for Japan, they have deemed it their duty to explain their motives for these measures; that the inhabitants of the village of Urakami are wrong in worshipping a foreign religion is not the question, but as co-religionists they formed a party and thwarted the authorities. The government would not treat those people severely, simply because of their worship. The government never inquire what religious opinions people inwardly profess, and

as long as they infringe no laws or offer no resistance, though there may be many who profess foreign religions, they will not be interfered with. And hence, since the conclusion of treaties with foreign countries has the government abolished the law of Fromi Se, (trampling on Christian emblems,) which was established for the purpose of inspecting people's hearts.

The government have engaged in their schools to teach languages, &c., those who come here as missionaries, and have permitted any one to translate and sell publicly all sorts of books, even such as relate to religions. This proves that the government intends to change the law respecting religion, but when the people commit wrongs and misdemeanors, infringe the laws of the country, or resist the power of the government on the plea of being Christians, or when they are told by missionaries that they will not be punished, as foreigners will protect them, then the government must step in, as such things cannot be permitted. Advice must then be given to such people, and they must be brought back to submission to the laws of their country.

The government carries out the treaty in allowing foreigners to worship their own religions, and build churches in Japan, but they are dissatisfied with foreign priests who induce the people to worship with them. They use soft speech and science, or give money to those who worship their religion, telling them that foreigners will aid them, and the people consequently become so outrageous as to insult the authorities, and this must be remedied. On investigation, it has invariably been found that these so-called native Christians are only so in name; their acts, however, are such as would undoubtedly be punished in all other countries. They conceal among themselves all sorts of criminals, whom the government wants to have arrested; they always disputed with others, and caused disturbances; insulted our ancient religion, destroyed images of gods, and defiled the gods from whom his Majesty the Mikado is descended. If these people were left alone they would cause great trouble, the government might be weakened, and the country endangered. It would have been quite proper to punish these people severely, but as it was promised in January, 1869, by Higashi Kwse to the foreign ministers, that they would hereafter be treated leniently, the government had no other means in dealing with this matter than to remove those people to other places and thus cut off their communication with priests, whose desires of converting them may not be bad, but unfortunately the Japanese misapprehended the matter and insulted the authorities. The government removed them in the manner as promised to the foreign ministers. No severe treatment was inflicted, but all necessary aid was rendered. This the government prepared to prove.

The foregoing are the reasons which led to the measure that has been taken. Between two and three hundred years ago the Roman Catholic religion was propagated in Japan, and the government was then almost brought to ruin in consequence, and the government has taken care that this shall not happen again. If the governments of the powers in amity with Japan should deem the measure to be an unfriendly one to them the government of Japan would regret it very much.

The Japanese government are faithfully carrying out the treaty, both for commercial and political purposes, and they expect aid from foreign governments in this respect. They hope that the feeling of the people against the Christian religion will die away one of these days, and they feel assured that the governments of the treaty powers agree with them that everything that injures the relation between nations must be removed.

The Japanese government will not be obliged to resort to such measures as the unpleasant one referred to, if foreign missionaries would exclusively apply themselves to the teaching of their own people according to the treaty, instead of acting improperly as hitherto. Then the Japanese government may not be obliged to cut off the communication of those of their people who seek information on religious subjects with the missionaries, and may further have no objection to send back to their village those who have been moved out of it.

The Japanese government are desirous that their people be instructed in arts and sciences, in which your country is superior, instead of being instructed in religion, and they are, above all, desirous that the existing friendship between our countries may increase more and more.

The 27th day of the 12th month of the 2d year of Migi. (January 28, 1870.)

MEMORANDUM.

The Japanese government having declared that the action of some foreign missionaries in preaching outside of the limits of the foreign settlement has caused serious disturbances, and in one of the reasons for which the government thinks the removal of the native Christians from the neighborhood of Nagasaki is a political necessity, the foreign representatives do not hesitate to declare that they, on their part, will do every-

thing in their power to restrain the foreign missionaries from such acts, and will punish them therefor if such acts be persisted in; provided, that the native Christians who have already been deported from Urakami are all brought back.

HARRY S. PARKES.
MAX OUTRAY.
C. E. DE LONG.
M. VON BRUNDT.

YOKOHAMA, February 9, 1870.

No. 288.

Mr. De Long to Mr. Fish.

No. 41.]

LEGATION OF THE UNITED STATES IN JAPAN,
Yokohama, April 12, 1870. (Received May 21.)

SIR: I have the honor to transmit herewith Inclosure No. 1, copy translation of a document, alleged to be a report of the officers who executed the decree of deportation of the native converts to Christianity from Urakami near Nagasaki.

Whether true or not, this report as yet stands uncontradicted. The closing sentence correctly embodies the views held by the educated classes in Japan of missionary efforts; only a few Protestant missionaries are now employed, at very high salaries, by the government in their public schools, and others, I have learned, will also be offered similar employment at an early day, the principal object of this measure being to put a stop to proselytism as far as possible.

C. E. DE LONG,
Minister Resident.

[Translation.]

MEMORANDUM BY THE OFFICER WHO WENT FROM NAGASAKI TO URAKAMI.

First paragraph.—Sentence 2.—Reply.

The removal of the Christians was completed by the 8th of January, and in the letter we wrote on the morning of the 9th, the words up till yesterday occur. We could not know what would take place afterward, the ships on which the Christians were embarked left the port, but two of the steamers received some injury at sea, and this together with other difficulties caused them to return to harbor. The arrival of other vessels was awaited and to these the Christians were transferred; some persons who had been absent in some other place when their relatives were removed now came forward and begged to be sent to the same place.

So many houses at Urakami being left vacant at the same time, it was necessary, in order to prevent robberies, that officers should be sent there, but as the search for the Christians had been already completed there was no reason for any further search now that they had been removed.

Sentence 2.—Reply.

All of them were aware that the practice of Christianity is most strictly prohibited, and that the offenders against this law are liable to be severely punished. Therefore when they were informed that in distributing them among the Hau families would not be separated, and that the han had received instructions to provide them with facilities for gaining a livelihood, they received the announcement with gratitude, for they learned that so far from being punished with the severity demanded by law, they were on the contrary to be treated with the greatest consideration. As natural-born subjects of Japan, they were bound to obey the Japanese laws; what doubt therefore can there be that they appreciated the indulgence with which they were treated on this occasion.

Sentence 3.—Reply.

Every head of a family, without exception, received an allowance for buying straw hoes. The sick were told that they might go into hospital and receive treatment,

but most of them preferred to go abroad with the others. In the same day one pregnant woman asked to accompany her family, and she as well as the others were removed in accordance with their own wishes. As the pregnant woman, just spoken of, seemed close to her confinement, her case was a very pitiable one, and she was recommended to stay behind and be attended to, but she persisted in her desire to go on board ship with the rest, which was accordingly done; she was certainly not urged by the officers to go on board.

When the Christians were removed the officers went to Urakami on the previous day, and visiting all the houses in every village, where large families lived, informed them in a kind way of the Emperor's will; on the following morning they made their preparation for embarking, and assembled at the house of their respective shoyal, (head of village.) These persons were offended against a law of the empire, and the Japanese practice is to summon such before the proper officials and treat them like yetae, who are the lowest of the people, but in the present case the officials have proceeded themselves to their houses, and taken most exceptional measures in regard to them. This will convince every one that no cruelty has been practiced on them.

Second paragraph.—Reply.

There were, also, some weak from old age, but they too were removed in compliance with their own wish. In order that there might afterward be proof that they were not compelled by the officials to embark, they were caused to make their request in writing. As the distance from Urakami to Nagasaki is but short, some who were embarked from the latter place were carried on the backs of coolies, but of those who were sent to Tokitsu for embarkation, some were allowed kagi, (sedan chairs,) owing to the distance many of them were accustomed to go barefoot, and the reason for not wearing straw shoes was, because they preferred to go without.

Third paragraph.—Reply.

The statements that families were divided, seems founded on false reports. First of all, the heads of families in all the villages were sent on board, and their destination determined. The families were then distributed in such a way as to be sent to the same Han as the heads. Their number rendered it impossible to send the families also in the same ship, but even though placed on board another ship, this only made a difference of one or two days; and there is no doubt but that in every case the members of each family arrived at the same han. Those were, however, parents and children, brothers and sisters, of the present emigrants, who were removed during last year; but when an offer was made to them to send them to the same han, the relations of persons who had gone to Choshii, with one consent expressed their unwillingness to go there. The reason of this was, that they had heard that the Christians who had been sent to Choshii last year had, one after another, retracted their errors; hence they earnestly begged to be sent to some other han, and in some cases this request was granted. In their case it might be said that families have been separated, but in no case have families been separated by our act. If, through any mistake, separation had occurred, much time would have been lost in ultimately sending the separate families to the same place. The object was to send every family to the same place; and as several ships were employed, and a distribution made among the many different han, we were very anxious lest there should be any confusion which might cause the separation of families, and all the officials from the chikenji downward went to Urakami and to the landing stairs, and attended to all the proceedings until they were embarked on board ship. All suspicion will be removed if the true account of these facts is inquired from the people of Nagasaki.

Fourth paragraph.—Reply.

No such thing as arresting the Christians and bringing them along in custody really occurred. Their names were perfectly well known to the authorities beforehand, and, as was said above, the officers went to each house in all the villages and gave them notice. A certain number of Christians were placed in charge of each officer, who gave each of his party a yellow handkerchief, or some other mark, by which they might be distinguished; and they were told that when they came next day, having made their preparation, if they brought with them the handkerchief or other token, they would avoid becoming mixed up with people from other villages, and means would be taken to transport not only persons of the same family, but even neighbors, to the same destination. They accordingly assembled at the places named by the officials, and at the time appointed, bringing with them the handkerchief or other token, in the intention of all going on board at the same time. It may be remarked, that even before being ordered by the officials to bring this token, some had already provided themselves with white cotton handkerchiefs as tokens to distinguish them. Those were certainly not

given by the officers in order to distinguish the Christians from the heathen sect. We have, however, not been able to discover that there is any sect in Japan denominated "heathen."

Fifth paragraph.—Reply.

The families of the Christians were informed beforehand that they might bring with them their clothes and other articles for present use. Consequently some of them carried bundles and others put on several suits of clothes; some of the poorer classes had not any clothes, and money was lent them for their purchase, their farming implements being deposited with the shoja as security. The property which was left behind, consisting of horses, cattle, poultry, and vegetables, was sold by public auction. The proceeds were deposited with the authorities. Their household property was placed under seal, and their houses shut up. Military was placed over them by night and day to guard against fire and robbery, and effectual precautions were taken against their loss. Some time was necessary before all the property left behind in the houses of the different villages could be collected.

Sixth paragraph.—Reply.

On the day that the heads of villages were first of all sent on board ship, it was stormy with snow, and as they suffered a great deal from the cold the authorities provided them with sake and rice; if inquiries are made from the merchants who sold the sake, and from the messenger who fetched the sake and rice, the truth of this will be plainly shown. Again, when the families were about to be sent on board ship, as night had fallen and anxiety was felt lest the confusion should cause families to be separated, we were obliged to put them up for the night in public storehouses near the landing stairs. On this occasion, the night vendors of eatables were admitted within the inclosure and the Christians were allowed to purchase whatever they chose. As most of them were women and children, no sake was provided by the authorities, but no half-boiled rice was served out to them; on this occasion clerks from the accountant's department were present and superintended the distribution of the rice. Both the officers detailed for this duty and the Christians ate the same rice, and the food of both was identical.

Seventh paragraph.—Reply.

With regard to the traveling arrangements, general instructions were given both to the guards sent from the Nagasaki kia, and to those officials of Hau, who were to receive them, and certainly nothing improper has taken place.

Eighth paragraph.—Reply.

Strict injunctions were given beforehand to the Hau, by government, to employ the Christians upon their arrival in their general avocation, to allow them personal freedom, and by instructions to make them loyal subjects, so that there is no reason to doubt that after their arrival at their destination they enjoyed repose.

Concluding sentences.—Reply.

If the Christians had been violently siezed and brought along, it would have been easy to employ the services of police officers to make them embark; so far from this being done, high officers went about in every direction and informed them what was to be done. Not one person was arrested by the authorities; on the contrary, they came of their own accord.

First of all, on the 1st of January, 1870, the heads of families all received notice from the authorities to come at 9 o'clock the next morning, but of those summoned only a few presented themselves.

The uniform practice in Japan has always been to punish all who, when summoned, refuse to come, and even those who appear later than the time indicated to them. In this case, however, special measures were taken, and on the night of that day officers went to Urakami and summoned the Christians together to the shoja. They were then asked why they had not obeyed the commands of the authorities; when they made all sorts of excuses, and pleaded urgently for a delay of two or three days. The officers saw that the Christians, expecting to be sent to other provinces like those who were removed last year, wanted a delay of three days for collecting their household property, and granted their request, as their families were not removed until afterward. They made use of the interval to arrange with their friends in the villages to make some sort of disposal of their property.

It was in the above way that things were managed, and no resort whatever was made to military force. What forcible reason could there have been for them to run

away and hide in the hills? The officers who were to accompany them to the various hau took charge each of his own party at Urakami, and accompanied them on board. Many houses were left uninhabited, but patrols were dispatched thither to prevent evil-disposed persons from other places from coming and doing mischief. The escort of the Christians, unlike officers with other criminals in their custody, were unprovided with fire-arms, and this is a proof that military force was not resorted to. The Christians appear to have conjectured that when they were summoned on the 1st of January, it was for the purpose of being removed to some other province, for about thirty persons ran away. The reason for this was that there were among the Christians badly-behaved men who had brought their household to ruin, and neglected the tilling of their farms, preferring to make a living by giving religious instructions to old women and young girls. Those men know that if this measure of the government were carried out their means of livelihood would be at an end, and so they spread reports of cruel treatment by the authorities, and created distrust in the minds of the people. This induced some to take flight from fear.

The passage in which it is said that the people of Nagasaki pitied all the Christians, must mean that those who happened to see them walking along the muddy road pitied them, not remembering that they were accustomed to it, and did not much mind it. The weather was unfortunately cold and rainy, and the road was in a bad state. The officers themselves pitied them, because the weather was so bad. This, however, cannot be attributed to the cruelty of the government.

Since the foundation of the Japanese empire it has been the national custom for high or low to venerate, as the ancestors of our Emperor, the god worshipped by them, and the people who show no honor or veneration for the deities who were the parents of our race, no matter how industrious in their occupations they may be, commit a grave breach of the law by which the entire nation is ruled. How can these persons be called civilized, no matter how great an eagerness they may profess to learn (teach) European civilization, if the only result of their efforts is to produce national dissensions?

No. 289.

Mr. Fish to Mr. De Long.

No. 16.]

WASHINGTON, April 18, 1870.

SIR: I have received your dispatches Nos. 10, 13, 14, 16, and 20, relating to the treatment of native Christians in Japan. The individual and the cooperative efforts that you have made to prevent the persecution of this people are cordially approved by the Department. These deplorable acts of the Japanese government, however cruel or uncalled for, do not seem to have been done in violation of any treaty or agreement between Japan and the United States. They rather appear to have been done in the exercise of the internal authority which that government claims to possess over its subjects.

Until the views of the other treaty powers can be ascertained, the Department can give you no other instructions than to continue to act in the same spirit whenever occasion shall call for your interference.

Instructions have been sent to the ministers at London, Paris, and Berlin, to ascertain whether those governments, respectively, contemplate sending any further instructions on the subject to their diplomatic or consular officers. When the replies are received to these instructions, it is possible that the Department may communicate with you further touching the matter.

HAMILTON FISH.

No. 290.

Mr. Fish to Mr. Motley.

No. 186.]

DEPARTMENT OF STATE,
Washington, April 18, 1870.

SIR: Information has been received from the minister to Japan that the authorities of that empire have engaged in a systematic persecution of the native Christians. It appears that these converts to Christianity were residing at Urakami, a settlement at the head of Nagasaki Bay, where they were peacefully and prosperously pursuing their avocations, giving obedience to the temporal authorities.

The late revolution in Japan, however, brought into power the Mikado, whose partisans claim for him ecclesiastical and spiritual, as well as temporal, power.

Because the native Christians could not conscientiously comply with the established ordinances and observances, which they regarded as idolatrous, it was determined to transport them from peaceful homes, to seize upon their properties and to distribute them and their families through the different parts of the Japanese empire.

The representatives of the treaty powers, hearing of this meditated cruelty, took prompt measures to prevent it, if possible, by energetic protests. The Japanese authorities met their protests by evasion; and while holding the conferences with the European ministers, transported their Christian subjects to the number of about three thousand; and when at a subsequent interview the reasons for this course were demanded, they replied: "We do not remove this people on account of their professions of the Christian faith, but on account of their actions; and this government would have pursued the same course with any other people; and unless we do this we don't know how we will govern them."

The protocols of these conferences have been transmitted to Washington by Mr. De Long, and doubtless have been communicated to the cabinet of London.

The course of Mr. De Long, in taking part in these conferences, has been entirely and cordially approved by the President, and he has been instructed to continue to make representations to the Japanese government in the same spirit, when occasion requires.

It is apparent, however, that the transportation of these persons is inspired by the old traditional dislike of foreigners. The government of the Mikado represents that political element. It is possible that, of itself, it would not originate such measures, but it is weak, and the country is in a state of political excitement that borders upon anarchy and revolution.

The government of the Tycoon, that was disposed to cultivate intercourse with the western nations, fell perhaps mainly from that cause. The daimios that supported it have been reduced to submission by fire and sword. The currency of the country is disorganized. Metals have disappeared and a poor paper currency has taken their place, under the influence of which business is affected, and discontent exists. Perhaps it is too much to say that the liberal policy which has prevailed for several years is in absolute danger, but there is certainly ground for apprehension lest in such a political condition, and under the influence of sudden popular pressure, a weak government may be forced to sanction, or at least be unable to prevent, violent measures against the foreigners residing in the empire.

It has seemed to the President that under these circumstances it will be well, before further instructions are sent to the diplomatic and consular officers of the United States in Japan, and to the naval officers in the Asiatic squadron, to ascertain what the cabinets of London, Paris, and Berlin propose to do in the premises, in order that should there be an apparent unity of purpose in Europe, the policy of the United States may be made to conform to it so far as our interests will allow.

You will, therefore, inquire whether the facts relating to the deportation of the native Christians have been reported to the government of Great Britain; if they have been reported, whether it is proposed to make them the subject of any instructions, and in that case what are the nature and purport of those instructions. You will also inquire whether the cabinet of London contemplates giving any new instructions, or taking any new steps, to secure the safety of foreigners residing in Japan, the better protection of the interests of its subjects there, and the maintenance of the policy inaugurated by the government of the Tycoon.

HAMILTON FISH.

[Similar instructions were sent to the legations at Paris and Berlin.]

No. 291.

Mr. Motley to Mr. Fish.

No. 345.]

LEGATION OF THE UNITED STATES,
London, June 2, 1870.

SIR: Referring to your No. 186, I have the honor to send herewith copies of a letter and of accompanying documents recently received by me from Lord Clarendon, in relation to the alleged persecution of native converts to Christianity in Japan by the authorities of that empire.

JOHN LOTHROP MOTLEY.

[Inclosures.]

1. Mr. Motley to Lord Clarendon, May 21, 1870.
2. Lord Clarendon to Mr. Motley, May 27, 1870.
3. Same to Sir H. Parkes, April 20, 1870.
4. Same to Lord Lyons, April 20, 1870.
5. Same to same, April 30, 1870.
6. Same to same, May 23, 1870.
7. M. Roehér to Mr. Léguer.
8. Same to Monseigneur Petit Jean.
9. Same to same.
10. Mr. Motley to Lord Clarendon, June 2, 1870.

Mr. Motley to the Earl of Clarendon.

LEGATION OF THE UNITED STATES,
London, May 22, 1870.

MY LORD: Referring to the conversation which I had the honor to have with your lordship on the 9th instant, in reference to the persecution of native Christians by the authorities of Japan, I have now the honor, in accordance with my understanding with your lordship at our interview, to call your attention to the facts as communicated to me by Mr. Fish.

It appears that these converts to Christianity were residing at Urakami, a settlement at the head of Nagasaki Bay, where they were peacefully and prosperously pursuing their avocations, giving obedience to the temporal authorities.

The late revolution in Japan, however, brought into power the Mikado, whose partisans claimed for him ecclesiastical and spiritual, as well as temporal, power.

Because the native Christians could not consistently comply with the established ordinances and observances which they regarded as idolatrous, it was determined to transport them from peaceful homes, to seize upon their properties, and to distribute them and their families through the different parts of the Japanese empire.

The representatives of the treaty powers, hearing of this meditated cruelty, took prompt measures to prevent it, if possible, by energetic protests. The Japanese authorities met their protests by evasions, and while holding the conferences with the European ministers, transported their Christian subjects, to the number of about three thousand, and when at a subsequent interview the reasons for this course were demanded, they replied, "We do not remove this people on account of their professions of the Christian faith, but on account of their actions, and this government would have pursued the same course with any other people, and unless we do this we don't know how we will govern them."

The protocols of these conferences have been transmitted to Washington by the United States minister, Mr. De Long, and doubtless have been communicated by the British minister in Japan to your lordship.

The course of Mr. De Long in taking part in these conferences has been entirely and cordially approved by the President, and he has been instructed to make representations to the Japanese government in the same spirit, when occasion requires.

It has seemed to the President that under these circumstances it will be well, before further instructions are sent to the diplomatic and consular officers of the United States in Japan and to the naval officers in the Asiatic squadron, to ascertain what the cabinets of London, Paris, and Berlin propose to do in the premises, in order that should there be an apparent unity of purpose in Europe, the policy of the United States may be made to conform to it so far as their interests will allow.

I have accordingly the honor respectfully to inquire of your lordship whether the facts relating to the deportation of the native Christians have been reported to the government of Great Britain; if they have been reported, whether it is proposed to make them the subject of any instructions, and in that case what is the nature and purport of those instructions.

I am also further directed respectfully to ask whether her Majesty's government contemplates giving any new instructions or taking any new steps to secure the safety of foreigners residing in Japan, the better protection of the interests of its subjects there, or the maintenance of the policy inaugurated by the government of the Mikado.

I pray your lordship, &c.

JOHN LOTHROP MOTLEY.

Earl of Clarendon to Mr. Motley.

FOREIGN OFFICE, *May 27, 1870.*

SIR: I have the honor to acknowledge the receipt of your letter of the 21st instant, recapitulating the circumstances attending the dispersion, by order of the Japanese government, of the colony of native Christians at Urakami, and requesting to be informed whether these circumstances had been reported to her Majesty's government; and if so, whether they proposed to make them the subject of any instructions; and, in that case, what would be the nature and prospect of those instructions.

I must request you, in the first place, to convey to the government of the United States the thanks of her Majesty's government for the friendly spirit by which your communication has been dictated, and to assure them that her Majesty's government will always be glad to find themselves in a position to cooperate with them as far as possible in matters in regard to which, as in the present case, the two governments have a common interest; and I think I cannot better enable you to explain to your government the views of her Majesty's government than by placing you in possession of the inclosed copy of the instruction which I addressed, on the 20th of April, to her Majesty's minister in Japan, on these matters. This instruction, coupled with the dispatches to her Majesty's ambassador at Paris, of which I also inclose copies and extract, set forth so fully the policy which her Majesty's government think should be pursued in regard to the case of the Christians in Japan, that I have but little to add to their contents; although I would call your attention to the letters of the late French minister in Japan, of which copies are inclosed in my dispatch to Lord Lyons of the 23d of May.

You will gather from all these papers, that her Majesty's government, although desiring to use their influence on all occasions in favor of the native Christians in Japan,

would not think it advisable to put upon the Mikado such an amount of pressure as might, if successful, serve to imperil his position with his subjects in general. The sovereign of Japan, in his endeavor to reconcile his subjects to institutions in accordance with the principles of Christian nations, has many difficulties to contend with, and it would be unwise to add to these difficulties, by urging him abruptly to set at defiance the religious prejudices of his people. It is the opinion of her Majesty's minister in Japan, that by dealing with the Mikado and his government for a time in a spirit of forbearance, they will be enabled to regulate or overcome the prejudices of the Japanese against Christians; and the more readily if the latter show by their general conduct that their profession of Christianity does not imply a renunciation of their subjection to their national authorities, and the substitution of a foreign foe for native allegiance. Her Majesty's government learned, with much satisfaction, from her Majesty's minister at Washington, in a dispatch dated the 18th of April last, that Mr. Fish had expressed himself entirely opposed on grounds both of principle and expediency to the employment of force in behalf of the Christian converts in Japan, stating that the government of the United States would confine themselves to addressing strong remonstrances on the subject to the Japanese government. The views of our two governments do not, therefore, present much difference; and the instructions addressed to Sir Harry Parkes, on the 20th of April, will, it is hoped, enable him to act in concert with the minister of the United States.

With reference to the concluding passage in your letter, I have the honor to state to you that her Majesty's government does not at present contemplate giving any new instructions or taking any new steps for the safety of the persons or properties of British subjects in Japan, or for the maintenance of the policy inaugurated by the Mikado. They repose full reliance in the judgment and discretion of her Majesty's representative, and are well assured that he will neglect no means for securing those ends, to which he is well aware her Majesty's government attach the greatest importance.

I have the honor to be, with the highest consideration, sir, your most obedient servant.

CLARENDON.

Earl of Clarendon to Sir H. J. Parkes, K. C. B.

No. 40.]

FOREIGN OFFICE, April 20, 1870.

SIR: I have received your dispatch No. 35 of the 26th of February, reporting your further communication with the Japanese government respecting the recent deportation of native Christians.

Her Majesty's government entirely approve the course that you have taken in regard to that transaction, and you will continue to point out to the Japanese government the interest felt by all Christian nations in the fate of those converts who appear to be orderly and generally well-conducted persons, and to have committed no offense such as would justify their arbitrary removal from their homes. But you will say further that although the Japanese government may have thought that measure expedient, her Majesty's government trust that it will redeem the promises that it has given to the foreign minister, and take effectual measures for securing from further persecution on account of their religious tenets the dispersed members of the Christian community.

It appears to her Majesty's government that the representatives of foreign powers should fully avail themselves while scrupulously abstaining from giving their proceedings an offensive appearance in the eyes of the Japanese government and people of the offer made by the minister to allow free access to the localities, among which the Christians are distributed, and should take advantage of the opportunity thus afforded to them for impressing upon the daimios, to whose territories the Christians may have been removed severally, to treat their new dependents well and to abstain themselves from any further persecutions of them, and discountenance any such proceedings on the part of others.

On the other hand it appears to her Majesty's government that the representatives, and more especially the French minister, from the influence which he can bring to bear on the Roman Catholic missionaries, might render most important service not only to the Christian converts but to the cause of Christianity in general by impressing on the converts the necessity of not setting themselves up on the strength of their conversion in opposition to the law of the empire. The converts, few in number and therefore weak, should seek to reconcile their rulers to themselves by showing that the profession of the Christian religion is not incompatible with their duties as good subjects. Political no less than religious considerations may have influenced the government in its dealings with the Christian converts, and when it is made to appear that it need have no anxiety on the former grounds, it may very possibly be less inclined to trouble itself with the latter.

CLARENDON.

Earl of Clarendon to Lord Lyons, G. C. B.

No. 314.]

FOREIGN OFFICE, *April 20, 1870.*

MY LORD: I inclose for your excellency's perusal a further dispatch from Sir Harry Parkes respecting Christian persecution in Japan, and also a copy of a dispatch which I have addressed to him in reply.

Your excellency may communicate the substance of Sir H. Parkes's dispatch to the French minister for foreign affairs, and give him if he desires it a copy of my instruction; and you will at all events suggest to his excellency the expediency of sending an instruction to the same effect to the French representative in Japan.

It is clear from Sir H. Parkes's dispatch that measures have only been taken against native converts and that the Roman Catholic missionaries have not themselves been molested; and however much the deportation of the converts from their homes and their dispersion throughout Japan may be a measure of harshness as regards the immediate victims, there is certainly no small amount of truth in the observation made to Sir H. Parkes by one of the Japanese ministers, that the distribution of the converts in nineteen different localities is more calculated to facilitate the propagation of Christianity throughout Japan than their unmolested residence in the locality in which they have heretofore been permitted to reside.

CLARENDON.

Earl of Clarendon to Lord Lyons, G. C. B.

No. 346.]

FOREIGN OFFICE, *April 30, 1870.*

MY LORD: A few days ago during my absence from indisposition, Monsieur Tirrot, first secretary of the French embassy, called on Mr. Hammond by direction of the Marquis de la Valette, to talk over, in consequence of instructions from his government, the question of Christian persecution in Japan, and to ascertain whether or how far her Majesty's government were disposed to act in concert with that of France in regard to that matter.

Mr. Hammond said in reply to Monsieur Tirrot's inquiry that of course it was not for him to give an official answer to it, but that he had no hesitation in saying that he was sure her Majesty's government would not be disposed to do more than had already been done by her Majesty's minister in Japan.

It appeared, indeed, Mr. Hammond said, that far from deprecating the dispersion of the native Christian colonists at Urakami, the Roman Catholic missionaries in Japan, and indeed all persons who were interested in the propagation of the gospel in that country, ought to see with satisfaction 19 Christian stations scattered by the act of the Japanese government throughout the country, rather than that the Christian converts should be confined as heretofore to a single locality; and that the measure had been viewed in that light by a native person high in office in Japan, who had made the observation to Sir H. Parkes. Moreover, the Japanese government did not seem to wish to couple the dispersion of the Christians with any other hardships to be inflicted on them, for they were ready to allow them to be united in the new localities to which they were removed by the representatives of the Christian powers, who would there have the means of satisfying themselves that they were otherwise not ill treated. But after all, some allowance must be made for the Japanese government, who had, on their side also, to consult the religious opinions and scruples of their own people; and instead of pressing the government too hard, the Christian powers ought to deal forbearingly with them and accept what the Japanese government were willing to concede, trusting that more might be obtained hereafter.

This, Mr. Hammond said, was the view taken of the matter by Sir H. Parkes, who advocated moderation in dealing with the Japanese government in this matter, and who was of opinion that the question of Christianity, if left alone, would sooner or later arrive at a satisfactory solution. Railways and telegraphs, Sir H. Parkes thought, would soon make a change in the Japanese mind; and he could not but hope that, as regards Christianity, there would gradually be a marked improvement in the feeling and conduct of the government as well as of the people of Japan.

Mr. Hammond said that he was satisfied that the policy recommended by Sir H. Parkes was in accordance with the views of her Majesty's government and of the British Parliament and people, and he felt satisfied they were not prepared to depart from it.

Monsieur Tirrot alluded to a memorandum, which, however, bore no date, which the representatives of the Christian powers had recently delivered to the Japanese government, and in which they offered to exert their influence to keep missionaries within bounds, provided that the dispersed converts were permitted to return to their former homes. But it did not appear what result had attended this offer. Her Majesty's government have not yet received a copy of this paper from Sir H. Parkes.

Mr. Hammond was careful to explain to Monsieur Tirrot that everything he had said in this conversation must be taken only as the expression of his own personal opinions; he had no objection, he said, to Monsieur Tirrot repeating it, as such, to his government; and having secured from Mr. Hammond an account of the language which he held to Monsieur Tirrot, I think it right to make your excellency also acquainted with it, and to inform you that her Majesty's government entirely concur in it.

CLARENDON.

Earl of Clarendon to Lord Lyons, G. C. B.

No. 427.]

FOREIGN OFFICE, *May 23, 1870.*

MY LORD: With reference to my dispatch No. 351, of the 2d instant, and to previous correspondence respecting religious persecution in Japan, I now transmit to your excellency a further dispatch, and its inclosures, which I have received from Sir H. Parkes on this subject, and reporting what had passed at an interview which he had with the foreign minister and vice-minister respecting the question of the return of the native converts to Urakami. At this interview, as your excellency will see, special reference was made by the Japanese authorities to the correspondence which passed in 1867 between the French minister, M. Roches, and the Tycoon's government, at which period an assurance was given by the former that propagandism on the part of the Roman Catholic missionaries should be strictly interdicted. The Japanese minister now again reverts to this argument and urges that the instructions issued by M. Roches in 1867 to the French consul at Nagasaki and to the French bishop should be adhered to, and that the French missionaries should be enjoined not to visit Urakami for missionary purposes and not to encourage the Japanese in offering any opposition to their own laws or authorities. M. Roches's instructions, above referred to, were communicated to your excellency at the time, but as you may have not retained copies of them, they are herewith annexed. Her Majesty's government concur in the prudence of the instruction then issued by M. Roches, and are of opinion that the Japanese government have a fair claim to ask that they should be acted upon; and if the French government adopt M. Roches's views and instructions there is every reason to believe that the differences which have arisen out of the late proceedings of Roman Catholic missionaries in Japan will be brought to a close.

I spoke in this sense two days ago to Mr. Tirrot, when he renewed with me the question of Christian persecution in Japan with reference to a communication received by the French government from that of the United States, which seemed disposed to condemn the conduct of the authorities in Japan.

CLARENDON.

Letter addressed to the consular agent of France at Nagasaki, by M. Léon Roches, minister of France.

SIR: I have the honor herewith to transmit you a copy of the letter which I address to Monseigneur Petit-Jean, apostolic prefect of Japan.

After having obtained the unconditional release of all Japanese imprisoned on a charge of violating the laws of the country by professing the Christian religion, you will advise monseigneur, in my name, that he must henceforth avoid anything that could encourage Japanese subjects to infringe or defy the laws of their country.

Thus, no priest of the apostolic mission must henceforth go to Urakami, or elsewhere, for purposes of religious propagandism; for, during the great state of excitement which now prevails in the south of Japan, the presence of a Catholic missionary in the midst of the Japanese population would be sure to cause incalculable evils, where a sound policy and the true interest of our religion admonish us to make every effort to avoid such a result.

You will therefore aid, so far as you are concerned, in the execution of the letter and spirit of my instructions.

LÉON ROCHE.

M. LÈGUES,
Consular Agent of France, Nagasaki.

Official letter addressed by M. Léon Roches, minister of France, to Monseigneur Petit-Jean, apostolic prefect of Japan.

MONSEIGNEUR: The government of his Majesty the Tycoon has consented, at my request, to release the Japanese who were arrested at Nagasaki on account of having

violated the laws of the country by publicly professing a religion not included in the eight sects authorized by the said laws.

These unfortunate persons, by thus acting, would have rendered themselves liable to capital punishment if the Japanese government, actuated by sentiments of humanity, had not waived the enforcement of the laws which make their offense a capital crime, although said laws are still in force. What particularly gives evidence of the good faith of the government of the Tycoon is that he consents to set his subjects at liberty without imposing upon them the formula of pardon required under such circumstances, and which might seem like an abjuration. Now, this pardon, granted unconditionally to persons guilty, according to the laws of Japan, is without any precedent.

But I must add that if the Tycoon pardons the past, he understands that, in future, the Japanese are to respect the laws of the empire. I hope, therefore, monseigneur, that, as regards our apostolic mission, you will avoid any act which might be calculated to uphold Japanese subjects who profess the Christian religion in the way of resistance which they have entered toward the authorities to which they are subject according to Japanese law.

This resistance, monseigneur, would, no doubt, again cause a severe repression, which the present state of affairs in Japan would prevent me from moderating, and you, a minister of peace and gentleness, would assume the responsibility of the troubles and misfortunes which would be the inevitable consequence thereof.

Private letter addressed by M. Léon Roches to Monseigneur Petit-Jean, apostolic vicar in Japan.

MONSEIGNEUR: You will to-day receive an official letter, an authentic copy of which I have transmitted to the Japanese government. It was only in consequence of the delivery of this document to it that it consented to set the Japanese prisoners at liberty without imposing any act upon them which might be regarded as an abjuration.

It was, moreover, certainly not without great difficulties that I reached this solution. The daimios, who, we had been told, were favorable to the spreading of Christianity, and who were perfectly well informed concerning everything that was going on at Urakami, have all sent protests to the Tycoon against this state of things. They have allowed it to be supposed that the government of the Tycoon tacitly assented thereto, and they have declared that they were determined to resort to the most energetic means in order to cause the fundamental law of Japan to be respected, and they declare that they have given the most stringent orders for the beheading of any European priest or of any Japanese Christian who may dare to enter their territory.

These letters of the daimios are not by any means an argument invented by the Japanese government to cover the necessity of the case. *I have read them and have been able to verify their authenticity.*

You will at once comprehend, monseigneur, how difficult is the position of the Tycoon, who is deputed by the Mikado to enforce the laws of the empire. This young prince is actuated by the most liberal views; he understands that the day is not far distant when laws of religious toleration must replace the laws of barbarous fanaticism which are still in force, but, on the other hand, he is too well acquainted with his country and the spirit of its aristocracy to compromise the future by a premature and unsuitable measure.

This, then, is the situation, monseigneur. Is not the clemency of the sovereign, who is not yet sufficiently strong to control the fanaticism of his daimios, a sound guarantee for the future? Should we not be grateful to him for a decision without precedent in the history of Japan, and avoid placing new difficulties in the path, already full of obstacles, which he has entered with so much resolution?

One year and ten years are not appreciable delays in the accomplishment of the designs of God. You know this better than I, monseigneur; do not, therefore, let it be supposed that you are disposed to compromise the work of your successors by the desire, otherwise very noble, of finishing it yourself.

Very great self-denial is required of you, it is true, but you will make this sacrifice, for, I say it in the sincerity of my heart, you possess all the virtues of the apostolate.

I ask you to suspend action, monseigneur. I transmit, by mail, to the government of the Emperor all the documents and information which can enlighten it on this important question. Let us await its decision. It will, without doubt, be calculated to satisfy the requirements of religion and of policy.

LÉON ROCHES.

Monseigneur PETIT-JEAN,
Apostolic Vicar in Japan, Nagasaki.

FOREIGN RELATIONS.

*Mr. Motley to Earl of Clarendon.*LEGATION OF THE UNITED STATES,
London, June 2, 1870.

MY LORD: I have had the honor to receive your letter of the 27th ultimo, accompanied by copies of papers relative to the case of the Japanese converts to Christianity. The documents which your lordship has thus been so obliging as to send, will be at once communicated to my government.

JOHN LOTHROP MOTLEY.

No. 292.

Mr. Fish to Mr. De Long.

No. 22.]

WASHINGTON, *June 18, 1870.*

SIR: Referring to the instructions of the 18th of April, No. 16, in relation to the persecution of native Christians in Japan, I inclose, for your information, a copy of a dispatch which, on the 18th of April, was addressed to John Lothrop Motley, esq., and of his reply of the 2d instant, inclosing a copy of his correspondence with the Earl of Clarendon upon the subject.

From this correspondence it appears that the views of the London and Paris cabinets seem to correspond with those expressed in the Department's No. 16, which renders it unnecessary for me to give further instructions than those contained in that communication.

HAMILTON FISH.

MEXICO.

No. 293.

Mr. Nelson to Mr. Fish.

No. 312.]

LEGATION OF THE UNITED STATES,
Mexico, November 4, 1870. (Received November 25.)

SIR: I have the honor to inclose an able speech by Mr. Romero, the secretary of the treasury, to the Mexican Congress, in the sessions of the 28th and 29th ultimo, in opposition to the maintenance and extension of the Free Zone, ("A.") The debate will probably continue for some time, and Mr. Romero reserves the right to be heard again at its close.

I also send a synopsis of a speech in favor of the Free Zone, by the Deputy Don Ramon Guzman, delivered in the session of the 27th ultimo, ("B.") This orator is perhaps the most strenuous defender of that measure, and, as will be seen by his speech, bases his argument, in a great degree, upon the well-known opposition of the Government of the United States. He also intimates that the American Government attempted to influence himself and another deputy to report against the Free Zone, when serving upon a committee of consultation a year or two since.

THOMAS H. NELSON.

A.

Speech of the secretary of the treasury, Mr. Romero, in the Mexican Congress, October 23 and 29 1870, against the Free Zone, translated from the Diario Oficial of October 31, 1870.

The executive is to-day again placed in a position of embarrassment, being compelled to express an opinion in opposition to the interests which have been acquired in a zone of the republic, and which have been represented to this assembly as identified with the honor and the prosperity of the nation, with the patriotism and the most sacred rights of the citizen. It is in fulfillment of a duty toward the nation, which the executive believes to be superior to every other consideration, that I now come to make known, in all loyalty, its opinion upon the delicate subject of the Free Zone.

The importance of this question and the grave interests at stake impel me to begin by begging the chamber to be good enough to lend me an undivided attention during the exposition, which I will endeavor to make as brief as possible.

At the outset, I must state that I have seen, with regret, as well in the session of yesterday as in that of to-day, that the supporters of the Free Zone have seen fit to bring into the discussion the desires or the convenience of a foreign nation in reference to this subject. It seems to me unworthy of this hall, and almost indecorous for Congress, that in treating a question essentially Mexican there should be presented, as a consideration which ought to have a decisive influence on its judgment, such desires or such convenience of a foreign nation, especially when these reasons, which so much affect the notorious patriotism and lively susceptibility of Congress, with the object of preventing a maturer consideration, and causing it to decide this question rather with the heart than with the head.

At the time of the discussion of the Free Zone last year, when the bases of the tariff were approved, it was insinuated, with more or less directness, as it has been more sparingly during the present debate, that the executive opinion against the Free Zone emanated from a fear of the neighboring nation, which had expressed a wish to have that zone abolished, or from an excessive condescension toward that nation. Those who believe this, know neither the character of the present incumbent of the executive chair nor the tendencies of the human heart. To proceed in this manner it would be necessary that the executive should renounce the fulfillment of his most sacred duties, and abdicate every sentiment of patriotism, and even every sentiment of personal dignity. To sacrifice the interests of a nation, the welfare and prosperity of a portion of its inhabitants, the decorum and the dignity of the republic, to an excess of fear or of servility, it would be necessary to have lost not merely every patriotic sentiment but even the dignity of freemen. The chief of the nation who was not intimidated when the whole colossal power of France sought to subjugate the republic, is not the man who could be intimidated because a friendly neighboring nation makes to him a courteous and amicable suggestion. If the executive should carry the fear or the servility which is imputed to him so far as to sacrifice the interests of the nation to a foreign interest, as surely as he would be condemned within the republic, he would be despised by the very nation in whose behalf he had made such a sacrifice. The practical knowledge which I have of the United States, from having had the fortune to reside there eight years, makes me certain that any Mexican functionary who, through servile deference toward that nation, should sacrifice the legitimate interests of his own country, would meet in that society only with scorn and contempt. There is, perhaps, no nation which better knows how to appreciate patriotism and the fulfillment of duty than the United States. With this conviction, can any one believe, in good faith, that ignoble or unpatriotic sentiments have guided the executive in determining his opinion against the Free Zone? I refrain from enlarging upon these considerations, because, as I have already said, it seems to me inappropriate and improper to mingle with the discussion of this subject the interests of a foreign nation. I believe that this question ought to be decided in view of the interests of our own country, and from this stand-point I propose to examine it, begging the chamber to pardon me for having touched upon considerations of another character, to which I have been forced by the allusions which the orators who have advocated the Free Zone have thought proper to make.

The question of the Free Zone is very complicated and ought to be considered under its various aspects. Upon laying out a new dividing line between Mexico and the United States, in accordance with the treaty of February 2, 1848, one fact became unavoidably evident, which had before been unknown, owing to the fact that the two nations were separated by immense deserts. This fact was that the United States enjoyed peace, security, guarantees for persons and property, low tariffs, and commercial privileges; while in Mexico, through a long chain of misfortunes known to all, almost all these advantages were unknown, or were enjoyed in a much smaller degree than in the United States. It was a natural consequence of these difficulties of condition that all this welfare and prosperity on one side should be converted into misery and decadence on the other, aggravated by the presence at a very short distance, of the ad-

vantages enjoyed beyond the Rio Bravo, (Grande.) Upon a philosophical and impartial examination of the causes and the remedies of this state of affairs, without any desire to prejudice the mind of the chamber by exciting its patriotism, it is apparent that there was in all this two things substantially different, though closely connected—the social or political situation, and the mercantile situation. The causes of the difference in the social or political situation were, on the one hand, uncompromising obedience to law, a system of government calculated to secure and develop the interests of the majority, and other causes of no less importance, and, on the other hand, the results of absolute systems of government, whose object was the welfare of the few to the detriment of the many, the lack of peace, of security, and of respect of law, and other circumstances of equal importance. This inequality of condition could not, consequently, be remedied either by the establishment of the zone or by any other artificial measure. Its remedy would require, on our part, peace, respect for law, security, a system of government favorable to the interests of the majority, and the other conditions which prevail in the neighboring state. Fortunately we have now entered upon this path, and if, as is to be hoped, we do not encounter in it any insuperable obstacle, we shall, in time, succeed in rendering the condition of the two banks of the Rio Bravo identical in political and social well-being, but it is very evident that this result cannot be obtained by means of the Free Zone.

The prevailing mercantile condition on the two banks of the Rio Bravo prior to the year 1858, when the decree creating the Free Zone was issued, was also different, being undoubtedly more favorable for the left than for the right bank. The principal causes of this difference were three: 1st, on the American shore the privilege of ports of deposit was enjoyed, which was wanting to the Mexican side; 2d, the tariffs were much lower in the United States than with us; and 3d, the national productions of the United States, and foreign goods after paying import duty, enjoyed the fullest liberty of transit and sale throughout all the territory of the United States, while in Mexico both native and foreign goods were subjected to all the burdens and inconveniences of excises and of a severely restrictive system.

By virtue of the privilege of ports of deposit the merchants of the left bank of the Rio Bravo could import merchandise, store it in bond until they found purchasers, sell it on condition that the buyers should pay the duties, and enjoy all the other privileges afforded by extensions of time and by ports of deposit. On the Mexican shore there were none of these privileges. The Mexican merchant had to pay, on importing his merchandise, the entire duties of the tariff, much higher than those paid on the other side, and this alone constituted a great inequality and gave a great superiority to the residents on the left bank of the river.

The difference in the tariff on imported goods on both sides of the river also gave a great advantage to the left bank. At that time the Mexican tariffs were those of 1845 and 1853, the highest that have ever prevailed in the republic, averaging from 30 to 40 per cent., while the American tariff barely averaged 15 per cent. The same articles of national produce, such as flour, milk, &c., cost a half or two-thirds less on the left bank than on the right, because in the former case it was free from all imposts, while in the latter it had to bear all the exactions of the excise. If the merchandise was of foreign production the difference in favor of the left bank was a third or a fourth part. It was natural, then, that the residents on the right bank of the river should have to supply themselves, even with articles of the first necessity, from the left bank. The extract from the recommendation made by Señor Esparza, which was just read, merely states a notorious and undeniable fact.

It is necessary to dwell upon the advantage which the settlers on the left bank had over those of the right, in virtue of the freedom of interior traffic which all the inhabitants of the United States then enjoyed, while those of our country were subjected to the innumerable exactions of the excise.

In virtue of this difference in circumstances it was natural and necessary that the mercantile condition of the Mexican shore should be far inferior to that of our neighbors. The law which established the Free Zone was intended to equalize these circumstances by conceding to the residents on our side equal privileges to those which their neighbors enjoyed; but although this was the spirit the letter went much further, since, instead of establishing ports of deposit at the frontier settlements, it decreed an exemption from the federal imposts to all the merchandise consumed in them, and freedom of transit between them, although restricted by the obligation to obtain documents from the custom-houses for that purpose.

It is necessary to notice the great difference which exists between the situation of the frontier at the time of the establishment of the Free Zone and the situation it would now be in if that zone had not been established. As has just been stated, there were in 1858 three very important circumstances which rendered the mercantile situation of the right bank of the Bravo inferior to that of the left bank. Of these circumstances one has entirely disappeared, another partially, and the third would still exist if it were not for the Free Zone. That which has entirely disappeared is the higher duties collected on the Mexican side of the river. The annual estimate of the

United States Government until the year 1860, and before the war with the South, was about forty-five millions of dollars per annum, and that amount was obtained from the duties on imports.

To enable the custom-houses to yield that sum it was enough to collect on foreign merchandise about 15 per cent. *ad valorem*. At the commencement of the southern war, in 1861, the estimate was considerably raised, and to carry on the war they had to contract a debt, the annual interest on which is more than a hundred millions of dollars. In the years following the war the annual estimate was from three hundred and fifty to four hundred millions, and of this sum the half was produced by customs duties, and the other half by a series of imposts called "internal revenue."

It is easily understood that in order to enable the customs, which in 1858 yielded 45 millions, to produce 175 millions in 1867, it was necessary to more than double the tariff. Instead of the 15 per cent. of 1858, it amounted from 1862 to 40 or 50 per cent. As our tariff is never higher than 25 to 30 per cent., there was a difference in our favor of from 15 to 20 per cent., instead of a similar difference against us up to 1858. Consequently foreign merchandise, after paying the regular duties on either side of the river, would now be worth from 15 to 20 per cent. less on the right than on the left bank. The inequality against us has, then, completely ceased and given place to an inequality in our favor.

The second cause of inferiority of condition on our side of the river, and which has partially disappeared, is the excise. Although the constitution wisely provided in its 124th article, that from and after the 1st of June, 1858, excises and interior custom-houses throughout the republic shall be abolished, this provision has not, unfortunately, been lawfully complied with, and although laudable efforts have been made in many states to obey this precept, this important improvement has failed to be realized in some of them. Nevertheless, the abolition of the excise in the states adjoining the frontier of Tamaulipas produces in favor of border commerce the same result as if it had been abolished throughout the republic.

There would not remain, then, any further cause of inequality in the mercantile condition of the two banks of the Bravo than that which results from the existence of ports of deposit on the left bank, and their absence on the right bank. This cause has been considerably diminished by virtue of the American Executive having recently closed most of the custom-houses along the river in front of Tamaulipas.

But even if this were not so, and supposing this cause of inequality to be still in existence in all its force, the most that could be desired by the right bank of the river, in order not to consider itself in an inferior position, would be the establishment of ports of deposit upon that bank. As the idea of the executive in opposing the Free Zone is not at all the desire that the inhabitants of our frontier should be in a worse condition than that of their neighbors, but, quite the contrary, to favor them as far as possible, and make their condition equal or superior to that of those neighbors, he would be willing, notwithstanding the opposition he has manifested to the establishment of ports of deposit in all the custom-houses of the republic, to favor a grant to the frontier settlements of privileges similar to those of ports of deposit, by which means all occasion for any inequality between the two banks of the Bravo, in respect to commerce, would necessarily cease.

It is seen then that the Free Zone cannot equalize the social or political condition of the two banks of the river which separates us from the United States, and that in consequence of the changes since the year 1861, and of those which will follow certain privileges which may be conceded to the frontier settlements, their mercantile situation would be equalized and even improved.

If in spite of such measures in consequence of greater security and better guarantees for the stability of the government, which are enjoyed on the other side of the Bravo, some of our countrymen should emigrate thither, it is not in our power to prevent it, and I think that we ought not to trouble ourselves very much on account of persons who so far condemn their own nationality as to renounce it, even after their mercantile condition has been rendered superior to that of their neighbors.

When this subject was discussed a year ago, the orators who defended the Free Zone made great efforts to demonstrate that it does not constitute a privilege. Although at first sight it might be thought that this is a mere question of words, it is not so in fact, and as the constitution prohibits the granting of any privilege, it is incontestable that the Free Zone being, as it is, a privilege, is prohibited by our fundamental code.

There are those now who insist upon trying to demonstrate that the Free Zone is not a privilege. This is almost an insult to common sense, and one of the orators who has lately defended the Free Zone did not fail to recognize it as such. We have also just seen that the orator who, a year ago, endeavored to prove that the Free Zone is not a privilege, considered and called it such a short time ago. If the fact that a portion of the inhabitants of the republic may consume foreign merchandise without paying duties to the federal treasury, while all the other inhabitants, rich or poor, who consume them, have to pay duties, is not a privilege, we must agree that this word has no meaning.

After these general considerations upon the condition of the frontier, and upon the objects and tendencies of the Free Zone, I think it proper to make a rapid examination of the decree of March 17, 1858, which established it; for this decree, which is declared by the article of the tariff bills we are now discussing to be in full force, would hereafter have the same effect as if it had been passed by the Congress of the Union, and its many inconveniences could not be remedied except by another act of Congress. The introduction to this decree shows that its object was to establish an equality in the mercantile condition of the two banks of the Rio Bravo, even though its effects might be to establish a real superiority in favor of the right bank. The preamble is as follows:

"Considering that the settlements upon the northern frontier are in a state of real decline through the lack of laws to protect their commerce; that being situated in front of a mercantile nation which enjoys freedom in commerce, they need equal advantages in order not to lose their inhabitants."

It is evident, then, that the object was to give the frontier settlements advantages equal to those enjoyed by the American towns. This desire was legitimate, and the Mexican frontier settlements may be thought to have a right to such advantages; but all that goes beyond this would be to obtain privileges which were not absolutely necessary for the well-being of those settlements, and which were a real burden to the rest of the nation.

An incident which clearly shows the tendencies of the decree by which the Free Zone was established, and which, in my opinion, would be sufficient to deter Congress from blindly adopting this decree, is to be found in its first article, and I think it my duty to call to it the attention of Congress.

By all which it says in favor of the Free Zone, and in the considerations which are found in the preamble of the decree, it would appear that the exemptions conceded by it to the frontier settlements were considered as having a vital importance, and that the interests of the treasury and every other consideration should be sacrificed to this object. This being the case, and when the federal treasury was deprived of the duties which belonged to it on the merchandise consumed in these settlements, it would have been exceedingly natural to renounce also the duties collected by the state, which has an interest far greater than the federation in the welfare and prosperity of that region. Was this, perchance, a provision of the decree establishing the Free Zone? Those who now listen to the defenders of that institution would suppose so; but that is not what the decree provides. Its first article is as follows:

"ARTICLE I. Foreign merchandise intended for the consumption of the city of Matamoras, and the other towns upon the bank of the Rio Bravo, Reinos, Camargo, Mier, Guerrero, and Monterey Laredo, and the reciprocal commerce of these towns, shall be free from all imposts, except the municipal and those collected to defray the expenses of the state."

It is to be noted that the language of the decree scrupulously avoids to give to the suppressed imposts their proper name, which would be *those* belonging to the federal treasury. True, the decree says that *all imposts* are suppressed, but in the same paragraph those which are not federal, *i. e.*, the municipal and state duties are excepted.

Either the concessions of these exemptions is a vital question of *to be or not to be*, to which every interest of whatever kind shall be subordinated, and in this case it is inexplicable that the State of Tamaulipas, which suppressed the duties belonging to the federation, did not also abolish those of the state, leaving in force only those of a municipal character; or this interest is not so vital as has been represented, and in this case there is no occasion to sacrifice to it the pecuniary interests of the federation without any proportional sacrifice of the similar interests of the state.

If, in fact, it is a necessity for the well-being of those settlements that they should enjoy an absolute exemption from duties, it would be illogical to grant this respecting the federal duties alone, and not respecting those of the state; if an absolute exemption is not indispensable, then the natural and convenient course would be, that any reduction should be borne *pro rata* by the federal and state treasuries. And can a decree which contains these monstrosities be gravely proposed for the sanction of Congress without the discussion and examination of each one of these features?

Another inconvenience of the decree of the Free Zone is found in the first part of article 4, as follows:

"ARTICLE IV. Effects which are dispatched from towns where custom-houses exist, intended for free consumption, shall take out passes in the same manner as is customary with the interior traffic of the republic."

As may be seen, this article proposes to give rules for the transit of merchandise destined for free consumption, and the only one which is laid down could not be more ambiguous or exposed to greater inconveniences. It is provided that merchandise shall take out the *customary* passes for the internal commerce of the republic. What are these customary passes? Are they such as were *then* in force in Tamaulipas, or such as have been established since? In the latter case the federation would become subjected, in a matter of so much importance as that of the internal traffic of the republic, to

the will of the legislature of one of the states. The convenience of either giving fixed rules on the subject, or of designating especially the laws which are to be considered in force, cannot be questioned.

Another grave inconvenience of the decree of March 17, 1858, is that it does not fix with precision the extent of the Free Zone, since, though in the first article it seems to limit it to the settlements on the shore of the Rio Bravo, in the latter part of article 4 the dimensions of the Zone are enlarged indefinitely. It concludes thus:

“Effects destined for the consumption of the *ranchos* (hamlets) within the jurisdiction of these towns, shall enjoy the benefit of exemption from duties when they do not exceed the value of thirty dollars, and are provided with the requisite passes, without which they will be confiscated.”

It is evident here that certain jurisdictions are spoken of, but not geographically bounded, and may perchance be held to include the whole State of Tamaulipas. It is also to be seen that the benefit of an exemption from duties is conceded by this article not only to the goods consumed in the towns along the right bank of the Bravo, but also to the *ranchos*, with an undetermined jurisdiction, although with the limitation that their value shall not exceed thirty dollars. It is easily to be understood that this limitation would be a nullity, and would only serve to countenance fraud.

Another indication that it was the intention of the author of the Free Zone decree to include in it the whole State of Tamaulipas, or, at least, all the northern district of that state, is that in speaking of the payment of duties upon goods which are sent inland for consumption in places not included in the Free Zone, he invariably uses the phrase *to send into the interior of this republic*, without foreseeing the case of the goods being sent inland to other points of the State of Tamaulipas.

The advocates of the Free Zone not only deny that contraband trade is encouraged by it, but even assert that the Zone is the best, if not the only, preventive of such traffic.

All the reasons which have been, or may be, alleged in defense of this theory are, in my opinion, unfounded, and are satisfactorily refuted by article 8 of the decree of March 17, 1858. The author of this decree, who saw practically the decadence of the frontier towns, its causes and the means of remedy, and who found a method which, in the opinion of the advocates of the Zone, was highly ingenious and worthy to be maintained and extended, is doubtless a better authority on this point than the present defenders of the Zone.

Very well, the author of the said decree believed that the establishment of the Zone would foment contraband trade to such a degree that he thought it necessary to consign in an article of his decree an especial recommendation to the inhabitants of the frontier that, in his own words, the benefit conferred upon them should not be converted into a *shameful contraband trade*.

The eighth article of the decree is literally as follows:

“ARTICLE VIII. As the exemption granted by this decree ought not to prejudice the national revenues, the inhabitants of the frontier are under an obligation to prevent, by all means within their power, this benefit which is granted to them from *becoming a shameful contraband trade*, and consequently every inhabitant of the frontier ought spontaneously to become a common sentinel and enemy of everything contraband; if this is not done, the government will be placed under the stern necessity to take away this exemption by revoking the present decree.”

Besides this opinion, which has much weight with me, the facts are in favor of its correctness. As the executive desired to proceed with all possible accuracy in the important question of the tariff, it circulated to all the custom-houses of the sea-coast, asking an opinion thereon, the tariff which was presented to the chamber more than a year since by its own committee. In this way it obtained a mass of information which it used in drawing up the observations which it made upon the projected tariff which the chamber afterward provisionally approved. The opinion of the customs authorities of Tampico is found in a communication dated November 21, 1869, in which the collector of that port, an officer of great experience, when speaking of the causes which facilitated contraband trade, said of the Free Zone the following, which I will take the liberty to read to Congress:

“The possibility of this clandestine trade is proved by the abundance of cloths of many kinds in the principal cities of the interior, as San Luis Potosi and Zacatecas, in which the articles are sold much cheaper than in this port. Lately a merchant arrived at San Luis Potosi from Matamoras with more than three hundred packs of cloths, and sold calico at five dollars per piece; and if the great distance between Matamoras and San Luis be taken into consideration, it will easily be perceived that these goods have paid no duties when they can be sold at so low a price, after the heavy expenses of transportation. This evil probably results from the port being established at Matamoras, while it may be avoided by fixing it at Bagdad.

“It may also result from the Free Zone, which is enjoyed by all the northern frontier, a privilege which was granted in consequence of the special circumstances which existed in that section at the time it was granted, and which do not now exist, and under cover of that Zone an immense injury is inflicted upon the national revenues. From

Ciudad Victoria, the capital of this state, and from other places in Nuevo Leon and San Luis, such as Matehuala and Linaves, which formerly were supplied from this port, they now buy all their merchandise at Matamoras in spite of their greater distance from that port than from Tampico, because they invariably get their goods cheaper than their value here; consequently the Free Zone may be considered as a convenient safeguard for contraband trade.

"The Free Zone being, therefore, a system which causes such detriment to the other ports within the republic, especially to those which, like Tampico, are situated in the Gulf, since they suffer a ruinous competition in the interior towns upon the same latitude, it is necessary to find some resource which may promptly repress this evil which weighs so heavily upon commerce in general, and upon the national revenues, defrauding them of their just dues, while a few speculators speedily enrich themselves at the general expense, a real monopoly, which, as such, is prohibited by our constitution, and condemned by all the principles of distributive justice.

"This resource can be no other than that of obliging all the ports of the republic, without exception, to abide by the general tariff, for the law ought to be the same for all, especially in regard to contributions and dues, since upon their equalization and strict observance depend the receipts of the national treasury."

In the opinion of the orators who defend the Free Zone, as I have already mentioned, it not only does not favor contraband trade, but is its principal and almost its only remedy. Let us examine their reasons for this opinion. Before the establishment of the Zone, say they, foreign goods were brought into Mexico by the numerous fords of the Rio Bravo, and were not destined, as they have been since the existence of the Zone, to the frontier settlements. As it is much easier to watch over five localities than over a line of a hundred leagues in extent, they judge that the Zone has operated against contraband trade. They say also that, by reason of the said Zone, the goods which are dispatched from the frontier settlements, either for the consumption of another locality within the Zone or for the interior of the republic, have to be furnished with passes, and that these precautions are more than sufficient to repress smuggling.

These reasons may convince their own authors, but, in my judgment, they have no force whatever, and my opinion, in this respect, is confirmed by experience. The provision in the decree establishing the Free Zone that merchandise imported into the frontier settlements be brought by way of the authorized fords and the points designated by, for foreign traffic, cannot carry with it its own fulfillment. It existed long before the Free Zone, and then, as now, it was violated by unscrupulous speculators. In fact, all our tariffs have ordained that the importation of foreign goods be made only at properly authorized points, and have considered all importations through other routes as frauds, which should be punished by severe penalties. This regulation, then, is the same as that of the same decree, and was more efficacious since its violation was visited with severe punishments, but neither then nor now has it ever been properly enforced. And for what reason? Because the promulgation of a law does not suffice to carry it into execution, but it is absolutely necessary to employ other means to that end. In the absence of such means along our extended frontier, it is clear that the mere publication, either of the tariff law or of the decree concerning the Zone, will not suffice to prevent importations by unauthorized routes.

But we are told that no merchant could be tempted to import his goods through unauthorized routes, under peril of confiscation, when he is permitted to import them into the settlements without payment of federal duties, and can either keep them in deposit as long as he chooses, or consume them duty free within the Zone. It is true that when the merchandise is intended for consumption within the Zone, there can be no object in importing them through unauthorized routes, and then no contraband trade is intended; but it is not the same when the goods are intended for illicit traffic. One of two things, then, necessarily happens—either the smuggler counts upon the connivance of the customs authorities, and in this case imports them through the authorized points, having no temptation to do otherwise, or he does not count upon that connivance, and then he does not import them by the authorized points, because it does not suit him to do so. And what is to prevent him from importing through unauthorized points? Merely a legal text, which is equally inoperative, whether contained in the law concerning the Zone or in any other. It may be seen then, that if, as the defenders of the Zone assure us, during its existence we ought only to keep watch over five localities on the frontier, by this means fraudulent importations are encouraged, as they no longer suffer peril of any vigilance at the unauthorized routes, through which they may operate with entire impunity.

Another of the reasons alleged to prove that the Zone is a remedy for contraband traffic is, that the goods which are dispatched from the frontier settlements, whether for consumption within the territory of the Zone or without it, are obliged to carry passes and present return passes, in proof of having paid the proper duties. In this case I have to repeat exactly what I said in the previous one, that is, that these precautions and restrictions against fraud existed also before the establishment of the Free Zone, and are as inefficacious now as formerly. In fact, before the decree concern-

ing the Zone, it was the rule that foreign goods imported into the ports of the republic could not be sent into the interior without being accompanied by the proper passes, with the obligation to present the return passes within a certain period. The legislation upon the subject was much more complete than the few provisions respecting it in the decree concerning the Zone, and nevertheless, at that time as well as now, these provisions were insufficient to prevent fraud.

It is evident, then, that the two principal reasons which the advocates of the Free Zone present, as conclusive to demonstrate that the Zone is the most efficacious remedy against fraud, are really puerile.

We have been interrogated several times as to how frauds can be committed in the Free Zone, and the reply is very simple. Either the smuggler succeeds in coming to an understanding with the customs officers, in order to commit a fraud, or he does not. In the first place, everything is done without the Zone being able to prevent it. In the second case, the smuggler has two courses to follow; the first being to import his goods through some uninhabited route, by which he may carry them to the interior of the republic. As in the states adjacent to Tamaulipas no excises exist, no documents are required, and the smuggler can introduce his goods with absolute impunity. All the danger consists in the possibility of meeting with the customs guards, and, at present, with the sections of the counter-guard on the northern frontier. If he succeeds in escaping the vigilance of these employés, which is very easy in so considerable an extent of territory watched over by a very small number of persons, the fraud is consummated. This, nevertheless, is the least probable expedient, and it is also the most perilous.

The second course consists in importing the merchandise through some of the authorized routes, and then send it with the proper passes for some point within the Zone. When there, false witnesses can be found to swear that the goods have been consumed, in which case a return pass is issued, to be presented at the original custom-house to cancel the pending bond. The goods can then be sent clandestinely into the interior. The same thing can be done by the merchant in the very place of importation, by adducing false proofs that his merchandise has been consumed in the same place.

It is then evident that all known methods of contraband traffic which existed before the Zone are still in existence, and have been increased by new ones before unknown.

I am far from believing that the author of the decree concerning the Free Zone, and the advocates of that institution, propose to foment contraband trade by its means. On the contrary, I take pleasure in recognizing that the deputy of the northern district of Tamaulipas, who is, therefore, the most directly interested in the maintenance of the Free Zone, has given proof that he does not desire to encourage smuggling, by working earnestly for the law which established the counter-guards on the northern frontier, and by lending the executive his aid, in order that this institution may yield the good results which are expected from it.

Returning to the decree of March 17, 1858, I ought to state that the defenders of the Zone think that all its inconveniences are remedied by the 53d article of the tariff bill, because it designates exactly the places which are to enjoy the privilege of the Zone, and that, consequently, this article repeals the conflicting provisions of that decree, and explains those of doubtful interpretation. This reasoning would be valid if the chapter of the tariff bill relating to the Free Zone had no other article than the 53d, but the precise language of the 54th article destroys all this reasoning. This article is as follows:

“ARTICLE 54. In order to enjoy this exemption, the decree issued by the government of Tamaulipas on March 17, 1858, and ratified by the general Congress on July 30, 1861, shall be obeyed in its main scope, *except in the penal portion*. In that respect the provisions of chapter 18 shall be respected.”

It is then clear that, although it is first said that the provisions of the decree shall be obeyed in its main scope, this limitation is explained by the declaration that it shall hold good in all except the penal portion, which is certainly that of least importance. Besides, as all the provisions of the decree relating to the Free Zone are included in its main scope, they all remain in force except the penal portion, which is expressly revoked.

We have a plain proof of this fact. The decree of the second Congress of the Union, dated July 30, 1861, which ratified the Free Zone, is conceived in almost the same terms as the 53d article of the tariff bill; that is, the settlements which are to enjoy the benefit of the Free Zone are mentioned, and reference is made to the decree of March 17, 1858. It has been understood since then that the decree is in force in all its parts, and this has also been the practice.

Besides this, the approbation of these two articles of the tariff bill would amount to a change in the prudent conduct which the Congress of the Union has observed of never giving its approval to legislative measures which have once been in force without discussion of each of their articles.

The terms of article 53 imply, moreover, an important and transcendent constitu-

tional question. By it certain places are designated in which the importation of foreign goods is free. These places are now open to foreign commerce. While they so continue there can be no difficulty in making importations through them; but if circumstances should ever demand that one or more of these points be closed to foreign commerce, a grave difficulty would arise. The fact of their being named in the tariff throws them open to foreign commerce by legislative enactment. If it should become expedient, and even necessary, to close them to such commerce, as has already been proposed, the executive would be placed under a painful alternative, either to refuse to exercise a prerogative granted him by the constitution, in order not to violate a law of Congress, thus seriously affecting, in the supposed case, the public interests; or, should he act upon the belief that Congress cannot deprive him of this faculty except by previously modifying the constitution through all the prerequisites established for so doing, he might then be impelled to abrogate a legislative enactment. In this case, in addition to the inconvenience which would result from the executive's abrogating or modifying the laws, he might be accused before the national grand jury in the midst of perils of another character.

If we were to credit the statements of the advocates of the Free Zone, it would be necessary to recognize that upon this institution depend, not merely the well-being and prosperity of the frontier settlements, but their very existence, that of the state of Tamaulipas, and of the entire nation. Unfortunately for the friends of the Free Zone, this proposition is untenable. Congress has just heard a deputy, not from the interior, but from the very state of Tamaulipas, who has raised his voice against the Free Zone, not merely in the abstract, but as a question of life or death for the south of Tamaulipas. The representative for the southern district of that state has so stated, not solely upon his own word, but reading communications from merchants at Tampico, which assert that the continuance of the Free Zone would be the complete ruin of that port. This statement is neither unfounded nor incorrect. The custom-house of Tampico, which for many years was the second one of the republic, its revenue being inferior only to that of Vera Cruz, is now in such a state of decadence that, on account of the Free Zone, it has become a custom-house of the third or fourth order, and cannot even pay the expenses of the military force which receives its payment through it.

It is seen, then, that this institution of the Free Zone is not even accepted by the citizens of the very state in whose favor it was established; that if it has caused prosperity in some points on the frontier, which, in my opinion, has been upon a very small scale, it has, in exchange, ruined others which formerly enjoyed prosperity, and causes grave damage not only to other places in the state of Tamaulipas, remote from the frontier, but also to the nation in general. The Congress of the Union, which does not represent a single locality, but the entire republic, has the right and the duty to combine in its laws local with national interests, subordinating when necessary the former to the latter.

The prosperity which the frontier has at some time enjoyed, and which is represented to us as exclusively the result of the Free Zone, is, in my opinion, rather due to the civil war in the United States, which for some time made the cotton trade one of great profit to the inhabitants of Matamoras and other frontier towns, in consequence of the blockade of the southern ports by the United States Government. The Free Zone was undoubtedly one of the causes of prosperity, but could never be sufficient of itself to cause the transformation on the frontier which we witnessed from 1862 to 1866.

If we were to believe the defenders of the Free Zone, we ought to believe that from the time of its establishment, far from the inhabitants of our side of the Rio Bravo emigrating to the other, as formerly, the emigration would have changed its course, and that we should now be absorbing the inhabitants from the left side of the river. Unfortunately this is not the case, in spite of the efforts made to convince us of it, in order to preëngage the opinion of the chamber in favor of the Free Zone. A deputy now present in Congress, and who had just passed through the State of Texas, told me yesterday that the current of emigration continues to flow, as formerly, from our territory to that of the United States, the Free Zone not being a sufficient inducement for those of our citizens who desired greater stability and security to remain in our territory. I make the statement because the honorable deputy, Don Enrique Mejia, to whom I allude, authorized me to do so, and he may correct the statement if he should think proper.

It follows, then, that there is much exaggeration in what we are told concerning the magic effects of the Free Zone in behalf of the frontier and of the whole nation. A single fact, which I will mention to conclude my observations upon this point, proves the inexactness of the prodigious effects attributed to the Free Zone. In Paso del Norte there is no Free Zone, since it now only includes the state of Tamaulipas. Opposite Paso del Norte is an American town called Franklin, as there are also towns opposite each of the settlements on the frontier of Tamaulipas. As the same causes now exist there which, before the establishment of the Free Zone, made the frontier of Tamaulipas a place of decadence and almost uninhabitable, the effects of these same causes at Paso del Norte ought to be identical. To judge by what we have heard in favor of the Free Zone, we should suppose that Paso del Norte is an insignificant ham-

let, which would only have, as inhabitants, a few true heroes who preferred their patriotic sentiments to their well-being and every other consideration, while Franklin should be a populous city, and in a state of growth and prosperity. Far from this being the case, Paso del Norte contains a population of from five to six thousand inhabitants, while in Franklin there are barely from five to six hundred, most of them being the forces of the line with which the Government of the United States guards its frontiers. This shows that the situation of the inhabitants of our territory is not so desperate as we are told, and that they do not so absolutely need the Free Zone in order to exist and prosper.

Another consideration has been presented by the defenders of the Free Zone, which I think has weight in the opposite scale. It consists of the menace that the frontier settlements would rebel against the authorities of the republic if Congress should deprive them of the Free Zone. Either I am very much mistaken, or the Congress of the Union will not be influenced in its decisions by threats of this kind, and much less when there is reason to believe that these threats proceed not from the mass of the people, but from the imperiled interests of a few speculators.

Hitherto I have treated only of the inconveniences of the ratification of the Free Zone as it now exists. These inconveniences would be very considerably increased if that Zone were to be extended, as the committee proposes, to other states, some of them not even upon the frontier. In fact, if the Free Zone produces the serious results already mentioned while it is confined to the territory of Tamaulipas, extensive in itself, but small in comparison with the proposed extension to Paso del Norte, these serious results will, in that case, become incalculable. It will then embrace two more frontier states, and one which is not such, and which, for that very reason, has no valid pretext for soliciting this privilege.

The existence of the Free Zone in Tamaulipas is an evil for many persons who have acquired interests there, which render its abolition difficult, even when such abolition is proved to be based upon just, convenient, and economical reasons. It is evident that in that case these persons cannot favor the extension of the Free Zone, which they know to be an evil, which, when once established, will create interests very difficult to remedy. It is short-sighted to raise up obstacles which may ultimately become serious, merely in order to pretend that the Free Zone is not a privilege.

If Congress should now approve, not merely the subsistence of the Free Zone in Tamaulipas, but its prolongation to three other states of the republic, it is to me very probable and almost certain that the evil results accruing therefrom sooner or later will make themselves generally felt, and it will be thought absolutely necessary to extirpate the evil by suppressing the Free Zone. How much more difficult will this be if the Zone is so enlarged as to foster the creation of interests which may become really formidable! If at present the interests created in a district of one of the states can even resort to threats, what would happen when this privilege shall be extended to three more states?

The idea of extending the Free Zone beyond its actual limits arose from the desire of doing away with the character of a *privilege* which is inherent to the Zone, by demonstrating that it may be conceded to any frontier territory. This object has not been attained by the committee's report; for either the frontier ought to enjoy this privilege, and in this case it is inconceivable that Sonora, Lower California, Chiapas, Tabasco, and Yucatan should be excluded, or it belongs not only to the frontier states, but also to those bordering on the frontier states, and then it cannot be understood why it should be granted to Nuevo Leon and denied to Durango, Sinaloa, Oaxaca, and Vera Cruz.

In view of the reasons which have been alleged in favor of the Free Zone, it would appear natural that only frontier settlements should call for this privilege. Nevertheless, we see that it is now proposed to grant it to Nuevo Leon, which has no frontier. I have carefully read the speech of the honorable deputy who recently advocated the right of Nuevo Leon to participate in the Free Zone, and I confess that my limited intelligence could find but one real reason which has any force in favor of this pretended right. This reason, if it may be so called, is that, although Nuevo Leon has no frontier, a part of its territory is very near the frontier, and that the state of Tamaulipas lies between it and the frontier. I think that this same reason might be alleged by several other states of the republic; San Luis might say that Tamaulipas lies between her and the frontier; Zacatecas, that Coahuila lies between her and the frontier; and the same argument might be repeated by Durango, Sinaloa, Oaxaca, and Vera Cruz. Evidently, if all these states had chanced to possess a portion of the frontier, they might all demand the privilege which is alleged to belong to the frontier; but in that case no others than the really frontier states have any right to enjoy such a privilege.

I intended to reply to various allusions made by some of the speakers who have defended the Free Zone, and correct some mistakes which, in my judgment, they have made; but having already occupied the attention of the chamber longer than I wished, and as I shall probably have to occupy it again, as I understand that the debate is to continue, I reserve further statements until its close, and refrain for the present from replying to those allusions, and from rectifying those errors.

In conclusion I will sum up as follows the ideas of the executive concerning the Free Zone:

1. The Free Zone, as it now exists, is a *privilege*, such as is prohibited by the constitution; one which injures a part of the very state of Tamaulipas and the entire nation.
2. It is the duty of the government of the union to endeavor to prevent the situation of the frontier settlements from becoming less favorable than that of their neighbors, and to that end ought to grant them all necessary exemptions.
3. The Free Zone is not absolutely indispensable to that end.
4. Even in case that Congress should ratify that Zone, it should provide such regulations that the interior commerce of the republic shall not remain at the mercy of the enactments of the legislature of a single state.
5. The extension of the Free Zone to other states, and especially to such as have no frontier, would occasion innumerable evils.

B.

Synopsis of the speech of the deputy Don Ramon Guzman in the Mexican Congress, in the session of October 27, 1870, in favor of the maintenance of the Free Zone.

The maintenance of the Free Zone may be considered under two aspects—as an economical question, and as a political question. I shall examine the former under three heads: first, what our frontier was before it became a free zone; second, what it now is, under the operation of its present exemptions; and third, what it will become, unfortunately, the law in question should be repealed.

Our population on the Rio Grande, at the conclusion of the treaty of Guadalupe Hidalgo, was about 30,000 souls, scattered through many villages and hamlets. The Americans, who always make correct calculations, immediately established in front of each of our settlements a military post and a custom-house, with bonded warehouses. They had no settlements in which to sell their merchandise, for this region was all a desert. They came and took up their stations at these posts in order to compete with our merchants for the trade of our frontier. Their system of bonded warehouses, with the exemptions from all duties enjoyed by their national manufactures, necessarily annihilated the commercial activity of the Mexican shore; caused its inhabitants to engage in smuggling, to the neglect of agriculture; and finally, when they had become impoverished through lack of work, led them to abandon their native soil in search of that subsistence which our fiscal system denied them. At that time the Mexican tariff was higher than that of the United States. The duties were collected then as now, at the moment of importation, and certain fords were designated for the passage of merchandise, outside of which it ran the risk of confiscation. The American bonded warehouses had no other object than to hold the goods destined to a contraband trade with Mexico. After three years of this unequal struggle, the Americans had gained over to their territory the majority of our population. Our landed property had lost its value; the commerce of Matamoras, our principal town, was reduced to two retail houses, and the few inhabitants of the Mexican bank had to become professional smugglers. From the authorities down to the humblest laborer—some of necessity, and others as a speculation—incessantly crossed the river, bringing back goods at 50 per cent. less than their cost on this side. Our custom-houses did not pay the salaries of their own officers, and they received their money from Mexico.

After three years' experience of these miseries, the government, in 1851, sent General Don Manuel Robles Pezuela to study the condition and the necessities of the frontier. From his luminous report sprang the idea of a Free Zone, which was sent the next year to the chamber on the part of the executive. Unfortunately the influence of foreign ministers in the high regions of power was then irresistible. A *friendly intervention* was decisive. Above all, the recollections of the American invasion were very fresh, and that proposal of the executive, through the lukewarmness of the cabinet, and for another reason which I must not name, had the misfortune to be rejected. But at a later day, in 1858, during the war of reform, and under the influence of General Garza, the decree of the Free Zone was issued.

The inhabitants of both shores immediately perceived that, in the competition between the fiscal systems of the two peoples, the advantage had changed to the right bank. The difference was very soon felt. The American warehouses began to be closed; European cargoes no longer landed on the left side of the river; our lands increased in value; the population augmented so rapidly that from 18,000, to which it was reduced in 1858, it reached 50,000 in five years. Later came the exceptional circumstances of the cotton trade during the confederate rebellion, which produced an artificial and transient increase of population, at one time amounting to 150,000, and the remnant of which still leaves us the 70,000 assigned by the census to the frontier of Tamaulipas.

The national treasury enjoyed a proportional increase of revenue; and after paying all expenses and covering numerous letters of credit, the custom-houses made considerable monthly remissions to the treasury department. Smuggling, which was so easy

when there was only the frontier to cross, now became more difficult through the system of passes and of inspectors upon the roads leading to the interior. And if the secretary of the treasury had subordinated the custom-houses of Laredo, Camargo, Linares, and other towns to that of Matamoros, and had exercised greater vigilance over the morality of his employés, the contraband traffic would have become insignificant. Since the establishment of the *contra-resguardo* (second line of inspection) this evil has largely decreased. The proof is that the custom-house orders, which were worth but a short time since only 20 to 30 per cent., have trebled in value within the two months which have elapsed since the establishment of the *contra-resguardo*.

The third point of my inquiry, as to what would take place if the Free Zone should unfortunately be abolished, may be briefly dismissed. The inhabitants of that region, who have given such proofs of their love for liberty, distinguishing themselves in the wars of independence and reform, would certainly oppose, with arms in their hands, a measure intended to deprive them of their liberty and their well-being. I am told that the government is strong enough to conquer them with two divisions of its army. In that case, this people, warlike by instinct and resolute in the maintenance of its rights, would cross in a body to the American shore, leaving the ashes of their homesteads as trophies to their oppressors.

The enemies of the Free Zone repeat that it is a *privilege* which is prohibited by our constitution. I consider that a *privilege* is that exceptional advantage which is granted to an individual, a corporation, or a locality, by which, under an equality of circumstances with others, an exclusive benefit is granted, to the detriment of the rest. But what port is there on the Gulf or on the Pacific which has in front of it, at a hundred paces off, a foreign port? Ought we not to remember that this colossal power, which has located eight custom-houses, with bonded warehouses, along a desert line of only eighty leagues, intends to build up its own settlements at our expense? Would not the derogation of the law which has created so many interests on our frontier favor the American interests, to the immense detriment of our own?

To vote against these interests is to attack the interests of the nation; and if my own reasoning lacks vigor, and my tongue the necessary eloquence to prove this, my esteemed companion, Mr. Velasco, will read the report of a committee of the American Senate, in which it recognizes the right of Mexico to adopt the financial laws which it may deem proper. It argues that the maintenance of the Free Zone is a serious detriment to their views for the future, and that fact speaks louder in its favor than anything my feeble voice can utter. I will add, however, that when the government did me the honor to appoint me, along with Mr. Castañeda, to draw up a tariff bill, which is very nearly the same as that before us, *suggestions were made to us, on the part of the United States Government, which I am not at liberty to reveal, tending to the suppression of the Free Zone, and, as may be seen, we energetically repelled them.*

I very much wonder, and I call the attention of the chamber to this subject, that the secretary of the treasury has not a single word of disapproval for the Leese contract for the colonization of Lower California, by which the colonists import, free of duty, goods of every kind, and are granted greater privileges than those enjoyed by our brothers of the northern frontier. Nevertheless, his excellency finds no difficulty in granting to strangers what he refuses to Mexicans. Is it because the former speak English, and the latter, the poor Spanish tongue?

I cannot understand how the interests of the United States should be upheld among us in opposition to those of Mexico. Do not think that I bear any ill-will toward that people which was our friend in the hour of misfortune. No, sir. I love it, I admire it, and wish it all prosperity; but not to the detriment of Mexico. I propose no aggression; but that, strong in our right, we do not accept a friendly intervention after having repulsed an armed intervention. I wish for a reciprocity of interests in our relations, and especially upon our northern frontier; and as we endured for twelve years while they maintained in front of us their ports of deposit, let them now endure the continuance of the Free Zone; and if the competition should be pursued, let us, in turn, endure their establishment of free ports. The real sovereignty of the people would be outraged were we to forget our duties. The United States are great and strong, but they are also just.

No. 294.

Mr. Nelson to Mr. Fish.

No. 314.] LEGATION OF THE UNITED STATES,
Mexico, November 10, 1870. (Received November 25.)

SIR: After a protracted debate, in which the Mexican government, through the secretary of the treasury, Mr. Romero, has made great

efforts for the abolition of the Free Zone, Congress, on the 5th instant, not only formally sanctioned that measure, but extended it over the frontiers of Coahuila and Chihuahua and to the northern district of Nuevo Leon. Notwithstanding the decisive vote by which this result was obtained, (85 to 37,) there is still hope that it may not become a law, as the President will undoubtedly use his constitutional prerogative of retaining the bill in his hands till near the close of the session, and then returning it with objections. Even should it become a law, Mr. Romero is confident that the great practical inconveniences of the measure will ere long become so apparent that it will be repealed after a very brief experiment of its workings.

I inclose a synopsis (A) of the latest speech upon this subject by Mr. Romero; also a synopsis (B) of a speech in its favor by the deputy Velasco, who represents the district in which the present Free Zone is situated.

THOMAS H. NELSON.

A.

Synopsis of the speech of Mr. Romero, secretary of the treasury, before the Mexican Congress, in the session of November 4, 1870, in opposition to the maintenance and extension of the Free Zone.

Mr. Romero began by quoting document in disproof of a charge made by Deputy Guzman, that the contraband trade upon the frontier might have been greatly diminished had the secretary of the treasury taken the proper steps to secure a vigilant administration on the part of the customs authorities. He then met another charge of the same deputy, to the effect that the executive had, of his own authority, conceded a reduction of duties to the frontier of Chihuahua, by the statement that that decree was issued when the national government was temporarily residing in that state, and was by virtue of the "extraordinary powers" which the President then possessed, but that upon the return of the government to the city of Mexico that measure was rescinded. In reply to another charge against the Government of the United States, Mr. Romero then spoke as follows:

"Another of the errors into which the same orator has fallen is that of stating that the Government of the United States solicited from the usurpers Miramon and Maximilian the abrogation of the Free Zone. In conformity with his plan of leading this chamber to believe that the opinion of the executive, in opposition to the Free Zone, is the result of its subservency to the cabinet at Washington, he praises the conduct of those pretended governments by comparison with the present administration. I doubt whether the honorable deputy believes what he has told us, and, if he does, it only shows how easily he gives credence to the most unfounded and most improbable rumors, and how innocently he tries to make this chamber share his mistakes.

"The Government of the United States could never solicit from Miramon nor from Maximilian the suppression of the Free Zone, nor anything else, for the simple reason that it was never in relations with them. It is true that Mr. Forsyth, minister from the United States to Mexico in 1857, recognized Don Felix Zuloaga as president, but he did so without instructions, and soon after had to break off his relation with that so-called administration, before Don Miguel Miramon came to power. After this, the Government of the United States recognized the constitutional President of the Republic, then at Vera Cruz, and maintained relations with him until the close of the war of reform. The whole world knows, and it is wonderful that there should be any one here who does not know, that the Government of the United States never recognized either the intervention or the so-called empire, nor maintained relations of any kind with either the one or the other. Persons who are unacquainted with the rules which guide the conduct of the cabinet at Washington may assert that on one occasion or another it employed confidential agents; but this assertion will only prove their absolute ignorance of the established customs of that Government."

Mr. Romero then argues that the non-interference of the imperial government with the Free Zone is easily accounted for by the fact that it was never in possession of the frontier, and that its hold upon Matamoras was always very precarious. Besides, he would not, if he could, have suppressed the Free Zone at a time when such a measure would have driven the frontier settlers into the ranks of the liberals. Maximilian would, however, have abolished the Free Zone ten times over, had it been possible, if by that means he could have obtained the recognition of the United States.

Mr. Romero then impugns the speech of the deputy from the northern district of Tamaulipas, (Mr. Emilio Velasco,) who had charged him personally with ignorance and incompetence. However this might be, the secretary of the treasury had presented himself in that chamber to express not merely his own opinions but those of the executive, upon whom the same charges would therefore fall. "Those who know the President of the republic know that he studies for himself all public questions, forms his own opinions, and has sufficient force of character to maintain them whatever may be the opposing interests. In the question of the Free Zone, as well as that of ports of deposit, his interest has been so great that the persons who have visited him recently, when he was lying upon what was supposed to be his death-bed, can testify that he concerned himself with these two subjects much more than with his own existence.

"Both of the orators to whom I am replying have thought fit, in order to defend the Free Zone, to have recourse to documents published by a foreign government. They have called the attention of Congress to the report of a committee of the United States Senate upon the Free Zone, treating it as a decisive document, almost as an oracle, each word of which is full of wisdom upon the various phases of the question of the Free Zone. The honorable deputy who has just spoken (Mr. Velasco) said that the committee which drew up this report was especially appointed to study the question of the Free Zone. This is a great mistake. The committee referred to is called the Joint Committee on Retrenchment, being composed of members of the two houses, whose duty it is to seek the means of alleviating the financial burdens of the country. This report of the Senate Committee on Retrenchment was presented May 16, of the present year. The newspapers of the United States reproduced its principal contents, and we thus learned its chief points before we saw the document itself. It may be asserted without exaggeration that this document is one of those which have been written with least foundation; and yet it is cited by the defenders of the Free Zone as a conclusive argument in favor of their theories. The members of this committee thought proper to take the sworn testimony of four witnesses, who deposed not merely concerning the Free Zone and the frauds which it shelters, but gave utterance to notoriously false statements concerning the intentions of the Mexican government toward the cause of the American Union, concerning our supposed sympathy for the southern rebels, our hypocrisy toward both belligerents, and the imaginary assistance which we lent to the rebellion. I have marked several passages in those depositions, which I am sure would stir up the patriotism of Congress were I to read them, but to be brief I will only make a slight summary of them. One witness says that when he was at Monterey the President of the republic went to his house to visit him. Those who know the President's character can judge of the probability of this statement; and besides, the President remembers perfectly well that while he was in Monterey he did not visit anybody, native or foreign.

"Another witness relates a conversation held with the President, in the presence of eight or ten witnesses, in which he expressed the greatest sympathy with the southern rebels. As the result of this conversation he states that a decree was issued, through the state and war departments, permitting the selling of arms to the Southern States. All who have ever spoken even once with the President know his natural reserve, and those who are better acquainted with him know that he never expressed an opinion upon a public subject in the presence of persons not on terms of intimacy, much less before strangers. Any one who may search for a decree issued while the President was at Monterey, relative to the exportation of arms to the Southern States, will easily ascertain that none such exists.

"Another witness asserts that the President's sympathy for the southern rebels went so far as to send them arms and ammunition. We all know that if the President had then had any arms at his disposal he would have made good use of them in defense of the national cause, and never in favor of a cause linked with that of the French intervention in Mexico. We all know that this intervention was projected and carried out at a time when the success of the southern insurrection was considered certain. Those Mexicans who were hostile to the intervention, and I think that the President of the republic may be considered as one of them, were then highly interested, if for no other reason than their own convenience, in the subjugation of that insurrection; and it is not probable that any one of them, much less the President, upon whom weighed such heavy responsibilities, would be disposed to contribute by word or deed to the triumph of the intervention. These statements, absurd as they are, were those upon which the report of the Senate Committee on Retrenchment was based. It may be understood, then, why it is so hostile to our country, so exaggerated and incorrect in regard to our actions.

"In honor of public opinion in the United States it is proper to state that it immediately perceived how lightly those Senators had acted in giving credence to the false and improbable testimony of these four witnesses. It is, nevertheless, the same document to which the two orators, who have most energetically defended the Free Zone, have referred as to a model of exactness in its opinions, and of accuracy in its statements. I also might find in it an arsenal of reasons to prove the impropriety of our main-

taining and extending the Free Zone; but I have preferred not to do so, because I think we have no need of appealing to foreign authorities in settling our own questions, and further reference to that document would only ascribe to it an importance which it does not, in itself, possess."

Mr. Romero then alludes to the argument derived from the wonderful prosperity of the Mexican bank of the Rio Grande since 1858, and the recent corresponding decadence of the American bank. He attributes both these events to the effects of the American civil war, to the temporary traffic in cotton upon the frontier, and the collapse of that traffic at the close of the war. He defends the United States Government from the charge of hostility towards that of Mexico on account of having established twenty military posts on the frontier, and having opened several ports of deposit, showing that such is the custom of the American Government respecting all their frontiers.

"The desire of some of the defenders of the Free Zone seems to be to convert our side of the river into the basis of a contraband traffic with the United States. The executive cannot follow them upon this path, and, without losing sight of any of the national interests committed to his charge, thinks it is his duty to lay before Congress all the dangers and inconveniences of the Free Zone."

B.

Synopsis of a speech of the deputy Don Emilio Velasco, in the Mexican Congress, October 29, 1870, in favor of the maintenance of the Free Zone.

Mr. Velasco begins by noting that when, in 1861, the question of the Free Zone was first discussed in Congress, it obtained 97 votes, while in the later discussion of 1869 it received 112 votes. He considers this fact as a happy augury for the result of the present debate.

In allusion to the fact that Mr. Obregon, the representative for the southern district of Tamaulipas, had delivered a speech in opposition to the Free Zone, which might imply that the interest of that state is not engaged in behalf of that measure, Mr. Velasco replies that he is himself a native of Tampico, where his family now reside, and that he has been the representative in Congress of the southern district of Tamaulipas, with which all his interests are identified, but that all smaller interests disappear in the presence of a great national question like the present.

The argument which has been most insisted upon against the Free Zone is that which alleges it to be a fruitful cause of contraband traffic. In order to give its due weight to this assertion, we must inquire, not whether such traffic now exists, but whether it has increased or diminished by the establishment of the Zone.

After the treaty of Guadalupe Hidalgo the Americans founded settlements along the Rio Grande, for the sole object of building up a contraband trade with Mexico. Their system of bonded warehouses, and the ease of procuring witnesses who should testify to the exportation of goods across the frontier, rendered it easy for them to defy the vigilance of our customs employes.

Official data, whose authority is unquestionable, prove how enormous was the contraband trade from the United States at that period. Mr. Belden, a citizen of Brownsville, in a communication to the American Secretary of the Treasury, testifies that before the law of the Zone there used to be from one to three millions of goods constantly in deposit at Brazos de Santiago and Brownsville; but that since then commerce has so far ceased that the custom-houses at those places are now a source of expense to the United States. All this merchandise was destined to Mexico, for these frontier towns had no commerce except with us. At the same time our custom-houses were not paying expenses, which fact signifies that those millions of dollars in merchandise were being constantly and fraudulently imported into our territory.

From a report recently presented to the American Senate by one of its committees, the following paragraph may be quoted in proof of the facts just stated: "It is impossible," says the report, "to prevent smuggling upon a line like that of the Rio Grande, when there are any inducements to it, and without doubt there was at this time (before the Zone) much smuggling from the American side of the river, to the detriment of the customs revenues and of the honest commerce of Mexico."

The Free Zone profoundly modified the mercantile situation of both shores, and interposed an obstacle to smuggling. The principle of the Zone is that goods do not pay duties at the time of their importation, but on their being dispatched to the interior of the republic. The object of smuggling is to avoid payment of duties, and, as there are none upon importations, all temptation has ceased. The advantage of the American system of bonded warehouses is thus neutralized, or rather a similar advantage is conferred upon all points of the frontier, so that foreign goods no longer seek those deposits, when they can, without expense, obtain storage in our own principal

towns, which is at once more convenient to the merchants and an important guarantee for the collection of the duties should they be sent into the interior.

"I have," says Mr. Velasco, "in vain endeavored to discover how the Free Zone can possibly be the cause of smuggling. In the discussion of last year the honorable secretary of the treasury, in reply to an inquiry of mine on this point, assured us that merchandise stored in any of our towns within the Free Zone may be extracted from the stores and sent in perfect liberty, without any interference from the custom-house, and without any kind of certificates, throughout the whole Zone. When the secretary used this language he undoubtedly had not studied the text of the law of the Free Zone. If he will consult the fourth article of the law of March 17, 1858, he will there find the regulations, which were carefully drawn up, expressly to apply to the case of attempted frauds in the transportation of goods to the interior, under pretext of carrying them to other points of the zone.

"The citizen secretary of the treasury affirms that the passes and other documents relating to the transportation of goods from one point of the Free Zone to another are useless, because they are the same that are issued from custom-houses in other parts of the republic, and that in all ports alike they give occasion to frauds. I must insist that this system of judging the frontier by the rest of the country necessarily leads to great errors, and the secretary has fallen into a very grave one on this subject. In other ports the duties are paid on importation, but in the settlements of the Free Zone they are paid on being sent into the interior. Consequently the passes in the former case do not prove the payment of duties, while the passes given in the ports of the Zone contain the account-current of the duties, and therefore prove their payment. The documents of the custom-houses on the frontier are not, then, useless nor inefficient, as the citizen secretary of the treasury imagines. On the contrary, a contraband traffic on the frontier can now only be effected by means of military seditions, or by the connivance of the employés of the treasury.

"As an example of the relative advantages of the two systems in a case of sedition, take that of Matamoros and Tampico, which both revolted against the federal government in 1867. Duties at Matamoros are paid on being sent into the interior. The passes given at that port were not recognized as valid during the insurrection, and, as a consequence, no interior commerce was permitted until the restoration of order. On the contrary, at Tampico, although the port was declared closed, this did not prevent heavy importations; and as the duties are paid on landing, the treasury suffered immense losses, since these importations left no trace behind. The Zone will thus always be an obstacle to the mutinies or seditions which might otherwise be stirred up for the purpose of protecting smuggling. As the duties are to be paid elsewhere, it very little concerns the treasury when a frontier town declares itself in rebellion.

"The Zone also renders much more difficult the contraband trade, which rests on the connivance of the customs employés. Without the Zone, when the goods were deposited in American warehouses, the fraud could be planned and carried into effect in twenty-four hours. Entire cargoes could thus be passed across the river in the shortest space of time. Now, however, the difficulties are immensely greater in effecting frauds with the connivance of employés through the more complicated system of documents which must be provided."

Mr. Velasco proceeds to show that the recent revival of contraband traffic in some portions of the interior is owing to the suppression of the internal custom-houses, which rendered it sufficient to obtain the connivance of an officer of customs. The counter-inspectors are designed to correct this evil. If, then, there should at any custom-house of the frontier be committed any frauds upon the quantity and quality of the goods dispatched from the interior, it will be readily discovered by the counter-inspection.

Mr. Velasco proceeds to draw a picture of the low state of commerce along the Mexican bank of the Rio Grande in 1858, and to contrast it with its present prosperity, which he ascribes entirely to the Free Zone. At the same time he points out the reverse condition of things upon the American shore as a proof that the former well-being of those towns was entirely owing to their having a monopoly of the Mexican trade, which the Free Zone has but transferred to the other side of the river, where it ought to be.

In reply to the proposition of the secretary of the treasury, who was willing to concede ports of deposit in lieu of the Free Zone, Mr. Velasco argues that as the Americans already possess them, and are in a condition to derive greater advantages from them, through their superior industry and enterprise, this concession would be entirely insufficient to maintain a commercial equilibrium between the two sides of the river, and the left bank would rapidly recover its former preponderance. Consequently, in the name of the people whom he represents, who are the inhabitants of the present Free Zone, Mr. Velasco declares that if the Zone is to be abolished, his constituents would regard the offer of ports of deposit as an insult added to injury, and would prefer to suffer in silence rather than be the object of a compassion very similar to irony.

After replying to various minor inaccuracies of the secretary of the treasury, Mr.

Velasco proceeds to consider the Free Zone as a vital necessity for the frontier, and to show that it should be extended to the states of Coahuila and Chihuahua, as was the intention when the plan was first broached by the executive in 1852. He quotes at length from a message of the executive of that time to show that the Zone was considered to be but a just recompense to the people of the frontier for the privations and dangers which they constantly incur in behalf of the whole nation. He also shows the decadence of Paso del Norte and other northern towns through lack of this privilege.

In conclusion Mr. Velasco says that free consumption is an accomplished fact upon the frontier, for the reason that nature and the necessities of the people have so required, and any attempt to revoke this liberty might occasion the dismemberment of the republic.

N I C A R A G U A .

No. 295.

Mr. C. N. Riotté to Mr. Fish.

No. 33.] LEON, *March 2, 1870.* (Received April 11, 1870.)

SIR: I have the honor of laying before you inclosed copies, respectively translation of the following documents, viz:

1st. Inclosure A, letter from her Britannic Majesty's chargé d'affaires in Central America, Mr. E. Corbet, of January 25th last, in answer to my communication, of December 28th ultimo, on the case of Mr. and Mrs. M. Glenton.

2d. Inclosure B, note to the Nicaraguan government, of January 29th ultimo, on the action of the directors of the Panama Railroad Company against Captain T. A. Douglass.

3d. Inclosure C, reply thereto by the government, of February 5th, with translation.

4th. Inclosure D, letter of General A. T. A. Torbert, United States minister in San Salvador, of February 21st last, on the importance of establishing a naval station of the United States on Tigre Island, Bay of Fomeca.

5th. Inclosure E, my reply thereto, of February 26th last.

I will permit myself to submit a few remarks on the subject of these two last notes. As you perceive from my answer to General Torbert, I do fully agree with his view. I will not attempt to argue the strategical and topographical side of the question. To do full justice to that, my colleague is more competent authority than I; and besides, a mere glance at the map, showing that in the long-stretched and every day in importance growing western coast of America south of San Francisco, our country is destitute of even a good harbor of her own, let alone a naval establishment or place of refuge, if only for cases of accidents or disasters, will at once powerfully advocate General Torbert's plan. There is another consideration in its favor, namely, the fact that not one of these Spanish North American republics, little Costa Rica excepted, until now has been able to erect on their dangerous coasts a single light-house. The pecuniary considerations entering into the question, I must deem it out of my sphere. But there is an international and political consideration eminently sustaining the plan. It cannot be denied that these republics, however slowly, and impeded by their political convulsions, are growing in commercial importance at a par with the increasing commercial facilities between them and the marts of the

world and the demand of the civilized world for their valuable productions. This tends to give a more and solid growth to their productive energies and to their attractive power upon foreigners and particularly Americans; but it not less contributes toward imparting them with an idea of their importance among nations.

* * * * *

C. N. RIOTTÉ.

A.

Mr. Edwin Corbet to Mr. C. N. Riótté.

GUATEMALA, *January 25, 1870.*

SIR: * * * * * I have the honor to acknowledge the receipt of your letter, dated 28th ultimo, which reached me by last mail, informing me of the steps you had taken to procure redress from the government of Nicaragua for Mr. M. Glenton, who had been compelled to contribute to a forced loan decreed by that government, and I beg to thank you for the trouble you have taken in his behalf.

As he has furnished me with no proofs of his nationality I cannot at once address the government of Nicaragua in support of his claim. If I receive satisfactory proof that he is entitled to the protection of her Majesty's government, I shall at once demand the redress to which he will be entitled.

EDWIN CORBET.

This is a true copy.

C. N. RIOTTÉ.

B.

Mr. C. N. Riótté to Hon. Tomás Ayon.

LEGATION OF THE U. S. A., NICARAGUA,
Leon, January 29, 1870.

SIR: * * * * * Toward end of the month of August last I received information that Captain Douglass, of the Panama Railroad Company's steamer Guatemala, had compromised the neutrality of his company and of the flag under which its steamers sail, by carrying for and delivering to the agents of the so-called provisional government at Leon powder, lead, and caps. The information was of such trustworthy character that I did not hesitate, in vindication of my country's flag and of the to me well-known perfectly neutral intentions of said company, to report the transaction to it. The company thereupon at once suspended Captain Douglass from office. The instruction of the case, ordered by the company, consumed some time, in part owing to the distances and in part to the fact that it was difficult to procure witnesses. On November 10th an inhabitant of this city made affidavit before me on what he, August 15th and next days, witnessed in the Bay of La Union and at Tempisque, which was communicated to the company. On the strength of that affidavit and some additional proof the company, as I have been advised by a letter received the 25th instant, has dismissed from its service not alone Captain Douglass, but the purser of the steamer, Mr. E. Hansen, too. That letter states that although the case of Captain Douglass was not an entirely clear one, the company thought it well to make an example of him. Inasmuch as on different occasions during revolutionary movements within the Central American States, the good faith and strict neutrality of the Panama Railroad Company has been doubted, and even incriminations of the reverse have been advanced, I consider it proper to advise your government of this its recent action.

C. N. RIOTTÉ.

Hon. TOMÁS AYON, *ſc.*

C.

Hon. Tomas Ayon to Mr. C. N. Riótté.

[Translation.]

MANAGUA, *February 5, 1870.*

SIR: * * * I received the note with which you addressed me under date of 29th ultimo, communicating to me that toward end of last August, (here fol-

lows a literal repetition of the contents of my note.) I laid your dispatch before the President of the republic, and was ordered to thank you for your good offices in the matter. The conduct of Captain Douglas, who, from the fact that he entered into independent contracts on new steamer lines, was considered to have left the company's service, had indeed caused surprise, not alone in Nicaragua, but also in the neighboring republics, for his open participation, by carrying elements of war to the rebels, who were devastating the country. The government was engaged in collecting all proofs in the case, with a view to remonstrate against the conduct of the employes of the company, but the measure it has taken in order to prove its neutrality dispenses the government from taking further steps.

If, during the revolutionary movements in other republics, the good faith and strict neutrality of the Panama Railroad Company has been doubted, the government is ignorant of the causes. So far as regards Nicaragua, the conduct of Captain Douglas furnishes cause for just imputations, which the company, by dismissing him from service, has dispensed.

The foregoing are true copies and translation.

TOMAS AYON.

C. N. RIOTTE.

D.

Mr. A. T. A. Torbert to Mr. C. N. Riotte.

UNITED STATES LEGATION,
San Salvador, February 21, 1870.

SIR: * * * Will you unite with the rest of the ministers in Central America to press upon the home Government the importance of having a naval station in the Bay of Fonseca, on Tigre Island? We have no station between San Francisco and Panama, and the place I name is the best harbor between the two places, and convenient to all the republics; and for various natural reasons the presence of one of our ships of war is constantly needed in Central American waters. I think the best thing would be for the United States to get possession or control of Tigre Island.

I have written to Baxter by this mail. I was in Gautemala last week and had a talk with Mr. Hudson, and he will urge this point on the Government. Let me hear from you.

A. T. A. TORBERT.

E.

Mr. C. N. Riotte to Mr. A. T. A. Torbert.

UNITED STATES LEGATION, NICARAGUA,
Leon, February 26, 1870.

SIR: * * * I have received your note of the 21st instant, and will not omit to call the attention of the Department of State to the important subject therein mentioned. During the last trying six months I seriously felt the absence of a national vessel, which I was unable to have sent here in spite of repeated requests on my part.

C. N. RIOTTE.

These are correct copies.

C. N. RIOTTE.

PERU.

No. 296.

Mr. Alvin P. Hovey to Mr. Fish.

No. 230.]

LEGATION OF THE UNITED STATES,
Lima, Peru, August 22, 1870. (Received October 14.)

SIR: As by this time you will have received my resignation as envoy extraordinary and minister plenipotentiary of the United States of America near the government of the republic of Peru, I deem it to be my duty to lay before the Department of State a short outline of my

services since the 10th of October, 1865, and views in regard to the present political and social condition of this republic, believing this to be necessary to aid my successor, and to place within easy reach of the Department such facts as may be of future service to our country.

Arriving in Lima, the capital of Peru, on the 20th of November, 1865, I found the city in the midst of a revolution between the forces of Vice-President Canseco and those of President Pezet. The dead were yet lying in the plaza. Much gallantry was displayed by the assailing party under Colonel Prado; Pezet's forces were compelled to retire with defeat, and Vice-President Canseco assumed the reins of government, with wild demonstrations of passion against Spain.

On the 26th of the same month, about sixty officers met, and resolved to appoint a dictator, and concentrating about two thousand persons in the plaza, or public square, proclaimed Colonel Mariano Ignacio Prado Dictator of Peru.

Under my instructions I awaited to "only recognize the constitutional government" until the 22d of May, 1866, when I was presented with all the courtesies due to a minister from the United States. This policy on the part of our Government was wise, although, for the time being, it retired me to the shades, and gave every other minister here a temporary triumph over me.

Going behind the date above named, I must not omit an important historical event, both for Peru and the cause of history, the 2d of May, 1866, "El Dos de Mayo," when the great battle of Callao was fought. On the 1st of May, after Mendez Nunez, the admiral of the Spanish fleet, had announced his intention to bombard Callao, as he had done Valparaiso, I was sent for by President Prado to meet him. He was surrounded by his cabinet, Galvez, Pacheco, Prado, Quimper, Tejada, and by several of his staff, whose names I do not now remember. On entering the room, the President approached me and said, "I have sent for you to advise with you, not as a diplomat, but as one of the best friends of America in our great emergency. What do you think of to-morrow?" I replied that as an officer of my Government, that held friendly relations with both Spain and Peru, I had no right to advise him. "But," said he, "tell me privately, as a friend, what are your opinions?" I replied to him, and in this I may have done wrong, "If the fleet fight you with vigor and in the proper manner, they ought to whip you in fifteen minutes." The President and the entire cabinet seemed surprised, and desired to know my reasons. I replied, "The Spanish fleet can fire ten guns to your one, and if they close upon you so as to effectually use shell, grape, and canister, I believe they will silence all your batteries, and destroy your town; your only hope is to make them fight you at long range."

Galvez, the secretary of war, took issue with me, and did not believe that my views were correct. I said to him, "Very well, Mr. Secretary of War, Peruvians may be able to meet ten guns with one, but my people, though I have seen some little service, are not so firm and brave."

The President then inquired what should be done. I repeated to him: "Make them, if possible, fight you at long range, and then you are sure of victory." "But by what means?" "It is not for me to dictate or say, but torpedoes are dangerous, and ships and sailors have a holy horror of such infamous and profane implements of war." That night, by some means, forty barrels of powder, connecting by wires with an electrical battery on shore, were sunk in the bay. The French informed the Spanish fleet of this fact, and before morning nearly every wire was cut. But the battle came on, on the glorious "Dos de Mayo,"

for so both Spain and Peru call it, and the fleet bore bravely up toward the forts, reaching within three-quarters of a mile. Then, as they were gallantly exchanging shots, two torpedoes exploded and threw columns of water at least 150 feet in the air. The whole Spanish fleet retired and fought at long range for the remainder of the day. Such was the cause of the success or defeat that followed this action, so glorious both to Peru and Spain. On the part of Peru it will be a feast day forever, and on the part of Spain the Duke of Callao claimed his title for this victory!

After the "Dos de Mayo," Prado came into Lima as a conqueror, the streets being strewn with flowers, and the populace actually kissing the hem of his garments.

In October, 1866, Prado was duly elected President, with an overwhelming majority of Congress in his favor. Several reforms were inaugurated by him before his election, among which may be named the abolition of pensions. This was a severe blow to the aristocracy of the country. The families of the "old hidalgos" actually monopolized the revenues and offices of the nation, and there was nothing left with which to support the government. Nearly every white family, in some way or other, were pensioned. Ex-officers, as well as those in service, drained the revenues, so that the machinery of government was nearly paralyzed. At these evils Prado struck, abolishing all hereditary pensions. He next attempted to introduce a system of capitation taxation, which proved a complete failure. Then one of his ministers, Quimper, sought to interfere with the rights of the church, and the women and priests rose *en masse* against the decree. I have always believed that Prado favored the greatest liberty, both civil and religious, and have no doubt that this belief in the minds of others hastened his downfall. The priests opposed him for this reason, and the women followed the counsel of their father confessors.

The grand marshal, Don Ramon Castella, after having been wisely banished from Lima by President Pezet; and sent on a trip to circumnavigate the globe, returned from his long voyage in May 1866, and found Prado, his protegé, in power. Still the "old man ambitious" could not rest where others held higher positions, and, without the shadow of a cause, left Lima for the south, raised the banner of rebellion, and died on the wayside, with his saddle for a pillow—a singular character, full of many virtues and some vices. Strange to say, Congress, then in session, voted him all the honors of a grand marshal, a mausoleum, and granted to his widow the same pension as if he had died in the defense of the established institutions of his country. Who would not dare to be a traitor with such liberal friends for enemies?

The republic, on my arrival, being disturbed by revolutionary movements in every direction, the legations and consulates were crowded with political offenders and disaffected persons seeking asylum. In December 1865, I addressed the Department, in my dispatch No. 4, on this subject, and deprecated the practice, as being fraught with evil consequences to the progress of order and to the future prosperity of this country. I was opposed by every other diplomatic representative here in my opinions, but at length triumphed over them all, and the government of Peru, on the 20th of January, 1867, announced that asylum, as heretofore practiced in Peru, should be forever abolished, thus placing herself upon the broad basis of other civilized nations.

Subsequently, on the 27th of December, 1867, after Prado's overthrow at Arequipa, he came to this legation, claiming protection. I immediately informed him that he should be safe from all illegal violence;

but that if the courts of the country should send a lawful command for his arrest, I could not, under the rules established by himself in regard to asylum, give him any further protection. On the morning of the 5th of January, 1868, I wrote him a short note, urging him to go among his troops, make promises, and appease the people, offering to ride with him if he would permit me. He declined to expose me for his sake, but rode out with his aides. The people attacked him with stones near the plaza, when he drew his sword, and with his single arm drove them before him. After this he returned, and with his family, numbering some eight or ten persons, came to the legation, the mob yelling and following with wild demonstrations.

Mr. Brent, the secretary of this legation; Lieutenant Commander C. W. Tracy, of the United States Navy; my son, and Mr. Carpenter, then secretary of the legation of the United States to Chili, were the only men within the house, but we were all well armed with revolvers and rifles, and momentarily awaited the attack. From the bay window I could watch their approach, and they came within fifty yards of the door, with cries of "Death to Prado." At this juncture a gentleman of the name of Bogardus rode among them, and by his influence and representations caused them to desist and disperse.

Prado remained two days in the legation, and no demand was made for him. On the third night he left in a coach secretly, protected by an officer of the new government. Immediately after this, on the same day, General Pedro Diez-Canseco assumed command in Lima as provisional chief of the department of the center, and after remaining long enough in power to make some large railroad contracts, which are said to have enriched him, Colonel Balta succeeded him, and in May 1868, was duly elected President of the republic of Peru. Balta is neither highly intellectual nor cultivated, but seems to have great common sense and firmness. Many efforts have been made to create revolutions against him, but his ready eye, quick and firm hand have as yet never failed to crush them in the bud. Many call him harsh, but I think he is not too harsh for the times and his country. He is the only President that I have yet seen in Peru on foot in the streets without guards, and he rides and walks without any seeming fear of assassination. He is an enthusiast for internal improvements, and since Prado was forced from power the following lines of railroad have been established by law, and are now under construction:

1st. From Mollendo to Arequipa, about 105 miles long, and now nearly completed.

2d. From Callao to the pass of the Oroya, in the Andes, 150 miles long, to connect the Pacific with the Peruvian headwaters of the river Amazon.

3d. From Lima to Huacho, 100 miles in length, over nearly half of which trains are now running.

4th. From Arequipa to the important town of Puno, on the borders of Peru and Bolivia, 150 miles long.

5th. From Lima to the agricultural and wine-growing district of Pisco, 110 miles long, now offered for contract.

The whole of these roads will cover nearly 615 miles, and cost about one hundred and twenty millions of money. The greatest number of these works are in the hands of an American, Mr. Henry Meiggs, who has displayed great executive and financial ability. No American on this coast is more popular, and he richly deserves the praise which is universally bestowed upon him. He is certainly the most generous man in Peru, and few Americans leave his doors in want. The greater part

of the consideration for building said roads has been paid to him in Peruvian bonds, which are now reported as having been sold in Europe at 80 cents to the dollar. On this basis, if all are sold, he may be entirely safe, but should a reverse come upon the market price before the negotiation is fully concluded he would be greatly injured, as he has under his control about sixty or seventy million dollars of the same.

In my opinion, it would be well that our people should not invest in these bonds, for I sincerely believe the day of repudiation is not far distant. The "Presupuesto General," or budget for the year 1869-70, will more fully show this fact.

[Translation.]

GENERAL RESUMÉ.

	Sols.
Department of interior.....	13, 824, 000
Department of foreign affairs.....	409, 042
Department of justice.....	4, 632, 000
Department of treasury.....	25, 212, 000
Department of war and navy.....	10, 870, 000
Service of debt of 1865.....	7, 000, 000
Total.....	<u>61, 948, 000</u>

COMPARISON.

	Sols.
Revenue for the two years.....	44, 723, 100 00
Expenditure for the same.....	61, 948, 986 50
Deficit.....	<u>17, 225, 886 50</u>

This deficit in two years, besides a national debt of say about one hundred millions more not named, and with this burden, the interest upon the same, and keeping up said 615 miles of road by the government, where will be the 22,361,550 sols, the annual income, as shown by the budget?

There can be no doubt of the benefit these roads will confer upon the country, but as all sections cannot be accommodated with their peculiar lines of imaginary roads, and as these roads, owing to the sparse population and small amount of freight, will never be able to pay for the coal burned by the locomotives, the wear and tear, and annual expense, the consequence must be that a strong anti-railroad party will arise in Peru in less than five years hence. In fact, to run these roads alone and pay the interest on her debts would cost the government her whole revenue, and then who will pay for the expense of the government, over twenty-two millions per annum? I make these arguments because I desire that our countrymen may "stand from under." I now predict that before the adjournment of the present Congress the anti-railroad party will be fully formed, and will probably control the future destiny of Peru.

The population of Peru has been variously estimated at from three to four millions. Of this number it would not be safe to say that one in twenty are of the Caucasian race; civilized, probably eight hundred thousand, the remainder being Indians, negroes, and mestizoes, who have nothing to pay for the expenses of the government. Taxation is almost unknown, except in the cities, where local taxes are levied to improve the same and maintain the police.

Socially the higher classes in the cities are extremely agreeable, many of them having been educated in Europe and the United States, and they excel in the graces of the *salon*, but the poor are very poor and de-

pendent, and are reckless of the morrow. A stranger who enters the charmed circle only would never know Peru.

There can be no doubt that all power is virtually in the hands of the priesthood, and he who opposes them must fall. The army is the second great power that may occasionally cause vibration on the surface, but it soon subsides under the influence of the infallible church. It will be a long time before a civilian holds high power in Peru.

The people of Peru look to the United States as their great example and particular friend. This has been manifested on more than one occasion, and the representatives of several great nations have come to me to aid them in their just demands against this government. These requests were not made because I personally could do more than themselves, but because they were assured that the influence of our Government outweighed that of all others with this republic. As evidence of this fact, the citizens of the United States alone have received payment for injuries suffered since 1863, and I must frankly say that in my judgment several of the said claims ought not to have been paid. There is a certain class of our people here who are chronic claimants and blackmailers, who bribe when they can, and when they cannot bribe, abuse and lie about those who oppose them. Several of them, it is said, "left their country for their country's good," and their Peruvian studies have not improved their morals. I have no doubt the records of the late mixed commission, which I have not seen, will prove a part of this statement.

I have called Peru a republic. These words are too strong, but, as she so styles herself, I have used the phrase. As I understand the word, there are no republics in South America. In my opinion, the people do not govern, constitution and laws do not control. The will of a few families alone is the law. Still the shadow of freedom is exhibited on every occasion to the public gaze, and the people cling to and adore it. I can only hope that the shadow may, some day, become a substance, for in the fullness of my heart my best wishes are for the future progress and welfare of Peru.

In conclusion, I regret to say that the future of Peru does not appear to me in rainbow hues. The country can never become great in agriculture for want of water. There is but little or no coal or fuel west of the Andes to smelt her rich beds of minerals. The guano is nearly exhausted, notwithstanding the marvelous stories told of the deposits on the main land. This, in my opinion, has only been done for financial purposes. A little common sense will convince the most skeptical that such deposits, to any considerable extent, are merely imaginary, as the sea birds, seals, and other marine animals that make and have made these vast deposits in other ages, could and would not expose themselves to the beasts of prey on the main land.

As I am now about to bid farewell to this genial climate and more genial people, I only beg that our country will, on every proper occasion, do all that can be done to advance the growth and future prosperity of Peru.

Peru has unquestionably the finest navy on the western coast of South America, and that fact alone, in my opinion, has compelled a peace with some of her sister republics.

ALVIN P. HOVEY.

No. 297.

Mr. Alvin P. Hovey to Mr. Fish.

No. 231.]

LEGATION OF THE UNITED STATES,
Lima, Peru, September 14, 1870. (Received Oct. 14.)

SIR: On the morning of the 4th instant a serious insurrection of the Chinese laborers or coolies took place on the large cotton estates of Pativilca, about 180 miles north of Lima. The Chinese, numbering nearly two thousand, committed every barbarity possible; murdered nineteen whites and wounded forty. Troops were immediately sent from Lima to the scene of the disturbance, and the insurgents dispersed, flying to the mountains after having lost two hundred in killed and wounded. The damage done to property is very great, and so intense is the popular feeling that a resolution has been introduced into Congress prohibiting the further importation of Chinese, and expelling those already in the country. The bill has many warm upholders. There can be no doubt that in some cases the Chinese are treated with considerable severity, but on the estates which now have been made the scene of their atrocities, the kindness of the masters toward them was notorious.

ALVIN P. HOVEY.

No. 298.

Mr. Alvin P. Hovey to Mr. Fish.

No. 243.]

LEGATION OF THE UNITED STATES,
Lima, Peru, September 18, 1870. (Received Oct. 14.)

SIR: After having signed the treaties with Peru (mentioned in my No. 232) dated the 6th and 12th instant, I deemed the matter of sufficient importance, under my personal instructions, to send the same to the Department of State by a bearer of dispatches. Accordingly, on the 12th instant I appointed Colonel W. D. Farrand as such bearer, it being necessary that he should leave Lima at 8 a. m. on the 14th, so as to embark on the steamer for Panama. Some time after his appointment, and when his passport, treaties, and dispatches were in his hands, he informed me that a certain Abraham Wendell had caused legal process to be issued against him, enjoining him from leaving the country. Believing that the said order was entirely unjust, * * * * I immediately addressed a note to his excellency, the minister of foreign affairs, (inclosure No. 1,) informing him of the intended detention, and requesting his excellency to take such steps as would prevent it, at the same time citing to his excellency the doctrine contained in Wheaton's international law. His excellency, in very kind terms, declined my request, taking issue with the writers on international law, upon the subject, and making a distinction unknown to the law of nations. (See inclosure No. 2, with translation.) Upon the reception of the same at 10.30 p. m. I replied to his excellency (inclosure No. 3) regretting the difference of opinion that existed between us, and delivered the note to the sub-secretary of state, (official mayor,) Dr. Elmore, who promised to give me an answer before 8 o'clock the following morning, the time of the departure of the train. At about 7.40 a. m. on that morning I received a note from him (see inclosure No. 4) in which I was informed

that the minister still adhered to his former views, but said if I would go with the colonel to the steamer he would have nothing to fear. With this authority, I proceeded with Colonel Farrand on board the mail steamer, and after an attempt to detain him, and some conversation with the captain of the port, he was permitted to depart.

This matter may seem of but little importance to the Department, but
* * * * * I think it proper to go one step further and inform the Government of the nature of the claim.

In 1866, Farrand & Co. procured a charter from the Prado government here to construct a tram-way from Callao to Lima, and with the privilege of running street railroads through Lima. Under this charter shares of stock were issued, a few being given out gratuitously to persons who favored the road. Five of these shares, by some manner, came into the hands of Abraham Wendell. They never have had any marketable value in Peru. The name of Farrand appears upon the certificates as president. After the fall of Prado, at Arequipa, the charter granted to Farrand & Co. was declared void by the succeeding and present governments, and hence the roads were never built. Upon these certificates of stock, a wise court held Farrand personally liable for the full face of the same, and without any security being given by his adversary, and only a few hours notice, forbade him to leave the country as above stated. An affidavit is already on file in the Department of State, affirming that said stock was never of any marketable value. If necessary it would be easy to prove by all the principal merchants of Lima that such is the fact. * * * * *

On the 17th I received another communication from his excellency substantially reiterating his former positions, (inclosure No. 5.) To this, on the same date, I replied, making a statement of all the facts, citing authorities and making an argument against the position assumed by his excellency, (inclosure No. 6.)

The Department will see by a perusal of my answer that under any and every phase of the case Colonel Farrand was fully authorized to depart, and that no just censure or liability can attach to this legation, or to the United States.

ALVIN P. HOVEY.

No. 1.

Mr. Alvin P. Hovey to Señor Loayza.

No. 27.]

LEGATION OF THE UNITED STATES,
Lima, Peru, September 3, 1870.

SIR: Colonel W. D. Farrand having been duly appointed bearer of important dispatches and treaties from this legation to the Department of State at Washington, informs me that legal efforts are being made by certain persons to prevent his embarkation on the steamer leaving Callao to-morrow for Panama, with said dispatches and treaties. I need scarcely say to your excellency that it is beyond the legal authority of any of the tribunals of another country to hinder, delay, or arrest any member of a legation, or any bearer of dispatches from the same. I respectfully refer your excellency to chapter 1, part iii, of Wheaton's Elements of International Law, commencing at section 14 to 19, inclusive, the last, section 19, bearing more particularly upon this point.

I therefore respectfully ask such action on the part of the government of Peru on his behalf as will prevent the Peruvian authorities from violating the well-known international laws and comity of nations.

I have the honor to be, &c.,

ALVIN P. HOVEY.

His Excellency Sr. Dr. D. J. J. LOAYZA,
Minister of Foreign Affairs.

No. 2.

Señor Loayza to Mr. Alvin P. Hovey.

[Translation.]

LIMA, *September 13, 1870.*

MR. MINISTER; I have had the honor of receiving your excellency's note dated to-day, informing me that Colonel Farrand, who has been named the bearer of important treaties and dispatches you sent to the Department of State at Washington, has assured you that legal efforts are being made to prevent his embarkation in the steamer that leaves to-morrow for Panama, with the said treaties and dispatches.

Your excellency says that it is not necessary to remind me that no tribunal can impede, delay, or arrest the bearer of dispatches from a legation, and in proof of this is cited Wheaton's International Law, paragraph 19, chapter 1, part iii, and your excellency concludes by requesting that the government will take such measures as to prevent the Peruvian authorities from violating the well-known laws of nations, and the comity between them.

I now have to reply to your excellency, deeply regretting that I am obliged to differ from you in this matter. I believe, and your excellency will agree with me, that the Peruvian government has given to that of the United States very special proofs of friendship and deference; nothing would be more agreeable for the government of Peru than to accede to every desire of the government you so worthily represent. On the other hand, nothing is further from the intention of the government in whose behalf I have the honor to speak than to infringe the principles of international law, and the practice of those regulations of friendship that serve to preserve harmony between countries. But justice has also its exigencies, and the constitution and laws of a state claim a respect which your excellency will be the first to acknowledge.

Whatever, according to the very distinguished American publicist, Wheaton, and other noted writers, the privileges of bearers of dispatches, I believe that your excellency will admit that there is an essential difference between the one who is named directly by his government and who cannot be molested afterward in any country while fulfilling his errand, and the one who, being previously amenable to the laws of the state where he resides and in which he has become in a manner liable, receives a charge which, though granted with the best intentions, cannot free him from his contracted obligations and from the actions of the national laws.

I believe, Mr. Minister, that no writer of international law has endeavored to establish judicial principles tending to abrogate the laws of countries, and it therefore appears to me that the distinguished Wheaton, speaking in the paragraph quoted, of the immunities of cabinet messengers and bearers of dispatches, only aimed to establish the privileges of an individual who arrives in a foreign country, fulfilling a commission from his government, but that it was not the intention of this or any other writer on the subject to fix as an international law, that any person residing in a foreign country may receive a commission, in virtue of which he is made free from the jurisdiction of the country to which he had previously been subject. The precedent that would be established by such a principle is fatal to the institutions of any country, and cannot therefore form a part of the great law of nations. Therefore, for these reasons, I comply with my unpleasant duty in informing your excellency that the government can do nothing in the manner you desire, since the executive cannot interfere with the acts of the judiciary, which indeed it must respect, and therefore, if Colonel Farrand has been judicially notified of the order of detention, (the only means by which he may be prevented from leaving the country without fulfilling certain obligations,) it must be by reason of legal proceedings, which it does not pertain to the government to examine or reform, and to which your excellency, assured as I am, is ready to render homage. Your excellency will not seek to render the laws of Peru and the action of justice null through a commission which might have been conferred upon any person.

Without examining the merits of any lawsuit that may exist against Colonel Farrand, without considering whether such a lawsuit, if it exists, is founded or not on justice, and acknowledging in the fullest manner the good faith that has animated your excellency, not only in this but in all your acts with my government during your long residence in this country, I trust that your excellency will appreciate the motives impelling me to this answer, as your excellency must be convinced that the most vehement desire of the Peruvian government is to gratify in every wish the Government of the United States and its legation in Lima.

I have the honor to be, &c.,

J. J. LOAYZA.

His Excellency General ALVIN P. HOVEY,
*Envoy Extraordinary and Minister Plenipotentiary
of the United States of America.*

No. 3.

Mr. Alvin P. Hovey to Señor Loayza.

No. 28.]

LEGATION OF THE UNITED STATES,
Lima, Peru, September 13, 1870—10.45 p. m.

SIR: I had the honor of receiving your very kind dispatch in reply to my note to-day. I deeply regret that I am compelled to differ from the conclusions at which your excellency has arrived. At the time of the appointment of Colonel Farrand as bearer of dispatches, I knew nothing of any attempt to hinder or prevent him from bearing the dispatches of this legation to my Government at Washington, nor was such known to Colonel Farrand, nor did any such cause exist at that time. Such being the case, I had full power to appoint him, as I might have appointed any citizen of Peru, the servant of my Government, and from the hour of that appointment, the mantle of my Government covered him not only from civil liability but from liability for crime within the jurisdiction of Peru. The law of nations is too clear upon this point to need citation. Unless governments are untrammelled in the selection of their agents, how, may I ask, would it be possible to send dispatches when they might be detained by the government of the country where the legation is established?

Far be it from me, on the eve of my departure from this hospitable country, to throw the least obstacle in the pathway we have traveled so harmoniously together, for in every act, aspiration, and wish of my heart I have proved that I have been the true friend of Peru.

It is not the question as to who is to be the bearer of my dispatches; that, personally is an unimportant matter; but it is not unimportant that diplomatic privileges should be ignored.

Colonel Farrand is authorized to proceed to-morrow with his dispatches to the United States. I judge not of the controversy between himself and his contestants; I simply respectfully insist upon my diplomatic rights, and the rights of the employés of the legation being respected and maintained, and shall with the greatest kindness to your excellency's country, follow this same course, and would in Peru's behalf defend the same principles to the last

I have the honor, &c.,

ALVIN P. HOVEY.

His Excellency Sr. Dr. D. J. J. LOAYZA,
Minister of Foreign Affairs.

No. 4.

Mr. Elmore to Mr. A. P. Hovey.

SEPTEMBER, 14, —, 7.15 a. m.

MY DEAR GENERAL: The minister says he is sorry he can do nothing in the affair, and that the colonel need fear nothing, being with you.

I am not well of the throat; I can hardly speak.

Yours sincerely,

ELMORE.

General A. P. HOVEY, *&c., &c., &c.*

No. 5.

Señor Loayza to Mr. A. P. Hovey.

[Translation.]

LIMA, September 16, 1870.

SIR: Although it is notorious that Colonel Farrand sailed for Panama in the steamer of the 14th instant, and although this might be held as the conclusion of the discussion opened by your excellency with this department on the subject, I am obliged to answer the dispatch you sent me late on the night of the 13th, which was delivered to me by the official mayor, Dr. Elmore. My silence on such an important matter might perhaps be considered as an acceptance of the doctrines your excellency sustains, and which cannot be accepted by my government without establishing a precedent of the gravest consequences. I therefore proceed to answer your excellency's note, affirming my regret at not being able to agree with your opinions on the subject.

It cannot be denied, and all writers on international law agree, that bearers of dispatches should not be interfered with in the discharge of their duties, and that their persons and the correspondence they carry should enjoy certain immunities, without which their errand could not be fulfilled. But it also cannot be denied that these prerogatives do not so far extend as your excellency desired they should in the case of Farrand, who, although named by you to convey dispatches to Washington, had not entered upon the discharge of his duty when he was informed on the 13th of the order of detention issued by a judge of the first instance in Lima, and who, in consequence of that order arising from acts of Farrand as a private citizen, and subject from the same to the laws of Peru, could not withdraw himself from Peruvian jurisdiction without casting a stain on that respect merited by the tribunals of Peru, and without violating the legal dispositions existing in regard to such detention. Colonel Farrand could have rendered the order null by the means established by the same laws, or by an arrangement with the person detaining him, and then might readily have fulfilled the charge your excellency intrusted him with, a charge which doubtless would not have been confided to him had it been supposed that by this means Farrand would escape the obligations he had contracted in Peru and the respectable action of justice.

The celebrated Martens, so jealous of diplomatic immunities and prerogatives, establishes, in speaking of bearers of dispatches, that their inviolability only is affected in the territory of the state to which they are sent, or in the territory of the third power through which they pass to reach their destination, since, if such bearers of dispatches were detained in their voyage or in the state where they carry their charge, a grave offense would be committed, difficult to repair, and against a person discharging his delicate commissions.

Martens, whose authority is greatly respected, says thus:

"Any violence committed against them (bearers of dispatches) is considered as an atrocious violation of the law of nations, whether it be committed in the territory of the state where the courier carries his commission or in that of a third power through which he may pass."

The case is not stated of a courier being detained in the state from which the dispatch is sent, but this omission on so important a point is perfectly explained by the fact that there the bearer of dispatches may be readily replaced by some other person named by the same authority, without injury to the official service and without allowing a concession of this nature to serve as a free pass for an individual who, on account of civil or commercial responsibilities, is impeded from abandoning the place of his residence, and without causing the protecting shadow of the banner of a friendly country to render such responsibilities of no effect, and nullify the action of the judicial power in the exercise of its peculiar and high attributions.

Your excellency's penetration must admit the force of the reasons I have adduced, and will surely admit that the action of my government in the case, originating the present discussion, has been in perfect conformity with the principles of international law and the requirements of justice; and you will also admit that if an order of arrest was issued against a Peruvian citizen in the United States, the detention would be carried into effect, even if the person had been intrusted by the minister of Peru with dispatches for his government, which might easily be given to some other, who might leave that republic with no difficulty whatever.

This question, arising from Colonel Farrand's departure, has terminated as a fact, but it is indispensable to clearly establish the doctrine in regard to the immunities of bearers of dispatches, so that it may never be alleged that the Peruvian government has accepted that fact as in conformity with the code of the law of nations, and that it may be clear that, far from this, it has protested against that act, and does protest against it, in the proper manner.

I beg to reassure, &c.,

J. J. LOAYZA.

His Excellency General ALVIN P. HOVEY,
*Envoy Extraordinary and Minister Plenipotentiary
of the United States of America.*

No. 6.

Mr. Alvin P. Hovey to Señor Loayza.

No. 30.]

LEGATION OF THE UNITED STATES,
Lima, September 17, 1870.

SIR: I have had the honor of receiving your excellency's note, No. 44, in reply to my No. 29, dated the 13th instant, and I regret that any difference has arisen between us,

as I feel fully satisfied that your excellency, as well as myself, would not knowingly infringe any principle established by the law of nations. Before proceeding to answer your excellency's arguments in full, it becomes my duty to reiterate a simple statement of the facts, so that just deductions may be drawn from the same. The treaties between the United States and Peru were signed, bearing date of the 6th and 12th instant. I informed your excellency at an early hour on the 13th that Colonel Farrand had been appointed bearer of dispatches by me. His passport and dispatches were delivered to him on the 12th instant. On the following day Colonel Farrand informed me that certain legal proceedings would probably be instituted against him for his detention in Peru. Thereupon I immediately addressed your excellency, informing you of the facts and begging your excellency to take such steps as would impede the Peruvian authorities from interfering with his voyage to the United States. Your excellency thought proper to decline my request, seeming to insist that the laws of Peru were superior to and controlled the law of nations. Dr. Elmore, the official mayor of the foreign office, brought this note to me in person, at 9.30 p. m., on the same day. I then again immediately addressed your excellency at 10.30 p. m., informing your excellency that it would be necessary for Colonel Farrand to leave on the morning of the 14th, at 8 o'clock, and still insisting upon the positions which I had already assumed. On the departure of Dr. Elmore from this legation, I was assured by him that I should have an answer to the same in time for the train at 8 a. m. I received no written answer from your excellency, but about 7.40 a. m. I received a line from Dr. Elmore, dated September 14, 7.15 a. m., saying: "The minister says he is sorry he can do nothing in the affair, and that the colonel need fear nothing being with you."

I regarded this statement from the official mayor as an easy mode devised by your excellency to avoid the controversy between your excellency and myself, not supposing for one moment that after this semi-official announcement the least difficulty could take place, as the personal arrest of a member of a legation, in the presence of the minister, under such circumstances, could be regarded in no other light than a direct insult to his government.

I will further state to your excellency, as I have heretofore in due time stated, that at the time of delivering the passports and dispatches into the hands of Colonel Farrand, neither he nor myself had any knowledge of the intent to prevent his embarkation. I was not a little surprised on arriving on board the steamer to find an order for his detention before me. Giving, however, to the officer representing the captain of the port, a copy of the above-cited short note from the official mayor, Colonel Farrand was permitted to depart. From the foregoing facts, I felt assured that the whole matter had been indirectly prearranged by your excellency. Inasmuch, however, as your excellency seems still to insist that the local laws are superior to the law of nations, I deem it my duty to lay before your excellency the views I entertained, together with a few authorities upon this important question. Your excellency thinks proper to state that some other person or persons might have been chosen as bearers of dispatches. Your excellency will pardon me for saying that while Peru has the right to select her officers, the United States ought to be entitled to the same privilege.

It may or may not be politic, convenient, or possible to select this or that person to fill such an important position as that of bearer of dispatches. Extremes sometimes thoroughly test a principle. Let us suppose a minister in court inimical to his country, and that difficult and dangerous questions are to be settled. In such a case (which happily does not exist between our respective governments) it would then be within the power of the government where such minister resided to prevent all communications or dispatches to or from the government of such minister, unless the inviolability of the bearer of dispatches is conceded.

Wheaton, in the Elements of International Law, sec. 14, says:

"From the moment a public minister enters the territory of a state to which he is sent, during the time of his residence, and until he leaves the country, he is entitled to an exemption from the local jurisdiction, both civil and criminal."

Again, in section 19:

"The practice of nations has also extended the inviolability of public ministers to the *messengers* and *couriers* sent with dispatches to and from the legations established in different countries."

Vattel, in the Law of Nations, p. 471, sec. 92, says:

"The law of nations, therefore, while it obliges us to grant admission to foreign ministers, does also evidently oblige us to receive those ministers in full possession of all the rights which necessarily attach to their character all the privileges requisite for the performance of their functions. It is easy to conceive that *independence* must be one of those privileges; since, without it, that security which is so necessary to a public minister would be enjoyed on a very precarious footing. He might be *molested, persecuted, maltreated*, under a thousand pretenses."

Again, sec. 143:

"Couriers *sent or received* by an *ambassador*, his papers, letters, dispatches, all essentially belong to the embassy, and are consequently to be held sacred; since, if they were not respected, the legitimate object of the embassy could not be attained, nor would the ambassador be able to discharge his functions with the necessary degree of security."

The following authorities bear upon and support the same doctrine: Woolsey, International Law, sec. 92; Martens, Guide Diplomatique, sec. 26; Kuber, Droit de Gens, sec. 190; Heffter, International Law, sec. 204; Horne on Diplomacy, sec. 37.

Your excellency, in your No. 43, makes a distinction between bearers of dispatches who come into the country and those who may reside therein. Surely the authorities all agree that an envoy extraordinary and minister plenipotentiary has the power to clothe the messenger with inviolability as amply and fully as the sovereign of the court from which he is accredited. I will be pardoned for saying that your excellency will have great difficulty in finding a precedent or authority in any respectable work on international law for the positions your excellency has assumed. Your excellency's argument from the omission of Baron Martens, in not mentioning couriers going out of a country, is fully met and answered by the words from Wheaton and Vattel, above quoted, "Couriers sent to or *from* the legations;" "Couriers received or *sent* by an ambassador," &c.; and Martens himself, quoted by your excellency, says: "Couriers are messengers sent by sovereigns, governments, or ministers, and that all violence committed upon them is an atrocious violation." (Sec. 250, Précis Droit de Gens.)

May I ask your excellency how a courier could be *sent* from the legation, or couriers received or *sent* by an ambassador, or *sent* by a minister, without going out of the country where the minister resides appointing him? This seems to me, in all courtesy, a full answer to your excellency's argument on this point, as your excellency admits the inviolability in all other cases, and only controverts the great authors of international law as to couriers going out. When Wheaton says his person is *inviolable*, and Vattel that his person is *sacred*, and Martens that all violence committed upon his person is an atrocious violation of the law of nations. Let me ask again, if couriers could be stopped on account of local obligations, might not the labors of such ministers prove abortive? For the courier, like the minister, in the language of Vattel, above cited, "might be *molested, persecuted, maltreated*, under a thousand pretenses." I have strong reason to believe that the action brought against Colonel Farrand, which has caused the present correspondence, falls within the spirit of the above quotation. The law of nations, so to speak, is the constitution of the civilized nations of the world, and is above all local laws and enactments.

The laws of Prussia made the personal property of a person who was the tenant of another subject for the payment of the rent, but the question arose, "not what are the rights conferred by the laws of the country upon the proprietor in respect to the tenant who is a subject of that country; but what are those rights in regard to a foreign minister whose dwelling is a sacred asylum, whose person and property are entirely exempt from the local jurisdiction, and who can only be compelled to perform his *contracts* by an appeal to his *own* government." (Wheaton, sec. 17.) In this case it was decided that the ambassador's personal goods could not be seized. Bearers of dispatches are above declared to have the same inviolable rights. Nations enforce their diplomatic rights against the local authorities. Vattel says:

"Rincin and Fregose, sent by Francisco I, as ambassadors, were stopped on the river Po, and murdered by the governor of Milan. As the Emperor, Charles V, seemed to favor it, Francis had a just cause for declaring war against him, and even calling for the assistance of other nations * * * Such an affair is a quarrel which involves the concern of all nations." (Sec. 84.)

I cite these authorities to show that nations cannot set up their local laws against the principles established by international law, either civil or criminal. I submit that the quotation from Martens, made by your excellency, is in strict accordance with the above authorities. Your excellency seems to be anxious to make an excuse that Martens has not gone further on your side to sustain your positions, but the first part of the section to which your excellency refers clearly shows that he denies the position assumed by your excellency.

The local courts, when the bearer of dispatches is duly appointed, cannot touch his person for civil or criminal liabilities, except perhaps for treason or treasonable conduct. The responsibility alone rests, in my opinion, with the government of the minister sending the messenger. If this position is correct, the just claim of any person here against Colonel Farrand cannot be jeopardized.

The extremely friendly relations that have existed since my arrival in Peru between our respective governments augment my feelings of regret that we should be compelled to differ, even on technical points; but I feel assured that the same harmony and fraternal feeling will exist whether I am or your excellency is in the error. As this affair has caused some little excitement within the capital, and as I have no right

to make the correspondence relating to it public under the rules of my government, I conceive that your excellency would be doing full justice to all concerned, as you have the power, in publishing the entire correspondence.

I beg to reassure your excellency of my most distinguished consideration.

ALVIN P. HOVEY.

His Excellency Sr. Dr. D. J. J. LOAYZA,
Minister of Foreign Affairs.

No. 299.

Mr. Henry M. Brent to Mr. Fish.

No. 238.]

LEGATION OF THE UNITED STATES,
Lima, Peru, September 29, 1870. (Received Oct. 28.)

SIR: I have the honor to inclose herewith the copy and translation of a note from his excellency the minister of foreign affairs relative to the immunities to be accorded to bearers of dispatches.

I made answer to his excellency that I would transmit the document to the Department and await instructions.

H. M. BRENT.

Señor Loayza to Mr. H. M. Brent.

[Translation.]

LIMA, September 23, 1870.

No. 47.]

SIR: I regret having to commence my official intercourse with you in referring to an affair which has taken an unpleasant character, and in which the doctrine sustained by your legation cannot be admitted by my government without establishing precedents of very important consequences. It is understood that I refer to the departure of the American citizen, Mr. W. D. Farrand, violating the judicial orders of detention issued against him, at the request of persons to whom he was under certain responsibilities. Since the violation of these orders, issued in conformity with Peruvian laws and by competent authority, was an accomplished fact, and since the government of Peru could not be silent on such an important point, without admitting the theory sustained by General Hovey, it was found necessary to address to this high functionary the note of protest, with which you are perfectly conversant. I thought that this would terminate the discussion initiated by the American minister, in which this department has sustained, and does sustain, that the appointment of a person as bearer of dispatches is not sufficient to withdraw him from the jurisdiction of the tribunals of the country where he has resided as a private individual, and as such entered into various undertakings of a business character; but, nevertheless, the general addressed me the note which I received on the 19th instant a few hours before he made his official farewell. I find it indispensable to take notice of that dispatch regarding the matter under its true merits, and placing the question of international right in its correct limits, proving thus again that my government has, in this disagreeable affair, observed the proper circumspection, and has adhered perfectly to the principles of the great law of nations.

Following the plan established by his excellency General Hovey, I will first remark the facts preceding the departure of Colonel Farrand, to afterward enter into the question of the privileges of bearers of dispatches.

When, by the first dispatch of his excellency on the 13th instant, I learned of the appointment of Colonel Farrand as bearer of dispatches to Washington, and of the existence of certain orders of detention against him, I was pained at not being able to accede to the request contained in that dispatch, that Farrand might not be impeded from leaving in the steamer sailing for Panama on the next morning; since it was impossible to establish an unjustifiable exception, and violate the laws to which the person detained was liable, the government thus contributing to weaken the respectable orders of the judicial power, and causing the interested parties in the detention to lose their rights by a gubernatorial act, at once illegal and unjustifiable.

Such were the considerations that governed me in replying to General Hovey on the same day, a reply which was delivered to him by Dr. Elmore, the chief clerk of this

department, who likewise brought to me at 12 o'clock on the same night the answer of the American legation. Without awaiting the result of the discussion, his excellency General Hovey departed for Callao in the first train on the morning of the 14th, and going on board the steamer Peru, the scene with which you are acquainted took place. It is said that the letter of the official mayor, transcribed in his excellency's dispatch which I now reply to, was considered as an easy method devised by me to avoid the controversy, and that it was not supposed after this semi-official announcement that any difficulty would occur.

I must be permitted to recall to your honor that when a diplomatic discussion is being carried on in writing, it cannot be considered as terminated by private notes, not even bearing the signatures of the debating ministers, but only that of an employé of the department of the chief clerk; especially as the said employé did not state in his letter that the note was by the order or the request of the minister. On the other hand, from the tenor of this document, to which an importance is given it that is not merited, it appears that the minister who now addresses you insisted in denying the request, and this must be noted, since this department cannot refuse the request of the minister of a friendly power, to afterward concede it in an anti-diplomatic and indecorous manner. Since the minister of foreign affairs cannot and does not accept the responsibility of the acts of others, this point may be considered as fixed. But since the legation has given such importance to this letter, the same must be allowed to a document of the same nature, addressed to me by the official mayor on the same night, thinking he might not find me, and which he delivered to me in my house. In this he says: "The general accompanies Farrand to Callao to-morrow, and says that a very grave international question will take place if the authorities of Peru detain, in such circumstances, an officer of the United States."

It therefore appears that the decision of his excellency to accompany Farrand was not the result of the letter from the official mayor, but had been formed from the morning of the 13th. This cannot be denied, unless it is agreed that the private letters of which I have spoken have not the semi-official character, which, if given to the first, must also be conceded to the last.

A number of quotations are made in the dispatch, which I have the honor of answering from noted writers, respecting the immunities, inviolability of the person and dispatches and papers of the messenger. These are hardly to the point, since I do not pretend to sustain that messengers while in the country to which they are sent, or in a third nation through which they must pass, can be detained. The present question is of a distinct character. It is whether an individual domiciled in a country in which as a private citizen he has made business transactions and contracted certain responsibilities can escape these by being named bearer of dispatches by a diplomatic agent. The question now fairly put is not sustainable by the theory invoked in favor of Farrand, and certainly no authority will be found to assert the immunity of the messenger simply from having received that character, and against whom, before his entrance upon his duty, the orders of arrest were issued. It cannot be otherwise, since, if the doctrine upheld by the legation of the United States is admitted, it follows by clear logic that a diplomatic agent naming as messenger some person against whom legal writs were pending, or who from certain responsibilities was prohibited from leaving the country where they were contracted, was authorized to protect with his flag such a person even if before his entrance on duty the grave impediment against the messenger was known. Your honor will agree with me that such a theory, absurd and wholly untenable, and even supposing, as it must be supposed, that at the time of naming the messenger the minister was unaware of the obstacles existing, once cognizant of them the person should be left to justice, and another person named to discharge the commission, thus reconciling the exigencies of the diplomatic service with those not less to be respected, of the due administration of justice.

I have been very far from affirming in any of my communications that a messenger sent by a legation, an ambassador, or a minister, should not leave the state from which he carries the dispatches. I have affirmed, calling upon the authority of Baron Martens, that the messenger is inviolable in the state to which he is sent, or in the territory of a third, through which he may pass to perform his duty, and that Martens, in not stating the case of the messenger being detained in the territory from which he is sent, clearly insinuates that the messenger may be there detained, if there are motives for so doing, since it is easy to replace him; since his responsibilities should not be ignored, contracted in the place of his residence, and since establishing a contrary theory, diplomatic agents would have the additional privilege of withdrawing from the courts of the country where they are accredited, any person subject to civil or criminal responsibilities, only by alleging the person was being sent as bearer of important dispatches. This necessary rectification made, the argument referred to is destroyed.

But even supposing that the Baron de Martens had made no distinction in this matter, it would always be impossible to sustain that a commission as bearer of dispatches would free a person from the action of the courts of the country where he resides, and

from the liabilities he had there contracted. Bearers of dispatches cannot pretend to the same immunities as the higher members of the diplomatic corps; and if the Baron de Werch, plenipotentiary of the Landgrave of Hesse Cassel in France, was detained in Paris because he had not paid his creditors, and was not allowed to leave that capital until the Landgrave had assumed the responsibility of his debts, what would take place with respect to persons not having such rank in the diplomatic family? The question needs no reply.

The difference of opinion on the point in discussion does not alter the good understanding between the two governments, nor the harmony and personal consideration between the two ministers who have been engaged in the question, which I think is now concluded.

I must observe to your honor that in mentioning the delay in receiving the note I have just answered, it was only to fix that delay on record, and not to give the matter any undeserved importance.

I beg to assure your honor of my highest consideration.

J. J. LOAYZA.

Hon. HENRY M. BRENT,
Chargé d'Affaires of the United States.

No. 300.

Mr. Fish to Mr. Brent.

No. 3.]

DEPARTMENT OF STATE,
Washington, October 19, 1870.

SIR: The question which arose between General Hovey and the minister for foreign affairs of Peru, relative to the right of that government to obstruct the departure of Colonel Farrand, who had been appointed a bearer of dispatches by the general, seems to be of too much general importance to be left unnoticed by this Department. It is of no moment in the particular case, as the Peruvian government ultimately connived at Colonel Farrand's departure.

The occasion for the colonel's employment in the character adverted to was the conclusion of two treaties between the United States and Peru, which were signed on the 6th and 12th of last month. General Hovey's instructions recognized his right to make such an appointment in such a contingency. The appointment was made accordingly on the 12th of September, and Colonel Farrand's passport in his official character issued to him on that day without any information to General Hovey that any branch of the Peruvian government or any person objected to the colonel's discharging the duties of his trust. It seems, however, that subsequently, but before the colonel could start on his errand, a person claiming to be a creditor of his sued out judicial process forbidding him to leave Peru. General Hovey promptly complained of this proceeding as contrary to international law relative to the immunities of couriers, as set forth in Wheaton's treatise on that subject. The minister, in his reply, while acknowledging the authority of Wheaton, endeavors to restrict the privilege of couriers as there declared to those appointed by a government to its legations abroad, and enlarges upon the inconveniences which the more extensive enjoyment of such immunities would lead to. It is true that no abuse of the privilege in this case is alleged, but its existence is impliedly, at least, denied. This denial, however, has no support from Wheaton, or from any other writer on that branch of public law. If the Peruvian minister supposed that he had any reason to hesitate in acknowledging the unqualified character of the rule laid down by Wheaton, the plain and unequivocal terms in which Calvo speaks upon this point may be enough to remove

any such hesitation. The work of this author on international law was published in Spanish at Paris, in 1868. It is remarkable as embracing everything illustrative of the subject up to the time of its publication, and its clearness and precision are at least equal to its fullness. At paragraph 240, on page 350 of the first volume, may be found the words of which the following is a translation:

The inviolability which public ministers enjoy has also been extended to the messengers and couriers of the embassies and to those who proceed to them with official dispatches, and as a general rule to all who discharge, as cases may arise, any commission for those embassies.

This, it seems, should be conclusive of the question. If General Hovey had been aware that Colonel Farrand was justly liable to arrest, and had willfully appointed him a bearer of dispatches to screen him therefrom, this would have been sufficient cause of complaint on the part of the Peruvian government, and perhaps of censure of its minister by this Government. Even this knowledge on the part of the general, however, would not, it is conceived, have impaired the immunity of his courier under the public law. If alleged delinquencies or pretended claims are trumped up against persons appointed or about to be appointed couriers in foreign countries to prevent them from starting, the immunity guaranteed to them by public law may at any time be annihilated by an envious or malicious person. This is a result to be deplored and guarded against by all governments, by the government of Peru as well as by the Government of the United States.

No. 301.

Mr. Davis to Mr. Brent.

No. 5.]

DEPARTMENT OF STATE,
Washington, November 1, 1870.

SIR: Your dispatch, No. 238, of the 27th ultimo, accompanied by further correspondence in regard to the appointment of Colonel Farrand as bearer of dispatches, has been received. The arguments of the Peruvian minister for foreign affairs against the legality of that appointment appear to have been answered by anticipation in the instruction to you, No. 3, of the 19th ultimo.

R U S S I A .

No. 302.

Mr. Schuyler to Mr. Fish.

No. 54.]

LEGATION OF THE UNITED STATES,
St. Petersburg, July 17, 1870. (Received August 3.)

SIR: I have the honor to inform you that his Majesty the Emperor, sanctioning the report of the Holy Synod, has seen fit to appoint the Archimandrite John archbishop of the Aleutian Isles and of Alaska. He was formally nominated on Wednesday last, and was consecrated

to-day. The diocese of this new bishop includes the whole of the United States, but it is not yet decided whether he will have his residence in New York, San Francisco, or New Archangelsk. His salary is three thousand rubles, paid by the imperial government. The bishop himself is only thirty-two years old, and has been but eight years in orders, but is highly spoken of for learning and character. As this is, I believe, the first instance where a foreign sovereign (the Pope excepted) has sent a functionary of this kind to the United States, and certainly the first where the functionary receives his pay from the treasury of a foreign power, I have thought it necessary to call your attention to this fact.

I may add that a few weeks ago a Mr. Nicolas Behring, formerly a Catholic professor of Baltimore, came to St. Petersburg and embraced the Russian orthodox religion. He was at once ordained a priest for service in America, the rite being performed in the German language.

EUGENE SCHUYLER.

Mr. Schuyler to Mr. Fish.

No. 66.]

LEGATION OF THE UNITED STATES,
St. Petersburg, August 31, 1870. (Received Sept. 22.)

SIR: I have the honor to inclose you an abstract of the law regulating cities, the latest of the great reforms of the present reign. The constitution of the Russian cities, now in force, was adopted by Catherine II, and continued almost unchanged until 1866, when charters similar in spirit, though less liberal than this new law, were granted to St. Petersburg, Moscow, and Odessa. These reforms were found to work so well, that a special commission was charged with the duty of elaborating a general law for all the cities of the empire. This commission was at work for more than a year, making public from time to time its proceedings and propositions, which were ably discussed in the leading journals. The project of the commission was adopted, with slight alterations, by the council of the empire, and is now sanctioned by the Emperor.

By an imperial ukase of the 28th of June, published on the 4th of August, this reform has been ordered to be introduced into all the cities of European Russia, except St. Petersburg, Moscow, and Odessa; and the cities of Poland, Bessarabia, (except Kishinef,) and the Baltic provinces. The first three, owing to their exceptional position, are left as they are for the present, and their city councils are given six months to show what changes may be needed for them. After consultation with the authorities of the western and Baltic provinces, special laws will be made suited to the needs of those regions. The abolition of the old German and Swedish charters in the cities of the Baltic provinces will probably be attended by some difficulty.

The reform seems conceived in a very liberal spirit, with the aim of decentralizing as much as possible, and of accustoming the people to representative institutions. The peculiar mode of protecting the property-owning classes in the election of the city councils is an interesting experiment in municipal government. The lowest class in the cities of Russia, composed of artisans and laborers, is constantly changing; and other things being equal, it would be found very difficult to arrange for their voting. The restriction as to the number of non-Christians in the city governments seems a blot in an otherwise liberal measure, and it has been remarked as such by some of the journals.

EUGENE SCHUYLER.

ABSTRACT OF THE LAW OF MUNICIPAL REFORM.

The municipal administration has the care of the economical interests of the city and of the maintenance of good order. The chief objects of administration are: 1, the organization of their administration and of the city economy; 2, the external constitution of the city, streets, parks, buildings, &c.; 3, matters regarding the well-being of the inhabitants, markets, public health, precautions against fire, &c., protection of commerce and industry, docks, exchanges, and establishments of credit; 4, hospitals, theaters, museums, and libraries; 5, public instruction; 6, communication to the government of the wants and interests of the city. The administration is limited in jurisdiction to the extent of the city, and can impose no taxes not authorized by law, and is responsible for all excess of power and illegal acts. Complaints and conflicts of jurisdiction are referred to a special provincial assembly in each government, composed of the governor, the vice-governor, the treasurer, the procurer of the court of assizes, the president of the general session of justices of the peace, the president of the government provincial diet, and the mayor of the chief town of the government. In case the municipal administration does not pay the taxes to the general government which have been lawfully imposed, the governor will collect them at the expense of the city.

The institutions for the municipal administration are: 1, the city electoral assemblies; 2, the city council; and, 3, the city government or delegation. The electoral assemblies meet once in four years to elect the members of the city council. Every inhabitant of the city can vote, provided he is a Russian subject, twenty-five years old, and owns real estate in the city paying taxes, or keeps an establishment of commerce or manufactures with a commercial certificate, or if he has lived in the city for two years before the election and pays taxes on a certificate for commerce or manufactures for retail trade, or as a clerk of the 1st class; and if he owes no arrears of taxes. Electors are not allowed to vote if they have been condemned or are under trial for crimes or misdemeanors, if they have been expelled the public service, (within three years,) if they are bankrupt, (unless their innocence has been proved,) if they have been expelled from the clerical state for vices, or if they have been expelled from the nobility or the guilds. The governor, the members of the provincial assembly for municipal affairs, (except the mayor,) the members of the government regency, and the local police cannot vote while in office. Females, absent persons, and those between twenty-one and twenty-five can appoint an elector to vote for them by power of attorney. Infants are to be represented by their guardians. Institutions, companies, corporations, churches, and monasteries which own taxable real estate, or pay taxes on rights for trade or manufactures, have the right to vote through their president or representative. But no one can have more than two votes—one for himself, and one as attorney for another.

The electors are divided into three electoral assemblies, each of which elects one-third of the members of the city council. Each of these three electoral assemblies is composed of persons paying one-third of the taxes: the first assembly being made up of those who pay the highest taxes, up to one-third; the second, those coming next; and the third, all the rest of the electors.

Every elector is eligible to the city council, but not more than one-third of the council can be non-Christians. The voting is by secret ballot. A candidate is elected when he has a majority of votes, provided he receives more than half the number of votes cast. A person elected can refuse to serve. There is a quorum in the electoral assembly when the number of voters surpass the number of members to be elected. The city council is composed of members elected for four years, presided over by the mayor. When the number of electors does not exceed 300, there are 30 members of the council; for every 100 electors in excess of 300, six members are added to the council until 72, which is its limit. The members of the city government sit in the council, but have no votes unless members. The council elects the city officers; fixes their salaries; fixes the amount of taxes; has the charge of converting all personal services due to the city to money ones, *e. g.*, paving and cleaning the streets, hitherto done by the property owners; and regulates the loans and obligations of the city; the reception of gifts; the fixing of expenses and revision of the budget; revision of accounts and of the operations of the executive; the elaboration of rules for the administration of the city property and public buildings; and the establishment of beneficence and public utility in their charge; the general order of the labors of the executive; the regulation of public utility, *i. e.*, docks, paving, cleaning, markets, &c.; change in the plan of the city; and the representation of the wants and needs of the city to the supreme authority.

The city council examines affairs in its competence on the initiative of the mayor or of its members, on the proposition of the city government, on the initiation or demand of the governmental authorities, and on the demand or complaint of private persons.

One-third of the members of the council form a quorum, except when there is a discussion about the purchase or sale of real estate by the city, loans or guarantees, the conversion of contributions in kind with money, and the impeachment and removal of officials, when half the members must be present, and a majority of two-thirds is necessary to pass a measure. In other cases a simple majority is sufficient.

The council will elect those special officers and representatives now appointed by the city, such as directors of city banks, of city benevolent institutions, &c.

The city government or delegation is composed of a number of members fixed by the city council, but not less than two besides the president who is the mayor.

In the small cities the duties of this delegation can be intrusted to the mayor alone. This institution has charge of the immediate carrying on of the economical, commercial, and administrative affairs of the city. On its proposition the city council can establish executive commissioners, permanent or temporary, to take measures necessitated by extraordinary circumstances and for the immediate direction of certain branches of the economy and administration; a branch of administration can also be intrusted to a single individual. These commissions are presided over by one of the members of the delegation. The delegation also performs all those duties formerly imposed on the city council by the superior authorities, such as the collection of the taxes of the empire, the drawing recruits, &c. The mayor of the city, the members of the delegation, and the secretary of the city are selected by the city council, and substitutes are also elected to take their places in case they cease their functions. The members of the delegation must be electors, but not necessarily members of the council; the secretary need not be an elector, provided he is not absolutely disqualified. There cannot be in the delegation at the same time father and son, father-in-law and son-in-law, or brothers; nor more than one-third can be non-Christians. The mayor cannot be a Hebrew. There cannot be in the city service as mayor, member of the council or delegation, *i. e.*, an ecclesiastic, a judge, a procurer or assistant procurer, or a functionary of the public treasury. Officials in the service of the state can only accept service in the city government and retain their places with the consent of their chiefs. The mayor is elected for four years; the members of the city delegation are renewed half every two years and can be reelected. The term of office of the secretary depends on the council. The election of mayor of a government city must be confirmed by the minister of the interior; of the other cities, by the governor. The other officers need no confirmation. The extent of the powers of the city government with regard to good order and the public welfare is clearly defined.

The kind of property which can be owned, bought, or sold by the city is distinctly specified, as well as the manner of its purchase or sale.

The city council can lay taxes: 1, on real property, by per cent.; 2, on patents for trade and manufactures; and, 3, on hotels and restaurants; also, 4, on cartage, hacks, and transportation; 5, on horses and vehicles kept by private persons; and, 6, on dogs, but for these last the highest rate of tax and the method of collection must be regulated by a special law of the empire. The tax on real estate cannot exceed 10 per cent. of its income or 1 per cent. of its value.

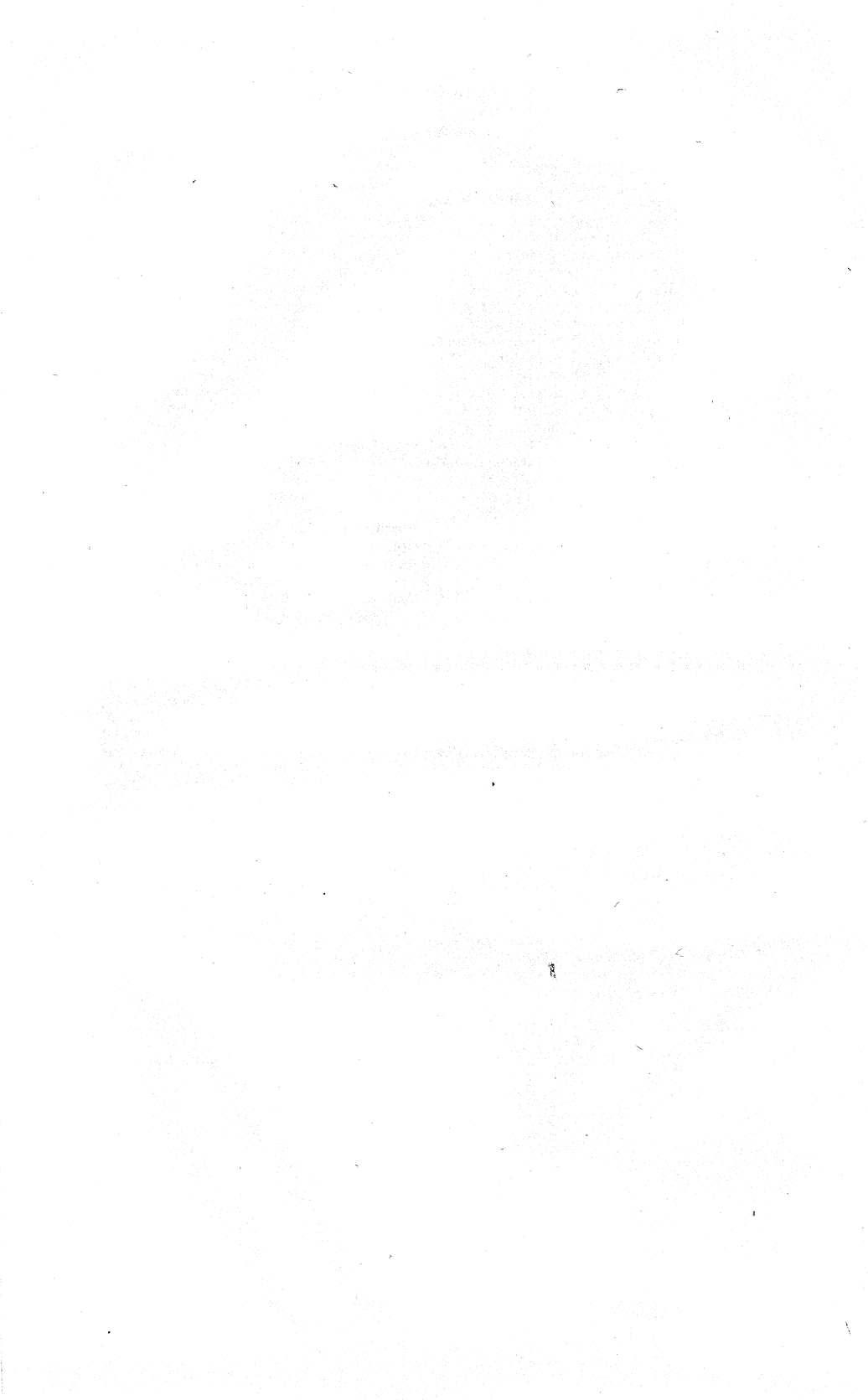
The taxes on patents for trade and commerce and excise duties are to be levied according to the existing laws, and to be collected at the same time and in the same way as the imperial taxes. The taxes on hotels and restaurants are to be levied according to the existing laws.

The city council may ask the consent of the government for levying a tax on lodgings. Certain now existing fees on property, auction sales, verification of measures and weights, &c., are to be paid to the city. No other tax can be laid without a special law to authorize it.

The disbursements of the city must be strictly limited to the objects of which the city government has cognizance, and strict accounts must be kept. Budgets must be drawn up of the proposed expenses of the year and of the expenses of the past year, and must be submitted to the governor, to see that they are in conformity with the law. An extraordinary special unforeseen expense can be voted by the council and put in a supplementary budget.

All officials of the city are strictly forbidden to be interested in any contract or bargain to which the city is a party.

The methods of complaint against the city authorities are specified in detail.



ALPHABETICAL INDEX.

A.

	Page.
ALASKA:	
appointment of Russian archbishops therefor.....	520
ALCOCK, SIR RUTHERFORD:	
to Prince Kung on revision of Chinese treaties.....	311
AMERICANS:	
in Belgium.....	56
in Paris, and their stay therein.....	106-107-129
Favre declines to allow them to leave.....	129
permission granted to leave.....	131-132
list of Americans leaving Paris.....	132
if they stay in Paris: Bismarck disavows responsibility for their suffering.....	133-231-232
consul general, measures for their protection.....	148-149
Department requests consul general to confer with Mr. Washburne.....	149
ARCHIVES OF NORTH GERMAN LEGATION:	
in France in charge of United States minister.....	74-76
ARMISTICE, NEGOTIATIONS FOR:	
Count Bismarck's circulars.....	54, 211, 212, 229-232
Jules Favre's circular.....	53
Lord Granville's negotiations.....	183
Bismarck's terms.....	209-213, 214, 230
Favre's rejection.....	214, 230
Bismarck's report of interview with Favre.....	229
ASSISTANT SECRETARY:	
communications as to protection of Germans in France....	65, 66, 68-189, 190 191, 192
communications as to recognition of French republic.....	67, 68
communication relative to adoption of declaration of Paris by France....	136, 218
communication relative to exemption of German steamships from capture.....	189
communications relative to settlement of northwest boundary near Pembina.....	401, 402, 404, 405
communication as to practice of furnishing supplies in colonial ports to American fishing vessels.....	427
communication as to employment of clerical force in United States consulate and legation in France.....	191, 147
communication inquiring why Benedetti's secret treaty was not sooner published.....	191
communication as to protection of American property in Paris.....	66, 192
communications relative to medium in which consular fees in France shall be paid.....	144, 146, 147, 149
communications relative to suspension of hostilities between Germany and France in Chinese waters.....	397
communication as to state of public opinion in United States as to France.....	67
AUSTRIA:	
conditional assent to neutral league.....	50
declines French alliance.....	49
visit of Thiers to Vienna.....	50
internal condition Austro-Hungarian empire.....	298
AUVERGNE, PRINCE DE LA TOUR, D':	
denies French violation of international law.....	141
accuses Germany of similar violation.....	141
status of franc-tireurs.....	142
expulsion of Germans from France.....	142

B.

	Page.
BANCROFT, GEORGE, UNITED STATES MINISTER AT BERLIN :	
to Mr. Motley, correspondence between French and Germans through American legation.....	206
to Mr. Washburne, will not France recede from expulsion of Germans, credit opened for him: (See NORTH GERMANY, NORTH GER- MANS).....	203
BELGIUM:	
neutrality of.....	51
refuses to allow wounded to pass over her territory.....	51
votes money for war purposes.....	52
BELLIGERENTS:	
France and Germany, rights and duties in United States ports.....	48
alleged violation of international law by firing on flags of truce and am- bulances.....	105, 206, 222, 141, 143, 193, 226, 227, 231
status of franc-tireurs.....	109, 142
rights as to contraband of war.....	171
rights as to neutrals.....	177-183
facilities as to communications between belligerent powers.....	194-206
BENEDETTI:	
draught of secret treaty between France and Prussia.....	198
newspaper discussion thereof.....	85
Gramont's circular, relative to.....	86
Bismarck's circular, relative to.....	200
United States inquire when proposition was made, and why not sooner published.....	191
above question answered.....	223, 224
the treaty is in the handwriting of Benedetti.....	198
remarks on Hohenzollern candidacy.....	138
interview with King William at Ems.....	219
BERNSTORFF, COUNT:	
memorandum upon Lord Granville's definition of contraband of war....	171
notes to Lord Granville on British neutrality.....	171-177
BISMARCK, COUNT:	
telegram, exemption of private property from capture at sea.....	217
circular of November 8, relative to Thiers's negotiation for an armistice....	54
circular of October 10, relative to claim of diplomatic corps in Paris to send messengers through German lines.....	56
circular declining responsibility for suffering of inhabitants of Paris by siege.....	133, 232
circular of July 29, on Benedetti's treaty project.....	200
circulars of September 13 and 16, as to conditions of peace.....	211
circulars describing interview with Favre.....	229-231
reply to reasons of France for declaring war.....	220
relative to King William's treatment of French ambassador.....	221
note as to coöperation of maritime powers for suppression of piracy in Chinese waters.....	330
BLOCKADE OF GERMAN PORTS:	
French proclamation of blockade.....	98
date of its commencement.....	109
its imperfect character.....	204-208
of Elbe and Weser raised by the French.....	207
only a paper blockade.....	208
evidence thereof.....	208, 209
BRAZIL:	
commercial relations of United States therewith.....	283
BRIGANDAGE:	
in Greece—its causes.....	440
BROWNE, J. ROSS:	
note to Prince Kung; relations of United States with China.....	316
note to Sir Rutherford Alcock, same subject.....	321
BURNSIDE, GENERAL A. E.:	
leaves Brussels for Sedan.....	52
enters Paris with dispatches through German lines.....	126

C.

	Page.
CADORE, MARQUIS, French minister: mission to Denmark.....	62, 63, 64
CHILI: reasons for delay in sending minister to Washington.....	302
CHINA:	
policy of United States toward China defined.....	303
policy of 1868 adhered to.....	303-304-307
treaty rights to be insisted on.....	303-304
American citizens and property to be protected.....	303
proposed revision of treaties.....	305
report of Toang on revision of treaties.....	308
Sir Rutherford Alcock to Prince Kung.....	311
Same to the Yamen.....	313
Prince Kung to the British minister.....	315
Mr. Browne to Prince Kung.....	316
Chinese base for revision.....	320
Prince Kung to Mr. Browne.....	321
Mr. Browne to Mr. Rutherford Alcock.....	321
Board of Trade to Mr. Hammond.....	323
joint action of maritime powers for suppression of piracy in Chinese waters.....	329-330, 331
accession of United States to German proposition therefor.....	331-334
British accession.....	331
expedition to Corea to negotiate treaty for protection of American seamen.....	333-334-336
relations between China and Corea.....	362
Mr. G. F. Seward's review of political and commercial relations between United States and China.....	339
Tien-tsin riot.....	355-363-371-377, 378, 383, 391, 398, 399
Mr. Low's assurance of forbearance of United States too strong.....	398
suspension of hostilities between France and Germany in Chinese waters.....	396, 397, 398
CHRISTIANS, NATIVE, IN JAPAN:	
their persecution in the Island of Soto.....	453
Mr. Van Valkenburgh to the Department.....	453
Mr. Van Valkenburgh to the Japanese government, May 18, 1869.....	454
apprehended punishment of native Christians.....	455
steps taken to prevent it.....	455-456
Japanese government to Mr. De Long, January 1 and 7, 1870.....	455-456
protest of consuls of treaty powers at Nagasaki, January 2, 1870.....	456
British minister to Japanese government, January 7, 1870.....	457
French minister to Japanese government, January 11, 1870.....	458
treaty powers to Japanese government, January 17, 1870.....	459
Japanese government in reply, January 16, 1870.....	459
deportation and separation of families.....	460
protocol of a conference with Japanese authorities, January 19, 1870.....	462
consul of Netherlands, Nagasaki.....	468
connection between political condition of Japan and persecution of Chris- tians.....	468
number of Christians transported.....	471
two reports of the governor of Nagasaki thereon.....	472
Japanese regard Christianity from a political point of view.....	472
Japan to Mr. De Long, January 28, 1870.....	473
memorandum of conference of February 9, 1870, as to Christianity.....	473
memorandum, restraint of foreign missionaries promised.....	474
report of native officers who executed decree of deportation.....	475
Mr. Fish approves Mr. De Long's course.....	478
views of Great Britain, France, and Prussia will be ascertained, and further instructions given.....	478
Mr. Fish asks Mr. Motley, Mr. Bancroft, and Mr. Washburne as to action of British, Prussian, and French governments.....	479
Mr. Motley reports views and sends correspondence with British and French governments.....	480
Mr. Motley asks Lord Clarendon if British government will make depor- tation of Christians a subject of instructions.....	480
Lord Clarendon incloses instructions to British Minister in Japan, and says British government do not intend to press the Mikado, or issue new instructions.....	481

	Page.
CHRISTIANS, NATIVE, IN JAPAN—Continued.	
Lord Clarendon to Mr. Harry S. Parkes, April 20, 1870. Moderation in proceedings to remove prejudices against Christians in Japan.....	482
Lord Clarendon to Lord Lyons, April 20 and 30, 1870. Distribution of converts advantageous to spread of Christian religion. Conciliatory policy commended to France.....	483
Lord Clarendon to Lord Lyons, May 23, 1870. Propriety of restraining Roman Catholic propagandism.....	484
Mr. Leon Roche's communications to consular agents and to apostolic vicar in Japan to refrain from propagandising in violation of Japanese laws	484, 485
views of Great Britain, France, and United States are identical. No further instructions to Mr. De Long necessary.....	486
CITIZENS NATURALIZED:	
in United States, of German birth, status in France during war.....	72, 121
CLARENDON, LORD:	
deportation of native Christians from Japan. Policy of Great Britain and France in relation thereto.....	480
to Mr. Motley, May 27.....	481
to Sir H. S. Parkes, April 20.....	482
to Lord Lyons, April 20 and 30.....	483
to Lord Lyons, May 23.....	484
CLERKS, EXTRA:	
employment authorized in legation in Paris.....	191
North Germany authorizes payment of expense of assistants in United States legation.....	200
Prussian offer to pay expenses declined.....	191
employment in Paris consulate authorized.....	147
COINAGE, INTERNATIONAL, GOLD:	
adoption of common unit and standard of international gold coinage.	
Circular.....	240
resolution of the Senate.....	247
reports of monetary conference, 8th sitting.....	247
action of government of North Germany.....	251
COMMERCIAL RELATIONS:	
with Spanish America and Brazil, Department report.....	254
Mr. Fish's circular requesting information.....	254
consular reports.....	261 to 297
CONSULS IN FRANCE:	
fees, receipts of, in Paris consulate, and medium in which they shall be paid.....	143, 144, 146
their daily deposit.....	146
Mr. Read's proceedings.....	144, 146, 148
clerks, extra assistants allowed during protection of German interests....	147, 148
duty as to protection of American property in Paris during siege....	145, 148, 149
instructions to United States consuls charged with German interests....	83
CONTRABAND OF WAR:	
British government views thereon, Lord Granville's circular.....	164
correspondence between Count Bernstorff and Lord Granville.....	171-177
COREA. (See CHINA.)	
CORRESPONDENCE, OFFICIAL, OF FOREIGN MINISTERS IN PARIS:	
cannot be sent sealed through German lines.....	127-128-56
proceedings of diplomatic corps.....	122, 126, 127
Bismarck's circular, relative to.....	56
views of United States Government, Mr. Fish to Mr. Bancroft.....	72-195-196
Mr. Fish to Baron Gerolt, protesting.....	196
BETWEEN FRENCH AND GERMANY GOVERNMENTS:	
United States to afford every facility.....	194
to be sent through United States legations.....	205, 206
D.	
DE LONG, C. E., UNITED STATES MINISTER IN JAPAN:	
to Japanese government, January 10, 1870.....	456
deportation of Christians. (See CHRISTIANS.)	
DENMARK:	
proclamation of Danish neutrality.....	57

	Page.
DENMARK—Continued.	
relations with Prussia.....	57
royal ordinance relative to neutral obligations.....	59
interior harbor at Copenhagen closed to foreign ships.....	62
Danish neutrality.....	62
DIPLOMATIC CORPS IN PARIS:	
meet to consider rights and duties as inmates of besieged city.....	122-127
some depart for Tours.....	121
not decided whether they will remain.....	126
E.	
ELMORE, MR.:	
to Mr. Hovey relative to immunity of Mr. Farrand, bearer of dispatches, from arrest.....	513
EVANS, DOCTOR:	
assists flight of Empress of the French.....	52
F.	
FARRAND, W. D.:	
United States bearer of dispatches; attempt of Peruvian authorities to de- tain him through legal process.....	510
FAVRE, JULES:	
circular. Causes of war, and French policy.....	139
letter September 8, 1870, to Mr. Washburne, recognition of republic.....	117
letter October 18, 1870, to Mr. Washburne, Americans leaving Paris.....	129
circular of September 21, 1870, interview with Bismarck.....	166
German accounts.....	211, 212, 229, 231
circular of November 7, 1870. Thiers's failure to negotiate armistice....	53
FISHERIES:	
CANADIAN LICENSES:	
United States asks purpose of Canada as to licenses.....	407
Mr. Thornton's acknowledgment.....	407, 408, 413
Sir John Young's reply.....	408
Sir John Young's further reply. Discontinuance of licenses.....	413
CANADIAN POLICY:	
to interfere with vested fishing rights of United States.....	410-411
purpose to enforce reciprocity treaty.....	433
IN-SHORE FISHING:	
Treasury Department circular.....	411
rights of United States under treaty of 1818.....	417
discrepancy in British instructions to vice-admiral in Canadian waters as to waters between head-lands.....	420
Mr. Thornton on American circular.....	421
Mr. Fish's reply.....	421
CANADIAN LAW:	
as to fisheries by foreign vessels.....	414
abstract thereof.....	428
discourteous manner of its enforcement.....	433
Mr. Fish calls attention to its enforcement and his instructions for guidance of consuls.....	431
CANADA, BOUNDARIES OF:	
Mr. Fish's views as to their present location, and their location when the treaty of 1818 was concluded.....	417
the operation of Canadian regulations as to American fishing vessels con- trolled thereby.....	418
Mr. Thornton thinks Mr. Fish is right.....	419
INSTRUCTIONS OF BRITISH ADMIRALTY:	
to naval force in Canadian waters, as to the situation arising from suspen- sion of in-shore fishing-licenses by Canadian government.....	415
the seizure, without warning, of United States fishing vessels violating Canadian law.....	416
Mr. Wolley to Vice-Admiral Wellesley, April 9, 1870.....	415
Mr. Lushington to Mr. Hammond, May 9, 1870.....	415
Mr. Rogers to secretary of admiralty, April 30, 1870.....	416
Mr. Wolley to Vice-Admiral Wellesley, May 5, 1870.....	416
Mr. Holland to under-secretary of state for foreign affairs, May 13, 1870.....	416
Lord Granville to Sir John Young, April 30, 1870.....	417
Mr. Thornton, on June 3, 1870, communicates letter of.....	419

	Page.
FISHERIES—Continued.	
CLOSING COLONIAL PORTS AGAINST AMERICAN FISHERMEN :	
colonial secretary to the admiralty, April 12, 1866, as to rights of United States to in-shore fishing	419
Mr. Fish points out discrepancies between instructions, with note of May 26, and those with note of June 3, as to waters between head-lands	420
Mr. Thornton says Vice-Admiral Wellesley will make instructions of 1866 conform to those of 1870	421
Mr. Fish's reply. Discussion of interpretation of treaty of 1818 not at present renewed	421
CLOSING COLONIAL PORTS AGAINST AMERICAN FISHERMEN :	
closing ports in Prince Edward Island	422, 423
United States fishing vessels return; voyages broken up	424
correspondence with British admiral relative to supplies for American fishermen in colonial ports	424
Mr. Jackson to Vice-Admiral Wellesley, August 30, 1870	425
Vice-Admiral Wellesley to Mr. Jackson, August 31, 1870	426
Mr. Jackson to Vice-Admiral Wellesley, September 1, 1870	426
Vice-Admiral Wellesley to Mr. Jackson; is of opinion that terms of treaty exclude United States fishermen from obtaining supplies	426
information as to practice of Nova Scotian authorities requested	427
laws and trade with fishing vessels prior to reciprocity treaty in Pictou district	427
same subject as to Halifax district	428
abstract of colonial, dominion, and imperial laws on the subject	428
FORBES, PAUL :	
bears dispatches into Paris through German lines	126
FOREIGN ENLISTMENT BILL :	
debate in British Parliament	153
the act	158
FRANCE :	
preparation for war	74
Belgium neutrality to be observed	74
declaration of war	74, 134, 135, 221, 136, 197
Empress regent and Emperor departs for seat of war	84
Benedetti secret treaty	85, 86, 191, 198, 200, 222, 223, 224
battles of Woerth and Wissembourg, dissolution of ministry, scenes in Paris	88, 89
new ministry: names	93
blockade	98, 108, 109, 204, 207, 208, 209
defeat of McMahon at Sedan and capture of Emperor	110-205
flight of the Empress	52
provisional government to be appointed	111
proclamation of the republic	111
names of provisional government	111
new government installed	111
scenes in Paris since surrender of McMahon	112
recognition of the republic by United States	67-115
French tribute to Mr. Washburne	118
election decreed by provisional government for constituent assembly	118
government to remain in Paris	120
preparations for defense	120
communications with Paris cut	120
attempted revolution of reds in Paris	133
North Germans in France, protection by United States, 64, 65, 66, 68, 69, 73, 76, 78, 79, 80, 91, 92, 94, 99, 106, 107, 110, 150, 189, 190, 191, 192, 193, 202, 203, 216, 225	139
causes of the war, Favre on	139
French vessels of war on the United States coasts, United States disapprove	70
declines to exempt North German steamers from capture	64, 150
refuses to allow North German consuls to remain	83, 147, 173, 174, 189, 218
violations of international law	105, 109, 141, 143, 193, 205, 222, 226, 227, 230, 231
request for interposition of good offices of the United States, 68, 119, 120, 193, 194, 206	123
protection by United States of South American consulates in France	86
subjects of Bavaria and Baden in France protected by Swiss minister	92
subjects of Wurtemberg by Russian minister	135, 136, 218
adherence to declaration of Paris as to rights of neutrals,	396
suspension of hostilities in Chinese waters, and cooperation for protection of western residents	396

	Page.
FRANC-TIREURS :	
Bismarck as to status	109
Prince de la Tour d'Auvergne's reply	142
FREE ZONE. (See MEXICO.)	
G.	
GENEVA CONVENTION :	
its violation. (See INTERNATIONAL LAW.)	
GERMANS :	
North Germans in France, protected by United States. (See NORTH GERMANS.)	
South Germans, Bavaria and Baden, protected by Switzerland. (See SWITZERLAND.)	
South Germans, Württemberg, protected by Russia. (See RUSSIA.)	
GOOD OFFICES :	
of Mr. Washburne requested by France in its negotiations with Germany. views of United States	119
Germany asked if good offices will be acceptable	68
President awaits request of both warring powers	193
Germany would reject good offices	194
Germany would reject good offices	206
GRAMONT, DUKE DE :	
North German steamers. Note relative to	75
protection of Germans in France. Notes relative to	77, 80, 81, 91-94
circular relative to Benedetti's secret treaty	86
circular as to published German accounts of candidacy of Prince Hohenzollern	137
GRANVILLE, LORD :	
circular defining contraband of war	164
correspondence with Count Bernstorff on same subject	173-183
to Sir John Young, April 30, 1870, as to proceedings of British naval forces touching Canadian fisheries	417
GREAT BRITAIN :	
proclamation of neutrality	151
foreign enlistment bill	153-158
Lord Granville's circular defining contraband of war	161
correspondence with Count Bernstorff on British neutrality	171-177
Lord Granville's effort for an armistice and eventual peace	183
Great Britain to protect French in Germany	200
Purchases arms in Switzerland	236
Coöperation with United States and North Germany in suppression of piracy in Chinese waters	331, 332-334
Suspension of hostilities in Chinese waters between France and Germany. fishery question. (See FISHERIES.)	396, 397, 398
northwestern boundary. (See NORTHWESTERN BOUNDARY.)	
naturalization law. (See NATURALIZATION.)	
GREECE :	
causes of brigandage, Mr. Tuckerman's views thereon	439, 440
GUATEMALA :	
British minister affords asylum to political exiles	443
publication in Gazette relative thereto	444
misunderstanding between Guatemala and Mexico as to latter's protection of political exiles	446
memorandum of Guatemalan government thereon	447
Mr. Hudson to Mr. Nelson	447
GUSMAN, MR. :	
speech in Mexican Congress in favor of Free Zone	496
H.	
HAZEN, GENERAL :	
leaves Brussels for King William's headquarters	52
HOFFMAN, WICKHAM :	
to Duke de Gramont, July 17, 1870, exemption of North German steamers from capture	74
to Duke de Gramont, July 17, 1870, protection of North German archives	76
HOHENZOLLERN, PRINCE :	
his candidacy to Spanish throne. Duke de Gramont relative to	137
North German government, relative to	219, 220

	Page.
HOVEY, A. P. :	
review of his services as United States minister to Peru	504
Coolie insurrection	510
immunity of Mr. Farrand, United States bearer of dispatches, from arrest.	510
to Mr. Loayza, September 3, 1870	511
to Mr. Loayza, September 13, 1870	513
to Mr. Loayza, September 17, 1870	514
I.	
INTERNATIONAL LAW :	
Germans charge French with violating Geneva convention by firing on	
flags of truce and ambulances	109, 222, 226, 231, 256
French deny it	105, 106, 141, 142, 143, 193
ITALY :	
its political condition	448
relations between Italy and Rome	449-452
J.	
JACKSON, MR. :	
United States consul at Halifax relative to furnishing supplies to American	
fishermen in colonial ports	423
views of treaty of 1818	424
to Vice-Admiral Wellesley, August 30, 1870	425
September 1, 1870	426
JAPAN :	
proclamation of neutrality	188
deportation of native Christians. (See CHRISTIANS.)	
K.	
KELLET, ADMIRAL :	
commanding British navy in Chinese waters.	
departure of the missionaries from Tung-chow during Tien-tsin riot	383
to Mr. Holmes, August 31, 1870	387, 388
KUNG, PRINCE :	
note to Sir Rutherford Alcock, revision of treaties with China	315
note to J. Ross Browne, same subject	321
notes relative to Tien-tsin riots, to Mr. Lorr and others ..	359, 367, 368, 369, 381, 383
	394, 395
L.	
LEE, GENERAL :	
his employment by the French	164
LEGATION OF UNITED STATES :	
additional clerks employed in Paris	191, 200
LEGATION, RIGHTS OF :	
discussion of right of diplomatic corps in Paris to send sealed dispatches	
by courier through German lines	56, 72, 122, 126, 127, 195, 196
bearers of dispatches—case of Mr. Farrand—threatened with detention by	
legal process in Peru	510-520
as an asylum: case of Gomados protected by British minister in Guatemala	443
LOW, F. F., UNITED STATES MINISTER IN CHINA :	
to Prince Kung relative to Tien-tsin riot.	
joint note of June 24, 1870	359
June 30, 1870	368
September 13, 1870	392
to Mr. Wade, departure of missionaries from Tung-chow, September 17,	
1870	390
to Mr. Capp, same subject, September 14, 1870	389
LOAYZA, MR. :	
immunity of Mr. Farrand, United States bearer of dispatches, from arrest ..	510
to Mr. Hovey, United States minister, September 13, 1870	512
to Mr. Hovey, United States minister, September 16, 1870	513
to Mr. Brent, September 23, 1870	517
M.	
EADOWS, MR. :	
Tien tsin riot. To Mr. Low, June 22, 1870	360
to Mr. Low, June 24, 1870	361

	Page.
MEXICO :	
misunderstanding between Guatemala and Mexico as to latter's protection of political exiles.....	446
Free Zone : Mr. Romero's speech in opposition to it.....	456-487
Mr. Gusman's speech in favor of it.....	496
Free Zone. Extension of its limits by Mexican Congress.....	497
Mr. Romero's speech thereon.....	498
Mr. Velasco's speech thereon.....	500
MOTLEY, J. L. :	
to Lord Granville, informing British government that true line of north- western boundary is 4,763 feet north of recognised line.....	402
to Lord Clarendon as to British and French policy relating to deportation of Christians from Japan, May 21, 1870, June 2, 1870.....	480-486
N.	
NATURALIZED CITIZENS OF UNITED STATES OF GERMAN BIRTH :	
status in France.....	121
Department approves Mr. Washburne's action.....	72
NATURALIZATION LAW :	
of Great Britain, passed in British Parliament May 12, 1870.....	434
NEUTRALITY :	
of Austria.....	50
of Belgium.....	51
of Denmark, proclamation.....	57-58
Danish ordinances as to neutral obligations.....	59
Danish neutrality.....	57
of England, Italy, and Russia, a neutral league.....	50
of Great Britain, proclamation.....	151
foreign enlistment act.....	158
British definition of contraband of war.....	164
British neutrality, correspondence relative to.....	171-177-180
of Japan, proclamation.....	188
of Peru.....	233
of Russia.....	233-235
of Switzerland.....	235
of Turkey.....	237
NEUTRAL RIGHTS AND OBLIGATIONS :	
right of legations to transmit sealed official correspondence through lines of besieged city.....	56-72-122-126-127-195-196
as defined by declaration of Paris; adhesion of Denmark; adhesion of France.....	58-135-136-218
North Germany declares private property at sea exempt from capture.....	116-217
above principle condition of peace with France.....	194-215
NICARAGUA :	
Mr. Riotti's views as to the importance of United States naval station on western coast of Central America. Tigre Island suggested.....	502
NORTH GERMANY :	
consulates in France in charge of United States consul general.....	145-83-147
effect of declaration of war in Germany, Mr. Bancroft's views.....	197
will pay expenses of Mr. Washburne's assistants.....	200
Mr. Bancroft relative to reconstruction of German government with view to United Germany.....	210
progress of reconstruction.....	216
private property at sea exempt from capture.....	217
its views as to causes and motives of war.....	219
reply to French declaration of war.....	220
protests against French violation of Geneva convention in firing on flags of truce and ambulances.....	109-222-226-231-206
proposition as to piracy in Chinese waters.....	329, 330, 331
United States proposition to suspend hostilities in Chinese waters, and to coöperate with maritime powers for protection of western residents..	396, 397, 398
NORTH GERMAN IN FRANCE :	
can they be protected by United States legation in France.....	73
protection requires request of Prussia and assent of France.....	64, 150
North Germany requests United States to protect Germans.....	216
United States minister asks France.....	65-73

	Page.
NORTH GERMANS IN FRANCE—Continued.	
France assents	73-77
subjects of Saxony, Hesse, and Coburg included	65-78-79
Mr. Washburne's proceedings approved by Department	66-69-191
approved by North German government	68-204-225
THEIR DEPARTURE FORBIDDEN:	
will Germans be allowed to leave France	76-77
Gramont declines to allow Germans liable to military duty to leave	81
Mr. Washburne's protest	82
Gramont communicates final French regulations as to departure of Germans	94
Mr. Washburne's protest as to doctrine of Duke de Gramont's notes	96
they ask certificate of protection from United States	91
EXPULSION OF GERMANS FROM FRANCE; condition thereof	92
debate in Corps Legislatif	103
efforts to obtain mitigation of order	65-92-99
Prussian credit to pay expenses of Germans	65-92-94-189-190-202-203
dispatches of Department communicating Washburne's action to Bancroft	190-192-193
Germans and General Trochu's proclamation of expulsion	106-107-108
number of passports issued and Germans forwarded	110
NORTH GERMAN STEAMERS:	
New York, Bremen, and Hamburg.	
are they exempt from capture?	64-150
French government consulted	73
France refuses exemption	74
correspondence with French government relative to	74-75
determination of France sent to Germany	189-218
NORTHWESTERN BOUNDARY:	
true line is 4,763 feet north of recognized line; Secretary of War's letter.	399-400
same information from Secretary of Treasury	401
acknowledgments of Department	401
British government informed	402
Mr. Thornton proposes that situation shall remain undisturbed for present, and Canada occupy fort	403
United States assents until commission can fix line; appropriation will be asked for	404
Secretary of War asks for estimate of expense of completing survey of boundary from Lake of Woods to Rocky Mountains	405
Secretary of War sends estimate	405-406
P.	
PARIS:	
provisioning of, in view of siege	108
government will remain	120
military preparation for defense	120
military situation therein	126-176
Mr. Bancroft relative to delay in German operations before	215
some of diplomatic corps leave Paris	121
communications with Paris cut	120-147
Bismarck's circular declining responsibility for suffering during siege	133-231-232
revolution of reds attempted	133-134
Washburne and Read may leave Paris when they choose	187
operations of Germans besieging city	215
PARIS DECLARATION OF RIGHTS OF NEUTRALS:	
adhesion of Denmark	58
adhesion of France	135
PEACE NEGOTIATIONS:	
United States cannot act with European powers	68
Mr. Bancroft to ask Germany if the good offices of the United States would be acceptable	193
tender of good offices would be declined	206
President's hope as to peace	194
Delbrück states that exemption of private property from capture at sea will be one of the conditions of peace	215-194
Mr. Bancroft on German view of conditions of peace	209
Bismarck's circulars relative to	211-212
Pope's letter to King William in interest of peace	224

	Page.
PERU :	
neutrality of, in Franco-German war	233
pleasant relations between United States and Peru	504
proceedings of Spanish fleet before Callao	505
coolie insurrection	510
threatened detention of Mr. Farrand, United States bearer of dispatches, by legal process ; Mr. Hovey's protest, and release of Mr. Farrand.....	510
CORRESPONDENCE :	
Mr. Hovey to Mr. Loayza, September 3, 1870	511
Mr. Loayza to Mr. Hovey, September 13, 1870	512
Mr. Hovey to Mr. Loayza, September 13	513
Mr. Elmore to Mr. Hovey, September 14	513
Mr. Loayza to Mr. Hovey, September 16	513
Mr. Hovey to Mr. Loayza, September 17	514
Mr. Brent to Department, September 29	517
Mr. Loayza to Mr. Brent, September 23	517
Mr. Fish to Mr. Brent, reviews the law and sustains Mr. Hovey.....	519
Department acknowledges Mr. Brent's dispatch.....	520
PIRACY IN CHINESE WATERS :	
German proposition for coöperation of maritime powers.....	329
action of United States.....	330-331-334
POPE PIUS IX :	
correspondence with King William.....	224
PORT REGULATIONS :	
United States proclamation of.....	48
Denmark, foreign ships forbidden to enter interior harbor at Copenhagen.....	62
United States to French government, communicates its disapproval of presence of French vessels on United States coasts	70
PROCLAMATIONS :	
by United States	44-48
by France	84-98-106-108-221-134
by Denmark	57-59-62
by Great Britain	151
by Japan	188
PROPERTY OF AMERICANS IN PARIS :	
will it be respected by North German authorities ?	66-192
Mr. Bancroft's report of determination of North German government	213
above report sent to Washburne.....	71
instructions to consul general as to his protection of American property..	147
consul general's proceedings	148
OF FRENCH IN PARIS :	
consul general's proceedings in relation thereto.....	145-148
Department approves	148
PROTECTION OF UNITED STATES MINISTER IN FRANCE :	
accorded to arms, flags, and residences of consuls of Southern and Cen- tral America	123
accorded to citizens of Colombia and Portugal	130
accorded to Germans. (See NORTH GERMANS.)	
R.	
READ, J. M., UNITED STATES CONSUL GENERAL, PARIS :	
telegrams and dispatches relative to medium in which consul's fees shall be paid	143, 144, 145, 146, 147, 148
where they shall be banked.....	144
declines to give storage to French property.....	145-148
may leave Paris for Tours when he chooses	147
REDS :	
attempted revolution in Paris	133
REMINGTON GUNS :	
on French steamers bound to Havre.....	207
REPUBLIC, FRENCH :	
its establishment, and recognition by United States. (See FRANCE.)	
its influence on Spanish politics.....	236, 237
ROMAN QUESTION :	
Mr. Marsh's observations.....	449, 450

	Page.
ROMAN QUESTION—Continued.	
occupation of Rome by Italian troops	451
removal of the capital to Rome	452
ROMERO, M. :	
speeches in Mexican Congress against Free Zone	487-498
RUSSIA :	
protects Wurtemberg subjects in France	92
neutrality and views of the Franco-German war	233
Russian armament	235
appoints archbishops for Aleutian Isles and Alaska	520
municipal reforms in Russian empire	521
abstract of law	522
S.	
SECRETARY OF STATE :	
communications as to protection of Germans in France....	64, 65, 69, 150, 193, 225
communications as to tender of good offices of United States	68-193, 194
communication as to exemption of North German steamers from capture ..	64
approves letter to Jules Favre recognizing republic	69, 70
communication as to introduction of the principle that private property is exempt from capture at sea into German treaty with United States	194
communications on obstruction of intercourse with legation in Paris	195, 196
circular on common unit and standard of international gold coinage	240
circular on commercial relations of United States with Spanish American States and Brazil	254
dispatch to Mr. Bancroft on Chinese policy of the United States ..	304
note to Baron Gerolt as to coöperation of maritime powers to suppress piracy in the Chinese waters	331
dispatch to Mr. Low, same subject	334
letter to Secretary of Navy, same subject	331
instructions as to Corea expedition	334
instructions as to suspension of hostilities between France and Germany in Chinese waters	396
to Mr. Low on his assurance to Prince Kung, relating to Tien-tsin riot ..	398
removal of American residents from Tung-chow	399
communication relative to rights of United States fishermen under treaty of 1818 with Great Britain	407, 410, 415, 417, 420, 421, 431
communications relative to deportation of Christians in Japan	478, 479, 486
communications relative to immunity of bearer of dispatches from arrest. Farrand's case in Peru	519, 520
SEWARD GEORGE F. :	
dispatches as to condition of affairs in Corea	336
review of political and commercial relations between the United States and China	339
SHERIDAN, GENERAL P. E. :	
visit to German headquarters	51
account of battles of August 16 and 18	51
SPAIN :	
Spanish politics	29
her position as to French republic	236
SPANISH AMERICAN STATES :	
commercial relations of United States therewith	
SWITZERLAND :	
protects subjects of Bavaria and Baden in France	86
neutrality of	235
arming of and occupation of Chablais	236
T.	
THIERS'S MISSION TO EUROPEAN COURTS :	
visit to Vienna	50
his presence in Paris	133
his interview with Bismarck	54-215
Mr. Bancroft's observations thereon	216
Favre's circular relative to failure to negotiate an armistice	53
TIEN-TSIN RIOT :	
causes thereof	355
further accounts thereof	263

	Page.
TIEN-TSIN RIOT—Continued.	
views of Protestant missionaries.....	371
demands of French chargé.....	377
excitement in Tien-tsin after the riot.....	378
dilatory and offensive action of Tien-tsin authorities.....	378
condition of affairs at Swatow.....	379
withdrawal of missionaries from Tung-chow on British vessels of war....	383-391
return thereof by Admiral Rogers.....	398
British thanked for removal of American residents from Tung-chow.....	399
invitation to France and Germany to suspend hostilities in Chinese waters..	396, 397
Lord Granville says it has been done.....	396
North Germany accepts policy of United States.....	398
Mr. Low has too strongly assured Prince Kung of the forbearance of the United States.....	398
TIGRE ISLAND:	
its importance to the United States as a naval station.....	502
TREATY, CONSULAR, WITH NORTH GERMAN UNION:	
United States desires introduction of clause exempting private property from capture at sea.....	194, 215
TREATY, SECRET, BETWEEN FRANCE AND GERMANY:	
the Benedetti project. (See BENEDETTI .)	
TROCHU, GENERAL:	
order expelling "useless mouths" from Paris.....	106
order expelling foreigners from Paris.....	108
president of government of national defense.....	111
TURKEY:	
its neutrality.....	237
its internal condition and public policy.....	237, 238, 339
U.	
UNITED STATES:	
its neutrality in Franco-German war.....	45
United States consuls in France charged with protection of German con- sulates.....	83, 145, 147
United States ministers in France protect German subjects.....	73
disapproves presence of French vessels on seaboard of United States.....	70
good offices of, requested by France to negotiate peace with Germany..	68, 119, 193, 194, 206
declines to allow Germany to pay for extra clerks in United States legation in Paris.....	191 67
public opinion in United States as to France.....	200
position in Europe as first-class power.....	
United States view with satisfaction German declaration that private prop- erty at sea shall be exempt from capture.....	217
influence of United States in Spain.....	237
Chinese policy.....	203
Japanese policy relative to deportation of native Christians. (See CHRIST- IANS .)	
its views as to fishery question.....	407
as to immunity of bearer of dispatches. (See PERU .)	
V.	
VELASCO, MR.:	
speech in Mexican Congress relative to extension of limits of Free Zone..	500
W.	
WAR BETWEEN FRANCE AND GERMANY:	
its declaration.....	134, 197, 269
Germans on the Rhine.....	144
Wissembourg battle, situation in Paris.....	38
Germans will turn French army north and south.....	202
French abandon line of the Moselle.....	202
Paris declared in state of siege.....	90
McMahon and Bazaine defeated—Sedan captured, Emperor prisoner.....	110, 205
Emperor surrendered without prejudice to Paris Regency.....	205
military defense of Paris.....	120, 177
communications with Paris cut.....	121

WAR BETWEEN FRANCE AND GERMANY—Continued.

German troops on French soil.....	211
French prisoners in Germany.....	211
French loss by death and wounds.....	211
fall of Strasburg.....	214
operations of Germans before Paris.....	215

WASHBURNE, E. B., UNITED STATES MINISTER IN FRANCE:

protection of Germans in France.	
to Duke de Gramont, July 20, 1870.....	79
to Duke de Gramont, July 23, 1870.....	80
to Duke de Gramont, July 25, 1870.....	82
to Duke de Gramont, July 30, 1870.....	91
to Duke de Gramont, August 9, 1870.....	96
to Prince de la Tour d'Auvergne, August 17, 1870.....	104
violations of flags of truce.	
to Prince de la Tour d'Auvergne, August 23, 1870.....	105
recognition of the republic.	
to Jules Favre, September 7, 1870.....	116
to delegation of Frenchmen.....	118
to Messrs. Hecht & Co., as to protection of United States naturalized citizens, August 31.....	121
protection of South and Central American consulates.	
to French minister for foreign affairs, September 24, 1870.....	124
to consuls, September 30.....	125

WELLESLEY, VICE-ADMIRAL:

commanding British vessels of war in Canadian waters.	
his views as to closing colonial ports against American fishermen.	
to Mr. Jackson, August 31, 1870.....	426
to Mr. Jackson, September 3, 1870.....	426

WOLLEY, Mr.:**INSTRUCTION AS TO CANADIAN FISHERIES:**

to Vice-Admiral Wellesley, April 9, 1870.....	415
May 5, 1870.....	416

WOUNDED:

in Belgium.....	51, 52
in Germany.....	211

Y.**YOUNG, SIR JOHN:**

Governor General of Canada: communications relative to fisheries, April 11, 1870, to Mr. Thornton.....	408
May 14, 1870, to Mr. Thornton.....	413

